REGULAR MEETING OF THE MARIN COUNTY BOARD OF SUPERVISORS HELD TUESDAY, AUGUST 1, 2006, AT 10:07 A.M.

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

1. PRESENTATION OF "EMPLOYEE OF THE MONTH" AWARD, JULY 2006

Supervisor Brown announced that Tim Swan of the Parks and Open Space Department was the "Employee of the Month" for July 2006. Supervisor Brown read a list of Mr. Swan's accomplishments and presented him with a cash award, a family pass to the Marin County Fair, a framed photograph of the Marin County Civic Center, an assigned parking space for the month or free parking pass to Marin County Parks, and an engraved plaque commemorating the occasion.

Mr. Swan expressed appreciation to the Board and to his colleagues for their support.

Parks and Open Space Director Sharon McNamee briefly commented on Mr. Swan’s many contributions to the department and to the County of Marin.

2. BOARD OF SUPERVISORS' MATTERS

Wells Fargo Bank
Supervisor Kinsey acknowledged Wells Fargo Bank for their continued philanthropic lead in the Bay Area.

Supervisor Brown suggested inviting Wells Fargo representatives to a future Board meeting to be acknowledged.

Marin Map Geographic Information Systems ("GIS")
Supervisor Kinsey acknowledged the work of Geographic Information Systems Manager Fred Vogler, Geographic Information System Analysts Robert Taylor and Margaret Moster, and especially Geographic Information System Analyst Dennis Healey.

Supervisor Murray acknowledged the Marin Map GIS staff for the Tsunami Disaster Plan map that they have developed.

Marin County Firefighters
Supervisor Murray acknowledged the Marin County Firefighters who are helping to fight fires in other areas of California.

Sierra Club Energy Sub-Committee
Supervisor Adams acknowledged receipt of a letter from the Sierra Club Energy Sub-Committee thanking Marin County for being a "solar" place to live and requested an environmental update from the County’s Green Team at a future meeting.
3. ADMINISTRATOR’S REPORT

Ballot Initiatives
In response to a question from Supervisor Adams regarding November ballot initiatives, County Administrator Matthew Hymel advised that an update on the initiatives will be outlined at a meeting in the near future.

4. OPEN TIME

Homeward Bound
A member of the public addressed the Board and briefly commented on Homeward Bound, Section 8 Housing, and distributed a packet of materials to Board members including a request for grant funds, and a business license application.

Section 8 Housing
A member of the public addressed the Board and requested assistance with Section 8 Housing.

Homelessness
A member of the public expressed concern regarding the plight of the homeless in Marin County and spoke about housing for low income families and schools for homeless children.

5. CONSENT CALENDAR A (ITEMS CA-1 THROUGH CA-3)
("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 Brown - Supervisor McGlashan to approve Consent Calendar A.

CA-1. Community Development Agency
Authorize President to execute agreement with Architect Robert Hayes, in the amount of $41,700, related to the Toussin affordable senior housing development in Kentfield.

CA-2. Cultural Services
a. Authorize President to execute agreement with The Marin Speakers and Marin Speakers II Lecture Series 2006-2007, for their Lecture Series at the Marin Center September 2006 through April 2007.
   b. Authorize President to execute agreement with Ian Anderson/William Morris Agency for a performance by Ian Anderson + Orchestra play Jethro Tull, for a performance at the Marin Center on August 3, 2006.

CA-3. Public Works
a. Adopt Traffic Resolution No. 1092 establishing a two-way stop at the intersection of Kent Avenue and Hillside Avenue.
   b. Authorize President to execute agreement with CSW (St²), in the amount of $34,440, for design services related to the Five-year Marin County Comprehensive Road and Bridge Maintenance and Rehabilitation Program.

AYES: ALL

6. CONSENT CALENDAR B (ITEM CB-1)
("Consent Calendar B" reflects those agenda items requiring a 4/5th vote relating to budgetary matters)
M/s Supervisor Murray - Supervisor Brown to approve Consent Calendar B.

