



**SAN RAFAEL CITY COUNCIL – MONDAY, JUNE 17, 2019**

**SPECIAL STUDY SESSION AT 6:30 PM  
THIRD FLOOR CONFERENCE ROOM, CITY HALL  
1400 FIFTH AVENUE, SAN RAFAEL, CALIFORNIA**

1. Discussion re: City Council Goals, Strategies and Tasks for 2019-20

**REGULAR MEETING  
COUNCIL CHAMBERS, CITY HALL  
1400 FIFTH AVENUE, SAN RAFAEL, CALIFORNIA**

**AGENDA**

**OPEN SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL**

1. None.

**CLOSED SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL**

2. Closed Session: None.

**OPEN TIME FOR PUBLIC EXPRESSION – 7:00 PM**

The public is welcome to address the City Council at this time on matters not on the agenda that are within its jurisdiction. Please be advised that pursuant to Government Code Section 54954.2, the City Council is not permitted to discuss or take action on any matter not on the agenda unless it determines that an emergency exists, or that there is a need to take immediate action which arose following posting of the agenda. Comments may be no longer than two minutes and should be respectful to the community.

**CITY MANAGER'S REPORT:**

3. City Manager's Report:

**CONSENT CALENDAR:**

The opportunity for public comment on consent calendar items will occur prior to the City Council's vote on the Consent Calendar. The City Council may approve the entire consent calendar with one action. In the alternative, items on the Consent Calendar may be removed by any City Council or staff member, for separate discussion and vote.

4. Consent Calendar Items:

- a. **Approval of Minutes**

- Approve Minutes of City Council / Successor Agency Regular Meeting of Monday, June 3, 2019 and City Council Special Meeting of Monday, June 10, 2019 (CC)  
*Recommended Action – Approve as submitted*

- b. **Citizens Advisory Committee Vacancy**

- Call for Applications to Fill One Unexpired Four-Year Term to the End of June 2021 on the Citizens Advisory Committee on Economic Development & Affordable Housing Due to the Resignation of Andrea de la Fuente (CC)  
*Recommended Action – Approve staff recommendation*

- c. **Flavored Tobacco Product Ban Ordinance Adoption**  
Second Reading and Final Adoption of Ordinance 1970: An Ordinance of the San Rafael City Council Amending Chapter 8.15 of the San Rafael Municipal Code, Entitled “Tobacco Retail Sales, Advertising And Promotion” to Regulate Sales of Flavored Tobacco Products and Sale of Tobacco Products at Pharmacies (CC)  
*Recommended Action – Final Adoption of Ordinance 1970*
- d. **Rental Housing Dispute Resolution Ordinance Adoption**  
Second Reading and Final Adoption of Ordinance 1971: An Ordinance of the San Rafael City Council Adding New Chapter 10.100 to the San Rafael Municipal Code, Entitled “Rental Housing Dispute Resolution” (CC)  
*Recommended Action – Final Adoption of Ordinance 1971*
- e. **Cause Required for Eviction Ordinance Adoption**  
Second Reading and Final Adoption of Ordinance 1972: An Ordinance of the San Rafael City Council Adding New Chapter 10.105 to the San Rafael Municipal Code, Entitled “Cause Required for Eviction” (CC)  
*Recommended Action – Final Adoption of Ordinance 1972*
- f. **Ambulance Service Cost Recovery**  
Resolution Authorizing the City Manager to Execute Agreements to Allow the San Rafael Fire Department to Participate in an Intergovernmental Transfer with the California Department of Health Care Services (DHCS) In Order to Increase the Department’s Reimbursement for EMS Ambulance Transport Services Provided to County Health Plan (Partnership Health Plan) Members for FY 2018-2019 (FD)  
*Recommended Action – Adopt Resolution*
- g. **City Investment Policy**  
Resolution to Approve the City of San Rafael Investment Policy (Fin)  
*Recommended Action – Adopt Resolution*
- h. **Elected City Clerk Salary Steps**  
Resolution Amending and Restating Resolution No. 14565 (Establishing the Compensation and Working Conditions for the Elected City Clerk and Elected Part Time City Attorney for the Period from July 1, 2018 Through June 30, 2020) (HR)  
*Recommended Action – Adopt Resolution*
- i. **Annual Adjustment to the Library Parcel Tax**  
Report Concerning the Annual Consumer Price Index (CPI) Rate Adjustment for the Special Library Services Parcel Tax for the Fiscal Year July 1, 2019 Through June 30, 2020 as Specified in Voter-Approved Measure D (San Rafael Municipal Code Chapter 3.36) (Lib)  
*Recommended Action – Accept report*
- j. **Vacate a Portion of Jacoby Street**  
Resolution of Intention to Order Vacation of Portions of Jacoby Street, San Rafael, California (PW)

*Recommended Action – Adopt Resolution*

**k. Third and Union Street Repaving Project Completion**

Accept Completion of the Third and Union Street Repaving Project and Authorize the City Clerk to File the Notice of Completion (PW)

*Recommended Action – Accept report*

**SPECIAL PRESENTATION:**

5. Special Presentation:

- a. Informational Update from PG&E Relating to Enhanced Vegetation Management (EVM)

**OTHER AGENDA ITEMS:**

6. Other Agenda Items:

a. **Grand Jury Response on Wildfire Preparedness**

Resolution Approving and Authorizing the Mayor to Execute the City's Response to the April 25, 2019 Marin County Civil Grand Jury Report Entitled, "Wildfire Preparedness: A New Approach" (FD)

*Recommended Action – Adopt Resolution*

b. **Measure A Workplan and Preliminary Capital Improvement Program (CS/Fin/PW)**

- 1) Resolution Approving the Measure A Work Plan for Proposed Expenditure of Measure A Funds for July 1, 2019 – June 30, 2020

*Recommended Action – Adopt Resolution*

- 2) Accept Informational Report Regarding the Preliminary Three-Year Capital Improvement Program for FY 2019-20 through FY 2021-22

*Recommended Action – Accept report*

**COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:**

**(including AB 1234 Reports on Meetings and Conferences Attended at City Expense)**

7. Councilmember Reports:

**SAN RAFAEL SUCCESSOR AGENCY:**

1. Consent Calendar: -None.

**ADJOURNMENT:**

Any records relating to an agenda item, received by a majority or more of the Council less than 72 hours before the meeting, shall be available for inspection in the City Clerk's Office, Room 209, 1400 Fifth Avenue, and placed with other agenda-related materials on the table in front of the Council Chamber prior to the meeting. Sign Language interpreters and assistive listening devices may be requested by calling (415) 485-3066 (voice), emailing [Lindsay.lara@cityofsanrafael.org](mailto:Lindsay.lara@cityofsanrafael.org) or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request. Public transportation is available through Golden Gate Transit, Line 22 or 23. Paratransit is available by calling Whistlestop. Wheels at (415) 454-0964. To allow individuals with environmental illness or multiple chemical sensitivity to attend the meeting/hearing, individuals are requested to refrain from wearing scented products.

**In the Council Chambers of the City of San Rafael, Monday, June 3, 2019**



**Regular Meeting**

**San Rafael City Council**

**Minutes**

Present: Mayor Phillips  
Vice Mayor McCullough  
Councilmember Colin  
Councilmember Gamblin

Absent: Councilmember Bushey

Also Present: City Manager Jim Schutz  
City Attorney Robert Epstein  
City Clerk Lindsay Lara

[How to participate in your City Council meeting](#)

**OPEN SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL**

1. None.

**CLOSED SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL**

2. Closed Session: None.

**OPEN TIME FOR PUBLIC EXPRESSION – 7:00 PM**

- [Salamah Locks, Commission on Aging, reported on the Commission on Aging](#)
- [Michael Parsons addressed the City Council regarding dual bike paths](#)

[Mayor Phillips read a statement regarding interpretation services being provided for the City Council meeting](#)

**CITY MANAGER’S REPORT:**

3. City Manager’s Report:

- City Manager Jim Schutz:
  - [provided an update on SMART construction project road closures; and](#)
  - [announced San Rafael Market to commence Thursday June 13th from 6-9:00 p.m. through September; and](#)
  - [announced item 4.c to be continued to June 17, 2019 City Council meeting when all members of the City Council are present; and](#)

- shared resident's appreciation regarding the Albert Park Play Area Project Completion; and
- announced Vice Mayor McCullough would pull item 4.h for clarification comments

Mayor Phillips commented on the SMART construction road closures

**CONSENT CALENDAR:**

**4. Consent Calendar Items:**

Item 4.h held from the Consent Calendar

Councilmember McCullough moved and Councilmember Colin seconded to approve the remainder of the Consent Calendar and postpone item 4.c to the City Council meeting of June 17, 2019

- a. **Approval of Minutes**  
**Approve Minutes of City Council / Successor Agency Regular and Meeting of Monday, May 20, 2019 (CC)**  
[Regular Minutes 2019-05-20](#)

Approved minutes as submitted

b. **ADA Access Advisory Committee**

- 1) **Resolution Repealing Resolution No. 12851 and Establishing Bylaws of the ADA Access Advisory Committee**
- 2) **Call for Applications to Fill Three Four-Year Terms to the End of October 2022 on the ADA Access Advisory Committee Due to the Expiration of Terms of Rob Simon and Fredric Divine and the Resignation of Brooklyn Rodden (CD)**  
[ADA Access Advisory Committee](#)

ACCEPTED REPORT AND ADOPTED RESOLUTION 14673 - RESOLUTION REPEALING RESOLUTION NO. 12851 AND ESTABLISHING BYLAWS OF THE ADA ACCESS ADVISORY COMMITTEE

- c. **Flavored Tobacco Product Ban**  
**Second Reading and Final Adoption of Ordinance 1970: An Ordinance of the San Rafael City Council Amending Chapter 8.15 of the San Rafael Municipal Code, Entitled "Tobacco Retail Sales, Advertising And Promotion" to Regulate Sales of Flavored Tobacco Products and Sale of Tobacco Products at Pharmacies (CC)**  
[Flavored Tobacco Product Ban Ordinance Adoption Correspondence](#)

Continued to City Council meeting of June 17, 2019

- d. **Ladder Truck Repair**  
**Resolution Authorizing a One-Time Purchase and Payment of a Purchase Order to Pierce Manufacturing for Ladder Truck Repair Services in an Amount Not to**

**Exceed \$142,521 Plus a 25% Contingency (FD)**

[Ladder Truck Repair](#)

RESOLUTION 14674 - RESOLUTION AUTHORIZING A ONE-TIME PURCHASE AND PAYMENT OF A PURCHASE ORDER TO PIERCE MANUFACTURING FOR LADDER TRUCK REPAIR SERVICES IN AN AMOUNT NOT TO EXCEED \$142,521 PLUS A 25% CONTINGENCY

**e. Crime Analyst Services**

**Resolution Authorizing the City Manager to Execute an Agreement for Crime Analysis Services with LexisNexis Risk Solutions, Inc., in an Amount Not to Exceed \$138,215 and Appropriating this Amount from the Safety Grant Fund to Support the Agreement (PD)**

[Crime Analyst Services](#)

RESOLUTION 14675 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR CRIME ANALYSIS SERVICES WITH LEXISNEXIS RISK SOLUTIONS, INC., IN AN AMOUNT NOT TO EXCEED \$138,215 AND APPROPRIATING THIS AMOUNT FROM THE SAFETY GRANT FUND TO SUPPORT THE AGREEMENT

**f. Baypoint Lagoons Assessment District**

- 1) **Resolution Directing Filing of Engineer's Annual Report 2019-20**
- 2) **Resolution Approving Engineer's Annual Report 2019-20**
- 3) **Resolution of Intention to Order Improvements and Setting a Public Hearing on the Annual Assessment for the City Council Meeting of July 15, 2019 (PW)**  
[Baypoint Lagoons Assessment District](#)

RESOLUTION 14676 – RESOLUTION DIRECTING FILING OF ENGINEER'S ANNUAL REPORT 2019-20

RESOLUTION 14677 – RESOLUTION APPROVING ENGINEER'S ANNUAL REPORT 2019-20

RESOLUTION 14678 - RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS AND SETTING A PUBLIC HEARING ON THE ANNUAL ASSESSMENT FOR THE CITY COUNCIL MEETING OF JULY 15, 2019

**g. Point San Pedro Road Median Landscaping Assessment District**

- 1) **Resolution Directing Filing of Engineer's Annual Report 2019-20**
- 2) **Resolution Approving Engineer's Annual Levy Report 2019-20**
- 3) **Resolution of Intention to Order Improvements and Setting a Public Hearing on the Annual Assessment for the City Council Meeting of July 15, 2019 (PW)**  
[Pt. San Pedro Rd Median Landscaping Assessment District Appendices](#)

RESOLUTION 14679 – RESOLUTION DIRECTING FILING OF ENGINEER'S ANNUAL REPORT 2019-20

RESOLUTION 14680 – RESOLUTION APPROVING ENGINEER'S ANNUAL LEVY REPORT 2019-20

RESOLUTION 14681 - RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS AND SETTING A PUBLIC HEARING ON THE ANNUAL ASSESSMENT FOR THE CITY COUNCIL MEETING OF JULY 15, 2019

- i. **Disaster Cost Recovery**  
**Resolution Authorizing the City Manager to Execute a Second Amendment to the Professional Services Agreement with Masoud Kermani, DBA Kermani Consulting Group, for Additional Disaster Cost Recovery and Consulting Services and to Increase the Compensation by \$45,000 for a Total Not-to-Exceed Amount of \$140,000 (PW)**

[Disaster Cost Recovery](#)

RESOLUTION 14682 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH MASOUD KERMANI, DBA KERMANI CONSULTING GROUP, FOR ADDITIONAL DISASTER COST RECOVERY AND CONSULTING SERVICES AND TO INCREASE THE COMPENSATION BY \$45,000 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$140,000

- j. **Albert Park Play Area Project Completion**  
**Accept Completion of the Albert Park Play Area Improvements Project (City Project No. 11299), and Authorize the City Clerk to File the Notice of Completion (PW)**

[Albert Park Play Area Project Completion](#)

Accepted report

AYES: Councilmembers: Colin, Gamblin, McCullough & Mayor Phillips  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Bushey

The following item was removed from the Consent Calendar:

- h. **Loch Lomond 10 - Mello-Roos District No. 1992-1**  
**Resolution Setting the Special Tax for Community Facilities District No. 1992-1 (Loch Lomond #10) for Fiscal Year 2019-20 (PW)**  
[Loch Lomond 10 - Mello-Roos District No. 1992-1](#)

Councilmember McCullough commented on the item and suggested revisions to the resolution. Staff commented and provided additional information.

Mayor Phillips invited public comment; however, there was none

Councilmember McCullough moved and Councilmember Colin seconded to receive the staff report and adopt the Resolution with the following revisions:

1. Delete the sixth Whereas clause reading:  
“**WHEREAS**, at the request of the Director of Public Works, CSW/Stuber-Stroeh Engineering Group, Inc., has prepared an Engineer’s Annual Report for Community Facilities District 1992-1 (Loch Lomond #10) for fiscal year 2019-20 recommending the amount of the special taxes to be assessed; and”
2. Add a new Whereas clause reading:  
“**WHEREAS**, the maximum special tax the City may assess on the taxable parcels in CFD 1992-1 under Resolution 8839 is \$793 per parcel for FY 2019-20 (\$171 towards the Sinking Fund and \$622 towards the Maintenance Fund), and City staff has determined that even if the maximum tax is imposed for FY 2019-20, the revenue from the special tax will not exceed the City’s annual costs incurred in maintaining CFD 1992-1;”
3. Revise the Resolution clause by deleting the final sentence, so that it reads as follows:  
“**NOW THEREFORE BE IT RESOLVED** THAT THE City Council of San Rafael hereby sets the special tax for Community Facilities District 1992-1 (Loch Lomond #10) at \$793 per parcel for FY 2019-20 (\$171 towards the Sinking Fund and \$622 towards the Maintenance Fund), excepting exempt Assessor Parcel Nos. 16-33012, 13, 14.”

RESOLUTION 14683 - RESOLUTION SETTING THE SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 1992-1 (LOCH LOMOND #10) FOR FISCAL YEAR 2019-20

AYES: Councilmembers: Colin, Gamblin, McCullough & Mayor Phillips  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Bushey

**PUBLIC HEARINGS:**

**5. Public Hearings:**

**a. Rental Housing Ordinances**

- 1) **Consideration of an Ordinance of the City of San Rafael City Council Adding New Chapter 10.100 to the San Rafael Municipal Code, Entitled “Rental Housing Dispute Resolution”**
- 2) **Consideration of an Ordinance of the City of San Rafael City Council Adding New Chapter 10.105 to the San Rafael Municipal Code, Entitled “Cause Required for Eviction” (CM)**

[Renter Housing Ordinances Correspondence](#)

Andrew Hening, Director of Homeless Planning and Outreach, presented the staff report



Staff responded to questions from Councilmembers

Mayor Phillips declared the public hearing opened

**Speakers:** Gordon Schaefer, Pastor Tom Gable, Marin Organizing Committee, Michael Burke, real estate agent with Golden Gate Sotheby's, Gabriella Ventura, Marin Community Clinics, Caroline Peattie, Fair Housing Advocates, Sami Mericle, Marin Environmental Housing Collaborative, Dave Coury, Marin Housing Solutions, Martin Neville, Scott Gerber, Peter Mendoza, Director of Advocacy for Marin Center for Independent Living, Alex Khalfin, California Apartment Association, Marilyn Sweeney, Past Board Chair of NorthBay Family Homes, Tamara Treslon, Tom Neville, Wendy, Aidan O'Sullivan, Omar Carrera, CEO of Canal Alliance, Len Rifkind

There being no further comment from the audience, Mayor Phillips closed the public hearing

Staff and the Rental Housing City Council subcommittee, Mayor Phillips and Vice Mayor McCullough, responded to questions from Councilmembers. Councilmembers provided comment.

motion

Councilmember McCullough moved and Councilmember Colin seconded to pass Ordinance of the City of San Rafael City Council Adding New Chapter 10.100 to the San Rafael Municipal Code, Entitled "Rental Housing Dispute Resolution" to print

Passed Ordinance No. 1971 to print

AYES: Councilmembers: Colin, McCullough & Mayor Phillips  
NOES: Councilmembers: Gamblin  
ABSENT: Councilmembers: Bushey

Councilmember McCullough moved and Councilmember Colin seconded to pass Ordinance of the City of San Rafael City Council Adding New Chapter 10.105 to the San Rafael Municipal Code, Entitled "Cause Required for Eviction" to print

Passed Ordinance No. 1972 to print

AYES: Councilmembers: Colin, McCullough & Mayor Phillips  
NOES: Councilmembers: Gamblin  
ABSENT: Councilmembers: Bushey

**OTHER AGENDA ITEMS:**

**6. Other Agenda Items:**

- a. Traffic Methodologies for General Plan 2040  
Informational Report on Traffic Methodologies for General Plan 2040 (CD/PW)  
[Traffic Methodologies for General Plan 2040](#)**

Paul Jensen, Community Development Director, presented the staff report along with Rafat Raie, Deputy Public Works Director

Staff responded to questions from Councilmembers with assistance by Fehr & Peers

Mayor Phillips invited public comment

**Speakers:** Bill Carney, Sustainable San Rafael, Frank Smart  
There being no further comment from the audience, Mayor Phillips closed the public comment period

Staff responded to questions from Councilmembers. Councilmembers provided comment.

Councilmember Colin moved and Councilmember Gamblin seconded to accept the report

Accepted report and provided direction to staff

AYES: Councilmembers: Colin, Gamblin, McCullough & Mayor Phillips  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Bushey

**b. Third Street Rehabilitation  
Informational Report Regarding the Third Street Rehabilitation Feasibility Study (PW)**

[Third Street Rehabilitation PowerPoint Presentation](#)

Bill Guerin, Public Works Director, commented on the item and introduced Public Works Traffic Engineer Lauren Davini and BKF Engineers consultant April Malvino Miller, who presented the staff report

Staff and BKF Engineers consultants responded to questions from Councilmembers

Mayor Phillips invited public comment

**Speakers:** Deborah Duenas, Marin County Health and Wellness, Muhammad Kalifa, Bjorn Gripenburg, Marin County Bicycle Coalition, Wendi Kallins, Safe Routes to Schools Programs Coordinator, Tamara Rich, Jim Waite, Bill Carney, Sustainable San Rafael, Jean Severinghaus, Safe Routes to School Task Force, Frank Smart, Lori Schiffrin

There being no further comment from the audience, Mayor Phillips closed the public comment period

Staff responded to questions from Councilmembers. Councilmembers provided comment.

Councilmember McCullough moved and Councilmember Colin seconded to accept the report

Accepted report

AYES: Councilmembers: Colin, Gamblin, McCullough & Mayor Phillips  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Bushey

**COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:**

**7. Councilmember Reports:**

None

**SAN RAFAEL SUCCESSOR AGENCY:**

**1. Consent Calendar: -None.**

**ADJOURNMENT:**

Mayor Phillips adjourned the City Council meeting at 10:34 p.m.

\_\_\_\_\_  
LINDSAY LARA, City Clerk

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019

\_\_\_\_\_  
GARY O. PHILLIPS, Mayor

In the City Manager's Conference Room of the City of San Rafael  
Monday, June 10, 2019 at 6:00 p.m.



**Special Meeting  
San Rafael City Council**

**Minutes**

Present: Mayor Phillips  
Councilmember Bushey  
Councilmember Colin

Absent: Vice-Mayor McCullough  
Councilmember Gamblin

Also Present: City Manager Jim Schutz  
City Clerk Lindsay Lara  
Planning Manager Raffi Boloyan

Mayor Phillips called the City Council special meeting to order at 6:19 p.m.

**1. Planning Commission Interviews  
Interview Applicants and Consider Appointments to Fill Two Four-Year Terms to  
the End of June 2023 on the Planning Commission Due to the Expiration of Term  
of John 'Jack' Robertson and Mark Lubamersky (CC)**

[Planning Commission Interviews](#)

The City Council interviewed the following applicants: Elias Hill, Gerald Fraser, Mark Lubamersky, Shingai Samudzi, Stuart Watson, Torina Wilson and Ellis Simmons

After discussion, there was City Council consensus to reappoint Mark Lubamersky and to appoint Shingai Sumadzi to the Planning Commission to the end of June 2023

**2. Design Review Board Interviews  
Interview Applicants and Consider Appointments to Fill One Four-Year Term to  
the End of June 2023 and One Unexpired Four-Year Term to the End of June 2021  
on the Design Review Board Due to the Expiration of Term of Stewart Summers  
and the Resignation of Eric Spielman (CC)**

[Design Review Board Interviews](#)

The City Council interviewed the following applicants: Ellis Simmons, Madeline Silva Khan, Michael Feeney, Samina Saude and Stewart Summers. William Wood did not attend the interview.

After discussion, there was City Council consensus to reappoint Stewart Summers to a four-year term to the end of June 2023 and to appoint Samina Saude to the unexpired four-year term to the end of June 2021 on the Design Review Board.

**ADJOURNMENT:**

Mayor Phillips adjourned the City Council special meeting at 8:20 p.m.

\_\_\_\_\_  
LINDSAY LARA, City Clerk

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019

\_\_\_\_\_  
GARY O. PHILLIPS, Mayor

DRAFT



**SAN RAFAEL CITY COUNCIL STAFF REPORT**

Department: City Clerk

Prepared by: Lindsay Lara, City Clerk

City Manager Approval: \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'AS', written over a horizontal line.

**TOPIC: Citizens Advisory Committee on Economic Development & Affordable Housing Vacancy**

**SUBJECT: CALL FOR APPLICATIONS TO FILL ONE UNEXPIRED FOUR-YEAR TERM TO THE END OF JUNE 2021 ON THE CITIZENS ADVISORY COMMITTEE ON ECONOMIC DEVELOPMENT & AFFORDABLE HOUSING DUE TO THE RESIGNATION OF ANDREA DE LA FUENTE**

**RECOMMENDATION:**

1. Call for applications to fill one unexpired four-year term to the end of June 2021, on the Citizens Advisory Committee on Economic Development & Affordable Housing; and
2. Set deadline for receipt of applications for Tuesday, July 9, 2019 at 5:00 p.m. at City Hall in the City Clerk's Office, Room 209.

**BACKGROUND:**

The [Citizens Advisory Committee on Economic Development and Affordable Housing](#) (CAC) advises the City Council on activities related to the economic vitality of the City including the Economic Vitality Work plan, the Downtown Station Area Plan, the Homeless Action Plan, and various General Plan policies related to economic development and affordable housing. [Meetings](#) are held on the first Thursday of each month at 7:00 p.m. in the Third Floor Conference Room at City Hall, 1400 Fifth Avenue, San Rafael, CA 94901.

**ANALYSIS:**

On June 5, 2019 Andrea de la Fuente informed the City she is relocating outside of San Rafael city limits and resigned from her position on the CAC. The term of office for Andrea de la Fuente was set to expire on June 31, 2021, and staff recommends the release of a Call for Applications to fill her unexpired four-year term. Members of the committee shall be residents, property owners, or business people within the City of San Rafael. By approving this item, staff will be able to release a Call for Applications for eligible and interested community members to apply. Once applications are received and reviewed,

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

**SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2**

the City Clerk's Office will schedule a special City Council meeting where the City Council will interview candidates and make a selection to appoint candidates to the CAC.

**FISCAL IMPACT:** There is no fiscal impact associated with this item.

**RECOMMENDED ACTION:** Approve the following:

1. Call for applications to fill one unexpired four-year term to the end of June 2021 on the Citizens Advisory Committee on Economic Development & Affordable Housing; and
2. Set deadline for receipt of applications for Tuesday, July 9, 2019 at 5:00 p.m. at City Hall in the City Clerk's Office, Room 209

**ATTACHMENT:**

1. Application Materials
2. Resignation Letter



**One Vacancy  
Citizens Advisory Committee  
on Economic Development & Affordable Housing (CAC)**

APPLICATIONS to serve on the CAC, City of San Rafael, to fill **one unexpired four-year term to the end of June 2021** may be obtained at the City Clerk's Office, City Hall, 1400 Fifth Avenue, Room 209, San Rafael and on the website at:

<https://www.cityofsanrafael.org/boards-commissions/>. The deadline for filing applications is **Tuesday, July 9, 2019, at 5:00 p.m.** in the City Clerk's Office.

There is no compensation paid to CAC members. Members must comply with the City's ethics training requirement of AB 1234, and reimbursement policy. See attached information.

**ONLY RESIDENTS, PROPERTY OWNERS, OR BUSINESS PEOPLE WITHIN THE CITY OF SAN RAFAEL MAY APPLY**

The CAC regularly meets on the first Thursday of every month at 7:00 p.m. in the Third Floor Conference Room of City Hall.

Interviews of applicants will be held at a Special City Council meeting on a date to be determined.

The CAC guidelines for membership, terms, powers and duties, etc., is also attached.

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Lindsay Lara  
City Clerk  
City of San Rafael

Dated: June 18, 2019



**CITY OF SAN RAFAEL  
APPLICATION TO SERVE AS MEMBER OF CAC**

NAME: \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP CODE: \_\_\_\_\_

RESIDENT OF THE CITY OF SAN RAFAEL FOR \_\_\_\_\_ YEARS

PRESENT POSITION: \_\_\_\_\_

NAME OF FIRM: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_

\*HOME & BUSINESS PHONE: \_\_\_\_\_

\*E-MAIL ADDRESS: \_\_\_\_\_

EDUCATION: \_\_\_\_\_

\_\_\_\_\_

PARTICIPATION IN THE FOLLOWING CIVIC ACTIVITIES: \_\_\_\_\_

\_\_\_\_\_

MEMBER OF FOLLOWING CIVIC ORGANIZATIONS: \_\_\_\_\_

\_\_\_\_\_

MY REASONS FOR WANTING TO SERVE ARE: \_\_\_\_\_

\_\_\_\_\_

DESCRIBE POSSIBLE AREAS OF CONFLICT OF INTEREST: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

**Filing Deadline:**

Date: Tuesday, July 9, 2019  
Time: 5:00 p.m.

**Mail or deliver to:**

City of San Rafael, City Hall, Dept. of City Clerk  
1400 Fifth Avenue, Room 209, San Rafael, CA 94901

\* This information will be kept confidential, to the extent permitted by law

# CITIZENS ADVISORY COMMITTEE ON ECONOMIC DEVELOPMENT AND AFFORDABLE HOUSING

## Guidelines for Advisory Committee

1. Purpose - The purpose of the Citizens Advisory Committee (CAC) is to advise City Council on economic development and affordable housing projects. In addition, the Committee provides residents, business owners and property owners with a forum to express their views on economic development and affordable housing projects.
2. Scope of the Committee - The Citizens Advisory Committee is a special single purpose body focused on economic development related projects in San Rafael. From time to time, the City Council may assign the Committee specific issues, outside of the Committee's normal purview, to consider and receive public input.
3. Functions - The Citizens Advisory Committee advises the City Council in two ways:
  - a) The Committee provides ongoing advice and feed back to the City staff in an informal liaison manner.
  - b) The Committee makes official recommendations to the City Council on those items which may be considered at City Council meetings.
4. Membership - Members of the Committee shall be appointed by the City Council. They shall be residents, property owners, or business people within the City of San Rafael. While meetings of the Advisory Committee shall be open to the public, only members of the Committee, appointed by the City Council, shall have voting rights.
5. Office and Staff - The office of the Committee for the transaction of business shall be the office of the City of San Rafael. City staff shall provide all necessary staff services to the Committee.
6. Meetings - The Committee shall adopt a regularly scheduled meeting time. They shall meet once a month at a set designated place. That meeting shall be open to the public, and the Committee may have other meetings as it deems advisable. Such special meetings may be called by the Chair, or by a majority of the Committee Members. Notice of each such meeting shall be given to each member twenty-four (24) hours in advance of the meeting, either by mail or telephone. A quorum of the meeting shall be constituted if 50 percent of the members are present.
7. Officers - The Committee shall select from among its members a Chair, a Vice-Chair, and a Secretary.
  - Chair - The Chair shall be the Chief Officer of the Committee and shall preside at all meetings. He/she shall be an ex-officio member of all sub-committees and shall have the general powers and duties usually vested in the office of Chair.
  - Vice-Chair - The Vice-Chair shall assume the office of Chair in the absence of the Chair.
  - Secretary - The Secretary shall keep or cause to be kept at the principal office of the Committee a book of Minutes of all meetings and record of attendance of all members. The Secretary shall also keep or cause to be kept such other records as shall be directed by the Committee.Officers shall be elected at the first meeting of the Committee each year and shall serve for a one (1) year term.

## **NOTICE TO BOARD & COMMISSION APPLICANTS**

### **REGARDING ETHICS TRAINING**

On January 1, 2006, a new law became effective that requires two (2) hours of ethics training of the local legislative bodies by January 1, 2007. This new law defines a local legislative body as a "Brown Act" governing body, whether permanent or temporary, decision-making or advisory, and created by formal action of the City Council. In other words, any person serving on a City Council, Board, Commission, or Committee created by the Council is subject to this ethics training requirement. After this initial class, training will be required every two years.

Ethics training can be accomplished by taking a 2-hour class, self-study, or an on-line class. You may seek reimbursement for taking any authorized ethics class. The city staff member that is assigned to your committee can help you with the reimbursement process.

After you have completed the ethics class, the original certificate needs to be given to the City Manager's Office for record-keeping, with a copy kept for your records.

#### **AB 1234 (Salinas). Local Agencies: Compensation and Ethics**

Chapter 700, Statutes of 2005

This law does the following:

- **Ethics Training:** Members of the Brown Act-covered decision-making bodies must take two hours of ethics training every two years, if they receive compensation or are reimbursed expenses. The training can be in-person, on-line, or self-study. For those in office on 1/1/06, the first round of training must be completed by 1/1/07.
- **Expense Reimbursement -- Levels:** Local agencies which reimburse expenses of members of their legislative bodies must adopt written expense reimbursement policies specifying the circumstances under which expenses may be reimbursed. The policy may specify rates for meals, lodging, travel, and other expenses (or default to the Internal Revenue Service's (IRS) guidelines). Local agency officials must also take advantage of conference and government rates for transportation and lodging.
- **Expense Reimbursement -- Processes:** Local agencies, which reimburse expenses, must also provide expense reporting forms; when submitted, such forms must document how the expense reporting meets the requirements of the agency's expense reimbursement policy. Officials attending meetings at agency expense must report briefly back to the legislative body at its next meeting.

On Wed, Jun 5, 2019 at 10:11 PM William Carney <[REDACTED]> wrote:

Andrea—

Very sad to hear you're heading out of town, at least for now. We'll truly miss your contributions.

I'll make some time on the agenda for you to make the announcement.

Congratulations to your husband on his new responsibilities. My thanks for your service, and best wishes going forward.

Please do keep in touch.

—Bill

On Jun 5, 2019, at 9:20 PM, Andrea de la Fuente <[REDACTED]> wrote:

Hi Bill, Danielle and Simon,

I'm writing to let you know that I must regretfully resign my position with the CAC. My husband was recently appointed to serve as the California Legislative Analyst and has been working in Sacramento for the past several months. While we hoped we could maintain our family here in San Rafael, his commute has quickly become too difficult on all of us. Tomorrow will be the last CAC meeting I am able to attend, as we will be relocating to Sacramento next month.

I have truly enjoyed working with you on some of the important issues facing San Rafael, and I've been very impressed by your dedication to bettering our city through informed and thoughtful advocacy. We are keeping our home here in San Rafael so I look forward to visiting and seeing the progress that the CAC has been supporting, and to possibly returning here to live here again down the road.

With kind regards,

Andrea de la Fuente

--

Andy

Call me [REDACTED]

[www.linkedin.com/in/andynajariese](http://www.linkedin.com/in/andynajariese)

**ORDINANCE NO. 1970**

**AN ORDINANCE OF THE SAN RAFAEL CITY COUNCIL  
AMENDING CHAPTER 8.15 OF THE SAN RAFAEL MUNICIPAL CODE,  
ENTITLED "TOBACCO RETAIL SALES, ADVERTISING AND PROMOTION" TO  
REGULATE SALES OF FLAVORED TOBACCO PRODUCTS AND SALE OF  
TOBACCO PRODUCTS AT PHARMACIES**

**THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:**

**DIVISION 1. FINDINGS.**

WHEREAS, tobacco use remains the leading cause of preventable death in the United States, killing more than four hundred eighty thousand people each year. It causes or contributes to many forms of cancer, as well as heart and respiratory diseases, among other health disorders. Tobacco use remains a public health crisis of the first order, in terms of the human suffering and loss of life it causes, the financial costs it imposes on society and the burdens it places on our health care system; and

WHEREAS, tobacco companies have used flavorings such as mint and wintergreen in smokeless tobacco products as part of a "graduation strategy" to encourage new users to start with tobacco products with lower levels of nicotine and progress to products with higher levels of nicotine; and

WHEREAS, the Centers for Disease Control (CDC) and the Food and Drug Administration (FDA) analyzed data from the 2016 National Youth Tobacco Survey to assess reasons youth use e-cigarettes. Among those who had ever used an e-cigarette, the most commonly selected reasons for use were: use by "friend or family member" (39.0%); availability of "flavors such as mint, candy, fruit, or chocolate" (31.0%); and the belief that "they are less harmful than other forms of tobacco such as cigarettes" (17.1%); and

WHEREAS, the 2016 National Youth Tobacco Survey also found that during the one-year period between 2017 and 2018, among high school students who currently used e-cigarettes, use of flavored e-cigarettes increased as well. 68% more high school students used flavored e-cigarettes. Use of any flavored e-cigarette went up among current users from 60.9 percent to 67.8 percent, and menthol use increased from 42.3 percent to 51.2 percent among all current e-cigarette users—including those using multiple products—and from 21.4 percent to 38.1 percent among exclusive e-cigarette users. Additionally, kids whose first tobacco product was flavored are more likely to become current tobacco users than those whose first product was tobacco-flavored; and

WHEREAS, the National Cancer Institute (NCI), and FDA released findings from the 2018 National Youth Tobacco Survey showing alarming increases in current use of any tobacco product among both middle and high school students between 2017 and 2018, primarily because of an increase in e-cigarette use. No significant changes occurred in current use of combustible tobacco products, such as cigarettes and cigars, during this period. The increases

in current use of any tobacco product and e-cigarettes have reversed a decline observed in recent years; and

WHEREAS, as stated in the FDA's March 2019 draft guidance for industry regarding their *Modifications to Compliance Policy for Certain Deemed Tobacco Products*, the FDA conducted undercover enforcement efforts with respect to brick-and-mortar and online stores during the Summer of 2018 which resulted in the issuance of more than 1,300 warning letters and civil money penalty (CMP) complaints to retailers who illegally sold flavored tobacco products to minors. Additionally, according to data from the 2018 NYTS, 14.8 percent of U.S. middle and high school e-cigarette users under 18 years of age reported obtaining e-cigarettes in the past 30 days from a vape shop or other store that sells e-cigarettes and 8.4 percent reported obtaining them from a gas station or convenience store; and

WHEREAS, according to the latest California Healthy Kids Survey the Electronic Cigarette Use Prevalence and Patterns has increased significantly from 2015-16 to 2017-18. In 2018 at San Rafael City Schools, seventeen percent (17%) of seventh-grade students have reported ever using electronic cigarettes and seventeen percent (17%) of tenth-grade students currently use e-cigarettes. The survey indicated that while current use of combustible tobacco products decreased by seventy-five percent (75%) among ninth grade students from 2015-16 to 2017-18, current electronic cigarette use increased by four hundred percent (400%) among ninth graders during that same period; and

WHEREAS, on February 5, 2014, CVS Caremark announced it will stop selling cigarettes and other tobacco products at its more than 7,600 CVS/pharmacy stores across the U.S. by October 1, 2014 consistent with the positions taken by the American Medical Association, American Heart Association, American Cancer Society, American Lung Association and American Pharmacists Association that have all publicly opposed tobacco sales in retail outlets with pharmacies; and

WHEREAS, the City Council finds that regulation of flavored tobacco products will help combat significant increases in youth tobacco and nicotine use attributed to the availability of flavored tobacco products such as e-cigarettes and vaping products;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

**DIVISION 2. AMENDMENT OF MUNICIPAL CODE.**

Chapter 8.15 of the San Rafael Municipal Code, entitled "Tobacco Retail Sales, Advertising and Promotion" is hereby amended to read in its entirety as follows:

Chapter 8.15 - TOBACCO PRODUCT RETAIL SALES, ADVERTISING AND PROMOTION

8.15.005 - Definitions.

The following words and phrases, whenever used in this chapter, shall have the meaning defined in this section unless the context clearly requires otherwise:

A. "Advertising display sign" means a sign, billboard, poster, freestanding sign, balloon, pennant or banner that is temporarily or permanently placed on or affixed to the ground, the sidewalk, a pole or post, a fence, or a building, or is displayed in the windows or doors of a commercial establishment, and that is used to advertise or promote products.

B. "Characterizing Flavor" means a distinguishable taste or aroma or both, other than the taste or aroma of tobacco, imparted by a Tobacco Product or any byproduct produced by the Tobacco Product. Characterizing Flavors include, but are not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice. A Tobacco Product shall not be determined to have a Characterizing Flavor solely because of the use of additives or flavorings or the provision of ingredient information. Rather, it is the presence of a distinguishable taste or aroma, or both, as described in the first sentence of this definition, that constitutes a Characterizing Flavor.

C. "Constituent" means any ingredient, substance, chemical, or compound, other than tobacco, water, or reconstituted tobacco sheet that is added by the manufacturer to a Tobacco Product during the processing, manufacture, or packing of the Tobacco Product.

D. "Distinguishable" means perceivable by either the sense of smell or taste.

E. "Flavored Tobacco Product" means any Tobacco Product that contains a Constituent that imparts a Characterizing Flavor.

F. "Labeling" means written, printed, pictorial, or graphic matter upon any Tobacco Product or any of its Packaging.

G. "Mobile billboard" means any sign, placard, billboard, or other advertisement display upon or affixed to a vehicle which display is used to advertise a product illegal to sell to minors, when the supporting vehicle or trailer is parked within a public right-of-way or on private property and visible to the public for a duration of time and in a manner which clearly indicates that the sign is for advertising products illegal to sell to minors or which carry a specific brand name, logo, or indicia of a product illegal to sell to minors. For the purpose of this chapter, a mobile billboard shall not include any advertisements on the side of a van, truck, or other vehicle which is primarily used for the transportation of goods or products.

H. "Packaging" means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane) in which a Tobacco Product is sold, or offered for sale, to a consumer.

I. "Person" means any individual person, firm partnership, association, corporation, company, organization, or legal entity of any kind.

J. "Pharmacy" means a retail establishment in which the profession of pharmacy by a pharmacist licensed by the State of California in accordance with the Business and Professions Code is practiced and where prescription products are offered for sale. A pharmacy may also offer other retail goods in addition to prescription pharmaceuticals.

K. "Promote" or "promotion" means a display of any logo, brand name, character, graphics, colors, designs, or recognizable color or pattern of colors, or any other indicia or product identification with, or similar to, or identifiable with, those used for any particular brand of Tobacco Product.

L. "Publicly visible location" means any outdoor location that is visible from any street, sidewalk, or other public thoroughfare, or any location inside a commercial establishment immediately adjacent to a window or door where such location is visible from any street, sidewalk, or other public thoroughfare.

M. "Tobacco product" means:

1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, and snuff and any Flavored Tobacco Product.
2. Any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, electronic cigar, electronic pipe, or electronic hookah.
3. Notwithstanding any provides of subsections (1) an (2) to the contrary, "Tobacco Product" includes any component, part, or accessory intended or reasonably expected to be used with a Tobacco Product, whether or not sold separately. "Tobacco Product" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such approved purpose.

N. "Tobacco Retailer" means any store, stand, booth, concession or any other enterprise that engages in the retail sale of Tobacco Products, including but not limited to pharmacies and stores that engage in the retail sale of food; "Tobacco Retailing" shall mean the doing of any of these things.

#### 8.15.010 - Restriction on advertising Tobacco Products.

No person shall place or maintain, or cause or allow to be placed or maintained, in any manner, any advertising or promotion of Tobacco Products on an advertising display sign in a publicly visible location within five hundred feet (500') of the perimeter of an elementary or secondary school, high school, public



playground or playground area in a public park (e.g., a public park with equipment such as swings and seesaws, baseball diamonds or basketball courts), day care center, public community center or public library.

#### 8.15.020 - Exceptions.

The restrictions contained in Section 8.15.010 shall not apply to advertising or promotions for Tobacco Products that are:

- A. Located inside a commercial establishment, unless such advertising display sign or promotion is attached to, affixed to, leaning against, or otherwise in contact with any window or door in such a manner that it is visible from a street, sidewalk or other public thoroughfare.
- B. On vehicles, other than mobile billboards.
- C. On any sign located inside or immediately outside a commercial establishment if the sign provides notice that the establishment sells Tobacco Products, so long as the sign does not promote any brand of Tobacco Product.
- D. On Tobacco Product packaging.

Notwithstanding the foregoing, however, the provisions of Chapter 14.19 ("Signs") of this Code shall apply.

#### 8.15.030 - Distribution of promotional items to minors.

No person may market, license, distribute, sell, or cause to be marketed, licensed, distributed or sold any item or service to a minor, which bears the brand name, alone or in conjunction with, any other word, logo, symbol, motto, selling message, recognizable color or pattern of colors, or any other indicia or product identification identical with, or similar to, or identifiable with, those used for any brand of Tobacco Product.

#### 8.15.040 - Self-service displays.

It is unlawful for any person to sell, permit to be sold, offer for sale, or display for sale, any Tobacco Product by any means of self-service merchandising, including but not limited to self-service display, rack, countertop or shelf, or any means other than vendor-assisted sales. All Tobacco Products shall be offered for sale exclusively by means of vendor assistance, and all Tobacco Products shall be either in a locked case or in an area not accessible to the public prior to sale.

8.15.050 - Signs.

Any person, business, or Tobacco Retailer shall post plainly visible signs at the point of purchase of Tobacco Products which state "THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER TWENTY-ONE YEARS OF AGE IS PROHIBITED BY LAW. PHOTO ID REQUIRED." The letters of said signs shall be at least one inch (1") high.

8.15.100 - Sale to minors prohibited.

No person, business, or tobacco retailer shall sell, offer to sell or permit to be sold any tobacco product to an individual without requesting and examining identification establishing the purchaser's age as twenty-one (21) years or greater.

8.15.110 – Prohibition Against Sale or Offer for Sale of Flavored Tobacco Products.

A. The sale or offer for sale, by any person or Tobacco Retailer of any Flavored Tobacco Product is prohibited and no person or Tobacco Retailer shall sell, or offer for sale, any Flavored Tobacco Product.

B. There shall be a rebuttable presumption that a Tobacco Product is a Flavored Tobacco Product if a manufacturer or any of the manufacturer's agents or employees, in the course of their agency or employment, has made a statement or claim directed to consumers or to the public that the Tobacco Product has or produces a Characterizing Flavor including, but not limited to, text, color, and/or images on the product's Labeling or Packaging that are used to explicitly or implicitly communicate that the Tobacco Product has a Characterizing Flavor.

8.15.120 – Prohibition Against Tobacco Products Sales at Pharmacies.

No person shall sell Tobacco Products in a pharmacy.

8.15.130 - Tobacco vending machines prohibited.

No person, business, or Tobacco Retailer shall locate, install, keep, maintain or use, or permit the location, installation, keeping, maintenance or use on his, her or its premises any vending machine for the purpose of selling or distributing any Tobacco Product.

8.15.200 - Requirement for Tobacco Retailer permit.

It is unlawful for any person to act as a Tobacco Retailer without first obtaining and maintaining a valid Tobacco Retailer's permit pursuant to this chapter for each location at which that activity is to occur. No permit may be issued to authorize

Tobacco Retailers at other than a fixed location; peripatetic Tobacco Retailing and Tobacco Retailing from vehicles are prohibited. Permits are valid for one year. Each Tobacco Retailer must apply for the Tobacco Retailer's permit or for the renewal of the Tobacco Retailer's permit at the same time the applicant applies for, or renews their city business license.

8.15.210 - Application procedure.

A. Application for a Tobacco Retailer's permit shall be submitted in the name of the person or entity proposing to conduct retail sales of Tobacco Products and shall be signed by such person or an authorized agent thereof. All applications shall be submitted to the city and shall contain the following information:

1. The name, address, telephone and fax numbers of the applicant.
2. The business name, address, telephone and fax numbers of each location for which a tobacco retailer's permit is sought.
3. Such other information as the city deems reasonably necessary for implementation and enforcement of this chapter.

B. A fee for the Tobacco Retailer's permit shall be established by city council in its fee schedule resolution as amended from time to time. The applicant shall pay the fee at the time the application is submitted. The application shall be submitted at the same time as the applicant's initial application for or renewal of a city business license.

8.15.220 - Issuance of permit.

