

DRAFT

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

Roll Call

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

1. APPROVAL OF MINUTES

M/s Supervisor Adams - Supervisor Kinsey to approve the minutes of the special meeting of July 29, 2010.

AYES: ALL

2. BOARD OF SUPERVISORS' MATTERS

Golden Gate Bridge, Highway and Transportation District ("GGBHTD")

Supervisor Brown commented on the financial and traffic impacts of the GGBHTD decision to impose a toll for carpools.

Property Assessed Clean Energy ("PACE") Finance Program

Supervisors Brown and Arnold expressed concern regarding information published in a recent *Marin Independent Journal* article regarding Marin Energy Authority ("MEA") efforts to establish a program to provide residents with funding for solar systems installation and energy efficiency improvements, noting the Board of Supervisors recently discussed this issue.

Supervisor McGlashan clarified that the MEA is exploring funding mechanisms but has not implemented a funding program. Supervisor McGlashan further commented on the work being done by the committee recently created by the Board to consider County implementation of a PACE program and the intent of MEA to continue analyzing funding possibilities.

Supervisor Arnold requested that future actions of the MEA be reported to the Board during the agendaized regional board updates.

Judicial Council of California Hearing

Supervisor Adams reported on her attendance at a recent hearing of the Judicial Council of California's Task Force for Criminal Justice Collaboration on Mental Health Issues and advised that public comment on the draft report can be submitted to the Council until September 17, 2010.

3. INFORMATIONAL UPDATE CONCERNING REGIONAL BOARD ASSIGNMENTS

Association of Bay Area Governments ("ABAG")

Supervisor Adams briefly commented on the continuing organization of branch meetings for implementation of SB 375 concerning climate change.

San Rafael Sanitation Board

Supervisor Kinsey briefly commented on a strategic planning session scheduled in the fall to include discussions regarding regional sewage management consolidation issues.

Bay Conservation Development Commission ("BCDC")

Supervisor McGlashan advised of a report received by the BCDC from the Hayward Area Shoreline Planning Agency ("HASPA") regarding management of wetlands, Bay marsh habitats and levees adapted to the impacts of projected sea level rise.

Supervisor McGlashan acknowledged the San Pedro Cove Homeowners Association for resolving a compliance issue with BCDC related Bay Trail access.

4. ADMINISTRATOR'S REPORT

Agenda Modification

County Administrator Matthew Hymel advised that a revised letter for Consent Calendar Item CA-7b, regarding a salary adjustment for the Retirement Administrator, has been submitted.

Retirement Administrator

County Administrator Matthew Hymel introduced new Retirement Administrator Jeff Wickman, who addressed the Board and briefly outlined his background and goals.

5. OPEN TIME

Civic Center Parking

A member of the public expressed concern regarding the number of parking spots at the Marin County Civic Center designated for vehicles marked with disabled placards.

Homeless Shelters

A member of the public commented on a small claims law suit he has filed against the County and a homeless shelter provider.

6. CONSENT CALENDAR A (ITEMS CA-1 THROUGH CA-9)

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

(Supervisor Adams absent at 10:30 a.m.)

M/s Supervisor Brown - Supervisor Kinsey to approve Consent Calendar A with a revision to Item CA-7b.

CA-1. Board of Supervisors

Appointments:

a. Child Care Commission

Scheduled November 2, 2010, for the following: two vacancies, one Community Representative seat appointed by the Board of Supervisors due to the resignation of Jessica Dwyer; and one Consumer seat appointed by the Marin County Superintendent of Schools and ratified by the Board of Supervisors due to the resignation of Darcy Hammons.

b. Library Commission

Scheduled September 14, 2010, for the following: one vacancy representing District 5 due to the resignation of John Kupersmith.

c. Marin Community Foundation Board of Trustees

Request to approve recruitment process, as detailed in staff report dated August 10, 2010, for the following: One term expiration for the Representative of the "Poor and Needy" (Kerry Pierson, incumbent).

CA-2. County Administrator

Authorize President to execute five-year agreement with The Permanente Medical Group, Inc., in the total amount of \$500,000, to provide pre-placement physicals, fitness for duty physicals, workers' compensation claim-related medical treatment and workers' compensation claims-related ergonomic evaluations/examinations.