CB-1. **Health and Human Services**
   a. Request to (i) authorize President to execute FY 2006-07 grant agreement, in the amount of $7,200, with the Marin Children and Families Commission Small Grants Program, to assist domestic violence victims; and (ii) approve related budget actions as detailed in staff report dated August 1, 2006. (4/5 vote)
   b. Request to (i) adopt resolution and authorize President to execute agreement for the Federal Alternative Payment Program, in the amount of $128,184, for children in the Child Protective Services ("CPS") program; (ii) approve related budget actions as detailed in staff report dated August 1, 2006; and (iii) authorize execution of required Federal certifications related to receipt of funding. (4/5 vote)

AYES: ALL

7. **RESOLUTION PROCLAIMING AUGUST 2006 AS "BREASTFEEDING AWARENESS MONTH"**

   Supervisor Adams read and presented the resolution to the Mother-Baby Friendly Workplace Project and Marin County Breastfeeding Coalition Coordinator Julie Van Winkle.

   M/s Supervisor Murray - Supervisor Brown on behalf of Supervisor Adams, to adopt a resolution proclaiming August 2006 as "Breastfeeding Awareness Month."

AYES: ALL


Board members and staff briefly discussed several issues including the availability of an electric pump for breastfeeding moms in the Civic Center shower-lounge area, a further look at a Civic Center daycare, and suggested inviting Mother-Baby Friendly Workplaces members to a meeting next year.

8. **PRESENTATION BY THE MARIN AGRICULTURE AND EDUCATION ALLIANCE ("MAEA") OF THE EDUCATION FARM AND GARDEN PROJECT FEASIBILITY STUDY**

   Marin Education Farm and Garden Project Feasibility Study Team Project Coordinator Patti Vance, on behalf of Marin Agriculture and Education Alliance ("MAEA"), thanked the Board for their ongoing support of this project. Ms. Vance introduced Feasibility Study Team members, MAEA Steering Committee members, and several Advisory Committee members.

   Feasibility Study Team member Avis Licht gave a brief presentation highlighting the study and recommendations regarding the feasibility of creating a farm and garden project to address the needs of Marin County. Ms. Licht briefly commented on three proposed developments: an adjunct demonstration garden with the Marin Farmers’ Market, a demonstration/production garden at the Indian Valley Campus of the College of Marin, and use of a mobile education unit to deliver site-based programs to schools.

   Feasibility Study Team member Sandy Neuman briefly commented on "implementing the vision" and advised that the team foresees the project at the Indian Valley Campus to link with both the Marin County Farmer’s Market and West Marin farms.
Indian Valley Campus Dean Nanda Schorske addressed the Board and on behalf of the College of Marin, welcomed the Marin Education Farm and Garden project with great delight. In response to a question from Supervisor Murray regarding North Marin Water and potable water, Ms. Schorske advised that the Northern California Water Technology Center is in the process of being established at the Indian Valley Campus.

Marin Workforce Investment Board Director Richard Schorske, Marin Conservation Corps Director Marilee Eckert, and Marin Organic Director Helge Hellber addressed the Board and expressed support for the Education Farm and Garden Project.

Board members individually thanked everyone involved in the Feasibility Study for the Marin Education Farm and Garden Project, suggested incorporating historic preservation into the project, and noted the importance of the workforce being educated and trained in the field of agriculture.

M/s Supervisor Murray - Supervisor Kinsey to approve the Feasibility Study on the Marin Education Farm and Garden Project by the Marin Agriculture and Education Alliance. AYES: ALL

9. PRESENTATION BY THE COUNTY ADMINISTRATOR OF THE FY 2005-06 LIVING WAGE ORDINANCE ANNUAL REPORT

By letter dated August 1, 2006, County Administrator Matthew Hymel submitted his report and recommendations regarding the above-captioned matter. Principal Administrative Analyst Dan Eilerman briefly commented on recent changes to the Living Wage Ordinance ("LWO") including an increase of $0.50 per hour in the living wage rate effective January 1, 2006; an increase of $0.25 per hour increase in the LWO health benefit allowance, effective October 1, 2006; and implementation of an annual cost-of-living adjustment ("COLA") component to automatically adjust the LWO rate every January 1st based upon change to the Bay Area Consumer Price Index ("CPI") effective January 1, 2007.

