

DRAFT

REGULAR MEETING OF THE MARIN COUNTY BOARD OF SUPERVISORS HELD TUESDAY,
NOVEMBER 9, 2010, AT 10:09 A.M.

Roll Call

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

Absent: Supervisor McGlashan

1. APPROVAL OF MINUTES

M/s Supervisor Brown - Supervisor Adams to approve the minutes of the regular meeting of October 26, 2010, and the special meetings of November 1 and 3, 2010.

Vote: Motion carried 4-0

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

ABSENT: Supervisor McGlashan

2. BOARD OF SUPERVISORS' MATTERS

3. INFORMATIONAL UPDATE CONCERNING REGIONAL BOARD ASSIGNMENTS

Staff Acknowledgement

Supervisor Adams acknowledged off-duty Marin County Firefighter Rick Racich for the rescue of two crab fisherman near Rodeo Beach last Sunday.

San Francisco Estuary Partnership

Supervisor Adams reported on her attendance at the San Francisco Estuary Partnership meeting.

Green Streets Program

Supervisor Adams briefly commented on CalTrans support of the El Cerrito Green Streets program.

Partnership for Children and Youth Retreat

Supervisor Adams reported on her attendance at the Partnership for Children and Youth Retreat and announced that SB 798 (DeSaulnier) would allocate 15% of any increase in federal 21st Childrens' Creative Learning Centers ("21st CCLC") funding to summer programs.

Point Molate Indian Casino

Supervisor Adams advised that it's her understanding that a majority of the Richmond City Councilmembers are not interested in pursuing a Indian Casino at Point Molate.

Veterans Day

Supervisor Adams listed several events that will take place on Veterans Day, November 11, 2010.

Bay Area Air Quality Management District ("BAAQMD")

Supervisor Brown announced that a new aggressive "Spare the Air Campaign for Winter 2010-11" from the BAAQMD Board will soon be announced.

SmartMeter Program

Supervisor Kinsey briefly commented on an article in the San Francisco Chronicle reporting that a Pacific Gas and Electric Company executive in charge of the utility's SmartMeter program infiltrated an Internet discussion group of SmartMeter opponents.

SMART Rail Workshop

Supervisor Kinsey briefly commented on outcomes from last Saturday's SMART Rail workshop and reported that he will be meeting with Bay Area Metropolitan Transportation Commission ("MTC") Commissioner Jake Mackenzie, Executive Director Steve Heminger, and Financial staff tomorrow, to review the related financial data.

Retirement Board

Supervisor Arnold acknowledged retiring Retirement Board member Alan Haim for his service.

Sonoma Marin Rail Transit Authority ("SMART") Rail Workshop

Supervisor Arnold commented on actions taken at a recent SMART workshop, including the agency voting to move forward with the first segment of the rail transit plan, originating from Railroad Square in Santa Rosa and terminating at the Marin County Civic Center. Supervisor Arnold advised that the SMART Board will meet Wednesday, November 10, 2010, in the San Rafael City Council Chambers at 1:30 p.m. for public comment.

Marin Emergency Radio Authority ("MERA")

Supervisor Kinsey announced that tomorrow there will be a workshop for MERA regarding the next generation of emergency radio communication.

Department Head Planning Session

Supervisor Arnold announced that she and Supervisor Kinsey attended a Department Head workshop regarding long term budget restructuring.

4. ADMINISTRATOR'S REPORT

Agenda Modifications

County Administrator Matthew Hymel advised of a correction to the agenda related to CA-3 regarding an agreement with Arcadia Health Care Services, Inc.

Department Head Planning Session

Mr. Hymel gave a brief overview of the Department Head Planning Session last Friday regarding long term budget challenges and next years budget instructions. Mr. Hymel advised that the County has reduced spending by \$25 million and stated that next years projected budget gap is approximately \$5 million. Mr. Hymel commented on several discussions by department heads including programmatic impacts, options to address the final year gap, and future investments in technology or business systems improvements that could reduce future ongoing costs.

