

DRAFT

REGULAR MEETING OF THE MARIN COUNTY BOARD OF SUPERVISORS HELD TUESDAY, JUNE 9, 2009, AT 9:05 A.M.

Roll Call

Present: Supervisor Adams; Supervisor Kinsey; Supervisor McGlashan; Supervisor Arnold;
Supervisor Brown

The Board convened at 9:05 a.m. in Room 324 A.

1. FARMERS MARKET PROGRAM ENHANCEMENTS WORKSHOP

Cultural and Visitor Services Director Jim Farley and Facilities Planning and Development Manager David Speer presented an update on the development of a permanent site for the Marin Farmer's Market. The report included an overview of the Request for Proposal ("RFP"), the Vision Plan submitted in response by the Marin Agricultural Institute ("MAI"), and the recommendations of staff and the BOS Adhoc Subcommittee to reduce the project scope and establish criteria for a business relationship with the MAI.

Representatives of the MAI, staff and Board members discussed several issues including eliminating the permanent structures in the proposed design plan, conducting traffic and parking impact studies, and anticipated County financial commitment. Marin Center Renaissance Partnership Committee Chairman Al Boro requested that the Board consider the impact of a permanent farmer's market. Two members of the public commented on fiscal responsibility for site improvements.

Board members approved continuance of the BOS Adhoc Subcommittee and directed staff to develop business criteria to use in considering a multiyear agreement with the MAI for a scaled down version of their Vision Plan.

The Board took a brief recess at 10:08 a.m. and reconvened at 10:15 a.m. in the Board of Supervisors' Chambers, Room 330. Supervisor McGlashan was absent.

2. APPROVAL OF MINUTES

M/s Supervisor Arnold - Supervisor Adams to approve the minutes of the meetings of May 12 and May 19, 2009.

Vote: Motion carried 4-0

AYES: Supervisor Adams, Supervisor Kinsey, Supervisor Arnold, Supervisor Brown

ABSENT: Supervisor McGlashan

3. BOARD OF SUPERVISORS' MATTERS

Board members had nothing to report.

4. ADMINISTRATOR'S REPORT

Agenda Modifications

County Administrator Matthew Hymel requested that Item CA-7, regarding a Memorandum of Agreement with Audubon California, be removed from the agenda.

Mr. Hymel advised that Public Works has requested that Item CA-8b, regarding approval of plans and specifications for the American Recovery and Reinvestment Act ("ARRA") Pavement Resurfacing Project, Phase A, be removed from the agenda to be rescheduled for June 16, 2009.

Mr. Hymel requested that Item 14, regarding a first reading for an ordinance pertaining to the Marin County Integrated Pest Management ("IPM") Program, be removed from the agenda.

County Use of Pesticides

Mr. Hymel commented briefly regarding the County's use of pesticides and noted that staff is taking immediate action to review the information submitted by the public, to address and correct known issues, and to update program practices and policies to insure compliance with the County's current Integrated Pest Management ("IPM") Ordinance. Mr. Hymel advised that staff will continue to investigate this matter and will return to the Board with an update when all the facts are known.

5. OPEN TIME

(Supervisor McGlashan present at 10:22 a.m.)

County Use of Pesticides

Several members of the public, a representative of Mothers Advocating for Childrens' Health in Sonoma ("MACH Sonoma"), a representative of the Environmental Health Network and Ecology House, and representatives of Mothers of Marin Against the Spray ("MOMAS") expressed concern regarding the County's use of certain pesticides in public areas, requested an investigation into violations of the IPM Ordinance, and called for a public hearing on the matter.

Board members thanked the speakers for their input on the County's use of pesticides, advised that there will be an investigation to gather all the facts with the assistance of staff and the Integrated Pest Management ("IPM") Commission, briefly commented on the appropriate County response to community concerns, and advised that the IPM Ordinance is in the process of being reviewed and strengthened. Board members also emphasized the importance of community involvement and education regarding pesticide use in their neighborhoods and cities.

State Budget Cuts

A representative of the Marin Center for Independent Living expressed concern regarding Governor Schwarzenegger's proposed budget cuts to adult day care, to services for traumatic brain injury and alzheimer's patients, to Medi-Cal provider rates, to In-Home Supportive Services ("IHSS") provider wages, and to services for certain IHSS clients.

6. CONSENT CALENDAR A (ITEMS CA-1 THROUGH CA-8)

("Consent Calendar A" reflects those agenda items that have prior policy approval from the Board.)

