

**DRAFT**

REGULAR MEETING OF THE MARIN COUNTY BOARD OF SUPERVISORS HELD TUESDAY, NOVEMBER 1, 2005, AT 10:50 A.M.

Roll Call

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

The Board convened as the Marin County Housing Authority Board of Commissioners at 10:06 a.m. and convened as the Board of Supervisors at 10:50 a.m. All Supervisors were present.

2. APPROVAL OF MINUTES OF THE MEETING OF OCTOBER 11, 2005, AND THE SPECIAL MEETING OF SEPTEMBER 30, 2005

M/s Supervisor Adams - Supervisor Murray to approve the minutes of the meeting of October 1, 2005, and the special meeting of September 30, 2005, as circulated.

AYES: ALL

3. BOARD OF SUPERVISORS' MATTERS

San Quentin Assembly Hearing

Supervisor Kinsey thanked Assemblymember Joe Nation for hosting the Hearing of the Assembly Appropriations Committee last week in the Board of Supervisors' Chambers, regarding an analysis of costs for the proposed Condemned-Inmate Complex at San Quentin.

Fishery Restoration

Supervisor Kinsey acknowledged the Board, the Department of Public Works staff, the Fire Department, Maggiora & Ghilotti, Inc., the Coastal Conservancy, the Department of Fish and Game, and the National Oceanic and Atmospheric Administration ("NOAA") for their efforts in the completion of two fish barrier removal projects.

Global Concerns

Supervisor Kinsey briefly commented on several issues including the strong earnings and profits of oil company stocks during the last quarter, a \$300 billion U.S. debt for the war in Iraq, and 36,000 civilian deaths in Iraq.

Atherton Avenue Bike Lanes

Supervisor Murray reported that the Novato Atherton Avenue bike lanes have been completed.

Iraq

Supervisor McGlashan briefly commented on the resolution that Marin County adopted in May 2005, regarding a request for a plan for withdrawal of the United States Armed Forces from Iraq.

Agenda Modification

Supervisor McGlashan requested that Consent Calendar Item CA-6c, regarding excess proceeds from a sale of tax-defaulted property, be removed from the consent agenda and considered separately.

Miller Creek Watershed

Supervisor Adams acknowledged everyone working toward the fisheries habitat protection and noted the importance of keeping the natural environment healthy.

California Department of Housing and Community Development ("HCD")

Supervisor Adams briefly commented on a California Department of Housing and Community Development ("HCD") meeting she attended last week.

In Memoriam

Supervisor Adams requested that the Board adjourn the meeting in memory of Mark Darnell Johnigan, Jr., a member of the Marin Conservation Corps training program, and in memory of Palma Gentile, a Whistlestop volunteer and a member of the Marin Garden Club.

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 Mark Darnell Johnigan, Jr., and Palma Gentile.

AYES: ALL

State Propositions

Supervisor Murray restated the Board of Supervisors' opposition to State Propositions 73, 75, 76, 78, and 80.

**4. ADMINISTRATOR'S REPORT**

Agenda Modification - Item CA-6d

County Administrator Matthew Hymel advised that the Treasurer-Tax Collector has requested that Consent Agenda Item CA-6d, regarding an agreement with the Marin County Parks Department to purchase tax-defaulted parcel 106-040-02, be removed from the agenda.

Urgency Item - Closed Session

County Administrator Matthew Hymel advised that County Counsel has requested a closed session item be added to the agenda, regarding a conference with legal counsel.

M/s Supervisor Murray - Supervisor Kinsey to determine that the need to take action arose subsequent to the agenda being posted.

AYES: ALL

M/s Supervisor Murray - Supervisor Kinsey to add a closed session item to the agenda described as follows: conference with legal counsel regarding anticipated litigation pursuant to California Government Code Section 54956.9(c). Number of Potential Cases: One (1).