A. Upon the receipt of an application for a Tobacco Retailer's permit, the city shall issue a permit unless the Community Development Director, or designee, determines that evidence demonstrates one of the following bases for denial:

1. The application is incomplete or inaccurate.
2. The application seeks authorization for Tobacco Retailing by a person or at a location for which a suspension is in effect pursuant to Section 8.15.250 of this chapter.
3. The application seeks authorization for Tobacco Retailing that is otherwise unlawful under provisions of state or federal law or the provisions of the San Rafael Municipal Code.

8.15.230 - Display of permit.

Each permittee shall prominently display the permit at each location where Tobacco Retailing occurs.

8.15.240 - Permits nontransferable.

A Tobacco Retailer's permit is nontransferable. In the event a person to whom a permit has been issued changes business location or sells the business referenced in that person's permit, that person must apply for a new permit prior to acting as a Tobacco Retailer at the new location. The transferee of the permittee must apply for a permit in the transferee's name before acting as a Tobacco Retailer. Any permit reissued pursuant to this section shall expire on the date the previous permit for the business or person would have otherwise expired.

8.15.250 - Suspension or revocation of permit.

A. Grounds for Suspension or Revocation.

1. A Tobacco Retailer's permit shall be revoked if the Director of Community Development, or designee, finds, after not less than 10 days' notice and opportunity to be heard, that one or more of the bases for denial of a permit under Section 8.15.220 of this chapter exists. The revocation shall be without prejudice to the filing of a new application for a permit following correction of the conditions which required revocation.

2. A Tobacco Retailer's permit shall be suspended if the Director of Community Development, or designee, finds, after not less than 10 days' notice and opportunity to be heard, that the permittee or his or her agent or employee has violated any federal, state or local law governing the sale, promotion, advertisement or display of Tobacco Products.

B. Suspension of Permit.

1. If the Director of Community Development, or designee, finds that there are grounds for suspension of a permit, the permit shall be suspended for ninety (90) days unless (a) the permittee submits a training plan within a reasonable time established by the city, in form and content acceptable to the city, for the training of all sales employees in the laws pertaining to the sale, advertisement, and display of Tobacco Products to minors, and, techniques to ensure future compliance with said laws; and (b) the permittee files with the city, within such time as is reasonably established by the city, satisfactory evidence that the training described in the training plan has been completed.

2. Upon the second finding by the Director of Community Development, or designee, of a violation by a permittee or by any agent or employee of a permittee

within any twelve (12) month period, the permit shall be suspended for one hundred twenty (120) days.

3. Upon each subsequent finding by the Director of Community Development, or designee, of a violation by a permittee or by any agent or employee of a permittee within any twelve (12) month period, the permit shall be suspended for one year.

C. Appeal of Suspension and/or Revocation. The decision is appealable pursuant to the provisions of Chapter 14.28 of the San Rafael Municipal Code.

#### 8.15.260 - Penalties for violations.

A violation of any provision of this chapter is hereby declared a public nuisance and shall be punishable as provided for in Chapters 1.42, 1.44 and 1.46 of this code. These remedies shall be in addition to all other legal remedies, criminal or civil, which may be pursued by the city to address any violation of this chapter.

#### 8.15.270 – No conflict with Federal or State law.

Nothing in this chapter shall be interpreted or applied so as to create any requirement, power, or duty that is preempted by federal or state law.

#### 8.15.280 – Not applicable to cannabis businesses.

Notwithstanding anything in this chapter to the contrary, this chapter shall not be applicable to any matter regulated by Chapter 10.96 of this code entitled “Cannabis Business”.

### **DIVISION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of this Ordinance or its implementation would have a significant effect on the environment (14 Cal. Code Regs. Section 15061(b)(3)).

### **DIVISION 4. SEVERABILITY.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**DIVISION 5. EFFECTIVE DATE; PUBLICATION.**

This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published, and circulated in the City of San Rafael, and shall be in full force as of January 1, 2021. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

  
\_\_\_\_\_  
GARY O. PHILLIPS, Mayor

ATTEST:

  
\_\_\_\_\_  
LINDSAY LARA, City Clerk

The foregoing Ordinance No. 1970 was read and introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 20<sup>th</sup> day of May 2019 and ordered passed to print by the following vote, to wit:

AYES: COUNCILMEMBERS: Bushey, Gamblin & Mayor Phillips

NOES: COUNCILMEMBERS: Colin & McCullough

ABSENT: COUNCILMEMBERS: None

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 3<sup>rd</sup> day of June 2019.

  
\_\_\_\_\_  
LINDSAY LARA, City Clerk

# Marin Independent Journal

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2070419

CITY OF SAN RAFAEL  
CITY OF SAN RAFAEL  
CITY CLERK, ROOM 209  
1400 FIFTH AVENUE, SAN RAFAEL, CA 94901  
SAN RAFAEL, CA 94915-1560

## PROOF OF PUBLICATION (2015.5 C.C.P.)

### STATE OF CALIFORNIA County of Marin

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer of the MARIN INDEPENDENT JOURNAL, a newspaper of general circulation, printed and published daily in the County of Marin, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Marin, State of California, under date of FEBRUARY 7, 1955, CASE NUMBER 25566; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

**06/07/2019**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated this 7th day of June, 2019.



Signature

## PROOF OF PUBLICATION

Legal No. **0006351712**

#### SUMMARY OF ORDINANCE NO. 1970

#### AN ORDINANCE OF THE SAN RAFAEL CITY COUNCIL AMENDING CHAPTER 8.15 OF THE SAN RAFAEL MUNICIPAL CODE, ENTITLED "TOBACCO RETAIL SALES, ADVERTISING AND PROMOTION" TO REGULATE SALES OF FLAVORED TOBACCO PRODUCTS AND SALE OF TOBACCO PRODUCTS AT PHARMACIES

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 1970, which will amend San Rafael Municipal Code 8.15, prohibiting the sale of flavored tobacco products citywide and prohibiting the sale of all tobacco products at pharmacies effective January 1, 2021. Ordinance No. 1970 is scheduled for a second reading and adoption by the San Rafael City Council at its regular meeting of June 17, 2019. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

#### SUMMARY OF AMENDMENT TO MUNICIPAL CODE

San Rafael Municipal Code Chapter 8.15 contains regulations and permit requirements governing the advertising of tobacco products and the sale of tobacco products and paraphernalia by "tobacco retailers" in the City of San Rafael. Ordinance No. 1970 will amend San Rafael Municipal Code Chapter 8.15 to add new definitions pertaining to "flavored tobacco products" and "pharmacies;" to completely prohibit the sale of flavored tobacco products citywide; and to prohibit the sale of all tobacco products at pharmacies within the City. The City Council declined to include any exemptions from these regulations in the ordinance. The new regulations in Ordinance No. 1970 will become effective on January 1, 2021.

The City has determined that adoption of the ordinance is exempt from review under the California Environmental Quality Act (CEQA) as it does not have the potential to cause a significant effect on the environment.

Copies of Ordinance No. 1970 are available for public review at the San Rafael City Clerk's Office, 1400 Fifth Avenue, 2nd Floor, Room 209 during regular business hours, 8:30 a.m. to 5:00 p.m., and on the City's website: <https://www.cityofsanrafael.org>. You may also contact the City Clerk at (415) 485-3066 or the Community Development Department at (415) 485-3085 for information.

LINDSAY LARA  
San Rafael City Clerk  
Dated: 6/7/2019

NO. 789 JUN 7, 2019

**ORDINANCE NO. 1971**

**AN ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL  
ADDING NEW CHAPTER 10.100 TO THE SAN RAFAEL MUNICIPAL CODE,  
ENTITLED “RENTAL HOUSING DISPUTE RESOLUTION”**

**THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:**

**DIVISION 1. FINDINGS.**

**WHEREAS**, over 57,700 people permanently reside in the incorporated City of San Rafael, which population is projected to grow by approximately 11,000 additional residents by 2040, as identified in Appendix B: Background Report of the 2015-2023 San Rafael Housing Element; and

**WHEREAS**, 48 percent of the 24,000 housing units in the City of San Rafael are occupied by renters, as identified in Appendix B: Background Report of the 2015-2023 San Rafael Housing Element; and

**WHEREAS**, housing overpayment, as defined by the state and federal government, refers to spending more than 30 percent of income on housing; severe overpayment is spending greater than 50 percent of income on housing; and

**WHEREAS**, in 2010, 53 percent of renter households were overpaying for housing and 30% of households were severely overpaying for housing, as identified in Appendix B: Background Report of the 2015-2023 San Rafael Housing Element; and

**WHEREAS**, rental prices increased 25% between 2010 and 2013, as identified in Appendix B: Background Report of the 2015-2023 San Rafael Housing Element; and

**WHEREAS**, in 2011, 87 percent of the 36,000 persons employed within San Rafael commuted in from outside the city limits, indicating a shortage of local affordable housing opportunities for the community’s workforce, as identified in Appendix B: Background Report of the 2015-2023 San Rafael Housing Element; and

**WHEREAS**, the 2013, 2015, and 2017 Homeless Point-in-Time Counts each identify the lack of affordable housing as the leading cause of homelessness in Marin County; and

**WHEREAS**, the 2018-2019 City Council Goals and Objectives includes “exploring protections to increase rental and ownership housing affordability”; and

**WHEREAS**, at the February 4, 2019 City Council Meeting, staff presented potential renter protection policies to address the issue of rental housing affordability; and



**WHEREAS**, the City Council formed an ad hoc Renter Protections Subcommittee to vet these policy options in more detail, solicit feedback from the public, and incorporate the feedback of local stakeholders; and

**WHEREAS**, on May 4, 2019, the Renter Protections Subcommittee recommended that the City establish a Rental Housing Dispute Resolution program with the goal of maintaining rental housing affordability by addressing significant rent increases through the facilitation of constructive conversations between landlords and tenants in a neutral and accountable environment;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:**

**DIVISION 2. AMENDMENT OF MUNICIPAL CODE.**

Title 10 of the San Rafael Municipal Code, entitled “Businesses, Professions, Occupations, Industries and Trades” is hereby amended by adding new Chapter 10.100, entitled “Rental Housing Dispute Resolution” to read in its entirety as follows:

**10.100.010 Purpose and intent.**

It is the purpose and intent of this Chapter to encourage certainty and fairness in the residential rental market within the City of San Rafael, in order to promote the health, safety, and general welfare of residents and businesses within the City. This Chapter only governs disputes between Landlords and Tenants of rental Dwelling Units located within the City of San Rafael.

**10.100.020 Applicability.**

The provisions of this Chapter shall apply to all Dwelling Units in the San Rafael city limits, including a single-family dwelling or unit in a multifamily or multipurpose dwelling, a unit in a condominium or cooperative housing project, or a unit in a structure that is being used for residential uses whether or not the residential use is a conforming use permitted under the San Rafael Municipal Code, which is hired, rented, or leased to a household within the meaning of California Civil Code Section 1940.

Notwithstanding anything to the contrary above, the provisions of this Chapter shall not apply to the following:

- A. Any Dwelling Unit that is owned or operated by any government agency; or
- B. Any Dwelling Unit for which one of the following is true (1) the Rent is limited to no more than affordable rent, as such term is defined in California Health & Safety Code Section 50053, pursuant and subject to legally binding restrictions enforceable against and/or governing such units; or (2) the Rent is directly subsidized by a government agency such that the Tenant's portion of the Rent does not exceed 30% of income.

### **10.100.030 Definitions.**

For the purpose of this Chapter, unless the context clearly requires different meaning, the words, terms, and phrases set forth in this section shall have the meanings given to them in this section:

- A. "City" means the City of San Rafael.
- B. "CDD Director" means the City Community Development Department Director or their designee unless otherwise specified.
- C. "Designated Service Provider" means a party or organization selected by the CDD Director to provide Mediation services and other tasks necessary to implement the program and procedures contained in this Chapter and any associated Guidelines.
- D. "Dwelling unit" for purposes of this Chapter means one or more rooms designed, occupied or intended for occupancy as separate living quarters, with a kitchen, sleeping facilities, and sanitary facilities for the exclusive use of one household, but not including any such unit occupied in whole or in part by the property owner or the property owner's family members, including parents, children, brothers, sisters, aunts, uncles, nieces, and/or nephews.
- E. "Guidelines" means any written regulations and forms for the administration and implementation of this Chapter adopted by the CDD Director.
- F. "Good Faith" participation shall have the meaning given it in Section 10.100.050 below. "Landlord" means an owner, lessor, or sublessor who receives or is entitled to receive Rent for the use and occupancy of any Dwelling Unit or portion thereof.
- G. "Mediation" means one or more meetings in which a Landlord and Tenant have the opportunity to directly communicate with a Mediator and each other in a face-to-face setting at a neutral location in order to resolve a rental housing dispute under ground rules designed to protect the confidentiality and neutrality of the communications.
- H. "Mediator" means a person who meets any criteria for conducting Mediations that may be established in the Guidelines.
- I. "Rent" means the consideration, including any funds, labor, bonus, benefit, or gratuity, demanded or received by a Landlord for or in connection with the use and occupancy of a Dwelling Unit and the housing services provided therewith, or for the assignment of a rental agreement for a Dwelling Unit.
- J. "Tenant" means a person entitled by written or oral agreement, or by sufferance, to the use or occupancy of a Dwelling Unit.

**10.100.040 Mediation eligibility.**

- A. Tenant-initiated Mediation. A Tenant residing in a Dwelling Unit may file a request and receive Mediation services within either 30 calendar days from the enactment of this Chapter or ten calendar days of the Tenant's receipt of one or more notices in accordance with California Civil Code section 827 that individually or cumulatively increase Rent more than five percent (5%) within any 12-month period.
- B. Landlord-requested Mediation. Any Landlord may file a request and receive Mediation services in order to pursue a Rent increase greater than five percent (5%) within any 12-month period.

**10.100.050 Mediation process.**

- A. Designated Service Provider; Costs. The CDD Director shall contract with or designate a Designated Service Provider to provide Mediation services. The Guidelines may include a description of minimum qualifications for the Designated Service Provider and its Mediators. For the first year during which this Chapter is in effect, the City shall pay the entire cost of any Mediation required under this Chapter to the extent funds are available. Thereafter, the costs of the Mediation shall be allocated among the parties and/or other available funding sources as determined by the CDD Director.
- B. Mediation Requests.
  - (1) Any Tenant or Landlord eligible for Mediation under Section 10.100.040 may request Mediation services from the Designated Service Provider.
  - (2) Each Landlord and/or Tenant requesting Mediation services must complete and sign a form under penalty of perjury that demonstrates eligibility for Mediation under this Chapter and includes other information as may be specified in the Guidelines.
  - (3) Separate requests for Mediation services that involve one or more of the same parties may be consolidated with the consent of the Landlord and the other Tenant(s), but consolidation is not required and shall not affect individuals' ability to be separately represented or to bring a separate legal action.
  - (4) If an eligible Tenant has requested Mediation as a result of receiving one or more notices in accordance with California Civil Code section 827 that individually or cumulatively increase Rent more than five percent (5%) within any 12-month period, unless the parties otherwise agree in writing, such noticed Rent increase will not be effective until the Mediation concludes or 30 calendar days after the request for Mediation services is made to the Designated Service Provider.
- C. Two-Step Mediation Process. The Designated Service Provider shall assign a Mediator within ten (10) calendar days of receiving a complete request for Mediation services. The assigned Mediator shall offer a two-step Mediation process as follows:

- (1) Within two (2) business days of receiving a Mediation assignment from the Designated Service Provider, the Mediator shall provide notice of the Mediation to the Landlord and Tenant. The Mediation notice shall, at a minimum, inform each party of their obligation to appear at the Mediation. The Mediator shall make reasonable efforts to schedule Mediation sessions at times that are mutually convenient for the Landlord and the Tenant, which may include times that are outside of business hours. The Mediation process shall commence upon notification of the Landlord and Tenant by the Mediator.
  - (a) A Mediator may notify the Landlord and/or Tenant of the Mediation process via telephone, email, or any other form of communication, but at a minimum, the Mediator must notify each party in writing via first-class mail, postage prepaid to each parties' address of record.
  - (b) Following the Mediator sending such notification, both the Landlord and the Tenant have an affirmative obligation to participate in the Mediation until the Mediation concludes.
- (2) The Mediation process shall conclude upon the earlier of: (a) the execution of a legally enforceable, written agreement signed by all parties to the Mediation service under subsection (E) of this Section; (b) the Mediator's determination that no further progress is likely to result from continued Mediation; or (c) all of the parties to the Mediation indicate in writing that the Mediation has concluded to their satisfaction. In no event shall a Mediation process last longer than 30 calendar days after the request for Mediation services is made to the Designated Service Provider unless the parties agree in writing to extend the Mediation term.

D. Mandatory Participation. Every party to a Mediation is affirmatively obligated to participate in such Mediation in Good Faith until the Mediator determines the Mediation has concluded.

- (1) Definition. For purposes of this Section, Good Faith participation means the mutual obligation of the Landlord and Tenant to meet on each occasion when notified of Mediation proceedings, provide relevant information, exchange proposals, timely consider and respond to proposals by opposite parties, and engage in meaningful discussion on the subject of proposed Rent increases and issues related to the Rent increase.
- (2) Failure to participate in Good Faith.
  - (a) No Rent increase will be effective unless or until the Landlord of the Dwelling Unit complies with the provisions of this Chapter by participating in Good Faith as described in Section 10.100.050 throughout the entirety of a Mediation process.
  - (b) If a Tenant fails to participate in Good Faith, the Tenant shall be deemed to have withdrawn their request for Mediation, allowing any Rent increase

to be implemented in accordance with the notice requirements identified in California Civil Code section 827.

E. Mediation Agreements.

- (1) Any agreement reached by the parties in Mediation must:
  - (a) Be made in writing and signed by the parties;
  - (b) State the specific terms of the Mediation agreement including the duration and conditions of the agreement;
  - (c) State the effective date of any agreed-upon Rent increase and stipulate to the adequacy of notice for any Rent increase in accordance with California Civil Code section 827;
  - (d) Be legally enforceable against the parties to the agreement;
  - (e) Provide that any agent or representative signing a Mediation agreement on behalf of other persons shall be responsible for promptly providing a copy of the agreement to the parties they represent.
- (2) A Tenant bound by a Mediation agreement may not request further Mediation concerning any Rent increase covering the same time period included in the Mediation agreement but may request Mediation concerning an additional Rent Increase that is first noticed or occurs after the Mediation agreement is signed by both parties.

**10.100.060 Rights Under State and Federal Law Not Affected.**

- A. Nothing in this Chapter shall be deemed to affect any rights or remedies of a Tenant provided by State or Federal law, including but not limited to those related to:
- (1) Tenant's right to quiet enjoyment of the rental premises.
  - (2) The duty of a landlord to make a dwelling unit tenantable and repair all subsequent dilapidations that render it untenable including, but not limited to, providing:
    - (a) Effective waterproofing/weather protection for roof, exterior walls, windows and doors.
    - (b) Plumbing and gas facilities conforming to state and local law at the time of installation, kept in good working order.
    - (c) A water supply providing hot and cold running water and approved under applicable law.

- (d) Heating conforming to applicable law at the time of installation, kept in good working order.
  - (e) An electrical system, including lighting, wiring and equipment, conforming with applicable law at the time of installation, kept in good working order. [
  - (f) Building grounds kept clean, sanitary and free from accumulations of debris, garbage, rodents and vermin.
  - (g) Adequate numbers of garbage/rubbish receptacles kept clean and in good repair.
  - (h) Floors, stairways and railings kept in good repair.
  - (i) Code compliant locks on certain windows and doors.
- (3) Prohibited Landlord conduct including, but not limited to:
- (a) Discrimination in housing.
  - (b) Retaliation, threats or other coercive conduct, including threats or discrimination on basis of immigration or citizenship status.
  - (c) Unauthorized entry into Tenant's unit.
  - (d) Unauthorized taking of Tenant's personal property.
- (4) Rights concerning payment and return of rent and security deposits.
- (5) Rights to required notice prior to termination of rental agreement.
- (6) Rights under Unlawful Detainer statutes, including prohibitions against termination based on immigration or citizenship status.
- B. Nothing in Subsection (A) of this Section prohibits the lawful eviction of a Tenant in accordance with California Civil Code section 1946.1 or by any other appropriate legal means.

**10.100.070 Civil remedies.**

- A. Injunctive relief. Any aggrieved person may enforce Sections 10.100.050(D) or 10.100.080 of this Chapter by means of a civil injunctive action. Any person who commits, or proposes to commit, an act in violation of Sections 10.100.050(D) or 10.100.080 of this Chapter may be enjoined therefrom by any court of competent jurisdiction. An action for injunction under this section may be brought by any aggrieved person, by county counsel, the district attorney, or by any person or entity which will fairly and adequately represent the interests of the protected class.

- B. Civil Liability. Any person who violates Sections 10.100.050(D) or 10.100.080 of this Chapter or who aids in the violation of Sections 10.100.050(D) or 10.100.080 of this Chapter is liable for, and the court must award to the individual whose rights are violated, three times the amount of special and general damages. The court may award in addition thereto not less than two hundred dollars (\$200.00) but not more than four hundred dollars (\$400.00), together with attorney's fees and costs of action. Civil actions filed pursuant to this section must be filed within one year of the events giving rise to the alleged cause of action.
- C. Attorney's fees sought in connection with Section 10.100.080 shall only be awarded if the party is first given written notice of its failure and an opportunity to cure, which cure may include delaying and re-noticing a proposed rent increase and/or refunding or crediting to Tenant a past rent increase, and such cure is not promptly effected.

**10.100.080 Notice of Tenant rights.**

- A. Notice Requirement. Landlords must provide to each Tenant a notice of Tenant rights under this Chapter that describes the Mediation service and how to request service. The required notice may be printed conspicuously within the lease or rental agreement or Notice of Rent increase or may be provided on a separate form. A form for providing such notice may be issued in the Guidelines, and the use of such form shall be deemed to comply with the substantive requirements of this Subsection (A).
- B. When Notice Required. Landlords must provide to Tenants the notice of Tenant rights under Subsection (A) of this Section in the following circumstances:
- (1) When entering a lease or rental agreement;
  - (2) When renewing a lease or rental agreement; and
  - (3) When providing notice of a Rent increase.
- C. Language of Notice. If the Tenant's rental agreement was negotiated in a language other than English, then the Landlord shall provide the notices required under this Section in the language in which the rental agreement was negotiated.
- D. Delivery of Notice. The notices required by this Section may be served by any of the following methods:
- (1) By delivering a copy to the Tenant personally.
  - (2) If the Tenant is absent from his or her place of residence, and from his or her usual place of business, by leaving a copy with some person of suitable age and discretion at either place and sending a copy through the mail addressed to the Tenant at his or her place of residence.
  - (3) If such place of residence and business cannot be ascertained, or a person of suitable age or discretion there cannot be found, then by affixing a copy in a

conspicuous place on the property, and also delivering a copy to a person there residing, if such person can be found; and also sending a copy through the mail addressed to the Tenant at the place where the property is situated. Service upon a subtenant may be made in the same manner.

- E. Failure to Provide Notice. Failure to comply with the notice provisions described in this Chapter shall render any rental increase notice invalid and unenforceable. The failure to comply with the notice provisions will be cured only after the proper written notice of Tenant's Rights, along with a new rental increase notice, has been properly served on the Tenant.

**DIVISION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**


The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment, in that this ordinance applies residential tenant protection measures to existing residential units in San Rafael, which is solely an administrative process resulting in no physical changes to the environment.

**DIVISION 5. SEVERABILITY.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**DIVISION 6. EFFECTIVE DATE; PUBLICATION.**

This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published, and circulated in the City of San Rafael, and shall be in full force and effect thirty (30) days after its final passage. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

  
\_\_\_\_\_  
GARY O. PHILLIPS, Mayor

ATTEST:

  
\_\_\_\_\_  
LINDSAY LARA, City Clerk



The foregoing Ordinance No. 1971 was read and introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 3rd day of June 2019 and ordered passed to print by the following vote, to wit:

AYES: Councilmembers: Colin, McCullough & Mayor Phillips

NOES: Councilmembers: Gamblin

ABSENT: Councilmembers: Bushey

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 17th day of June 2019.



LINDSAY LARA, City Clerk

## **SUMMARY OF ORDINANCE NO. 1971 AND ORDINANCE NO. 1972**

### **ORDINANCES OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ADDING NEW CHAPTER 10.100 AND NEW CHAPTER 10.105 OF THE SAN RAFAEL MUNICIPAL CODE REGULATING LANDLORD TENANT RELATIONS IN SAN RAFAEL'S RENTAL HOUSING MARKET.**

This Summary concerns two proposed ordinances of the City Council of the City of San Rafael, designated as Ordinance No. 1971 and Ordinance No. 1972, which will amend the San Rafael Municipal Code by adding new Chapter 10.100, entitled “Rental Housing Dispute Program”, and new Chapter 10.105, entitled “Cause Required for Eviction.” Both ordinances will regulate landlord tenant relations in the rental housing market. Both ordinances are scheduled for a second reading and adoption by the San Rafael City Council at its regular meeting of June 17, 2019. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

#### **SUMMARY OF AMENDMENTS TO MUNICIPAL CODE**

The “Rental Housing Dispute Program” ordinance will amend the San Rafael Municipal Code by adding new Chapter 10.100 to allow landlord and tenants in rental housing to request a mediation process for proposed rent increases of five percent (5%) or more within a 12-month period and would make both parties’ participation in that mediation mandatory. Mediation is a process in which a neutral third party facilitates the negotiation of a mutually acceptable resolution to a dispute between parties. The parties might not reach such a mutually acceptable resolution, however under the ordinance as proposed, they would be required to participate in the process in good faith. The goal of this ordinance is to facilitate constructive conversations between landlords and tenants in a neutral and accountable environment.

The “Cause Required for Eviction” ordinance will amend the San Rafael Municipal Code by adding new Chapter 10.105 to provide stability for households who rent by regulating the grounds for eviction, by prohibiting termination of a residential tenancy without an expressly stated and valid reason. The ordinance is intended to serve to promote greater awareness of the rights and responsibilities of landlords and tenants and to provide a clear and transparent process for evictions and lease terminations. The ordinance would not interfere with state processes governing the eviction itself.

The City has determined that adoption of these ordinances are exempt from review under the California Environmental Quality Act (CEQA) as they do not have the potential to cause a significant effect on the environment.

Copies of Ordinance No. 1971 & 1972 will be available for public review as of Wednesday, June 12, 2019, at the San Rafael City Clerk’s Office, 1400 Fifth Avenue, 2<sup>nd</sup> Floor, Room 209 during regular business hours, 8:30 a.m. to 5:00 p.m., and on the City’s website: <https://www.cityofsanrafael.org>. You may also contact the City Clerk at (415) 485-3066 or the City Manager’s Office at (415) 485-3055 for information.

/s/  
LINDSAY LARA  
San Rafael City Clerk  
Dated: 6/7/2019

# Marin Independent Journal

4000 Civic Center Drive, Suite 301  
San Rafael, CA 94903  
415-382-7335  
legals@marinij.com

2070419

CITY OF SAN RAFAEL  
CITY OF SAN RAFAEL  
CITY CLERK, ROOM 209  
1400 FIFTH AVENUE, SAN RAFAEL, CA 94901  
SAN RAFAEL, CA 94915-1560

## PROOF OF PUBLICATION (2015.5 C.C.P.)

### STATE OF CALIFORNIA County of Marin

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer of the MARIN INDEPENDENT JOURNAL, a newspaper of general circulation, printed and published daily in the County of Marin, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Marin, State of California, under date of FEBRUARY 7, 1955, CASE NUMBER 25566; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

**06/07/2019**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated this 7th day of June, 2019.



Signature

## PROOF OF PUBLICATION

Legal No. **0006351717**

#### SUMMARY OF ORDINANCE NO. 1971 AND ORDINANCE NO. 1972

#### ORDINANCES OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ADDING NEW CHAPTER 10.100 AND NEW CHAPTER 10.105 OF THE SAN RAFAEL MUNICIPAL CODE REGULATING LANDLORD TENANT RELATIONS IN SAN RAFAEL'S RENTAL HOUSING MARKET.

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The City has determined that adoption of these ordinances are exempt from review under the California Environmental Quality Act (CEQA) as they do not have the potential to cause a significant effect on the environment.

Copies of Ordinance No. 1971 & 1972 will be available for public review as of Wednesday, June 12, 2019, at the San Rafael City Clerk's Office, 1400 Fifth Avenue, 2nd Floor, Room 209 during regular business hours, 8:30 a.m. to 5:00 p.m., and on the City's website: <https://www.cityofsanrafael.org>. You may also contact the City Clerk at (415) 485-3066 or the City Manager's Office at (415) 485-3055 for information.

/s/ \_\_\_\_\_  
LINDSAY LARA  
San Rafael City Clerk  
Dated: 6/7/2019

NO. 780 JUN 7, 2019

**ORDINANCE NO. 1972**

**AN ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL  
ADDING NEW CHAPTER 10.105 TO THE SAN RAFAEL MUNICIPAL CODE,  
ENTITLED "CAUSE REQUIRED FOR EVICTION"**

**THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:**

**DIVISION 1. FINDINGS.**

**WHEREAS**, over 57,700 people permanently reside in the incorporated City of San Rafael, which population is projected to grow by approximately 11,000 additional residents by 2040, as identified in Appendix B: Background Report of the 2015-2023 San Rafael Housing Element; and

**WHEREAS**, 48 percent of the 24,000 housing units in the City of San Rafael are occupied by renters, as identified in Appendix B: Background Report of the 2015-2023 San Rafael Housing Element; and

**WHEREAS**, vacancy rate measures the overall housing availability in a community and is often a good indicator of how efficiently for-sale and rental housing units are meeting the current demand for housing; a low vacancy rate may indicate that households are having difficulty in finding housing that is affordable, which can lead to housing overpayment and/or overcrowding; and

**WHEREAS**, housing overpayment, as defined by the state and federal government, refers to spending more than 30 percent of income on housing; severe overpayment is spending greater than 50 percent of income on housing; and

**WHEREAS**, in 2010, 53 percent of renter households were overpaying for housing and 30% of households were severely overpaying for housing, as identified in Appendix B: Background Report of the 2015-2023 San Rafael Housing Element; and

**WHEREAS**, if a renter receives an eviction notice in a rental market with a low vacancy rate, it can be very difficult to find new housing and displacement is more likely to occur; and

**WHEREAS**, as of 2018, the rental vacancy rate in Marin County was below 3%, according to the Marin County Community Development Agency; a healthy rate is closer to 6% to 7%; and

**WHEREAS**, the 2013, 2015, and 2017 Homeless Point-in-Time Counts each identify the lack of affordable housing as the leading cause of homelessness in Marin County; and

**WHEREAS**, the 2018-2019 City Council Goals and Objectives includes "exploring protections to increase rental and ownership housing affordability"; and

**WHEREAS**, at the February 4, 2019 City Council Meeting, staff presented potential renter protection policies to address the issue of rental housing affordability and stability; and

**WHEREAS**, the City Council formed an ad hoc Renter Protections Subcommittee to vet these policy options in more detail, solicit feedback from the public, and incorporate the feedback of local stakeholders; and

**WHEREAS**, on May 4, 2019, the Renter Protections Subcommittee recommended that the City establish a Just Cause for Eviction program with the goal of promoting greater awareness of the rights and responsibilities of landlords and tenants and to provide a clear and transparent process for evictions and lease terminations;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:**

**DIVISION 2. AMENDMENT OF MUNICIPAL CODE.**

Title 10 of the San Rafael Municipal Code, entitled “Businesses, Professions, Occupations, Industries and Trades” is hereby amended by adding new Chapter 10.105, entitled “Cause Required for Eviction” to read in its entirety as follows:

**10.105.010 Purpose and intent.**

It is the purpose and intent of this Chapter to encourage certainty and fairness in the residential rental market within the City of San Rafael in order to promote the health, safety, and general welfare of residents and property owners within the City. This Chapter regulates the reason(s) for and defines certain minimum term(s) under which certain residential tenancies may be terminated by Landlords of rental Dwelling Units located within the City.

**10.105.020 Applicability.**

- A. General Application. Except as provided in Section 10.105.020(B) below, the provisions of this Chapter shall apply to all properties in the City of San Rafael that contain at least three: (1) Dwelling Units in a multifamily or multipurpose dwelling; (2) Dwelling Units in Single Room Occupancy residential structures; or (3) units in a structure that is being used for residential uses whether or not the residential use is a conforming use permitted under the San Rafael Municipal Code, which is hired, rented, or leased to a household within the meaning of California Civil Code section 1940.
- B. Exceptions. Notwithstanding anything to the contrary above, the provisions of this Chapter shall not apply to the following types of Dwelling Units:
  - (1) Any Dwelling Unit for which one of the following is true: (a) the Dwelling Unit is owned or operated by any government agency; or (b) the Rent is directly subsidized by a government agency such that the Tenant's portion of the Rent does not exceed 30% of household income; or

- (2) Any Dwelling Unit located in a development where no fewer than forty-nine percent (49%) of the Dwelling Units are subject to legally binding restrictions enforceable against and/or governing such units that limit the Rent to no more than an affordable rent, as such term is defined in California Health & Safety Code Section 50053; or
- (3) Any Dwelling Unit occupied by a Tenant employed by the Landlord for the purpose of managing the property; or
- (4) Any Dwelling Unit occupied in whole or in part by the property owner or the property owner's family members, including parents, children, brothers, sisters, aunts, uncles, nieces, and/or nephews.

### **10.105.030 Definitions.**

For the purpose of this Chapter, unless the context clearly requires a different meaning, the words, terms, and phrases set forth in this section shall have the meanings given to them in this section:

- A. "City" means the City of San Rafael.
- B. "CDD Director" means the City Community Development Department Director or their designee unless otherwise specified.
- C. Dwelling unit" means one or more rooms designed, occupied or intended for occupancy as separate living quarters, with a kitchen, sleeping facilities, and sanitary facilities for the exclusive use of one household.
- D. "For Cause" termination has the meaning provided in subsection (B) of Section 10.105.040.
- E. "Guidelines" means any written regulations and forms for the administration and implementation of this Chapter adopted by the CDD Director.
- F. "Landlord" means an owner, lessor, or sublessor who receives or is entitled to receive Rent for the use and occupancy of any Dwelling Unit or portion thereof.
- G. "No Fault" termination has the meaning provided in subsection (C) of Section 10.105.040.
- H. "Notice of Termination" means a written notice that includes all of the components identified in Section 10.105.050.
- I. "Primary Residence" means a Dwelling Unit that an owner occupies as a primary residence, as evidenced by the Dwelling Unit qualifying for a homeowner's property tax exemption.
- J. "Rent" means the consideration, including any funds, labor, bonus, benefit, or gratuity, demanded or received by a Landlord for or in connection with the use and occupancy of

a Dwelling Unit and the housing services provided therewith, or for the assignment of a rental agreement for a Dwelling Unit.

- K. "Tenant" means a person entitled by written or oral agreement, or by sufferance, to the use or occupancy of a Dwelling Unit.
- L. "Tenant Household" means all Tenant(s) who occupy any individual Dwelling Unit, and each minor child, dependent, spouse or registered domestic partner of any Tenant whose primary residence is the Dwelling Unit.

**10.105.040 Cause required to terminate tenancy.**

A. Prerequisites to terminate. No Landlord may terminate a residential tenancy of a Dwelling Unit unless the Landlord can demonstrate:

- (1) the Landlord possesses a valid Business License in accordance with Chapter 10.04 of this Code; and
- (2) the Landlord has previously provided the Tenant with the Notice of Tenant Rights as required by Section 10.100.070 of this Code, or can otherwise demonstrate timely, good faith substantial compliance with the noticing requirements listed therein and in this Chapter; and
- (3) the Landlord has not accepted and will not accept rent or any other consideration in return for the continued use of the Dwelling Unit beyond the term of the terminated tenancy in compliance with California Civil Code sections 1945, 1946, and 1946.1; and
- (4) the termination qualifies as a For Cause or No Fault termination, as defined in this Section.

B. For Cause Terminations. If a Landlord can show any of the following circumstances with respect to a termination of tenancy, the termination will qualify as "For Cause." Nothing in this section shall abrogate the protections afforded to survivors of violence consistent with the California Code of Civil Procedure Section 1161.3, as amended, and the Violence Against Women Act, Public Law 102-322, as amended:

- (1) Failure to Pay Rent. Tenant failed to pay Rent within three days of receiving written notice from the Landlord demanding payment as provided in subsection 2 of California Code of Civil Procedure section 1161;
- (2) Breach of Rental Contract. Tenant violated a material term of the rental agreement so as to give rise to Landlord's rights and obligations as set forth in California Code of Civil Procedure section 1161;
- (3) Tenant Illegal Activities. Tenant has been using the Dwelling Unit for an illegal purpose as provided in subsection 4 of California Code of Civil Procedure section 1161, including but not limited to the unlawful distribution of a controlled



substance as contemplated by California Civil Code section 3486, the unlawful use, manufacture, or possession of weapons and ammunition as contemplated by California Civil Code section 3485, or for a serious crime or violent felony as defined by applicable law, which occurred during the tenancy and within 1,000 feet of the Dwelling Unit. For purposes of this subsection, Tenant Household, after receiving a written notice, may cure the violation by removing, and demonstrating such removal, of the offending Tenant, provided, however, that such right to cure may not be exercised more than one time in any twelve-month period.

- (4) Threat of Violent Crime. Any statement made by a Tenant, or at his or her request, by his or her agent to any person who is on the property that includes the unit or to the Landlord, or his or her agent, threatening the commission of a crime which will result in death or great bodily injury to another person, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, when on its face and under the circumstances in which it is made, it is so unequivocal, immediate and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety;
- (5) Nuisance Behavior. The Tenant, after written notice to cease and the passage of a reasonable period of time to abate or cure, continues to be so disorderly or to cause such a nuisance as to interfere with the peace, quiet, comfort, or safety of the Landlord or other Tenants of the structure or rental complex containing the Dwelling Unit. Such nuisance or disorderly conduct includes violations of state and federal criminal law that interfere with the peace, quiet, comfort, or safety of the Landlord or other Tenants of the structure or rental complex containing the Dwelling Unit, or the creation or maintenance of a dangerous or unsanitary condition in violation of applicable local, state, and federal law, and may be further defined in Guidelines adopted by the CDD Director;
- (6) Notwithstanding the limitations of California Code of Civil Procedure Section 1161.3, as amended, an act or acts constituting domestic violence or sexual assault or stalking against the Tenant or a member of Tenant's household cannot form the substantial basis of a For Cause termination the tenancy of the victim of such acts. A member of a Tenant household may raise such facts as an affirmative defense to an action terminating the tenancy.

C. No Fault Terminations. If a Landlord can show any of the following circumstances with respect to a termination of tenancy, the termination will qualify as "No Fault:"

- (1) Landlord Will Permanently Remove Unit from Rental Market. Landlord will imminently demolish the Dwelling Unit or otherwise permanently remove the Dwelling Unit from any residential rental use or purpose, in accordance with California Government Code sections 7060 – 7060.7;

- (2) Landlord Will Move in to Dwelling Unit. Landlord, or one of Landlord's family members, including parents, children, brothers, sisters, aunts, uncles, nieces, and/or nephews, intends to move into and reside in the Dwelling Unit as his, her, or their Primary Residence. The Dwelling Unit must be occupied as the Primary Residence within three months of the Tenant household vacating the Dwelling Unit, and the Dwelling Unit must continue to be occupied as the Primary Residence for at least one year;
  - (3) Substantial Rehabilitation for Health and Safety. Landlord has applied for or obtained permits to undertake substantial repairs to the Dwelling Unit that cannot be completed while the Dwelling Unit is occupied. To qualify, such substantial repairs must be for the primary purpose of bringing the Dwelling Unit into compliance with applicable law;
  - (4) Tenant's Refusal to Execute Lease. Tenant refuses to accept a lease at the outset of the tenancy, or to renew a lease on terms substantially similar to the Tenant's existing lease.
- D. Buy-Out Agreements. Nothing in this Chapter shall expand or limit a Landlord and Tenant's ability to negotiate or agree to end a tenancy voluntarily in exchange for money or other consideration.

#### **10.105.050 Notice of Termination.**

- A. Contents of Notice of Termination. In addition to any information required by state or federal law, each Notice of Termination subject to this Chapter must include the following information.
- (1) The name and address of the Landlord where the Landlord will accept service of process; and
  - (2) The location of the Dwelling Unit; and
  - (3) The total length of the notice prior to termination of tenancy (expressed as number of days from delivery of notice until the anticipated final date of tenancy); and
  - (4) The intended final date of occupancy under the tenancy; and
  - (5) The monthly Rent applicable to the tenancy upon delivery of the Notice, and, if applicable, the date on which the final monthly Rent is due; and
  - (6) The beginning date of the tenancy and monthly Rent applicable at that time; and
  - (7) One applicable cause for which the tenancy will be terminated, in accordance with Section 10.105.040 of this Chapter.

- B. Language of Notice of Termination. If the Tenant's rental agreement was negotiated in a language other than English, then the Landlord shall provide the Notice of Termination in the language in which the rental agreement was negotiated.
- C. Delivery of Notice. Each Notice of Termination must be delivered to the Tenant Household in accordance with Civil Code sections 1946 and 1946.1, as applicable.

**10.105.060 Extended notice for certain No Fault terminations.**

Each Tenant household whose tenancy is terminated pursuant to subsection (C)(1) of Section 10.105.040 (Landlord will permanently remove unit from rental market) must receive notice of the termination at least one hundred twenty (120) days prior to the intended final date of occupancy under the tenancy.

**10.105.070 Civil remedies.**

- A. Affirmative Defense. A Landlord's failure to comply with this Chapter, including but not limited to the identification of an applicable cause for termination described in Section 10.105.040 and delivery of a completed Notice of Termination in accordance with Section 10.105.050, shall be an affirmative defense to an unlawful detainer action by Landlord.
- B. Civil Liability. Whenever a Landlord attempts to prevent a tenant from acquiring any rights under this Chapter, retaliates against a Tenant or Tenant Household for the exercise of any rights under this Chapter, or engages in activities prohibited under this Chapter, the Tenant or the Tenant Household may institute a civil proceeding for money damages or injunctive relief, or both. This Section creates a private right of action to enforce all terms, rights, and obligations under this Chapter. Whoever is found to have violated Section 10.105.040, or has failed to substantially comply with Section 10.105.050, shall be subject to appropriate injunctive relief and shall be liable for damages, costs and reasonable attorneys' fees, and whatever other relief the court deems appropriate. In the case of an award of damages, said award may be trebled if the trier of fact finds that the Landlord acted in knowing violation, reckless disregard, or otherwise willfully failed to comply with the foregoing provisions.
- C. Civil Action to Determine Liability. Any Tenant may bring a civil action to determine the applicability of this Chapter to the tenancy.
- D. Other Private Rights of Action. Nothing herein shall be deemed to interfere with the right of a Landlord to file an action against a Tenant or non-Tenant third party for the damage done to said Landlord's property. Nothing herein is intended to limit the damages recoverable by any party through a private action.

**10.105.080 Compliance with other local regulations**

The requirements of this Chapter shall be in addition to and not in lieu of any other applicable laws and regulations.

**10.105.090 Severability.**

The provisions of this Chapter are declared to be severable. If for any reason, any section, paragraph, clause, or phrase of this Chapter or the application thereof to any person, entity, or circumstance is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, clauses or phrases.

**DIVISION 3. ORDINANCE REVIEW.**

The regulations adopted by this Ordinance shall be reviewed by the City Council after they have been in effect for one year.

**DIVISION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

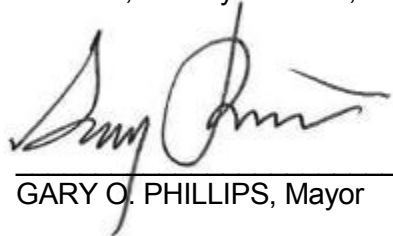
The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment, in that this ordinance applies residential tenant protection measures to existing residential units in San Rafael, which is solely an administrative process resulting in no physical changes to the environment.

**DIVISION 5. SEVERABILITY.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**DIVISION 6. EFFECTIVE DATE; PUBLICATION.**

This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published, and circulated in the City of San Rafael, and shall be in full force and effect thirty (30) days after its final passage. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

  
\_\_\_\_\_  
GARY O. PHILLIPS, Mayor

ATTEST:



LINDSAY LARA, City Clerk

The foregoing Ordinance No.1972 was read and introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 3rd day of June 2019 and ordered passed to print by the following vote, to wit:

AYES: Councilmembers: Colin, McCullough & Mayor Phillips

NOES: Councilmembers: Gamblin

ABSENT: Councilmembers: Bushey

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 17th day of June 2019.



LINDSAY LARA, City Clerk

## **SUMMARY OF ORDINANCE NO. 1971 AND ORDINANCE NO. 1972**

### **ORDINANCES OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ADDING NEW CHAPTER 10.100 AND NEW CHAPTER 10.105 OF THE SAN RAFAEL MUNICIPAL CODE REGULATING LANDLORD TENANT RELATIONS IN SAN RAFAEL'S RENTAL HOUSING MARKET.**

This Summary concerns two proposed ordinances of the City Council of the City of San Rafael, designated as Ordinance No. 1971 and Ordinance No. 1972, which will amend the San Rafael Municipal Code by adding new Chapter 10.100, entitled "Rental Housing Dispute Program", and new Chapter 10.105, entitled "Cause Required for Eviction." Both ordinances will regulate landlord tenant relations in the rental housing market. Both ordinances are scheduled for a second reading and adoption by the San Rafael City Council at its regular meeting of June 17, 2019. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

#### **SUMMARY OF AMENDMENTS TO MUNICIPAL CODE**

The "Rental Housing Dispute Program" ordinance will amend the San Rafael Municipal Code by adding new Chapter 10.100 to allow landlord and tenants in rental housing to request a mediation process for proposed rent increases of five percent (5%) or more within a 12-month period and would make both parties' participation in that mediation mandatory. Mediation is a process in which a neutral third party facilitates the negotiation of a mutually acceptable resolution to a dispute between parties. The parties might not reach such a mutually acceptable resolution, however under the ordinance as proposed, they would be required to participate in the process in good faith. The goal of this ordinance is to facilitate constructive conversations between landlords and tenants in a neutral and accountable environment.

The "Cause Required for Eviction" ordinance will amend the San Rafael Municipal Code by adding new Chapter 10.105 to provide stability for households who rent by regulating the grounds for eviction, by prohibiting termination of a residential tenancy without an expressly stated and valid reason. The ordinance is intended to serve to promote greater awareness of the rights and responsibilities of landlords and tenants and to provide a clear and transparent process for evictions and lease terminations. The ordinance would not interfere with state processes governing the eviction itself.

The City has determined that adoption of these ordinances are exempt from review under the California Environmental Quality Act (CEQA) as they do not have the potential to cause a significant effect on the environment.