M/s Supervisor Adams - Supervisor Kinsey to approve Consent Calendar A, with Items CA-7 and CA-8b removed.

- CA-1. Auditor-Controller
Request to adopt Resolution No. 2009-42 authorizing examination of sales and use tax records.
- CA-2. Board of Supervisors
Supervisor Arnold requesting resolution commending Matthew Pavone for his dedicated service as President of the Rotary Club of Ignacio.
- CA-3. Community Development Agency
- a. Request to (i) adopt Resolution No. 2009-43 approving submission of letter of commitment to the Marin Energy Authority ("MEA") for the Public Interest Energy Research ("PIER") proposal for Community-Based Technologies for Peak-Demand Reduction; and (ii) authorize President to send letter of support to the MEA for the Public Interest Energy Research ("PIER") proposal.
 - b. Request to adopt Resolution No. 2009-44 authorizing submission of applications for State Water Resources Control Board ("SWRCB") grants for a period of five (5) years for beach water quality monitoring and public notification services.
- CA-4. County Administrator
Authorize President to execute agreement with the Marin City Community Services District ("MCCSD"), in the amount of \$50,000, to support educational, cultural, and recreational programs.
- CA-5. Cultural Services
- a. Authorize President to execute agreement with Creedence Clearwater Revisited for a performance at the Marin County Fair on July 1, 2009.
 - b. Authorize President to execute agreement with Nitty Gritty Dirt Band for a performance at the Marin County Fair on July 3, 2009.
 - c. Authorize President to execute agreement with The Wailers for a performance at the Marin County Fair on July 3, 2009.
 - d. Authorize President to execute agreement with Los Lobos for a performance at the Marin County Fair on July 5, 2009.
 - e. Authorize President to execute agreement with La Rocca Building Maintenance, in an amount not to exceed \$37,773, for grounds and restroom maintenance services for the 2009 Marin County Fair.
 - f. Authorize President to execute agreement with Professional Event Services, in an amount not to exceed \$41,192.25, for security services at the 2009 Marin County Fair.
 - g. Authorize President to execute agreement with Pyro Spectaculars Inc., in an amount not to exceed \$72,500, for providing low level fireworks at the 2009 Marin County Fair.
- CA-6. Health and Human Services
NOTE: Agreements in items CA-6a through CA-6c are renewals of existing agreements that were included in and funded in the FY 2008-09 budget.
- a. Authorize President to execute multi-year agreement with Advanced Business Software, in the amount of \$62,500, for laboratory management software for the Department of Health and Human Services Public Health Lab.
 - b. Authorize President to execute FY 2008-09 agreement with Community Action Marin, in the amount of \$36,297, to provide community services through the Marin Asian Advocacy Project.
 - c. Authorize President to execute FY 2008-09 agreement with Bay Area Community Resources ("BACR"), in the amount of \$102,569, to serve as fiscal sponsor for the MarinCARES program.
 - d. Authorize President to execute amendment to the FY 2008-09 agreement with NIA Creative, increasing the contract by \$10,000 for a total amount of \$39,600, to provide

marketing services to the Workforce Investment Board ("WIB") to successfully outreach to Marin County employers.

- e. Request to authorize President to execute amendments to the following two FY 2008-09 agreements for community-based services to older adults: (i) Jewish Family and Children's Services, increasing the contract by \$3,730 for a total contract amount of \$232,359; and (ii) Senior Access, increasing the contract by \$4,457 for a total contract amount of \$79,671.

CA-7. Parks

This item was removed from the agenda during the Administrator's report.

CA-8. Public Works

- a. Authorize President to send a letter opposing AB 1409 (Perez), a measure that would restrict methods for performing work on county highways.
- b. This item was removed from the agenda during the Administrator's report.

AYES: ALL

7. CONSENT CALENDAR B (ITEMS CB-1 THROUGH CB-3)

("Consent Calendar B" reflects those agenda items requiring four affirmative votes relating to budgetary matters.)

M/s Supervisor Adams - Supervisor Arnold to approve Consent Calendar B, as presented.

CB-1. Health and Human Services

Request to (a) authorize President to execute amendment to the Master Contract, increasing the amount by \$1,637 for a total amount not to exceed \$5,407,363, to apply to fee for service contracts with alcohol, tobacco and other drug prevention and treatment services providers; and (b) approve related budget actions as detailed in staff report dated June 9, 2009.

