



AGENDA

SAN RAFAEL CITY COUNCIL – TUESDAY, SEPTEMBER 6, 2022

REGULAR MEETING AT 7:00 P.M.

In-Person:

San Rafael City Council Chambers
1400 Fifth Avenue, San Rafael, CA 94901

Participate Virtually:

Watch on Zoom Webinar: <https://tinyurl.com/cc-2022-09-06>

Watch on YouTube: www.youtube.com/cityofsanrafael

Listen by phone: (669) 900-9128

ID: 817-3692-0337#

One Tap Mobile: US: +16699009128,,81736920337#

CORONAVIRUS (COVID-19) ADVISORY NOTICE

In response to Assembly Bill 361, the City of San Rafael is offering teleconference without complying with the procedural requirements of Government Code section 54953(b)(3). This meeting will be held in-person, virtually using Zoom and is being streamed to YouTube at www.youtube.com/cityofsanrafael.

How to participate in the meeting in-person:

- Stay home if you are experiencing COVID-19 symptoms
- Face coverings are recommended for attendees
- Use the sign-in sheet (optional) which allows notification of potentially exposed individuals if contact tracing reveals COVID-19 transmission may have occurred in a given meeting
- Attendance will be limited to 50 percent of room capacity (no more than 90 persons) and all in-person attendees should socially distance as recommended by public health authorities. If the Chambers are 50% occupied, please participate online instead or utilize the audio feed in the lobby.
- All attendees are encouraged to be fully vaccinated.

How to participate in the meeting virtually:

- Submit public comment in writing before 4:00 p.m. the day of the meeting to city.clerk@cityofsanrafael.org.
- Join the Zoom webinar and use the 'raise hand' feature to provide verbal public comment.
- Dial-in to Zoom's telephone number using the meeting ID and provide verbal public comment.

Any member of the public who needs accommodations should contact the City Clerk (email city.clerk@cityofsanrafael.org or phone at 415-485-3066) who will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

OPEN SESSION

1. None.

CLOSED SESSION

2. None.

OPEN TIME FOR PUBLIC EXPRESSION

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 AND COUNCILMEMBER REPORTS:

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

3. City Manager and Councilmember Reports:

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 Regular Meeting of August 1, 2022 and City Council Special Meetings of August 8, 2022 and August 29, 2022 (CC)

Recommended Action - Approve minutes as submitted

b. **Conflict of Interest Code Update**

Resolution Repealing Resolution No. 14855, Re-Adopting the Fair Political Practices Commission Model Conflict of Interest Code as the City's Conflict of Interest Code, and Adopting a Revised List of Designated Employee Positions and Disclosure Categories, to be Incorporated into the City's Conflict of Interest Code (CC)

Recommended Action - Adopt Resolution

c. **Restructure of Voter Approved Tax Measure Oversight Committees**

Resolution Establishing and Adopting Bylaws of the Voter Approved Tax Oversight Committee; Appointing the Voter Approved Tax Oversight Committee as the Transaction and Use Tax Oversight Committee, the Special Library Parcel Tax Oversight Committee, the Independent Oversight Committee Over the Cannabis Industry Tax Revenues, and as the Independent Oversight Committee Over Voter Approved City Tax Measures; and Dissolving the Existing Transaction and Use Tax Oversight Committee, the Special Library Parcel Tax Oversight Committee, and the Cannabis Industry Tax Oversight Committee (CC)

Recommended Action - Adopt Resolution

d. **Use of Teleconferencing for Public Meetings During State of Emergency**

Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for the Use or Continued Use of Teleconferencing to Hold Public Meetings of the City's Legislative Bodies During the Continuing State of Emergency Relating to the Covid-19 Pandemic (CA)

Recommended Action - Adopt Resolution

e. **Animal Care Facilities Ordinance**

Final Adoption of Ordinance 2015: An Ordinance Amending the Text of the San Rafael Municipal Code, Table 14.05.020 Under Section 14.05.020, Land Use Regulations (GC, NC,