Copies of Ordinance No. 1971 & 1972 will be available for public review as of Wednesday, June 12, 2019, at the San Rafael City Clerk's Office, 1400 Fifth Avenue, 2<sup>nd</sup> Floor, Room 209 during regular business hours, 8:30 a.m. to 5:00 p.m., and on the City's website: <https://www.cityofsanrafael.org>. You may also contact the City Clerk at (415) 485-3066 or the City Manager's Office at (415) 485-3055 for information.

/s/  
LINDSAY LARA  
San Rafael City Clerk  
Dated: 6/7/2019

# Marin Independent Journal

4000 Civic Center Drive, Suite 301  
San Rafael, CA 94903  
415-382-7335  
legals@marinij.com

2070419

CITY OF SAN RAFAEL  
CITY OF SAN RAFAEL  
CITY CLERK, ROOM 209  
1400 FIFTH AVENUE, SAN RAFAEL, CA 94901  
SAN RAFAEL, CA 94915-1560

## PROOF OF PUBLICATION (2015.5 C.C.P.)

### STATE OF CALIFORNIA County of Marin

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer of the MARIN INDEPENDENT JOURNAL, a newspaper of general circulation, printed and published daily in the County of Marin, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Marin, State of California, under date of FEBRUARY 7, 1955, CASE NUMBER 25566; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

**06/07/2019**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated this 7th day of June, 2019.



Signature

## PROOF OF PUBLICATION

Legal No. **0006351717**

### SUMMARY OF ORDINANCE NO. 1971 AND ORDINANCE NO. 1972

#### ORDINANCES OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ADDING NEW CHAPTER 10.100 AND NEW CHAPTER 10.105 OF THE SAN RAFAEL MUNICIPAL CODE REGULATING LANDLORD TENANT RELATIONS IN SAN RAFAEL'S RENTAL HOUSING MARKET.

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/s/ \_\_\_\_\_  
LINDSAY LARA  
San Rafael City Clerk  
Dated: 6/7/2019

NO. 780 JUN 7, 2019





**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: Fire

Prepared by: Christopher Gray  
Fire Chief

City Manager Approval: \_\_\_\_\_

**TOPIC:** Ambulance Service Cost Recovery

**SUBJECT:** RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS TO ALLOW THE SAN RAFAEL FIRE DEPARTMENT TO PARTICIPATE IN AN INTERGOVERNMENTAL TRANSFER WITH THE CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES (DHCS) IN ORDER TO INCREASE THE DEPARTMENT'S REIMBURSEMENT FOR EMS AMBULANCE TRANSPORT SERVICES PROVIDED TO COUNTY HEALTH PLAN (PARTNERSHIP HEALTH PLAN) MEMBERS FOR FISCAL YEAR 2018-2019.

**RECOMMENDATION:**

Adopt a resolution authorizing the City Manager to execute agreements to allow the City of San Rafael Fire Department to participate in Intergovernmental Transfers with the California Department of Health Care Services for Fiscal Year (FY) 2018-2019.

**EXECUTIVE SUMMARY:**

This request for the City Manager to execute agreements on behalf of the City for participation in a Medi-Cal rate range Intergovernmental Transfer (IGT) for rate year FY 2018-2019 represents the sixth year of the City's participation in the Intergovernmental Transfer Program that assists the City in recovering costs association with provision of Emergency Medical Services to the Managed Medi-Cal population.

**BACKGROUND:**

Since 2006, the Department of Health Care Services (DHCS) has offered public healthcare providers the opportunity to participate in a program that increases reimbursement for services provided to Medi-Cal Managed Care Plan Members. The DHCS program, called a voluntary rate range Intergovernmental Transfer (IGT) program (Welfare and Institutions Code §§14164, 14301.4), provides a way for Medi-Cal managed care health plan providers to gain access to federal matching funds for Medi-Cal reimbursements. In 2015, this program was expanded to include public Emergency Medical Services ("EMS") providers like the San Rafael Fire Department, who provide health care services to

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FOR CITY CLERK ONLY

File No.:

Council Meeting:

Disposition:

Medi-Cal managed care enrollees, to make these EMS providers eligible to receive increased reimbursements from Med-Cal Managed Care Health Plan Providers.

Under the IGT program, counties and other political subdivisions or governmental entities in the State may elect to transfer funds to the State in support of the Medi-Cal program. These funds are used as a match for federal funds, which are eventually returned to the EMS providers through their respective Medi-Cal Managed Care Health Plan Providers. In Marin County, the Medi-Cal Managed Care Health Plan Provider is called Partnership HealthPlan of California (PHC). PHC has agreed to participate in the IGT program along with its regional partners: the San Rafael Fire Department, Marin County Health and Human Services, Marin General Hospital, Novato Fire Protection District, and Southern Marin Fire District.

**ANALYSIS:**

**Overview of IGT Process:** The IGT program requires the transfer of eligible local dollars from the City to DHCS. DHCS, in turn, uses transferred funds from local governments to increase monthly capitation rates it paid Medi-Cal Managed Care Health Plan Providers in the prior fiscal year, thus allowing DHCS to receive additional federal funding from the Centers for Medicare and Medicaid Services (CMS) for payment to the Medi-Cal Managed Care Health Plan Providers. The Medi-Cal Managed Care Health Plan Providers then pay most of their IGT-funded rate increases to the local governments that transferred the funds. Ultimately, each local government participant receives back the funding it provided, plus the federal match in return.

PHC began discussions with DHCS in August 2018 in order to notify the State of the County's interest in participating in the IGT program. PHC then notified the San Rafael Fire Department that a non-binding letter of interest must be submitted. The Department submitted the non-binding letter of interest and has been working with both DHCS and PHC in developing the necessary agreements for participation. In May 2019, DHCS provided the Department with an estimated transfer amount and timeline for the FY 2018-2019 rate range program.

Participation in the IGT program provides an important opportunity for the City to collect ambulance transport fees that would not otherwise be available. Currently, the Medi-Cal program reimburses approximately \$125 per emergency ambulance transport, which is less than 10% of the actual cost to provide the service.

**State DHCS Rate Increase Contract:** Based on the participating agencies' signed contracts to transfer funds to DHCS, the State will contact PHC to increase its per-member, per-month capitation rates. The Plan's rate will be increased to the highest actuarially-sound rate.

**Transfer from the Department to the State:** Once the CMS has approved the entire IGT transaction, and the Plan rate contracts have been signed by DHCS and the Medi-Cal Managed Care Health Plans throughout the State, DHCS will submit a request to participating agencies to transfer funds to the State. With the City Council's approval, the Fire Department will transfer \$285,351 to DHCS for FY 2018-2019. Additionally, the Department will make a separate payment of \$57,070 (20%) to DHCS as authorized in Welfare and Institutions Code Section 14301.4, to cover the administrative costs (assessment fee) of operating the IGT program for FY 2018-2019. If the State is unable to use all of the transferred funds to increase Plan rates, it will return any used funds and the associated 20% administrative fee.

**Payment to the Fire Department:** The San Rafael Fire Department expects to receive approximately \$599,490 for FY 2018-19, an amount that is comprised of the original contributions and the federal matched funds. This estimated amount is based on an average of the past two IGT payments received by the City. When the 20% pre-paid administrative fee is considered, the resulting net revenue received by the Fire Department is expected to be approximately \$257,069 for FY 2018-19.

New Federal matching funds received by the Fire Department will be used to promote the well-being of PHC beneficiaries by maintaining or improving the current service levels of the paramedic program.

The rate range IGT will be implemented through execution of separate contracts with the DHCS and with PHC. These documents spell out the obligations of each entity in regard to the transfer of local government funds, the use of funds by DHCS, the payment of funds to PHC, and the treatment of payments by PHC. Before any funds are transferred, all the contracts must be signed by the participating agencies and the Plan rate increases must be approved by the federal government. The specific contract documents for Rate Year 2018-2019 need to be returned to DHCS by July 31, 2019. On May 17, 2019, the Department received an agreement from DHCS for the City Manager's signature; this is included as Attachment 2. On June 11, 2019, the City received a proposed agreement from PHC; this is included as Attachment 3. Staff is recommending that the City Manager be given the authority to sign these agreements as well as any related documents in the form approved by the City Attorney.

**FISCAL IMPACT:**

The IGT will support the Emergency Medical Services Fund in recovering a greater portion of its transport costs. The Department requests City Council approval to pursue participation in an IGT to secure additional federal matching funds to support health care services to the Medi-Cal-eligible population.

Attachment 4 provides approximate transfer amounts based on information provided to the department by PHC, the County's Medi-Cal Managed Health Care Plan Provider. A summary of the amount the City expects to transfer to DHCS and receive back through participation in this program is outlined below.

<b>Fiscal Year</b>	<b>Funding Source</b>	<b>Transfer Amount</b>	<b>Admin Fee</b>	<b>Funds Returned by PHC</b>	<b>Net New Funds</b>
FY 2018-2019	Fund 210	\$285,351	\$57,070	\$599,490	\$257,069

The proposed funds to be transferred to the State will be allocated from the Department's Emergency Medical Services Fund and are expected to be transferred in November 2019. The funds will return to the Department as enhanced Medi-Cal payments approximately six to eight weeks later.

**OPTIONS:**

1. Adopt the resolution as presented.
2. Direct staff to return with more information.
3. Take no action.

**RECOMMENDED ACTION:**

Adopt a resolution Authorizing the City Manager to execute agreements to allow the City of San Rafael Fire Department to participate in an Intergovernmental Transfer with the California Department of Health Care Services.

**ATTACHMENTS:**

1. Resolution
2. IGT Agreement for FY 2018-2019
3. Health Plan-Provider Agreement for FY 2018-2019
4. San Rafael Fire Department Allocation Estimates FY 2018-2019

**RESOLUTION NO.**

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS TO ALLOW THE SAN RAFAEL FIRE DEPARTMENT TO PARTICIPATE IN AN INTERGOVERNMENTAL TRANSFER WITH THE CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES (DHCS) IN ORDER TO INCREASE THE DEPARTMENT'S REIMBURSEMENT FOR EMS AMBULANCE TRANSPORT SERVICES PROVIDED TO COUNTY HEALTH PLAN (PARTNERSHIP HEALTH PLAN) MEMBERS FOR FY 2018-2019**

**WHEREAS**, the City of San Rafael, through its Fire Department, regularly provides emergency ambulance transport to persons who are Medi-Cal patients enrolled in managed care plans; and

**WHEREAS**, the City participates in various governmental programs that provide reimbursement of costs incurred in providing such emergency services to Medi-Cal patients; and

**WHEREAS**, pursuant to the authority of Welfare & Institutions Code sections 14164 and 14301.4, since 2006 the California Department of Health Care Services (DHCS) has been offering a voluntary rate range Intergovernmental Transfer Program to allow healthcare providers such as the City of San Rafael Fire Department to access federal matching funds for reimbursement through their Medi-Cal Managed Care Health Plan Providers; and

**WHEREAS**, the City may pursue an Intergovernmental Transfer to DHCS through its Medi-Cal Managed Care Health Plan Provider, Partnership Health Plan of California (PHC); and

**WHEREAS**, by participating in the Intergovernmental Transfer Program, the City will receive reimbursements for a larger proportion of its actual costs for providing emergency ambulance transport to Medi-Cal patients enrolled in managed care plans; and

**WHEREAS**, under the Intergovernmental Transfer Program, the funds shall be transferred in accordance with a mutually agreed-upon schedule between the City of San Rafael and DHCS;

**NOW, THEREFORE, BE IT RESOLVED**, by the San Rafael City Council as follows:

1. The San Rafael Fire Department is hereby authorized to participate in an Intergovernmental Transfer (IGT) with the California Department of Health Care Services (DHCS) in order to increase the Department's reimbursement for EMS ambulance transport services provided to Partnership Health Plan of California (PHC) members for FY 2018-2019.
2. The City Manager is authorized to execute the required Intergovernmental Agreement Regarding Transfer of Public Funds with the DHCS and the required Health Plan Provider Agreement with PHC, subject to final approval as to form by the City Attorney.
3. The City Council hereby authorizes the transfer of funds to DHCS pursuant to such agreements, in an amount approved by the City Manager and in accordance with a mutually agreed upon schedule, to be used solely as a portion of the non-federal share

of actuarially-sound Medi-Cal managed care capitation rate increases for the Partnership Health Care period of July 1, 2018 through June 30, 2019.

I, **LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City held on Monday, the 17th day of June, 2019, by the following vote, to wit:

AYES:            COUNCILMEMBERS:

NOES:            COUNCILMEMBERS:

ABSENT:        COUNCILMEMBERS:

---

LINDSAY LARA, City Clerk

**INTERGOVERNMENTAL AGREEMENT REGARDING  
TRANSFER OF PUBLIC FUNDS**

This Agreement is entered into between the CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES (“DHCS”) and the CITY OF SAN RAFAEL FIRE DEPARTMENT (GOVERNMENTAL FUNDING ENTITY) with respect to the matters set forth below.

The parties agree as follows:

**AGREEMENT**

1. Transfer of Public Funds

1.1 The GOVERNMENTAL FUNDING ENTITY agrees to make a transfer of funds to DHCS pursuant to sections 14164 and 14301.4 of the Welfare and Institutions Code. The amount transferred shall be based on the sum of the applicable rate category per member per month (PMPM) contribution increments multiplied by member months, as reflected in Exhibit 1. The GOVERNMENTAL FUNDING ENTITY agrees to initially transfer amounts that are calculated using the Estimated Member Months in Exhibit 1, which will be reconciled to actual enrollment for the service period of July 1, 2018 through June 30, 2019 in accordance with Sub-Section 1.3 of this Agreement. The funds transferred shall be used as described in Sub-Section 2.2 of this Agreement. The funds shall be transferred in accordance with the terms and conditions, including schedule and amount, established by DHCS.

1.2 The GOVERNMENTAL FUNDING ENTITY shall certify that the funds transferred qualify for Federal Financial Participation pursuant to 42 C.F.R. part 433, subpart B, and are not derived from impermissible sources such as recycled Medicaid payments, Federal

money excluded from use as State match, impermissible taxes, and non-bona fide provider-related donations. Impermissible sources do not include patient care or other revenue received from programs such as Medicare or Medicaid to the extent that the program revenue is not obligated to the State as the source of funding.

1.3 DHCS shall reconcile the “Estimated Member Months,” in Exhibit 1, to actual enrollment in HEALTH PLAN(S) for the service period of July 1, 2018 through June 30, 2019 using actual enrollment figures taken from DHCS records. Enrollment reconciliation will occur on an ongoing basis as updated enrollment figures become available. Actual enrollment figures will be considered final two years after June 30, 2019. If this reconciliation results in an increase to the total amount necessary to fund the nonfederal share of the payments described in Sub-Section 2.2, the GOVERNMENTAL FUNDING ENTITY agrees to transfer any additional funds necessary to cover the difference. If this reconciliation results in a decrease to the total amount necessary to fund the nonfederal share of the payments described in Sub-Section 2.2, DHCS agrees to return the unexpended funds to the GOVERNMENTAL FUNDING ENTITY. If DHCS and the GOVERNMENTAL FUNDING ENTITY mutually agree, amounts due to or owed by the GOVERNMENTAL FUNDING ENTITY may be offset against future transfers.

## 2. Acceptance and Use of Transferred Funds

2.1 DHCS shall exercise its authority under section 14164 of the Welfare and Institutions Code to accept funds transferred by the GOVERNMENTAL FUNDING ENTITY pursuant to this Agreement as IGTs, to use for the purpose set forth in Sub-Section 2.2.

2.2 The funds transferred by the GOVERNMENTAL FUNDING ENTITY pursuant to Section 1 and Exhibit 1 of this Agreement shall be used to fund the non-federal share of Medi-Cal Managed Care actuarially sound capitation rates described in section 14301.4(b)(4)



of the Welfare and Institutions Code as reflected in the contribution PMPM and rate categories reflected in Exhibit 1. The funds transferred shall be paid, together with the related Federal Financial Participation, by DHCS to HEALTH PLAN(S) as part of HEALTH PLAN(S)' capitation rates for the service period of July 1, 2018 through June 30, 2019, in accordance with section 14301.4 of the Welfare and Institutions Code.

2.3 DHCS shall seek Federal Financial Participation for the capitation rates specified in Sub-Section 2.2 to the full extent permitted by federal law.

2.4 The parties acknowledge that DHCS will obtain any necessary approvals from the Centers for Medicare and Medicaid Services.

2.5 DHCS shall not direct HEALTH PLAN(S)' expenditure of the payments received pursuant to Sub-Section 2.2.

3. Assessment Fee

3.1 DHCS shall exercise its authority under section 14301.4 of the Welfare and Institutions Code to assess a 20 percent fee related to the amounts transferred pursuant to Section 1 of this Agreement, except as provided in Sub-Section 3.2. GOVERNMENTAL FUNDING ENTITY agrees to pay the full amount of that assessment in addition to the funds transferred pursuant to Section 1 of this Agreement.

3.2 The 20-percent assessment fee shall not be applied to any portion of funds transferred pursuant to Section 1 that are exempt in accordance with sections 14301.4(d) or 14301.5(b)(4) of the Welfare and Institutions Code. DHCS shall have sole discretion to determine the amount of the funds transferred pursuant to Section 1 that will not be subject to a 20 percent fee. DHCS has determined that \$0.00 of the transfer amounts will not be assessed a 20 percent fee, subject to Sub-Section 3.3.

3.3 The 20-percent assessment fee pursuant to this Agreement is non-refundable and shall be wired to DHCS separately from, and simultaneous to, the transfer amounts made under Section 1 of this Agreement. If, at the time of the reconciliation performed pursuant to Sub-Section 1.3 of this Agreement, there is a change in the amount transferred that is subject to the 20-percent assessment in accordance with Sub-Section 3.1, then a proportional adjustment to the assessment fee will be made.

4. Amendments

4.1 No amendment or modification to this Agreement shall be binding on either party unless made in writing and executed by both parties.

4.2 The parties shall negotiate in good faith to amend this Agreement as necessary and appropriate to implement the requirements set forth in Section 2 of this Agreement.

5. Notices. Any and all notices required, permitted or desired to be given hereunder by one party to the other shall be in writing and shall be delivered to the other party personally or by United States First Class, Certified or Registered mail with postage prepaid, addressed to the other party at the address set forth below:

To the GOVERNMENTAL FUNDING ENTITY:

Jim Schutz, City Manager  
City of San Rafael  
1400 Fifth Avenue  
San Rafael, CA 94901  
[Jim.Schutz@cityofsanrafael.org](mailto:Jim.Schutz@cityofsanrafael.org)

With copies to:

Chris Gray, Fire Chief  
San Rafael Fire Department

1600 Los Gamos Drive, Suite 345  
San Rafael, CA 94903  
[Chris.Gray@cityofsanrafael.org](mailto:Chris.Gray@cityofsanrafael.org)

and

Jeff Ingram, Director, FP&A  
Partnership HealthPlan of California  
4665 Business Center Drive  
Fairfield, CA 94534  
[jingram@partnershiphp.org](mailto:jingram@partnershiphp.org)

To DHCS:

Sandra Dixon  
California Department of Health Care Services  
Capitated Rates Development Division  
1501 Capitol Ave., Suite 71-4002  
MS 4413  
Sacramento, CA 95814  
[Sandra.Dixon@dhcs.ca.gov](mailto:Sandra.Dixon@dhcs.ca.gov)

6. Other Provisions

6.1 This Agreement contains the entire Agreement between the parties with respect to the Medi-Cal payments described in Sub-Section 2.2 of this Agreement that are funded by the GOVERNMENTAL FUNDING ENTITY, and supersedes any previous or contemporaneous oral or written proposals, statements, discussions, negotiations or other agreements between the GOVERNMENTAL FUNDING ENTITY and DHCS relating to the subject matter of this Agreement. This Agreement is not, however, intended to be the sole agreement between the parties on matters relating to the funding and administration of the Medi-Cal program. This Agreement shall not modify the terms of any other agreement, existing or entered into in the future, between the parties.

6.2 The non-enforcement or other waiver of any provision of this Agreement shall not be construed as a continuing waiver or as a waiver of any other provision of this Agreement.

6.3 Sections 2 and 3 of this Agreement shall survive the expiration or termination of this Agreement.

6.4 Nothing in this Agreement is intended to confer any rights or remedies on any third party, including, without limitation, any provider(s) or groups of providers, or any right to medical services for any individual(s) or groups of individuals. Accordingly, there shall be no third party beneficiary of this Agreement.

6.5 Time is of the essence in this Agreement.

6.6 Each party hereby represents that the person(s) executing this Agreement on its behalf is duly authorized to do so.

7. State Authority. Except as expressly provided herein, nothing in this Agreement shall be construed to limit, restrict, or modify the DHCS' powers, authorities, and duties under Federal and State law and regulations.

8. Approval. This Agreement is of no force and effect until signed by the parties.

9. Term. This Agreement shall be effective as of July 1, 2018 and shall expire as of December 31, 2021 unless terminated earlier by mutual agreement of the parties.

**SIGNATURES**

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, on the date of the last signature below.

THE CITY OF SAN RAFAEL FIRE DEPARTMENT:

By: \_\_\_\_\_ Date: \_\_\_\_\_

Jim Schutz, City Manager, City of San Rafael

THE STATE OF CALIFORNIA, DEPARTMENT OF HEALTH CARE SERVICES:

By: \_\_\_\_\_ Date: \_\_\_\_\_

Jennifer Lopez, Division Chief, Capitated Rates Development Division

**Exhibit 1**

<b>Funding Entity:</b>	<b>City of San Rafael Fire Department</b>		
<b>Health Plan:</b>	<b>Partnership Health Plan</b>		
<b>Rating Region:</b>	<b>Southern Region</b>		
<b>Service Months:</b>	<b>7/2018 - 12/2018</b>		
		Estimated Member	Estimated
Rate Category	Contribution PMPM	Months	Contribution (Non-Federal Share)
Child - non MCHIP	\$ 0.06	373,723	\$ 22,423
Child - MCHIP	\$ 0.01	180,284	\$ 1,803
Adult - non MCHIP	\$ 0.15	188,712	\$ 28,307
Adult - MCHIP	\$ 0.04	4,776	\$ 191
SPD	\$ 0.46	99,161	\$ 45,614
SPD/Full-Dual	\$ 0.11	150,107	\$ 16,512
BCCTP	\$ 0.74	765	\$ 566
LTC	\$ 1.78	398	\$ 708
LTC/Full-Dual	\$ 1.47	6,827	\$ 10,036
OBRA	\$ 0.10	1,781	\$ 178
Whole Child Model	\$ -	-	\$ -
Optional Expansion	\$ 0.02	392,835	\$ 7,857
Estimated Total		1,399,369	\$ 134,195

<b>Funding Entity:</b>	<b>City of San Rafael Fire Department</b>		
<b>Health Plan:</b>	<b>Partnership Health Plan</b>		
<b>Rating Region:</b>	<b>Southern Region</b>		
<b>Service Months:</b>	<b>1/2019 - 6/2019</b>		
			Estimated
Rate Category	Contribution PMPM	Estimated Member Months	Contribution (Non-Federal Share)
Child - non MCHIP	\$ 0.05	367,642	\$ 18,382
Child - MCHIP	\$ 0.01	180,996	\$ 1,810
Adult - non MCHIP	\$ 0.16	183,887	\$ 29,422
Adult - MCHIP	\$ 0.04	4,693	\$ 188
SPD	\$ 0.46	98,072	\$ 45,113
SPD/Full-Dual	\$ 0.12	148,780	\$ 17,854
BCCTP	\$ 0.83	734	\$ 609
LTC	\$ 1.85	384	\$ 710
LTC/Full-Dual	\$ 1.49	6,593	\$ 9,824
OBRA	\$ 0.11	1,147	\$ 126
Whole Child Model	\$ 1.08	17,879	\$ 19,309
Optional Expansion	\$ 0.02	390,435	\$ 7,809
Estimated Total		1,401,242	\$ 151,156



June 11, 2019

Dear Providers:

On May 15, 2019, Partnership HealthPlan of California's (PHCs) Finance Committee authorized PHC to increase the reasonable and moderate administrative fee from 3% to an up to amount of 10% to all intergovernmental transfers (IGTs) beginning in fiscal year (FY) 2019-2020 and beyond.

PHC has been administering IGTs since FY 2009-2010, allocating a significant amount of staff time and resources to administer IGTs with interested counties, fire districts, and district hospitals and have only recently began applying an administrative fee, even though many, if not all, of the other health plans administering IGTs have charged up to 30% to administer the program.

This program has allowed Medi-Cal managed care plans, counties, fire districts, and certain types of public hospitals with taxing authority to work with the State of California in order to bring federal Medicaid matching dollars to the local level. This program has also been a valuable way for PHC to support its provider network, increase access to health care services for members, and improve members' health status. The increase to the administrative fee will be used to further PHCs support.

Sincerely,

Elizabeth Gibboney  
Chief Executive Officer  
Partnership HealthPlan of California



HEALTH PLAN-PROVIDER AGREEMENT

Partnership HealthPlan of California and City of San Rafael  
Fire Department

AMENDMENT #5

This Amendment is made this \_\_\_ day of \_\_\_, by and between Partnership HealthPlan of California, a County Organized Health System hereinafter referred to as "PLAN", and **City of San Rafael Fire Department**, hereinafter referred to as "PROVIDER".

RECITALS:

WHEREAS, PLAN and PROVIDER have previously entered into an Agreement effective June 1, 2014;

WHEREAS, Section 9.2 of such Agreement provides for amending such Agreement;

WHEREAS, PLAN has been created by its Boards of Supervisors to negotiate exclusive contracts with the California Department of Health Care Services and to arrange for the provision of PLAN covered health care services to PLAN beneficiaries in Marin County and PLAN is a public entity, created pursuant to Welfare and Institutions Code 14087.54 and County Code Chapters 7.2, County Code Chapters 34, County Code Chapters 2.40, County Code Chapters 2.0, 8.69, and County Code Chapters 2.0.

WHEREAS, City of San Rafael Fire Department provides emergency medical services and contract with the PLAN to provide these services to Medi-Cal beneficiaries.

WHEREAS, PLAN and PROVIDER desire to amend the Agreement to provide for Medi-Cal managed care capitation rate increases to PLAN as a result of intergovernmental transfers ("IGTs") from City of San Rafael Fire Department to the California Department of Health Care Services ("State DHCS") to maintain the availability of PLAN covered health care services to PLAN beneficiaries.

NOW, THEREFORE, PLAN and PROVIDER hereby agree as follows:

Attachment E to the Agreement is hereby deleted in its entirety and replaced with a new Attachment E as set forth herein and is incorporated into the Agreement.

## **IGT MEDI-CAL MANAGED CARE CAPITATION INCREASES**

### **1. IGT Capitation Increases to PLAN**

#### **A. Payment**

Should PLAN receive any Medi-Cal managed care capitation rate increases from State DHCS where the nonfederal share is funded by the ***GOVERNMENTAL FUNDING ENTITY*** City of San Rafael Fire Department effective July 1, 2019 for Intergovernmental Transfer Medi-Cal Managed Care Increases (“IGT MMCIs”), PLAN shall pay to PROVIDER the amount of the IGT MMCIs received from State DHCS, in accordance with paragraph 1.E below regarding the form and timing of Local Medi-Cal Managed Care (“LMMC”) IGT Payments. LMMC IGT Payments paid to PROVIDER shall not replace or supplant any other amounts paid or payable to PROVIDER by PLAN.

#### **B. Health Plan Retention**

##### **(1) Medi-Cal Managed Care Seller’s Tax**

The PLAN shall be responsible to pay the applicable State Agency pursuant to the Revenue and Taxation Code Section 6175 relating to any IGT MMCIs.

(2) The PLAN shall retain up to ten percent (10%) administrative fee based on the total amount of the IGT MMCIs received from DHCS for PLAN’S administrative costs. Each provider’s share of the 10% fee shall be calculated based on that provider’s proportionate share of the LMMCIGT payments made by Plan in the PROVIDER’S County.

#### **C. Form and Timing of Payments**

PLAN agrees to pay LMMC IGT Payments to PROVIDER in the following form and according to the following schedule:

(1) PLAN agrees to pay the LMMC IGT Payments to PROVIDER using the same mechanism through which compensation and payments are normally paid to PROVIDER (e.g., electronic transfer).

(2) PLAN will pay the LMMCIGT Payments to PROVIDER no later than thirty (30) calendar days after receipt of the IGT MMCIs from State DHCS.

#### **D. Consideration**

(1) As consideration for the LMMC IGT Payments, PROVIDER shall use the LMMC IGT Payments for the following purposes and shall treat the LMMC IGT Payments in the following manner:

(a) The LMMC IGT Payments shall represent compensation for Medi-Cal PLAN services rendered to Medi-Cal PLAN members by PROVIDER during the State fiscal year to which the LMMC IGT Payments apply.

(2) If the retained LMMC IGT Payments, if any, are not used by PROVIDER in the State fiscal year received, retention of funds by PROVIDER will be established by demonstrating that the retained earnings account of PROVIDER at the end of any State fiscal year in which it received payments based on LMMC IGT Payments funded pursuant to the Intergovernmental Agreement, has increased over the unspent portion of the prior State fiscal year's balance by the amount of LMMC IGT Payments received, but not used.

(3) Both parties agree that none of these funds, either from the **GOVERNMENTAL FUNDING ENTITY** City of San Rafael Fire Department or federal matching funds will be recycled back to the **GOVERNMENTAL FUNDING ENTITY** City of San Rafael Fire Department general fund, the State, or any other intermediary organization. Payments made by the health plan to providers under the terms of this Amendment constitute patient care revenues.

**E. Cooperation Among Parties**

Should disputes or disagreements arise regarding the ultimate computation or appropriateness of any aspect of the LMMC IGT Payments, PROVIDER and PLAN agree to work together in all respects to support and preserve the LMMC IGT Payments to the full extent possible on behalf of the safety net in Marin County.

**F. Reconciliation**

Within one hundred twenty (120) calendar days after the end of each of PLAN's fiscal years in which LMMC IGT Payments were made to PROVIDER, PLAN shall perform a reconciliation of the LMMC IGT Payments transmitted to the PROVIDER during the preceding fiscal year to ensure that the supporting amount of IGT MMCIs were received by PLAN from State DHCS. PROVIDER agrees to return to PLAN any overpayment of LMMCIGT Payments made in error to PROVIDER within thirty (30) calendar days after receipt from PLAN of a written notice of the overpayment error, unless PROVIDER submits a written objection to PLAN. Any such objection shall be resolved in accordance with the dispute resolution processes set forth in Section 10.3 of the Agreement. The reconciliation processes established under this paragraph are distinct from the indemnification provisions set forth in Section J below. PLAN agrees to transmit to the PROVIDER any underpayment of LMMC IGT Payments within thirty (30) calendar days of PLAN's identification of such underpayment.

**G. Indemnification**

PROVIDER shall indemnify PLAN in the event DHCS or any other federal or state agency recoups, offsets, or otherwise withholds any monies from or fails to provide any monies to PLAN, or PLAN is denied any monies to which it otherwise would have been entitled, as a direct result of the LMMC IGT arising from the Intergovernmental Agreement. Recovery by PLAN pursuant to this section shall include, but not be limited to, reduction in future LMMC IGTs paid to PROVIDER in an amount equal to the amount of MMCI payments withheld or recovered from PLAN, or by an offset of any other amounts owed by PLAN to PROVIDER, including but not limited to payments for direct service rendered.

**Remittance Information**

The IGT-funded payments made by the PLAN pursuant to this Amendment only, shall be mailed to the PROVIDER at the address set forth below:

Jim Schutz, City Manager  
City of San Rafael Fire Department  
1400 Fifth Ave  
San Rafael, CA 94901

**2. Term**

The term of this Amendment shall commence on July 1, 2019 through June 30, 2020. PHC reserves the right to immediately terminate this IGT Amendment prior to June 30, 2024, if DHCS suspends or discontinues the IGT funding described in this Amendment. PHC will promptly provide formal notice to the provider upon said suspension or discontinuation.

All other terms and provisions of said Agreement shall remain in full force and effect so that all rights, duties and obligations, and liabilities of the parties hereto otherwise remain unchanged; provided, however, if there is any conflict between the terms of this Amendment and the Agreement, then the terms of this Amendment shall govern.

**SIGNATURES**

HEALTH PLAN: \_\_\_\_\_ Date: \_\_\_\_\_

By: Elizabeth Gibboney, CEO, Partnership HealthPlan of California

PROVIDER: \_\_\_\_\_ Date: \_\_\_\_\_

By: Jim Schutz, City Manager, City of San Rafael Fire Department

<b>Funding Entity:</b>	<b>City of San Rafael Fire Department</b>		
<b>Health Plan:</b>	<b>Partnership Health Plan</b>		
<b>Rating Region:</b>	<b>Southern Region</b>		
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Optional Expansion	\$ 0.02	390,435	\$ 7,809
Estimated Total		1,401,242	\$ 151,156



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: Finance

Prepared by: Nadine Hade  
Finance Director

City Manager Approval: \_\_\_\_\_

**TOPIC: CITY INVESTMENT POLICY**

**SUBJECT: ANNUAL REVIEW AND RESOLUTION TO APPROVE THE CITY'S INVESTMENT POLICY**

**RECOMMENDATION:** Adopt a resolution approving the City of San Rafael Investment Policy.

**BACKGROUND:** Consistent with California Government Code §§ 53600 and 53635 et seq., best public investing practices, and the City's Investment Policy, a review of the content of the Investment Policy is conducted annually.

The purpose of this report is to provide the City Council with an opportunity to review the City's current cash and investment management policies, changes recommended by the City's investment advisor and staff, and to formally approve the policy.

In January 2005, the City engaged Insight Investment (formerly Cutwater Asset Management) to manage the long-term portion of the City's investment portfolio. These services were suspended in December 2011 because the City did not have sufficient cash to invest long-term under this advisory structure. The growth in fund balances since that time prompted the City to revive its contract with Insight Investment in March 2014. One of the services that Insight Investment provides is assistance with the annual review of the City's [Investment Policy](#).

**ANALYSIS:** The California Government Code limits the types of investments open to local municipalities. The City's investment priorities focus on the following objectives:

- **Safety:** Safety of principal is the foremost objective of the investment program. The City's investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.
- **Liquidity:** The City's investment portfolio will remain sufficiently liquid to meet all operating requirements that might be reasonably anticipated.
- **Yield:** The City shall manage its funds to optimize the return on investments consistent with the two primary objectives of safety and liquidity. The rate of return on investment should be

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**FOR CITY CLERK ONLY**

File No.: \_\_\_\_\_

Council Meeting: \_\_\_\_\_

Disposition: \_\_\_\_\_

designed to attain a market rate of return through budgetary and economic cycles consistent with the risk limitations, prudent investment principles and cash flow requirements identified by the City's Investment Policy.

The City pursues a fair market return on its investments after considering the security of investment principal, cash flow requirements and current investment portfolio structure.

The Investment Policy for 2020 (Exhibit A) has a few additions from the 2019 Investment Policy. Page 3 of the Investment Policy includes mortgage-backed and asset-backed securities and supranationals. Mortgage and Asset-Backed Obligations have proven to be very safe, with a AAA rating. Supranationals are securities that are issued by an agency that is backed by a collection of countries. This type of investment by a local government agency is now permissible per California Government Code § 53601(q). These types of investments are AAA-rated, but they pay slightly more than traditional agency securities.

**FISCAL IMPACT:** There is no direct fiscal impact from accepting the policy as proposed.

**RECOMMENDATION:** Adopt a resolution approving the City of San Rafael Investment Policy.

**ATTACHMENT:**

1. Resolution with Exhibit A: Investment Policy



I CERTIFY THAT ALL INVESTMENTS MADE ARE IN CONFORMANCE WITH THE CITY'S APPROVED INVESTMENT POLICY AND STATE INVESTMENT REGULATIONS. THE CITY HAS SUFFICIENT LIQUIDITY TO MEET ALL OF THE OBLIGATIONS REQUIRED DURING THE NEXT SIX-MONTH PERIOD.

---

NADINE HADE  
FINANCE DIRECTOR

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL TO  
APPROVE THE CITY OF SAN RAFAEL INVESTMENT POLICY**

**WHEREAS**, the City Council of the City of San Rafael takes seriously its stewardship of the City's public resources and City's current cash management practices; and

**WHEREAS**, the City's Investment Policy requires consideration and approval of the investment policy annually; and

**WHEREAS**, all funds are invested in accordance with the investment policy and applicable sections of the California Government Code; and

**WHEREAS**, the investment policy is intended to provide a long-term strategy for prudent care of the City's cash;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of San Rafael hereby adopts the updated Investment Policy that is attached hereto as Exhibit A.

I, **LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City held on Monday the 17th day of June 2019, by the following vote, to wit:

AYES:           COUNCILMEMBERS:

NOES:           COUNCILMEMBERS:

ABSENT:        COUNCILMEMBERS:

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LINDSAY LARA, City Clerk

# City of San Rafael Investment Policy

PROPOSED June 17, 2019

The City Council of the City of San Rafael (the City) has adopted this Investment Policy (the Policy) in order to establish the investment scope, objectives, delegation of authority, standards of prudence, reporting requirements, internal controls, eligible investments and transactions, diversification requirements, risk tolerance, and safekeeping and custodial procedures for the investment of the funds of the City. All such funds will be invested in accordance with this Policy and with applicable sections of the California Government Code. This Policy was endorsed and adopted by the City Council on the approved date noted above. It replaces any previous investment policy or investment procedures of the City.

## SCOPE

It is intended that this Policy cover all short-term operating funds and investment activities of the City. These funds are accounted for in the annual audit report, and include:

- General Fund
- Special Revenue Funds
- Debt Service Funds
- Capital Projects Funds
- Enterprise Funds
- Internal Service Funds
- Fiduciary Funds

Additional funds that may be created from time to time shall be administered in accordance with the provisions of this Policy.

All cash shall be pooled for investment purposes. The investment income derived from the pooled investment account shall be allocated to the contributing funds based upon the proportion of the respective average balances relative to the total pooled balance in the investment portfolio. Investment income shall be distributed to the individual funds not less than annually.

## OBJECTIVES

The City's funds shall be invested in compliance with all applicable City Municipal Codes, California State statutes, and Federal regulations, and in a manner designed to accomplish the following objectives, which are listed in priority order:

1. Preservation of capital and protection of investment principal.
2. Maintenance of sufficient liquidity to meet anticipated cash flows.
3. Attainment of a market value rate of return.
4. Diversification to avoid incurring unreasonable market risks.

## **DELEGATION OF AUTHORITY**

The management responsibility for the City's investment program is delegated annually by the City Council to the Treasurer pursuant to California Government Code Section 53607. The Treasurer may delegate the authority to conduct investment transactions and to manage the operation of the investment portfolio to other specifically authorized staff members. The Treasurer shall maintain a list of persons authorized to transact securities business for the City. No person may engage in an investment transaction except as expressly provided under the terms of this Policy.

The City Manager and the Treasurer jointly shall develop written administrative procedures and internal controls, consistent with this Policy, for the operation of the City's investment program. Such procedures shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, or imprudent actions by employees of the City.

The City may engage the support services of outside investment advisors in regard to its investment program, so long as it can be clearly demonstrated that these services produce a net financial advantage or necessary financial protection of the City's financial resources.

## **PRUDENCE**

The standard of prudence to be used for managing the City's investments shall be California Government Code Section 53600.3, the prudent investor standard which states, "When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency."

The City's overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. The City recognizes that no investment is totally without risk and that the investment activities of the City are a matter of public record. Accordingly, the City recognizes that occasional measured losses may be desirable in a diversified portfolio and shall be considered within the context of the overall portfolio's return, provided that adequate diversification has been implemented and that the sale of a security is in the best long-term interest of the City.

The Treasurer and authorized investment personnel acting in accordance with written procedures and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided that the deviations from expectations are reported in a timely fashion to the City Manager and appropriate action is taken to control adverse developments.

## **ETHICS AND CONFLICTS OF INTEREST**

Elected officials and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or that could impair or create the appearance of an impairment of their ability to make impartial investment decisions. Employees and investment officials shall disclose to the City Manager any business interests they have in financial institutions that conduct business with the City and they shall subordinate their personal investment transactions to those of the City. In addition, the City Manager and the Treasurer shall file a Statement of Economic Interests each year pursuant to California Government Code Section 87203 and regulations of the Fair Political Practices Commission.

## **AUTHORIZED SECURITIES AND TRANSACTIONS**

All investments and deposits of the City shall be made in accordance with California Government Code Sections 16429.1, 53600-53609 and 53630-53686, except that, pursuant to California Government Code Section 5903(e), proceeds of bonds and any moneys set aside or pledged to secure payment of the bonds may be invested in securities or obligations described in the ordinance, resolution, indenture, agreement, or other instrument providing for the issuance of the bonds. Any revisions or extensions of these code sections will be assumed to be part of this Policy immediately upon being enacted. However, in the event that amendments to these sections conflict with this Policy and past City investment practices, the City may delay adherence to the new requirements when it is deemed in the best interest of the City to do so. In such instances, after consultation with the City's attorney, the City Manager and the Treasurer will present a recommended course of action to the City Council for approval.

The City has further restricted the eligible types of securities and transactions as follows:

1. United States Treasury bills, notes and bonds with a final maturity not exceeding five years from the date of trade settlement.
2. Federal Agency securities with a final maturity not exceeding five years from the date of trade settlement.
3. Federal Instrumentality (government sponsored enterprise) debentures, discount notes, callable and step-up securities, with a final maturity not exceeding five years from the date of trade settlement.
4. Mortgage and Asset-Backed Obligations: Any mortgage pass-through security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable-pass-through certificate, or consumer receivable-backed bond with a final maturity not exceeding five years from the date of trade settlement. Investments in mortgage and asset-backed obligations shall be issued by an issuer rated at least "A" or the equivalent by a nationally recognized statistical rating organization (NRSRO) and the security shall be rated at least "AA" or the equivalent by a NRSRO. Purchases of securities authorized by this section may not exceed 20% of the City's total portfolio.

5. Supranational Securities: United States dollar denominated, senior unsecured and unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank, with a maximum maturity not exceeding five years from the date of trade settlement, and eligible for purchase and sale within the United States. Investments in supranational securities shall be rated at least “AA” or the equivalent by a NRSRO and shall not exceed 15% of the City’s total portfolio.
6. Medium-Term Notes issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States, with a final maturity not exceeding five years from the date of trade settlement, and rated at least “A” or the equivalent by a NRSRO. No more than 5% of the portfolio shall be invested in medium-term notes of any one issuer, and the aggregate investment in medium-term notes shall not exceed 30% of the City’s total portfolio.
7. Negotiable Certificates of Deposits (CDs) of commercial banks rated at least A-1, or the equivalent, with maturities not exceeding five years from the date of trade settlement. In addition, the City may not invest in the CD of a state or federal credit union where any person with investment decision making authority at the City also serves on the board of directors, or any committee appointed by the board of directors, or the credit committee or the supervisory committee of the state or federal credit union issuing the negotiable certificates of deposit. No more than 5% of the portfolio may be invested in the CDs of any one issuer, and the aggregate investment in CDs shall not exceed 30% of the portfolio.
8. Non-negotiable Certificates of Deposit and savings deposits with a maturity not exceeding five years from the date of trade settlement, in FDIC insured state or nationally chartered banks or savings banks that qualify as a depository of public funds in the State of California as defined in California Government Code Section 53630.5. No more than 5% of the portfolio may be invested in the CDs of any one issuer, and the aggregate investment in CDs shall not exceed 30% of the portfolio.

Deposits in excess of the insured amount shall be secured pursuant to California Government Code Section 53651 and 53652. The City shall comply with and act to secure compliance with the security (collateralization) system specified in the Government Code Section 53649 and 56652.

Deposits may be placed using a private sector entity that assists in the placement of deposits per section 53601.8 and 53635.8 in the Government Code. No more than 5% of the portfolio may be invested through any one private sector entity that assists in the placement of such deposits and the aggregate investment in CDs shall not exceed 30% of the portfolio.

9. Special Assessment District Obligations issued by the City of San Rafael as Limited Obligation Improvement Bonds related to special assessment districts and special tax districts. Investment in such obligations requires the approval of the City Council and maturities may extend to 30 years from the date of trade settlement.

10. Prime Commercial Paper with a maturity not exceeding 270 days from the date of purchase with the highest ranking or of the highest letter and number rating as provided for by a NRSRO. The entity that issues the commercial paper shall meet all of the following conditions in either sub-paragraph A. or sub-paragraph B. below:

- A. The entity shall (1) be organized and operating in the United States as a general corporation, (2) have total assets in excess of five \$500,000,000 and (3) Have debt other than commercial paper, if any, that is rated "A" or higher by a NRSRO.

- B. The entity shall (1) be organized within the United States as a special purpose corporation, trust, or limited liability company, (2) have program-wide credit enhancements, including, but not limited to, over collateralization, letters of credit or surety bond and (3) have commercial paper that is rated "A-1" or higher, or the equivalent, by a NRSRO.

Purchases of eligible commercial paper may not represent more than 10% of the outstanding commercial paper of any single corporate issuer. No more than 5% of the City's total portfolio, shall be invested in the commercial paper of any one issuer, and the aggregate investment in commercial paper shall not exceed 25% of the City's total portfolio.

11. Eligible Banker's Acceptances issued by FDIC insured commercial banks, rated at least A-1 or the equivalent by a NRSRO with maturities not exceeding 180 days from the date of purchase. If issuers have senior debt outstanding, it shall be rated at least A or the equivalent by a NRSRO. No more than \$2,000,000 shall be invested in banker's acceptances of any one commercial bank, and the aggregate investment in banker's acceptances shall not exceed 40% of the City's total portfolio.

12. Repurchase Agreements with a final termination date not exceeding one year collateralized by U.S. Treasury obligations, Federal Agency securities, or Federal Instrumentality securities listed in items 1, 2 and 3 above with the maturity of the collateral not exceeding five years. For the purpose of this section, the term collateral shall mean purchased securities under the terms of the City's approved Master Repurchase Agreement. The purchased securities shall have a minimum market value including accrued interest of 102% of the dollar value of the funds borrowed. Collateral shall be held in the City's custodian bank, as safekeeping agent, and the market value of the collateral securities shall be marked-to-the-market daily.

Repurchase Agreements shall be entered into only with broker/dealers who are recognized as Primary Dealers by the Federal Reserve Bank of New York or have a primary dealer within their holding company structure. Repurchase agreement counterparties shall execute a City approved Master Repurchase Agreement with the City. The Treasurer shall maintain a copy of the City's approved Master Repurchase Agreement along with a list of the broker/dealers who have executed same.

13. State of California's Local Agency Investment Fund (LAIF), pursuant to California Government Code Section 16429.1.

14. Money Market Funds registered under the Investment Company Act of 1940 that (1) are “no-load” (meaning no commission or fee shall be charged on purchases or sales of shares); (2) have a constant daily net asset value per share of \$1.00; (3) invest only in United States Treasury securities, United States Agency securities and Federal Instrumentality securities and (4) have a rating of at least AAA or the equivalent by at least two NRSROs. The aggregate investment in money market funds shall not exceed 10% of the City’s total portfolio.

