

**DRAFT**

REGULAR MEETING OF THE MARIN COUNTY BOARD OF SUPERVISORS HELD TUESDAY,  
NOVEMBER 2, 2010, AT 10:03 A.M.

Roll Call

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

2. APPROVAL OF MINUTES OF THE MEETING OF OCTOBER 5, 2010

M/s Supervisor Adams - Supervisor McGlashan to approve the minutes of the meeting of  
October 5, 2010.

AYES: ALL

3. BOARD OF SUPERVISORS' MATTERS

World Series

Supervisor Adams briefly commented on the San Francisco Giants' World Series win and  
suggested that the Board send a letter to congratulate the team on their success and for the  
positive impacts the series has had on the community and the local economy.

Agenda Modifications

Supervisor Adams requested that item CA-1a, a resolution commending retiring Veterans  
Service Officer Mort Tallen and item CA-1b, a resolution proclaiming October 2010 as  
"Caregiver Appreciation Month" be removed from the consent calendar for separate  
consideration.

In Memoriam

Supervisor Brown requested an urgency finding to adjourn the meeting in memory of Jose  
Alicastro.

M/s Supervisor Brown - Supervisor McGlashan to determine that the need to take action arose  
subsequent to the agenda being posted and to adjourn the meeting in memory of Jose  
Alicastro.

AYES: ALL

Metropolitan Transportation Commission ("MTC")

Supervisor Kinsey advised of Marin County's receipt of several Metropolitan Transportation  
Commission ("MTC") "Excellence in Motion" awards, including awards for the Safe Routes to  
School program and the Cool the Earth program. Supervisor Kinsey noted that Marin County  
was also acknowledged and received MTC funding for other initiatives.

In Memoriam

Supervisor McGlashan requested an urgency finding to adjourn the meeting in memory of Nina  
Eddington.

M/s Supervisor McGlashan - 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 Nina  
Eddington.

AYES: ALL

#### Agenda Item CA-5c

Supervisor McGlashan briefly spoke on item CA-5c, an application by the Marin City Health and Wellness Center and the Ritter Center for federal grant funding to improve the health of underserved communities and vulnerable populations. Supervisor McGlashan acknowledged his Aide and community partners involved in the effort.

#### Library Baby Bounce Storytime

Supervisor McGlashan acknowledged the Marin City library Baby Bounce storytime program.

#### Bay Conservation and Development Commission ("BCDC")

Supervisor McGlashan provided a brief update on the Bay Conservation and Development Commission's ("BCDC") development of proposed amendments to the Bay Plan specific to climate change and commented on issues involved.

#### Sonoma-Marín Area Rail Transit ("SMART")

Supervisor McGlashan reported on his recent trip to Japan as a representative of the Sonoma-Marín Area Rail Transit Agency Board. Supervisor McGlashan reported on SMART's evaluation of the trains proposed for purchase noting the visit was very instructive.

#### Marin Economic Forum

Supervisor Arnold distributed copies of the Fall 2010 Marin Economic Bulletin prepared by the Marin Economic Forum and highlighted findings reported.

#### 4. ADMINISTRATOR'S REPORT

##### CB-2a - CalWORKS Stage 3 Child Care

By letter dated November 2, 2010, Health and Human Services Director Larry Meredith submitted his report and recommendations regarding the request to execute an agreement with the Marin Child Care Council, in the amount of \$84,000, to provide transitional CalWORKs Stage 3 child care.

County Administrator Matthew Hymel highlighted Consent Item CB-2a related to one-time funding for Stage 3 child care subsidies necessary to restore funding eliminated by a recent veto by the Governor. Mr. Hymel advised that there is currently a temporary restraining order to halt the Governor's veto and requested that the Board give conditional approval of the \$84,000 allocation pending legal resolution of the matter.

M/s Supervisor Brown - Supervisor Adams to conditionally approve agreement with the Marin Child Care Council, in the amount of \$84,000, to provide transitional CalWORKs Stage 3 child care; and approve budget actions as detailed in staff report dated November 2, 2010.

AYES: ALL

##### Agenda Modification

County Administrator Matthew requested an urgency finding to add one additional closed session discussion to the agenda pursuant to California Government Code Section 54956.9(a) regarding existing litigation: *Point San Pedro Road Coalition v. San Rafael Rock Quarry*.