Mr. Eilerman reported on an unresolved issue to adopt a "target living wage" (increasing the LWO rate over time toward a target felt to be a more sustainable, self-sufficient wage) and advised that staff recommends that the Board maintain the current policy to continue to provide CPI adjustments to existing wage levels.

M/s Supervisor Brown - Supervisor Murray to:
   a. Accept Living Wage Ordinance ("LWO") report;
   b. Direct staff to revise LWO to increase the health benefits allowance from $1.25 to $1.50 per hour, effective October 1, 2006, and bring back to the Board for approval.

Board members discussed the issue of annual CPI adjustments and requested staff to bring the CPI issue back to the Board for discussion.

ACT for Economic Equity representatives Evelyn and Valmar Schaff, and Service Employees International Union ("SEIU") representative Antonio Abarca thanked the Board for their support and requested a further examination of living wage rates. Mr. Schaff distributed information regarding his analysis of San Francisco Bay Area Living Wage Rates.

Board members and staff continued to discuss indexing a target LWO to the CPI, county and city comparables, and requested staff to meet with the Schaffs.
Thereafter, the vote on the pending motion was

AYES: ALL

(Supervisor McGlashan absent at 11:35 a.m.)

10. REQUEST FROM THE COUNTY ADMINISTRATOR TO ADOPT A RESOLUTION CONTINUING THE LOCAL EMERGENCY DECLARATIONS FOR THE COUNTY OF MARIN

By letter dated August 1, 2006, County Administrator Matthew Hymel submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Brown - Supervisor Kinsey to adopt Resolution No. 2006-105 continuing the local emergency declarations for the County of Marin, related to recent severe storm damage, in conformance with Government Code Section 8630.

Vote: Motion carried 4-0.
AYES: Supervisor Brown; Supervisor Kinsey; Supervisor Murray; Supervisor Adams
ABSENT: Supervisor McGlashan

11. FOLLOW-UP REPORT FROM THE COUNTY ADMINISTRATOR ON 2006-2007 GENERAL LIABILITY INSURANCE PROGRAM

By letter dated August 1, 2006, Risk Manager Karol Hosking submitted her report and recommendations regarding the above-captioned matter.

County Administrator Matthew Hymel noted that the County’s Insurance Program was presented to the Board at the July 11, 2006, meeting and Supervisors requested additional information at that time.

Mr. Hymel advised that staff works with a broker every year to evaluate insurance options, and advised that staff believes that the California State Association of Counties ("CSAC") program is the best alternative at this time.

Mr. Hymel advised that staff continues to recommend the proposed General Liability Insurance Program through CSAC after reviewing the County’s claim history and discussing options with County Counsel.


AYES: ALL

12. REQUEST FROM THE COUNTY ADMINISTRATOR TO ADOPT A BUDGETING CHANGE TO FUND RETIREE HEALTH BENEFITS ON A "PAY-AS-YOU-GO METHOD" BEGINNING IN FY 2006-07

By letter dated August 1, 2006, County Administrator Matthew Hymel submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Murray - Supervisor McGlashan to approve a budgeting change to fund retiree health benefits on a "pay-as-you-go method" beginning in FY 2006-07.

AYES: ALL
13. REQUEST FROM THE INFORMATION SERVICES AND TECHNOLOGY DIRECTOR TO APPROVE THE RECLASSIFICATION OF 1.0 FTE SYSTEMS SUPPORT ANALYST II POSITION TO SENIOR SYSTEMS SUPPORT ANALYST

By letter dated August 1, 2006, Information Services and Technology Director David Hill submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Brown - Supervisor Murray to approve the reallocation of a vacant position from a Systems Support Analyst II (Position #03663) to a Senior Systems Support Analyst position, effective August 13, 2006.