AYES: ALL

**5. OPEN TIME FOR PUBLIC EXPRESSION, LIMITED TO THREE MINUTES PER SPEAKER, ON ITEMS NOT ON THE BOARD OF SUPERVISORS' AGENDA**

Housing Authority of Marin

A few members of the public addressed the Board and expressed concern regarding the relationship between the Marin City Golden Gate Village Resident Council and the Housing Authority of Marin.

Cintas Corporation

A member of the public addressed the Board and read a letter thanking them for discontinuing the contract with the Cintas Corporation.

Marin-Sonoma Green Home Tour

Connie Barker, Vice President of the Environmental Health Network of California and Ecology House tenant representative, addressed the Board to report that Ecology House will be on the first Marin-

Sonoma Green Home Tour showcasing 17 diverse homes, which were built or remodeled using sustainable and healthy products and practices.

Global Concerns

Several members of the public addressed the Board regarding issues including opposition to the war in Iraq and adoption of a resolution to repeal Public Law 107-243, Authorization for Use of Military Force Against Iraq Resolution of 2002.

County Concerns

A member of the public from Sonoma County addressed the Board and expressed concerns regarding Genetically-Modified Organisms ("GMO") and pollution prevention.

6. **CONSENT CALENDAR A (ITEMS CA-1 THROUGH CA-6)**  
("Consent Calendar A" reflects those agenda items that have prior policy approval from the Board and do not exceed \$500,000 in cost)

M/s Supervisor Murray - Supervisor Adams to approve Consent Calendar A with item CA-6c removed for separate consideration and item CA-6d removed for consideration at a later date.

CA-1. Board of Supervisors:

- a. Supervisor Murray requesting resolution recognizing the 250th Military Intelligence Battalion on their return home from a one year deployment to Iraq.
- b. Supervisor Murray requesting resolution proclaiming November 1, 2005, as "Marin Nonprofit Development Day."

CA-2. Community Development Agency:

Authorize President to execute amendment to the Community Development Block Grant ("CDBG") agreement with Centerforce, increasing the amount of the contract by \$27,700 for a total contract amount of \$167,896, to rehabilitate the roof at 2 Main Street, San Quentin.

CA-3. County Administrator:

Authorize President to execute agreement with Homeward Bound of Marin, in an amount not to exceed \$400,000, to provide program services for up to 120 homeless adults each month.

CA-4. 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 2005-06 budget.

- a. Authorize President to execute FY 2005-06 agreement with Mary Ellen Guroy, M.D., in an amount not to exceed \$90,000, for on-call physician services for the HIV/AIDS Specialty Clinic.
- b. Authorize President to execute amendment to the Low Income Flexible Transportation ("LIFT") grant funding agreement with the Metropolitan Transportation Commission ("MTC"), extending the contract term to December 31, 2005, for transportation services to CalWORKs Employment Services program participants.
- c. Authorize President to execute Memorandum of Understanding ("MOU") with Marin General Hospital for a local pharmaceutical cache for use in responding to bioterrorism or other public health emergencies.

- d. Request from the Health and Human Services Department to authorize President to execute FY 2005-06 agreement with Bay Area Community Resources, in the amount of \$120,000, to serve as fiscal sponsor for the MarinCARES Program.

CA-5. Public Works:

- a. Approve the sole source purchase of Gessling Web Monitor software from Northrup Grumman Information Technology, Inc. ("NGIT") of Reston, VA, in the amount of \$30,700 for the Marin County Public Works Department.
- b. Adopt Traffic Resolution No. 1079 prohibiting parking on a portion of Alameda De La Loma in Loma Verde, District 5.
- c. Request to declare as surplus a list of fourteen County-owned vehicles, as detailed in staff report dated November 1, 2005, and authorize their disposition via sale to the public sector or public auction.
- d. Authorize President to adopt Resolution No. 2005-129 authorizing acceptance of Offer of Dedication from Brookfield Rush Creek, Inc. for public access, bicycle, construction and maintenance easements over designated lots in Rush Creek Phase 2, Novato.
- e. Request to approve plans and specifications and direct Clerk to advertise Notice to Contractors for the Air Conditioning Replacement and Expansion of the Computer Room project. (Project No. C476)