M/s Supervisor McGlashan - Supervisor Adams to determine that the need to take action arose subsequent to the agenda being posted and to add additional closed session item for discussion of existing litigation: *Point San Pedro Road Coalition v. San Rafael Rock Quarry*, pursuant to California Government Code Section 54956.9(a).

AYES: ALL

5. OPEN TIME

War

A member of the public addressed the Board to express his opinions regarding war and other political matters.

Mentally Ill Resources

A member of the public and the Executive Director of the National Alliance for Mental Illness ("NAMI") Marin addressed the Board regarding treatment resources for the mentally ill, concerns regarding incarceration of the mentally ill and expressed support for Laura's Law to provide outpatient treatment programs for the mentally ill.

Medical Marijuana

A representative of the Marin Wellness Center medical marijuana collective addressed the Board to provide a brief update on the clients served, summarized changes made to policies in response to community concerns, and commented on an upcoming hearing related to zoning of the current Marin Wellness Center location.

Football Brawl

An Assistant Coach of the San Rafael High School Junior Varsity football team addressed the Board regarding an incident at a recent varsity football game which resulted in a brawl between some players. The speaker advised that coaches and staff are reviewing options to address the matter through a restorative justice approach.

6. CONSENT CALENDAR A (ITEMS CA-1 THROUGH CA-7)

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

M/s Supervisor McGlashan - Supervisor Adams to approve Consent Calendar A, with items CA-1a and CA-1b considered separately.

CA-1. Board of Supervisors:

- a. This item was considered separately.
- b. This item was considered separately.
- c. Supervisor Kinsey requesting resolution commending the Marin Resource Conservation District upon its fiftieth anniversary of its formation.

CA-2. Community Development Agency:

Authorize President to execute amendment to Community Development Block Grant ("CDBG") program agreement with the Novato Youth Center, increasing the contract amount by \$7,000 for a total contract amount of \$69,200, for child care scholarships.

CA-3. County Administrator:

Approve report of delegated agreements executed by the County Administrator during the months of July, August and September 2010.

CA-4. Finance:

Request to adopt Resolution No. 2010-104 authorizing temporary transfer of funds in an amount not to exceed \$1,386,212 to the Bolinas-Stinson Union School District for meeting the obligations incurred for maintenance purposes.

CA-5. Health and Human Services:

- a. Authorize President to execute agreement with Lucien G. Canton, CEM, in the amount of \$30,000, to revise the Vulnerable Populations Annex to the Marin County Operational Emergency Operations Plan.
- b. Request to adopt Resolution No. 2010-105 appointing Craig Lindquist, MD, PhD as interim Public Health Officer.
- c. Request to adopt Resolution No. 2010-106 supporting the application by the Marin City Health and Wellness Center, in Partnership with the Ritter Center, for a Health Center New Access Points federal grant under the Affordable Care Act of 2010, to improve the health of underserved communities and vulnerable populations.

CA-6. Probation:

Authorize President to execute agreement with Canal Alliance in the amount of \$137,600, to provide services related to the Own Recognizance Release program for non-English speaking jail inmates.

CA-7. Public Works:

- a. Request to (i) authorize President to execute Notice of Completion for the Alameda del Prado Class 2 Bicycle Lanes Project, and (ii) approve release of retention in the amount of \$27,620.09, 35 days following Board action, to Ghilotti Bros., Inc. of San Rafael (NTPP Project No. 1600).
- b. Request to (i) authorize President to execute Notice of Completion for the Mary Silveira School Safe Pathway Project, and (ii) approve release of retention in the amount of \$12,416.22, 35 days following Board action, to Ghilotti Bros., Inc. of San Rafael (Project No. 2008-29).
- c. Authorize President to execute fourth amendment to the ground lease with Gregory and Theresa Pickle, extending the term one (1) year, for a modular home site at Stafford Lake Park, Novato.
- d. Authorize additional contingency funds, in the amount of \$50,000, for the American Recovery and Reinvestment Act ("ARRA") of 2009 Pavement Resurfacing Project, Phase A. (Project No. 2009-02, Federal Project No. ESPL-5927(068))
- e. Request to assign the ground lease for hangar site C-1001 at Gnos Field from Woods Aviation, LLC to James Duckworth and Roberta Dixon.

