

DRAFT

REGULAR MEETING OF THE MARIN COUNTY BOARD OF SUPERVISORS HELD TUESDAY, MAY 20, 2003, AT 9:06 A.M.

PRESENT: SUPERVISORS Susan L. Adams, Harold C. Brown, Jr., Steve Kinsey,
Cynthia L. Murray, Annette Rose, President

1. CLOSED SESSION [Probation]

The Board met in closed session at 9:07 a.m. to discuss Appointed Department Head evaluation (Chief Probation Officer) pursuant to Government Code Section 54957.

The Board recessed at 10:13 a.m. and reconvened in open session at 10:16 a.m. All Supervisors were present.

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

The Board recessed at 10:17 a.m. to meet as the Marin County Transit District Board of Directors. The Board reconvened as the Board of Supervisors at 10:58 a.m. All Supervisors were present.

9. SUPERVISORS MURRAY AND BROWN REQUESTING RESOLUTIONS OF
COMMENDATION FOR THE MEMBERS OF THE "KENTFIELD HOOPSTERS" SPECIAL
OLYMPICS TEAM [Commendations]

M/s Murray-Brown, to commend the 2003 Kentfield Hoopsters team, for their extraordinary efforts and achievement of their goals both on and off the basketball court.

AYES: ALL

Supervisor Murray welcomed the Kentfield Hoopsters and presented the resolution to the following members of the team: Noni Abouav, Adam Bien, Tom Cassel, Tyler Chang, Craig Sideroff, Gregory Gazzano, Philip George, Craig Sideroff, John Paul Sitzmann, David Weiner, player/coach Bill Raudio, and coaches Sean Pointst, Bac Hoang, and Kenan Boyle. Player Noni Abouav presented each Board member with a Special Olympics t-shirt. Assistant District Attorney Edward Berberian presented each team member with an ocean print from the George Sumner Studio and expressed gratitude to the Board.

10. SUPERVISOR MURRAY REQUESTING RESOLUTIONS COMMENDING MEMBERS OF
THE "LIFEBOAT CREW" [Commendations]

On behalf of Supervisor Murray, M/s Brown-Adams, to adopt a resolution commending the Marin County Office of Education, Santa Venetia Neighborhood Association and San Rafael Fire Chief Brian Waterbury, and Marin Search and Rescue volunteer Michael St. John as members of the "Lifeboat Crew".

AYES: ALL

Supervisor Murray read a resolution and acknowledged the Santa Venetia neighborhood Association and San Rafael Fire Chief Brian Waterbury who could not be present.

Supervisor Murray read and presented a resolution to Assistant Superintendent Luke McCann who thanked the Board and accepted the resolution on behalf of the Marin County Office of

Education. Mr. McCann expressed gratitude to the Marin County Office of Emergency Services ("OES"), local fire departments, community members, and parents for their continued assistance and support.

Supervisor Murray read and presented a resolution to volunteer Michael St. John of the Marin Search and Rescue who expressed gratitude to the Board and thanked everyone that supports the Search and Rescue program.

(Supervisor Kinsey absent at 11:10 a.m.)

3. APPROVAL OF MINUTES [Minutes: April 29, 2003]

M/s Murray-Adams, to approve the minutes of the meeting of April 29, 2003, as circulated.

Supervisor Adams requested an amendment to page 13 of the minutes related to the hearing on the Development Code to reflect her comments regarding the reduction of facility sizes for retail and processing plants and the prohibition of growing non-native plants for sale.

The amendment to the motion was accepted by the maker of the motion.

Thereafter, the vote on the amended motion was

AYES: ALL
ABSENT: SUPERVISOR Kinsey

4. BOARD OF SUPERVISORS' MATTERS

Agenda Modification [Sheriff]

Supervisor Adams requested that Consent Calendar Item CA-8, regarding a FY 2003-04 grant application with the Office of Criminal Justice Planning be pulled for consideration separately.

Joint Services Oversight Committee

Supervisor Adams reported on the decision of the Joint Services Oversight Committee not to expand its responsibilities.

Local Initiative Legislative Days

Supervisor Adams reported that she attended the Local Initiative Legislative Days in Sacramento last week regarding keeping community assets local and pushing to restructure a constitutional amendment that will preserve local assets.

(Supervisor Kinsey present at 11:14 a.m.)