It is the intent of the City that the foregoing list of authorized securities and transactions is strictly interpreted. Any deviation from this list must be preapproved by resolution of the City Council.

## **PORTFOLIO MATURITIES AND LIQUIDITY**

To the extent possible, investments shall be matched with anticipated cash flow requirements and known future liabilities. The City will not invest in securities maturing more than five years from the date of purchase, unless the City Council has by resolution granted authority to make such an investment at least three months prior to the date of investment.

## **SELECTION OF BROKER/DEALERS**

The Treasurer shall maintain a list of broker/dealers authorized for investment purposes, and it shall be the policy of the City to purchase securities only from those authorized firms. To be eligible, a firm must be licensed by the State of California as a broker/dealer as defined in Section 25004 of the California Corporations Code, and:

1. be recognized as a Primary Dealer by the Federal Reserve Bank of New York or have a primary dealer within its holding company structure, or
2. report voluntarily to the Federal Reserve Bank of New York, or
3. qualify under Securities and Exchange Commission (SEC) Rule 15c3-1 (Uniform Net Capital Rule).

The City may engage the services of investment advisory firms to assist in the management of the portfolio and investment advisors may utilize their own list of approved Broker/Dealers. Such Broker/Dealers will comply with the selection criteria above and the list of approved firms shall be provided to the City on an annual basis or upon request.

In the event that an external investment advisor is not used in the process of recommending a particular transaction in the City’s portfolio, authorized broker/dealers shall attest in writing that they have received and reviewed a copy of this policy and annually update a City approved Broker/Dealer Information Request form which includes the firm’s most recent financial statements. The Treasurer shall maintain a list of the broker/dealers that have been approved by the City, along with each firm’s most recent broker/dealer Information Request form.



The City may purchase commercial paper from direct issuers even though they are not on the approved broker/dealer list as long as they meet the criteria outlined in Item 5 of the Authorized Securities and Transactions section of this Policy.

### **COMPETITIVE TRANSACTIONS**

Each investment transaction shall be competitively transacted with authorized broker/dealers. At least three broker/dealers shall be contacted for each transaction and their bid and offering prices shall be recorded.

If the City is offered a security for which there is no other readily available competitive offering, the Treasurer will document quotations for comparable or alternative securities.

### **SELECTION OF BANKS**

The Treasurer shall maintain a list of banks that are approved to provide banking services for the City. To be eligible for authorization, a bank must be a member of the FDIC and shall qualify as a depository of public funds in the State of California as defined in California Government Code Section 53630.5.

### **SAFEKEEPING AND CUSTODY**

The Treasurer shall select one or more banks to provide safekeeping and custodial services for the City, in accordance with the provisions of Section 53608 of the California Government Code. A Safekeeping Agreement approved by the City shall be executed with each custodian bank prior to utilizing that bank's safekeeping services. Custodian banks will be selected on the basis of their ability to provide services for the City's account and the competitive pricing of their safekeeping related services.

The purchase and sale of securities and repurchase agreement transactions shall be settled on a delivery versus payment basis. All securities shall be perfected in the name of the City. Sufficient evidence to title shall be consistent with modern investment, banking and commercial practices.

All investment securities purchased by the City will be delivered by book entry and will be held in third-party safekeeping by a City approved custodian bank, or its Depository Trust Company (DTC) participant account.

The City's custodian shall be required to furnish the City a list of holdings on at least a monthly basis and safekeeping receipts or customer confirmations shall be issued for each transaction.

## **PORTFOLIO PERFORMANCE**

The investment portfolio shall be designed to attain a market rate of return throughout budgetary and economic cycles, taking into account prevailing market conditions, risk constraints for eligible securities, and cash flow requirements. The performance of the City's investments shall be compared to the average yield on the U.S. Treasury security that most closely corresponds to the portfolio's actual weighted average effective maturity. When comparing the performance of the City's portfolio, its rate of return will be computed net of all fees and expenses.

## **REPORTING**

On a quarterly basis, the Treasurer shall submit to the Council a report of the investment earnings and performance results of the City's investment portfolio. The report shall include the following information:

1. Investment type, issuer, date of purchase, purchase price, date of maturity, par value, current rate of interest and dollar amount invested in all securities, and investments and monies held by the City;
2. A description of the funds, investments and programs;
3. A market value as of the date of the report (or the most recent valuation as to assets not valued monthly) and the source of the valuation;
4. Overall portfolio yield based on historical cost;
5. Weighted average final maturity and weighted average effective maturity;
6. A statement of compliance with this Policy or an explanation for not-compliance;
7. A description of any of the City's funds, investments or programs that are under the management of contracted parties, including lending programs; and
8. A statement of the ability to meet expenditure requirements for six months, as well as an explanation of why money will not be available if that is the case.

The Treasurer shall submit to the Council a report of any changes affecting more than 15% of the investment portfolio within 30 days of such change.

## **POLICY REVIEW**

This Investment Policy shall be reviewed and approved by City Council annually to ensure its consistency with the overall objectives of preservation of principal, liquidity, yield and diversification and its relevance to current law and economic trends. Any additional amendments to this Investment Policy shall be submitted to the City Council for approval.



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Human Resources**

**Prepared by: Shibani Nag, Director of Employee  
Experience and Culture**

**City Manager Approval:**

A handwritten signature in black ink, appearing to be 'AS', written over a horizontal line.

**TOPIC: ELECTED CITY CLERK SALARY STEPS**

**SUBJECT: RESOLUTION AMENDING AND RESTATING RESOLUTION NO. 14565  
(ESTABLISHING THE COMPENSATION AND WORKING CONDITIONS FOR  
THE ELECTED CITY CLERK AND ELECTED PART TIME CITY ATTORNEY  
FOR THE PERIOD FROM JULY 1, 2018 THROUGH JUNE 30, 2020)**

**RECOMMENDATION:** Adopt a resolution amending and restating Resolution No. 14565 (establishing the compensation and working conditions for the elected City Clerk and elected part time City Attorney for the period from July 1, 2018 through June 30, 2020)

**BACKGROUND:**

On January 16, 2018, the City Council [approved a five step salary range for the City Clerk position](#) to allow the City Council to set the salary within this range upon appointment to the position based on the extent of experience and qualifications of the selected candidate. Steps within the range were set with a 5-percent increase between salary steps to be consistent with other City salary schedules. Staff is returning with an amended resolution to add language establishing when the elected City Clerk is eligible to receive a step increase within the salary range.

Similar to other non-safety groups, the elected City Clerk and elected part-time City Attorney were provided a 2 percent base wage increase for Fiscal Year (FY) 2018-19 and FY 2019-20 [on July 2, 2018](#). The proposed amended salary resolution(Attachment 1) does not affect the salary increase approved by Resolution No. 14541.

**ANALYSIS:**

The resolution attached to this report would make the elected City Clerk position eligible for a step increase at annual intervals based on appointment date. This is in line with City staff positions, all of which are eligible for a salary step increase upon annual anniversary date.

**FISCAL IMPACT:**

There is no fiscal impact associated with this item.

**OPTION:**

The City Council has the following options to consider in this matter:

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

**SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2**

- Adopt the resolution as presented.
- Adopt resolution with modifications.
- Direct staff to return with more information.
- Take no action.

**RECOMMENDED ACTION:** Adopt a resolution amending and restating Resolution No. 14565 (establishing the compensation and working conditions for the elected City Clerk and elected part time City Attorney for the period from July 1, 2018 through June 30, 2020).

**ATTACHMENTS:**

1. Resolution (redlined)

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL AMENDING AND RESTATING  
RESOLUTION NO. 14565 (ESTABLISHING THE COMPENSATION AND WORKING CONDITIONS  
FOR THE ELECTED CITY CLERK AND ELECTED PART TIME CITY ATTORNEY FOR THE PERIOD  
FROM JULY 1, 2018 THROUGH JUNE 30, 2020)**

**WHEREAS**, on August 20, 2018 the City Council adopted Resolution No. 14565 establishing the compensation and working conditions for the elected City Clerk and the elected part-time City Attorney for the period from July 1, 2018 through June 30, 2020; and

**WHEREAS**, the City Council now desires to amend the compensation provisions of Resolution No. 14565 to provide a schedule for the implementation of salary step increases within the salary range established for the elected City Clerk;

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of San Rafael that Resolution No. 14565 is hereby amended and restated in its entirety as follows:

This Resolution shall constitute the amended compensation and conditions of employment for the elected City Clerk and elected part-time City Attorney for the period from July 1, 2018 through June 30, 2020.

**1. SALARY**

**a) Salary Increase**

Effective the pay period including July 1, 2018 and July 1, 2019, the City shall provide a 2.0% increase to the salary for the City Clerk and City Attorney in accordance with the charts below.

**MONTHLY SALARY**

<b>Effective Date</b>	<b>City Attorney</b>
July 1, 2018	\$10,759
July 1, 2019	\$10,974

Effective January 16, 2018, the City Clerk monthly salary schedule shall consist of five salary steps:

<b>Step</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
City Clerk	\$ 8,368	\$ 8,786	\$ 9,225	\$ 9,687	\$10,171

Effective July 1, 2018, the City Clerk monthly salary schedule shall be as follows:

<b>Step</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
City Clerk	\$ 8,535	\$ 8,961	\$ 9,410	\$ 9,881	\$10,375

Effective July 1, 2019, the City Clerk monthly salary schedule shall be as follows:

<b>Step</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
City Clerk	\$ 8,706	\$ 9,141	\$ 9,598	\$ 10,079	\$10,582

Unless otherwise noted, salary step increases within the established salary range for the Elected City Clerk are scheduled at yearly intervals.

**b) One-Time Payment:**

The following one-time payment is limited to the two-year term of this resolution and is not scheduled to recur in the future:

Job classes in this unrepresented elected City Clerk and elected part-time City Attorney resolution will receive a one-time, non-pensionable payment of \$4,000 to revise the salary resolution section 2.a. to tie the 3% health inflator to the Kaiser Bay Area Premium rate increase up to a maximum of 3% each year.

The \$4,000 payment will be split as follows: \$2,000 will be paid as a separate check on September 14 or with the pay period upon approval by the City Council, whichever occurs later, and \$2,000 will be paid with the first pay period in July 2019. This payment will not contribute to Classic or PEPRA employees' pensions and is subject to normal payroll taxation.

**c) Car Allowance**

An incumbent who holds the City Clerk's office is eligible to receive a monthly car allowance of \$350.

**2. INSURANCE**

**a) Health Insurance:** Effective January 1, 2009, the City implemented a full flex cafeteria plan for active employees, in accordance with IRS Code Section 125. Active employees participating in the City's full flex cafeteria plan, including the City Clerk and City Attorney, shall receive a monthly flex dollar allowance to purchase benefits under the full flex cafeteria plan.

The monthly flex dollar allowance effective the paycheck of December 15, 2017 shall be:

For employee only:	\$ 653.61
For employee and one dependent:	\$1,307.20
For employee and two or more dependents:	\$1,699.38

Flex dollar allowances shall increase on the December 15th paycheck of each subsequent year by up to a maximum of three percent (3%) on an annual basis, based on but not to exceed the Kaiser Bay Area premium rate increase for the upcoming calendar year.

The City shall contribute to the cost of medical coverage for each eligible employee and his/her dependents, an amount not to exceed the California Public Employees' Medical and Hospital Care Act (PEMHCA) contribution, as determined by CalPERS on an annual basis. This portion of the monthly flex dollar allowance is identified as the City's contribution towards PEMHCA. The balance of the monthly flex dollar allowance (after the PEMHCA minimum contribution) may be used in accordance with the terms of the cafeteria plan to purchase health benefits or may be converted to taxable income.

**Conditional Opt-Out Payment:** An employee may elect to waive the City's health insurance coverage and receive the value of the Employee Only contribution as a monthly Opt-Out payment in accordance with the terms of the cafeteria plan, and the Affordable Care Act, if the employee complies with the following conditions:

- 1) The employee certifies that the employee and all individuals in the employee's tax family for whom coverage is waived, have alternative Minimum Essential Coverage as defined by the

Patient Protection and Affordable Care Act through a provider other than a federal marketplace, a state exchange, or an individual policy.

- 2) During the City's annual open enrollment period, the employee must complete an annual written attestation confirming that the employee and the other members of the employee's tax family are enrolled in alternative Minimum Essential Coverage. The employee agrees to notify the City no later than 30 days if the employee or other member(s) of the employee's tax family lose coverage under the alternative Minimum Essential Coverage Plan.
- 3) The employee understands that the City is legally required to immediately stop conditional opt-out payments if the City learns that the employee and/or members of the employee's family do not have the alternative Minimal Essential Coverage.

The City reserves the right to modify at any time, the amount an employee is eligible to receive under this paragraph, if required by IRS Cafeteria Plan regulations, other legislation or Federal and/or California agency guidance.

**Miscellaneous Allowance for Employees hired on or before January 1, 2009:**

The City shall pay to employees hired on or before January 1, 2009 a miscellaneous allowance in an amount equivalent to the difference between the employee's benefit election for coverage under PEMHCA and their flex dollar allowance, if their benefit election under PEMHCA exceeds their flex dollar allowance. The miscellaneous allowance shall be treated as income. An employee may use the miscellaneous allowance to pay for health coverage on a pre-tax basis as defined under the City's Cafeteria plan.

**b) Health Insurance for Retirees**

**i) Elected or Appointed officials placed into office prior to April 1, 2007** and who retire from the Marin County Employees' Retirement Association (MCERA) within 120 days of leaving their City of San Rafael elected position of City Clerk or City Attorney (and who comply with the appropriate retirement provisions under the MCERA laws and regulations) are eligible to continue in the City's group health insurance program and receive the PEMHCA minimum contribution as determined by CalPERS on an annual basis.

**Longevity Payments:** The City shall make a longevity payment equivalent to the difference between the PEMHCA minimum contribution and the premium cost of coverage for the retiree, the retiree's spouse/registered domestic partner and/or qualified dependent children (as defined by PEMHCA) capped at the contribution the City makes towards the health coverage of an active City Attorney or City Clerk. The City's longevity contribution shall remain in effect during the lifetime of the retired City Attorney and City Clerk and their spouse/registered domestic partner or surviving spouse/registered domestic partner.

As described in this subsection, the City shall reimburse retired elected or appointed officials and their spouses or registered domestic partners the Medicare Part B standard premium amount, as determined by the Centers of Medicare and Medicaid Services (CMS) on an annual basis. To initiate reimbursement, retirees must submit proof of payment of the Medicare Part B premiums to the Human Resources Department. If the Medicare Part B is deducted from social security, the retiree/spouse/domestic partner may submit a copy of the social security check, the Medicare Part B bill, or other relevant documentation. Reimbursements will be processed on a quarterly basis. This reimbursement shall remain in effect for the retired elected or appointed official's life and that of the retired elected or appointed officials spouse/registered domestic partner or surviving spouse/registered domestic partner.

**ii) Elected or Appointed officials placed into office on or after April 1, 2007** and who retire from the Marin County Employees Retirement Association (MCERA) within 120 days of leaving their City of San Rafael elected position of City Clerk or City Attorney (and comply with the

appropriate retirement provisions under the MCERA laws and regulations) are eligible to continue in the City's group health insurance program. The City's contribution towards the coverage of retirees under this subsection shall be the PEMHCA minimum contribution as determined by CalPERS on an annual basis.

**Longevity Payments:** The City shall make a longevity payment equivalent to the difference between the PEMHCA minimum contribution and the premium cost of coverage, up to \$600, for the retiree. The City shall not be responsible for making any contributions towards the cost of coverage of the retiree's spouse, registered domestic partner or dependents. The City's longevity contribution shall cease upon the retired City Attorney or City Clerk's death.

**iii) Elected or Appointed officials placed into office on or after January 1, 2009**

Elected or Appointed officials placed into office on or after January 1, 2009, and who retire from the Marin County Employees Retirement Association (MCERA) within 120 days of leaving their City of San Rafael position (and comply with the appropriate retirement provisions under the MCERS laws and regulations) are eligible to continue in the City's group health insurance program. The City's contribution towards the coverage of retirees under this subsection shall be the PEMHCA minimum contribution as determined by CalPERS on an annual basis.

- c) **Life Insurance.** The City shall provide a basic group life insurance plan in the amount of \$250,000 at no cost to the employee.
- d) **Disability Insurance.** The City shall provide long term disability (LTD) insurance, at no cost to the City Clerk/City Attorney, with a benefit of two-thirds (2/3) of their respective monthly salaries, up to a maximum benefit of \$7500 (reduced by any deductible benefits).
- e) **Dental Insurance.** The City shall make available to all employees an additional flex dollar allowance equal to \$113 per month to purchase dental coverage under the City's dental plan. The City shall pay dental premiums on behalf of the City Clerk/City Attorney and eligible dependents.
- f) **Vision Plan.** The City will contract for and pay for a vision plan for "employee plus dependent" vision benefits.
- g) **Gym Reimbursement.** The City Clerk and City Attorney are eligible to receive up to \$16.50 per month reimbursement for paid gym memberships. Such reimbursement shall be reported as taxable income to the employee.

### 3) **RETIREMENT**

- a) **Retirement Plan.** The City shall provide the Marin County Employee Retirement Association 2.7% @ 55 retirement program to the City Clerk and City Attorney, subject to Marin County Employee Retirement Association procedures and regulations and applicable 1937 Act laws. This is based on an employee's single highest year of compensation.

Employees hired on or after July 1, 2011 will receive an MCERA retirement benefit at the formula 2% at 55, calculated based on the average of their three highest years of compensation, in accordance with MCERA regulations. The annual pension adjustment shall be a maximum of 2% COLA. Minimum retirement age is 55.

Employees hired by the City on or after January 1, 2013 who are defined as "new members" of MCERA in accordance with the Public Employees' Pension Reform Act (PEPRA) of 2013, shall be enrolled in the MCERA 2% @ 62 plan for Miscellaneous members. The employee is responsible for paying the employee contribution of half of the total normal cost of the plan, as defined by



MCERA, through a payroll deduction. Final compensation will be based upon the highest annual average compensation earnable during the thirty-six (36) consecutive months of employment immediately preceding the effective date of his or her retirement or some other period designated by the retiring employee.

- b) **Employer Paid Member Contribution (EPMC).** The City Clerk and City Attorney are responsible for the full cost of their own employee contribution rate as established by MCERA.

Effective September 1, 2013, in accordance with MCERA and City administrative requirements, the City Attorney and City Clerk will pay an additional contribution of one percent (1%) of pensionable compensation toward the normal cost of pension provided by the Marin County Employees Retirement Association, in addition to the current employee contribution towards pension as determined by MCERA. The only employees excluded from this payment are long-term City employees with thirty or more years of City service who no longer have to pay any employee contribution to the Marin County Retirement System.

- c) **COLA.** Participating members in the Marin County Employee Retirement Association will pay their full share of members' cost of living rates as allowed under Articles 6 and 6.8 of the 1937 Retirement Act. Miscellaneous and safety member contribution rates include both the basic and COLA portions (currently 50% of the COLA is charged to members as defined in the 1937 Act).

- d) **Management Allowance.** As of September 16, 2015 the Management Allowance of 4.59% was rolled into base pay for the City Clerk and City Attorney.

I, LINDSAY LARA, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City the 17<sup>th</sup> day of June 2019 by the following vote, to wit:

**AYES:            COUNCILMEMBERS:**

**NOES:            COUNCILMEMBERS:**

**ABSENT:        COUNCILMEMBERS:**

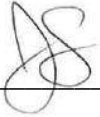
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**LINDSAY LARA, CITY CLERK**



**Agenda Item No: 4.i**  
**Meeting Date: June 17, 2019**

**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: FINANCE / LIBRARY**

**Prepared by: Henry Bankhead, Interim Library Director**      **City Manager Approval:** 

**TOPIC: ANNUAL ADJUSTMENT TO THE LIBRARY PARCEL TAX**

**SUBJECT: REPORT CONCERNING THE ANNUAL CONSUMER PRICE INDEX (CPI) RATE ADJUSTMENT FOR THE SPECIAL LIBRARY SERVICES PARCEL TAX FOR THE FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020 AS SPECIFIED IN VOTER-APPROVED MEASURE D (SAN RAFAEL MUNICIPAL CODE CHAPTER 3.36)**

**RECOMMENDATION:** Accept report concerning the San Rafael Special Library Services Parcel Tax rate adjustment for Fiscal Year 2019-20, from July 1, 2019 through June 30, 2020, based upon the Consumer Price Index (CPI) as authorized by Section 3.36.030 of the San Rafael Municipal Code.

**BACKGROUND:** On June 7, 2016 the San Rafael community voted in favor of Measure D, amending San Rafael Municipal Code (SRMC) Chapter 3.36 by extending, revising and increasing the existing Special Library Services Parcel Tax ("Tax"), as adopted in Ordinance No. 1942 on [July 18, 2016](#). The approved Measure D Tax rates were first assessed for Fiscal Year 2017-18, from July 1, 2017 through June 30, 2018 and levied for a period of nine (9) years. SRMC section 3.36.030, Imposition of the Tax, provides for an annual CPI adjustment of the tax rate commencing with the second year of the Tax.

**ANALYSIS:** SRMC section 3.36.030, "Imposition of the Tax", stipulates that an annual adjustment to the Tax rate shall be automatically applied commencing in the second year based on the annual percentage increase, if any, in the previous fiscal year to the San Francisco-Oakland-Hayward Price Index for All Urban Consumers ("CPI"). The rate increase cannot exceed three (3) percent annually and the rate cannot be adjusted downward. This is an informational report concerning the calculation of the rate increase for Fiscal Year 2019-20.

Utilizing the Bureau of Labor Statistics - Western CPI Summaries (BLS-WS) for the San Francisco-Oakland-Hayward, CA, All Urban Consumers Index, the April 2018 Index was 283.422 and the April 2019 Index was 294.801 resulting in a twelve (12) month composite Index of 4.015% increase over the previous year's index. The Measure D CPI adjustment cannot exceed 3%.

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**FOR CITY CLERK ONLY**

**File No.:** \_\_\_\_\_  
**Council Meeting:** \_\_\_\_\_  
**Disposition:** \_\_\_\_\_

Adjusting the Library Tax Rate by the calculated 3% CPI for the upcoming Fiscal Year 2019-20 will increase annual Measure D Tax Revenue from \$1,047,382 (FY 18-19) to \$1,078,803 (FY 19-20), or a year-over-year increase of \$31,421.

**Section 3.36.030 Imposition of Tax:**

<b>Parcel Rate Types</b>	<b>FY 18-19 Rates</b>	<b>FY 19-20 Rates with CPI Adjustment</b>
Single Family Residential Parcel	\$60.74	\$62.56
Multi-Family Residential or Other Residential Parcel	\$60.74 + \$10.295 per Living unit, in excess of one, up to a maximum of \$1,029.50 per year per parcel	\$62.56 + \$10.604 per Living unit, in excess of one, up to a maximum of \$1,060.39 per year per parcel
Non-Residential Parcel	\$60.74	\$62.56

Any increase in revenue due to the CPI increase will be used in accordance with the language of Measure D, to “maintain library hours, equipment, materials, and services for children, teens, and adults.” Additionally, any increased revenue will help to offset the decrease in revenue seen annually due to the increasing number of Senior Exemptions filed for the tax.

**FISCAL IMPACT:** The application of the CPI increase will generate an additional \$31,421 in Measure D revenue for Fiscal Year 2019-20. These revenues are recorded in the Measure D special revenue fund.

**OPTIONS:** The City Council has the following options to consider on this matter:

1. Accept the report.
2. Direct staff to return with more information.
3. Take no action.

**RECOMMENDED ACTION:**

Accept report concerning the San Rafael Special Library Services Parcel Tax rate adjustment for Fiscal Year 2019-20, from July 1, 2019 through June 30, 2020, based upon the Consumer Price Index (CPI) as authorized by Section 3.36.030 of the San Rafael Municipal Code.



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: Public Works

Prepared by: Josh Minshall,  
Associate Civil Engineer

City Manager Approval: \_\_\_\_\_

**TOPIC: VACATE A PORTION OF JACOBY STREET**

**SUBJECT: A RESOLUTION OF INTENTION TO ORDER VACATION OF PORTIONS OF JACOBY STREET, SAN RAFAEL, CALIFORNIA**

**RECOMMENDATION:**

Adopt a resolution of intention to vacate a portion of Jacoby Street and set a public hearing on the matter for July 15, 2019.

**BACKGROUND:**

Prior to 1984, a portion of Jacoby Street existed as a paper street through what is currently Marin Sanitary Service (MSS) property. A paper street is designated on a recorded document but is not necessarily constructed as a roadway. Paper streets are set up based on the original subdivision of the properties and also allow utilities to provide services within these areas. In this case, the alignment of Jacoby Street was part of an historic route following the grade near the bottom of the hillside to connect towards San Quentin, prior to the construction of Highway 580. The underlying property is owned by Marin Sanitary Service (MSS) and the paper street is an easement across that property originally intended to provide access and utilities to adjacent properties. The subsequent installation of Andersen Drive through this area of San Rafael has provided more direct access to the area, making the portion of Jacoby Street through MSS superfluous.

In 1984, the City of San Rafael vacated half the width of Jacoby Street through MSS property per Resolution No. 6780. Vacating the entire roadway was not pursued at that time based on requests from utility companies who used to maintain facilities within a portion of the existing paper street.

In 1993, the conditions of approval for MSS's Use Permit 92-7 noted that the remainder of Jacoby Street should be abandoned from the westerly property line of AP 18-143-06 (now AP 18-180-72) to Jacoby Street's easterly terminus. City Use Permit 96-8 confirmed this condition of approval.

---

**FOR CITY CLERK ONLY**

File No.: \_\_\_\_\_

Council Meeting: \_\_\_\_\_

Disposition: \_\_\_\_\_

In 2012, as part of its preparation to amend its Use Permit, MSS requested that the City move forward with the vacation process for the paper street section of Jacoby Street located within MSS property. The portion of Jacoby Street to be abandoned is shown and described on Exhibit A of Attachment 1.

In 2015 the San Rafael City Council adopted [Resolution 13976](#), amending the MSS Use Permit (Master Use Permit 09-020 and Environmental Design Review Permit ED09-031), which included lot consolidation. As part of Condition 25 of ED09-031 the applicant was required to submit documents and a deposit for vacating this portion of Jacoby Street.

The abandonment process, referred to as a general vacation, is set forth in the California Streets and Highways Code, Sections 8320-8325. The following steps are intended to meet the process requirements:

1. Notify and receive confirmation from utilities.
2. Adopt a Resolution of Intent
3. Post notices of the public hearing on the property to be vacated
4. Conduct a public hearing

Utilities were previously notified on June 23, 2015 of the proposed vacation. Objections were received from MMWD, PG&E and SRSD, based on their existing or potential infrastructure within Jacoby Street. Following these objections, MSS has coordinated and prepared easements to address each objection (Attachment 2 and 3). Another set of notifications was sent May 15, 2019 to confirm that remaining objections have been withdrawn.

**ANALYSIS:**

The historic purpose of Jacoby Street was to connect the City of San Rafael to San Quentin, which also provided access to properties as they developed along Andersen Drive. However, this portion of Jacoby Street has not been utilized by the City since the completion of Highway 580 and Andersen Drive. As referenced in the background, the abandonment was a condition of the Master Use Permit, and the underlying property is currently owned by MSS. Vacation would not be a grant of City owned property, but rather the City would be relinquishing the right to construct a roadway or utilities in the remaining alignment. Therefore, this would not be considered a special benefit to MSS, but fulfillment of the conditions imposed as part of the approval of the Master Use Permit. Staff believes it is appropriate to move forward with vacating this section of Jacoby Street as requested by MSS and as noted in the conditions of approval for MSS. MSS has utilized these lands as part of their site operation and have installed a gate at the westerly end of their site on Jacoby Street, to secure their operations and demarcating the City's maintenance limit.

Staff has provided notification to utility companies of the City's intent to vacate this property. Utilities are encouraged to contact the property owner to secure independent easements for their facilities and it is staff's understanding that the Marin Municipal Water District (MMWD) is pursuing such an easement with MSS. MMWD has sent the City a letter indicating that their prior request to not vacate the existing portion of Jacoby Street has been withdrawn (Attachment 2).

An easement has been proposed for PG&E regarding their existing facilities. Similarly, a separate easement has been proposed for the San Rafael Sanitation District (SRSD). These easements are shown and described in Attachment 3. The City is not obligated to halt the vacation process, but as a courtesy, staff has coordinated this effort with utilities, such they have secured easements with the property owner.

At this time, the City is asked to set a hearing date, and to notice the intent to vacate. The recommended action does not approve the vacation of Jacoby Street. The vacation of the roadway will be considered at the public hearing on July 15, 2019, after which the Council will vote on whether to approve the vacation.

**FISCAL IMPACT:**

There is no fiscal impact to the City. Staff costs associated with this action will be reimbursed by MSS per the use permit conditions.

**OPTIONS:**

The City Council has the following options to consider on this matter:

1. Adopt the resolution as presented.
2. Adopt the resolution with modifications.
3. Direct staff to return with more information.
4. Take no action.

**RECOMMENDED ACTION:**

Adopt a resolution of intention to vacate a portion of Jacoby Street and to set a public hearing on the matter for July 15, 2019.

**ATTACHMENTS:**

1. Resolution, with Exhibit A: Legal Description and Plat
2. MMWD Letter withdrawing a request for reservation Oct. 2, 2018.
3. Proposed easements, with Exhibit B for PG&E and Exhibit C for SRSD

**RESOLUTION NO. \_\_\_\_\_**

**SAN RAFAEL CITY COUNCIL RESOLUTION OF INTENTION TO ORDER VACATION OF PORTIONS OF JACOBY STREET, SAN RAFAEL, CALIFORNIA**

---

**WHEREAS**, prior to 1984, a portion of Jacoby Street existed as a paper street through what is currently Marin Sanitary Service (MSS) property, originally forming a part of an historic route towards San Quentin, prior to the construction of Highway 580; and

**WHEREAS**, the subsequent installation of Andersen Drive through this area of San Rafael has provided more direct access to the area, making the portion of Jacoby Street through MSS superfluous; and

**WHEREAS**, in 1984, the City of San Rafael vacated half the width of Jacoby Street through MSS property per Resolution No. 6780. Vacating the entire roadway was not pursued at that time based on requests from utility companies who used to maintain facilities within a portion of the existing paper street; and

**WHEREAS**, in 1993, the conditions of approval for MSS's Use Permit 92-7 noted that the remainder of Jacoby Street should be abandoned from the westerly property line of AP 18-143-06 (now AP 18-180-72) to Jacoby Street's easterly terminus. City Use Permit 96-8 confirmed this condition of approval; and

**WHEREAS**, in 2012, as part of its preparation to amend its Use Permit, MSS requested that the City move forward with the vacation process for the paper street section of Jacoby Street located within MSS property. The portion of Jacoby Street proposed for abandonment is shown and described on Exhibit A attached hereto and incorporated herein by reference; and

**WHEREAS**, in 2015 the San Rafael City Council adopted [Resolution 13976](#), amending the MSS Use permit. As a condition of approval, the City required the applicant to submit documents and a deposit for vacating the remaining portion of Jacoby Street on MSS property; and

**WHEREAS**, it appears that that portion of Jacoby Street shown in Exhibit A, lying southwesterly of Andersen Drive and southeasterly of Simms Streets, is unnecessary for present or prospective public purpose;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of San Rafael as follows:

1. That the City Council hereby elects to proceed under the General Vacation provisions of the Public Streets, Highways, and Service Easements Vacation Law (Sts. & Hwys Code §§8320-8325).
2. That the City Council hereby declares its intention to vacate the portion of Jacoby Street shown on and described in Exhibit "A".

3. That the regular meeting of the City Council on July 15, 2019 at 7:00 pm in the Council Chambers, City Hall, San Rafael, California, is hereby fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation.
4. That the Department of Public Works of the City of San Rafael shall post at least three (3) notices of street vacation conspicuously along the lines of the portion of Jacoby Street proposed to be vacated, which notices shall be posted not more than 300 feet apart. The notice shall state the time and place of the public hearing as hereinabove provided, and the adoption of this Resolution of Intention.
5. That a map or plan showing the portion of Jacoby Street proposed to be vacated is on file in the office of the City Clerk of the City of San Rafael at the City Hall, San Rafael, California.

I, LINDSAY LARA, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City on the 17<sup>th</sup> day of June 2019, by the following vote, to wit:

AYES:            COUNCILMEMBERS:

NOES:            COUNCILMEMBERS:

ABSENT:        COUNCILMEMBERS:

---

LINDSAY LARA, City Clerk



LEGAL DESCRIPTION  
JACOBY RIGHT OF WAY VACATION  
TO MARIN SANITARY SERVICE

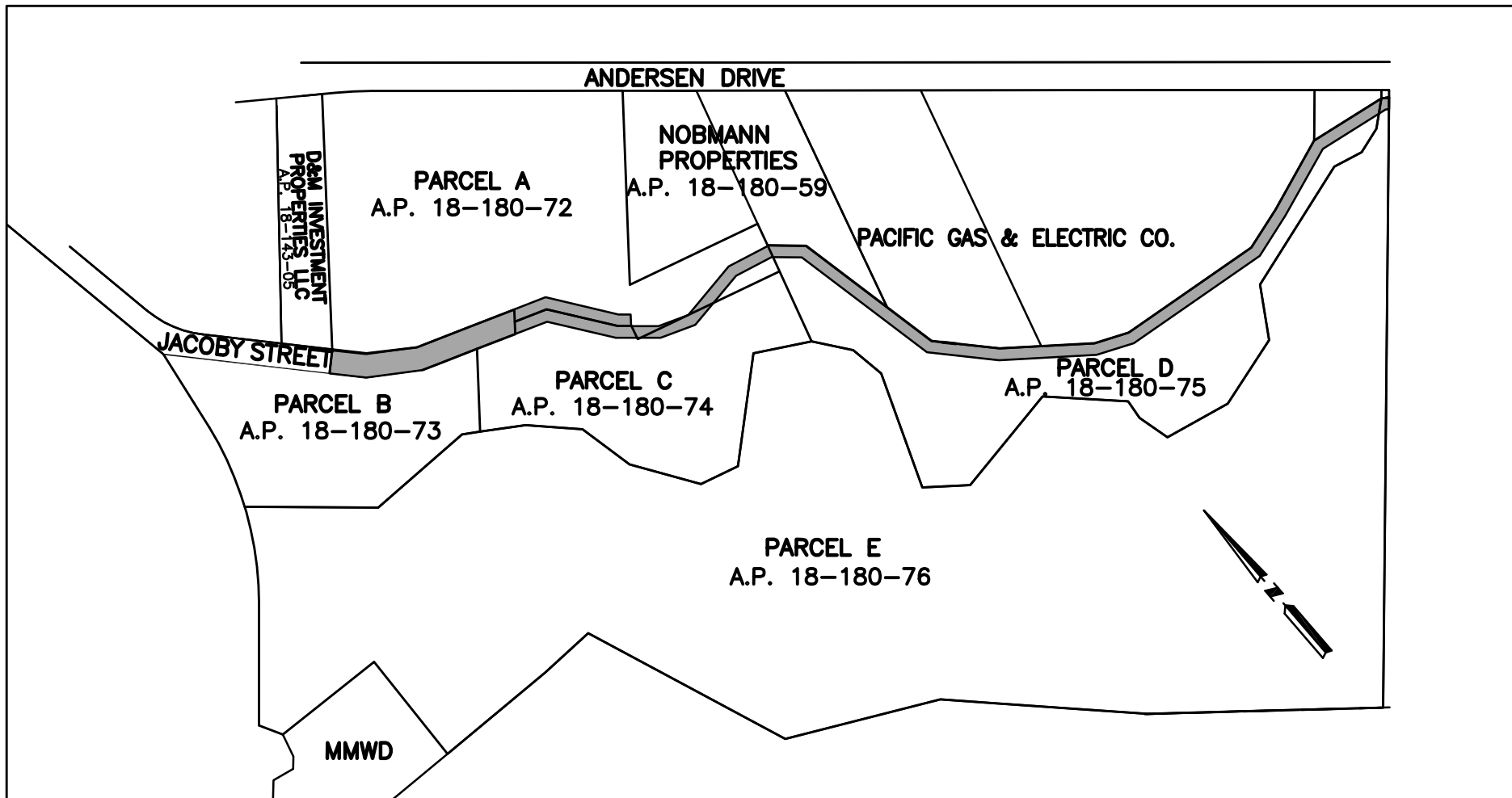
All that certain real property situate in the State of California, County of Marin, City of San Rafael, and more particularly described as follows:

Being a portion of the public street designated as Jacoby Street and more particularly described as follows:

BEGINNING AT the most easterly corner of Parcel E as described in the Lot Line Adjustment document recorded by document serial 97-056783, Marin County Records, point being the on the centerline of the 60' right-of-way formerly known as the San Rafael-San Quentin Toll Road; thence along said centerline North 57°15' West 20.46 feet; thence North 81°32' West 204.80 feet; thence South 69°54' West 203.50 feet; thence South 72°59' West 116.60 feet; thence North 84°06' West 384.90 feet; thence North 66°49' West 92.20 feet; thence North 52°28' West 245.10 feet; thence North 43°10' West 176.80 feet; thence North 12°13' West 406.10 feet; thence North 48°36' West 95.60 feet to the Southeasterly corner of Parcel 2 as shown on that Parcel Map titled, "Parcel Map, Lands of Quail Hill Inc." recorded in Book 15 of Parcel Maps at page 38, Marin County Records; thence continuing along said right-of-way centerline being common to the Southerly line of said Parcel 2, North 77°03' West 116.70 feet; thence South 80°21' West 163.00 feet; thence North 69°37' West 82.00 feet; thence North 49°32' West 70.51 feet to the most Westerly corner of said Parcel 2; thence leaving the line of said right-of-way along the boundary common to said Parcel 2 and Parcel 1 as shown on said Parcel Map (15 PM 38), North 38°26'50" East 30.02 feet to a point on the Northeasterly boundary of Parcel A as shown on said Parcel Map (15 PM 38); thence along the boundary of said Parcel A, North 49°32' West 31.52 feet; thence North 36°08' West 193.38 feet; thence North 70°35' West 87.46 feet to point on the boundary of Parcel A as described in said Lot Line Adjustment document (97-056783); thence along the boundary of said Parcel A (97-056783), North 70°35' West 268.82 feet; thence North 57°09' West 131.46 feet; thence North 43°01' West 88.09 feet to the Westerly corner of said Parcel A (97-056783), point being the Southerly corner of the property described in the Grant Deed to D&M Investment Properties, LLC recorded by document serial 2001-0089424, Marin County Records; thence leaving the boundary of said Parcel A, South 46°59' West 60.00 feet to a point on the Northeasterly boundary of Parcel B as described in said Lot Line Adjustment document (97-056783); thence along said Northeasterly boundary of Parcel B, South 43°01' East 95.53 feet; thence South 57°09' East 145.96 feet; thence South 70°35' East 149.50 feet to the Northwesterly corner of Parcel C as described in said Lot Line Adjustment document (97-056783); thence along the boundary of said Parcel C, South 70°35' East 105.69 feet; thence leaving the boundary of said Parcel C and continuing along a line offset 30 feet South of the centerline of the 60' right-of-way formerly known as the San Rafael-San Quentin Toll Road, South 70°35' East 89.55 feet; thence South 36°08' East 181.82 feet; thence South 49°32' East 115.45 feet; thence South 69°37' East 95.36 feet; thence North 80°21' East 165.05

feet; thence South  $77^{\circ}03'$  East 103.10 feet; thence South  $48^{\circ}36'$  East 78.14 feet; thence South  $12^{\circ}13''$  East 404.55 feet; thence South  $43^{\circ}10'$  East 187.55 feet; thence South  $52^{\circ}28'$  East 251.32 feet; thence South  $66^{\circ}49'$  East 100.54 feet; thence South  $84^{\circ}06'$  East 395.54 feet; thence North  $72^{\circ}59'$  East 123.49 feet; thence North  $69^{\circ}54'$  East 196.67 feet; thence South  $81^{\circ}32'$  East 190.71 feet; thence South  $57^{\circ}15'$  East 9.41 feet to the Easterly boundary of said Parcel E (97-056783); thence leaving the line offset 30 feet South of the centerline of the 60' right-of-way (formerly known as the San Rafael-San Quentin Toll Road) along the boundary of said Parcel E, North  $41^{\circ}27'18''$  East 30.35 feet to the point of beginning.

pab:leo



**EXHIBIT A**


JACOBY STREET  
RIGHT-OF-WAY VACATION

PARCEL CONVEYED FROM THE CITY OF SAN  
RAFAEL TO MARIN SANITARY SERVICE  
MARIN COUNTY, CALIFORNIA

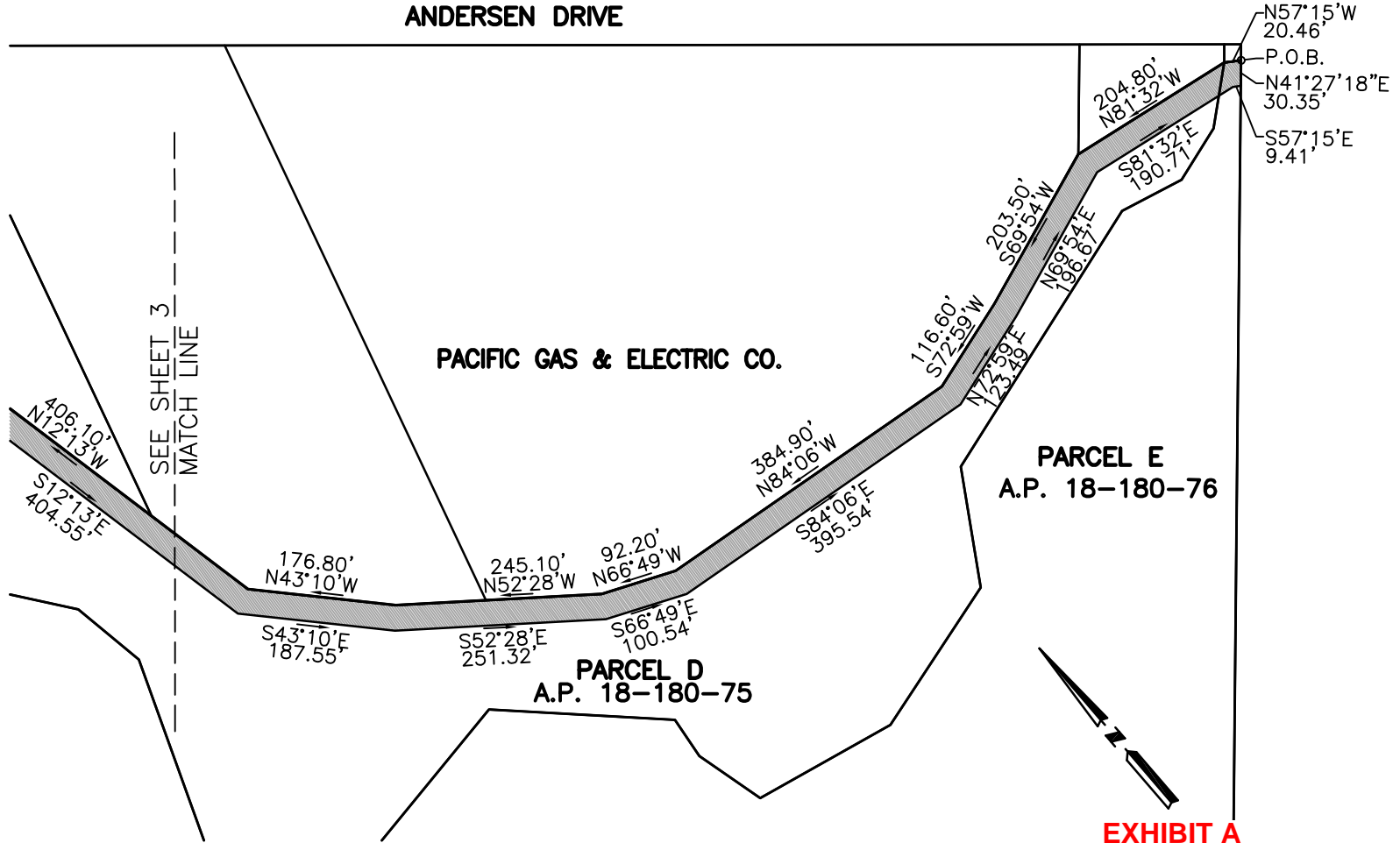
OBERKAMPER & ASSOCIATES  
CIVIL ENGINEERS INC.

NOVATO, CA  
(415)897-2800 JOB# 10-121

 RIGHT-OF-WAY  
VACATION AREA

0      400'      800'  
  
SCALE: 1" = 400'

ANDERSEN DRIVE



SEE SHEET 3  
MATCH LINE

PACIFIC GAS & ELECTRIC CO.