AYES: ALL

CA-1a. RESOLUTION COMMENDING VETERANS SERVICE OFFICER MORT TALLEN UPON HIS RETIREMENT

Supervisor Adams read the resolution of commendation for retiring Veterans Service Officer Mort Tallen. Health and Human Services Director Larry Meredith also acknowledged Mr. Tallen. Mr. Tallen briefly commented on his service, acknowledged staff and noted the importance of serving Veterans.

M/s Supervisor Adams - Supervisor McGlashan to adopt resolution commending Veterans Service Officer Mort Tallen upon his retirement.

AYES: ALL

Supervisor Kinsey also acknowledged Mr. Tallen.

CA-1b. RESOLUTION PROCLAIMING OCTOBER 2010 AS "CAREGIVER APPRECIATION MONTH"

Supervisor Adams read and presented the resolution to In-Home Supportive Services Executive Director Madeline Kellner.

M/s Supervisor Adams - Supervisor McGlashan to adopt resolution proclaiming October 2010 as "Caregiver Appreciation Month."

AYES: ALL

Ms. Kellner thanked the Board for their support of IHSS workers and caregivers and advised of an upcoming Marin Caregivers Forum scheduled for Wednesday, November 10, 2010.

7. **CONSENT CALENDAR B (ITEMS CB-1 THROUGH CB-4)**  
("Consent Calendar B" reflects those agenda items requiring four affirmative votes relating to budgetary matters.)

M/s Supervisor Adams - Supervisor Brown to approve Consent Calendar B, with item CB-2a considered separately.

CB-1. District Attorney:

Request to approve budget adjustments, as detailed in staff report dated November 2, 2010, reflecting receipt of a Privacy and Piracy Fund grant award by the California Attorney General's Office.

CB-2. Health and Human Services:

- a. This item was considered under the Administrator's Report.
- b. Authorize President to (i) execute amendment to the Workforce Investment Act ("WIA") American Recovery and Reinvestment Act ("ARRA") funded agreement with the Small Business Development Center, increasing the contract by \$9,000 for a total contract amount of \$59,000, for rapid response/layoff aversion services through the Marin Employment Connection; and (ii) approve budget actions as detailed in staff report dated November 2, 2010.

CB-3. Public Works:

- a. Request to approve budget actions, as detailed in staff report dated November 2, 2010, to create fund accounts for San Rafael Rock Quarry ("SRRQ") permit inspection and monitoring.
- b. Request to authorize transfer of funds from Flood Control Zones #3, 4 and 5 to the watershed program.

CB-4. Sheriff:

Request to approve rolling over the unexpended FY 2008-09 and FY 2009-10 State Homeland Security Grant Program funds, in the amount of \$657,488, into the FY 2010-11 budget.

AYES: ALL

8. **REQUEST FROM THE COUNTY ADMINISTRATOR TO TAKE THE FOLLOWING ACTIONS RELATED TO THE FY 2009-10 LIVING WAGE ORDINANCE ("LWO") ANNUAL REPORT**

- a. Review and accept the FY 2009-10 Living Wage Ordinance Annual Report;

- b. Consider foregoing 2011 Cost of Living Adjustment ("COLA") to the Living Wage Ordinance.

By letter dated November 2, 2010, County Administrator Matthew Hymel submitted his report and recommendations regarding the above-captioned matter.

Mr. Hymel provided a brief overview of the report noting potential State budget impacts, the expiration of federal stimulus funds currently being used to offset costs of In-Home Support Services ("IHSS") and the resulting increase to net County costs for the program, and a comparison of provider rates in comparable counties. Mr. Hymel recommended that the Board forgo al COLA based on similar action taken with County employees and other community-based organization partners and in recognition of the elimination of 90 positions from the County Budget.

M/s Supervisor McGlashan - Supervisor Adams to accept the FY 2009-10 Living Wage Ordinance ("LWO") Annual Report and forgo the 2011 Cost of Living Adjustment ("COLA") to the LWO.

AYES: ALL

9. REPORT FROM COUNTY COUNSEL ON THE ROSS VALLEY SANITARY DISTRICT (SANITARY DISTRICT NO. 1)

By letter dated November 2, 2010, County Counsel Patrick Faulkner submitted his report and recommendations regarding the above-captioned matter.

County Administrator Matthew Hymel summarized the concerns expressed by the Board related to the Ross Valley Sanitary District ("RVSD") including budgeted legal fees, the six year term of the RVSD employee contract and negotiated salary increases, the General Manager's salary and benefits, reports of increased staffing, and compensation for Board of Directors.