AYES: ALL

14. REQUEST FROM COUNTY COUNSEL, ON BEHALF OF THE TAMALPAIS UNION HIGH SCHOOL DISTRICT, TO ADOPT A RESOLUTION AUTHORIZING THE ISSUANCE OF TAMALPAIS UNION HIGH SCHOOL DISTRICT GENERAL OBLIGATION BONDS, ELECTION OF 2006, SERIES 2006, IN AN AMOUNT NOT TO EXCEED $79,920,000

By letter dated July 25, 2006, Deputy County Counsel Jennifer Vuillermet submitted her report and recommendations regarding the above-captioned matter.


AYES: ALL

15. REQUEST FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO AUTHORIZE PRESIDENT TO EXECUTE MULTI-YEAR STANDARD AGREEMENT (#06-55101) WITH THE CALIFORNIA DEPARTMENT OF HEALTH SERVICES, IN AN AMOUNT NOT TO EXCEED $2,243,765, TO SUPPORT ACTIVITIES RELATED TO A COUNTY NUTRITION WELLNESS PROGRAM

By letter dated August 1, 2006, Health and Human Services Director Dr. Larry Meredith submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Brown - Supervisor McGlashan to authorize President to execute multi-year standard agreement (#06-55101) with the California Department of Health Services, in an amount not to exceed $2,243,765, to support activities related to a County Nutrition Wellness Program.

AYES: ALL

16. REQUEST FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO AUTHORIZE PRESIDENT TO EXECUTE AMENDMENT 01 TO WOMEN, INFANTS AND CHILDREN ("WIC") PROGRAM STATE CONTRACT (#05-45769), INCREASING THE THREE-YEAR CONTRACT AMOUNT BY $45,000, FOR A TOTAL CONTRACT AMOUNT OF $1,716,000, TO PROVIDE WIC BENEFITS TO MORE FAMILIES

By letter dated August 1, 2006, Health and Human Services Director Dr. Larry Meredith submitted his report and recommendations regarding the above-captioned matter.
M/s Supervisor Murray - Supervisor McGlashan to authorize President to execute Amendment 01 to Women, Infants and Children ("WIC") Program State Contract (#05-45769), increasing the three-year contract amount by $45,000, for a total contract amount of $1,716,000, to provide WIC benefits to more families.

AYES: ALL

17. HEARING: ORDINANCE INCREASING THE PARAMEDIC SERVICE TAX FOR PROPERTIES IN COUNTY SERVICE AREA ("CSA") #13

By letter dated August 1, 2006, County Administrator Matthew Hymel submitted his report and recommendations regarding the above-captioned matter.

The hearing was declared open to receive public comment.

A representative of the Lucas Valley Homeowners Association thanked the Board and staff for placing this matter on the November 7, 2006 ballot, noted that the residents are pleased with the paramedic service, but expressed concern regarding the disparity of costs to provide the same level of service in different areas of the County.

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

M/s Supervisor Kinsey - Supervisor Adams to take the following actions on behalf of Supervisor Adams: to (a) adopt Ordinance No. 3458 increasing the Paramedic Service Tax for properties in County Service Area #13; and (b) adopt Resolution No. 2006-108 and ballot language authorizing ballot measures for properties in CSA #13 for the November 7, 2006, election.

AYES: ALL

18. HEARING: ORDINANCE INCREASING THE PARAMEDIC SERVICE TAX FOR PROPERTIES IN COUNTY SERVICE AREA ("CSA") #19

By letter dated August 1, 2006, County Administrator Matthew Hymel submitted his report and recommendations regarding the above-captioned matter.

The hearing was declared open to receive public comment. Seeing no one present to speak, the hearing was closed.

M/s Supervisor Kinsey - Supervisor Murray to take the following actions on behalf of Supervisor Adams: to (a) adopt Ordinance No. 3459 increasing the Paramedic Service Tax for properties in County Service Area #19; and (b) adopt Resolution No. 2006-109 and ballot language authorizing ballot measures for properties in CSA #19 for the November 7, 2006, election.

AYES: ALL

19. APPOINTMENTS

a. County Service Area ("CSA") #20 Advisory Board - Indian Valley, Dominga Canyon
   Five term expirations (incumbents Katharine Bruinsslot, Gary Frugoli, Diane Gasson, William Stewart and Ron Witzel). Applications have been received from Katharine Bruinsslot, Gary Frugoli, Diane Gasson, Lawrence Hoytt and Jonell O'Day.