In Memoriam [Memoriam]

At the request of Supervisor Brown, M/s Brown-Kinsey, to determine that the need to take action arose subsequent to the agenda being posted.

AYES: ALL

M/s Brown-Kinsey, to adjourn the meeting in memory of activist James Lill of Ross.

AYES: ALL

Community Meeting

Supervisor Murray reminded the public of the meeting tonight in the Novato City Council Chambers from 7:00 p.m. to 9:00 p.m. regarding the proposed Miwok Indian Casino.

5. ADMINISTRATOR'S REPORT

Urgency Item – Underground Fuel Tank Installation

[Public Works]

County Administrator Mark Riesenfeld requested an urgency finding relating to the relocation of the Emergency Operations/Communications Center ("EOC") and installation of underground fuel tank (Project No. 443). Thereafter, M/s Kinsey-Murray, to determine the need to take action arose subsequent to the agenda being posted.

AYES: ALL

Pursuant to recommendation of Senior Civil Engineer Siamak Motahari in his letter dated May 20, 2003, M/s Kinsey-Murray, to:

- (a) Approve plans and specifications for the relocation of the EOC and installation of underground fuel tank;
- (b) Direct the Clerk to advertise the Notice to Contractors on May 23 and May 30, 2003;
- (c) Authorize the Clerk to call for bids to be opened at 2:00 p.m., Thursday, June 19, 2003;
- (d) Authorize the Public Works Director to award the bid to the lowest responsible bidder; and
- (e) Direct the Public Works Director to report back to the Board at the earliest opportunity.

AYES: ALL

FY 2003-04 Budget Update

[Budget]

County Administrator Mark Riesenfeld briefly commented on the Governor's May Revision budget plan, noting the projected deficit is now estimated at \$38.2 billion, and summarized changes in the State's approach in addressing the budget deficit, including shifting additional State funding obligations to counties. Mr. Riesenfeld distributed a chart depicting the potential State budget impact on Marin County, specifically health and human services, child support services, libraries, and local roads and streets maintenance.

Mr. Riesenfeld stated that an overall discussion of county budget strategies and priorities would take place at the Special Board meeting on Friday, May 23, 2003, at 9:00 a.m.

(Supervisor Brown absent at 11:25 a.m.)

Urgency Item – Surplus Furniture

[Public Works]

County Administrator Mark Riesenfeld advised that the Public Works Director has requested an urgency item be added to the agenda to declare as surplus a list of miscellaneous furniture and authorization of its disposition. Thereafter, M/s Murray-Kinsey, to determine that the need to take action arose subsequent to the agenda being posted.

AYES: ALL

ABSENT: SUPERVISOR Brown

Pursuant to the recommendation of Public Works Supervising Purchaser Audrey Andrus in her letter dated May 20, 2003, M/s Murray-Kinsey, to declare the list, as detailed in the staff report, surplus Marin County property and approve disposition of property by the Purchasing Division of the Department of Public Works.

AYES: ALL

ABSENT: SUPERVISOR Brown

6. OPEN TIME

Richardson Bay Hotel

[Richardson Bay]

A member of the public updated the Board regarding the possible construction of a hotel on Richardson Bay and commented on continued discussions with the Community Development Agency ("CDA"), the San Francisco Bay Conservation and Development Commission ("BCDC"), and the Tamalpais Valley Design Review Board.

(Supervisor Brown present at 11:31 a.m.)

7. CONSENT CALENDAR A

("Consent Calendar A" reflects those agenda items that have prior policy approval from the Board and do not exceed \$500,000 in cost.)

At Supervisor Adams' request, Item CA-8 was pulled from Consent Calendar A for consideration separately following Consent Calendar B.

M/s Kinsey-Brown, to approve:

CA-1. County Administrator:

a. Authorize President to approve report of delegated agreements executed by the County Administrator during the months of February and March, 2003.

