

**DRAFT**

REGULAR MEETING OF THE MARIN COUNTY BOARD OF SUPERVISORS HELD TUESDAY,  
MARCH 23, 2010, AT 10:08 A.M.

Roll Call

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

Absent: Supervisor Brown

1. BOARD OF SUPERVISORS' MATTERS

Agenda Modification

Supervisor Arnold requested that Item CA-1a be removed from the Consent Calendar to be considered separately.

CA-1a. SUPERVISOR ARNOLD REQUESTING RESOLUTION COMMENDING RETIREMENT TRUSTEE PETER ARRIGONI FOR HIS SERVICE TO THE MARIN COUNTY EMPLOYEES' RETIREMENT ASSOCIATION ("MCERA")

M/s Supervisor Arnold - Supervisor Adams to adopt resolution commending Retirement Trustee Peter Arrigoni for his service to the Marin County Employees' Retirement Association ("MCERA").

Vote: Motion carried 4-0

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

ABSENT: Supervisor Brown

President Arnold read the resolution and presented it to MCERA Board President Jim Phillips, who advised that he will deliver it to Mr. Arrigoni.

Mr. Phillips commented briefly on Mr. Arrigoni's valued service to the MCERA Board. Board members commented individually on Mr. Arrigoni's long and outstanding service to Marin County.

In Memoriam

Supervisor Adams requested an urgency finding to adjourn in memory of Carol Houston, long-time member and Past President of the American Association of University Women ("AAUW").

M/s Supervisor Adams - Supervisor Kinsey to determine that the need to take action arose subsequent to the agenda being posted and to adjourn the meeting in memory of Carol Houston.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Brown

Recent Tragedies

Supervisor Adams expressed her sympathies to Marin families who have suffered recent tragedies including the families of Gunnar Sandberg, Alicia Lee, and San Rafael's Boy Scout Troop 101.

Association of Bay Area Governments ("ABAG")

Supervisor Adams reported that she attended an ABAG meeting last week.

#### Healthcare Bill

Supervisor Adams commented briefly on the historic vote regarding healthcare reform in the Congress and requested that Health and Human Services staff report to the Board regarding potential impacts to Marin's hospitals and clinics.

#### Joint Policy Committee for Climate Change

Supervisor Kinsey advised that he attended a recent meeting of the Joint Policy Committee for Climate Change where impacts of the passage of SB 375 (Redesigning Communities to Reduce Greenhouse Gases) was discussed.

#### Aerial Spraying

Supervisor Kinsey reported that the California Department of Agriculture announced that they have eliminated aerial spraying as an option for control of the Light Brown Apple Moth ("LBAM"), and acknowledged Marin Agricultural Commissioner Stacy Carlsen for his efforts in this regard.

#### Marin Clean Energy ("MCE") Update

Supervisor McGlashan advised that the energy contract between the Marin Energy Authority ("MEA") and the contracted energy provider was executed last Thursday and commented on the favorable rates which have been locked in for the next five years.

#### Recycling Plastic and Paper Carryout Bags

Supervisor McGlashan commented briefly regarding Agenda Item 6 regarding paper and plastic bag use, noting that the County Administrator will ask to remove it from today's agenda. Supervisor McGlashan advised that he will meet with local Councilmembers, City Managers and business leaders to insure that any future local measure will address the needs of all parties.

Supervisor Adams acknowledged the efforts of Marin's City Councils and retailers in this process.

## 2. ADMINISTRATOR'S REPORT

#### Urgency Item - Closed Session

Mr. Hymel advised that County Counsel has requested an urgency finding to add a closed session to the agenda regarding potential litigation.

M/s Supervisor Adams - Supervisor McGlashan to determine that the need to take action arose subsequent to the agenda being posted and to add one additional closed session item to the agenda for a conference with legal counsel regarding potential litigation pursuant to Government Code Section 54956.9(b)(1).

Vote: Motion carried 4-0

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

ABSENT: Supervisor Brown

#### Agenda Modifications

County Administrator Matthew Hymel advised that he is requesting that Item 6, regarding AB 1998 (Brownley) - Recycling: Plastic and Paper Carryout Bags, be removed from the agenda.