M/s Supervisor Murray - Supervisor Kinsey to appoint Katharine Bruinsslot, Gary Frugoli, Diane Gasson, Lawrence Hoytt and Jonell O'Day.

AYES: ALL

Continued
b. Human Rights Commission

Five term expirations as follows: four At-Large seats (Aref Ahmadi, Marna Cohen, Raphael Durr and Peter Richmond, incumbents); and one seat representing District 5 (Cesar Lagleva, incumbent).

M/s Supervisor Murray - Supervisor Kinsey to reappoint Cesar Lagleva to the District 5 seat.

AYES: ALL

President Adams suggested that each Supervisor nominate the applicants they would like to interview for the four At-Large seats.

Supervisor Kinsey nominated Aref Ahmadi, Thomas Anderson, Marna Cohen, Raphael Durr, Ron Greene and Peter Richmond.

Supervisor Murray nominated Maureen McManus.

After further discussion, the Board agreed to schedule interviews for August 22, 2006, for all the applicants for the four At-Large seats as follows: Aref Ahmadi, Thomas Anderson, Marna Cohen, Raphael Durr, Frank Gold, Ron Greene, Pam Martin, Maureen McManus and Peter Richmond.

20. HEARING: REQUEST FROM COUNTY COUNSEL TO HOLD A TAX EQUITY AND FISCAL RESPONSIBILITY ACT (“TEFRA”) HEARING FOR MARIN HORIZON SCHOOL FOR THE FINANCING OF IMPROVEMENTS TO FACILITIES AND CAMPUS THROUGH THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $10 MILLION, THROUGH THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (“CSCDA”)

By letter dated August 1, 2006, Chief Deputy County Counsel Jim Flageollet submitted his report and recommendations regarding the above-captioned matter.

(Supervisor Brown absent at 11:38 a.m.)

The hearing was declared open to receive public comment. Seeing no one present to speak, the hearing was closed.

M/s Supervisor McGlashan - Supervisor Kinsey to adopt Resolution No. 2006-110 approving the financing through the California Statewide Communities Development Authority.

Vote: Motion carried 4-0.

AYES: Supervisor Murray; Supervisor Adams; Supervisor Kinsey; Supervisor McGlashan

ABSENT: Supervisor Brown

The Board recessed at 11:39 a.m. to meet as the Marin County Open Space District Board of Directors and reconvened at 11:50 a.m. Supervisor Brown was absent.

Urgency Item

County Counsel Patrick Faulkner requested an urgency finding to add an item to the agenda to allow sufficient time to set a Special Tax Election for the November 7, 2006, ballot to approve taxes for road maintenance work for the Paradise Ranch Estates Permanent Road Division in Inverness, pursuant to California Streets and Highways Code Sections 1169 and 1170.
M/s Supervisor Kinsey - Supervisor Murray to determine that the need to take action arose subsequent to the agenda being posted.

Vote: Motion carried 4-0.

AYES: Supervisor Murray; Supervisor Adams; Supervisor Kinsey; Supervisor McGlashan

ABSENT: Supervisor Brown

Board members agreed to consider the urgency item at the beginning of the afternoon session at 1:30 p.m.

The Board recessed at 11:51 a.m. to meet in closed session.

22. CLOSED SESSION

The Board met in closed session at 12:05 p.m. to discuss the following:

a. Conference with legal counsel regarding existing litigation pursuant to California Government Code Section 54956.9(a). Name of Case: County of Marin v. Martha Co.