O, C/O, R/O, FBWC) to Allow Animal Care Facilities as a Conditionally Permitted Use in the Office (O) District Subject to Performance Standards; Amending the Text of Table 14.06.020 Under Section 14.06.020, Land Use Regulations (I, LI/O, CCI/O, LMU) to Subject Animal Care Facilities to Performance Standards; and Amending Text of Chapter 14.17 to Establish Performance Standards for Animal Care Facilities (CC)
Recommended Action – Final adoption of Ordinance 2015

f. **Support of the Digital Marin Strategic Plan**

Resolution in Support of the Digital Marin Strategic Plan (DS)
Recommended Action – Adopt Resolution

g. **National Preparedness Month**

Proclamation Supporting National Preparedness Month (FD)
Recommended Action – Receive and file

h. **Hispanic Heritage Month**

Proclamation Supporting Hispanic Heritage Month (HR)
Recommended Action – Receive and file

i. **Special Event Street Closures in Downtown San Rafael**

Resolution Authorizing Closures of Fourth Street Between F Street and G Street on October 6th, 7th and 14th to support the limited extension of outdoor events including the San Rafael Thursday and Friday Night Block Party (PD)
Recommended Action – Adopt Resolution

j. **San Rafael Inter Department Fleet Replacement FY2022-23**

Resolution Approving and Authorizing the City Manager to Purchase Fourteen (14) Vehicles Across City Departments for Replacement, In an Amount Not to Exceed \$1,034,100 (PW)
Recommended Action – Adopt Resolution

k. **Stormwater Pump Station Repairs**

Resolution Authorizing the City Manager to Waive Competitive Bidding and Award and Execute an Agreement for the Performance of Stormwater Pump Station Repairs to Pump Repair Service Company in the Amount of \$345,686, and Authorizing Contingency Funds of \$34,614 for a Total Appropriated Amount of \$380,300 (PW)
Recommended Action – Adopt Resolution

SPECIAL PRESENTATIONS

5. Special Presentations:

a. **Proclamation in Support of Suicide Prevention and Awareness (Fin)**

PUBLIC HEARING

6. Public Hearing:

a. ***Continued to September 19, 2022 - “Streetaries” Outdoor Eating Areas Ordinance***

Introduction of an Ordinance of the City of San Rafael adding Chapter 11.70 (“Streetaries” Outdoor Eating Areas) to Title 11 (Public Works) of the San Rafael Municipal Code; amending Section 14.16.277 of Chapter 14.16 (Site Use and Regulations), Section 14.17.110 of Chapter 14.17 (Performance Standards), Section 14.05.020 of Chapter 14.05 (Commercial and Office Districts), Section 14.06.020 of Chapter 14.06 (Industrial Districts)

and Section 14.08.020 of Chapter 14.08 (Marine District) of Title 14 (Zoning) of the San Rafael Municipal Code; and Amending Table 2.3.070.a (Use Table) of Chapter 9 (Downtown Form-Based Code) of the Downtown San Rafael Precise Plan Relating to Outdoor Eating Areas in the Public Right-of-Way (PW)

Continued to September 19, 2022

b. Boards & Commissions Updates

Resolution and Ordinance Changes to Existing City Boards and Commissions (CC):

- i. Introduce an Ordinance of the City of San Rafael Amending Sections 2.16.030 Through 2.16.033 of the San Rafael Municipal Code Related to the Board of Library Trustees
Recommended Action - Waive further reading and Introduce the Ordinance
- ii. Resolution Amending the Board of Library Trustees Bylaws
Recommended Action - Adopt Resolution
- iii. Introduce an Ordinance of the City of San Rafael Amending Section 14.25.070 and Adding Sections 2.16.120 Through 2.16.122 of the San Rafael Municipal Code Related to the Design Review Board
Recommended Action - Waive further reading and Introduce the Ordinance
- iv. Resolution Amending the Design Review Board Bylaws
Recommended Action - Adopt Resolution
- v. Introduce an Ordinance of the City of San Rafael Amending Sections 2.16.010 Through 2.16.013 of the San Rafael Municipal Code Related to the Fire Commission
Recommended Action - Waive further reading and Introduce the Ordinance
- vi. Resolution Amending the Fire Commission Bylaws
Recommended Action - Adopt Resolution