Several RVSD employees, Board of Directors and General Manager Brett Richards individually addressed the Board regarding the concerns about the district's budget and presented information to support rate increases, infrastructure improvements, compensation for district employees and Board of Directors, responses to public records requests, and public outreach programs. Mr. Richards submitted a document representing the RVSD formal response to the issues addressed by County Counsel.

A member of the public expressed concerns regarding the use of funds collected from RVSD ratepayers and requested additional information regarding several budgetary and operational issues including analysis of financial decisions and employee compensation.

A member of the public expressed support for the RVSD Board of Directors.

Board members expressed continued concerns regarding RVSD employee compensation, capital investments and legal fees, commented on the jurisdictional authority that limits Board action in regards to these issues, and directed staff to continue monitoring the RVSD delivery of infrastructure repairs and to research the additional issues raised by the speakers.

The Board took a brief recess at 11:32 a.m. and reconvened at 11:44 a.m. Supervisor Kinsey was absent.

10. HEARING: REQUEST FROM THE AGRICULTURAL COMMISSIONER/DIRECTOR OF WEIGHTS AND MEASURES TO CONSIDER ADOPTING RESOLUTION ESTABLISHING FEES FOR THE DIRECT MARKETING PROGRAM, WHICH INCLUDE FEES FOR FARMERS' MARKETS AND CERTIFIED PRODUCERS

By letter dated November 2, 2010, Agricultural Commissioner/Director of Weights and Measures Stacy Carlsen submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Brown - Supervisor Adams to adopt Resolution No. 2010-107 establishing Direct Marketing fees, which includes fees for Farmers' Markets and Certified Producers.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Kinsey

11. REPORT FROM THE COUNTY ADMINISTRATOR ON THE CONSOLIDATION OF THE DEPARTMENTS OF SHERIFF AND CORONER

By letter dated November 2, 2010, County Administrator Matthew Hymel and Sheriff Robert Doyle submitted their report and recommendations regarding the above-captioned matter.

Administrative Analyst Eric Englebart provided a brief overview of the staffing and budget changes proposed for implementing the consolidation of the Sheriff and Coroner Offices.

M/s Supervisor McGlashan - Supervisor Brown to accept report and authorize budget and staffing adjustments as detailed in staff report dated November 2, 2010.

Board members acknowledged staff from the affected departments for their cooperative efforts and requested presentation of an annual status report on the consolidated operations.

Thereafter, the vote on the pending motion was

Vote: Motion carried 4-0

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

ABSENT: Supervisor Kinsey

12. APPOINTMENTS

Child Care Commission

Six term expirations/vacancies for representatives appointed by the Board of Supervisors, and five term expirations/vacancies appointed by the Marin County Superintendent of Schools and ratified by the Board of Supervisors, as detailed in staff report dated November 2, 2010.

M/s Supervisor Adams - Supervisor McGlashan to (i) appoint Laurie O'Hara Torres, Alaina Cantor, Jackie Tarantino, Peggy Dodge, Johnathan Logan and Debra Bradley; and (ii) ratify appointments by the Marin County Superintendent of Schools of Saul Godinez, Linda Joy Hummel, Melinda Kanter-Levy, Aideen Gaidmore and Jan Hutchinson.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Kinsey

The Board recessed at 11:48 a.m. to meet as the Marin County Flood Control and Water Conservation District Board of Supervisors and reconvened at 11:51 a.m. All Supervisors were present.

The Board recessed at 11:52 a.m. to meet in closed session.

14. CLOSED SESSION

- a. Instructions to labor negotiator (Human Resources Director) regarding negotiations with all bargaining units, pursuant to Government Code Section 54957.6.
- b. Conference with legal counsel regarding anticipated litigation pursuant to California Government Code Section 54956.9(b)(1). Number of cases two.
- c. Conference with legal counsel regarding anticipated litigation pursuant to California Government Code Section 54956.9(c). Number of Potential Cases: One challenging the Governor's line item veto of budget control language prohibiting the Department of Corrections and Rehabilitation from making any further encumbrances or expenditures of funding appropriated for the Condemned Inmate Complex at San Quentin State Prison until certain specified conditions are met.

The Board reconvened in open session at 1:39 p.m. All Supervisors were present.