PARCEL E  
A.P. 18-180-76

PARCEL D  
A.P. 18-180-75

EXHIBIT A

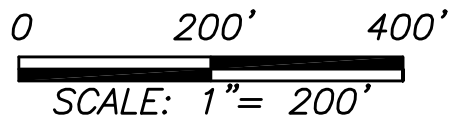
JACOBY STREET  
RIGHT-OF-WAY VACATION

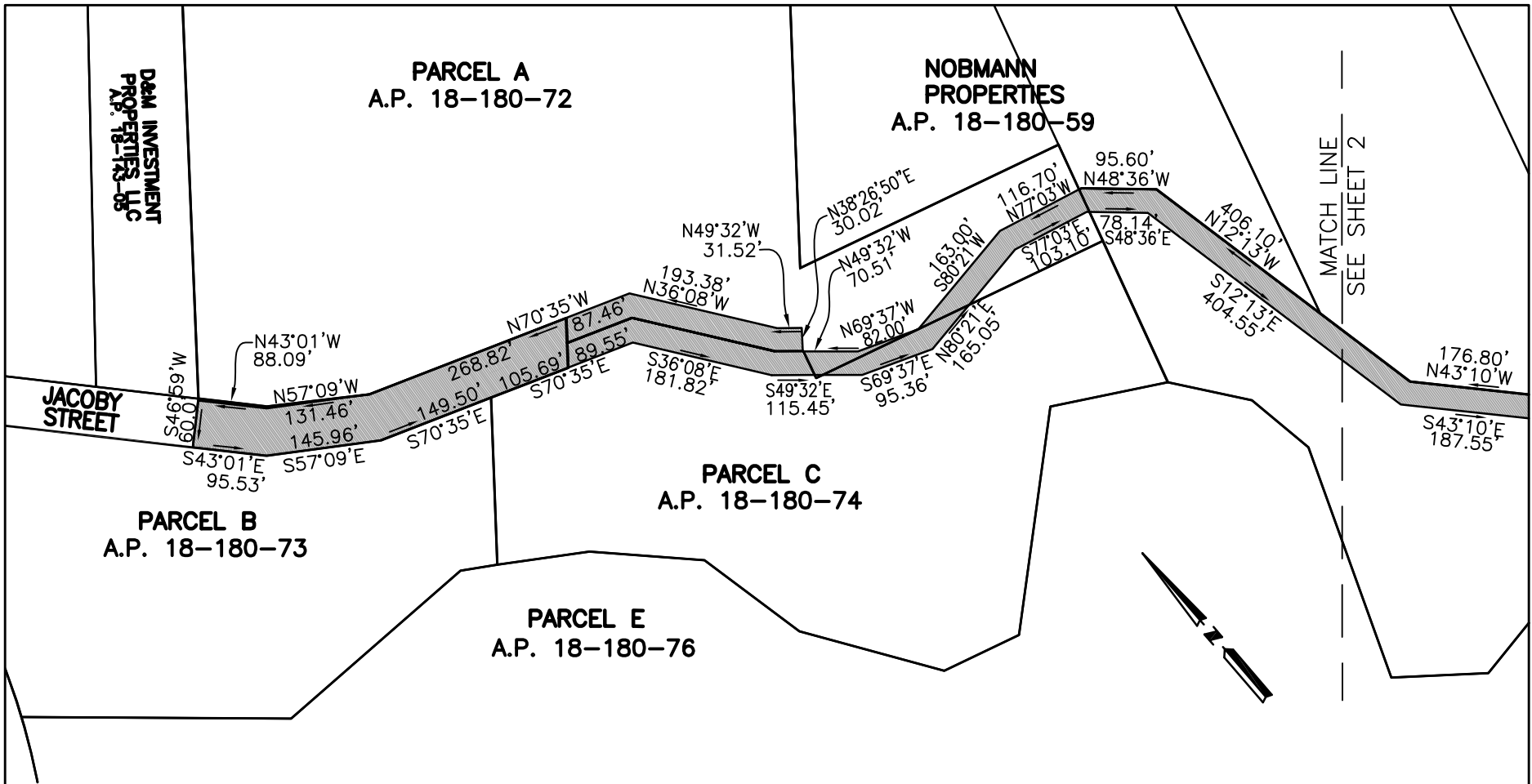
PARCEL CONVEYED FROM THE CITY OF SAN  
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MARIN COUNTY, CALIFORNIA

OBERKAMPER & ASSOCIATES  
CIVIL ENGINEERS INC.

NOVATO, CA  
(415)897-2800 JOB# 10-121

RIGHT-OF-WAY  
VACATION AREA





**EXHIBIT A**


**JACOBY STREET  
RIGHT-OF-WAY VACATION**

**PARCEL CONVEYED FROM THE CITY OF SAN  
RAFAEL TO MARIN SANITARY SERVICE  
MARIN COUNTY, CALIFORNIA**

**OBERKAMPER & ASSOCIATES  
CIVIL ENGINEERS INC.**

**NOVATO, CA  
(415)897-2800 JOB# 10-121**

 **RIGHT-OF-WAY  
VACATION AREA**

0      200'      400'  
  
**SCALE: 1" = 200'**



# MARIN MUNICIPAL WATER DISTRICT

220 Nellen Avenue Corte Madera CA 94925-1169  
marinwater.org

October 2, 2018

**VIA ELECTRONIC EMAIL**

[alicia.guidice@cityofsanrafael.org](mailto:alicia.guidice@cityofsanrafael.org)

Alicia Guidice, Senior Planner  
City of San Rafael  
1400 Fifth Avenue  
San Rafael CA 94901

Re: **MMWD – MSS Easement Agreement, etc.**  
APN 018-180-52

Dear Ms. Guidice:

The Marin Municipal Water District (“District”) and the Marin Sanitary Service (“MSS”) have approved and executed (1) a Right of Way Agreement, and (2) a new Easement Agreement that provides the District with a new easement description for the District’s future facilities.

Prior to the approval of both agreements, the District reserved “the reservation of a right-of-way for District facilities,” per the California Streets and Highways Code Section 8340 to maintain and operate for in-place utility facilities. Subsequent to the approval and execution of the both agreements, the District withdraws its request for the reservation of a right-of-way for District facilities, over the subject property, as referenced in Attachments 1 and 2 of this letter.

Should you have any questions, please contact me by email at [pmorrison@marinwater.org](mailto:pmorrison@marinwater.org) or by phone at 415-945-1535.

Sincerely,

Paul Morrison  
Engineering Support Services Manager

PM:SG:mp

**Attachments:**

1. City of San Rafael letter to MMWD, dated June 23, 2015
2. MMWD letter to City of San Rafael, dated July 8, 2015

cc: Mary Casey-MMWD Counsel, Terry J. Mason-Marine Sanitary Service Counsel, Mike Ban-MMWD, Rafi Boloyan-City of San Rafael Planning, Patty Garbarino-Marine Sanitary Service



CITY OF  
*San Rafael*

MAYOR GARY O. PHILLIPS  
VICE MAYOR ANDREW CUYUGAN MCCULLOUGH  
COUNCIL MEMBER MARIBETH BUSHBY  
COUNCIL MEMBER KATHY COLIN  
COUNCIL MEMBER JOHN GAMBLIN

PUBLIC WORKS DEPARTMENT: (415)485-3355 FAX (415)485-3334  
*Kevin McGowan, Acting Director of Public Works*

June 23, 2015

Kevin McDonnel  
Marin Municipal Water District  
220 Nellan Avenue  
Corte Madera, CA 94925

File No: 16.14.23 and  
13.02.19 - L1014-097

Re: Vacation of a portion of Jacoby Street – Right-of-Way Vacation  
Notification and Request for Review

Dear Kevin,

The purpose of this letter is to notify utility owners in the vicinity of Jacoby Street, San Rafael that a portion of the Jacoby Street Right-of-Way is in the process of being vacated by the City of San Rafael. Utilities that would otherwise have access use this Right-of-Way are being notified in order to respond to the proposal and acquire any easements, access agreements, and/or similar instruments necessary to maintain facilities.

**BACKGROUND:**

In 1984 the City vacated, by Resolution No. 6780, the northerly 30 feet of a portion of the old 60-foot road right-of-way (ROW) which comprises Jacoby Street and its former route to the San Quentin area from approximately the westerly property line of AP 18-180-59 to approximately 60 feet of Jacoby's easterly terminus.

The City's 1993 Marin Sanitary Service (MSS) Use Permit 92-7 paragraph (4) "Abandonment of Jacoby Street" provided approval to extend the abandonment of Jacoby Street from the westerly property line of AP 18-143-06 (now AP 18-180-72) to Jacoby's easterly terminus. City Use Permit 96-8 confirmed the prior approval by Use Permit 92-7 by including the paragraph entitled "Abandonment of Jacoby Street".

In 2012, as part of its preparation to amend its Use Permit, MSS requested the Public Works Department to move forward with the abandonment process for the extended segment, as well as including the 30 feet southerly remainder of the 60-foot road ROW not abandoned in 1984.

**FOR REVIEW:**

Attached are the following documents for the referenced Jacoby Street Right-of-Way Vacation:

1. Legal Description
2. Exhibits 1 through 3 -- Vacation Plat

Review the attached information, a response is required prior to July 8, 2015 if there are any objections. Please provide confirmation that easements have been obtained to maintain access to existing facilities, if applicable. If you have questions or comments please contact me at 415-485-3158 or at [josh.minshall@cityofsanrafael.org](mailto:josh.minshall@cityofsanrafael.org).

Very truly yours,



Josh Minshall  
Assistant Civil Engineer

Attachments

1. Legal Description
2. Exhibits 1 through 3 - Vacation Plat

C: Rafi Boloyan, Planning Manager  
Kevin McGowan, Acting Public Works Director



LEGAL DESCRIPTION  
JACOBY RIGHT OF WAY VACATION  
TO MARIN SANITARY SERVICE

All that certain real property situate in the State of California, County of Marin, City of San Rafael, and more particularly described as follows:

Being a portion of the public street designated as Jacoby Street and more particularly described as follows:

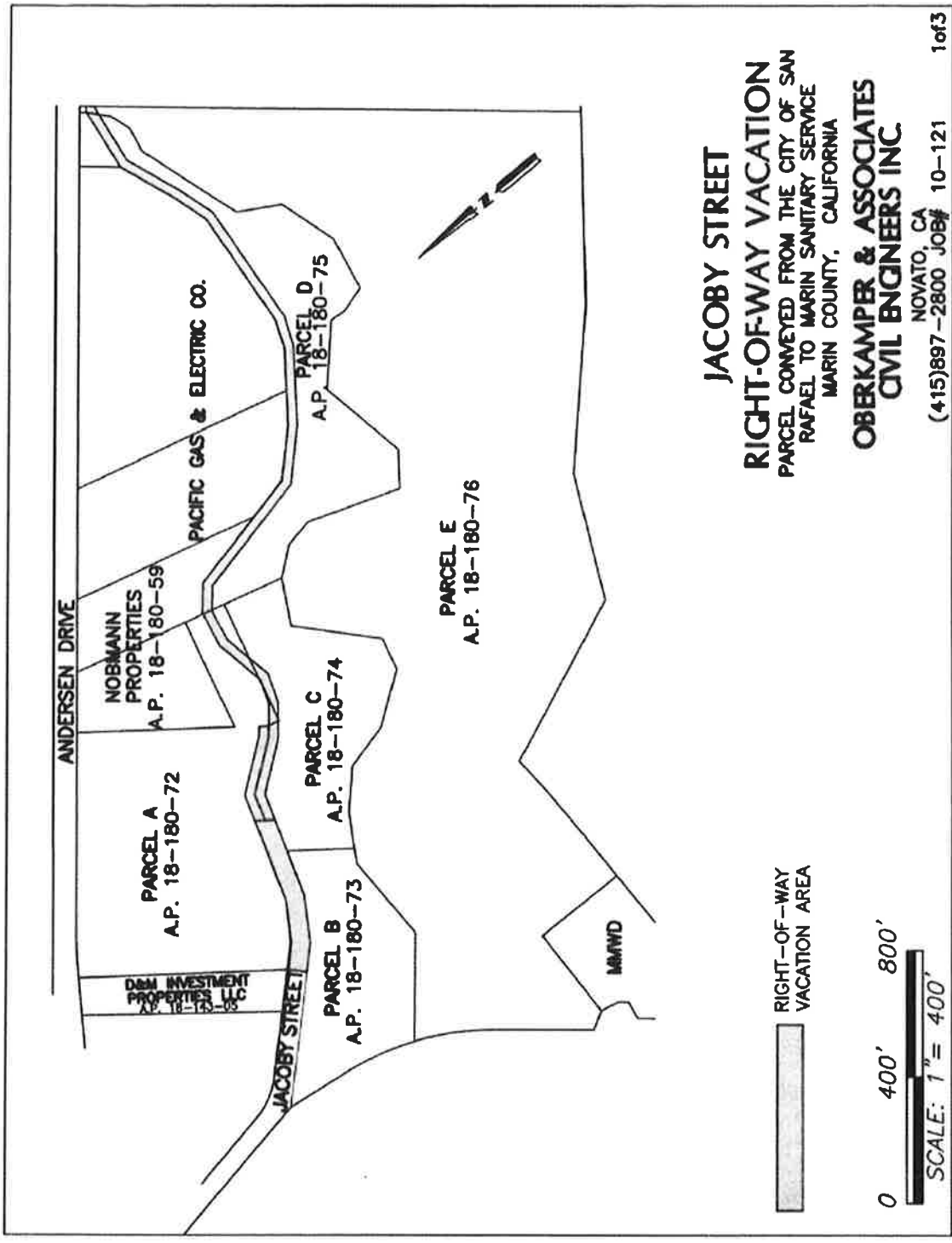
BEGINNING AT the most easterly corner of Parcel E as described in the Lot Line Adjustment document recorded by document serial 97-056783, Marin County Records, point being the on the centerline of the 60' right-of-way formerly known as the San Rafael-San Quentin Toll Road; thence along said centerline North 57°15' West 20.46 feet; thence North 81°32' West 204.80 feet; thence South 69°54' West 203.50 feet; thence South 72°59' West 116.60 feet; thence North 84°06' West 384.90 feet; thence North 66°49' West 92.20 feet; thence North 52°28' West 245.10 feet; thence North 43°10' West 176.80 feet; thence North 12°13' West 406.10 feet; thence North 48°36' West 95.60 feet to the Southeasterly corner of Parcel 2 as shown on that Parcel Map titled, "Parcel Map, Lands of Quail Hill Inc." recorded in Book 15 of Parcel Maps at page 38, Marin County Records; thence continuing along said right-of-way centerline being common to the Southerly line of said Parcel 2, North 77°03' West 116.70 feet; thence South 80°21' West 163.00 feet; thence North 69°37' West 82.00 feet; thence North 49°32' West 70.51 feet to the most Westerly corner of said Parcel 2; thence leaving the line of said right-of-way along the boundary common to said Parcel 2 and Parcel 1 as shown on said Parcel Map (15 PM 38), North 38°26'50" East 30.02 feet to a point on the Northeasterly boundary of Parcel A as shown on said Parcel Map (15 PM 38); thence along the boundary of said Parcel A, North 49°32' West 31.52 feet; thence North 36°08' West 193.38 feet; thence North 70°35' West 87.46 feet to point on the boundary of Parcel A as described in said Lot Line Adjustment document (97-056783); thence along the boundary of said Parcel A (97-056783), North 70°35' West 268.82 feet; thence North 57°09' West 131.46 feet; thence North 43°01' West 88.09 feet to the Westerly corner of said Parcel A (97-056783), point being the Southerly corner of the property described in the Grant Deed to D&M Investment Properties, LLC recorded by document serial 2001-0089424, Marin County Records; thence leaving the boundary of said Parcel A, South 46°59' West 60.00 feet to a point on the Northeasterly boundary of Parcel B as described in said Lot Line Adjustment document (97-056783); thence along said Northeasterly boundary of Parcel B, South 43°01' East 95.53 feet; thence South 57°09' East 145.96 feet; thence South 70°35' East 149.50 feet to the Northwesterly corner of Parcel C as described in said Lot Line Adjustment document (97-056783); thence along the boundary of said Parcel C, South 70°35' East 105.69 feet; thence leaving the boundary of said Parcel C and continuing along a line offset 30 feet South of the centerline of the 60' right-of-way formerly known as the San Rafael-San Quentin Toll Road, South 70°35' East 89.55 feet; thence South 36°08' East 181.82 feet; thence South 49°32' East 115.45 feet; thence South 69°37' East 95.36 feet; thence North 80°21' East 165.05

OBERKAMPER & ASSOCIATES  
CIVIL ENGINEERS, INC

05-21-14  
Job No. 10-121

feet; thence South 77°03' East 103.10 feet; thence South 48°36' East 78.14 feet; thence South 12°13" East 404.55 feet; thence South 43°10' East 187.55 feet; thence South 52°28' East 251.32 feet; thence South 66°49' East 100.54 feet; thence South 84°06' East 395.54 feet; thence North 72°59' East 123.49 feet; thence North 69°54' East 196.67 feet; thence South 81°32' East 190.71 feet; thence South 57°15' East 9.41 feet to the Easterly boundary of said Parcel E (97-056783); thence leaving the line offset 30 feet South of the centerline of the 60' right-of-way (formerly known as the San Rafael-San Quentin Toll Road) along the boundary of said Parcel E, North 41°27'18" East 30.35 feet to the point of beginning.

pab:leo



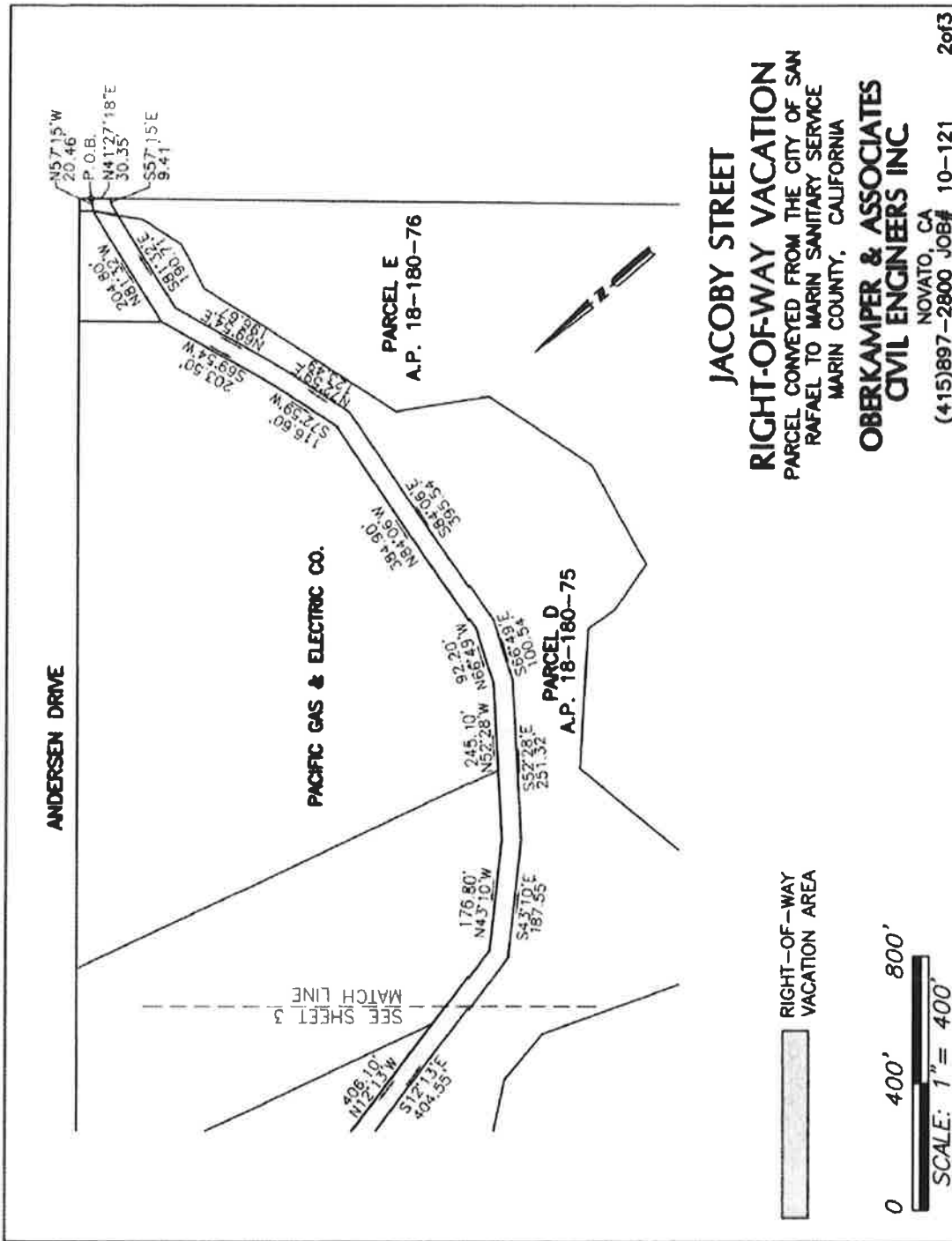
**JACOBY STREET**

**RIGHT-OF-WAY VACATION**

PARCEL CONVEYED FROM THE CITY OF SAN RAFAEL TO MARIN SANITARY SERVICE MARIN COUNTY, CALIFORNIA

**OBERKAMPER & ASSOCIATES  
CIVIL ENGINEERS INC**

NOVATO, CA  
(415)897-2800 JOB# 10-121







**MARIN MUNICIPAL  
WATER DISTRICT**

220 Nellen Avenue Corte Madera CA 94925-1169  
www.marinwater.org

July 8, 2015

John Minshall  
City of San Rafael Public Works Dept.  
P.O. Box 151560  
San Rafael, CA 94915

RE: **WATER AVAILABILITY** – Right-of-Way Vacation  
Location: Jacoby St., San Rafael

Dear Mr. Minshall:

Thank you for the opportunity to review the proposed vacation of a portion of the Jacoby Street right-of-way. The Marin Municipal Water District (District) requests per Section 8340 et. Seq. of the California Streets and Highway Code, "the reservation of a right-of-way for District facilities." The District anticipates using the right-of-way for future water transmission facilities.

In addition, as a result of the proposed vacation, the District intends to abandon all water facilities outside of the public right-of-way. A service will be installed at the new terminus of the water main within the Jacoby Street right-of-way. All costs associated with the service installation and property quitclaim are borne by the applicant. Please advise the applicant to contact the District to make financial arrangements for the necessary work.

If you have any questions regarding this matter, please contact me at (415) 945-1532.

Sincerely,

Joseph Eischens  
Senior Engineering Technician

JE:cb

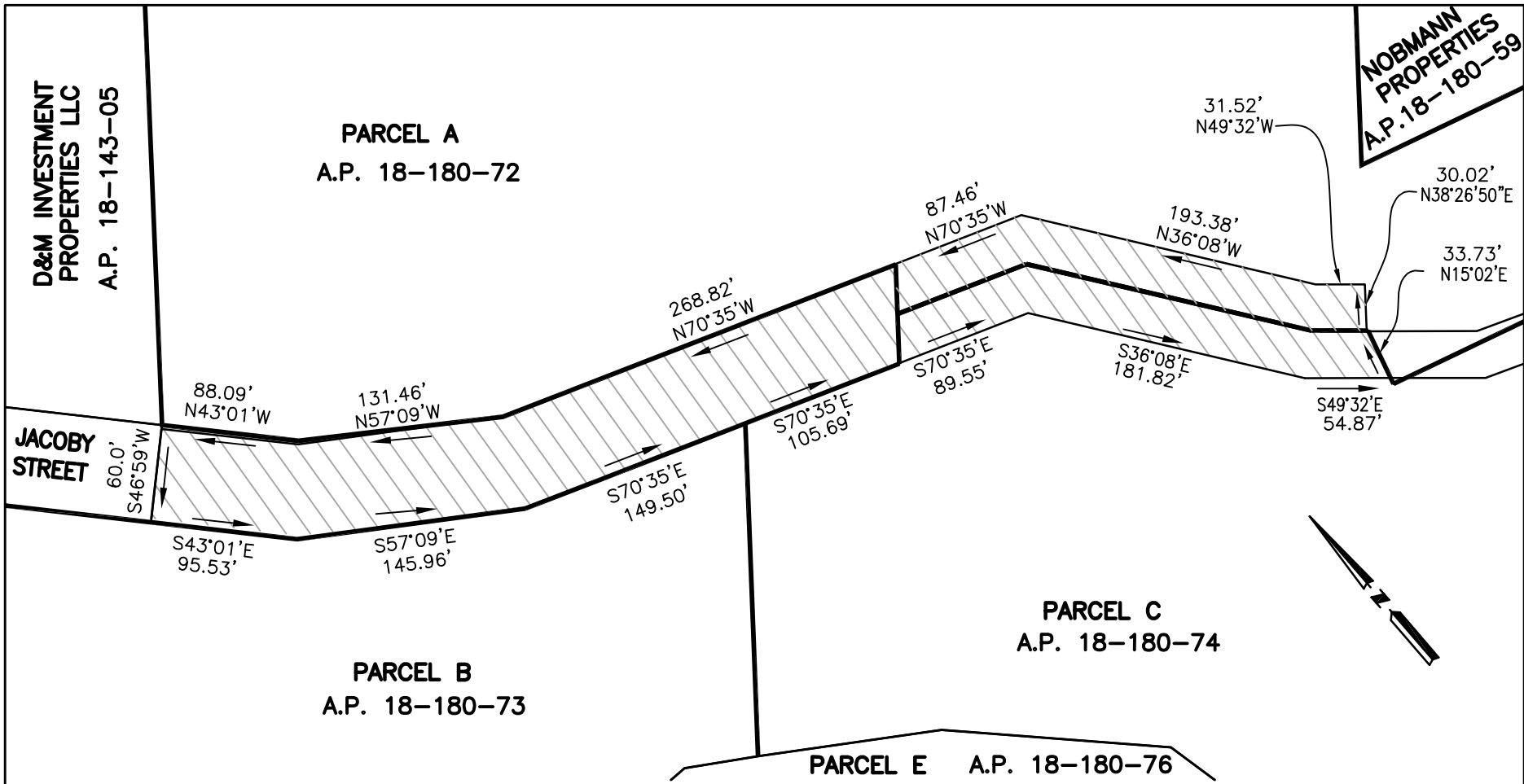
cc: City of San Rafael Building Dept  
City of San Rafael Fire Dept. 1039 C St. San Rafael, CA 94901

LEGAL DESCRIPTION  
PG&E EASEMENT

All that certain real property situate in the State of California, County of Marin, City of San Rafael, and more particularly described as follows:

Being a portion of the public street designated as Jacoby Street and more particularly described as follows:

BEGINNING AT the Westerly corner of Parcel A (97-056783), point being the Southerly corner of the property described in the Grant Deed to D&M Investment Properties, LLC recorded by document serial 2001-0089424, Marin County Records; thence leaving the boundary of said Parcel A, South 46°59' West 60.00 feet to a point on the Northeasterly boundary of Parcel B as described in said Lot Line Adjustment document (97-056783); thence along said Northeasterly boundary of Parcel B, South 43°01' East 95.53 feet; thence South 57°09' East 145.96 feet; thence South 70°35' East 149.50 feet to the Northwesterly corner of Parcel C as described in said Lot Line Adjustment document (97-056783); thence along the boundary of said Parcel C, South 70°35' East 105.69 feet; thence leaving the boundary of said Parcel C and continuing along a line offset 30 feet South of the centerline of the 60' right-of-way formerly known as the San Rafael-San Quentin Toll Road, South 70°35' East 89.55 feet; thence South 36°08' East 181.82 feet; thence South 49°32' East 54.87 feet to a point on the Northeasterly boundary of Parcel C; thence along the boundary of said Parcel C, North 15°02' East 33.73 feet; thence leaving the boundary of said Parcel C, North 38°26'50" East 30.02 feet to a point on the Northeasterly line offset 30 feet North of the centerline of the 60' right-of-way; thence along the Northeasterly line offset 30 feet North of the centerline, North 49°32' West 31.52 feet; thence North 36°08' West 193.38 feet; thence North 70°35' West 87.46 feet to point on the boundary of Parcel A as described in said Lot Line Adjustment document (97-056783); thence along the boundary of said Parcel A (97-056783), North 70°35' West 268.82 feet; thence North 57°09' West 131.46 feet; thence North 43°01' West 88.09 feet to the point of beginning.



**EXHIBIT B**

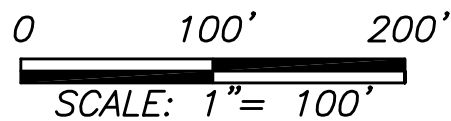
**JACOBY STREET  
PG&E EASEMENT**

PARCEL CONVEYED FROM THE CITY OF SAN RAFAEL TO MARIN SANITARY SERVICE  
MARIN COUNTY, CALIFORNIA

**OBERKAMPER & ASSOCIATES  
CIVIL ENGINEERS INC.**

NOVATO, CA  
(415)897-2800 JOB# 10-121

PG&E EASEMENT





LEGAL DESCRIPTION  
SAN RAFAEL SANITATION DISTRICT EASEMENT

All that certain real property situate in the State of California, County of Marin, City of San Rafael, and more particularly described as follows:

Being a portion of the public street designated as Jacoby Street and more particularly described as follows:

BEGINNING AT the Westerly corner of Parcel A (97-056783), point being the Southerly corner of the property described in the Grant Deed to D&M Investment Properties, LLC recorded by document serial 2001-0089424, Marin County Records; thence leaving the boundary of said Parcel A, South  $46^{\circ}59'$  West 60.00 feet to a point on the Northeasterly boundary of Parcel B as described in said Lot Line Adjustment document (97-056783); thence along said Northeasterly boundary of Parcel B, South  $43^{\circ}01'$  East 50.00 feet; thence leaving the boundary of said Parcel B, North  $46^{\circ}59'$  East 60.00 feet to point on the Southwesterly boundary of Parcel A; thence along said Southwesterly boundary of Parcel A, North  $43^{\circ}01'$  West 60.00 feet to the point of beginning.

**NOBMANN  
PROPERTIES**  
A.P. 18-180-59

**D&M INVESTMENT  
PROPERTIES LLC**  
A.P. 18-143-05

**PARCEL A**  
A.P. 18-180-72

**JACOBY  
STREET**

50.0'  
N43°01'W

60.0'  
S46°59'W

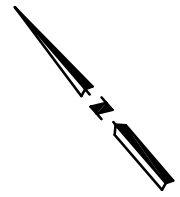
N46°59'E  
60.0'

S43°01'E  
50.0'

**PARCEL B**  
A.P. 18-180-73

**PARCEL C**  
A.P. 18-180-74

**PARCEL E** A.P. 18-180-76



**EXHIBIT C**

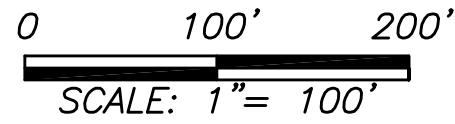
**JACOBY STREET  
SAN RAFAEL SANITATION  
DISTRICT EASEMENT**



SAN RAFAEL SANITATION  
DISTRICT EASEMENT

PARCEL CONVEYED FROM THE CITY OF SAN  
RAFAEL TO MARIN SANITARY SERVICE  
MARIN COUNTY, CALIFORNIA

**OBERKAMPER & ASSOCIATES  
CIVIL ENGINEERS INC.**



NOVATO, CA  
(415)897-2800 JOB# 10-121



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Public Works**

**Prepared by: Bill Guerin,  
Director of Public Works**

**City Manager Approval:** \_\_\_\_\_

File No.: 16.06.92

**TOPIC: THIRD AND UNION STREET REPAVING**

**SUBJECT: ACCEPT COMPLETION OF THE THIRD AND UNION STREET REPAVING PROJECT, AND AUTHORIZE THE CITY CLERK TO FILE THE NOTICE OF COMPLETION**

**RECOMMENDATION:** Accept completion of the Third and Union Street Repaving Project and authorize the City Clerk to file the Notice of Completion.

**BACKGROUND:** In 2014, the City hired Mary McGrath Architects and Kitchell to develop the Essential Facilities Strategic Plan for the City of San Rafael. The Plan guided the City of San Rafael through the implementation of the replacement and/or seismic upgrade of the City's essential services buildings ("Essential Facilities") to ensure that the City's Essential Facilities can serve the community in the event of a major earthquake and other potential disasters.

The Strategic Plan identified that the existing Fire Stations (FS) #52 and #57 were past their useful life, and therefore, were recommended to be replaced. In April, 2017, the City awarded the construction contract to Alten Construction Inc.

During construction, the installation of several new utility connections and trench cuts were required within sections of Union Street and on Third Street in the area that fronts Station 52. Third Street was recently resurfaced. Union Street was also in relatively good condition prior to the installation of these utility connections, such that resurfacing both streets only within the fire station frontage was necessary.

Pursuant to the formal bidding process, the construction agreement was awarded to Team Ghilotti, Inc. Construction commenced March 28, 2019 and all work was completed on April 12, 2019.

**ANALYSIS:** Pursuant to Civil Code Section 3093, the City is required to record a Notice of Completion upon City acceptance of the improvements. This acceptance initiates a time period

**FOR CITY CLERK ONLY**

**File No.:** \_\_\_\_\_

**Council Meeting:** \_\_\_\_\_

**Disposition:** \_\_\_\_\_

during which project subcontractors may file Stop Notices seeking payment from the City from the funds owed to the Contractor for the project work.

**FISCAL IMPACT:** A total of \$175,387.14 was utilized for the construction which is within the approved amount.

**RECOMMENDED ACTION:** Accept completion of the Third and Union Street Repaving Project and authorize the City Clerk to file the Notice of Completion.

**ATTACHMENT:** Notice of Completion

When recorded mail to:

City of San Rafael  
Lindsay Lara, City Clerk  
1400 Fifth Avenue  
P. O. Box 151560  
San Rafael, CA 94915-1560

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CITY OF SAN RAFAEL  
NOTICE OF COMPLETION OF IMPROVEMENT**

TO ALL PERSONS WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN for and on behalf of the City of San Rafael, County of Marin, State of California, that there has been a cessation of labor upon the work or improvement and that said work or improvement was completed upon the **12<sup>th</sup>** day of **April, 2019** and accepted the **3<sup>rd</sup>** day of **June, 2019**; that the name, address and nature of the title of the party giving this notice is as follows: The City of San Rafael, 1400 Fifth Avenue, San Rafael, California, 94901, a municipal corporation, in the County of Marin, State of California, within the boundaries of which said work or improvement was made upon land owned by said City and/or over which said City has an easement; that said work or improvement is described as follows:

**THIRD AND UNION STREET REPAVING PROJECT #11360**

and reference is hereby made for a further description thereof to the plans and specifications approved for said work or improvements now on file at the Department of Public Works of said City, and said plans and specifications are hereby incorporated herein by reference thereto; and that the name of the Contractor who contracted to perform said work and make such improvement is

**Team Ghilotti, Inc.**

I declare under penalty of perjury that the foregoing is true and correct.

Executed at San Rafael, California, on \_\_\_\_\_, 20\_\_.

CITY OF SAN RAFAEL  
A Municipal Corporation

By \_\_\_\_\_  
BILL GUERIN  
Director of Public Works

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA  
COUNTY OF MARIN

Subscribed and sworn to (or affirmed) before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, by Bill Guerin, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

WITNESS my hand and official seal.

Signature \_\_\_\_\_  
Lindsay Lara  
San Rafael City Clerk

File: 16.06.92



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: Fire Department

Prepared by: Christopher Gray, Fire Chief

City Manager Approval:

**TOPIC: GRAND JURY REPORT ON WILDFIRE PREPAREDNESS**

**SUBJECT: RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE CITY OF SAN RAFAEL'S RESPONSE TO THE APRIL 25, 2019 MARIN COUNTY CIVIL GRAND JURY REPORT ENTITLED, "WILDFIRE PREPAREDNESS: A NEW APPROACH"**

**RECOMMENDATION:** Adopt a resolution approving the City of San Rafael's response to the Marin County Civil Grand Jury's report entitled, "Wildfire Preparedness: A New Approach."

**BACKGROUND:**

On April 25, 2019, the [2018-19 Marin County Civil Grand Jury](#) issued a report entitled *Wildfire Preparedness: A New Approach* relating to their evaluation of the impacts of wildfire to life and property in Marin County, including in San Rafael. The City of San Rafael is required to respond to all Grand Jury reports. Penal Code section 933 states in part:

No later than 90 days after the Grand Jury submits a final report...the governing body of the public agency shall comment to the presiding Judge of the Superior Court on the findings and recommendations contained in the report.

To comply with this statute, the City's response to the Grand Jury report must be approved by resolution of the City Council and submitted to the Presiding Judge of the Marin County Superior Court and the Foreperson of the Grand Jury by July 24, 2019. Staff recommends that the City Council adopt the attached resolution approving the City of San Rafael's response to the Grand Jury's report (Attachment 1).

**ANALYSIS:**

As part of routine City operations, the City of San Rafael proactively addresses wildfire risk in numerous ways. These measures include actions such as:

- Providing free vegetation inspections for residents
- Supporting and coordinating free community chipper days.
- Engaging and supporting communities seeking Firewise certification.
- Regularly patrolling the open space with two Police Department Rangers.

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

## SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2

- Providing ongoing public outreach and education at community events, homeowners associations meetings, and City events.

Prior to the release of the Grand Jury's report, the City of San Rafael had recently made significant progress towards improving wildfire prevention. In August 2018, staff presented an [informational report to the City Council relating to the City's wildfire prevention efforts](#). As part of the presentation, the City Council provided direction to staff to draft a bold and comprehensive plan to further address wildfire risk in San Rafael. In response to direction from the City Council, along with public comment, staff developed a draft Wildfire Prevention and Protection Action Plan. Many of the recommendations set forth in the [September 11, 2018 Lesson's Learned report](#) from the Marin County Board of Supervisors sub-committee were incorporated into the Plan. On March 18, 2019, the City Council approved the [Wildfire Prevention and Protection Action Plan](#). The Plan outlines 38 wildfire prevention goals, including updating the City's vegetation management standards, expanding existing wildfire prevention programs, and implementing new programs and projects. Full details of the Plan, including videos, meeting materials, and feedback forms, are available [on the City's website](#).

City staff are evaluating what findings and recommendations from the Grand Jury's report should be incorporated into the implementation of the City's 38-point plan. Staff will continually evaluate both documents for their effects on wildfire preparedness, prevention, and protection.

In their report, the Grand Jury reviewed the conditions that make Marin County vulnerable to wildfire, assessed the plans currently in place to correct them, and recommends a new approach to meeting these challenges. According to their analysis, there are four areas of vulnerability relating to wildfire safety:

- **Vegetation Management:** fuel conditions, overgrown vegetation, inadequate policies and procedures intended to manage and reduce vegetation, and too few inspectors available to determine compliance and enforcement
- **Educating the Public:** Lack of knowledge from community members relating to how to prepare and respond to wildfires, how to make their homes fire resistant or how to create defensible space, when to collect emergency supplies, how to plan for evacuations, how to sign up to receive emergency alerts, and where to find information regarding wildfire prevention programs that are not well known or are not offered frequently
- **Alerts:** A flaw exists in Marin County's two emergency alert systems, Alert Marin and Nixle, by requiring users to opt-in
- **Evacuations:** Marin County's topography, narrow and overgrown roads, traffic-calming obstacles, lack of emergency traffic flow, neglect of public transportation, and complacency make evacuations difficult

To combat these challenges, the Grand Jury recommends that 25 local government agencies in Marin County, including special fire districts, cities and town, Marin County Fire Department, Marin Municipal Water District (MMWD) and County of Marin create a joint powers authority to coordinate a comprehensive, consistent approach to pre-ignition planning funded by a ¼ cent sales tax. The Grand Jury believes that this approach will improve wildfire preparedness and demonstrate Marin County's political will to improve wildfire safety throughout Marin County.

The Grand Jury has requested that the governing bodies including Marin County, Transportation Authority of Marin, Marin Transit District, various school districts, and municipalities, including the City of San Rafael, respond to recommendations contained within their report. The Grand Jury's findings and recommendations are set out on page 22 and 24 of the 37-page report (see Attachment 1) The City of San Rafael has been specifically asked to respond to Recommendations R1, R3 through R13, and R15.



**City of San Rafael's Response to Findings and Recommendations**

The topic of this report is of tremendous importance to all Marin County residents. As a sign of our commitment to addressing the threat of wildfires in a collaborative, countywide fashion, the executives of Marin's municipalities and fire agencies have worked together to prepare responses to all the reports' findings and recommendations. This unified response to the Grand Jury's report can be found in Attachment 2. In addition, City of San Rafael staff have expanded on some of these unified responses to include additional details specific to the City, which can be found in Attachment A to the Unified Response to Grand Jury Report (and included here as Attachment 3).

**FISCAL IMPACT:** There is no fiscal impact associated with this item.

**OPTIONS:**

The City Council has the following options to consider relating to this item:

1. Adopt the resolution as presented.
2. Adopt the resolution as amended.
3. Direct staff to return with additional information.

**RECOMMENDED ACTION:**

Adopt a resolution approving the City of San Rafael's response to the Marin County Civil Grand Jury's report entitled, "Wildfire Preparedness: A New Approach."

**ATTACHMENTS:**

1. Grand Jury report entitled "Wildfire Prevention: A New Approach"
2. Unified Response to Grand Jury Report
3. City of San Rafael Supplemental Responses
4. Resolution

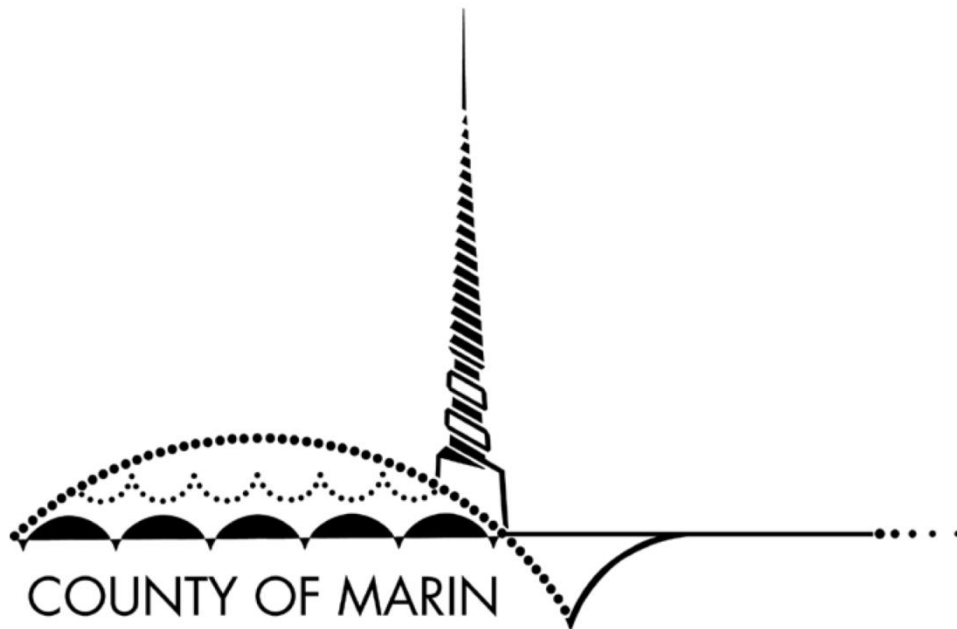
2018–2019 MARIN COUNTY CIVIL GRAND JURY

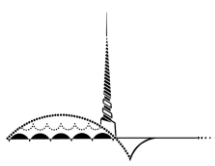
# Wildfire Preparedness

## A New Approach

Report Date: April 18, 2019

Public Release Date: April 25, 2019





## Wildfire Preparedness: A New Approach

### SUMMARY

Marin faces unprecedented danger to life and property from wildfire. The Grand Jury reviewed the conditions that make us vulnerable to wildfire, assessed the plans currently in place to correct them, and recommends a new approach to meeting these challenges. Four areas of vulnerability stand out:

Vegetation Management: Fuel conditions make Marin extremely vulnerable to wildfires. Through a combination of aggressive fire suppression and environmental policies, overgrown vegetation has created hazardous fuel loads throughout the county. The policies and procedures intended to manage and reduce vegetation are inadequate. Too few inspectors are available to determine compliance, and enforcement is too slow.

Educating the Public: The public's ignorance of how to prepare for and respond to wildfires makes Marin vulnerable. Most people do not know how to make their homes fire resistant or create defensible space by cutting back vegetation. Many have failed to collect emergency supplies or plan for evacuations. Nearly 90% of the county's residents have not signed up to receive emergency alerts. Programs to educate the public for wildfire are not well known and are offered infrequently. The county's only organization assigned to educate the public about wildfires is understaffed.

Alerts: The two crucial emergency alert systems in the county have a flaw that restricts their reach. Both Alert Marin and Nixle, as opt-in systems, warn only those who have registered.

Evacuations: Evacuation planning is also a grave concern. Marin's topography creates great danger for those who live far from the main evacuation routes. Most connecting roads are narrow and overgrown. Some are constricted by traffic calming obstacles such as concrete medians, and bump outs which impede traffic in emergency evacuations. Plans to ease emergency traffic flow such as traffic-light sequencing and the conversion of two-way roads to one-way flow corridors are years away from implementation. Marin's roads lack the capacity for a mass evacuation in personal vehicles. Public transit is a neglected piece of evacuation preparedness and is underused. Inertia and complacency have prevented a proactive and nimble response to wildfire dangers.

The Grand Jury Proposes: The creation of a joint powers authority to coordinate a comprehensive, consistent approach to pre-ignition planning funded by a ¼ cent sales tax. This new approach will remedy the gaps in our preparedness and demonstrate our political will to improve wildfire safety in Marin.

## **INTRODUCTION**

The conditions that made wildfire a distant and unlikely risk have now changed. Through a combination of new weather patterns, aggressive suppression of natural wildfires, and pro-vegetation environmental policy, Marin has become extremely vulnerable to devastation from wildfires.

We are living in a powder keg.

Marin's first responders are highly trained and dedicated specialists who excel in fighting fires. Mutual aid among fire agencies and disaster coordinators operates seamlessly, and countywide agencies meet regularly to discuss pre-ignition (before a fire) and pre-suppression (before a fire is extinguished) preparation. However, there are significant disparities among fire districts in the policies applicable to vegetation management, education of the public, evacuations and use of sirens.

Considering Marin's current state of preparedness, citizens should not assume that first responders will be able to save them from the horrors of a wildfire like those experienced during Butte County's Camp Fire. The deadly threat of fire creates an urgent need for new policies for wildfire preparedness which must be implemented without delay. These policies and practices must be made a top priority to ensure the public's safety.

Marin County has been warned repeatedly that it stands one spark away from a major conflagration, but many of the county's governments continue to conduct business as usual. Uncoordinated pre-ignition planning, jurisdictional rivalries, and a glacial pace for implementation of improvements has left the public in grave danger.

This report argues for a change in civic culture and suggests a mechanism to address many of the inadequacies in wildfire preparedness. The Grand Jury recommends the creation of a countywide umbrella agency to fund, coordinate and lead pre-ignition and pre-suppression planning.

## **METHODOLOGY**

To prepare this report, the Grand Jury:

- Interviewed county officials and fire chiefs.
- Interviewed individuals in law enforcement, arboriculture, emergency planning, wildfire education, public advocacy, transportation, and public transit.
- Surveyed current fire preparedness procedures and practices.
- Reviewed newspaper articles.
- Examined websites.
- Studied wildfire and firefighting blogs.
- Reviewed emergency alert platforms.
- Researched emergency transportation studies.
- Considered previous Grand Jury wildfire reports.
- Visited 2017 and 2018 wildfire sites in Sonoma and Butte Counties.

## **DISCUSSION**

### **Vegetation Management**

The danger of a catastrophic wildfire in Marin exists in part due to vegetation management policies. Approximately 60,000 acres fall within the wildland urban interface (WUI), where residences are intermixed with open space and wildland vegetation. The Marin County Fire Department estimates there are upwards of 69,000 living units valued at \$59 billion within this area, which borders virtually every city and town in Marin. While vegetation management is critical throughout the county, its importance is elevated in areas where homes and residences are within the WUI.<sup>1</sup>

Photographs of Marin County in the first half of the 20th Century reveal a landscape of open grassland with a smattering of trees and bushes. When the Golden Gate Bridge opened, many new homes were built, and more vegetation was planted. Marin now consists of homes, businesses, and shopping centers surrounded by densely overgrown vegetation. This overgrowth constitutes an enormous hazard that could fuel a firestorm and devastate our communities.

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<sup>1</sup> Weber, Jason and Neill, Christie. "[2017 Marin County Unit Strategic Fire Plan & Community Wildfire Protection Plan \(CWPP\)](#)", Section 1.0. Accessed 12 Sept. 2018.



