

DRAFT

REGULAR MEETING OF THE MARIN COUNTY BOARD OF SUPERVISORS HELD TUESDAY, APRIL 20, 2010, AT 10:03 A.M.

The Board met as the Marin County Housing Authority Board of Commissioners at 9:35 a.m. and convened as the Board of Supervisors at 10:03 a.m. Supervisor Kinsey was absent.

2. APPROVAL OF MINUTES

M/s Supervisor Adams - Supervisor McGlashan to approve the minutes of the meeting of March 30, 2010.

Vote: Motion carried 4-0

AYES: Supervisor Adams, Supervisor Brown, Supervisor McGlashan, Supervisor Arnold

ABSENT: Supervisor Kinsey

3. BOARD OF SUPERVISORS' MATTERS

(Supervisor Kinsey present at 10:05 a.m.)

In Memoriam

Supervisor McGlashan requested an urgency finding to adjourn in memory of Mary Ann Sears, long-time Sausalito resident and co-founder of the Sausalito Historical Society.

M/s Supervisor McGlashan - Supervisor Adams to determine that the need to take action arose subsequent to the agenda being posted and to adjourn the meeting in memory of Mary Ann Sears.

AYES: ALL

Marin Energy Authority ("MEA") Event

Supervisor McGlashan advised that the MEA and Marin Green Leadership are sponsoring an event on May 7, 2010, at the Civic Center Lagoon to celebrate the start of local energy service.

Earth Day Event

Supervisor Kinsey advised that the Community Development Agency will sponsor an Earth Day event to pick up litter at Upton Beach on April 24, 2010.

Medical Marijuana

Board members individually expressed their views on medical marijuana dispensaries in the County and the related November 2, 2010 ballot measure.

Marinwood Farmers Market

Supervisor Adams announced that the Marinwood Community Farmers Market will open on Saturdays from 9:00 a.m. to 2:00 p.m. at Marinwood Plaza beginning April 24, 2010.

Earth Day Event

Supervisor Arnold advised that several events are scheduled for "Clean and Green Day" in Novato on Saturday, April 24, 2010.

4. ADMINISTRATOR'S REPORT

Agenda Modification

County Administrator Matthew Hymel advised that revised documents for Item 14, regarding proposed fees for the Parks and Open Space Department, have been submitted.

Public Works Update

Public Works Director Farhad Mansourian reported on the award of \$1.3 million from the Metropolitan Transportation Commission ("MTC") to fund the repair of Atherton Avenue from Highway 37 to Olive Avenue, in Novato and the repair of Paradise Drive from Ranch Road to Trestle Glen Boulevard, in Tiburon.

Mr. Mansourian also reported that Senator Feinstein has included a federal funding allocation request for projects related to Corte Madera Creek, the Las Gallinas and Santa Venetia Levees and the Hamilton Wetlands.

5. OPEN TIME

Marin Mediation Services

A representative of the Campaign for the U.S. Department of Peace expressed concern regarding budget actions affecting Mediation Services.

Sonoma County Superior Court Case

Two members of the public addressed the Board regarding a case recently filed in the Sonoma County Superior Court against Paul Hobbs Winery, L.P.

(Supervisor Arnold absent at 10:23 a.m.)

(Supervisor Arnold present at 10:24 a.m.)

Parks Fees

A member of the public addressed the Board to express support for the proposed fee schedule for Marin County Parks and opposition to budget actions affecting women's health services.

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, as presented.

CA-1. Board of Supervisors:

- a. Supervisor Adams requesting resolution honoring the 20th anniversary of Habitat for Humanity Greater San Francisco.
- b. Supervisor Kinsey requesting resolution proclaiming April 24, 2010 as "Comcast Cares Day."

CA-2. Community Development Agency:

Authorize President to execute Third Amendment to agreement with Design, Community and Environment, increasing the contract by \$28,867 for a total amount of \$256,796, for additional work required to complete the Environmental Impact Report ("EIR") for the 650 N. San Pedro Road project.

CA-3. County Administrator:

- a. Approve report of delegated agreements executed by the County Administrator during the months of January, February and March 2010.
- b. Request to approve Community Service allocations funded by Community Service Funds for April 2010.
- c. Authorize President to execute agreement with the Marin Agricultural Land Trust ("MALT"), in the amount of \$30,000, to support the acquisition and monitoring of agricultural conservation easements.
- d. Authorize President to execute agreement with the Marin City Community Services District ("MCCSD"), in the amount of \$90,000, to offset the cost of providing necessary services, parks and recreation programs, and community meeting, event and educational facilities to the Marin City community.
- e. Request to (i) adopt Resolution No. 2010-24 authorizing commencement of proceedings in connection with a Certificate of Participation ("COP") lease financing, and appointing a financial advisor and bond counsel; and (ii) authorize President to execute agreements with Quint & Thimmig, LLP for bond counsel and disclosure counsel legal services; and with Wulff, Hansen & Company for financial advisory services.