OTHER AGENDA ITEMS:

7. Other Agenda Items:

- a. **Grand Jury Report - Affordable Housing: Time for Collaboration in Marin**
Resolution Approving and Authorizing the Mayor to Execute the Response to the Marin County Civil Grand Jury Report Entitled - Affordable Housing: Time for Collaboration In Marin (CD)
Recommended Action - Adopt Resolution
- b. **Agreement for Disbursement of Measure A Tax Proceeds and Measure A Work Plan for July 1, 2022 - June 30, 2023**
Resolution Authorizing the City Manager to Execute an Agreement with the County of Marin for Disbursement of Measure A Tax Proceeds and Approving the Measure A Work Plan for July 1, 2022 - June 30, 2023 (LR)
Recommended Action - Adopt Resolution

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 online and at City Hall, 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 may be requested by calling (415) 485-3066 (voice), emailing city.clerk@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. To request Spanish language interpretation, please submit an online form at <https://www.cityofsanrafael.org/request-for-interpretation/>.



MINUTES

SAN RAFAEL CITY COUNCIL - MONDAY, AUGUST 1, 2022

REGULAR MEETING AT 7:00 P.M.

In-Person:

**San Rafael City Council Chambers
1400 Fifth Avenue, San Rafael, CA 94901**

Participate Virtually:

Watch on Zoom Webinar: <https://tinyurl.com/cc-2022-08-01>

Watch on YouTube: www.youtube.com/cityofsanrafael

Listen by phone: (669) 900-9128

ID: 817-3692-0337#

One Tap Mobile: US: +16699009128,,81736920337#

CORONAVIRUS (COVID-19) ADVISORY NOTICE

In response to Assembly Bill 361, the City of San Rafael is offering teleconference without complying with the procedural requirements of Government Code section 54953(b)(3). This meeting will be held in-person, virtually using Zoom and is being streamed to YouTube at www.youtube.com/cityofsanrafael.

How to participate in the meeting in-person:

- Stay home if you are experiencing COVID-19 symptoms
- Face coverings are recommended for attendees
- Use the sign-in sheet (optional) which allows notification of potentially exposed individuals if contact tracing reveals COVID-19 transmission may have occurred in a given meeting
- Attendance will be limited to 50 percent of room capacity (no more than 90 persons) and all in-person attendees should socially distance as recommended by public health authorities. If the Chambers are 50% occupied, please participate online instead or utilize the audio feed in the lobby.
- All attendees are encouraged to be fully vaccinated.

How to participate in the meeting virtually:

- Submit public comment in writing before 4:00 p.m. the day of the meeting to city.clerk@cityofsanrafael.org.
- Join the Zoom webinar and use the 'raise hand' feature to provide verbal public comment.
- Dial-in to Zoom's telephone number using the meeting ID and provide verbal public comment.

Any member of the public who needs accommodations should contact the City Clerk (email city.clerk@cityofsanrafael.org or phone at 415-485-3066) who will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

Present: Mayor Kate
Vice Mayor Kertz
Councilmember Bushey
Councilmember Hill

Absent: Councilmember Llorens Gulati

Also Present: Assistant City Manager Cristine Alilovich
City Attorney Robert Epstein
City Clerk Lindsay Lara

Mayor Kate called the meeting to order at 7:00 p.m. and invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present, except for Councilmember Llorens Gulati.

Mayor Kate provided opening remarks, which included the hybrid City Council meeting, gratitude to City Staff, the City Manager’s newsletter (Snapshot), National Night Out and a land acknowledgement.