CA-3. District Attorney

Request to adopt Resolution No. 2010-74 authorizing submission of application to the California Emergency Management Agency ("CalEMA") for an Underserved Victim Advocacy and Outreach Program grant and authorizing the District Attorney to execute, on behalf of the County, the grant award agreement and any extensions or amendments thereof.

CA-4. Finance

Request to approve temporary transfer of funds within the County Treasury, in an amount not to exceed \$30,000,000, to accommodate Teeter Plan interim financing of the buyout of the June 30, 2010, tax delinquencies.

CA-5. Fire

Approve the cost-neutral reorganization of administrative positions as detailed in staff report dated August 10, 2010.

CA-6. Health and Human Services

- a. Authorize President to execute FY 2010-11 agreement with Zia Partners, in the amount of \$112,000, to provide consultation and technical assistance with system integration.
- b. Authorize President to execute FY 2010-11 agreement with Kristen Gardner, in an amount not to exceed \$50,000, for the implementation and coordination of the Mental Health Services Act ("MHSA") Prevention and Early Intervention ("PEI") plan.
- c. Request to approve the submission, by the Division of Aging and Adult Services, of the Plan of Intent for funding for fraud investigations and program integrity related to the In-Home Supportive Services ("IHSS") Program.
- d. Request to (i) approve FY 2010-11 master agreement, in the amount of \$380,000, to apply to fee for service contracts for Community Mental Health Services and child day treatment providers; and (ii) authorize the Health and Human Services Director to approve contracts pursuant to the master agreement.
- e. Request to (i) approve FY 2010-11 master agreement, in the amount of \$627,800, to apply to fee for service contracts with Community Mental Health Services and psychiatrists who provide services to Marin County clients; and (ii) authorize the Health and Human Services Director to approve contracts pursuant to the master agreement.
- f. Request to (i) approve FY 2010-11 master fee for service contract, in the amount of \$867,000, to apply to various fee for service contracts with Marin Mental Health Plan Managed care providers who serve Medi-Cal clients; and (ii) authorize the Health and Human Services Director to approve contracts pursuant to this master agreement.

CA-7. Human Resources

- a. Effective August 22, 2010, request to (a) adopt updated class specification for Director of Probation Services (Class 31201), (b) reclassify position 12030001 from Superintendent Juvenile Hall to Director of Probation Services and Y rate the incumbent; and (c) abolish the classification of Superintendent Juvenile Hall, as detailed in staff report dated August 10, 2010.
- b. Request to adopt salary adjustment approved by the Board of Retirement for the class of Retirement Administrator.

CA-8. Information Services and Technology

Authorize President to execute agreement with Kay Productions LLC, in the amount of \$98,100, for video production and management support services for the County's Government Channel (G-Channel).

CA-9. Public Works

- a. Approve temporary closure of Inverness Way between Park Avenue and Hawthornden Way on Saturday, August 14, 2010, from 8:00 a.m. to 5:00 p.m. for the annual Inverness Village Fair.
- b. Authorize President to execute first addendum to the agreement with Questa Engineering, increasing the contract by \$8,155 for a total contract amount of \$95,055 and extending the term of the contract to October 31, 2011, for engineering services related to the Marin Avenue Walkway Improvement Project. (Federal Project SRTSL-5927 (061)).
- c. Adopt Resolution No. 2010-77 authorizing President to execute documents related to a California Proposition 84 (The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006) grant to protect Areas of Special Biological Significance ("ASBS").
- d. Approve renewal of single source contract, for a two-year term with the possibility of a third-year extension, with Sprint Courier Services, Inc. of Santa Rosa, CA, in the monthly amount of \$10,550 for inter-library deliveries.
- e. Request to approve Invitation For Bid ("IFB") #2615, to ABM Janitorial Services of Santa Rosa, CA, in the amount of \$39,024, with option to extend for four additional years in one year increments for janitorial services at four County Branch Library locations, as detailed in staff report dated August 10, 2010.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Adams

7. SUPERVISORS ARNOLD AND ADAMS REQUESTING RESOLUTION PROCLAIMING THE WEEK OF AUGUST 8-14, 2010, AS "NATIONAL COMMUNITY HEALTH CENTER WEEK"

(Supervisor Adams present at 10:31 a.m.)