CA-4. County Counsel:

Authorize President to execute first addendum to the agreement with John Roberto Associates, in the amount of \$100,000, for professional services as contract planner for the Easton Point Residential Development Project pursuant to the stipulated judgment in *County of Marin v. Martha Company*, United States Northern District Court Case No. C06-02005SBA(BZ).

CA-5. Cultural Services:

Authorize President to execute agreement with Marin Agricultural Institute to operate farmers markets at Marin Center and the Marin County Civic Center for the period of May 1, 2010, through April 30, 2011.

CA-6. Health and Human Services:

NOTE: Agreement in item CA-6a is a renewal of an existing agreement that was included in and funded in the FY 2009-10 budget.

- a. Authorize President to execute FY 2009-10 agreement with ECHO Consulting Services of California, Inc., in an amount not to exceed \$140,796.34, for INSYST software maintenance and operations support and consultation services for the Division of Community Mental Health Services Management Information System ("MIS").
- b. Authorize President to execute amendment to the FY 2009-10 agreement (#09-11281) with the California Department of Public Health, Immunization Branch, to include terms and conditions for use of American Recovery and Reinvestment Act ("ARRA") funds for the support of community efforts to raise immunization levels, assist in control of vaccine preventable illness and provide immunization information and education.
- c. Authorize President to execute amendment to the FY 2009-10 agreement with the Marin County Office of Education, School-to-Career Partnership, increasing the contract by \$50,000 for a total contract amount of \$124,000, to operate a Workforce Investment Act ("WIA") youth employment and training program.
- d. Authorize President to execute amendment with the Marin Housing Authority and Adopt a Family of Marin for housing assistance and short-term non-recurring emergency benefits to CalWORKs clients.
- e. Authorize President to execute FY 2009-10 agreement with SYA Group, Inc., in the amount of \$30,000, for training and implementation of the Marin Healthcare Surge and operational Alternate Care Site ("ACS") plans.

CA-7. Public Works:

- a. Approve purchase of two Alternate Care Site ("ACS") Medical Equipment and Supply Caches for the Health and Human Services Department, in the amount of \$136,732, from Global Protection Acquisition, Inc. of West Berlin, NJ, under the California Western States Contracting Alliance ("WSCA") Contract #PC 62001.
- b. Request to approve Invitation For Bid ("IFB") #2610, to Golden Gate Petroleum of Martinez, CA, in the amount of \$1,281,958, for gasoline, diesel and bio fuel for all County locations, as detailed in staff report dated April 20, 2010.
- c. Request to adopt Resolution No. 2010-25 providing for the official adoption of the 2009-10 Road Mileage of County maintained roads.
- d. Authorize President to execute Tenth Amendment to the agreement with AECOM (previously known as Earth Tech, Inc.), increasing the contract by \$114,000 for a total amount not to exceed \$4,681,080, and extending the date to complete services to December 31, 2010, for professional services related to the Cal Park Hill Tunnel Rehabilitation and Multi-Use Pathway Project.
- e. Authorize the Public Works Director to award contract to the lowest responsive bidder, for the Cal Park Hill Tunnel Multi-Use Pathway Project, Phase B. (Engineer's Estimate \$7,854,833. Project No. 2007-02, Federal Aid Project No. STPLLEE-5927(038)).
- f. Authorize President to execute Third Amendment to cooperative funding agreement with the Transportation Authority of Marin ("TAM"), allocating remaining committed funds in the amount of \$2,892,000, related to the completion of the Cal Park Hill Tunnel Rehabilitation and Multi-Use Pathway Project.

CA-8. Sheriff:

- a. Authorize President to execute third amendment to FY 2007-08 agreement with the City and County of San Francisco related to the Urban Area Security Initiative ("UASI") grant program, to improve the response capabilities of the Marin County Operational Area.
- b. Request to authorize President to execute first amendment to the agreement with the City and County of San Francisco for participation in a Regional Catastrophic Preparedness Grant Program ("RCPGP"), to improve the response capabilities of the Marin County Operational Area.

AYES: ALL

7. **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. County Administrator:

Request to approve one-time transfer of \$13,000 from the General Fund, Non-Departmental Transportation Initiatives fund to the Marin County Transit District, to offset the cost of expanding the West Marin Stagecoach bus service to Southern Marin.

CB-2. Public Works:

Request to approve allocation of \$553,520 from Nonmotorized Transportation Pilot Program ("NTPP") construction bid reserve funds for the Cal Park Hill Tunnel Rehabilitation and Multi-Use Pathway Project.