CA-6. Treasurer:

- a. Monthly report of County, Schools, and District Investments as of September 30, 2005.
- b. Authorize President to execute agreement with the Marin Audubon Society, in the amount of \$14,700, selling tax-defaulted parcels (APN 157-081-03, 157-132-21, 157-143-02, 157-143-32, 157-421-17, 157-421-18) to the Society.
- c. This item was considered separately and heard after Consent Calendar A.
- d. This item was removed from the agenda during Item 4, the Administrator's report, for consideration at a later date.

AYES: ALL

**CA-6c. REQUEST TO AUTHORIZE CLAIMS FOR EXCESS PROCEEDS FROM THE AUGUST 18, 2004, SALE OF TAX-DEFAULTED PROPERTY PURSUANT TO REVENUE AND TAXATION CODE SECTION 4675**

In response to a question from Supervisor McGlashan, County Administrator Matthew Hymel stated that according to California's Revenue and Taxation Code #4675, parties of interest have a right to file a claim for any excess proceeds that remain after taxes and costs of the sale have been satisfied.

M/s Supervisor Murray - Supervisor Kinsey to approve claims for excess proceeds from the August 18, 2004, sale of tax-defaulted property pursuant to Revenue and Taxation Code Section 4675.

Supervisor McGlashan stated that he will vote no on the pending motion and expressed disagreement with California's Revenue and Taxation Code Section 4675.

Thereafter, the vote on the pending motion was

Vote: Motion carried 4-1.

AYES: Supervisor Adams; Supervisor Kinsey; Supervisor Murray; Supervisor Brown

NOES: Supervisor McGlashan

**7. CONSENT CALENDAR B (ITEMS CB-1 THROUGH CB-2)**  
("Consent Calendar B" reflects those agenda items requiring a 4/5th vote relating to budgetary matters)

M/s Supervisor Adams - Supervisor Murray to approve Consent Calendar B.

**CB-1. Health and Human Services:**

Request from the Health and Human Services Director to take the following actions, effective November 6, 2005: (a) accept \$42,363 in additional funding from the First 5 Children and Families Commission; and (b) approve Transfer of Funds increasing appropriations in the County of Marin, Child Health Admin. (new) various salaries accounts by \$28,493 and special Appointment Account by \$13,870, offset by additional funding from First 5 Marin into Children & Families Commission account in the amount of \$42,363 to increase case management and administrative support for the Children's Oral Health project and to add 0.80 FTE Registered Dental Assistant position. Increasing appropriations in the County of Marin, Child Health Admin. (new), Extra Hire account by \$9,712, Special Appointment account by \$998, Interfund Revenue account by \$6,043, Mileage & Routine Travel Expense account by \$320, offset by decreasing appropriations in Clinic Supplies account by \$9,001, Postage account by \$300, Books & Periodicals account by \$13, OFC Supplies & Expenses account by \$45, Documents Reprod Costs account by \$500, Computer Supplies account by \$200, Software & Software License account by \$400, Outside Equipment Rental account by \$100, Educational & Audio Visual Materials account by \$1,000, Training account by \$200, Patient Activity Program account by \$300, Conferences account by \$200, Children & Families Commission Revenue account by \$21,352 and by an anticipated increase in Patients' Fees into the Private Insurance account in the amount of \$26,166 providing for an enhanced Oral Health Project program and allowing it to serve more low-income families. (4/5 vote)