5. OPEN TIME

Ross Valley Sanitary District ("RVSD")

RVSD General Manager Brett Richards briefly commented on several issues that have been addressed by public speakers on previous occasions regarding RVSD operations. Mr. Richards presented a copy of his employment agreement.

Star Court Program

A few members of the public acknowledged the Star Court Program and advocated for continuance of the program.

Corstone

A representative of Corstone briefly described the program and expressed concern regarding sources of funding for programs like Corstone.

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 Adams - Supervisor Kinsey to approve Consent Calendar A with Item CA-1c removed for separate consideration and with amendment to Item CA-3.

CA-1. Board of Supervisors

- a. Appointments:
 - i. County Service Area ("CSA") #18 - Las Gallinas
Schedule appointment for December 14, 2010, for one term expiration (John Manchip, incumbent).
 - ii. Mental Health Board
Schedule appointment for December 14, 2010, for one term expiration (Alan Carr, incumbent).
- b. Supervisor McGlashan requesting resolution commending Marin County Veterans and the Tuskegee Airman of World War II.
- c. This item was removed from the Consent Calendar and considered separately.

CA-2. County Administrator

- a. Authorize President to execute FY 2010-11 Joint Powers Agreement ("JPA") with the Marinwood Community Services District ("CSD"), in the amount of \$510,293, to provide fire protection services for County Service Area ("CSA") 13, Upper Lucas Valley.
- b. Authorize President to execute FY 2010-11 agreement with Marinwood Community Services District ("CSD"), in the amount of \$61,675, to provide fire protection and emergency response services for Marin County Juvenile Hall site, Upper Lucas Valley.

CA-3. District Attorney

Request to authorize (a) President to execute agreement with Arcadia Health Care Services, Inc. dba Arcadia Health Care of Southfield, MI, in an amount not to exceed \$175,512.50 for blood draw services for the period of November 1, 2010, to October 31, 2011; and (b) annual contract extensions as detailed in staff report dated November 9, 2010.

CA-4. Finance

Request to adopt Resolution No. 2010-108 adopting the means of financing the Marin County Budget and the Marin County Special Districts Budgets (Special Districts governed by the Board of Supervisors) for the Fiscal Year ending June 30, 2011, and approving the Budget Booklet.

CA-5. Health and Human Services

NOTE: Agreements in items CA-5a and CA-5b are renewals of existing agreements that were included in and funded in the FY 2010-11 budget.

- a. Authorize President to execute FY 2010-11 agreement with the Marin City Health and Wellness Center, in the amount of \$144,150, for medical and preventive services.
- b. Authorize President execute agreement with (i) Gionani Penate, in the amount of \$30,000; and (ii) Victoria Vasquez, in the amount of \$38,000, to provide breastfeeding peer counselor services to Women, Infants and Children ("WIC") program participants.

- c. Authorize President to execute FY 2010-11 agreement with Peck Sosa, Inc. dba Building Care Systems, in an amount not to exceed of \$52,000, to provide janitorial services for the Community Mental Health Psychiatric Emergency Services and Medication Clinic at 250 Bon Air Road, and emergency biohazard cleanup at various Health and Human Services sites.
- d. Authorize President to execute FY 2010-11 agreement with the Center for Restorative Practice ("CFRP"), in an amount not to exceed \$71,440, to assist families in developing and implementing service plans for families of seriously emotionally disturbed children.
- e. Adopt Resolution No. 2010-109 adopting the Extreme Temperature Emergency Annex to the Marin County Operational Area Emergency Operations Plan.