[Agreements: February and March, 2003]

b. Authorize President to execute agreement with the Marin Agricultural Land Trust ("MALT"), in the amount of \$30,000, for the acquisition and monitoring of agricultural conservation easements. [MALT]

CA-2. County Counsel

Authorize President to execute (a) Restrictive Deed and Declaration of Restrictions for Agricultural Purposes from David R. Scott to County; and (b) execute a certificate of acceptance of interest in real property. [Deeds]

CA-3 Health and Human Services:

a. Authorize President to execute FY 2002-03 amendment to agreement with Providence Place, in an amount not to exceed \$65,230, to provide long term residential services for chronically mentally ill elderly adults with co-occurring dementia disorders. [Mental Health]

b. Authorize President to execute FY 2002-03 amendment to agreement with Crestwood Behavioral Health, Inc., in an amount not to exceed \$325,000, to provide psychiatric treatment program services for adult mental health clients. [Mental Health]

c. Authorize President to execute the following two Project INCLUSION contract amendments: (i) agreement with Buckelew Vocational Services, increasing contract amount by \$6,780 to \$51,780; and (ii) agreement with Integrated Community Services, increasing contract amount by \$6,780 to \$41,780. [Workforce Investment Board]

d. Authorize President to execute FY 2002-03 agreement, with Marin General Hospital, to reimburse the County for emergency department on-call OB/GYN physicians' services in support of the Hospital's unassigned labor and delivery patients and in compliance with the Emergency Medical Treatment and Active Labor Act. [Hospitals]

CA-4. Information Services
Authorize President to execute agreement with Computer Progressions, in the amount of \$45,000, for professional services in support of document imaging, remote access, workstation and server support.

CA-5. Parks
a. Authorize President to execute agreement with Pyro Spectaculars, Inc., for providing low level fireworks at the 2003 Marin County Fair. [Fair]
b. Pursuant to Chapter 3, Section 2261 of the Streets and Highways Code, request to (i) adopt Initial Resolution No. 2003-58 describing improvements or changes for Rush Creek under the Marin County Landscaping and Lighting District; and (ii) direct the Department to contract for civil engineering services to prepare an engineer's report for the District. [Rush Creek Landscape & Lighting District]

CA-6. Probation
a. Authorize Chief Probation Officer to submit the following two grant applications: (i) grant request to the Bureau of Justice Assistance for a Juvenile Drug Court Enhancement Grant; and (ii) to the Governor's Office of Criminal Justice Planning for a Title II Delinquency Prevention Grant.
b. Authorize President to execute amended agreement with the Marin County Office of Education, for an additional \$4,188, increasing the total amount of the agreement to \$352,642, to provide for the delivery of programs and services in accordance with the County Comprehensive Multi-Agency Juvenile Justice Plan.
c. Authorize President to execute agreement with the YMCA of Marin, in the amount of \$50,000, to provide after-school activities, leadership training and transportation services to students enrolled in AB 1913 County Community/Phoenix After-School Program. [Schools]

CA-7. Public Works:
a. Adopt Resolution No. 2003-59 providing for the official adoption of the 2002-03 Road Mileage. [Roads]
b. Approve temporary closure of Kent Avenue and College Avenue on Saturday, May 26, 2003, between 7:45 a.m. and 9:30 a.m. for the annual Pacific Sun Races. [Roads]
c. Authorize President to execute the Certificate of Acceptance of Grant of Interest in Real Property for the Offer of Dedication of a roadway and utility easement on Greenhill Road, unincorporated Mill Valley, from Christopher C. Vigars, trustee and Wendy Thrower Vigars, trustee. [Easements]
d. Authorize President to: (i) execute Notice of Completion for the Veterans Memorial Building Parking Lot Refurbishing Project; (ii) direct Clerk to record Notice; and (iii) approve final payment in the amount of \$7,156.94 and release of 10% retention, in the amount of \$17,602.98 to be released 35 days after Board action to Security Electric Company. (Project No. C299-B) [Project No. C299-B]

AYES: ALL

8. CONSENT CALENDAR B
(*"Consent Calendar B" reflects those agenda items requiring a 4/5th vote relating to budgetary matters.*)

M/s Murray-Kinsey, to approve:

CB-1. Health and Human Services

- a. Request from the Department of Health and Human Services to (i) accept a \$2,000 grant from the First Five Marin to support the School Readiness Initiative, a multi-year project from the Marin Children and Families Commission; and (ii) approve Transfer of Funds increasing appropriations in the Health and Human Services Department, Child Health Administration, Contract Services-Special account (\$2,000), offset by an award from First Five Marin for the Other Miscellaneous Refunds and Reimbursements account (\$2,000), providing funds to support collaboration for community workshops in nutrition and health education and to work with the Mentor Coordinator to train parent mentors. (4/5 vote)
- b. Request from the Department of Health and Human Services to (i) accept \$25,000 in FY 2002-03 from First Five Marin and \$10,000 from Healthy Marin Partnership to provide the community with information and assistance to enroll children in health insurance programs; and (ii) approve Transfer of Funds increasing appropriations in the Health and Human Services Department, Child Health Administration, Contract Services-Special account (\$35,000), offset by grant awards from the Marin Children and Families Commission (\$25,000) and the Healthy Marin Partnership (\$10,000), for the Medi-Cal Program Administration State account (\$35,000), providing the community with information and assistance to enroll children in the health insurance programs (Healthy Families/Medi-Cal, Cal-Kids, and Kaiser Cares for Kids). (4/5 vote)

AYES: ALL

CA-8. Sheriff

By letter dated May 7, 2003, Sheriff Robert Doyle submitted his request to (a) authorize President to execute FY 2003-04 grant application with the Office of Criminal Justice Planning ("OCJP") for continuation of funding for the Coordination of Probation Enforcement Project ("COPE"); (b) adopt the proposed resolution authorizing submission of grant proposal to the OCJP and authorize execution of Grant Award Agreement including any extensions or amendments thereof; and (c) execute certification sheet related to grant application.

M/s Murray-Kinsey, to:

- (a) Authorize President to execute FY 2003-04 grant application; and
- (b) Adopt Resolution No. 2003-60 authorizing submission of grant proposal to the Office of Criminal Justice Planning and authorize execution of Grant Award Agreement including any extensions or amendments.

Supervisor Adams requested an amendment to the motion to direct staff to review the submitted document to verify with the Federal Government the lawful need to retain the language on the "Reporting Alien Convictions to the Immigration and Naturalization Service ("INS")" report as follows: " . . .Notify INS, at the time of booking, when a suspected alien is arrested . . ." The amendment to the motion was accepted by the maker and seconder of the motion.

Thereafter, the vote on the amended motion was

AYES: ALL

11. RECOMMENDATION FROM THE DIRECTOR OF PARKS, OPEN SPACE AND CULTURAL SERVICES, IN COLLABORATION WITH THE RENAISSANCE COUNCIL, TO TAKE ACTIONS RELATED TO MASTER PLANNING SERVICES FOR THE MARIN CENTER AND FAIRGROUNDS [Marin Center]

By letter dated May 20, 2003, Parks, Open Space and Cultural Services Director Frances Brigmann submitted her report and advised that the recommendations contained in the staff report were made in collaboration with the Renaissance Council. Ms. Brigmann thanked the Renaissance Council Design Committee and Architect Mark Kelley for their outstanding work on the Marin Center Master Planning project.

Co-Chairmen of the Marin Center Renaissance Council ("MCRC") Al Boro and Mike Groza briefly summarized the history, organization, fundraising, and recommendations of the Design Committee and thanked the Board, Project Manager Mark Kelley, and Marin County staff.

M/s Murray-Brown, to take the following actions related to Master Planning Services for the Marin Center and Fairgrounds:

- a. Approve the Request For Proposal ("RFP") for Master Planning Services for Marin Center and Grounds;
- b. Direct that the RFP be sent to the following architectural/planning firms: Boora Architects, DMJM, Halprin/Gensler, Hardy Holzman Pfeiffer, LMN, Mark Cavagnero Associates/EDAW, and ROMA;
- c. Approve the timeline targets for the Master Plan process as detailed in staff report dated May 20, 2003; and
- d. Thank the Renaissance Council, Design Committee, and Project Manager Mark Kelley for their hard work on the Marin Center Master Planning project.

AYES: ALL

12. REQUEST FROM THE DEPARTMENT OF PUBLIC WORKS TO ADOPT RESOLUTION GRANTING CONSENT TO THE TOWN OF TIBURON TO UNDERTAKE SPECIAL ASSESSMENT PROCEEDINGS IN AND FOR THE LYFORD COVE UTILITY UNDERGROUNDING ASSESSMENT DISTRICT (PURSUANT TO SECTION 10103 OF THE STREETS AND HIGHWAYS CODE) [Public Works]

By letter dated May 20, 2003, Senior Civil Engineer Kevin McGowan submitted his report and recommendations regarding the above-captioned matter and advised that this resolution was requested by the Town of Tiburon. Mr. McGowan stated that this project is considered a "Rule 20B," undergrounding project, which places the financial burden of undergrounding the existing overhead utilities on the residents within the district and stated that the County became involved because the district drawn by the residents includes 29 parcels located in unincorporated portions of Marin County.