**CB-2. Community Development Agency:**

Request from the Community Development Agency to (a) authorize President to execute funding agreement with the Transportation Authority of Marin ("TAM") relative to a \$200,000 allocation from the Bay Area Air Quality Management District ("BAAQMD") for installation of a signalized pedestrian pathway across Shoreline Highway to provide safe access between the Manzanita Regional Transit Center and Shoreline trail system; and (b) approve Transfer of Funds increasing appropriations in the County of Marin, CDA/Planning, Contract Service Miscellaneous account by \$200,000 offset by a grant from Bay Area Quality Management District through Transportation Authority of Marin into Other Aid-State account by \$200,000. (4/5 vote)

AYES: ALL

**8. PRESENTATION BY THE COMMUNITY DEVELOPMENT AGENCY OF A WASTE-TIRE DISPLAY, CREATED FOR EDUCATIONAL PURPOSES AND SCHEDULED TO TOUR THE COUNTY**

Environmental Health Services Deputy Director Phil Smith stated that the Community Development Agency's Environmental Health Services division was awarded a grant from the California Integrated Waste Management Board in 2004. Mr. Smith introduced Sustainability Planner Dawn Weisz,

Supervising Environmental Health Specialist Cynthia Barnard, and Senior Environmental Health Specialist Robert Turner.

Ms. Weisz advised that the grant was awarded to provide education on the clean up and reuse of waste tires and to conduct remediation of sites where waste tires have been previously dumped. Ms. Weisz stated that the tabletop waste-tire display was built using recycled materials including waste tire lettering and borders and features photographs of a local playground, business, and road that have incorporated the use of waste tires. Ms. Weisz further stated that the display is scheduled to begin a tour around the county to local schools, government offices, and tire dealerships.

Ms. Barner briefly commented on five (5) grants totaling \$165,000 and noted that by the end of 2006, approximately 44,000 waste tires will be eliminated from Marin County.

Board members and staff discussed waste tires being used in many ways including roadways and pathways, replacement for gravel in septic systems, and fuel for factory furnaces.

9. [FIRST READING: ORDINANCE AMENDING MARIN COUNTY CODE SECTION 2.50.050 TO INCREASE THE LIVING WAGE RATE BY \\$0.50 PER HOUR EFFECTIVE JANUARY 1, 2006, AND TO INCLUDE A COST-OF-LIVING ADJUSTMENT \("COLA"\) COMPONENT TO ADJUST THE RATE ANNUALLY THEREAFTER BASED UPON CHANGE TO THE BAY AREA CONSUMER PRICE INDEX](#)

By letter dated November 1, 2005, County Administrator Matthew Hymel submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Adams - Supervisor Murray to waive reading the proposed ordinance and request the clerk to read by title only.

AYES: ALL

The clerk read the title of the proposed ordinance and the merit hearing was set for November 22, 2005, at 10:30 a.m.

10. [REQUEST FROM THE HUMAN RESOURCES DEPARTMENT TO APPROVE EQUITY ADJUSTMENTS AND UNIFORM ALLOWANCE INCREASE FOR DESIGNATED EMPLOYEES REPRESENTED BY THE MARIN COUNTY DEPUTY SHERIFFS' ASSOCIATION \("MCDSA"\), AS DETAILED IN STAFF REPORT DATED NOVEMBER 1, 2005](#)

By letter dated November 1, 2005, Human Resources Director Laura S. Armor submitted her report and recommendations regarding the above-captioned matter.

M/s Supervisor Murray - Supervisor Adams to approve:

- a. effective October 23, 2005, one percent equity increase for Deputy Sheriff (Class #0719) and Deputy Sheriff Trainee (Class #0709);
- b. effective October 23, 2005, two percent equity increase for Sheriff's Sergeant (Class #0706); and
- c. effective January 1, 2006, increase of annual uniform allowance to \$800 for these classifications.