AYES: ALL

8. SUPERVISOR ARNOLD REQUESTING RESOLUTION COMMENDING PUBLIC DEFENDER JOE SPAETH UPON HIS RETIREMENT

M/s Supervisor Arnold - Supervisor McGlashan to adopt resolution commending Public Defender Joe Spaeth upon his retirement.

AYES: ALL

Supervisor Arnold read and presented the resolution to Joe Spaeth, who thanked the Board, his colleagues and his family for their support.

Board members acknowledged Mr. Spaeth for his contributions to the community and his interest in therapeutic and restorative criminal justice programs.

Public Defender Jose Varela and a County employee individually acknowledged Mr. Spaeth.

(Supervisor Brown absent at 10:33 a.m.)

9. PRESENTATION BY CALIFORNIA STATE ASSOCIATION OF COUNTIES ("CSAC") REGARDING BUDGET ISSUES, THE U.S. COMMUNITIES PROGRAM, AND OTHER TOPICS

California State Association of Counties ("CSAC") Legislative Analyst Faith Conley provided a brief update on several issues of interest to member counties including State budget reform, legislation currently under review, and CSAC resources available to members. Ms. Conley acknowledged Supervisor Adams for her leadership.

In response to a question from Supervisor Adams, Ms. Conley briefly commented on anticipated pension reform measures.

10. PRESENTATION FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF AGING AND ADULT SERVICES, ON THE AREA PLAN FOR AGING FY 2010-2011 UPDATE

By letter dated April 20, 2010, Health and Human Services Director Dr. Larry Meredith submitted his report and recommendations regarding the above-captioned matter.

Deputy Director of Aging and Adult Services Nick Trunzo presented the Area Plan for Aging FY 2010-2011 Update and acknowledged the efforts of Dr. Marjorie Belknap and the Commission on Aging. Mr. Trunzo commented on the increases in Marin's senior population at the same time that funding for senior programs is decreasing. Mr. Trunzo also acknowledged the expanding role of volunteers to offset funding losses to senior programs.

(Supervisor Brown present at 10:49 a.m.)

Supervisor Kinsey encouraged Division of Aging staff and Commission on Aging members to advocate on behalf of the Senior Mobility Program, as well as for new funding streams for senior programs.

M/s Supervisor Adams - Supervisor Kinsey to approve the Area Plan for Aging FY 2010-2011 Update.

AYES: ALL

11. HEARING: CONSIDERATION OF MARIN SANITARY SERVICE'S REQUESTED 19.61% RATE INCREASE, EFFECTIVE MAY 1, 2010, FOR REFUSE AND RECYCLING SERVICES IN ROSS VALLEY NORTH FRANCHISE AREA

By letter dated April 20, 2010, Public Works Deputy Director Michael Frost submitted his report and recommendations regarding the above-captioned matter.

(Supervisor Adams absent at 10:52 a.m.)

Mr. Frost presented a brief summary of the new services and rates contained in the proposed agreement.

(Supervisor Adams present at 10:55 a.m.)

Mr. Frost and Marin Sanitary Service Chairman Joe Garbarino responded to questions from Board members regarding comparisons to other service areas, public outreach efforts, vehicle impact fees, separation of recyclables, food waste to energy programs, tailoring agreements to franchise areas, and efforts to make refuse and recycling programs self-sustaining so the County no longer has to subsidize them.

The hearing was declared open to receive public testimony.

The Co-Director of the Green Coalition for Responsible Waste and Resource Management and the Energy Climate Chair of the State Sierra Club stated their objections to the proposed agreement, asked why competitive bids were not sought, and expressed concern regarding the distance to the composting facility.

A representative of the Marin Conservation League expressed support for zero waste programs, while recognizing that the proposed agreement is only a starting point.

Mr. Frost and Mr. Garbarino responded to speakers' comments regarding the viability of a local composting facility.

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

M/s Supervisor Brown - Supervisor Kinsey to authorize President to execute amendment to the agreement with Marin Sanitary Service reflecting approved rate for refuse and recycling services in Ross Valley North Franchise Area, effective May 1, 2010.

AYES: ALL

12. FIRST READING: ORDINANCE AMENDING CHAPTER 2.39 OF THE MARIN COUNTY CODE PERTAINING TO IN-HOME SUPPORTIVE SERVICES ("IHSS") PUBLIC AUTHORITY ADDRESSING DEFINITIONS AND MEMBERSHIP OF THE IHSS AUTHORITY BOARD

By letter dated April 20, 2010, County Counsel Patrick Faulkner submitted his report and recommendations regarding the above-captioned matter.

(Supervisor Adams absent at 11:20 a.m.)

In response to a question from Supervisor McGlashan, IHSS Public Authority Executive Director Madeline Kellner commented on the difficulty in filling Governing Board seats with a representative from each Supervisorial District, but assured Board members that every effort would be made to do so.