On behalf of President Rose, M/s Murray-Kinsey, to adopt Resolution No. 2003-64 granting consent to the Town of Tiburon for the Exercise of Extra-territorial Jurisdiction under Section 10103 of the Streets and Highways Code to undertake Special Assessment Proceedings in and for the Town of Tiburon, Lyford Cove Utility Undergrounding Assessment District.

AYES: ALL

13. REQUEST FROM THE COUNTY ADMINISTRATOR, ON BEHALF OF THE TREASURER-TAX COLLECTOR, TO OPPOSE SB 430 AND AB 1531 WHICH WOULD ALTER THE STATEWIDE AND PRESIDENTIAL PRIMARY ELECTION SCHEDULE, COSTING MARIN COUNTY UP TO \$650,000 [Bills/Legislation]

By letter dated May 20, 2003, County Administrator Mark Riesenfeld submitted his report and requested, on behalf of the Treasurer-Tax Collector, to send letters in opposition to SB 430 and AB 531 regarding the statewide and presidential primary election schedule.

M/s Brown-Adams, to authorize President to send letters in opposition to SB 430 and AB 1531 and instruct the County's state lobbyist to forward letters to appropriate members of the California Legislature.

AYES: ALL

14. REQUEST FROM COUNTY COUNSEL TO ADOPT RESOLUTION PROVIDING FOR THE BORROWING OF FUNDS, IN THE NAME OF THE MILL VALLEY SCHOOL DISTRICT, FOR FY 2003-04 AND AUTHORIZING THE ISSUANCE AND SALE OF 2003 TAX AND REVENUE ANTICIPATION NOTES ("TRANS") [Schools]

By letter dated May 20, 2003, County Counsel Patrick Faulkner submitted his report and recommendations regarding the above-captioned matter.

M/s Kinsey-Murray, to adopt Resolution No. 2003-65 providing for the borrowing of funds in the name of the Mill Valley School District for Fiscal Year 2003-04 and authorizing the issuance and sale of 2003 Tax and Revenue Anticipation Notes.

AYES: ALL

15. FIRST READING: ORDINANCE ESTABLISHING FEES CHARGED BY THE COUNTY CORONER PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 27472 AND 54985 [Item 15 - June 3, 2003]

By letter dated May 20, 2003, Coroner Kenneth Holmes submitted his report and recommendations regarding the above-captioned item.

M/s Kinsey-Adams, to waive reading of 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 June 3, 2003, at 10:30 a.m.

16. REQUEST FROM THE COUNTY ADMINISTRATOR TO TAKE ACTIONS RELATED TO ADOPTION OF PROPOSED ANIMAL CONTROL ORDINANCE REVISIONS AND IMPLEMENTATION OF NEW FEE SCHEDULE [Item 25 - June 3, 2003]

By letter dated May 20, 2003, County Administrator Mark Riesenfeld submitted his report and recommendations regarding the above-captioned matter and advised that revised ordinances were distributed on May 19, 2003.

M/s Murray-Adams, to waive reading of two proposed ordinances as follows and request the clerk to read the revised ordinances by title only.

- a. Ordinance amending Title 8 of the Marin County Code addressing animals; and
- b. Ordinance establishing increases in fees collected for animal control services codified in Chapter 8.04 of Title 8 of the Marin County Code.

AYES: ALL

The clerk read the title of the proposed ordinances and the merit hearings were set for June 3, 2003, at 11:00 a.m.

17. HEARING: ORDINANCE INCREASING THE MINIMUM LEVEL FOR THE CAPITALIZATION OF ASSETS, INCREASING AMOUNT FROM \$1,000 TO \$5,000 [Item 22 - June 3, 2003]

Auditor-Controller Richard Arrow requested this item be continued to June 3, 2003. There being no objection by Board members, the hearing on this item was continued to June 3, 2003, at 11:00 a.m.

18. HEARING: ORDINANCE AMENDING SECTION 3.08.050 PERTAINING TO THE DISPOSITION OF SURPLUS PROPERTY [Item 23 - June 3, 2003]

Public Works Assistant Director Richard Carlsen has requested this item be continued to June 3, 2003. There being no objection by the Board, the hearing on this item was continued to June 3, 2003, at 11:00 a.m.