City Clerk Lindsay Lara informed the community that the in-person meeting would also be recorded and streamed live to YouTube and through Zoom, and members of the public would provide public comment either on the telephone or through Zoom. She explained the process for community participation on the telephone, through Zoom and in-person.

OPEN SESSION

- 1. None.

CLOSED SESSION

- 2. None.

OPEN TIME FOR PUBLIC EXPRESSION

- Durriya Syed, CA Department of Insurance, addressed the City Council regarding wildfire season programs.
- Eva Chrysanthe addressed the City Council regarding Monkeypox, National Night Out, the Sheriff swearing-in and the Service Support Area.
- Name Withheld addressed the City Council regarding Monkeypox.
- Al Vetere addressed the City Council regarding a code enforcement request.

CITY MANAGER AND COUNCILMEMBER REPORTS:

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

- 3. City Manager and Councilmember Reports:

Assistant City Manager Cristine Alilovich announced:

- The City Council meeting set for August 15 has been cancelled. The next regular City Council meeting to be held on Tuesday, September 6. A special City Council meeting to be held on August 8 at 5:00 p.m.
- COVID-19 Update

Councilmember Reports:

- Councilmember Kertz provided an update on the Homeless Policy Steering Committee.
- Mayor Kate reported on Transportation Authority of Marin (TAM), Marin Transit and SMART meetings.

Mayor Kate invited public comment.

Speakers: Eva Chrysanthe, Damien

CONSENT CALENDAR:

Councilmember Hill disqualified himself from Consent Item 4.k. Item 4.k was pulled from the Consent Calendar.

Mayor Kate invited public comment on all Consent items, 4.a through 4.k.

Speakers: Matthew Hartzell, WTB-TAM, Gregory Andrew, David Smith, Eva Chrysanthe

Councilmember Kertz moved and Councilmember Bushey seconded to approve the Consent Calendar, excluding Item 4.k.

4. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of City Council Regular Meeting of July 18, 2022 (CC)

Approved minutes as submitted

b. **Use of Teleconferencing for Public Meetings During State of Emergency**

Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for the Use or Continued Use of Teleconferencing to Hold Public Meetings of the City's Legislative Bodies During the Continuing State of Emergency Relating to the Covid-19 Pandemic (CA)

Resolution 15106 - Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for the Use or Continued Use of Teleconferencing to Hold Public Meetings of the City's Legislative Bodies During the Continuing State of Emergency Relating to the Covid-19 Pandemic

c. **SB 9 Housing Development and Urban Lot Split Regulations**

Final Adoption of Ordinance 2013: An Ordinance of the City of San Rafael Amending Title 14 (Zoning Ordinance) and Title 15 (Subdivisions) of the San Rafael Municipal Code Related to Regulations to Implement Provisions of SB 9 (CC)

Final adoption of Ordinance 2013

d. **Leaf Blower Ordinance**

Final Adoption of Ordinance 2014: An Ordinance of the City of San Rafael Adding Chapter 8.40 to the San Rafael Municipal Code Entitled "Regulation of Small Off-Road Engines", Related to Regulating Operation of Leaf Blowers (CC)

Final adoption of Ordinance 2014

e. **Legal Services Contract**

Resolution Authorizing the City Manager to Approve and Execute an Agreement with Burke, Williams & Sorensen, LLP for Essential Legal Services to Supplement Staff in the City Attorney's Office, in an Amount Not to Exceed \$150,000 (CA)

Resolution 15107 - Resolution Authorizing the City Manager to Approve and Execute an Agreement with Burke, Williams & Sorensen, LLP for Essential Legal Services to Supplement Staff in the City Attorney's Office, in an Amount Not to Exceed \$150,000

f. **Microsoft Licensing Renewal**

Resolution Authorizing the City Manager to Execute the Required Forms to Renew the City's Enrollment with Microsoft Corporation as Part of a Joint Microsoft Enterprise Agreement, and Issue Purchase Orders to Software One, Inc., for Microsoft Software Licenses at a Cost Not to Exceed \$240,000 Per Year for the Next Three Years (DS)