View from Mt. Tamalpais in days gone by (top) and today 2019. (Bottom photo: Eileen Alexander)

Overgrown vegetation also threatens Marin’s roads and evacuation routes. It narrows these escape routes, many of which will be impassable in a wildfire. As happened in Paradise, panicked Marin residents may try to flee only to find the roads impeded by burning vegetation, fallen trees, downed power lines, and stalled cars with melting engine blocks.<sup>2</sup>

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<sup>2</sup> St. John, Page, Serna, Joseph, and Lin II, Rong-Gong. [“Here’s how Paradise ignored warnings and became a Deathtrap.”](#) *LA Times*. 30 Dec. 2018.





Burned Cars and Melted Aluminum from Engine Block Caused by Extreme Heat in Camp Fire, November 2018. (Jane Tyska/Bay Area News Group) *The Mercury News*. Published Nov. 13, 2018.

Overhanging trees, thick underbrush, and vegetation that have grown too close to structures also pose serious threats. First responders will bypass evacuated homes that are overgrown by vegetation. Instead, they will move on to homes that have defensible space rather than attempt to save a structure that has none.

#### Facts:

1. The federal government and the State of California own thousands of acres of ungroomed open space in the county.
2. The Marin Municipal Water District owns approximately 21,500 acres of wildland<sup>3</sup> and has been clearing only 30 acres per year.<sup>4</sup>
3. Marin County Open Space District owns approximately 16,000 acres of wildland, but only about 10% are managed to reduce fire hazard annually.<sup>5</sup>
4. According to the Marin County Assessor's Office, approximately 4,400 vacant lots are in the county. They are usually not well maintained, or maintained at all, and as a result are dangerously overgrown, often with pyrophytic (fire prone) plants.
5. The vegetation management policies and practices by the county fire departments and districts are not uniform.

<sup>3</sup> "[About MMWD](#)," *Marin Municipal Water District*. Accessed on 14 Mar. 2018.

<sup>4</sup> Spotswood, Dick. "[Challenge becomes clear in visit to MMWD watershed](#)." *Marin Independent Journal*. 25 Sept. 2018.

<sup>5</sup> Korton, Max. "[2016-17 Annual Report](#)." *Marin County Parks and Open Space*. p. 3. Accessed 6 Mar. 2019.

6. The number of dedicated vegetation inspectors, who are also trained firefighters, varies significantly from one department to another. For example, the largest fire department, the County of Marin, has two chief officers, two captains, two part-time inspectors, and four to six seasonal defensible space inspectors. In contrast, many smaller departments cannot dedicate even a single firefighter to full-time inspection duties.
7. The number and frequency of vegetation/defensible space inspections vary significantly among jurisdictions.
8. Jurisdictions differ regarding the vegetation that is or should be banned. For example, San Rafael requires but fails to enforce the removal of juniper and bamboo as they are considered pyrophytic plants, but most cities and towns have no list of prohibited plants.
9. In residential communities, the lack of vegetation inspectors requires some departments to conduct only “windshield” inspections, where engine crews drive through neighborhoods looking for obvious violations that can be seen from the street, often missing hidden hazardous conditions.
10. Where hazardous conditions are observed and corrective notices are issued, jurisdictions rarely have the resources to follow-up and confirm the violations have been remedied.
11. The formal procedures to take action against code violators vary from one jurisdiction to another and none provide a streamlined process that will accomplish corrective actions in a timely manner.
12. Vegetation management is a repetitive task that needs to be performed at least annually; it requires clearing underbrush, mowing grass, limbing-up trees and disposing of dead matter.

Two charts summarizing current vegetation management practices in all of Marin’s fire jurisdictions are attached as Appendix A.

### **Educating the Public**

Another essential issue is education of the public. To reach everyone in every neighborhood the number of Firewise Communities should be expanded through the efforts of Firewise USA™ and FIRESafe Marin. These two organizations support Marin County neighborhoods to reduce wildfire risks by educating and motivating citizens to mitigate hazards and prepare for a wildfire disaster.

Firewise Communities are neighborhood groups certified by Firewise USA, a national organization that teaches people about the risk of wildfire and encourages neighbors to take immediate action to protect their homes and improve their safety through neighborhood-wide collaboration. Communities develop plans that guide their risk reduction activities and develop collaborative efforts for neighbors to work toward building a safer place to live. Marin already has over 30 Firewise Communities.

FIRESafe Marin is a local non-profit information organization dedicated to wildfire risk prevention and increasing fire-safety awareness in Marin County. This organization provides education, resources, tools, and on-going support for neighborhoods to form Firewise Communities.



FIRESafe Marin also provides information and literature to the *Fire in Marin!* program that is held each wildfire season. Only a single volunteer delivers the *Fire in Marin!* program thereby limiting the number of sessions and attendees. In addition, there are a number of emergency preparedness programs offered, most of which cover all disasters, not exclusively wildfire. These are delivered by volunteers or fire departments. Most public education sessions have been notable for the predominance of older residents and the paucity of parents of young children.

Even if all local fire jurisdictions in Marin were to act together, more personnel would be needed to make sure everyone gets the message and gets prepared. This must be done at a grass roots level. Marin Firewise Communities have shown that they can generate much more neighborhood participation and preparation than public agencies are able to do. In order to involve all neighborhoods, FIRESafe Marin needs to expand its staff and activities from its one current part-time employee.

Education of the public is essential to enable Marin residents to reduce damages and destruction, to escape wildfire, and to survive. Educating and informing the public requires complete disclosure. This includes posting all possible evacuation routes and other exits including stairs, paths, fire roads and shortcuts. It also includes making all appropriate geographic information system maps easily understandable so residents can see and evaluate their own individual properties and situations regardless of possible commercial misuse by the insurance industry or others. By providing all information, emergency planners will enable people to make the best decisions for their own safety and survival because people cannot rely on being protected and rescued in a large emergency.

### Wildfire is Coming: Are We Ready?

Ultimately, to be prepared for wildfire, everyone must take responsibility for their own property and join their neighbors to build strong, fire resistant communities. We must shake off apathy, get informed, and act.

Citizens have to ask themselves, “Am I ready and do I know what actions to take?”  
For example, have I...

1. Created defensible space around my home?
2. Hardened my home against ember showers?
3. Discussed evacuation plans with my family?
4. Identified two exit routes from my neighborhood?
5. Stocked emergency supplies to last 72 hours?
6. Signed up for all emergency alerts?
7. Packed a go-bag?

If the answer to any of these questions is no, our safety authorities have failed to meet their obligation to educate and convince the public, or our citizens have failed to incorporate their message. Prompt action is needed while there still is time to prepare.

Facts:

1. Public education on wildfire preparedness is delivered inconsistently via websites, email, and in person in neighborhoods, homes, pop-up meetings, and classes.
2. County wildfire education policies are not consistent across towns/cities nor is the application of those policies.
3. Marin has 30 plus Firewise Communities which encourage neighbors to help neighbors to prepare for emergencies.
4. Only about 10% of Marin residents are signed up for Alert Marin.
5. Only a small percentage of Marin's citizens have attended a wildfire safety preparation meeting.
6. FIRESafe Marin has only one part-time employee to educate the entire county.
7. Emergency preparedness information is occasionally offered by CERT, Get Ready Novato, Neighborhood Response Groups, Fire in Marin!, FIRESafe Marin, FireWise Communities and fire departments.
8. There are no other countywide government sponsored programs that cover wildfire preparation.
9. Few residents take advantage of home visits provided by fire departments to assess their properties' vegetation and fire hazards.

Two charts summarizing current programs to educate the public in the county are attached as Appendix B.

## **Alerts**

When a wildfire starts, emergency managers implement a number of alert systems to protect the public. It is critical that those in the path of a deadly wildfire receive accurate and timely information. The effectiveness of these warnings depends on the reliability of all alert system technologies and their rapid implementation through the emergency command structure.

### Alert Technologies and their Weaknesses

Marin County has overlapping alert systems, which can be implemented for emergency events. Such redundancy is important as no single system will reach all residents at all times. Emergency managers use the Emergency Alert System, Wireless Emergency Alerts, Alert Marin, Nixle and, in some fire districts, sirens. In addition, emergency services use television and radio bulletins, and social media such as Facebook, Twitter, Nextdoor, and Instagram to inform the public. As a last resort, law enforcement personnel and fire fighters may go door to door or use loud speakers to deliver evacuation orders.

**Emergency Alert System** is used for catastrophic events. It is a national warning system, but state and local authorities can use it to deliver local emergency information. It reaches

the public via broadcast, cable, satellite, and wired communications pathways. However, if power is lost or the devices are switched off, the alert fails.

**Wireless Emergency Alerts (WEA)** is a system that employs “push notification” alerts. It reaches mobile devices by geographically targeting cell towers in a certain area. It sends text-like messages that warn of imminent threats to safety in the area. WEA does not require telephone subscribers to sign-up.

The disadvantage of the WEA system is that it is geographically imprecise. The message can “bleed over” to those who drive in and out of a cell tower’s range so it can reach more people than the intended recipients of the warning or evacuation order. Because of this, emergency officials hesitate to use it, as was the case in both the Tubbs Fire in 2017 and, again, in the Camp Fire in 2018. Recent history has shown that early use of WEA might be less dangerous, even if too many people are notified, than the risk of using it too late. Despite its over-reach, it offers at least a chance of escape to those in danger. If WEA is used too early and too many people receive an evacuation notice, at worst, it will provide a real-time, full scale evacuation drill for those involved even though it might strain evacuation routes.

Additionally, cell tower locations are proprietary information and therefore emergency officials cannot be sure when sending out a WEA that the information will be transmitted to exactly the right geographic location. Emergency planners discovered that in the East Bay, an emergency alert was issued to a specific location and after the event it was revealed that the alert had not gone through because no cell towers were in the targeted geographic area. Further, alerts only reach WEA compatible cell phones that are turned on, that are within range of an active cell tower, and whose wireless provider participates in WEA.

Significantly, in the context of wildfires, WEA are also vulnerable to failure because if cell towers and power lines are destroyed, phone contact will be lost, and alerts will fail.

**Alert Marin** is the most precise way to target those populations that need to be warned of danger. It is considered to be the first-tier emergency notification system for the county. It reaches land lines, and for those who register, cell phones, email, and VOIP (Voice Over Internet Protocol) connections. Alerts are sent to individuals who are registered to specific postal addresses and contain vital, but short, instructions such as *shelter in place*, *prepare to evacuate*, or *evacuate now*. These directives remain in effect until the situation changes. Alert Marin keeps leaving messages until the recipient responds.

Alert Marin is designed to provide messages to the public using pre-written templates, so its directives are terse, inflexible, and not explanatory. Consequently, after a recent fire event on Mt. Barnabe in Marin, fire officials were told that some recipients were

confused because the information conveyed was so brief or not updated as the situation unfolded.

Alert Marin is an opt-in service that only reaches those who have signed up. The fact that it is not opt-out is a significant weakness. The Marin Office of Emergency Services (OES) estimates that only about 10% of Marin residents are registered with Alert Marin.

In addition, like WEA, Alert Marin is vulnerable to cell tower damage and therefore its communications may fail to reach people in the path of danger.

**Nixle** sends out a text messages to smartphones. It reaches an entire zip code. Messages are sent from different safety authorities to inform the public of local conditions such as roadwork, accidents, weather, and other events. Emergency officials find Nixle a useful and flexible means of transmitting warnings and updates in dynamic situations. It is hard to track how many people subscribe to Nixle because it is a zip code-based registration system with multiple zip codes easily added by one phone subscriber. Emergency planners believe that a low percentage of Marin's residents are signed up for Nixle.

A disadvantage of the Nixle system is that people might develop "Nixle fatigue." They may stop reading their texts because Nixle is used by so many different agencies and alerts are sent so frequently, including situations that they don't consider dangerous or relevant.

Another disadvantage is that Nixle, as with Alert Marin, is an opt-in system and that it is vulnerable to failure when communications systems are overwhelmed or when cell towers go down.

**Sirens** do not depend on wireless technology and therefore they are less likely to fail at the same time than other alert systems. Their disadvantages are that sirens cannot be heard everywhere or by all people and they do not convey specific information unless they have a voice communication system attached such as a Long Range Acoustic Device (LRAD).

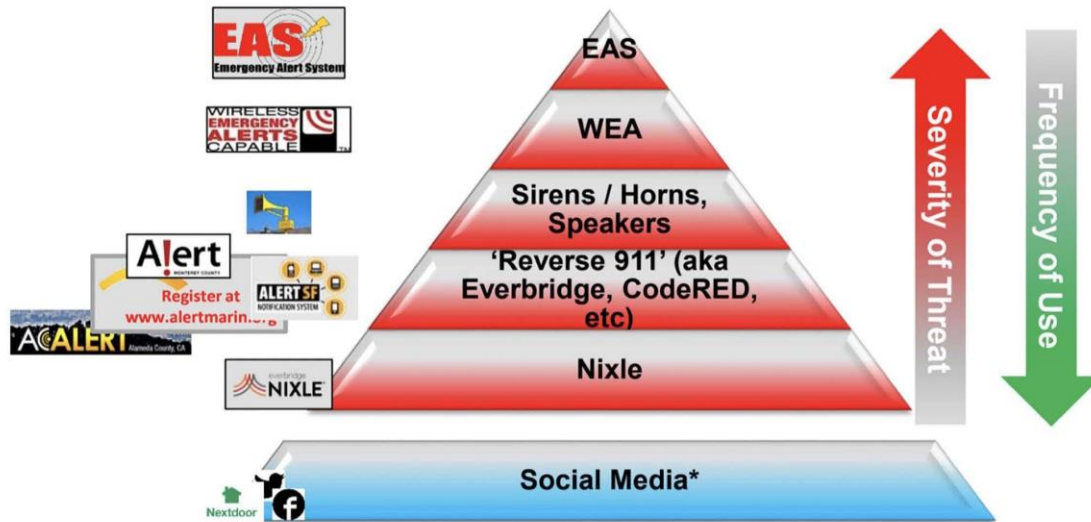
**Social media** are useful but also subject to cell tower failure. Also, social media cannot reach those who are not online.

**Radio and TV bulletins** are reliable because they are independent of cell towers and they operate on different frequencies in the wireless spectrum. Radio and TV, however, require power and access to equipment. To serve as a reliable alert system such devices must be on at all times.

**Megaphones** are used when all else fails. Police and firefighters drive through neighborhoods to warn residents with loud speakers and horns. They also may knock on

doors to announce an evacuation. While these methods are highly effective, they are time consuming, dangerous, waste skilled manpower and provide the least amount of advance notice.

## Mass Notification Landscape



Woody Baker-Cohn, Emergency Services Coordinator, Marin County Sheriff's Office of Emergency Services

Having multiple alert systems is essential to reach the greatest number of residents who are in the path of fire danger. No single system is adequate because at some point, each is vulnerable to failure when put to the test. However, designing a warning system that requires the public to sign-up and then failing to advertise adequately its existence, fails to meet even minimum standards of emergency preparedness and common sense.

### Evacuations

Having alerted the public to danger, the next step is to evacuate large groups away from an oncoming wildfire. Evacuations will be difficult; they have not been well planned or practiced. Evacuations in Marin will be chaotic, and could be deadly, during a wildfire.

### Evacuation Dangers and Concerns

The geography of Marin County is varied and most of the county is open space, much of which has become dangerously overgrown. The majority of Marin's population is concentrated along the Highway 101 corridor. Access from residential neighborhoods to the freeway is usually crowded, through narrow corridors, and often deliberately constricted. Some smaller communities in West Marin are situated along Highway 1, Sir Francis Drake Boulevard, and Novato Boulevard, the county's main east/west routes. These roads, and Highway 37, would be main evacuation routes to or from Highway 101 to escape a wildfire. None of these arteries is designed to accommodate mass evacuations.

About 69,000 homes in Marin are in the WUI.<sup>6</sup> Due to surrounding vegetation and proximity to wildlands these areas are considered to be at greater risk of wildfires. In the WUI, many residential communities are in steep, box canyons with only one entry or exit road. Houses built on hills are frequently connected to safety only by narrow, winding roads that lack shoulders and have a steep drop to one side. Roads in these areas also snake through hills covered by dense vegetation. The topography and overgrown vegetation of the county makes us vulnerable to catastrophic evacuation failures.

Indeed, all areas in Marin are vulnerable to wildfire and evacuation failure no matter whether they are situated inside or outside of the WUI. Those shown on the county's fire hazard severity zone maps to be located in low fire risk areas are also vulnerable.<sup>7</sup> Ember showers and fire tornadoes are frightening characteristics of recent, devastating fires. In wind driven wildfires, embers travel miles ahead of the flame front, igniting new fires. For example, Coffey Park in Santa Rosa is not in the WUI; it abuts Highway 101 and was totally destroyed by the Tubbs Fire. In fact, fire authorities are beginning to consider hazard projection maps misleading because people rely on them mistakenly believing that they are safe.<sup>8</sup> No neighborhood can consider itself immune to the ravages of wildfire and difficulties in evacuating.

Evacuations in the Camp Fire proved deadly. Poor vegetation management on both sides of the evacuation routes created fuel loads that sent temperatures to over 1500 degrees. This intense heat melted tires and wheel rims, and many newer cars simply ceased to operate when their air intake temperature sensors detected extreme heat. Roads were blocked with abandoned cars, fallen trees and downed power lines, which led to panic -- creating a lethally dangerous situation for those attempting to escape the fire. A number of people died in their cars while attempting to evacuate.<sup>9</sup>

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<sup>6</sup> ["Updated Wildfire Protection Plan OK'd by Board."](#) *County of Marin*. Accessed on 22 Feb. 2019.

<sup>7</sup> ["Wildland Hazard & Building Codes: Fire Hazard Severity Zones Maps."](#) *Cal Fire*. Accessed on 13 Mar. 2019.

<sup>8</sup> Pera, Matthew. ["Marin firefighters uneasy about state's risk maps."](#) *Marin Independent Journal*. 6 Jan. 2019.

<sup>9</sup> Krieger, Lisa and Debolt, David. ["Camp Fire: Paradise residents say they received no mass cellphone alerts to evacuate, or to warn of fires - Residents learned late of the danger --then faced gridlock."](#) *The Mercury News*. Nov.18, 2018.





Burned Cars and Downed Power Lines Block Pearson Road in Paradise, California, on Saturday, Nov. 10, 2018. (Jane Tyska/Bay Area News Group) *San Jose Mercury News*, November 17, 2018.

The Grand Jury visited Paradise in January 2019 to view the disaster. See Appendix F to this report, which compares Paradise’s wildfire preparedness before the Camp Fire with Marin’s current state of preparedness.

Marin County has failed to manage its vegetation adequately and its evacuation routes are narrow and overgrown. The public is not sufficiently prepared or drilled in evacuation procedures and first responders cannot handle evacuation events with the speed and scale required by the new, routinely occurring megafires. Even when drills are practiced, they occur on a small scale, using unblocked roads, with clear information and no panic (See Appendix E). The mass movement of populations in an unpredictable, dynamic emergency needs meticulous planning. Fire departments work with law enforcement to manage evacuations and neither may be able to muster sufficient personnel to handle it.

The staffing of emergency personnel in Marin is a matter of concern. According to the Grand Jury report in 2011, only 20-30% of first responders live in the county.<sup>10</sup> That number is likely to be even lower now. Considering how fast a wildfire travels and how few police and firefighters would be on duty to handle a sudden threat, the county’s reliance on a prompt response from non-resident, reserve and off-duty personnel is unrealistic. They could be delayed for hours because of road damage or congestion, if they even arrive at all.

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<sup>10</sup> [“Disaster Preparedness in Marin: Are You Ready?”](#) *Marin County Civil Grand Jury*. 21 June 2011, p.1.

Marin's narrow roads cannot all be rebuilt, but existing, wider roads and those that are major evacuation routes should not be narrowed or impeded. Some roads now have obstacles such as concrete medians, sidewalk bump-outs, lane reductions, speed bumps and other "traffic calming" techniques, which will significantly hinder evacuations. The lethal danger these obstacles create outweighs the benefit a community achieves by reducing the "expressway feeling" that busy roads give to a pleasant town. The possibility of a mass evacuation now rises to a significant daily risk in the fire season; constricting already inadequate roads seems reckless.

Plans to ease the flow of traffic along existing evacuation routes are far from ready. The use of traffic-light sequencing which could be used to improve the speed and flow of traffic along evacuation routes such as Sir Francis Drake Boulevard are being discussed, but implementation is years away. Other roads that might be suitable for this life-saving innovation have not yet been considered.

Additionally, contraflow arrangements, making two-way roads into one-way thoroughfares, is essential to move people more swiftly. Contraflow can increase the directional capacity of a roadway without the time or cost required to construct additional lanes. However, contraflow procedures have not yet been developed or tested for the county's main evacuation routes.

No traffic studies have been performed to determine how long a mass evacuation would take for an entire community. Consequently, comparing the time a mass evacuation on available exit roads would take with the duration of an evacuation on contraflow routes and routes with sequenced traffic lights, has not been considered in evacuation planning. These omissions put the public at grave risk. They will make mass evacuations along Marin's inadequate roads a predictably terrifying, if not deadly, event.

### Use of Transit in Evacuations

Finding that plans for residents to evacuate in their own vehicles down Marin's narrow roads has not been adequately addressed, the Grand Jury examined the county's plans to use public transit to ease congestion along routes that cannot or will not be improved, straightened or enlarged.

A vital part of evacuation planning in Marin County should involve the participation of public transit. In the Tubbs fire, a memory care facility was evacuated by bus drivers who, on their own initiative, drove to the facility and rescued the residents.<sup>11</sup>

Public transit is an underused resource for evacuations. It must be included in emergency planning because buses can carry numerous passengers who otherwise might be trapped. Marin residents who do not have cars cannot simply drive away from a wildfire, yet planners have not identified how many non-drivers would need rescue.

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<sup>11</sup> McCallum, Kevin. "[Santa Rosa bus video shows harrowing Tubbs fire rescue.](#)" *Santa Rosa Press Democrat*. 5 Jun. 2018.



A major national report by the Transportation Research Board of the National Academies found that transit should be involved in both planning and implementation procedures of an emergency evacuation. It specified that “transit agencies should be part of preparedness plans and represented in the emergency command structure. They can also play a vital role during the response phase, in both helping to evacuate those without access to a private vehicle and bringing emergency responders and equipment to the incident site.”<sup>12</sup>

Additionally, other emergency transportation preparedness studies reviewed by the Grand Jury make it clear that for an orderly evacuation, large populations cannot be moved without transit being fully represented in the chain of command in an emergency operations center (EOC).<sup>13 14</sup> In Marin’s EOC, transit is only represented by Marin Transit. Golden Gate Transit emergency managers, SMART representatives, Whistlestop, Marin Airporter and ferry operators do not have a seat in the room. The current arrangement is that Marin Transit will keep Golden Gate Transit and the other transit agencies informed and on standby. This places most transit agencies too far from the emergency command structure in the operations center and will lead to unnecessary delays as information has to be relayed to and from these other agencies before any assets can be deployed.

These emergency transportation studies indicate that an evacuation using public transit requires real-time communication between transit operators and emergency managers prior to and during emergency evacuations. This entails integration of communications within a transit system, among different transit agencies and between transit and other governmental safety partners. Currently, Marin’s transit communications fail to meet these standards.

Transit communications are not properly integrated into the Marin Emergency Radio Authority (MERA), a multi-agency communications system. In 2014, a special parcel tax was passed to fund MERA’s Next Generation radio equipment, a system that was intended to improve its interoperability and integrate emergency communications services into a unified system. Despite this, units in the field of both Golden Gate Transit and Marin Transit still cannot communicate directly with each other, with other transit agencies or with other mutual aid safety partners and first responders to coordinate emergency activities because the new equipment has not yet been installed. It is expected that the new system will be up and running by 2023. This failure impedes the county’s ability to deploy transit services and help evacuate large populations in an emergency.

Judged on both criteria of integration with the command structure and fully integrated communications, transit is an underused resource of evacuation preparedness in Marin.

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<sup>12</sup> [The Role of Transit in Emergency Evacuation](#), Transportation Research Board of the National Academies Special Report 294, Transportation Research Board 2008, p.3.

<sup>13</sup> Schwarz, Michael A. and Litman, Todd A. “[Evacuation Station: The use of Public Transportation in Emergency Management Planning](#).” *ITE Journal on the Web*. Jan. 2008.

<sup>14</sup> Scanlon, J. “[Transportation In Emergencies: An Often Neglected Story](#).” *Disaster Prevention and Management*. Vol. 12, No. 5 2003.

## Impediments to Progress

Much could be done to greatly improve Marin's wildfire preparedness in all the areas mentioned above were it not for public and private inertia, governmental distrust of the public, and instances of bureaucratic complacency. In the face of wildfires' unprecedented threat, our political culture must change. We must prioritize public safety now. We need to adopt a new wildfire safety ethic.

In the last twenty years, the Marin County Civil Grand Jury has issued five reports on the dangers of wildfire and the importance of being prepared; the most recent was released in 2013. County elected officials overseeing multiple departments and agencies have been required to read and respond to the reports' recommendations. Although summaries have been published in the *Marin Independent Journal* and other publications, not enough has been done publicly or privately to improve countywide preparedness.

In some cases, local government does not trust the public. It "spins" information to avoid an adverse public response. Government officials and first responders would like the public to believe that all evacuation routes have been cleared of roadside vegetation, all designated access and egress roads are accessible and passable, and that traffic congestion can be handled by police officers who will be in place at critical intersections. The public would be mistaken to believe this.

Emergency planners in many jurisdictions do not publicize all possible evacuation routes and other exits including stairs, paths, fire roads and shortcuts because they think that wildfires are too dynamic and unpredictable. They fear that residents will focus on a predetermined route even though changing conditions might make that route unfeasible. Withholding information prevents people from planning ahead for their own evacuation or improvising as circumstances change. It is precisely the unpredictability of wildfire that makes it essential that all possible escape routes be known well in advance. Only if they understand all the options can residents make well-reasoned decisions in unforeseen circumstances. The public needs to be protected from wildfire, not from knowledge.

Studies have shown that to build public trust, those in authority positions must be open.<sup>15</sup> Trust affects evacuation behavior in emergency situations and is vital to avoid panic. To gain the public's trust, emergency planners must trust the public, keep them fully informed and explain the limits of their ability to help the public in an emergency. Governments must make it clear that alerts might fail and evacuations, if possible at all, will be dangerous, unpredictable and slow. If the public understands that nothing is being hidden, they will make preparations for themselves, trust that the information provided to them is both accurate and as complete as possible and respond to an emergency order without delay or panic.

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<sup>15</sup> Drury, John and Cocking, Chris "[The Mass Psychology of Disasters and Emergency Evacuations: A Research Report and Implications for Practice](#)" *Department of Psychology. University of Sussex.* March 2007.

The Transportation Authority of Marin (TAM) is an example of bureaucratic complacency and evasion of responsibility. TAM's job is to oversee the use of its 2004 sales tax money with a "single goal: [i]mprove mobility and reduce local congestion for everyone who lives or works in Marin County by providing a variety of high quality transportation options designed to meet local needs." Also, improving Marin's roads and preventing evacuation congestion fits squarely with the provisions of TAM's new 2018 Expenditure Plan which requires it to spend Measure AA dollars to, among other things, "[m]aintain, improve, and manage Marin County's local transportation infrastructure, including roads ... to create a well-maintained and resilient transportation system" and to "[m]aintain and expand local transit services."<sup>16</sup> Despite this, TAM has not involved itself in planning for mass evacuations, or to improve the county's roads, evacuation routes, and other emergency infrastructure for large scale emergencies. The Grand Jury was unable to determine why this is so since TAM's authorizing legislation allows it to perform these functions.<sup>17 18</sup>

Further, citing concerns about liability, TAM has been resistant to even convening a discussion to address evacuation congestion planning. Although it administers a "Safe Routes to School" program to reduce congestion, TAM claims that making routes safe from fire is not within its power or responsibility. Would not addressing evacuation planning and procedures "improve mobility and reduce congestion" for Marin residents and workers escaping wildfire? Bureaucratic inertia and the shirking of responsibility are dangerous to everyone.

Another instance of potentially devastating complacency concerns the fact that both Alert Marin and Nixle are opt-in. Having estimated that only about 10% of Marin residents are registered with Alert Marin, and most likely the same with Nixle, the OES and other county officials should not be content with this dismal number. To date, little effort has gone into increasing registration with a public information campaign: no media blitz, bus advertisements, billboards, mailers or public service announcements. The fact that the vast majority of the county cannot be reached by its two most important warning systems should be of urgent concern.

However, the Grand Jury considers that a public information campaign, even if implemented, would still be inadequate for public safety. The OES should facilitate the inclusion of all Marin citizens into Alert Marin and Nixle to make them opt-out systems. Both should have a database containing residents' contact information. This information can be obtained from a variety of sources. Let those with privacy concerns opt-out. This is a matter of life or death for the ninety percent of Marin residents who are not registered.

County and local governments cannot afford to manage vegetation. Property owners must be responsible for doing much of the work. Despite this, county and local officials have made little effort to impress upon property owners that their safety depends on individual action. Few

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<sup>16</sup> "[Transportation Authority of Marin 2018 Final Expenditure Plan](#)." Accessed on 15 Mar. 2019.

<sup>17</sup> "[California Public Utilities Code](#)", Division 19, Chapters.1-6, Sections 180000-180264.

<sup>18</sup> Resolution No. 2004-21. *Marin County Board of Supervisors*. 2 Mar. 2004.

programs or subsidies are offered. Our local politicians reliance on public participation without adequate public outreach and education is a poor response to mitigating a significant hazard.

This slipshod approach to public safety seems to rely more upon the hope for good luck than it does on rigorous planning. Appendix E to this report lists what a former Federal Emergency Management Agency Administrator describes as the seven deadly sins of emergency management - each one can be found in Marin's plans. Why do we have inconsistent vegetation management, inefficient fire code enforcement procedures, and spotty public education? Where are our best thinkers and planners? What is every government agency doing to protect the public from the catastrophic dangers we now confront? Our priorities and attention are elsewhere.

Despite the laudable efforts of Marin's fire chiefs to create a bold new approach to pre-ignition and pre-suppression issues, other entities such as city councils, transportation agencies, environmental groups, regional/urban planners, and land-use activists are not addressing the wildfire risks that climate change has brought to our daily lives. Environmental activists discourage vegetation removal and controlled burns, elected officials allow development in the WUI and choke evacuation routes with obstacles.

These policies reflect an old reality and old thinking. The environment, housing, and traffic calming efforts are important, but the consequences of these policies are not being reviewed or modified to address the new hazards created by wildfire. Wildfires ravage the environment; they create massive air quality issues, toxic waste, mass destruction, and most importantly, they cause death. Whether through lethargy, indifference or inflexible thinking, many policy makers, emergency planners, and government agencies do not prioritize wildfire safety, nor do they seem willing or able to act nimbly to forestall an impending disaster.

Two charts summarizing current countywide evacuation and alerts issues are attached as Appendix C.

CAMP FIRE

# Worst air on Earth

State urged to take steps to protect public



Air Quality During the Camp Fire. Marin Independent Journal dated November 17, 2018.  
(Risberg, Eric. Associated Press)

## CONCLUSION

### Proposed Umbrella Entity

In response to its pre-ignition and pre-suppression planning concerns, the Grand Jury proposes the creation of a countywide entity whose purpose would be to coordinate fire preparedness throughout the county regardless of the political jurisdiction. This proposed umbrella entity (the “Entity”) would not propose to interfere with actual fire-fighting issues nor would it attempt a countywide consolidation of fire departments or districts. Its mission would be to focus on pre-ignition and pre-suppression issues only.

### Proposed Powers

The countywide Entity would have authority to investigate, create, propose, and carry out programs and processes in the following areas:

1. **Vegetation management:** Create a countywide group of at least 30 plus full-time vegetation management inspectors with authority granted by each constituent jurisdiction to inspect property throughout the county regardless of the city/town or county where the property is located. The inspectors would be authorized to issue citations to enforce countywide protocols established by best practices for safe vegetation management. The Entity would create uniform enforcement of vegetation management citations as well as develop an expedited legal process akin to the process currently used in civil courts for evictions. This would ensure prompt compliance with citations. If the creation of this accelerated enforcement procedure requires state legislative action, the Entity should lobby the California legislature for these changes.
2. **Fuel Reduction Crews:** Create sufficient fire/fuels crews whose sole responsibilities would be to work on reducing the fuel load starting with the highest fire risk areas.
3. **Education:** Engage in public outreach and education either through dedicated staff or by subcontracting with FIRESafe Marin.
4. **Alerts and Evacuations:** Develop countywide best practice policies for alert notification systems and evacuation route planning, including the possible use of new technology, such as the LRAD system, as well as working with public transit agencies to develop emergency response protocols, evacuations, drills and alerts.
5. **Public Participation:** Create programs to encourage fuel reduction work by citizens on their own properties as well as develop funding programs either by the Entity or through grants from other sources to help the elderly, those with access and functional needs, and low-income residents.

## **Suggested Structure**

The Grand Jury proposes that the Entity be a Joint Powers Authority (JPA). It should include every special fire district, every city and town, Marin County Fire Department, Marin Municipal Water District (MMWD) and Parks and Open Space. See Appendix D for a list of those that should be members of the Entity.

Although the fire chiefs and city/town managers in the county have come together to formulate a joint community-wide response to all the major wildfire issues, their working group is an informal structure. This group will not be able to fully implement and enforce all of the programs and protocols necessary to make Marin firesafe and prevent individual jurisdictions from adopting their own practices. As fire knows no jurisdictional boundaries, a countywide JPA must be formed to unify wildfire preparation.

## **Funding**

Funding for pre-ignition and pre-suppression projects is the main obstacle cited by all government agencies and fire districts. Not only do government entities claim that there are no excess funds in their budgets, individual fire departments and special fire districts also claim that they do not have enough money to undertake the types of pre-ignition and pre-suppression proposals cited in this report. It is imperative to solve this critical issue.

Two practical methods for funding the Entity are (1) a countywide parcel tax or (2) a countywide sales tax:

1. **Parcel Tax:** According to the Assessor's office there are approximately 90,000 taxable parcels in Marin County not counting the extensive holdings under control of the Golden Gate National Recreation Area, MMWD or Marin County Parks. Thus, any parcel tax paid would have to be high enough to fund projects on these tax-exempt lands. In order to be effective, each jurisdiction would have to pass exactly the same parcel tax measure for the same amount at the same time. Besides the difficulty of having 11 cities and towns as well as the county coordinate such a process, there are a number of special fire districts in the county that would also have to be involved in the drafting and implementation of this process. If just one jurisdiction fails to cooperate with this proposal, the benefit of having a countywide plan to deal with wildfire preparedness would fail. Based on these very real political issues, the Grand Jury does not recommend a parcel tax as the best method to fund the Entity.
2. **Sales Tax:** The best way to fund the Entity is to authorize a countywide quarter cent sales tax. Under state law, the sales tax is 6% plus an additional mandatory 1.25% for local jurisdictions for a total of 7.25%. State law allows local jurisdictions to assess up to an additional 2% sales tax with voter approval. The 7.25% coupled with the 2% maximum means that the maximum sales tax could be 9.25%. However, the state legislature routinely allows local entities to exceed the 2% cap by simply passing a statute to that effect. For example, all of Los Angeles County, including its 16 cities, plus an additional seven cities in Northern California have requested and been granted the right to exceed the 2% limit.

Because of the 2% cap, a number of local officials have resisted putting this final ¼ cent tax before the voters. However, only four jurisdictions currently have actual combined sales tax rates at the 9% level. The remaining eight jurisdictions could easily add this ¼ cent and still not hit the 2% ceiling. Each jurisdiction's current sales tax is attached as Appendix G. As for the four jurisdictions that would hit the 9.25% maximum, they would be likely to get a state exemption should the need arise in the future.

Finally, the most important reason for recommending a ¼ cent sales tax as a funding mechanism is that there need be only one enabling statute which can be placed directly on the ballot by the Marin County Board of Supervisors with the agreement of all the political jurisdictions. Marin voters used this process in November 2018 to continue a ½ cent sales tax for transportation improvements.

The time has come to use the final ¼ cent sales tax for our most pressing countywide issue, wildfire. If not now, when? If not for this, then for what? What could be more important than saving lives? If the citizens of Marin are given a chance to make their county as safe as possible from wildfires, passing this sales tax measure should not be a problem. It will provide a steady source of revenue so that the local governments and special fire districts will not have to tap into their budgets. As part of this ballot measure, a citizen oversight committee should be created to make sure that the funds collected are used solely for the mission of the Entity.

Local Interests Must Be Subsumed Into A Countywide Organization

This proposal is revolutionary for Marin. It will require every government entity and every special fire district to become a member. The only way to make Marin safer is for the entire county to work together and not allow local politics to torpedo this innovative proposal.

A number of critical issues prevent Marin from being fire safe. Current vegetation management policies, alert systems and evacuation planning, as well as current public education efforts are insufficient to make Marin pre-ignition and pre-suppression fire safe. The most crucial issue is the political will to create this countywide agency with such broad authority.

The citizens of Marin must choose between safety and vegetation aesthetics.

The creation of this Entity allows for necessary actions to be developed and implemented for all pre-ignition and pre-suppression matters. The Entity will ensure that the tax funds are used solely for wildfire preparedness and not for other environmental priorities. It also does not impinge on local sovereignty except where necessary to create countywide best practices. Without the Entity, local jurisdictions have neither the will nor the money to undertake such sweeping measures.

Wildfires do not respect jurisdictional boundaries. Marin is known for providing mutual aid and cooperation among its professional firefighting agencies. What is missing are countywide, coordinated, science-based, pre-ignition and pre-suppression policies and procedures. This recommendation solves that issue.

**FINDINGS — Vegetation**

- F1. Existing vegetation management codes are both inconsistent and inconsistently enforced.
- F2. There are not enough trained vegetation inspectors or fuel reduction crews.
- F3. Current vegetation enforcement procedures are slow, difficult and expensive.
- F4. Government agencies and safety authorities cannot currently manage vegetation on public lands.
- F5. All property owners are responsible for vegetation management on their property, yet they are not sufficiently educated about vegetation management and many do not have the physical and financial resources to create defensible space.

**FINDINGS — Education of the Public**

- F6. Wildfire preparedness education is inconsistent and fails to reach most citizens, especially parents of young children.
- F7. The most effective method of education is person to person in neighborhoods.
- F8. Although Marin has 30 plus Firewise neighborhoods, the most in California, they only cover a small percentage of population and land.
- F9. Sufficient public funds have not been provided to sustain comprehensive wildfire preparedness education.
- F10. Educating the public requires a different set of skills than firefighters usually have.



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## **FINDINGS — Alerts**

- F11. Any hesitation to use the WEA system can be deadly even if its alerts might reach people outside of its intended target zone.
- F12. Alert Marin sends the most accurately targeted warnings to endangered populations, but it reaches too few residents because it is not well publicized. Both Alert Marin and Nixle require opt-in registration, a serious design flaw.
- F13. Sirens could be a useful and reliable warning system if their numbers and locations were increased to broaden their reach and if they were enhanced with a customized message through LRAD.

## **FINDINGS — Evacuations**

- F14. In the WUI and in many town centers, infrastructure and roads are inadequate for mass evacuations.
- F15. Evacuation routes are dangerously overgrown with vegetation and many evacuation routes are too narrow to allow safe passage in an emergency.
- F16. Emergency planners often do not publicize evacuation routes due to their mistrust of the public.
- F17. Town councils, planners, and public works officials have not addressed traffic choke points and, in some instances, they have created obstacles to traffic flow by the installation of concrete medians, bumpouts, curbs, speed bumps, and lane reductions.
- F18. No studies have been performed to determine how long it would take to evacuate entire communities via existing evacuation corridors.
- F19. The implementation of traffic-light sequencing and coordination to allow mass egress, and the conversion of two-way roads into one-way evacuation routes to ease traffic congestion, are dangerously delayed and years away from being implemented.
- F20. Public transit is a neglected asset of emergency response preparedness: all operators except one transit agency are left out of the command structure and none is integrated into the emergency radio communication system MERA.
- F21. A bureaucratic culture of complacency and inertia exists in Marin. Government often fails to act quickly to repair known gaps in emergency preparedness, to think flexibly, and to prioritize safety in its planning and policies.

## **FINDINGS — Umbrella**

- F22. No countywide comprehensive, coordinated policies have been made and no funds have been allocated to prepare for wildfires.

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## **RECOMMENDATIONS — Vegetation**

- R1. Create a comprehensive, countywide vegetation management plan that includes vegetation along evacuation routes, a campaign to mobilize public participation, and low-income subsidies.
- R2. Hire at least 30 new civilian vegetation inspectors and at least eight fire/fuels crews focused on fuel reduction in the high risk areas of the county, including federal, state and local public lands.
- R3. Develop and implement a fast, streamlined procedure to enforce vegetation citations.

## **RECOMMENDATIONS — Education**

- R4. Adopt and deliver a comprehensive education program focused on action for all residents of Marin on a regular schedule by a team of expert trainers.
- R5. Promote the creation of Firewise Communities in every neighborhood by all local jurisdictions.
- R6. Employ individuals with skills in public speaking, teaching, curriculum design, graphics, web design, advertising, community organization, community relations, and diplomacy to educate the public.

## **RECOMMENDATIONS — Alerts**

- R7. Collect Marin residents' information and add it to Alert Marin and Nixle databases to make them opt-out systems.
- R8. Expand the use of sirens with LRADs.

## **RECOMMENDATIONS — Evacuations**

- R9. Research, develop, and publish plans for the mass movement of populations along designated evacuation routes.
- R10. Give the highest priority to mitigating known choke points and to maximizing the capacity of existing evacuation routes.
- R11. Incorporate and prioritize plans for mass evacuations in all pending and future traffic/road projects along major escape routes.
- R12. Educate, prepare, and drill for evacuations in all communities.
- R13. Fully integrate public transit into the MERA communications system without further delay.
- R14. The Transportation Authority of Marin must convene all stakeholders no later than December 31, 2019, to address congestion on escape routes in an evacuation.

## **RECOMMENDATIONS — Umbrella Entity**

- R15. Establish in the form of a Joint Powers Authority an umbrella organization for wildfire planning and preparedness (vegetation management, public education, alerts, and evacuation), funded by a ¼ cent sales tax.

## REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the Grand Jury requests responses as follows:

From the following governing bodies:

- County of Marin Board of Supervisors (R1-13, R15)
- Belvedere City Council (R1, R3-13, R15)
- Corte Madera Town Council (R1, R3-13, R15)
- Fairfax Town Council (R1, R3-13, R15)
- Larkspur City Council (R1, R3-13, R15)
- Mill Valley City Council (R1, R3-13, R15)
- Novato City Council (R1, R3-13, R15)
- Ross Town Council (R1, R3-13, R15)
- San Anselmo Town Council (R1, R3-13, R15)
- San Rafael City Council (R1, R3-13, R15)
- Sausalito City Council (R1, R3-13, R15)
- Tiburon Town Council (R1, R3-13, R15)
  
- Bolinas Fire Protection District Board of Directors (R1, R3-13, R15)
- Central Marin Fire Authority Council (R1, R3-13, R15)
- Inverness Public Utility District Board (R1, R3-13, R15)
- Kentfield Fire Protection District Board (R1, R3-13, R15)
- Marinwood Community Services District Board (R1, R3-13, R15)
- Novato Fire District Board of Directors (R1, R3-13, R15)
- Ross Valley Fire Department Board of Directors (R1, R3-13, R15)
- Sleepy Hollow Fire Protection District Board of Directors (R1, R3-13, R15)
- Southern Marin Fire Protection District Board of Directors (R1, R3-13, R15)
- Stinson Beach Fire Protection District Board (R1, R3-13, R15)
- Tiburon Fire Protection District Board of Directors (R1, R3-13, R15)
  
- Marin Municipal Water District Board of Directors (R1, R2, R15)
- Transportation Authority of Marin Board of Commissioners (R9-11, R14)

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code section 933 (c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

From the following individuals:

- Marin County Sheriff (R7, R11)

The Grand Jury also invites responses from the following individuals:

- FIRESafe Marin Council Coordinator

Note: At the time this report was prepared information was available at the websites listed.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

**APPENDIX A: Vegetation Management**

VEGETATION MANAGEMENT	FIRE DEPARTMENTS/ DISTRICTS	V/M STAFF	TYPE OF INSPECTION	ANNUAL PARCEL INSPECTIONS
	<b>Bolinas Fire Protection District</b>	None noted	Complaints & requests for inspection; neighborhoods and roads are inspected annually.	Goal: individual property inspections every year: currently, every 2-3-years.
	<b>Central Marin Fire Authority (Larkspur &amp; Corte Madera)</b>	None noted	Yearly windshield inspections. 30 day Wildfire Hazard Notices issued to those not in compliance	No specific goals
	<b>Inverness Volunteer Fire Department</b>	None noted	Complaints & requests for inspection	Inspect and note problem areas; no specific goals; MCFD has records of inspection frequency
	<b>Kentfield Fire Protection District</b>	Fire Inspector & Community Risk Reduction Specialist	Inspectors visit properties located in WUI in May. Violators asked to create defensible space by 6/15.	Required by law to inspect every SRA parcel each year. Goal: inspect 200 additional parcels/yr
	<b>Marin County Fire Department (Marin Open Space; provides fire services to the GGNRA)</b>	2 chief officers, 2 captains, 2 part-time inspectors, 4-6 seasonal defensible space inspectors	Defensible Space Event in June: on duty staff conduct inspections in their response area. Seasonal firefighter inspectors perform 4K+ defensible space inspections/yr.	For the county, goal:: inspect 4500K parcels annually.
	<b>Mill Valley Fire Department</b>	None noted	Proactive & maturing compliance program requires active agency management	Annually
	<b>Novato Fire District</b>	None noted	Engine crews drive WUI, leave door hangers where needed. Inspect reported properties, referred for review, or requested for voluntary evaluation. New construction & major remodels in WUI must submit VM plan. Properties for sale require inspection. Assessment in May to determine which properties must provide defensible space	Door hangers/windshield inspections in the WUI followed by notices. Homes remain on watch list for 3 yrs.
	<b>Ross Valley Fire Department (Fairfax, San Anselmo, Ross, &amp; the Sleepy Hollow FPD)</b>	VM program includes on-duty engine company, full-time inspector, and 2 part-time employees 26 hrs/week	New construction & major remodels in WUI must submit VM plan. Properties for sale require inspection. Engine companies assess in May to determine which properties must provide defensible space	Currently, no goal, but if RVFD Board approves dedicated inspector program, will inspect 3-4K parcels annually.
	<b>San Rafael Fire Department and Marinwood</b>	2 dedicated VM fire inspectors	Proactive inspections. Assist rangers & remove homeless encampments. Residents notified yearly to keep defensible space. Inspections conducted by request	Inspect all of the approx. 8K parcels in the WUI in a 3 year cycle
	<b>Southern Marin Fire Protect. District (includes Tam-Valley, Almonte, Homestead Valley, Alto, Strawberry, Sausalito, Fort Baker, Marin Headlands, part of Tiburon)</b>	None noted	None noted	Annually inspects all parcels
<b>Stinson Beach Fire Protection District</b>	None noted	Some areas covered under Marin County VM. Citizens perform voluntary compliance	None	
<b>Tiburon Fire Protection District (Tiburon and Belvedere)</b>	None noted	Some areas covered under Marin County VM. Citizens perform voluntary compliance	Goal: to inspect 100% of high fire severity zone parcels annually	

## APPENDIX A: Vegetation Management (cont'd)

VEGETATION MANAGEMENT	FIRE DEPARTMENTS/DISTRICTS	PROHIBITED PLANTS	FINANCIAL ASSISTANCE WITH V/M REMOVAL	WIDE CLEARANCE ON EVAC ROUTES
	<b>Bolinas Fire Protection District</b>	None noted	Matching grant opportunities for vegetation clearance on non-county-maintained roads	Collaborate with local utility district to reduce vegetation
	<b>Central Marin Fire Authority (Larkspur &amp; Corte Madera)</b>	3K+ parcels are in WUI. Major reconstruction plans must be evaluated by Fire Prevention Bureau to ensure pyrophytic plant removed/not replanted	Free chipper program	Yes
	<b>Inverness Volunteer Fire Department</b>	None noted	Part of cost of chipper days underwritten	Fire Dept. partners with MCFD & Fire Safe Marin for clearing along the local major evacuation routes
	<b>Kentfield Fire Protection District</b>	None noted	Not currently	Roadside clearance is Marin DPW responsibility. Standards in place to ensure private driveways are maintained to current standards.
	<b>Marin County Fire Department (Marin Open Space; provides fire services to the GGNRA)</b>	New construction & substantial remodels in WUI prohibit pyrophytic plants w/in 100' of structures. Otherwise, prohibition not feasible (unless in close proximity to residential structures)	\$15K CA Fire Foundation grant matched plus \$15K from BOS, North Bay Lessons Learned Committee. Coordinating with HHS Senior Protective Service to identify persons in need	No. There is no code that requires extra wide vegetation clearances
	<b>Mill Valley Fire Department</b>	Changing code to prohibit bamboo, juniper, cypress, acacia and bays within 30' of structures	Considering a program similar to Novato Fire's grant program	Yes, clear vegetation but it is not specified to be extra wide
	<b>Novato Fire District</b>	None noted	Matching grant to owners, 1x/yr. \$500 for chipper/fuel removal. HOAs in WUI offered annual matching grant to \$1500 for same	Major evacuation routes maintained by CalTrans.
	<b>Ross Valley Fire Department (Fairfax, San Anselmo, Ross, &amp; the Sleepy Hollow FPD)</b>	New construction & substantial remodels in WUI prohibit pyrophytic plants and require a Veg. Mgmt Plan be submitted.	\$15K CA Fire Foundation grant matched plus \$15K from BOS, North Bay Lessons Learned Committee. Coordinating with HHS Senior Protective Service to identify persons in need	No. There is no code that requires extra wide vegetation clearances
	<b>San Rafael Fire Department and Marinwood</b>	Mandatory removal of juniper and bamboo	Free chipper service for juniper and bamboo	Requires a 10' clearance from roadway on each side: considering additional distances in WUI
	<b>Southern Marin Fire Protect. District (incl Tam Valley, Almonte, Homestead Valley, Alto, Strawberry, Sausalito, Fort Baker, Marin Headlands, part of Tiburon)</b>	Code prohibits bamboo, juniper, cypress, acacia and bays within 30' of structures	Regularly partner with Tam Valley Community Services District to manage grants used for chipper days and other vegetation management programs	Enforce access/defensible space requirements/ vegetation clearances; Roadways to maintain flammable vegetation clearance from roadway 10 feet onto properties. Inspect roadways annually
<b>Stinson Beach Fire Protection District</b>	None noted	Chipper days	Yes	
<b>Tiburon Fire Protection District (Tiburon and Belvedere)</b>	None noted	No	Yes	

## APPENDIX B: Education

EDUCATION	FIRE DEPARTMENTS/ DISTRICTS	EDUCATION STAFF	PROGRAMS/EVENTS
	<b>Bolinas Fire Protection District</b>	No staff fully dedicated to education. Firefighters are trained to teach preparedness to the public	Annual community forums held with moderate attendance
	<b>Central Marin Fire Authority (Larkspur &amp; Corte Madera)</b>	No staff fully dedicated to education. Firefighters are trained to teach preparedness to the public	32 Neighborhood Response Groups with coordinator; partners with FD to provide fire safety education
	<b>Inverness Volunteer Fire Department</b>	No staff fully dedicated to education. Firefighters are trained to teach preparedness to the public	Inverness Disaster Council, West Marin Disaster Council
	<b>Kentfield Fire Protection District</b>	No staff fully dedicated to education. Firefighters are trained to teach preparedness to the public	Kentfield Fire District employees. Fire Inspector and Community Risk Reduction Specialist, educating the community and school children within the community.
	<b>Marin County Fire Department (Marin Open Space; provides fire services to the GGNRA)</b>	No staff fully dedicated to education. Firefighters are trained to teach preparedness to the public	Supported by Marin BOS, CALFIRE, FIRESafe Marin, CERTs and disaster councils
	<b>Mill Valley Fire Department</b>	No staff fully dedicated to education. Firefighters are trained to teach preparedness to the public	Rotary Club organizes and sponsors events; Emergency Preparedness Commission sponsors programs
	<b>Novato Fire District</b>	No staff fully dedicated to education but firefighters implement door hanger program targeting WUI neighborhoods annually	Ready, Set, Go: Get Ready Novato; FireWise Communities; Cal Fires, Prevent Wildfire California, Ready for Wildfire, One Less Spark
	<b>Ross Valley Fire Department (Fairfax, San Anselmo, Ross, &amp; the Sleepy Hollow FPD)</b>	No staff fully dedicated to education. Firefighters are trained to teach preparedness to the public	Materials provided by FSM, Marin County Fire Chiefs Assoc.
	<b>San Rafael Fire Department and Marinwood</b>	Firefighters assist Prevention and OES staff with presentations, inspections and public outreach	San Rafael Fire Commission and San Rafael Fire Foundation fund wildfire education along with FireSafe Marin and Firewise USA
	<b>Southern Marin Fire Protect. District (includes Tam-Valley, Almonte, Homestead Valley, Alto, Strawberry, Sausalito, Fort Baker, Marin Headlands, part of Tiburon)</b>	No staff fully dedicated to education. Firefighters are trained to teach preparedness to the public	Partners with Tam Valley Community Services District and Marin County FD to prepare and educate public
<b>Stinson Beach Fire Protection District</b>	No staff fully dedicated to education. Firefighters are trained to teach preparedness to the public	None	
<b>Tiburon Fire Protection District (Tiburon and Belvedere)</b>	Deputy Fire Marshal performs public education for emergency preparation; all firefighters can teach defensible space practices.	Belvedere-Tiburon Joint Disaster Council promotes wildfire and Get Ready awareness programs.	

## APPENDIX B: Education (cont'd)

EDUCATION	FIRE DEPARTMENTS/ DISTRICTS	EDUCATIONAL READINESS & PREPAREDNESS GOALS	SUCCESES
	<b>Bolinas Fire Protection District</b>	Not ready for next fire season. Property owners not engaged/active in preparedness. Neighbors encouraged to know each other	Over 200 residents did evacuation drill and discussion of fire hazard mitigation
	<b>Central Marin Fire Authority (Larkspur &amp; Corte Madera)</b>	Participation in NRGs increases each year. Community forums, presentations	Several neighborhoods pursuing FireWise recognition
	<b>Inverness Volunteer Fire Department</b>	Residents are prepared as neighbors helping neighbors	Designated local neighborhood disaster groups since 1982; fire safety covered at group meetings
	<b>Kentfield Fire Protection District</b>	Kentfield Fire District conducting inspections to prep for next fire season; secured grant to create a defensible space between District and large landowner partners.	Kent Woodlands community is Firewise certified
	<b>Marin County Fire Department (Marin Open Space; provides fire services to the GGNRA)</b>	Referenced in Marin County Performance Measures and Lessons Learned	FireWise participation, evacuation exercises and community meetings
	<b>Mill Valley Fire Department</b>	Working towards entire community becoming FireWise certified	2-minute videos on website; 8 community meetings; numerous FireWise communities
	<b>Novato Fire District</b>	Neighbors helping neighbors: three FireWise communities are ready for next fire season	4 FireWise Communities: Pacheco Valley, MVMCC, Black Point/Green Point, Indian Valley; HOAs - Wildhorse Valley and Bahia
	<b>Ross Valley Fire Department (Fairfax, San Anselmo, Ross, &amp; the Sleepy Hollow FPD)</b>	Hosting community meetings; and referenced in Marin County Performance Measures and Lessons Learned	Cascade Canyon and Sleepy Hollow FireWise Communities
	<b>San Rafael Fire Department and Marinwood</b>	San Rafael Wildfire Protection Plan has 37 recommendations to make SR fire safe.	4 Firewise communities, 20+ HOA wildfire safety/preparedness presentations in 2018, 2 Wildfire Preparedness Symposia at Dominican in 2018
	<b>Southern Marin Fire Protect. District (includes Tam-Valley, Almonte, Homestead Valley, Alto, Strawberry, Sausalito, Fort Baker, Marin Headlands, part of Tiburon)</b>	No goals set yet; anticipate more with the passage of Measure U	3 Get Ready programs which have low participation
	<b>Stinson Beach Fire Protection District</b>	Work in progress; hiring fire prevention officer	Meetings with Marin County FD and GGNRA
<b>Tiburon Fire Protection District (Tiburon and Belvedere)</b>	2-3 additional FireWise Communities in 2019	First FireWise Community of Harbor Hill	

**APPENDIX C: Evacuations & Alerts**

EVACUATIONS & ALERTS	FIRE DEPARTMENTS/ DISTRICTS	SPECIAL NEEDS/ ELDERLY LISTS	EVACUATION CHOKE POINTS	HIGH-RISK COMMUNITIES	TRANSIT DEPENDENT COMMUNITIES
	<b>Bolinas Fire Protection District</b>	Disaster council, fire department keep list of at-risk residents	Elm Road, Evergreen Rd, Mesa Rd, Olema-Bolinas Rd	Yes. All communities on gridded Mesa are high risk	No
	<b>Central Marin Fire Authority (Larkspur &amp; Corte Madera)</b>	32 NRGs maintain lists	Madrone & Magnolia Aves. Redwood & Corte Madera Aves. <u>Corte Madera</u> : Christmas Tree Hill, Sausalito Ave. (aka Hidden Valley). <u>Larkspur</u> : Baltimore Canyon, Marina Vista Area	Madrone & Magnolia Aves. Redwood & Corte Madera Aves. <u>Corte Madera</u> : Christmas Tree Hill, Sausalito Ave. (aka Hidden Valley). <u>Larkspur</u> : Baltimore Canyon, Marina Vista Area	No official accounting
	<b>Inverness Volunteer Fire Department</b>	Yes	Sir Francis Drake is the only road in and out	Seahaven	No
	<b>Kentfield Fire Protection District</b>	No	Sir Francis Drake at Hwy 101	Most residential communities at risk	None
	<b>Marin County Fire Department (Marin Open Space; provides fire services to the GGNRA)</b>	Residents with special needs, or elderly must make MCFD aware of their status	Yes, most non-county maintained roads in West Marin	Yes, refer to 2016 CWPP pages 43-56	Unknown
	<b>Mill Valley Fire Department</b>	Maintain a list of those with additional needs, though this changes often and is unreliable	All non-county maintained roads in West Marin are choke points. SFDB, Miller Ave, Blithedale leading to Hwy 101 and on ramps to Hwy 101	75% of MV is in the WUI and therefore at risk	The Redwoods
	<b>Novato Fire District</b>	No	Atherton on-ramp NB on 101; North of San Rafael SB 101; on HWY 37 (Sonoma County) past raceway, Novato Blvd and Diablo Ave.	Wildhorse Valley, Atherton, Marin Valley, Little Mountain, San Marin, Blackpoint, Cherry Hill, Indian Valley, Ignacio Valley, Pacheco Valley, Anderson Rowe, Loma Verde, President's (IVC), Wilson West Novato North, Hilltop	EOC has information on agencies to contact
	<b>Ross Valley Fire Department (Fairfax, San Anselmo, Ross, &amp; the Sleepy Hollow FPD)</b>	Residents with special needs or elderly must make RVFD aware of their status	Most of RVFD's response area consists of single lane roads leading to single artery roadway	Yes, refer to 2016 CWPP pages 43-56	Unknown
	<b>San Rafael Fire Department and Marinwood</b>	Promote neighborhood awareness through GetReady and CERT	None identified	All neighborhoods in the WUI	Residential, assisting living facilities, Kaiser patients
	<b>Southern Marin Fire Protect. District (includes Tam-Valley, Almonte, Homestead Valley, Alto, Strawberry, Sausalito, Fort Baker, Marin Headlands, part of Tiburon)</b>	List of residents of Sausalito only.	Every intersection is a choke point. Control of intersections is by PD and DPW	Districts near the WUI and areas within canyons	Public transit is available in flatter topographic areas
<b>Stinson Beach Fire Protection District</b>	Yes	No	No	No	
<b>Tiburon Fire Protection District (Tiburon and Belvedere)</b>	PD departments maintain lists	Currently creating "Red Zones"	Neighborhoods adjacent to open space at ridgeline	Neds Way /downtown rely on public transit	



## APPENDIX C: Evacuations &amp; Alerts (cont'd)

EVACUATIONS & ALERTS	FIRE DEPARTMENTS/ DISTRICTS	EVACUATION ROUTES PUBLICIZED	SIRENS	COMMUNITY DRILLS	CITE & TOW ON EVACUATION ROUTES
	<b>Bolinas Fire Protection District</b>	Policy decision not to publicize routes	No sirens currently; researching LRAD	1 drill held in 2017; Planning annual drills	No
	<b>Central Marin Fire Authority (Larkspur &amp; Corte Madera)</b>	Evacuation routes are not publicized. Planning is key element of the NRGs	1 siren and 1 diaphon system in Corte Madera not yet operational. Considering LRAD	Drill in 2018 had 18% participation. Plan to conduct one exercise/year	CMFD has no authority to cite vehicles
	<b>Inverness Volunteer Fire Department</b>	No. Dependent on specifics of the emergency	Sirens determined to be ineffective	Monthly radio drills with CERT, daily radio checks	No parking within 6' of center of road. Violators cited.
	<b>Kentfield Fire Protection District</b>	Possible evacuation routes are available to the public through marinfire.org. No signage used.	Kentfield Fire District has one Siren. Test of LRAD did not meet expectations	Evacuation drills held in Kent Woodlands; Full campus drill held at COM 2018. Yearly drills held with all schools	Parking enforcement issues are referred to the Sheriff's office
	<b>Marin County Fire Department (Marin Open Space; provides fire services to the GGNRA)</b>	No. Dependent on specifics of the emergency	One siren on Throckmorton Ridge	As needed	MCFD has no authority to enforce vehicle code
	<b>Mill Valley Fire Department</b>	Steps, Lanes and Paths are marked evacuation routes	5 sirens located throughout the City. LRAD system on order	1 drill performed each year	Yes. Cite and tow
	<b>Novato Fire District</b>	Evacuation points for Blackpoint/ Greenpoint & Marin Valley Mobile Country Club	No	Coordinates drills, targeting WUI areas every 3-5 years	Yes. Cites vehicles. Works with NPD and CHP
	<b>Ross Valley Fire Department (Fairfax, San Anselmo, Ross, &amp; the Sleepy Hollow FPD)</b>	No. Dependent on specifics of the emergency	Sirens in Fairfax, San Anselmo and Ross. Recommend a battery backup weather radio activated by the Emergency Alert System	As needed	RVFD has no authority to enforce vehicle code
	<b>San Rafael Fire Department and Marinwood</b>	Encourage residents to know an alternate to standard routes	No sirens. Rely upon NIXLE, WEA. Evaluating other systems	On a small scale in various neighborhoods	No parking within 6' of center of road. Violators cited. Working to designate parking in WUI zones & towing under red flag conditions
	<b>Southern Marin Fire Protect. District (includes Tam-Valley, Almonte, Homestead Valley, Alto, Strawberry, Sausalito, Fort Baker, Marin Headlands, part of Tiburon)</b>	No. There is a potential conflict with actual emergency evacuation needs	No fixed sirens. Coordinating with OES. LRAD can be linked to Alert Marin and Everbridge	One or two every year	Yes. Cite and tow
<b>Stinson Beach Fire Protection District</b>	No	Yes	No, but working on plans	No	
<b>Tiburon Fire Protection District (Tiburon and Belvedere)</b>	No, but working on plans	6 sirens currently in use. Considering LRAD	Not presently	All vehicle violations are referred to the PD	

## **APPENDIX D: Recommended Structure and Membership for Entity**

The Grand Jury recommends the following entities be members of the Entity. Listed in alphabetical order, with the fire districts first, the entities are:

1. Bolinas Fire Protection District
2. Central Marin Fire Authority – serves the City of Larkspur and Town of Corte Madera
3. Inverness Volunteer Fire Dept. – run by the Inverness Public Utility
4. Kentfield Fire Protection District
5. Marin County Fire Department – serves unincorporated Marin County not within a Fire District and contracts to provide wildland fire protection with CAL Fire for all State Responsibility areas and with Golden Gate National Recreation Area (GGNRA) and Point Reyes National Seashore (PRNSS) for Federal Responsibility Area FRA within the County.
6. Marin Municipal Water District
7. Marinwood Community Services District – Fire Department
8. Novato Fire Protection District
9. Ross Valley Fire Department – serves the Towns of San Anselmo, Fairfax, Ross and the Sleepy Hollow Fire Protection District
10. Sleepy Hollow Fire Protection District – provides only pre-ignition and pre-suppression services to Sleepy Hollow
11. Southern Marin Fire Protection District – serves the communities of Tamalpais Valley, Almonte, Homestead Valley, Alto, Strawberry, approximately 1/4 of the Town of Tiburon, the City of Sausalito, Fort Baker and the Marin Headlands.
12. Stinson Beach Fire Protection District
13. Tiburon Fire Protection District – serves the Town of Tiburon and City of Belvedere and surrounding areas.
14. County of Marin
15. City of Belvedere
16. Town of Corte Madera
17. City of Fairfax
18. City of Larkspur
19. City of Mill Valley
20. City of Novato
21. Town of Ross
22. Town of San Anselmo
23. City of San Rafael
24. City of Sausalito
25. Town of Tiburon

Since having 25 members would make the Entity difficult to manage, the Grand Jury recommends that the Entity hire an executive director. This should be a person with considerable knowledge and experience with the key pre-ignition and pre-suppression issues such as community education, vegetation management, alert notices, and evacuation policies. This person would be employed to create processes and programs, emphasizing “best practices,” for all pre-ignition and pre-suppression matters. To do this, the executive director would be authorized to hire staff necessary to carry out the Entity’s mandate.

To help guide the executive director and staff with policy development, the Grand Jury recommends that the Entity as a whole, select a group of individuals from its membership to act as a Board of Directors. Finally, the Grand Jury recommends that the County Counsel's office be authorized to draft the legal documents to create the Entity as well as the ballot measure for the ¼ cent sales tax.

## **APPENDIX E: The 7 Deadly Sins of Emergency Management**

At a conference in Stockholm, Sweden on November 28, 2017, Craig Fugate, former Administrator of FEMA under President Obama, discussed what he considers to be

### The 7 Deadly Sins of Emergency Management.<sup>19</sup>

1. We plan for what we are capable of responding to.
2. We plan for our communities by placing our vulnerable populations aside.
3. We do drills and exercises that we know will be successful.
4. We think our emergency response system can scale up from small emergencies to large disasters.
5. We build our emergency management team around government, leaving out volunteer organizations, the private sector and the public.
6. We treat the public as a liability.
7. We price risk too low to change behavior; as a result, risk grows.

Marin's emergency management plans replicate these errors.

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<sup>19</sup> Fugate, Craig. "[The 7 Deadly Sins of Emergency Management.](#)" *YouTube video*. Viewed Jan.10, 2019.

## **APPENDIX F: A Case in Point: Paradise and Marin**

The Grand Jury visited Paradise, California in January 2019. Here are some of the major contrasts and comparisons between Paradise's wildfire preparedness and Marin's current preparedness:

- Paradise has three well-paved good roads out of town.
  - Marin has many communities located in canyons with only one exit on narrow, poorly maintained roads.
  - All of Marin's main east west evacuation routes have choke points where they narrow to one lane in each direction.
- 

- At the time of the Camp Fire, most of Paradise's fire and police officers lived in town and were on the job quickly.
  - Marin's fire and police officers often live in other counties which will severely delay response time. It may take hours for emergency personnel to get here.
- 

- Paradise had comprehensive evacuation plans that were tested in previous fires and had conducted practice evacuation drills. Even so, it took around 5 hours to evacuate the town.
  - Marin's OES has given itself 36 months to update its evacuation plans.
  - Marin has no comprehensive evacuation plans that have been shared with the public, and only a few neighborhoods have had an evacuation drill.
- 

- Paradise had failed to manage vegetation, particularly along evacuation routes.
  - Marin has failed to manage vegetation adequately in its residential communities, open space and along evacuation routes.
- 

- The fire in Paradise did not come from the usual direction but came from the opposite direction from what was expected.
  - Fire in Marin could come from any direction depending on the prevailing wind.
- 

- The Butte County Grand Jury report on Paradise in 2008 criticized the lack of an adequate number of evacuation routes and the deliberate narrowing of the main evacuation routes.
- Many jurisdictions in Marin deliberately constrict the flow of traffic along already narrow evacuation routes with lane reductions and road impediments..

## APPENDIX G: Sales Tax

With the local sales cap at 2%, the final quarter cent only applies to jurisdictions that are currently at 9%. The following are the breakdown of Marin jurisdictions and what the local rates are:<sup>20</sup>

Jurisdiction	Current Sales Tax	Local Sales Rate
Corte Madera	9.00%	0.75%
Fairfax	9.00%	0.75%
Larkspur	9.00%	0.75%
San Rafael	9.00%	0.75%
San Anselmo	8.75%	0.50%
Sausalito	8.75%	0.50%
Novato	8.50%	0.25%
Tiburon	8.25%	0%
Belvedere	8.25%	0%
County of Marin	8.25%	0.25%
Mill Valley	8.25%	0%
Ross	8.25%	0%

From this, it can be seen that only four out of the 12 taxing authorities in Marin are at the limit. There are 16 cities, all in LA County, that each have their combined sales tax rate over 10% as well as seven cities in the Bay Area that are over the 9.25% cap.

<sup>20</sup> ["California Department of Tax and Fee Administration."](#) CA.Gov. Accessed on 25 Mar. 2019

**APPENDIX H: Prior Marin County Civil Grand Jury Reports on Wildfire (Since 2000)**

[Marin Civil Grand Jury, “Wildfires — Partners in Prevention”, 2002-03](#)

[Marin Civil Grand Jury, “The Next Disaster: Are Marin Citizens Prepared?”, 2005-06](#)

[Marin Civil Grand Jury, “Marin on Fire! Not if, but when, 2007-08](#)

[Marin Civil Grand Jury, “Disaster Preparedness in Marin: Are You Ready?”, 2010-11](#)

[Marin Civil Grand Jury, “Marin on Fire Redux”, 2012-13](#)

## **UNIFIED RESPONSE TO GRAND JURY FINDINGS**

All the agencies/jurisdictions required to respond to the “Wildfire Preparedness: A New Approach” collaborated to create this response to the findings and recommendations. See the attachments to this response which include agency/jurisdiction specific clarifications as needed to augment this document.

### **F1. Existing vegetation management codes are both inconsistent and inconsistently enforced.**

Response: **Agree.**

Fire agency policies differ, as do inspection and enforcement procedures.

- ***City of San Rafael – see Attachment A.***

### **F2. There are not enough trained vegetation inspectors or fuel reduction crews.**

Response: **Agree.**

Although fire agencies are doing their best to reduce vegetation around existing homes, additional resources and dedicated staff are necessary to enhance existing efforts.

- ***City of San Rafael – see Attachment A.***

### **F3. Current vegetation enforcement procedures are slow, difficult and expensive.**

Response: **Agree.**

Although each municipality has its own code enforcement procedures, a consistent countywide approach would allow for a more efficient and effective enforcement effort.

- ***City of San Rafael – see Attachment A.***

### **F4. Government agencies and safety authorities cannot currently manage vegetation on public lands.**

Response: **Partially Disagree.**

While municipal governments do not have authority beyond their own jurisdiction, a coordinated countywide effort could help bring focus and consistency, as well as potentially additional resources, to enhance existing efforts on public lands.

Government agencies and safety authorities can and do manage vegetation on public lands over which they have jurisdiction to the extent that resources and funding are available. Much more can be done, which is one of the many reasons the Marin cities, towns, fire agencies and County have formed a working group to explore the creation of a countywide wildfire prevention program to be funded by a parcel tax on the March 2020 ballot.



**F5. All property owners are responsible for vegetation management on their property, yet they are not sufficiently educated about vegetation management and many do not have the physical and financial resources to create defensible space.**

Response: **Agree.**

Although education has been provided through individual fire agencies and FIRESafe Marin, we agree that education efforts need to be understood by broader sections of the community. Grant programs should be considered for those that may not have the physical or financial means to complete necessary work.

**F6. Wildfire preparedness education is inconsistent and fails to reach most citizens, especially parents of young children.**

Response: **Partially Disagree.**

Education is offered in a consistent fashion countywide by the fire agencies and FIRESafe Marin. The demographics of our hosted meetings/forums and exercises generally lack a younger demographic - especially parents of young children. Agencies need to create new forms of outreach to garner participation from this demographic.

**F7. The most effective method of education is person to person in neighborhoods.**

Response: **Agree.**

Defensible space home evaluations with a trained professional are the preferred and best method for educating residents.

**F8. Although Marin has 30 plus Firewise neighborhoods, the most in California, they only cover a small percentage of population and land.**

Response: **Agree.**

We agree that Firewise Communities are a great mechanism for bringing communities and neighborhoods together. They provide an organized approach to reducing hazards and risks.

**F9. Sufficient public funds have not been provided to sustain comprehensive wildfire preparedness education.**

Response: **Agree.**

Generally, fire agencies are funded for response and mitigation of emergency incidents. Development into the Wildland Urban Interface and climate change, with attendant major fires in recent years, are requiring resources greater than those available by local municipalities and fire agencies.

**F10. Educating the public requires a different set of skills than firefighters usually have.**

Response: **Partially Disagree.**

Firefighters have experience that adds value to educating the public; however, they also have other, often more pressing responsibilities. Dedicated public education staff and defensible space home evaluators can spend more quality time on task than Firefighters.

**F11. Any hesitation to use the WEA system can be deadly even if its alerts might reach people outside of its intended target zone.**

Response: **Partially Disagree.**

All appropriate emergency alert systems should be used to the fullest capacity as soon as possible depending on the conditions and needs to maximize safety. The WEA system is not geographically specific and can bleed over to areas where evacuations are not necessary. This would result in adding unnecessary traffic to already congested roadways impeding evacuation egress of those most affected. We agree it is a useful tool, but it must be well-coordinated between the incident commander and Sheriff’s Office of Emergency Services.

**F12. Alert Marin sends the most accurately targeted warnings to endangered populations, but it reaches too few residents because it is not well publicized. Both Alert Marin and Nixle require opt-in registration, a serious design flaw.**

Response: **Partially Disagree.**

Nixle and Alert Marin are two very different systems. Nixle, by design, is an “opt-in” solution providing general information to the public. Alert Marin is an emergency notification system. Nixle and Alert Marin information is publicized at almost every community event hosted by Fire Departments and Sheriff-OES, with information also available on social media and agency websites.

Listed and unlisted/blocked Marin County landline and VoIP (Voice over Internet protocol) phone numbers are already included in our emergency notification system (Alert Marin), unless the owner specifically requests to have their phone number opted-out. Cell phone numbers are not included in Nixle and do require registration in our Self-Registration Portal. We agree that more of our residents need to “opt-in” with their cell phone numbers. Additionally, we support changes in State law mandating that cellular information be accessible with an “opt-out” provision like landlines and VoIP data. We are also pursuing newly available authority to cooperate with utility companies to obtain customer cell phone numbers for these purposes.

We will work with legislators to support bills like SB 46 (Hueso; 2019) which would allow local governments to enter into agreements to access resident cell phone contact information for enrolling county residents in a county-operated public emergency warning system.

**F13. Sirens could be a useful and reliable warning system if their numbers and locations were increased to broaden their reach and if they were enhanced with a customized message through LRAD.**

Response: **Partially Disagree.**

Long Range Acoustical Device (LRAD) is the name brand of one type of acoustical notification system. This system may have limited reach and limited ability to be heard inside a building. Local testing has provided mixed results based on topography and other outdoor existing noise. This type of system will not be effective in some areas of the County.

**F14. In the WUI and in many town centers, infrastructure and roads are inadequate for mass evacuations.**

Response: **Agree.**

- ***City of San Rafael – see Attachment A.***

**F15. Evacuation routes are dangerously overgrown with vegetation and many evacuation routes are too narrow to allow safe passage in an emergency.**

Response: **Agree.**

Marin County has many narrow roads with limited access and overgrown vegetation, often in sloped and difficult terrain. Much of the vegetation encroachment into the road right of way is the responsibility of homeowners. Public works agencies regularly work with fire agencies identifying and working in the most critical areas.

**F16. Emergency planners often do not publicize evacuation routes due to their mistrust of the public.**

Response: **Disagree.**

In 2009 the Marin County Fire Agencies developed mutual threat zone maps, pre-identifying primary and secondary evacuation routes as well as evacuation zones. This information is available for first responders to access in conventional paper maps or online. It has also been made available to mutual aid responders outside of Marin County. Fire agencies are in the process of making these maps publicly available.

We do caution residents to take personal responsibility and identify and regularly travel different routes away from their home. Wildland fires can be very dynamic and depending on wind and topography can change direction with little to no warning. A pre-identified evacuation route may not be the safest route for residents to take deepening upon the specific type and location of the incident.

- ***City of San Rafael – see Attachment A.***

**F17. Town councils, planners, and public works officials have not addressed traffic choke points, and, in some instances, they have created obstacles to traffic flow by the installation of concrete medians, bump outs, curbs, speed bumps, and lane reductions.**

Response: **Partially Disagree.**

Although we agree that more needs to be done, we do not agree that public officials have not attempted to address these issues to date. Additionally, while we agree that traffic flow in an evacuation warrants renewed attention in our circulation planning, many of the elements labeled as “obstacles to traffic flow” by the Grand Jury are intended to increase public safety on a daily basis under regular conditions. Each agency must weigh these daily safety concerns against the use of roads during an evacuation.

**F18. No studies have been performed to determine how long it would take to evacuate entire communities via existing evacuation corridors.**

Response: **Agree.**

The fire chiefs are exploring opportunities with technology companies and higher educational institutions studying this type of work. Large scale evacuation planning needs further study and development within Marin.

**F19. The implementation of traffic-light sequencing and coordination to allow mass egress, and the conversion of two-way roads into one-way evacuation routes to ease traffic congestion, are dangerously delayed and years away from being implemented.**

Response: **Agree.**

Large scale evacuation planning needs to identify which corridors would benefit greatest from contra-flow traffic-light sequencing. Coordination with public works agencies and identification of funding sources would be needed to make this a reality.

**F20. Public transit is a neglected asset of emergency response preparedness: all operators except one transit agency are left out of the command structure and none is integrated into the emergency radio communication system MERA.**

Response: **Partially disagree.**

Use of the term “neglected” suggests an active decision to exclude transit from emergency response preparedness. The current arrangements reflect an assessment by transit officials of their ability to respond to disasters. Many of these protocols reflect planning for a broad spectrum of disasters that might occur, and it would be appropriate to revisit these protocols for the “new normal” concerning wildfire preparedness and response to an event concentrated in Marin County.

**F21. A bureaucratic culture of complacency and inertia exists in Marin. Government often fails to act quickly to repair known gaps in emergency preparedness, to think flexibly, and to prioritize safety in its planning and policies.**

Response: **Disagree.**

We agree that more needs to be done to address this critical public safety issue in the face of what now is commonly referred to as the “new-normal.” Accelerating climate change has led to larger, costlier, and more frequent wildfires in the state than ever before, burning almost year-round. Because of this, all fire agencies, the County, cities and towns are working together to explore the creation a countywide wildfire prevention program.

**F22. No countywide comprehensive, coordinated policies have been made and no funds have been allocated to prepare for wildfires.**

Response: **Disagree.**

There are several coordinated documents, policies or procedures within Marin County including: Mutual Threat Zone Plan, Community Wildfire Protection Plan, and the 2017 North Bay “Lessons Learned” report. All of Marin’s agencies are evaluating their budgets and making difficult decisions to make more money available for wildfire preparedness. It is our belief that a stream of revenue dedicated to this purpose is the best route to addressing the resource needs identified in these documents.

## **RESPONSE TO GRAND JURY RECOMMENDATIONS**

The Marin County Civil Grand Jury recommends the following:

**R1. Create a comprehensive, countywide vegetation management plan that includes vegetation along evacuation routes, a campaign to mobilize public participation, and low-income subsidies.**

**This recommendation requires further analysis.**

The Marin cities, towns, fire agencies and the County are addressing this recommendation with a working group to explore the creation of a countywide wildfire prevention program governed by a countywide joint power authority. We agree that more needs to be done to address this critical public safety issue in the face of what now is commonly referred to as the “new-normal.” Accelerating climate change has led to larger, costlier, and more frequent wildfires in the state than ever before, burning almost year-round. Because of this, all fire agencies, the County, and its cities and towns are working together to explore the creation of a countywide wildfire prevention program.

The program scope for an ongoing, locally-controlled, countywide wildfire prevention program would include the following:

- Fire fuel reduction and vegetation management
- Defensible-space home evaluations and education
- Evacuation planning and neighborhood preparedness
- Alert and warning enhancements
- Pursuit of grant funds for countywide efforts, as well as grant funding for to assist seniors, financially disadvantaged and those with access and functional needs with preparedness measures.

This program would require new ongoing funding. We are currently exploring a potential countywide parcel tax measure in March 2020.

**R2. Hire at least 30 new civilian vegetation inspectors and at least eight fire/fuels crews focused on fuel reduction in the high risk areas of the county, including federal, state and local public lands.**

**This recommendation requires further analysis.**

As stated in our response to Recommendation No. 1, a countywide wildfire prevention initiative would include expanded defensible-space home inspections and education. A working group of fire chiefs and city/town managers are exploring options to ensure the most appropriate and cost-effective solutions are considered to improve defensible space countywide. This enhanced program would require new, ongoing resources. The staffing of this effort would be subject to policy decisions of a countywide JPA and/or the governing board of responsible fire agencies.

**R3. Develop and implement a fast, streamlined procedure to enforce vegetation citations.**

**This recommendation requires further analysis.**

Fire prevention officers throughout the county are working on a countywide, streamlined approach updating codes and processes. It is the intention of the group to implement some items as part of regular code adoption cycle this fall. Larger scale collaboration and a more streamlined approach will be addressed as part of the countywide wildfire prevention program. At the countywide level, our intention is to educate homeowners for cooperative compliance. Addressing non-compliance would be a matter for each jurisdiction to address.

**R4. Adopt and deliver a comprehensive education program focused on action for all residents of Marin on a regular schedule by a team of expert trainers.**

**This recommendation requires further analysis.**

A countywide wildfire prevention program would include a comprehensive education program for all residents. Although agencies have made efforts to educate the public, without additional resources to enhance existing efforts, we believe these efforts will continue to be insufficient and not consistent throughout the County.

**R5. Promote the creation of Firewise Communities in every neighborhood by all local jurisdictions.**

**This recommendation has already been implemented.**

As the Grand Jury report points out, Marin currently has over 30 Firewise neighborhoods. With the creation of a countywide wildfire prevention program, our current efforts can be substantially enhanced and expanded throughout the County.

**R6. Employ individuals with skills in public speaking, teaching, curriculum design, graphics, web design, advertising, community organization, community relations, and diplomacy to educate the public.**

**This recommendation has already been implemented**

We currently have very articulate fire professionals and FIRESafe Marin educating the public. However, we recognize more needs to be done and this work may not need to be done by our firefighters, who often have competing response priorities.

**R7. Collect Marin residents’ information and add it to Alert Marin and Nixle databases to make them opt-out systems.**

**This recommendation requires further analysis.**

This recommendation would require changes in State law. We will work with legislators to support bills like SB 46 (Hueso; 2019), which would allow local governments to enter into agreements to access resident cell phone contact information for enrolling county residents in a county-operated public emergency warning system.

We are also pursuing newly available authority to cooperate with utility companies to obtain customer data for these purposes, but state legislation would be needed to obtain cell phone contact information.

**R8. Expand the use of sirens with LRADs.**

**This recommendation requires further analysis.**

Sirens and LRAD’s have limited reach and ability to be heard inside a building. Local testing has provided mixed results based on topography and other competing outdoor existing noise. This type of system does have valuable application in some areas within the County. For those communities for which these logistical challenges can be overcome, there is considerable appeal for technology such as LRAD’s, which carry a more specific message than sirens. To be effective, sirens require communitywide understanding of their meaning and what is expected of residents when they are sounded.

**R9. Research, develop, and publish plans for the mass movement of populations along designated evacuation routes.**

**This recommendation requires further analysis.**

Large scale evacuation planning needs to identify which corridors would benefit the most from contra-flow and traffic-light sequencing. The use of experts in this field should be engaged. Coordination with public works agencies and additional funding from a countywide wildfire prevention initiative will be a critical component to our success.

- ***City of San Rafael – see Attachment A.***

**R10. Give the highest priority to mitigating known choke points and to maximizing the capacity of existing evacuation routes.**

**This recommendation requires further analysis.**

Large scale evacuation planning needs to identify “choke points”. The use of traffic analysis experts in this field should be engaged. Coordination with public works agencies and additional funding from a countywide wildfire prevention initiative will be a critical component to our success.

**R11. Incorporate and prioritize plans for mass evacuations in all pending and future traffic/road projects along major escape routes.**

**This recommendation requires further analysis.**

Consideration of mass evacuations is an important element for agencies to add to their assessment of road-related capital projects. However, prioritizing evacuation plans above all other considerations may lead to design decisions that impair other important considerations, such as safe use of roads on a daily basis. A balanced lifestyle of each project is required.

- ***City of San Rafael – see Attachment A.***



**R12. Educate, prepare, and drill for evacuations in all communities.**

**This recommendation has been implemented.**

Although all Marin Fire agencies have done this work to some extent, a countywide wildfire prevention program would substantially expand efforts to educate, prepare and drill for evacuations through Marin.

***City of San Rafael – see Attachment A.***

**R13. Fully integrate public transit into the MERA communications system without further delay.**

**This recommendation requires further analysis.**

The member agencies of MERA welcome the addition of transit agencies serving Marin. It will be necessary to analyze how to integrate these agencies in a manner that is fair and equitable.

**R15. Establish in the form of a Joint Powers Authority an umbrella organization for wildfire planning and preparedness (vegetation management, public education, alerts, and evacuation), funded by a ¼ cent sales tax.**

**This recommendation requires further analysis.**

The Marin cities, towns, fire agencies and County are addressing this recommendation with a working group to explore the creation of a countywide wildfire prevention program governed by a countywide joint power authority. The program scope for ongoing, locally-controlled, countywide wildfire prevention program would include the following:

- Fire fuel reduction and vegetation management
- Defensible-space home evaluations and education
- Evacuation planning and neighborhood preparedness
- Alert and warning enhancements
- Pursuit of grant funds for countywide efforts, as well as grant funding to assist seniors, financially disadvantaged and those with access and functional needs with preparedness measures.

This program would require new, ongoing funding. We are currently exploring a potential countywide parcel tax measure in March 2020. Based on our feedback from Marin fire-responsible agencies, we believe that a parcel tax is the appropriate funding mechanism.

In addition, we believe the Grand Jury’s recommendation may have been based on their assumption that “each jurisdiction would have to pass exactly the same parcel tax measure for the same amount at the same time.” It is worth noting that, based on the support of agencies that are responsible for fire suppression, it is allowable for the Board of Supervisors to place a single, countywide parcel tax measure on the ballot. A recent example is Measure A on the November 4, 2014 countywide ballot, which implemented a countywide parcel tax for the Marin Emergency Radio Authority (MERA). Therefore, the results of a countywide measure would require a two-thirds support countywide, but would not require two-thirds support in each jurisdiction.

**City of San Rafael – Supplemental Responses to Findings F1, F2, F3, F14, F15, F16, and Recommendations R9, R11 and R12**

F1. Existing vegetation management codes are both inconsistent and inconsistently enforced.

While some polices are inconsistent across the county, the differences are largely related towards moves by jurisdictions to strength codes to address the growing threat of wildfire. The City of San Rafael adopted an aggressive vegetation plan in 2007, and actively works to remove known high fire risk plants in the Wildland Urban Interface through inspections and notices.

F2. There are not enough trained vegetation inspectors or fuel reduction crews.

In addition, San Rafael works to reduce vegetation in open space, including fuel breaks and creating defensible space around homes bordering public lands.

F3. Current vegetation enforcement procedures are slow, difficult and expensive.

In addition, San Rafael believes a uniform abatement process, including public hearings, property inspections, and subsequent fuel reduction work would help improve the procedures and progress fuel reduction efforts with incorporative property owners.

F14. In the WUI and in many town centers, infrastructure and roads are inadequate for mass evacuations.

The City of San Rafael acknowledges many areas throughout the City and County have limited evacuation routes. The City has included an evaluation of existing routes and needs for improvements in the 38-point City Council approved Wildfire Action Plan. The City is also committed to improving the way in which evacuation routes, associated planning, and areas of refuge are shared with the public. The City is also committed to reducing the potential need for mass evacuation through its vegetation management program and working to identify and share community areas of refuge, in which residents can find temporary safety from a wildfire, until a safe evacuation route to an evacuation center or shelter can be identified, coordinated, and shared.

F15. Evacuation routes are dangerously overgrown with vegetation and many evacuation routes are too narrow to allow safe passage in an emergency.

In addition, San Rafael believes limited funding and avenues for abatement proceedings limit the ways in the City can address some areas of concern.

F16. Emergency planners often do not publicize evacuation routes due to their mistrust of the public.

In addition, San Rafael does not believe the lack of widely shared evacuation maps has to do with mistrust of the public, but rather the variable nature of a wildfire and potential to cause harm by committing to a singular publicized plan.

R9. Research, develop, and publish plans for the mass movement of populations along designated evacuation routes.

In addition, the City of San Rafael Public Safety Staff currently has planned general evacuation routes for the neighborhoods of San Rafael. City Public Safety Staff have worked closely with county staff in developing the Mutual Threat Zone (MTZ) maps, including various evacuation routes. Generally speaking evacuation routes are guidelines which must be flexible based on the circumstances at the time of a critical incident. As conditions change in real time during an incident, routes and plans change to keep evacuees out of harm's way. While evacuation route planning is essential, current information on environmental conditions during an incident will be the ultimate determiner of safe routes and safe locations for staging evacuees.

City staff offer numerous community outreach and training events to help residents be better prepared for a disaster. This includes information on evacuation routes and the importance of knowing at least two ways out of their neighborhoods. Residents are encouraged to drive or walk alternate routes on a regular basis. The City also looking to expand outreach relating to areas of refuge and helping residents identify areas that may be safe to wait out a fire until a safer evacuation is possible.

The recently adopted San Rafael Wildfire Prevention and Protection Plan also addresses evacuation (item 32), including expanding support of neighborhood evacuation drills and coordination with transportation providers.

R11. Incorporate and prioritize plans for mass evacuations in all pending and future traffic/road projects along major escape routes.

In addition, as traffic signal improvement projects take place, the City of San Rafael is continually improving signalization throughout the city to give San Rafael the ability to modify traffic patterns during emergencies. The City is installing intersection monitoring equipment, new controllers, new signal heads and mast arms, fiber-optic cabling and other improvements to provide dynamic and controllable signals as it upgrades intersections. These improvements will allow San Rafael to monitor and manage traffic flows in high volume circumstances including during emergencies.

R12. Educate, prepare, and drill for evacuations in all communities.

In addition, the City of San Rafael has provided information to residents regarding wildfire danger as well as other natural disasters. These information sessions have often come in the form of public safety personnel presentations at neighborhood association gatherings. These presentations have taken place in the recent past and are ongoing. Any trainings or evacuation plans would be strictly scenario-based as wildfires are unpredictable and specific to environmental conditions at the time making specific plans regarding these events problematic. The City is also working on creating a template that can be used by neighborhood groups to facilitate family evacuation drills and neighborhood safety fairs.

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE CITY'S RESPONSE TO THE APRIL 25, 2019 MARIN COUNTY CIVIL GRAND JURY REPORT ENTITLED "WILDFIRE PREPAREDNESS: A NEW APPROACH"**

**WHEREAS**, pursuant to Penal Code section 933, a public agency which receives a Grand Jury Report addressing aspects of the public agency's operations must, within ninety (90) days, provide a written response to the Presiding Judge of the Superior Court, with a copy to the Foreperson of the Grand Jury, responding to the Report's findings and recommendations; and

**WHEREAS**, Penal Code section 933 specifically requires that the "governing body" of the public agency provide said response and, in order to lawfully comply, the governing body must consider and adopt the response at a noticed public meeting pursuant to the Brown Act; and

**WHEREAS**, the City Council of the City of San Rafael has received and reviewed the Marin County Grand Jury Report, dated April 25, 2019, entitled "Wildfire Preparedness: A New Approach", and has added the discussion of this report at the June 17, 2019 City Council agenda to consider the City's response;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of San Rafael hereby:

1. Approves and authorizes the Mayor to execute the City's response to the Marin County Grand Jury's April 25, 2019 report, entitled "Wildfire Preparedness: A New Approach", a copy of which is attached hereto and incorporated herein by reference.

2. Directs the City Clerk to forward the City's response forthwith to the Presiding Judge of the Marin County Superior Court and to the Foreperson of the Marin County Grand Jury.

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the San Rafael City Council held on the 17th day of June 2019, by the following vote to wit:

**AYES: COUNCILMEMBERS:**

**NOES: COUNCILMEMBERS:**

**ABSENT: COUNCILMEMBERS:**

\_\_\_\_\_  
LINDSAY LARA, City Clerk



June 18, 2019

The Honorable Paul M. Haakenson  
Presiding Judge  
Marin County Superior Court

Mr. Pat Randolph  
2018-2019 Foreperson,  
Marin County Civil Grand Jury  
P.O. Box 4988  
San Rafael, CA 94913

Re: City of San Rafael response to "Wildfire Preparedness: A New Approach" Marin County Civil Grand Jury report dated April 18, 2019

Dear Judge Haakenson and Foreperson Randolph:

At the regular City Council meeting on June 17, 2019, the San Rafael City Council reviewed the report "Wildfire Preparedness: A New Approach" and in accordance with Penal Code 933 (c) responded to recommendations R1, R3 through R13, and R15 as requested. The response is attached.