CB-2. Library

Request to (a) accept \$50,000 contribution to the Novato Library from the Estate of Ed Tobin; and (b) approve related budget actions as detailed in staff report dated June 9, 2009.

CB-3. Public Works

Request to take the following actions related to the storm damage repairs on Fairfax-Bolinas Road (MP 2.26, MP 5.08, & MP 8.46): (a) authorize additional contingency funds of \$140,000 to Team Ghilotti, for a total contract amount of \$1,326,731.05; and (b) approve related budget actions as detailed in staff report dated June 9, 2009. (Project Nos. 106-411SD06125, 106-411SD06126, and 106-411SD06085)

AYES: ALL

8. SUPERVISOR BROWN REQUESTING RESOLUTION RECOGNIZING THE 35TH ANNUAL CALIFORNIA FIRE EXPLORING ACADEMY

County Fire Chief Ken Massucco and Ross Valley Fire Service Chief Roger Meagor thanked the Board for their recognition of the Exploring Academy and acknowledged all who were involved in the program.

M/s Supervisor Adams - Supervisor Arnold on behalf of Supervisor Brown, to adopt resolution recognizing the 35th Annual California Fire Exploring Academy.

AYES: ALL

Supervisor Brown read and presented the resolution to Battalion Chief Jason Weber, who thanked the Board, Chief Massucco and Chief Meagor, and all the volunteers who contributed long hours to the success of the Academy.

(Supervisor Adams absent at 10:59 a.m.)

9. REQUEST FROM THE RETIREMENT ADMINISTRATOR, EFFECTIVE JUNE 14, 2009, TO DELETE 2.0 FTE INTERMEDIATE CLERK/TYPIST POSITIONS (CLASS #1344), AND ADD 2.0 FTE SENIOR CLERK/TYPIST POSITIONS (CLASS #1341)

By letter dated June 9, 2009, Retirement Administrator Charnel Benner submitted her report and recommendations regarding the above-captioned matter.

M/s Supervisor Kinsey - Supervisor Arnold to approve request from the Retirement Administrator, effective June 14, 2009, to delete 2.0 FTE Intermediate Clerk/Typist positions (Class #1344), add 2.0 FTE Senior Clerk/Typist positions (Class #1341), and take related actions as detailed in staff report dated June 9, 2009.

Vote: Motion carried 4-0

AYES: Supervisor Kinsey, Supervisor McGlashan, Supervisor Arnold, Supervisor Brown

ABSENT: Supervisor Adams

10. REQUEST FROM THE INFORMATION SERVICES AND TECHNOLOGY DIRECTOR, EFFECTIVE JUNE 14, 2009, TO ADD 1.0 FTE PRINCIPAL SYSTEMS ANALYST (CLASS #0910), TO SUPPORT THE MARIN COUNTY EMPLOYEE RETIREMENT ASSOCIATION ("MCERA")

By letter dated June 9, 2009, Information Services and Technology Director Dave Hill submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Arnold - Supervisor Kinsey to approve request from the Information Services and Technology Director, effective June 14, 2009, to add 1.0 FTE Principal Systems Analyst (Class #0910), to support the Marin County Employee Retirement Association ("MCERA") and approve related actions as detailed in staff report dated June 9, 2009.

Vote: Motion carried 4-0

AYES: Supervisor Kinsey, Supervisor McGlashan, Supervisor Arnold, Supervisor Brown

ABSENT: Supervisor Adams

11. APPOINTMENTS

Disability Access Appeals Board

One term expiration for the Public Member seat. On June 2, 2009, the Board nominated the following applicants to be interviewed: Tom Berns and Rocky Birdsey (incumbent).

(Supervisor Adams present at 11:00 a.m.)

Board members conducted interviews of Tom Berns and Rocky Birdsey regarding their background and interest in serving on the Disability Access Appeals Board.

Following the interviews, Board members noted the applicants' outstanding qualifications and thanked them for their interest in serving the community.

M/s Supervisor Adams - Supervisor Kinsey to appoint Rocky Birdsey.

AYES: ALL

12. HEARING: COUNTY-INITIATED NON-RENEWAL OF SELECTED LAND CONSERVATION CONTRACTS (WILLIAMSON ACT CONTRACTS)

(Supervisor Brown absent at 11:13 a.m.)