CA-6. Public Works

- a. Authorize President to execute Memorandum of Understanding ("MOU") with the City of San Rafael, the City of Larkspur and the Twin Cities Police Authority related to maintenance of and security and response for the Cal Park Tunnel Multiuse Pathway
- b. Request to (i) authorize President to execute Notice of Completion for the Civic Center Hall of Justice Elevators 7 & 8 Mechanical Improvements, and (ii) approve release of retention in the amount of \$38,023, 35 days following Board action, to Otis Elevator of San Francisco. (Project No. CAP-09005)
- c. Authorize President to execute Tidelands Lease Agreement with Clipper Yacht Company, LLC for use of the tidelands adjacent to 310 Harbor Drive, Sausalito.
- d. Authorize the County Administrator to execute Memorandum of Understanding ("MOU") with the Bolinas Community Public Utility District ("BCPUD") and the Bolinas Fire District, with a County match of \$33,301.42, for a Terrace Avenue study.

CA-7. Sheriff

- a. Authorize President to execute FY 2010-11 agreement with Bay Area Community Resources ("BACR"), in the amount of \$167,797, to administer the Criminal Justice Alcohol and Drug Program at the Marin County Jail.
- b. Authorize President to execute agreement with the City of San Rafael, in the amount of \$82,526, for the Marin Literacy Program to provide inmate literacy services within the Marin County Jail.

Vote: Motion carried 4-0

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

ABSENT: Supervisor McGlashan

CA-1c. RESOLUTION PROCLAIMING NOVEMBER 14, 2010 AS "WORLD DIABETES DAY"

M/s Supervisor Arnold - Supervisor Brown to adopt resolution proclaiming November 14, 2010, as "World Diabetes Day".

Vote: Motion carried 4-0

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

ABSENT: Supervisor McGlashan

Supervisor Arnold read and presented the resolution to several World Diabetes Day Event Planners who briefly commented on diabetes and thanked the Board for their support.

Supervisor Adams briefly commented on the importance of diabetes awareness and prevention.

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 Kinsey to approve Consent Calendar B as presented.

CB-1. Health and Human Services

Request to (a) accept \$200,000 grant award from the Center for Disease Control to continue the Marin Women's Study aimed at the investigation and evaluation of Marin County's high incidence of breast cancer; and (b) approve related budget actions as detailed in staff report dated November 9, 2010.

CB-2. Library

Request to accept the following donations and approve related budget actions as detailed in staff report dated November 9, 2010:

- a. \$1,000 from the Friends of the Marin County Free Library; and
- b. \$2,796.50 from the Friends of the Novato Libraries.

CB-3. Public Works

Request to (a) accept a \$20,101 grant from the California Department of Resources, Recycling and Recovery ("DRRR") for a waste tire collection program; and (b) approve related budget actions as detailed in staff report dated November 9, 2009.

CB-4. Sheriff

Request to (a) approve submission of FY 2010 State Homeland Security grant application, in the amount of \$612,994, for specialized equipment, training, planning and administration; (b) designate authorized agents to act on behalf of the County for the purpose of obtaining financial assistance provided by the Department of Homeland Security and sub-granted through the State of California; and (c) approve related budget actions as detailed in staff report dated November 9, 2010.

Vote: Motion carried 4-0

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

ABSENT: Supervisor McGlashan

8. DEPARTMENT OF FINANCE ORGANIZATIONAL RESTRUCTURING TO IMPLEMENT MEASURE B

By letter dated November 9, 2010, County Administrator Matthew Hymel submitted his report and recommendation regarding the above-captioned matter.

M/s Supervisor Brown - Supervisor Adams to approve Department of Finance organizational restructuring to implement Measure B, as detailed in staff report dated November 9, 2010.

Mr. Hymel acknowledged Treasurer-Tax Collector Michael Smith and Director of Finance Mark Walsh for the smooth transition consolidating the Treasurer-Tax Collector's Office into the Department of Finance.

Supervisor Adams thanked Mr. Walsh and his team for their dependable and steadfast work during the past year.

Thereafter, the vote on the pending motion was

Vote: Motion carried 4-0

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

ABSENT: Supervisor McGlashan

9. ESTABLISHMENT OF THE NEW ELECTIONS DEPARTMENT

By letter dated November 9, 2010, County Administrator Matthew Hymel submitted his report and recommendation regarding the above-captioned matter.