M/s Supervisor Kinsey - Supervisor Brown to request clerk to read ordinance by title only and schedule merit hearing for May 4, 2010, at 10:30 a.m.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Adams

The clerk read the ordinance by title only and the merit hearing was scheduled for May 4, 2010, at 10:30 a.m.

13. FIRST READING: ORDINANCE AMENDING CHAPTER 6.90 OF THE MARIN COUNTY CODE PROHIBITING THE USE OF BOLINAS BEACH FOR CAMPING TO APPLY AT ALL TIMES DURING THE CALENDAR YEAR

By memorandum dated April 20, 2010, Supervisor Steve Kinsey submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Kinsey - Supervisor McGlashan to request clerk to read ordinance by title only and schedule merit hearing for May 4, 2010, at 10:30 a.m.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Adams

The clerk read the ordinance by title only and the merit hearing was scheduled for May 4, 2010, at 10:30 a.m.

14. REQUEST FROM THE DEPARTMENT OF PARKS AND OPEN SPACE TO SET PUBLIC HEARING TO CONSIDER RESOLUTION ADOPTING A NEW FEE SCHEDULE FOR MARIN COUNTY PARKS

By letter dated April 20, 2010, Parks and Open Space Deputy Director Ron Paolini submitted his report and recommendations regarding the above-captioned matter.

Mr. Paolini noted that a revised staff report was distributed to correct an error in the cost for a Senior Pass, briefly summarized the proposed changes to the fee schedule, and advised that the Parks and Open Space Commission supports the proposal.

(Supervisor Adams present at 11:23 a.m.)

M/s Supervisor McGlashan - Supervisor Adams to schedule hearing for May 4, 2010, at 10:30 a.m. to consider adopting resolution setting fees.

AYES: ALL

15. FIRST READING: ORDINANCE AMENDING MARIN COUNTY CODE CHAPTER 2.22, PROVIDING THAT ASSESSMENT APPEALS BOARD ("AAB") FEES AND AAB MEMBER COMPENSATION MAY BE SET BY BOARD RESOLUTION AND REQUESTING TO SCHEDULE HEARING TO CONSIDER RESOLUTION ESTABLISHING SAID FEES

By letter dated April 20, 2010, Assistant Clerk of the Board Diane Patterson submitted her report and recommendations regarding the above-captioned matter.

County Administrator Matthew Hymel and Ms. Patterson responded to a question from Supervisor McGlashan regarding the mechanism for setting fees.

M/s Supervisor Brown - Supervisor Kinsey to request clerk to read ordinance by title only and schedule merit hearing on ordinance and on resolution setting fees for May 4, 2010, at 10:30 a.m.

AYES: ALL

The clerk read the ordinance by title only and the merit hearing was scheduled for May 4, 2010, at 10:30 a.m.

16. APPOINTMENTS

a. Alcohol and Drug Advisory Board

One At-Large vacancy. An application was received from Julia Whitely and a memorandum dated April 6, 2010, has been received from the Advisory Board's Executive Committee recommending her appointment.

M/s Supervisor Adams - Supervisor McGlashan to appoint Julia Whitely.

AYES: ALL

b. Disaster Council

One term expiration representing District 4. Applications were received from Libby Colman and Stacey Henderson.

M/s Supervisor Kinsey - Supervisor Adams to appoint Libby Colman.

AYES: ALL

c. Peace Conversion Commission

Two At-Large vacancies. Applications were received from Susan Burnett, Michael Hartnett and Robert Phillips. A memorandum dated April 9, 2010, was received from the Commission Chair with recommendations for appointments.

M/s Supervisor McGlashan - Supervisor Kinsey to appoint Susan Burnett and Robert Phillips.

AYES: ALL

The Board recessed at 11:30 a.m. to meet in closed session.

17. CLOSED SESSION:

The Board met in closed session to discuss the following:

- a. Interviews with candidates for appointment to the position of Parks and Open Space Director pursuant to Government Code Section 54957.
- b. Instructions to labor negotiator (Human Resources Director) regarding negotiations with all bargaining units, pursuant to Government Code Section 54957.6.
- c. Conference with legal counsel regarding anticipated litigation, deciding to initiate litigation, pursuant to California Government Code Section 54956.9(c). One potential case: Marijuana dispensary located at 292B North San Pedro Road.

The Board reconvened in open session at 2:05 p.m. All Supervisors were present.

The President reported that the Board met in closed session and advised that Supervisors Adams, Brown, McGlashan and Arnold directed staff to continue with code enforcement action and to return with alternatives for code amendments that would regulate the establishment of medical marijuana outlets. Supervisor Kinsey dissented.

The meeting was adjourned at 3:25 p.m. in memory of Mary Ann Sears.

SINE DIE

PRESIDENT

ATTEST:

CLERK