By letter dated June 9, 2009, Community Development Agency Director Brian Crawford and Consulting Senior Planner Johanna Patri submitted their report and recommendations regarding the above-captioned matter. Mr. Crawford gave a brief background of the Williamson Act and introduced Ms. Patri.

Ms. Patri advised that the Community Development Agency ("CDA") conducted a review of all properties under 40 acres in size that are currently governed by a Land Conservation Contract and determined that 13 parcels were appropriate for non-renewal in accordance with State law. Ms. Patri advised that staff is recommending that the Board approve the proposed County-initiated non-renewal of selected Land Conservation Contracts for the 13 parcels within the unincorporated areas of Marin County identified in the proposed resolution and direct staff to issue Notice of Non-renewal to the affected property owners. Ms. Patri noted that none of the affected parcels were adjacent to larger parcels under the same contract.

Ms. Patri responded to questions from Supervisor Adams regarding building limitations on parcels after non-renewal of contracts and review of the proposal by the Marin agricultural community.

M/s Supervisor Kinsey - Supervisor Adams to: (a) adopt Resolution No. 2009-45 approving the County-initiated non-renewal of the Land Conservation Contracts (Williamson Act Contracts) for 13 parcels located in the unincorporated areas of Marin County; and (b) authorize County staff to issue a Notice of Non-renewal for the parcels identified in Resolution No. 2009-45.

Supervisor Kinsey briefly commented on Williamson Act Contracts.

Thereafter, the vote on the pending motion was

Vote: Motion carried 4-0

AYES: Supervisor Adams, Supervisor Kinsey, Supervisor McGlashan, Supervisor Arnold

ABSENT: Supervisor Brown

13. HEARING: MARIN COUNTY DEVELOPMENT CODE (TITLE 22) ZONING RECLASSIFICATIONS AND ZONING MAP AMENDMENTS

By letter dated June 9, 2009, Community Development Agency Director Brian Crawford and Consulting Senior Planner Johanna Patri submitted their report and recommendations regarding the above-captioned matter.

Ms. Patri briefly commented on the recommendation by the Planning Commission of the proposed reclassification of 18 parcels in the unincorporated communities of San Rafael, Mill Valley, and Fairfax from the C1-H (retail business with highway combining designation) zoning district to the C1 (retail business) zoning district.

M/s Supervisor McGlashan - Supervisor Adams to adopt Ordinance No. 3520 reclassifying from the C1-H Zoning District to the C1 Zoning District, 18 affected parcels in the unincorporated areas of San Rafael, Mill Valley, and Fairfax of Marin County and amending the respective Zoning Maps of the Marin County 2003 Development Code (Title 22).

Vote: Motion carried 4-0
AYES: Supervisor Adams, Supervisor Kinsey, Supervisor McGlashan, Supervisor Arnold
ABSENT: Supervisor Brown

14. THIS ITEM, REGARDING A FIRST READING FOR AN ORDINANCE PERTAINING TO THE MARIN COUNTY INTEGRATED PEST MANAGEMENT ("IPM") PROGRAM, WAS REMOVED FROM THE AGENDA DURING ITEM #4, THE ADMINISTRATOR'S REPORT

The Board recessed at 11:22 a.m. to meet as the Marin County Open Space District Board of Directors and reconvened as the Board of Supervisors at 11:46 a.m. All Supervisors were present.

The Board recessed at 11:47 a.m. to meet in Closed Session.

16. CLOSED SESSION

The Board met in closed session to discuss the following:

- a. Conference with legal counsel regarding existing litigation pursuant to California Government Code Section 54956.9(a). Name of case: *Cozzi, et al. v. County of Marin, et al.*, United States District Court, Northern District of California Case No. CV 08 3633 PJH.
- b. Conference with legal counsel regarding existing litigation pursuant to California Government Code Section 54956.9(a). Name of case: *Bourhis, et al. v. Lord, et al.*, Marin County Superior Court Case No. CV 06-0796.
- c. Conference with legal counsel regarding existing litigation pursuant to California Government Code Section 54956.9(a). Name of case: *Service Employees International Union (SEIU) Local 1021, Kathleen Roach v. Marin County Board of Supervisors*, Marin County Superior Court, CIV 085326.

The Board reconvened in open session at 1:03 p.m. All Supervisors were present.

The President reported that the Board met in closed session and advised that there was no announcement at this time

The meeting was adjourned at 1:04 p.m.

SINE DIE

PRESIDENT

ATTEST:

CLERK