M/s Supervisor Adams - Supervisor Kinsey to: (a) adopt Resolution No. 2010-110 establishing the new Elections Department and Registrar of Voters department head position; (b) approve the revised Class Specification for the Registrar of Voters position effective January 1, 2011; (c) authorize fiscal and staffing adjustments to establish the new department as detailed in staff report dated November 9, 2010; and (d) appoint Elaine Ginnold as the new Registrar of Voters department head, effective January 1, 2011.

Deputy County Administrator Clarissa Daniel briefly commented on the establishment of the new Elections Department and department head position. Ms. Daniel acknowledged Registrar of Voters Elaine Ginnold and her team for their outstanding professional work during the November 2, 2010, election.

Thereafter, the vote on the pending motion was

Vote: Motion carried 4-0

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

ABSENT: Supervisor McGlashan

A League of Women Voters representative briefly commented on the cooperation of Ms. Ginnold and staff.

Mr. Hymel and Supervisor Brown acknowledged the help and assistance of Assistant Treasurer-Tax Collector Roy Given throughout this process.

10. FIRST READING: ORDINANCE AMENDING CHAPTERS 16.08, 16.10 AND 16.16 OF THE MARIN COUNTY CODE REGARDING FIRE CODES, INCLUDING UPDATING THE FIRE DEPARTMENT'S PARAMEDIC AND FIRE PREVENTION BUREAU FEE SCHEDULE

By letter dated November 9, 2010, Fire Marshall Scott D. Alber submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Kinsey - Supervisor Brown to request clerk to (a) read ordinance by title only and schedule merit hearing for November 30, 2010, at 10:30 a.m.; and (b) schedule November 30, 2010, for consideration of resolution adopting findings of fact related to the fire code amendments and need for changes to State Building Standards Code because of Local Conditions.

County Administrator Matthew Hymel responded to a question from Supervisor Adams regarding the proposed fees conflicting with Proposition 26.

Mr. Alber briefly commented on the proposed ordinance and provided reasons for updating the fee schedule.

Thereafter, the vote on the pending motion was

Vote: Motion carried 4-0

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

ABSENT: Supervisor McGlashan

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

11. FIRST READING: ORDINANCE ADOPTING AMENDMENTS TO MARIN COUNTY CODE TITLE 19 (BUILDING CODE) FOR THE PURPOSE OF ADOPTING AND AMENDING THE 2010 CALIFORNIA BUILDING STANDARDS CODE, AND UPDATING PROVISIONS OF TITLE 19

By letter dated November 9, 2010, Community Development Agency Director Brian Crawford and Deputy Director William Kelley submitted their report and recommendations regarding the above-captioned matter.

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

Mr. Kelley responded to a question from Supervisor Adams regarding the maintaining the numerical provision.

Thereafter, the vote on the pending motion was

Vote: Motion carried 4-0

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

ABSENT: Supervisor McGlashan

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

12. CLOSED SESSION

The Board met in closed session to discuss the following:

- a. Conference with legal counsel regarding anticipated litigation pursuant to California Government Code Section 54956.9(b)(1). Number of cases one.
- b. Conference with legal counsel regarding existing litigation pursuant to California Government Code Section 54956.9(a). Name of Case: Louie v. City of San Rafael, et al. Marin County Superior Court Case No. CIV 1001005.
- c. Conference with real property negotiators pursuant to California Government Code Section 54956.8 on the matter as follows: Real Property Address: 1600 Los Gamos, San Rafael, CA (APN 165-220-10 and APN 165-220-11); Agency Negotiators: David Speer and Terry Toner; Real Property Owners/Negotiators: CORAC LLC, a Delaware limited liability company, with its managing member Connecticut General Life Insurance Company, a Connecticut corporation; Under Negotiation: price and terms of payment.

The Board reconvened in open session at 1:00 p.m. All Supervisors were present.

The President reported that the Board met in closed session and that instructions were given to Real Estate Negotiators pursuant to Government Code Section 54956.8

The meeting was adjourned at 1:01 p.m.

SINE DIE

PRESIDENT

ATTEST:

CLERK