Mr. Hymel also advised that the Department of Finance has requested that Consent Calendar Item CA-4, regarding the settlement of Applications for Changed Assessments, be removed from the agenda.

Budget Forum

Mr. Hymel advised that a public Budget Forum will be held tonight in the Board of Supervisors' Chambers starting at 6:30 p.m.

4. **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 McGlashan to approve Consent Calendar A, with item CA-4 removed from the agenda and item CA-1a considered separately.

CA-1. Board of Supervisors:

- a. This item was heard during Board of Supervisors' matters.
- b. Supervisor Arnold requesting resolution recognizing the 35th anniversary of Casa Allegra Community Services.
- c. Supervisor Arnold requesting resolution commending Elly Ferrell.

CA-2. Community Development Agency:

Authorize President to execute amendment to Community Development Block Grant ("CDBG") cooperation agreement with West Marin Senior Services, increasing agreement by \$26,700 for a total contract amount of \$41,700, for rehabilitation of an assisted living facility.

CA-3. County Administrator:

- a. Authorize President to execute agreement with Bartell Associates, LLC, in an amount not to exceed \$67,000, to provide actuarial consulting services.
- b. Authorize President to execute agreement with the Marin Housing Authority ("MHA"), in the amount of \$50,000, to support the Phoenix Project of Marin.

CA-4. Department of Finance:

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

CA-5. Health and Human Services:

NOTE: Agreement in item CA-4a is a renewal of an existing agreement that was included in and funded in the FY 2009-10 budget.

- a. Authorize President to execute the following FY 2009-10 agreements with providers for indigent primary medical care services: (i) agreement with the Marin Community Clinics, in the amount of \$643,277; and (ii) agreement with Coastal Health Alliance, in the amount of \$254,106.
- b. Authorize President to execute FY 2009-10 agreement with Hospice by the Bay, in the amount of \$30,000, to provide services to persons living with HIV.

CA-6. Human Resources:

Effective March 21, 2010, request to reallocate Systems Support Analyst II position (Class #0932, Position #09320022) to Technology Systems Specialist II (Class #0279) and reclassify the incumbent, as detailed in staff report dated March 23, 2010.

CA-7. Parks:

Authorize President to execute First Addendum to the agreement with Moore, Iacofano, Goltsman, Inc., extending the contract term to June 30, 2010, for Creekside Park design development and construction drawings.

CA-8. Public Works:

- a. Authorize President to execute agreement with EDesignC, Inc., in the amount of \$27,500, for replacement of the Marin Center Showcase Theater Heating, Ventilating and Air Conditioning ("HVAC") system. (Project No. CAP 10-014)
- b. Request to (i) approve a one month extension to the Marin Sanitary Service's Ross Valley North franchise agreement; and (ii) authorize President to execute amended agreement.
- c. Request to (i) approve plans and specifications; and (ii) direct Clerk to advertise for bids for the Woodacre Fire Station Pavement Restoration Project. (Engineer's Estimate: \$150,000, Project No. CAP-10007)
- d. Approve sole source purchase of upgrades, add-ons and maintenance agreements for the Automated Palm & Fingerprint Identification System ("APFIS") from Cogent Systems, Inc., of South Pasadena, CA, in the amount of \$494,885.16, for the Marin County Sheriff's Department.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Brown

5. CONSENT CALENDAR B (ITEMS CB-1 THROUGH CB-2)  
("Consent Calendar B" reflects those agenda items requiring four affirmative votes relating to budgetary matters.)

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

CB-1. Health and Human Services:

Request to (a) authorize the Chief of the Division of Alcohol, Drug and Tobacco Programs to execute Grant Award Agreement with the California Emergency Management Agency, in the amount of \$372,578, for substance abuse treatment services; (b) approve amendment to Master Contract for Fee for Service Contracts, for Alcohol, Tobacco and Other Drug Prevention and Treatment Services, increasing the maximum amount by \$54,000 for a new maximum amount of \$4,828,284 with providers identified and additional providers as necessary, (c) approve amended Master Contract for Fee for Service provider list; (d) authorize the Health and Human Services Director to execute contracts with the individual providers; and (e) approve related budget actions as detailed in staff report dated March 23, 2010.