AYES: ALL

11. [REQUEST FROM THE DEPARTMENT OF PUBLIC WORKS, TRANSPORTATION PLANNING DIVISION, EFFECTIVE NOVEMBER 6, 2005, TO ADD 2.0 FTE SENIOR TRANSPORTATION PLANNER POSITIONS FUNDED BY REIMBURSEMENT FROM THE MARIN COUNTY TRANSIT DISTRICT](#)

By letter dated November 1, 2005, Public Works Administrative Service Manager Bill Nelson submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Murray - Supervisor Kinsey effective November 6, 2005, to approve Transfer of Funds increasing appropriations in the County of Marin, Transportation Planning, Salaries Account by \$101,184, Retirement Contribution Account by \$17,536, Social Security Account by \$1,472, Additional Retirement & Employment Benefits Account by \$10,368, Compensation Insurance Account by \$448, offset by full reimbursement from the Marin County Transit District into the Interfund Revenue Charge account in the amount of \$131,008 to create two full time Senior Transportation Planner positions in Transportation Planning Division of DPW, budget center 431.

Supervisor Murray noted that references to the Marin County *Transportation* District should be corrected to read Marin County *Transit* District.

Thereafter, the vote on the pending motion was  
AYES: ALL

12. [APPOINTMENTS](#)

a. [Child Care Commission](#)

Scheduled appointments for December 6, 2005, for three vacancies: two vacancies appointed by the Board of Supervisors: one representing Marin City due to the resignation of Jody Windisch and one representing Consumers due to the term expiration of Robin Smith; and one vacancy appointed by the Marin County Superintendent of Schools representing Providers due to the resignation of David Hughes.

b. [County Service Area \("CSA"\) #33 Advisory Board - Stinson Beach](#)

M/s Supervisor Kinsey - Supervisor Adams to reappoint Michael Bernsohn, Albert Engel, Charles Hobson, Mary Lowrey, and Lance Meade to the County Service Area ("CSA") #33 Advisory Board.

AYES: ALL

c. [In-Home Supportive Services \("IHSS"\) Public Authority Governing Board](#)

Scheduled appointments for November 22, 2005, for three term expirations as follows: one representing At-Large Consumers (Anthony Luu, incumbent), one representing At-Large Providers (JoAnne Weber, incumbent) and one representing a District 1 Consumer (Henry Wendt, incumbent).

d. [Personnel Commission](#)

Scheduled appointment for November 22, 2005, for one At-Large term expiration (Donald Casey, incumbent).

e. [Wildlife and Fisheries Committee](#)

M/s Supervisor Murray - Supervisor Adams to reappoint Susan Ristow to the vacancy representing Conservation.

AYES: ALL

13. CONTINUED FROM OCTOBER 18, 2005: YOUSSEFIRAD DESIGN REVIEW APPEAL, 56 MOUNTAIN LANE, MILL VALLEY (APN 045-111-09,10 AND 045-093-08)

By letter dated November 1, 2005, Deputy Director of Planning Services Brian Crawford submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Kinsey - Supervisor Adams to continue the Youssefirad Design Review Appeal to November 8, 2005, at 1:30 p.m.

AYES: ALL

The Board recessed at 11:55 a.m. to meet as the Marin County Flood Control and Water Conservation District Board of Supervisors and reconvened as the Board of Supervisors at 12:00 p.m. All Supervisors were present.

A member of the public expressed concern regarding dredged materials from Novato Creek being dumped on marshland trails.

The Board recessed at 12:05 p.m. to meet in closed session.

CLOSED SESSION

The Board met in closed session at 12:10 p.m. to discuss Conference with legal counsel regarding anticipated litigation pursuant to California Government Code Section 54956.9(c). Number of Potential Cases: One (1).

The Board reconvened in open Session at 12:54 p.m. Supervisor Brown was absent.

The President Pro Tem reported that the Board met in closed session and unanimously voted (5-0) to authorize County Counsel to file suit against the Department of Finance, the Department of Corrections, and the State Public Works Board of the State of California, regarding the San Quentin project.

The meeting was adjourned at 12:56 p.m. in memory of Mark Darnell Johnigan, Jr. and Palma Gentile.

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PRESIDENT

ATTEST:

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CLERK