19. HEARING: ORDINANCE AMENDING CHAPTER 7.48 OF THE MARIN COUNTY CODE MODIFYING THE ADULT TRAVEL IMMUNIZATION CLINIC FEE SCHEDULE [Health and Human Services]

By letter dated May 20, 2003, Health and Human Services Director Larry Meredith submitted his report and recommendations regarding the above-captioned matter and advised that the proposed fee increase would pertain only to Adult Travel Immunization Clinic fees.

Nurse Diane Stoker of the Adult Travel Immunization Clinic stated that the clinic is located in the basement of the "D" Street San Rafael Post Office.

The hearing was declared open to receive public comment. There being no comment, the hearing was closed.

M/s Adams-Murray, to adopt Ordinance No. 3370 revising Ordinance 3085 modifying Chapter 7.48 of the Marin County Code pertaining to the Adult Travel Immunization Clinic Fee Schedule.

AYES: ALL

20. HEARING: CONSIDERATION OF RESOLUTION INCREASING FEES FOR ELECTRONIC MONITORING/HOUSE ARREST FROM \$13 TO \$20 PER DAY [Probation]

By letter dated May 20, 2003, Chief Probation Officer Michael Robak submitted his report and recommendations regarding the above-captioned matter.

The hearing was declared open to receive public comment. There being no comment, the hearing was closed.

M/s Murray-Brown to adopt Resolution No. 2003-66 increasing fees for electronic monitoring/house arrest from \$13 to \$20 per day.

AYES: ALL

21. HEARING: CONSIDERATION OF RESOLUTION FORMING COUNTY SERVICE AREA #32 – STRAWBERRY POINT, SUBJECT TO VOTER APPROVAL

[Strawberry Point Landscaping and Lighting District]

By letter dated May 20, 2003, Parks, Open Space and Cultural Services Director Frances Briggmann submitted her report and recommendations regarding the above-captioned matter. Principal Park Planner Steve Petterle briefly explained that Strawberry Point Landscaping and Lighting District was established several years ago as a way of funding local street-side landscape maintenance. He advised that recent State legislation requires a per parcel benefit analysis but noted that the cost of doing this analysis now exceeds the financial capability of the Landscaping and Lighting District. Mr. Petterle advised that staff proposed the formation of a County Service Area (“CSA”) to accommodate the landscape maintenance in this area and the Board of Supervisors approved a resolution last month which initiated the process.

The hearing was declared open to receive public comment.

A resident of the area of the proposed CSA #32 spoke to oppose its formation, stating that he believes it is unfair to the neighborhood residents. The speaker presented two petitions of protest dated February 22, 2003: one signed by 54 registered voters in the proposed CSA #32 area, which he stated represents one-third of the registered voters; and one signed by 37 lot owners in the proposed CSA #32 area. The speaker advised that the petitioners believe that the formation of CSA #32 is unfair because the rules of governance will change dramatically, noting that in the Landscape and Lighting District every homeowner has a vote, but under the rules of County Service Areas, only registered voters would have a vote. The speaker also expressed concerns about the lack of noticing for this meeting, stating that he only found out about it late last night. The speaker requested that the Board either withdraw the Initiative to form CSA #32 or continue this hearing until residents can be notified.

In response to a question from Supervisor Rose regarding notification, Mr. Petterle advised that a Resolution of Intention was adopted by the Board on April 15, 2003, and a notice was subsequently published in the Marin Independent Journal which included the full Resolution of Intention and a notice regarding today’s hearing. Mr. Petterle further advised that two public meetings were also noticed and conducted by the Marin Local Agency Formation Commission (“LAFCO”) and one community meeting was held by Parks, Open Space and Cultural Services staff.

In response to a question from Supervisor Rose, Assistant County Clerk/Registrar of Voters Madelyn de Justo acknowledged that, under State law, only registered voters are allowed to vote in all elections held in California.

There being no further comment, the hearing was closed.

Supervisor Rose stated that she believes that many residents who attended the LAFCO and community meetings have been satisfied that the CSA is the best available option and advised that she feels that the issue should go before the voters to determine the community’s wishes.