Supervisor Adams read and presented the resolution to Marin Community Clinics Executive Director John Shen.

(Supervisor Kinsey absent at 10:32 a.m.)

M/s Supervisor Adams - Supervisor Brown to adopt resolution proclaiming the week of August 8-14, 2010, as "National Community Health Center Week".

Vote: Motion carried 4-0

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

ABSENT: Supervisor Kinsey

Mr. Shen thanked the Board, County Administrator Matthew Hymel and Health and Human Services Director Dr. Larry Meredith for their support and briefly commented on fundraising goals and preparations for responding to anticipated healthcare reforms.

8. REQUEST FROM THE HEALTH AND HUMAN SERVICES DEPARTMENT TO REVIEW POLICY OPTIONS AND CONSIDER STAFF RECOMMENDATION TO EXTEND THE HEALTH COUNCIL'S SUNSET DATE

(Supervisor Kinsey present at 10:35 a.m.)

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

Several Health Council representatives individually commented on the role of the commission, advised of the formation of a task force to evaluate the concerns expressed by the Board of Supervisors, and urged approval of the sunset date extension.

M/s Supervisor Adams - Supervisor McGlashan to adopt Resolution No. 2010-75 extending the sunset date of the Health Council.

AYES: ALL

9. REQUEST FROM THE COUNTY ADMINISTRATOR FOR BOARD CONCURRENCE AND ADOPTION OF RESPONSE TO 2009-2010 GRAND JURY REPORT: "THE MARIN HEALTH AND WELLNESS CAMPUS: AN INNOVATIVE COMMITMENT TO HEALTH CARE" (MAY 18, 2010)

By letter dated August 10, 2010, County Administrator Matthew Hymel submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Kinsey - Supervisor Adams to concur in and thereby adopt the response to the 2009-2010 Grand Jury Report "The Marin Health and Wellness Campus: An Innovative Commitment to Health Care" (May 18, 2010) and direct the President to submit the response to the Presiding Judge.

AYES: ALL

10. HEARING: CONSIDERATION OF WIND ENERGY CONVERSION SYSTEMS ("WECS") NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND TEXT AMENDMENTS TO THE MARIN COUNTY DEVELOPMENT CODE (TITLE 22)

By letter dated August 10, 2010, Community Development Agency Director Brian Crawford and Assistant Planner Omar Peña submitted their report and recommendations regarding the above-captioned matter.

Mr. Crawford briefly summarized the matter before the Board and advised that the proposed ordinance contains modifications recommended by Board members at the July 27, 2010 workshop.

Mr. Peña gave a visual presentation with an overview of the revisions to the previously proposed ordinance regarding specific permit requirements and future availability of submitted bird and bat studies on the County website and outlining an analysis of WECS project costs.

Staff responded to questions from the Board regarding the designations of parcel size categories related to the non-agricultural zoning districts, WECS height and corresponding permit requirements.

The hearing was opened to receive public testimony.

Representatives of the Marin Conservation League, Marin Audubon Society, the Nicasio Design Review Board, the Nicasio Landowners' Association, Environmental Action Committee of West Marin and two County residents addressed the Board. The speakers generally outlined their concerns, offered their suggestions for further revisions to the proposed ordinance, and requested clarification regarding information contained on Table 3.8. The concerns raised by the speakers generally addressed issues regarding health impacts from wind turbine noise, the value of Design Review for all WECS, consideration of more stringent property setbacks and ridgeline standards, the level of staff review for WECS requiring ministerial permits, and the exemptions allowed for ministerial permits. Speakers also generally commented on simplification of the setback standards, consideration of vertical turbines, inclusion of raptors in all required surveys and the addition of criteria requiring post construction bird and bat monitoring.

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

Deputy Community Development Agency Director Tom Lai clarified a discrepancy on Table 3.8 and identified sections of the proposed ordinance that address the specific concerns expressed by the speakers

Staff responded to comments made by Board members and the speakers regarding requirements for Design Review on small parcels in conventionally zoned districts, ministerial permitting and design standards for agricultural parcels larger than one acre, a typographical correction to Section VI Paragraph A of the proposed ordinance, the criteria for requiring post construction bird and bat monitoring and an amendment to the guidelines for bird and bat studies to include raptors, and the availability of staff to educate the public and assist consumers with complex technical issues.