Should the members of the Grand Jury require additional information, please contact Jim Schutz, City Manager, at (415) 485-3070.

Sincerely,

Gary Phillips  
Mayor



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Finance**

**Prepared by:**

**Bill Guerin, Director of Public Works  
Susan Andrade-Wax, Community  
Services Director  
Nadine Atieh Hade, Finance Director**

**City Manager Approval:**

A handwritten signature in black ink, appearing to be 'AS', written over a horizontal line.

**TOPIC: MEASURE A WORKPLAN AND PRELIMINARY CAPITAL IMPROVEMENT PROGRAM**

**SUBJECT: RESOLUTION APPROVING THE MEASURE A WORK PLAN FOR PROPOSED EXPENDITURE OF MEASURE A FUNDS FOR JULY 1, 2019 – JUNE 30, 2020; AND REPORT ON PRELIMINARY THREE-YEAR CAPITAL IMPROVEMENT PROGRAM**

**RECOMMENDATION:**

1. Adopt a resolution approving the Measure A – Open Space Work Plan for Fiscal Year 2019-2020.
2. Accept informational report regarding the preliminary three-year Capital Improvement Program for FY 2019-20 through FY 2021-22 and provide direction to staff.

**INTRODUCTION:** The purpose of this report is to present the preliminary three-year Capital Improvement Program (CIP) for Fiscal Year (FY) 2019-20 through FY 2021-22 for review, as well as to present the Measure A – Open Space Work Plan for approval. This presentation will provide the City Council and community members an opportunity to participate in reviewing and sharing feedback relating to the CIP and the Measure A – Open Space Work Plan. While the CIP will be formalized in a full, detailed report and incorporated into a final, proposed citywide budget for FY 2019-20 to be presented to the City Council for approval on July 15, 2019, staff seeks City Council feedback of the preliminary CIP project list at this time. The Measure A – Open Space Work Plan will also be approved as part of the recommended action of this report.

The content of this report was discussed at the City Council Finance Subcommittee meeting on June 11, 2019, at which time staff was directed to bring forth these items to the City Council.

**BACKGROUND:**

***Measure A***

In November 2012, an ordinance of the County of Marin (“Measure A”) was approved by a two-thirds majority of the electors voting on the Measure. Measure A imposes a nine-year one-quarter of one

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

(0.025) percent retail transactions and use tax (TUT) that is administered by the County of Marin. The purpose of Measure A is to support the preservation of Marin County parks, open space preserves and farmland. The tax is estimated, at current collection levels, to generate approximately \$10 million per year. This level of revenue changes during the life of the Measure due to the variability in annual receipts.

Measure A's expenditure plan outlines three (3) programs for spending the sales tax proceeds. Each program is described by its funding allocation, and types of projects and activities that the funding supports.

- County Parks and Open Space Program (65%)
  - 80% is to protect or restore natural resources and maintain existing county parks and open space preserves.
  - 20% is dedicated to the permanent preservation of land for public open space, community separators, wildlife corridors, greenbelts, and habitat.
- Farmland Preservation Program (20%)
  - To protect Marin County farmland at risk of subdivision and development and preserve Marin's working farms and ranches.
- City, Town, and Applicable Special District Program (15%)
  - Funding is allocated to cities, towns, and special districts to manage parks, open space preserves, nature preserves, recreation programs, and vegetation to promote biodiversity and reduce wildfire risk.

Of the 15% that is allocated to town, cities and special districts (approximately \$2.12 million), the City of San Rafael receives 22.91% based on its population. The City uses this funding to support park maintenance, vegetation removal and management, protection of open space, and park-related capital improvement projects.

Though they go under the same name, Measure A Parks is not to be confused with Measure A Transportation Sales Tax, administered by the Transportation Authority of Marin (TAM).

### ***Capital Improvement Program (CIP)***

The CIP is a multi-year planning tool used to identify and implement the City's capital needs over the upcoming 3-year period: FY 2019-20 through FY 2021-22. The CIP document summarizes the City's planned capital and infrastructure improvement projects, including their funding sources, and prioritizes projects after analysis and coordination with other City departments in order to ensure that all department needs are represented. Project selection and priority is based on recommendations by the Department Directors to accommodate high priority needs, which focused on life/safety, maintenance and repair, public and Council input, and other factors. The CIP is intended to provide a comprehensive three-year project list for the City's known capital and infrastructure needs.

The five general categories within the CIP are as follows:

- **City-Owned Property (C):** City facilities including buildings, parking garages and lots
- **Drainage (D):** Stormwater systems including roadway drainage and the City's 12 stormwater pump stations
- **Parks (P):** Park infrastructure and facilities including playgrounds, recreation equipment, and restrooms
- **Right-of-Way (R):** Roadway improvements including construction, resurfacing, and maintenance of existing bicycle and pedestrian facilities including sidewalk and bike lanes.

- **Transportation (T):** New this year, Transportation projects are separated out from Right of Way projects. Transportation projects include traffic and signal improvements that increase traffic flow and capacity, as well as any circulation improvements that expand bicycle/pedestrian thoroughfare beyond the existing facilities in place. For example, new multi-use pathways and the expansion of existing sidewalk.

**ANALYSIS:**

**Measure A**

Since 2013, the City has received \$2,889,762 in Measure A funding, \$840,574 of which has been used for park-related capital improvement projects. Table A shows a year-by-year breakdown of the park improvement projects and the Measure A funding allocations.

Measure A Funding of Park Capital Improvement Projects:

Park Capital Improvement Projects	2014 Expenses	2015 Expenses	2016 Expenses	2017 Expenses	2018 Expenses	2019 Projected Expenses	Total
Miscellaneous Park Repairs (pathways, sidewalks, etc.)	\$131,155	\$6,220					\$137,376
Miscellaneous Equipment (slides, tables, etc.)	\$5,246	\$58,598	\$10,621				\$74,464
Sun Valley Park Basketball Court			\$46,873				\$46,873
Albert Park Playground				\$37,761	\$50,618	\$221,621	\$310,000
Victor Jones Park Playground				\$80,275	\$19,725		\$100,000
Bret Harte Park Restroom					\$2,183	\$169,678	\$171,861
	<b>\$136,401</b>	<b>\$64,818</b>	<b>\$57,493</b>	<b>\$118,035</b>	<b>\$72,526</b>	<b>\$391,299</b>	<b>\$840,574</b>

Historically the City has used Measure A funding to support four general activities: park maintenance, vegetation management, protection of open space and park improvements. In FY 2019-2020 the City will continue to support these activities with \$486,671 in planned program expenditures.

- **Community Wildfire Protection:** The focus of the Fire Department’s vegetation management program is to reduce the risk of highly flammable vegetation, like juniper and bamboo, from causing large fires in residential areas. \$115,000, or 24%, will support wildfire protection through vegetation management. The Measure A funding the department receives funds a fixed-term Vegetation Management Specialist that works with property owners throughout the community to reduce the amount of highly flammable vegetation surrounding homes.
- **Vegetation Management and Parks Maintenance:** Public Works utilizes \$155,000, or 32%, of Measure A funding for a vegetation management and parks maintenance program that focuses on City parks and open space. The program relies on goats and vegetation “chipper days” to reduce invasive species and to control erosion.
- **Preservation of Public Safety in Community Open Space:** The Police Department has two (2) open space rangers dedicated to patrolling open space within the City of San Rafael. The purpose of these rangers is to minimize the occurrence of illicit and illegal behavior in City parks and open space. A total of \$75,509, or 16%, of Measure A funding supports this function.



- ***Park Capital Improvements and Maintenance:*** The City's FY 2019-20 Capital Improvement program will rely on \$141,162, or 29% of Measure A funding, to support the following projects:
  - \$121,162 will be used for the replacement of the Sun Valley Park playground. This project was selected as a high priority during the Park and Recreation Commission's 2015 outreach process (see attachment 2 for further information on the Measure A Priority list). The current equipment in the Sun Valley playground, located in the Sun Valley neighborhood on the western side of central San Rafael, is more than 20 years old.
  - \$20,000 will be used for community outreach and updating the design of the Pickleweed Park Field Conversion project. This was identified as a top priority by the Park and Recreation Commission in 2015 but, due to its scale, the City must seek substantial funding beyond Measure A to implement the project. In FY 2019-2020, the City plans to use Measure A funds to develop a grant proposal for Proposition 68 funding, which is being disbursed by the State over the coming years.

These planned expenditures are summarized in the Measure A Work Plan for July 1, 2019 through June 30, 2020 (Attachment 2).

### ***Capital Improvement Program (CIP)***

Project List Development: Projects identified for the CIP are recommended by either Department Directors, studies and reports, such as the Bicycle Pedestrian Master Plan (BPMP) or the recently completed Facility Assessment Study, or may arise from direct community or Council input. Additionally, projects with specific discreet funding sources are included in the CIP.

While most Right of Way and Transportation projects are informed by General-Plan related circulation and traffic improvements and the BPMP; Parks and City Owned Property projects have historically been heavily informed by Director, the publicly appointed Parks Commission, and the Facilities Maintenance division. In FY 2018-19, to help better prioritize City Owned Property projects in particular, Public Works contracted a specialized consultant to complete a comprehensive Facilities Assessment Study. The study reviewed eighteen City facilities including parks, recreation facilities and structure such as City Hall. This study identified deficiencies at each facility and prioritized repairs. Several of these projects are included in the upcoming 3-year CIP.

All City Owned Property and Parks projects are ranked in a process annually with the Directors that weighs life/safety, maintenance and repair costs, public and Council input, and other factors. Public Works staff internally ranks the Drainage, Right-of-Way, and Transportation projects. All available funding over the 3-year period is allocated to the respective categories, and projects that are unable to be funded at this time are still listed in the CIP project list, however as "Unfunded".

Major new projects identified in the FY 2019-20 to FY 2021-22 CIP include:

- Francisco Blvd. East Sidewalk Widening (Active)
- Third Street Rehabilitation Project – Grand to Miracle Mile. (Active)
- Third & Hetherton Intersection Improvements (Active)
- Albert Park ADA Restroom (Identified by the Facility Assessment Study)
- B Street Community Center Repairs (Identified by the Facility Assessment Study)
- Sun Valley Park, Peacock Gap Park, Bernard Hoffman Park Play Structure Replacement
- Lincoln Avenue Curb Ramps

**SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 5**

- Smith Ranch Road Resurfacing
- Crosswalk Improvements
- Street Resurfacing

In recent years one of the issues in executing all the projects in the CIP has been a general lack of interest from the construction industry in bidding on smaller projects. Going forward, staff intends to bundle smaller, similar projects for a better economy of scale. Additionally, some changes have been made in the approach Public Works has taken in replacement of playground equipment. Public Works has found it significantly more cost effective, but just as impactful for the community, to pursue replacing old equipment and installing new ground surface -- without undergoing a full redesign of the Park. This has allowed the Department to stretch limited financial resources further and freshen up more playgrounds in the City.

Project Funding: There are currently five major annual funding sources for the CIP (Measure A Parks is included below):

<b>Fund #</b>	<b>Fund Name (CIP Category)</b>	<b>Average Annual Revenues</b>	<b>Description</b>
<b>603</b>	<b>Building Maintenance</b> <i>(City Owned Property, Parks)</i>	\$500,000	The Building Maintenance Fund supports capital projects associated with the City’s buildings, parks and other facilities. The Building Fund is an internal revenue fund, which means General Fund monies are the sole source of revenue for the fund. Historically, \$500,000 in General Fund monies has been contributed annually to the Building Fund.
<b>241</b>	<b>Measure A</b> <i>(Parks)</i>	\$140,000	Measure A is a nine-year ¼ percent transactions and use tax that was passed in 2012 and is managed by the County of Marin. The purpose of the tax is to care for existing parks and open spaces, support regional community parks, projects, and programs and to further farmland restoration. Community Services and the Parks Commission provides input each year as to which Parks projects should be prioritized to receive Measure A funding.
<b>205</b>	<b>Stormwater Fund</b> <i>(Drainage)</i>	\$850,000	Established to fund Stormwater maintenance, programs, and improvements throughout the City—including maintenance and repair of the City’s 12 storm water pump stations. This fund receives annual revenues of approximately \$850,000 from the City’s Stormwater Activity fee (Municipal Code Chapter 9.40).
<b>206</b>	<b>Gas Tax + Measure A</b> <i>(Right of Way, Transportation)</i>	\$3,315,000	The Gas Tax is a revenue distributed from the state based on a percentage tax on each gallon of gas purchased in San Rafael. Gasoline tax is collected and distributed to jurisdictions by the State on an annual basis and may be used for capital projects and maintenance to local streets, roads, traffic, and bicycle pedestrian facilities. In April 2017, Governor Jerry Brown signed Senate Bill 1: The Road Repair and Accountability Act to address the need for additional funding for transportation and infrastructure in California. Senate Bill 1 increased per gallon fuel excise taxes, diesel fuel sales taxes and vehicle registration fees. The effect was a doubling of Gas Tax revenues received for San Rafael, from roughly \$1.1m to \$2.2m.  Fund #206 also collects annual Measure A Transportation Sales Tax dollars (distributed by Transportation Authority of Marin). A ½-cent

			sales tax approved initially by voters in 2004 and reapproved in November 2018, Measure A provides roughly \$700,000 annually to San Rafael towards local streets and road improvements.
246	<b>Traffic Mitigation Fee</b> <i>(Transportation)</i>	~\$500,000 (depends on development)	Traffic Mitigation Fees are charged by to a developer in connection with the approval of a development project – in order to generate revenues for increasing street capacity to accommodate additional traffic generated by the new development. The City utilizes its Traffic Mitigation Fees for circulation identified in Exhibit 21 of Policy 6A of General Plan 2020 and similar projects that further the General Plan.

As has been noted in prior year CIPs, the long-term capital and infrastructure improvement needs for City-owned property, parks, and drainage far exceed the available revenues each year. Therefore, a considerable number of projects are identified as real capital and infrastructure needs (and maintained on the CIP project list), but are categorized as “Unfunded”.

On occasion, staff has recommended a one-time transfer of funds, where allowable, to assist in funding high-priority and high-need projects. For example, after the 2017 storms, several stormwater pump stations were in need of serious repair, and the annual \$850,000 revenues could not support the infrastructure and pump repair projects needed. Therefore, in the FY 2017-18 CIP, staff recommended that the \$500,000 annual General Fund contribution to the Building Fund instead be allocated towards the Stormwater Fund on a one-time basis.

In preparing the current year CIP, staff is once again recommending a one-time transfer of funds to support high-priority and high-need projects. City-owned property and parks’ immediate project needs have continued to exceed the \$500,000 in funding available each year from the annual transfer from General Fund to the Building Maintenance Fund (#603). Unfunded projects listed in the 3-year CIP in the City-Owned Property and Parks categories total nearly \$7.9 million.

Therefore, in the short term, staff is recommending an additional \$800,000 over two years transferred from the General Fund to the Building Maintenance Fund to support City-Owned Property and Parks projects. This \$800,000 will come in the form of an increase in the annual transfer from Gas Tax to the General Fund to support a fraction of the Public Works salaries and benefits related to streets and roads maintenance (estimated at \$2million/year). The historical annual amount transferred from the Gas Tax to the General Fund to support salaries is \$400,000. Staff is recommending increasing this transfer to \$800,000 per year for the current FY 2018-19 and the upcoming FY 2019-20 (a net increase of \$400,000 each year, or \$800,000 total). Subsequently, the General Fund transfer to the Building Maintenance Fund (to support City-owned property and Parks projects) will then be increased by \$800,000 total over the two years. The effect will be net neutral to the General Fund over the two-year period: 1) An additional \$800,000 transferred from Gas Tax to General Fund and 2) An additional \$800,000 transferred from the General Fund to the Building Maintenance Fund. The result will be an additional infusion of \$800,000 to support City-owned property and parks projects in the upcoming 3-year CIP.

The department is actively seeking better long-term funding strategies for these projects, including:

- Pursuing bond financing for major capital projects, such as San Quentin Pump Station
- More aggressive pursuance of grant funding for non-right of way capital projects
- Pursuance of ballot measure to raise current per-parcel stormwater assessment
- Exploring alternative funding mechanisms, such as assessment districts or public private partnerships (Community Services has taken a lead on this for some of the rental facilities).

CIP Prior-Year Completed Projects: As a part of the annual CIP, the Department also recaps major projects completed in the prior fiscal year. While staffing challenges and large-scale projects, such as the Sonoma-Marín Area Rail Transit (SMART) and the Essential Facilities program, have impacted the Department's project management capacity, the department *completed* several major projects during this last year, including the following:

- Essential Facilities: Fire Station 52
- Albert Park play area improvements
- Grand Avenue Pedestrian Bridge
- 2017 storm landslide repairs (80 Upper Toyon, 70 Irwin, and 21 San Pablo)
- City Hall switchgear
- D Street and Via Sessi storm drain improvements
- Bret Hart restroom
- Bicycle and Pedestrian Master Plan 2018
- East San Rafael parking signage and stall markings
- Uncontrolled crosswalk ranking study

CIP Active Projects: Active projects are separated from the rest of the CIP project list since they are fully funded with prior year funds, and construction or design may be fully underway. A total of 15 projects are listed as Active in the CIP, including:

- Essential Facilities: Fire Station 57
- Essential Facilities: Public Safety Center
- Sea level rise vulnerability study
- San Quentin pump station reconstruction (design)
- Pickleweed Park and Schoen Park improvements
- Shoreline Park restroom
- Street resurfacing FY 2018-19
- NB 101 offramp-second right turn lane (design)
- Second and Third Street queue cutters

## **FISCAL IMPACT:**

### ***Measure A***

The impact of approving the Measure A – Open Space Work Plan is the authorization of \$486,671 in spending from restricted, Measure A tax proceeds. Projected FY 2019-20 Measure A revenues of \$486,671 are sufficient to support the proposed Work Plan. This Work Plan has no fiscal impact on the City's General Fund.

### ***Capital Improvement Program (CIP)***

There is no direct fiscal impact associated with the preliminary Capital Improvement Program because the information being provided is for the purpose of discussion, public input, and direction to staff. However, for planning purposes, the funding source by project phase and year is identified for each project in the CIP. The figures in the CIP are engineer's estimates and are not based on actual bids received. It is important to note that while the City Council is accepting an informational report relating to a preliminary list and prioritization of projects within the CIP, including which projects are funded vs. those that remain unfunded, all CIP projects are subject to the City's Purchasing Policy, including the City Council and City Manager contract thresholds at the time a contract is awarded. For example, when a construction contract is awarded for a project and the contract amount is above City Manager's

award authority (\$175,000 for Public Works projects), the contract and project would be brought forth to the City Council for approval.

**OPTIONS:** The City Council has the following options to consider relating to this item:

1. Accept informational report regarding the preliminary Capital Improvement Program and provide direction to staff. Adopt a resolution approving the FY 2019-20 Measure A – Open Space Work Plan.
2. Accept informational report regarding the preliminary Capital Improvement Program and provide direction to staff. Adopt a resolution as amended, approving the FY 2019-20 Measure A – Open Space Work Plan.
3. Accept informational report regarding the preliminary Capital Improvement Program and provide direction to staff. Do not adopt a resolution approving the FY 2019-20 Measure A – Open Space Work Plan and provide direction to staff.

**RECOMMENDATION:**

1. Adopt a resolution approving the Measure A – Open Space Work Plan for Fiscal Year 2019-2020.
2. Accept informational report regarding the preliminary three-year Capital Improvement Program for FY 2019-20 through FY 2021-22 and provide direction to staff.

**ATTACHMENTS:**

1. Resolution – Measure A
2. Exhibit I to resolution: Measure A Open Space Work Plan
3. Preliminary FY 2019-20 CIP Project Listing

**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL  
APPROVING THE MEASURE A WORK PLAN FOR PROPOSED EXPENDITURE OF  
MEASURE A FUNDS FOR JULY 1, 2019 – JUNE 30, 2020**

**WHEREAS**, on November 6, 2012 Marin County voters passed Measure A, a one-quarter of one percent transactions and use tax, dedicated to parks and open space for the duration of nine years; and

**WHEREAS**, fifteen percent of the Measure A revenues is earmarked for Marin municipalities for the purpose of managing parks, open space preserves, recreation programs and vegetation; and

**WHEREAS**, the County of Marin is responsible for the administration of the Measure A funds, and has developed a form of agreement and program materials for use by Marin municipalities; and

**WHEREAS**, the City of San Rafael is eligible to receive Measure A funds, and entered into an agreement with the County of Marin in October of 2013, submitting a Work Plan of Expenditures for the first year of fund disbursement; and

**WHEREAS**, the City of San Rafael is projected to receive a total of \$486,671.23 for FY 2019-2020, to support the Work Plan; and

**WHEREAS**, the County of Marin requires a Work Plan for the proposed Expenditure of Measure A funds in the amount of \$486,671.23 for July 1, 2019 – June 30, 2020;

**NOW, THEREFORE, BE IT RESOLVED** that the San Rafael City Council approves the Measure A Work Plan for Proposed Expenditure of Measure A funds for July 1, 2019 - June 30, 2020, a copy of which is hereby attached and by this reference made a part hereof; and

**BE IT FURTHER RESOLVED** that the Finance Director is authorized to execute, on behalf of the City of San Rafael, the Work Plan for Proposed Expenditure of Measure A funds for July 1, 2019 to June 30, 2020.

**I, LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City held on Monday, the 17th day of June 2019, by the following vote, to wit:

AYES:           COUNCILMEMBERS:

NOES:           COUNCILMEMBERS:

ABSENT:        COUNCILMEMBERS:

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LINDSAY LARA, City Clerk



## **Work Plan**

### **Measure A City, Town, and Applicable Special District Program Proposed Expenditure of Measure A Funds for July 1, 2019 to June 30, 2020**

Timely and accurate completion of this report is a condition of receiving Measure A funds.

#### **Instructions:**

- This work plan must be completed by an authorized representative of the recipient.
- Please complete this work plan, then scan and e-mail it to Kevin Wright, Marin County Parks External Affairs Coordinator ([kwright@marincounty.org](mailto:kwright@marincounty.org)), by June 1, 2019.
- Contact Mr. Wright by e-mail ([kwright@marincounty.org](mailto:kwright@marincounty.org)) or phone (415) 497-3553 if you have any questions, or if you have suggestions to improve this form.
- Marin County Parks will review this plan within one month of its receipt to ensure that proposed expenditures are consistent with Marin County Ordinance 3586 (Measure A).
- Recipients must provide Marin County Parks with 30-days prior notice of any project additions or substitutions that are proposed while a work plan is in effect.
- Total actual project expenditures may not exceed recipient's actual Measure A funding for any given fiscal year, plus any balance remaining from previous years.

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**A. Name of Recipient (city, town, or special district):** City of San Rafael

**B. Recipient's representative and contact information:** (Please print all information)

**Name:** Nadine Atieh Hade  
**Title:** Finance Director  
**Address:** 1400 Fifth Avenue  
**City, Zip:** San Rafael, CA 94901  
**Phone:** (415) 485-3062  
**E-mail:** nadine.hade@cityofsanrafael.org

**C. Total estimated funds for Fiscal Year 2019-20:**

<b>i. Estimated carry-over balance of recipient's Measure A funds from previous fiscal years</b>	<b>ii. Estimate of recipient's Measure A funds for FY 2019-20. (This information will be provided by Marin County Parks)</b>	<b>iii. Total estimated available funds for FY 19-20 (i + ii).</b>
\$ 0.00	\$486,671.23	\$486,671.23



**D. Recipient's Measure A Work Plan for Fiscal Year 2019-20:**

Name of work or project:	Primary purpose of work or project. Select only one from list below. **	Description. Be as specific as possible. Include numbers related to square footage of facilities, acreage, etc. If Measure A funds were used for maintenance, use numbers to indicate change from pre-Measure A conditions.	Amount of Measure A funds estimated to be used:	Source(s) and amount(s) of matching funds projected for use. If none, enter "0"	Total expenditures projected for work or project in current reporting year
Wild Land Urban Interface Vegetation Program	e	.5 FTE Wildland Urban Interface Inspector	\$75,000	0	\$75,000
Vegetation Removal on City Parks/Open space	e	Contract removal of vegetation to support Wildland Urban Interface Program	\$40,000	0	\$40,000
Vegetation Removal on City Parks/Open space/Invasive Species Removal	g	Contract removal of vegetation within City Parks/Open Space	\$100,000	0	\$100,000
Contractual Parkette Maintenance	a	Contract Maintenance Services	\$55,000	0	\$55,000
Park/Open Space Security	g	P/T Open Space Ranger	\$75,509	0	\$75,509
Park Improvements	b	Sun Valley Playground Replacement Pickleweed Park Field Conversion Design and Community Engagement	\$121,162 \$20,000	0	\$121,162 \$20,000
<b>Estimated Total</b>					<b>\$486,671</b>

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**\*\*Select work or project purpose only from the following menu:**

- a) Routine maintenance
- b) Renovation of existing recreational facility, including infrastructure (includes planning, environmental review, permitting, design development, etc.)
- c) Construction of new park or recreation facility (includes planning, environmental review, permitting, design development, etc.)
- d) Parkland acquisition
- e) Fuel reduction - all types of fuelbreaks, including primary, ridgeline, etc.
- f) Flashy fuel reduction (ROW, street ends, trail heads, etc.)
- g) Natural resource protection and restoration, and invasive plant control
- h) Maintaining vehicle access
- i) Sudden Oak Death
- j) Hazard tree removal
- k) Inventory and monitoring
- l) Wildlife management monitoring
- m) Vegetation and wildlife management - Other-

### **E. Certification**

I certify that the information contained herein is true and accurate, to the best of my knowledge.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

### Active Projects

All project funding is in "Prior Year Funding"

				Total			Prior Year Funding			FY 2019-20 Total			FY 2020-21			FY 2021-22		
				Planning	Design	Construction	Planning	Design	Construction	Planning	Design	Construction	Planning	Design	Construction	Planning	Design	Construction
<b>City Owned Property</b>	<b>C.A</b>	B Street Community Center Safety System Update - Stage Area	<b>603</b>	Building Maintenance	\$2,755	\$41,223	\$60,000	\$2,755	\$41,223	\$60,000								
	<b>C.A</b>	Essential Facilities: Fire Station 57	<b>420</b>	Measure E		\$2,462,135	\$9,719,465		\$2,462,135	\$9,719,465								
	<b>C.A</b>	Essential Facilities: Public Safety Center	<b>420</b>	Measure E	\$842,000	\$9,987,266	\$35,788,000	\$842,000	\$9,987,266	\$35,788,000								
<b>City Owned Property Total</b>					<b>\$844,755</b>	<b>\$12,490,624</b>	<b>\$45,567,465</b>	<b>\$844,755</b>	<b>\$12,490,624</b>	<b>\$45,567,465</b>								
<b>Drainage</b>	<b>D.A</b>	Cayes Pump Station Control System	<b>235</b>	Baypoint Lagoon Assessment District	\$10,415		\$120,000	\$10,415		\$120,000								
	<b>D.A</b>	Los Gamos and Oleander Drainage Improvements (Design)	<b>205</b>	Stormwater Fund	\$12,800	\$25,580		\$12,800	\$25,580									
	<b>D.A</b>	San Quentin Pump Station Reconstruction (Design)	<b>205</b>	Stormwater Fund		\$374,017			\$374,017									
	<b>D.A</b>	Sea Level Rise Vulnerability Study	<b>603</b>	Building Maintenance	\$9,318	\$72,800		\$9,318	\$72,800									
<b>Drainage Total</b>					<b>\$32,533</b>	<b>\$472,397</b>	<b>\$120,000</b>	<b>\$32,533</b>	<b>\$472,397</b>	<b>\$120,000</b>								
<b>Parks</b>	<b>P.A</b>	Pickleweed Park and Schoen Park Improvements	<b>603</b>	Building Maintenance	\$5,655		\$257,750	\$5,655		\$257,750								
				Grant: CDBG (Federal)			\$257,750			\$257,750								
	<b>P.A</b>	Shoreline Park Restroom	<b>603</b>	Building Maintenance	\$14,417	\$9,501	\$70,000	\$14,417	\$9,501	\$70,000								
<b>Parks Total</b>					<b>\$20,072</b>	<b>\$9,501</b>	<b>\$327,750</b>	<b>\$20,072</b>	<b>\$9,501</b>	<b>\$327,750</b>								
<b>Right-of-Way</b>	<b>R.A</b>	Lincoln Avenue Bridge Repair (Design)	<b>206</b>	Gas Tax		\$110,000			\$110,000									
	<b>R.A</b>	Lincoln Avenue Curb Ramps (Design)	<b>206</b>	Gas Tax - RMRA		\$120,550			\$120,550									
	<b>R.A</b>	Street Resurfacing FY 2018-19	<b>206</b>	Gas Tax			\$1,953,326			\$1,953,326								
				Gas Tax - Measure A Local Transportation Sales Tax			\$646,674			\$646,674								
<b>Right-of-Way Total</b>					<b>\$0</b>	<b>\$230,550</b>	<b>\$2,600,000</b>	<b>\$0</b>	<b>\$230,550</b>	<b>\$2,600,000</b>								
<b>Transportation</b>	<b>T.A</b>	Merrydale Pathway - North Connector (Design)	<b>206</b>	Gas Tax - RMRA		\$181,244			\$181,244									
	<b>T.A</b>	NB 101 Offramp-Second Right Turn Lane (Design)	<b>206</b>	Gas Tax		\$121,500			\$121,500									
	<b>T.A</b>	Second and Third Street Queue Cutters	<b>246</b>	Traffic Mitigation Fund		\$148,315	\$380,000		\$148,315	\$380,000								
<b>Transportation Total</b>					<b>\$0</b>	<b>\$451,059</b>	<b>\$380,000</b>	<b>\$0</b>	<b>\$451,059</b>	<b>\$380,000</b>								

### City Owned Property

				Total			Prior Year Funding			FY 2019-20 Total			FY 2020-21			FY 2021-22		
				Planning	Design	Construction	Planning	Design	Construction	Planning	Design	Construction	Planning	Design	Construction	Planning	Design	Construction
<b>Funded</b>	<b>C.01</b>	Essential Facilities: Fire Station 54 & 55 Remodel	<b>420</b>	Measure E		\$681,342	\$6,717,774											
	<b>C.02</b>	Childcare Portable Building Replacement (Silveria, Dixie and Pickleweed)	<b>208</b>	Childcare Fund		\$123,425	\$1,130,000											
	<b>C.03</b>	B Street Community Center Restroom Remodel	<b>603</b>	Building Maintenance		\$10,385	\$85,000											
	<b>C.04</b>	Albert Park Ball Field ADA Restrooms	<b>603</b>	Building Maintenance			\$75,000											
				Donations			\$5,000											
	<b>C.05</b>	Albert Park Baseball Stadium - ADA Lift	<b>603</b>	Building Maintenance			\$50,000											
	<b>C.06</b>	City Hall Server Room Upgrade	<b>603</b>	Building Maintenance			\$30,000											
	<b>C.07</b>	City Hall Accessibility and Security Improvements	<b>603</b>	Building Maintenance		\$6,650	\$2,500	\$60,000	\$6,650	\$2,500								
	<b>C.08</b>	B Street Community Center - Misc Repair	<b>603</b>	Building Maintenance			\$70,000											
	<b>C.09</b>	Terra Linda Community Center HVAC Replacement	<b>603</b>	Building Maintenance			\$150,000											
	<b>C.10</b>	Microwave Network for PSC	<b>603</b>	Building Maintenance			\$7,000	\$73,000										
	<b>C.11</b>	Albert J. Boro Community Center - Misc Repair	<b>603</b>	Building Maintenance			\$140,000											
	<b>C.12</b>	Public Works Corp Yard - Misc Repair	<b>603</b>	Building Maintenance			\$30,000											
	<b>C.13</b>	Fifth Street and C Street Parking Garage Improvements	<b>501</b>	Parking Services		\$8,730	\$65,000	\$245,000	\$8,730	\$65,000								
	<b>C.14</b>	Conversion of City Hall Police Station after PSC	<b>603</b>	Building Maintenance			\$400,000											
	<b>C.15</b>	Fifth and Garden Parking Lot Resurfacing	<b>501</b>	Parking Services			\$15,000	\$70,000										
	<b>C.16</b>	Third and Lootens Parking Structure	<b>501</b>	Parking Services			\$50,000	\$525,000										
	<b>C.17</b>	Third and A Street Parking Structure Repairs	<b>501</b>	Parking Services			\$30,000	\$470,000										
	<b>C.18</b>	Third and C Street Parking Structure Repairs	<b>501</b>	Parking Services			\$10,000	\$135,000										
<b>Funded Total</b>						<b>\$15,380</b>	<b>\$994,652</b>	<b>\$10,460,774</b>	<b>\$15,380</b>	<b>\$107,426</b>	<b>\$0</b>	<b>\$790,226</b>	<b>\$845,000</b>	<b>\$90,000</b>	<b>\$9,122,774</b>	<b>\$7,000</b>	<b>\$493,000</b>	
<b>Unfunded</b>		519 4th Street Roof and Structural Upgrade		Unfunded				\$470,000										
		Albert J Boro Library Electrical Upgrades		Unfunded				\$15,000										
		Albert J. Boro Center Additional Parking		Unfunded			\$14,000	\$206,000										
		Albert J. Boro Community Center HVAC Repair		Unfunded				\$263,000										
		Albert J. Boro Community Center Replace Room Partician		Unfunded				\$30,000										
		Albert Park Baseball Stadium - Misc Repair		Unfunded				\$75,000										
		B Street Community Center Concrete Entrance Reconstruction		Unfunded			\$5,000	\$55,000										
		B Street Community Center Parking Lot Resurfacing		Unfunded			\$16,000	\$247,000										
		B Street Community Center Re-Roof		Unfunded			\$35,000	\$165,000										
		Childcare Portable Building Replacement (Vallecito)		Unfunded			\$50,000	\$250,000										
		City Hall & Library Lighting and Landscaping Improvements		Unfunded			\$10,000	\$40,000										
		City Hall Fire Upgrades		Unfunded			\$8,000	\$82,000										
		Coleman Childcare Center		Unfunded				\$40,000										
		Court Street Fountain Repair		Unfunded			\$13,000	\$137,000										
		Downtown Fiber Connection		Unfunded			\$13,000	\$137,000										
		Downtown Library Interior Painting		Unfunded				\$60,000										
		Downtown Library Re-roof		Unfunded				\$25,000										
		Falkirk Cultural Center - Misc Repair		Unfunded				\$90,000										
		Fourth Street Twinkle Lights Replacement		Unfunded			\$13,000	\$137,000										
		Glenwood Childcare Center		Unfunded				\$35,000										
		Internet Upgrade at Corp Yard		Unfunded			\$4,000	\$46,000										
		Library Book Shelving Replacement		Unfunded			\$3,000	\$27,000										
		Library Children's Patio Enclosure		Unfunded				\$72,000										
		Library Restroom Addition		Unfunded			\$18,000	\$182,000										
		Mail Room Relocation		Unfunded				\$60,000										
		Parkside Children's Center		Unfunded				\$40,000										
		Parkside Preschool Playground Renovation		Unfunded				\$120,000										
		Resurface City Hall Parking Lots, Lower and Upper		Unfunded			\$8,000	\$122,000										
		Terra Linda Community Center Misc.		Unfunded				\$16,500										
		Terra Linda Pool House Electrical Upgrades		Unfunded			\$25,000	\$85,600										
		Terra Linda Recreation Center Hardscape Repair		Unfunded				\$150,000										
<b>Unfunded Total</b>						<b>\$0</b>	<b>\$235,000</b>	<b>\$3,480,100</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>							

Drainage

				Total			Prior Year Funding			FY 2019-20 Total			FY 2020-21			FY 2021-22		
				Planning	Design	Construction	Planning	Design	Construction	Planning	Design	Construction	Planning	Design	Construction	Planning	Design	Construction
<b>Funded</b>	<b>D.01</b>	Stormwater System Pump and CMP Replacement, System Upgrades FY 2	205 Stormwater Fund			\$705,300												
	<b>D.02</b>	Stormwater System Pump and CMP Replacement, System Upgrades FY 2	205 Stormwater Fund			\$705,300												
	<b>D.03</b>	Stormwater System Pump and CMP Replacement, System Upgrades FY 2	205 Stormwater Fund			\$705,300												
	<b>D.04</b>	First and D Street Drainage Improvements	205 Stormwater Fund			\$300,000												
<b>Funded Total</b>				<b>\$0</b>	<b>\$0</b>	<b>\$2,415,900</b>				<b>\$705,300</b>					<b>\$300,000</b>			<b>\$705,300</b>
<b>Unfunded</b>		Canal Street Turn Structure and Filtration System	Unfunded			\$500,000												
		East and Jessup Storm Improvements	Unfunded			\$1,000,000												
		Happy Lane Storm Drain Abandonment	Unfunded		\$4,000	\$41,000												
		Las Casas Drainage Basin Repair	Unfunded			\$100,000												
		Levee Analysis Inventory Program	Unfunded			\$100,000												
		Los Gamos and Oleander Drainage Improvements (Construction)	Unfunded			\$550,000												
		MCSTOPP - Catch Basin Trash Capture	Unfunded			\$720,000												
		Rotary Manor Culvert Replacement	Unfunded		\$50,000	\$250,000												
		San Mateo Court Headway Improvements	Unfunded			\$80,000												
		San Quentin Pump Station Reconstruction (Construction)	Unfunded			\$6,000,000												
		Second Street Drainage Improvements - Between C and E Streets	Unfunded			\$170,000												
		Spinnaker Point Salt Marsh Remediation	Grants: Unsecured		\$250,000	\$3,750,000												
		Woodland Ave Drainage Improvements	Unfunded	\$19,200	\$54,080	\$554,320												
<b>Unfunded Total</b>				<b>\$19,200</b>	<b>\$358,080</b>	<b>\$13,815,320</b>				<b>\$0</b>	<b>\$0</b>	<b>\$0</b>						

Parks

				Total		
				Planning	Design	Construction
<b>Funded</b>	<b>P.01</b>	Gerstle Park Restroom Repair	<b>603</b>	Building Maintenance		\$30,000
	<b>P.02</b>	Gerstle Park Playground Structure	<b>241</b>	Measure A: Parks		\$100,000
			<b>603</b>	Building Maintenance		\$125,000
	<b>P.03</b>	Sun Valley Park Playground Structure	<b>241</b>	Measure A: Parks		\$121,162
			<b>603</b>	Building Maintenance		\$103,838
	<b>P.04</b>	Peacock Gap Park Playground Structure		Grant: Prop 68 Per Capita		\$250,000
	<b>P.05</b>	Bernard Hoffman Playground Structure		Grant: Prop 68 Per Capita		\$250,000
	<b>P.06</b>	Pickleweed Park Field Synthetic Field Conversion (Design)	<b>241</b>	Measure A: Parks	\$20,000	
	<b>P.07</b>	Gerstle Park, Peacock Gap and Santa Margarita Tennis Court Resurfacing	<b>241</b>	Measure A: Parks		\$110,000
				Donations		\$10,000
	<b>P.08</b>	Santa Margarita Court Replacement	<b>603</b>	Building Maintenance		\$77,200
	<b>P.09</b>	Terra Linda Community Center Basketball Court Repaving and Shade Str	<b>241</b>	Measure A: Parks		\$150,000
<b>Funded Total</b>					<b>\$0</b>	<b>\$20,000</b>
		Bernard Hoffman Drainage and Irrigation Improvements		Unfunded		\$50,000
<b>Unfunded</b>		Bret Hart Landscape Walls		Unfunded	\$4,000	\$41,000
		Open Space Tree Assessment and Removal		Unfunded		\$135,000
		Pickleweed Park Basketball Court		Unfunded		\$150,000
		Pickleweed Park Field Synthetic Field Conversion (Construction)		Grants: Unsecured		\$3,570,000
		Starkweather Park Improvements		Unfunded		\$50,000
		Terra Linda Community Center Play Area and Access Improvements		Unfunded		\$58,000
		Victor Jones Park Restroom Upgrades		Unfunded		\$150,000
<b>Unfunded Total</b>					<b>\$0</b>	<b>\$4,000</b>
						<b>\$4,204,000</b>

Prior Year Funding			FY 2019-20 Total			FY 2020-21			FY 2021-22		
Planning	Design	Construction	Planning	Design	Construction	Planning	Design	Construction	Planning	Design	Construction
					\$30,000						
										\$100,000	
										\$125,000	
					\$121,162						
					\$103,838						
					\$250,000						
					\$250,000						
					\$20,000						
					\$110,000						\$110,000
					\$10,000						\$10,000
					\$77,200						\$77,200
					\$150,000						\$150,000
					\$0						\$0
					\$20,000						\$225,000
					\$755,000						\$347,200
					\$0						\$0

### Right of Way

			Total			Prior Year Funding			FY 2019-20 Total			FY 2020-21			FY 2021-22			
			Planning	Design	Construction	Planning	Design	Construction	Planning	Design	Construction	Planning	Design	Construction	Planning	Design	Construction	
<b>Funded</b>	<b>R.01</b>	Street Resurfacing FY 2019-20	206	Gas Tax														
				Gas Tax - Measure A Local Transportation Sales Tax														
	<b>R.02</b>	Street Resurfacing FY 2020-21	206	Gas Tax														
				Gas Tax - Measure A Local Transportation Sales Tax														
	<b>R.03</b>	Street Resurfacing FY 2021-22	206	Gas Tax														
				Gas Tax - Measure A Local Transportation Sales Tax														
	<b>R.04</b>	Smith Ranch Road Resurfacing	206	Gas Tax - RMRA														
	<b>R.05</b>	Andersen Drive Microseal	206	Gas Tax														
	<b>R.06</b>	Southern Heights Bridge Replacement		Caltrans Highway Bridge Program														
	<b>R.07</b>	Sidewalk Repair Program FY 2019-20	206	Gas Tax														
	<b>R.08</b>	Sidewalk Repair Program FY 2020-21	206	Gas Tax														
	<b>R.09</b>	Sidewalk Repair Program FY 2021-22	206	Gas Tax														
	<b>R.10</b>	Southern Heights-Courtright Road Repair	206	Gas Tax														
	<b>R.11</b>	Francisco Blvd East Resurfacing	206	Gas Tax														
	<b>R.12</b>	Lincoln Avenue Curb Ramps (Construction)	206	Gas Tax - RMRA														
	<b>R.13</b>	76 D Street Hillside Revetment		Grant: CalOES														
	<b>R.14</b>	201 D Street Driveway and Sidewalk Improvements	206	Gas Tax														
	<b>R.15</b>	Fifth and D Resurfacing - Public Safety Center	206	Gas Tax														
	<b>R.16</b>	First Street at Mahon Creek Wall Repair	206	Gas Tax														
	<b>R.17</b>	Schoen Park Conversion to Parking Lot	206	Gas Tax														
	<b>R.18</b>	Bungalow Avenue Reconstruction	206	Gas Tax														
<b>Funded Total</b>																		
<b>Unfunded</b>		Aerial Undergrounding of Utilities		Unfunded														
		Fairhills Drive Slide Repair		Unfunded														
		Fourth Street Curb Ramp Replacement		Unfunded														
		Lincoln Avenue Bridge Repair (Construction)		Grants: Unsecured														
		Mission Ave (Boyd Park) Sidewalk		Unfunded														
		Second Street Resurfacing (Phase 1)		Unfunded														
<b>Unfunded Total</b>																		

# Transportation

			Total			Prior Year Funding			FY 2019-20 Total			FY 2020-21			FY 2021-22		
			Planning	Design	Construction	Planning	Design	Construction	Planning	Design	Construction	Planning	Design	Construction	Planning	Design	Construction
<b>Funded</b>	<b>T.01</b>	Crosswalk Improvements Citywide FY 2019-20	<b>206</b>	Gas Tax													
	<b>T.02</b>	Crosswalk Improvements Citywide FY 2020-21	<b>206</b>	Gas Tax													
	<b>T.03</b>	Crosswalk Improvements Citywide FY 2021-22	<b>206</b>	Gas Tax													
	<b>T.04</b>	Innovative Deployment of Enhanced Arterials (IDEA)		IDEA Grant (MTC)													
	<b>T.05</b>	Third Street and Hetherton Intersection Improvements	<b>206</b>	Gas Tax													
			<b>246</b>	Traffic Mitigation Fund													
				Grant: Highway Safety Improvement Program													
	<b>T.06</b>	Francisco Blvd East Sidewalk Widening	<b>206</b>	Gas Tax													
				Grant: OBAG (Federal)													
				Grant: ATP (State)													
	<b>T.07</b>	Third Street Improvements - Lindaro to Miracle Mile		Grant: State-Local Partnership Program													
				Grant: Measure A Major Road Improvements													
	<b>T.08</b>	Freitas and Highway 101 Offramp Improvements	<b>206</b>	Gas Tax													
	<b>T.09</b>	Third Street Intersection Improvements: Grand to Lindaro	<b>206</b>	Gas Tax													
			<b>246</b>	Traffic Mitigation Funds													
				Grant: Measure A Major Road Improvements													
				Grant: HSIP													
	<b>T.10</b>	Bellam and Francisco Blvd East Improvements	<b>206</b>	Gas Tax													
	<b>T.11</b>	Second Street Intersection Improvements	<b>206</b>	Gas Tax													
			<b>246</b>	Traffic Mitigation Funds													
	<b>T.12</b>	Fifth Street Signal System Improvements: Court to E Streets	<b>246</b>	Traffic Mitigation Fund													
	<b>T.13</b>	Fourth Street Signal System Improvements: B Street to Cijos	<b>246</b>	Traffic Mitigation Fund													
	<b>T.14</b>	North San Rafael Traffic Signal Connections	<b>246</b>	Traffic Mitigation Fund													
	<b>T.15</b>	Bicycle & Pedestrian Master Plan Implementation FY 2019-20	<b>206</b>	Gas Tax													
	<b>T.16</b>	Bicycle & Pedestrian Master Plan Implementation FY 2020-21	<b>206</b>	Gas Tax													
	<b>T.17</b>	Bicycle & Pedestrian Master Plan Implementation FY 2021-22	<b>206</b>	Gas Tax													
<b>Funded Total</b>																	
<b>Unfunded</b>		Bellam/Andersen Intersection Improvements		Unfunded													
		Francisco Blvd. West MUP Phase II		Grants: Unsecured													
				Grants: Urban Greening (CA Natural Resources Agency)													
		Freitas and Las Gallinas: Left turn signal head		Unfunded													
		Merrydale Pathway - North Connector (Construction)		Unfunded													
		Safe Routes to School – Davidson Phase 2		Unfunded													
		San Rafael Highschool Crosswalk		Grants: Unsecured													
		South Merrydale Connector		Unfunded													
		West End/Marquad Bulb Out and Bicycle Improvements		Unfunded													
<b>Unfunded Total</b>																	