CB-2. Public Works:

Authorize President to (a) execute funding agreement with the Bay Area Air Quality Management District ("BAAQMD") through the Transportation Authority of Marin ("TAM") for the following three Transportation Fund for Clean Air ("TFCA") program grants: (i) Marin City Transit Hub Project, in the amount of \$146,000; (ii) Tennessee Valley Pathway Project, in the amount of \$265,000; and (iii) the Sir Francis Drake Boulevard Bicycle Lane Project, in the amount of \$45,837; and (b) approve related budget actions as detailed in staff report dated March 23, 2010.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Brown

6. THIS ITEM WAS REMOVED FROM THE AGENDA DURING THE ADMINISTRATOR'S REPORT

7. REQUEST FROM THE DEPARTMENT OF PARKS AND OPEN SPACE TO REVIEW THE CONCEPTUAL ENHANCEMENT PLAN FOR THE ARAMBURU ISLAND ENHANCEMENT PROJECT

By letter dated March 23, 2010, Parks and Open Space Deputy Director Ron Miska submitted his report and recommendations regarding the above-captioned matter.

Planning and Resource Chief Elise Holland introduced representatives from the Regional Water Quality Control Board, Wetlands and Water Resources, Inc., and Richardson Bay Audubon Center. Ms. Holland briefly described the Ecological Enhancement Project and Conceptual Plan and commented on concerns raised by the public.

The Chair of the Strawberry Recreation District Zone IV Dredging Committee and a member of the public expressed concerns regarding the perceived need for the proposed project and its impact on dredging and navigation rights for Zone IV.

A member of the public spoke regarding the nature of Bechtel Corporation's involvement in the proposed project.

A representative of the Marin Audubon Society responded to some of the previous speakers' concerns and, along with a member of the public, expressed support for the proposed project.

Board members and staff responded to concerns raised by members of the public regarding dredging and navigation rights and discussed revisions to the Plan proposed by the Chair of the Strawberry Recreation District Zone IV in her letter dated March 21, 2010.

After further discussion, staff advised that they will work with the consultant to respond in writing to the specific suggestions for revisions submitted by the Strawberry Recreation District Zone IV Chair. It was also noted that there will be numerous opportunities, through community meetings and the Environmental Impact Review ("EIR") process, for the public to provide additional feedback and input.

Supervisor McGlashan acknowledged the work of County staff, representatives from Audubon California, and community members for working together on this project.

3. OPEN TIME

Public Health Services

A member of the Service Employees International Union ("SEIU") expressed concern regarding monitoring of the Marin Community Clinic as they incorporate specialty care into their primary care services.

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

Sonoma County Superior Court Case

Three members of the public addressed the Board regarding a case recently filed in the Sonoma County Superior Court against Paul Hobbs Winery, L.P. and to express opposition to the United States' participation in overseas wars.

(Supervisor Kinsey present at 11:01 a.m.)

Phoenix Project

Marin Housing Authority Executive Director Dan Nackerman thanked the Board for their action to provide support for the Phoenix Project and commented briefly regarding the positive impact that this program is having in Marin City.

Plastic Bag Waste

A representative from the Marin County Surfrider Foundation expressed support for the concept proposed in Item 6 on the use of plastic bags and noted that yesterday was declared World Water Day by the United Nations.

Hunting, Plastic Waste

A member of the public expressed concern regarding the noise and pollution from hunting at Bel Marin Keys and the proliferation of plastic bag waste.

Wade Thomas School

A Civic Center docent introduced visitors from Wade Thomas School in San Anselmo.