(Supervisor McGlashan absent at 11:14 a.m.)

(Supervisor McGlashan present at 11:16 a.m.)

Supervisor Arnold acknowledged staff for their work and requested that staff provide an update in one year documenting WECS permit requests and emergent issues.

M/s Supervisor Brown - Supervisor Adams to adopt Resolution No. 2010-76 adopting the Negative Declaration of Environmental Impact for the County-Initiated Wind Energy Conversion Systems ("WECS") text amendments to the Marin County Development Code (Title 22).

AYES: ALL

M/s Supervisor Brown - Supervisor Kinsey to adopt Ordinance No. 3548 adopting text amendments to Marin County Code Title 22 (Development Code).

AYES: ALL

11. UPDATE FROM THE DEPARTMENT OF PUBLIC WORKS ON HR 4722 (BLUMENAUER), ACTIVE COMMUNITY TRANSPORTATION ("ACT") ACT OF 2010

By letter dated August 10, 2010, Public Works Director Farhad Mansourian submitted his report and recommendations regarding the above-captioned matter.

Mr. Mansourian briefly reported on the proposed federal legislation to provide a total of two billion dollars in 2011-2015 grant funding for Nonmotorized Transportation Pilot Program ("NTPP") projects, outlined the criteria by which the four competing communities will be considered for a grant award, and commented on the streamlining of the process for the receipt of awarded funds. Mr. Mansourian concluded his remarks by commenting on the number of bicycle and pedestrian projects completed and under construction, and acknowledged Public Works Department staff for their work on all aspects of the projects.

In response to a question from Supervisor McGlashan, Mr. Mansourian advised of the multi-jurisdictional projects the County has agreed to participate in when adequate funding becomes available.

Marin County Bicycle Coalition ("MCBC") representative Deb Hubsmith and Transportation Alternatives for Marin representative Susie Weaver individually addressed the Board to acknowledge the Public Works Department for the advancements in bicycle and pedestrian facilities, urged investment in network preliminary engineering to better position the County for federal funding, and commented on the need for increased financial accounting for project cost overruns, continued evaluation of projects and increased educational programs.

Supervisor Kinsey commented on the value of moving connectivity related projects to the primary engineering level using NTPP funds to better position the County for federal funding.

Mr. Mansourian responded to concerns expressed by Supervisor Adams regarding the responsibility of maintenance for existing and planned facilities.

M/s Supervisor Adams - Supervisor McGlashan to accept the report.

AYES: ALL

12. APPOINTMENTS

(Supervisor Brown absent at 11:41 a.m.)

a. Alcohol and Drug Advisory Board

One At-Large term expiration. Incumbent Michael Scippa reapplied.

M/s Supervisor McGlashan - Supervisor Adams to appoint Michael Scippa.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Brown

b. Developmental Disabilities Area Board 5

One vacancy for a Marin County representative. Applications were received from Henry Metz and Brendan Walsh.

Supervisor Arnold briefly commented on the current board membership and the qualifications of the applicants.

M/s Supervisor Adams - Supervisor Kinsey to schedule interviews for Henry Metz and Brendan Walsh.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Brown

The Board recessed at 11:43 a.m. to meet as the Marin County Open Space District Board of Directors and reconvened as the Board of Supervisors at 11:50 a.m.

The Board recessed at 11:55 a.m. to meet in closed session.

14. CLOSED SESSION

The Board met in closed session to discuss the following:

- a. 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.
- b. Conference with legal counsel regarding anticipated litigation, pursuant to California Government Code Section 54956.9(b)(1). Number of Potential Cases: One or more.

The Board reconvened in open session at 1:54 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.

15. HEARING: CONSIDERATION OF TEXT AMENDMENTS TO THE MARIN COUNTY DEVELOPMENT CODE (TITLE 22) RELATED TO THE PROTECTION OF NATIVE VEGETATION AND NATIVE TREES IN THE SAN GERONIMO VALLEY

By letter dated August 10, 2010, Acting Assistant Director Tom Lai and Assistant Planner Katherine Mindel Jones submitted their report and recommendation regarding the above-captioned matter.