The President reported that the Board met in closed session and advised that the Board gave approval to legal counsel to join an anticipated action in Sacramento County with other counties to seek declaratory relief regarding the suspension of the unfunded legislative mandate from AB 3632 pertaining to mental health services to students with disabilities. Once the County of Marin has formally joined this litigation, then the action, the defendants, and other particulars shall be disclosed to any person upon inquiry, unless to do so would jeopardize the County's ability to effectuate service of process or ability to conclude existing settlement negotiations to its advantage.

The President also advised that the Board authorized County Counsel's office, in conjunction with counsel for a taxpayer, to file a lawsuit to seek to enjoin the Governor's line item veto of budget control language related to the construction of the condemned inmate facility at San Quentin.

15. VOLUNTEER RECOGNITION CEREMONY.

On behalf of the Board of Supervisors, President Arnold welcomed all the volunteers and introduced Volunteer and Employee Programs Manager Joan Brown.

Ms. Brown welcomed the Civic Center volunteers and advised that volunteers contributed more than \$10.9 million in services during the last year. Ms. Brown acknowledged the Board for their ongoing support. Ms. Brown also thanked Human Resources Director Joanne Peterson, Human Resources Deputy Director Liz Paris, staff, several interns and volunteers for their assistance.

There being no objection, Board members adopted Resolutions of Commendation for the following volunteers:

Joelle Appenrodt, Kimen Balhotra, Elizabeth Bashnick, Mariel Beaudoin, Julia Bernbaum, Lewis Bichkoff, Danielle Bogaards, William Bombria, Maida Bowen, Nancy Brooks, Annie Brown, Ann Foo Brown, Jack Budish, Natasha Burton, Barbara Carmona, Elena Carter, Ana Chavez, Dawson Choong, Penny Clark, Margaret Clausen, Bob Crankshaw, John Cuerva, Juliette Cutts, Joshua Davis, Stephanie Decker, Christina Delnevo, Julia Diskint, Carrie Beth Dobbin, Patrick Egry, Maria Ellinikos, Anoosheh Elmi, Dr. Tecsia Evans, Yara Fraser, Andrea Frias, Jaime Friedman, Daniela Fuentes, Gregory Gayle, Andrew Getz, Nazar Ghosseiri, Patricia Giffin,



Kenneth Gladstone, William Gomez, Laura Haley, Jeanalin Hallare, Erika Hallgren, Matt Halling, Ryan Lee Harrison, Hadar Hartshorn, Mollie Heckel, Helen Helminiak, Randall Herman, Janet (Jan) Hickman, Tyler Hicks, Robin Hirose, Cindy Hiroshima, Anh Hoang, Jeanne Hsu, David Jaulus, Christine Johnson, Mary Jones, Luka Jovanovic, Dana Kelly, Brian King, Dr. Merv Kril, Amit Kurlekar, Alicia Lawson, January Lee, Lexi Louderback, Anthony Lum, Brice Lynch, Thomas Madayag, Carey Mandell, Vida McCahey, Hilary McCarthy, Joshua McCay, Chuck McDevitt, Paige McKinley, Nikko Merlander, Timothy (Teo) Merlo, Brandon Merritt, Zoe Monty-Montalvo, Sahar Nassiri, Thomas Nattestad, David Ngo, Erika Nielsen, Mayra Ochoa, Brigid O'Hanrahan, Robert Oser, Brenda Padilla, Luis Perera, Jean Powers, Ezekiel L. Rausher, Nancy Rhine, Michele Rinck, Reena Roskopf, Beverly Rucker, Cory Saltsman, Anthony Schoenberg, Jack Schwartz, Maria Segovia, Manica Serafin, Constance Sewing, Georgia Shields, Paul Silverman, Wendy Siu, Pascale Stemmler, Melanie Stepanicich, Dennis Sullivan, Evan Tamura, Joshua Templet, Jonathan Tham, Dr. Bretton Torkelson, Ched Valencia, Jessica Veklerov, Ashley Vinson, Teresa W. Wang, Tiffany Welter, John Witter, Jonathan Woods, Christine Woods, and Sara Zeimer.

Ms. Brown read, and President Arnold presented, the Commendations to the recipients who were present

Board members individually thanked Ms. Brown, staff, and the volunteers who make this program possible.

The meeting was adjourned at 2:34 p.m. in memory of Regina Marie Lopez (Nina) Eddington and Jose Alicastro.

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PRESIDENT

ATTEST:

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CLERK