Resolution 15108 - Resolution Authorizing the City Manager to Execute the Required Forms to Renew the City's Enrollment with Microsoft Corporation as Part of a Joint Microsoft Enterprise

Agreement, and Issue Purchase Orders to Software One, Inc., for Microsoft Software Licenses at a Cost Not to Exceed \$240,000 Per Year for the Next Three Years

- g. **Spinnaker Point Parking Modifications Project**
Resolution Authorizing the City Manager to Award and Execute a Construction Agreement for the Spinnaker Point Parking Modifications Project, City Project No. 11363, to Michael Paul Company, Inc. in the Amount of \$844,693, and Authorizing Contingency Funds of \$125,307 for a Total Appropriated Amount of \$970,000 (PW)
Resolution 15109 - Resolution Authorizing the City Manager to Award and Execute a Construction Agreement for the Spinnaker Point Parking Modifications Project, City Project No. 11363, to Michael Paul Company, Inc. in the Amount of \$844,693, and Authorizing Contingency Funds of \$125,307 for a Total Appropriated Amount of \$970,000
- h. **2022/23 Slurry Seal Project**
Resolution Authorizing the City Manager to Award and Execute a Construction Agreement for the 2022/23 Slurry Seal Project, City Project No. 11415, to American Asphalt Repair Resurfacing Co., Inc. in the Amount of \$737,600, and Authorizing Contingency Funds of \$82,400, for a Total Appropriated Amount of \$820,000 (PW)
Resolution 15110 - Resolution Authorizing the City Manager to Award and Execute a Construction Agreement for the 2022/23 Slurry Seal Project, City Project No. 11415, to American Asphalt Repair Resurfacing Co., Inc. in the Amount of \$737,600, and Authorizing Contingency Funds of \$82,400, for a Total Appropriated Amount of \$820,000
- i. **Community Development Block Grant (CDBG) Agreement**
Resolution Authorizing the City Manager to Execute an Agreement with the County of Marin for the Use of \$184,008 of Community Development Block Grant Funds for the City's Canal Area Pump Station Improvements Project (PW)
Resolution 15111 - Resolution Authorizing the City Manager to Execute an Agreement with the County of Marin for the Use of \$184,008 of Community Development Block Grant Funds for the City's Canal Area Pump Station Improvements Project
- j. **Manuel T. Freitas/101 North Ramps Roundabout**
Resolution Authorizing the City Manager to Approve and Execute a Cooperative Agreement with Caltrans to Contribute Funds for Professional Engineering Services Associated with the Manuel T. Freitas Roundabout Project in an Amount Not to Exceed \$400,000 (PW)
Resolution 15112 - Resolution Authorizing the City Manager to Approve and Execute a Cooperative Agreement with Caltrans to Contribute Funds for Professional Engineering Services Associated with the Manuel T. Freitas Roundabout Project in an Amount Not to Exceed \$400,000
- AYES: Councilmembers: Bushey, Hill, Kertz & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: Llorens Gulati
- k. **[Third Street Rehabilitation Project](#)**
Resolution Authorizing the City Manager to Execute a Contract Change Order for the Third Street Rehabilitation Project to Ghilotti Bros. Inc. in the Amount of \$298,795 From the Project Contingency (PW)

This item was held from the Consent Calendar.

City Attorney Rob Epstein provided comments. Councilmember Hill could remain on the dais for this Consent item, even though he disqualified himself.

Councilmember Bushey moved and Councilmember Kertz seconded to approve Item 4.k.

AYES: Councilmembers: Bushey, Kertz & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: Llorens Gulati
RECUSED: Councilmembers: Hill

Councilmember Hill was present, but disqualified himself.