Supervisor Kinsey gave a brief background of the proposed text amendments to the Marin County Development Code (Title 22) for the protection of woody riparian vegetation in the San Geronimo Valley. Supervisor Kinsey stated that the Board's proposed actions would set policy that implements future Countywide Plan programs such as those pertaining to the Stream Conservation Area. Supervisor Kinsey suggested next steps to include consideration of a strategic course for reversing the negative impact on salmon countywide.

Supervisor Kinsey acknowledged Community Development Agency ("CDA") staff, County Counsel, and all community members for their contributions toward salmon protection.

Supervisor Arnold acknowledged everyone for their time and suggestions and proposed scheduling a second meeting to adopt a revised ordinance after receiving testimony today.

Ms. Jones and Mr. Lai gave a brief visual presentation regarding staff recommendations to consider proposed text amendments to the Development Code and outlined a potential amendment to the Planning Division's fee schedule. Ms. Jones and Mr. Lai presented background on the Salmon Enhancement Plan and on the Countywide Plan; reviewed Planning Commission recommendations on this subject; and outlined options to protect woody riparian vegetation and native trees, and summarized three permit fee options.

The hearing was opened to receive public testimony.

San Geronimo Planning Group members, several members of the San Geronimo Valley Stewards, a Flanders Ranch representative, several San Geronimo Valley residents, and members of the public expressed their views and concerns regarding several issues including the permit process, property rights, decline in home values, definitions of the different vegetations, and inclusion of other Marin County streams. The speakers further expressed support for Option B - increased protection of native trees; declared possible legal objections and challenges to the proposed Vegetation Ordinance; and expressed the need to work together.

San Geronimo Valley Stewards President Taylor Hamblett gave a brief visual presentation regarding issues that include possible exemptions for existing conditions, suggested removal of the term herbaceous from the ordinance, and commented on the exclusion of upland tributaries and ephemeral streams. Mr. Hamblett submitted petitions to require community participation in the proposal or adoption of any new ordinances for San Geronimo Valley that affects homeowners and residents.

Salmon Protection and Watershed Network ("SPAWN") Conservation Director Paola Bouley; several SPAWN volunteers; representatives from Trout Unlimited, National Oceanic and Atmospheric Administration ("NOAA") Fisheries, Friends of the Eel River, Environmental Action Committee of West Marin, Watershed Restoration of Fish and Game, Mill Valley Streamkeepers, the Marin Audubon Society; and several San Geronimo residents and members of the public expressed support for a strong riparian habitat ordinance. The speakers also generally expressed concern regarding the extinction of Coho Salmon.

The public hearing was closed.

Board members individually expressed their views and concerns on various issues including the need for a Streamside Conservation Area Ordinance that applies countywide, the critical need for maintaining vegetation that protects salmon habitat; issues related to protection and definition of woody native shrubs and trees on undeveloped properties; California Environmental Quality Act ("CEQA") review; the permit process; and the possibility of waiving fees to properties in the San Geronimo Valley.

Supervisor Kinsey thanked staff and the community for their interest in protecting the Coho Salmon and creeks.

Supervisor Kinsey asked staff to return to the Board with a strong ordinance that includes language that exempts areas currently developed and suggested the use of a specific list of native trees and shrubs that would require a permit.

(Supervisor Brown absent at 4:29 p.m.)

Based on Board comments, Mr. Crawford summarized the elements of a proposed revised ordinance, noting that staff will work to clarify the exemption for existing outdoor areas, revise the definition of the size of vegetation that would trigger a permit, develop a two tiered permit process for major and minor vegetation removal, and identify a process to apply a County-wide ordinance while considering a fee waiver for San Geronimo Valley.

Board members and staff discussed the issue of whether the modifications will require review by the Planning Commission and agreed to have staff work on issues further with a subcommittee of the Board that is comprised of Supervisors Kinsey and McGlashan.

The meeting was adjourned at 4:38 p.m.

SINE DIE

PRESIDENT

ATTEST:

CLERK