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

c. Conference with real property negotiators pursuant to California Government Code Section 54956.8 on the matter as follows: Real Property Address: 3230, 3240, 3250, 3260 and 3270 Kerner Boulevard, San Rafael, CA (APN 009-280-07); Agency Negotiators: David Speer and Terry Toner; Real Property Owners/Negotiators: Seagate SRBC Associates, LLC, a California LLC; Under Negotiation: price and terms of payment.

d. Conference with real property negotiators pursuant to California Government Code Section 54956.8 on the matter as follows: Real Property Address: 3110 Kerner Boulevard, San Rafael, CA (APN 009-121-03); Agency Negotiators: David Speer and Terry Toner; Real Property Owners/Negotiators: Lawrence Family LLC, a California LLC; Under Negotiation: price and terms of payment.

e. Conference with real property negotiators pursuant to California Government Code Section 54956.8 on the matter as follows: Real Property Address: Windward Way, San Rafael, CA (APN 009-330-01, 009-330-07, 009-330-01); Agency Negotiators: David Speer and Terry Toner; Real Property Owners/Negotiators: Universal Portfolio Ltd.; Under Negotiation: price and terms of payment.

The Board reconvened in open session at 1:48 p.m. Supervisor McGlashan was absent.

The President reported that the Board met in closed session and advised that there was no announcement at this time.

REQUEST FROM COUNTY COUNSEL FOR PARADISE RANCH ESTATES PERMANENT ROAD DIVISION, PURSUANT TO CALIFORNIA STREETS AND HIGHWAYS CODE SECTIONS 1169 AND 1170, TO DECLARE ITS INTENTION TO PERFORM AND ESTABLISH AN ELECTION TO APPROVE TAXES FOR CERTAIN ROAD MAINTENANCE WORK

Supervisor Kinsey thanked staff for their quick actions to review the list of projects and protocol and form of this petition to determine eligibility for the election in November.
M/s Supervisor Kinsey - Supervisor Brown to adopt Resolution No. 2006-106, declaring Paradise Ranch Estates Permanent Road Division intention to order certain work performed and establishing an election to approve taxes for the performance of certain work.

Vote: Motion carried 4-0.
AYES: Supervisor Murray; Supervisor Adams; Supervisor Kinsey; Supervisor Brown
ABSENT: Supervisor McGlashan

23. INFORMATIONAL REPORT REGARDING THE SONOMA MARIN AREA RAIL TRANSIT ("SMART") TAX MEASURE BALLOT LANGUAGE

County Counsel Patrick Faulkner advised that Sonoma/Marin Area Rail Transit ("SMART") District was created by State law and its territory includes both Marin and Sonoma counties. The SMART District is requesting the Marin County Board of Supervisors to consolidate the sales tax measure with the general election pursuant to the District Election Law in the Elections Code. Mr. Faulkner advised that the District Election Law is unclear regarding the selection of ballot arguments for ballots in counties that are part of a multi-county district, and that practice varies among the various counties in the state when multi-county district measures are on the ballot. Mr. Faulkner stated that the Sonoma County Counsel has advised the Sonoma County registrar of voters that it would be the best practice to have a single argument in both counties.

(Supervisor McGlashan present at 1:55 p.m.)

Mr. Faulkner stated that it should be within the Registrar of Voters discretion to determine whether or not to use a different argument in Marin County than that used in Sonoma County, given that the law is unclear and practice among other registrars varies.

Treasurer-Tax Collector Michael Smith addressed the Board and advised that the SMART District will determine the argument in favor of the sales tax measure and further advised that the law allows one argument against and one rebuttal to the argument against. Mr. Smith stated that it is the opinion of staff that the voice of the community, either for or against a shared argument, should prevail.

(Supervisor Kinsey absent at 2:05 p.m.)

Board members and staff discussed several issues including multiple ballot arguments and acceptance and hierarchy of arguments by the Registrar of Voters.

Several members of the public acknowledged Treasurer-Tax Collector Michael Smith and staff and expressed concerns related to SMART ballot statements for the November election.

Watershed Preservation Network Director Elena Belsky addressed the Board noting that the Network has created a community forum at SMARTquestions.org for open discussion between Marin and Sonoma Counties.

Mr. Faulkner clarified that this is a district-wide election and that a 2/3 majority of votes in both counties combined would enact the sales tax.

Board members thanked staff for their hard work on this issue and their response to community comment.
The Board adjourned at 2:22 p.m.

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PRESIDENT

ATTEST:

___________________________________
CLERK