Resolution 15113 - Resolution Authorizing the City Manager to Execute a Contract Change Order for the Third Street Rehabilitation Project to Ghilotti Bros. Inc. in the Amount of \$298,795 From the Project Contingency

PUBLIC HEARING

5. Public Hearing:

a. [Amendment to Zoning Ordinance to Allow Animal Care Facilities as a Conditionally Permitted Use in the Office \(O\) Zoning District](#)

Introduction of an Ordinance Amending the Text of the San Rafael Municipal Code, Table 14.05.020 Under Section 14.05.020, Land Use Regulations (GC, NC, O, C/O, R/O, FBWC) to Allow Animal Care Facilities as a Conditionally Permitted Use in the Office (O) District Subject to Performance Standards; Amending the Text of Table 14.06.020 Under Section 14.06.020, Land Use Regulations (I, LI/O, CCI/O, LMU) to Subject Animal Care Facilities to Performance Standards; and Amending Text of Chapter 14.17 to Establish Performance Standards for Animal Care Facilities (CD)

Ali Giudice, Community Development Director introduced Jayni Allsep, City Consultant who presented the Staff Report.

Mayor Kate invited public comment.

Speakers: Riley Hurd, Al Vetere, Gregory Andrew

Staff responded to public comment.

Councilmembers provided comments.

City Clerk Lindsay Lara read the title of the ordinance

Councilmember Bushey moved and Councilmember Kertz seconded to waive further reading of the ordinance and refer to it by title only, and introduce the ordinance.

AYES: Councilmembers: Bushey, Hill, Kertz & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: Llorens Gulati

Waived further reading and refer to it by title only and Introduced the Ordinance

OTHER AGENDA ITEMS:

6. Other Agenda Items:

a. [San Rafael 2023-2031 Housing Element](#)
Report on 2023-2031 Housing Element Opportunity Sites Inventory (CD)

Ali Giudice, Community Development Director introduced Barry Miller, City Consultant who presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Ray Lorber, Al Vetere, Stuart Watson, David Smith, Gregory Andrew

Staff responded to public comment.

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Hill seconded to accept the report.

AYES:	Councilmembers:	Bushey, Hill, Kertz & Mayor Kate
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Llorens Gulati

Accepted report

b. [Grand Jury Report on Electrifying Marin's Buildings](#)
Resolution Approving and Authorizing the Mayor to Execute the City of San Rafael's Response to the 2021-2022 Marin County Civil Grand Jury Report Entitled "Electrifying Marin's Buildings: A Countywide Approach" (CM)

Cory Bytof, Sustainability Program Manager presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Arlin Benavides, Sustainable San Rafael, David Moller, Marin/Sonoma Building Electrification Squad, Ken Strong, Marin Conservation League, Kay Karchevski, Belle Cole, Organizing for Action Marin, Pam Reaves, Marin Conservation League

Staff responded to public comment.

Staff provided comments.

Councilmembers provided comments.

Councilmember Kertz moved and Councilmember Hill seconded to adopt the resolution.

AYES: Councilmembers: Hill, Kertz & Mayor Kate
NOES: Councilmembers: Bushey
ABSENT: Councilmembers: Llorens Gulati

Resolution 15114 - Resolution Approving and Authorizing the Mayor to Execute the City of San Rafael's Response to the 2021-2022 Marin County Civil Grand Jury Report Entitled "Electrifying Marin's Buildings: A Countywide Approach"

c. [Hearing on Resolution of Necessity Initiating Eminent Domain Process to Acquire a Portion of 700/740 Francisco Boulevard West, San Rafael, California in Connection with Phase 1 of the Francisco Boulevard West Multi-Use Pathway Project](#)

Resolution to Determine the Necessity to Acquire a Portion of Property by Eminent Domain in Connection with Phase 1 of the Francisco Boulevard West Multi-Use Pathway Project; To Authorize Commencement of Litigation to Acquire Property by Eminent Domain; And to Seek an Order of Possession (Code of Civil Procedure Section 1245.220) (CA/PW)

Genevieve Coyle, Assistant City Attorney presented the Staff Report.