In response to a question from Supervisor Kinsey regarding options if the CSA is not supported in an election, Mr. Petterle advised that since the Landscaping and Lighting District’s budget could not bear the expense of the state-required ongoing benefit analysis, the County would either have

to pick up this annual cost or abandon the Landscaping and Lighting District. He noted that if the latter occurred, the County would incur the costs for low-level landscaping maintenance.

In response to questions from Supervisor Adams, Mr. Petterle reported that notices were not mailed to the residents regarding today's meeting but notices were mailed for previous meetings and the proper notification was printed in the Marin Independent Journal. He also advised that one alternative to forming a CSA would be for a Homeowners Association to be formed to take over the landscaping responsibilities for the area.

M/s Kinsey-Murray, on behalf of Supervisor Rose, to adopt Resolution No. 2003-61 forming County Service Area #32 – Strawberry Point, subject to voter approval, calling for an election and approving ballot wording, with direction to staff that if the residents choose not to form CSA #32, the County provide the lowest level of maintenance possible.

AYES: ALL

22. HEARING: ADOPT RESOLUTION FORMING COUNTY SERVICE AREA #33 – STINSON BEACH, SUBJECT TO VOTER APPROVAL, CALLING FOR AN ELECTION AND APPROVING BALLOT WORDING [Stinson Beach Landscaping and Lighting District]

By letter dated May 20, 2003, Parks, Open Space and Cultural Services Director Frances Briggmann submitted her report and recommendations regarding the above-captioned matter. Principal Park Planner Steve Petterle briefly advised that Stinson Beach Landscaping and Lighting District was established several years ago as a way of funding local park maintenance. He advised that recent State legislation requires a per parcel benefit analysis but noted that the cost of doing this analysis now exceeds the financial capability of the Landscaping and Lighting District. Mr. Petterle advised that staff therefore proposed the formation of a County Service Area ("CSA") to accommodate the landscape maintenance in this area and the Board of Supervisors approved a resolution last month which initiated the process.

The hearing was declared open to receive public comment. There being no comment, the hearing was closed.

M/s Kinsey-Murray, to adopt Resolution No. 2003-62 forming County Service Area #33 – Stinson Beach, subject to voter approval, calling for an election and approving ballot wording.

AYES: ALL

(Supervisor Brown absent at 12:14 p.m.)

23. REQUEST FROM THE DIRECTOR OF PARKS, OPEN SPACE AND CULTURAL SERVICES TO TAKE ACTIONS RELATED TO THE MCINNIS PARK SKATEPARK PROJECT [McInnis Park]

By letter dated May 20, 2003, Parks, Open Space and Cultural Services Director Frances Briggmann submitted her report and recommendations regarding the above-captioned matter and briefly described the process to get to this point. Ms. Briggmann expressed gratitude to the City of San Rafael, the Marinwood Community Services District ("CSD"), the Marin Community Foundation and staff for their assistance and/or funding. She advised that if the proposed actions are approved today, the Skatepark is scheduled to be completed by the end of October, 2003.

Ms. Briggmann introduced Carlene McCart, City of San Rafael Parks Director, who thanked the Board for their support of this project. She commented on the cooperation between jurisdictions

and noted that staff is very proud of what has been accomplished to bring the Skatepark project to fruition.

M/s Murray-Adams, to:

- a. Approve plans and specifications;
- b. Authorize the Clerk to advertise for bids;
- c. Authorize related expenditures as detailed in staff report dated May 20, 2003; and
- d. Authorize President to execute amendment to agreement with Indigo/Hammond & Playle Architects, LLP, to provide services as needed during the bid process.

In response to a question from Supervisor Kinsey, Mr. Petterle advised that staff will look into making accommodations for bicyclists, hikers and users of public transportation at the Skatepark, although staff has found, through experiences at the Novato Skatepark, that not many bicycles are used because of the difficulty of carrying a skateboard while riding.

Thereafter, the vote on the pending motion was
AYES: ALL
ABSENT: SUPERVISOR Brown

(Supervisor Rose absent at 12:21 p.m.)