8. REQUEST FROM THE HUMAN RESOURCES DEPARTMENT, EFFECTIVE APRIL 4, 2010, TO RECLASSIFY JAIL CONTROL DISPATCHERS TO SHERIFF'S SERVICE ASSISTANTS WITHIN THE MARIN COUNTY SHERIFF'S OFFICE

By letter dated March 23, 2010, Human Resources Acting Director Mona Miyasato and Principal Personnel Analyst Larry Daniel submitted their report and recommendations regarding the above-captioned matter.

Mr. Daniel briefly summarized the recommended action, which he advised will improve efficiencies by merging classifications.

M/s Supervisor Kinsey - Supervisor McGlashan to reclassify Jail Control Dispatchers to Sheriff's Service Assistants within the Marin County Sheriff's Office, effective April 4, 2010, as detailed in staff report dated March 23, 2010.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Brown

9. HEARING: CONSIDERATION OF RESOLUTION AMENDING THE FIRST PAGE RECORDING FEE FOR THE COUNTY RECORDER, INCREASING THE FEE BY \$6.00

By letter dated March 23, 2010, Assessor-Recorder Joan Thayer submitted her report and recommendations regarding the above-captioned matter.

The hearing was declared open to receive public testimony.

Ms. Thayer briefly commented on legislation allowing the proposed \$10.00 first page recording fee and identified additional recording fees. Ms. Thayer noted that recorder fees have not been increased for 25 years and advised that the increased fee will still not cover the full costs of the service.

A member of the public expressed opposition to the fee increase.

Seeing no one else present to speak, the hearing was closed.

County Administrator Matthew Hymel advised that the proposed fee increase is included in the Department's Proposed FY 2010-11 Budget to be considered during scheduled Budget Hearings.

M/s Supervisor Kinsey - Supervisor McGlashan to adopt Resolution No. 2010-16 amending the first page recording fee for the County Recorder, increasing the fee by \$6.00.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Brown

10. HEARING: CONSIDERATION OF RESOLUTION INCREASING FEES FOR PETITIONS TO VACATE PUBLIC SERVICE EASEMENTS

By letter dated March 23, 2010, Public Works Chief Real Property Agent Terry Toner submitted his report and recommendations regarding the above-captioned matter.

The hearing was declared open to receive public testimony. Seeing no one present to speak, the hearing was closed.

M/s Supervisor Adams - Supervisor Kinsey to adopt Resolution No. 2010-17 increasing fees for petitions to vacate public service easements.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Brown

11. REQUEST FROM THE COUNTY ADMINISTRATOR TO APPROVE ACTIONS, AS DETAILED IN STAFF REPORT DATED MARCH 23, 2010, RELATED TO THE FORMATION OF THE FINANCIAL AUDIT ADVISORY COMMITTEE PURSUANT TO THE VOTER-APPROVED FISCAL MANAGEMENT CONSOLIDATION ACT (MEASURE B)

By letter dated March 23, 2010, County Administrator Matthew Hymel submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Adams - Supervisor McGlashan to approve actions, as detailed in staff report dated March 23, 2010, related to the formation of the Financial Audit Advisory Committee pursuant to the voter-approved Fiscal Management Consolidation Act (Measure B).

Vote: Motion carried 4-0

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

ABSENT: Supervisor Brown

Supervisor McGlashan expressed interest in serving on the Committee.

12. APPOINTMENTS

County Service Area ("CSA") Advisory Board #20 - Indian Valley/Dominga Canyon  
One vacancy. An application was received from Vivian Poole.

M/s Supervisor McGlashan - Supervisor Adams on behalf of Supervisor Arnold, to appoint Vivian Poole.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Brown

The Board recessed at 11:48 a.m. to meet in closed session.

13. CLOSED SESSION

The Board met in closed session to discuss the following:

- a. Conference with legal counsel regarding potential litigation pursuant to California Government Code Section 54956.9(b)(1). Number of Potential Cases: Two (2).
- b. Interviews with candidates for appointment to the position of Public Defender pursuant to Government Code Section 54957.

The Board reconvened in open session at 3:23 p.m. Supervisor Brown was absent.

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 3:26 p.m. in memory of Carol Houston.

SINE DIE

---

PRESIDENT

ATTEST:

---

CLERK