24. REQUEST FROM THE HEALTH AND HUMAN SERVICES DIRECTOR TO ADOPT RESOLUTION OPPOSING AB 1470, LEGISLATION WHICH REMOVES THE RIGHT OF THE IN-HOME SUPPORT SERVICE ("IHSS") PUBLIC AUTHORITY GOVERNING BOARD TO ENGAGE IN COLLECTIVE BARGAINING WITH SERVICE EMPLOYEES INTERNATIONAL ("SEIU") LOCAL 250 FOR IHSS PROVIDER WAGES [Bills/Legislation]

By letter dated May 20, 2003, Health and Human Services Director Larry Meredith submitted his report and recommendations regarding the above-captioned item.

M/s Murray-Adams, to adopt Resolution No. 2003-63 opposing AB 1470.
AYES: ALL
ABSENT: SUPERVISORS Brown, Rose

(Supervisor Rose returned at 12:22 p.m.)

25. REQUEST FROM THE HEALTH AND HUMAN SERVICES DIRECTOR TO AUTHORIZE PRESIDENT TO EXECUTE THE FIRST AMENDMENT TO THE FY 2002-03 AGREEMENT WITH THE STATE DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS FOR RECEIPT OF \$3,792,533 IN FEDERAL AND STATE FUNDS NEEDED TO PROVIDE ALCOHOL AND DRUG PROGRAM SERVICES TO THE RESIDENTS OF MARIN COUNTY (4/5 VOTE) [Health and Human Services]

By letter dated May 20, 2003, Health and Human Services Director Larry Meredith submitted his report and recommendations regarding the above-captioned item.

M/s Murray-Adams, to authorize President to execute the First Amendment to the FY 2002-03 agreement with the State Department of Alcohol and Drug Programs for receipt of \$3,792,533 in federal and state funds needed to provide alcohol and drug program services to the residents of Marin County.

AYES: ALL

ABSENT: SUPERVISOR Brown

26. STATUS REPORT FROM THE HEALTH AND HUMAN SERVICES DIRECTOR ON COUNTY EFFORTS IN RESPONSE TO THE HIGH OCCURRENCE OF BREAST CANCER IN MARIN [Health and Human Services]

Health and Human Services Director Larry Meredith distributed a status report dated May 20, 2003, outlining breast cancer activities, projects and research in Marin County that have been planned or occurred since his last report to the Board in March.

Supervisor Murray advised that Health and Human Services is sponsoring a brown bag informational lunch for County employees on breast cancer issues which will be held on June 13, 2003, at 12:30 p.m. at 20 North San Pedro Road, San Rafael.

Dr. Meredith added that in September, the Board of Supervisors and the Department of Health and Human Services will be sponsoring a two-day conference entitled "Cancer is a Turning Point."

27. APPOINTMENTS

a. Alcohol & Drug Advisory Board

M/s Adams-Murray, to appoint Deborah Kesten to the At-Large vacancy due to the resignation of Jesselyn Martinelli.

AYES: ALL

ABSENT: SUPERVISOR Brown

b. Human Rights Commission

M/s Kinsey-Murray, to appoint Solange Echeverria to the vacancy representing District 4 due to the resignation of Placido Salazar.

AYES: ALL

ABSENT: SUPERVISOR Brown

c. Planning Commission

Scheduled appointments for June 17, 2003, for the following: two At-Large term expirations (Allan Berland and Steve Thompson); one term expiration representing District 1 (Don Dickenson); one term expiration representing District 5 (C. Henry Barner).

(Supervisor Brown returned at 12:31 p.m.)

The Board recessed at 12:32 p.m. to meet as the Marin County Flood Control and Water Conservation Board of Supervisors and the Marin County Open Space District Board of Directors and reconvened at 12:40 p.m. All Supervisors were present.

The Board recessed at 12:41 p.m. to meet in closed session.

30. CLOSED SESSION

[Board of Supervisors]

The Board met in closed session at 12:45 p.m. for a conference with Legal Counsel regarding anticipated litigation. Decision as to whether to initiate litigation pursuant to California Government Code Section 54956.9(c). Number of potential cases: one.

The Board recessed at 1:56 p.m. and reconvened in open session at 1:57 p.m. in Room 324. All Supervisors were present.

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

31. WORKSHOP ON TRANSPORTATION SERVICES DIVISION WORK PROGRAM [Transportation]

The Board met in Room 324A from 1:57 p.m. to 3:40 p.m. for a workshop on the Transportation Services Division work program. All Supervisors were present.

The meeting was adjourned at 3:41 p.m. in memory of James Lill.

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PRESIDENT

ATTEST:

CLERK