Mayor Kate invited public comment; however, there was none.

Councilmember Kertz moved and Councilmember Hill seconded to adopt the resolution.

AYES: Councilmembers: Bushey, Hill, Kertz & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: Llorens Gulati

Resolution 15115 - Resolution to Determine the Necessity to Acquire a Portion of Property by Eminent Domain in Connection with Phase 1 of the Francisco Boulevard West Multi-Use Pathway Project; To Authorize Commencement of Litigation to Acquire Property by Eminent Domain; And to Seek an Order of Possession (Code of Civil Procedure Section 1245.220)

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None.

ADJOURNMENT:

Mayor Kate adjourned the meeting at 9: 49 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2022

KATE COLIN, Mayor



Minutes subject to approval at the meeting of September 6, 2022

**SAN RAFAEL CITY COUNCIL SPECIAL MEETING
MONDAY, AUGUST 8, 2022 AT 5:00 P.M.**

Participate Virtually:

Watch on Zoom Webinar: <https://tinyurl.com/spcc-2022-08-08>

Listen by phone: (669) 900-9128

ID: 815-1308-6332#

One Tap Mobile: US: +16694449171,,81513086332#

MINUTES

Present: Councilmember Bushey
Councilmember Hill
Councilmember Llorens Gulati
Mayor Kate

Absent: Vice Mayor Kertz

Also Present: City Manager Jim Schutz
City Clerk Lindsay Lara

Mayor Kate called the meeting to order at 5:00 p.m. and requested City Clerk Lindsay Lara call the roll. All members of the City Council were present, except for Vice Mayor Kertz.

Mayor Kate opened the public comment period for all agenda items; however, there was none.

1. Planning Commission Interviews

Interview Applicants and Make Appointments to Fill Two At-Large Four-Year Terms to the End of June 2026 on the Planning Commission Due to the Expiration of Terms of Aldo Mercado and Jon Haveman (CC)

The City Council interviewed the following applicants: Aldo Mercado and Jon Haveman. Applicant Sophia McInerney Corbett withdrew, Mark Yatman expressed interest in the Park & Recreation Commission only, and Meili Zhao did not attend the interview.

Councilmember Bushey moved and Councilmember Llorens Gulati seconded to reappoint Aldo Mercado and Jon Haveman to the Planning Commission to the end of June 2026.

Ayes: Councilmembers: Bushey, Hill, Llorens Gulati and Mayor Kate

Noes: Councilmembers: None

Absent: Councilmembers: Vice Mayor Kertz

Motion passed 4-0

2. Park and Recreation Commission Interviews

Interview Applicants and Make an Appointment to Fill One Four-Year Term to the End of May 2026 on the Park and Recreation Commission Due to the Expiration of Terms of Ariel Gutierrez, Kathryn Reisinger and Stacey Laumann (CC)

The City Council interviewed the following applicants: Ariel Gutierrez and Mark Yatman. Ceci De La Montanya withdrew her application.

Mayor Kate clarified the recent Commission membership amendment from seven members to five members and informed the City Council that only one applicant would be appointed, as presented in the staff report.

Councilmember Hill moved and Councilmember Bushey seconded to reappoint Ariel Gutierrez to the Park and Recreation Commission to the end of May 2026.

Ayes: Councilmembers: Bushey, Hill, Llorens Gulati and Mayor Kate
Noes: Councilmembers: None
Absent: Councilmembers: Vice Mayor Kertz

Motion passed 4-0

3. **Public Art Review Board Interviews**

Interview Applicants and Make Appointments to Fill Two Four-Year Terms to the End of August 2026 and One Two-Year Term to the End of August 2024 on the Public Art Review Board (CC)

The City Council interviewed the following applicants: Kristyn Merritt, Meili Zhao and Morgan Schauffler.

Councilmember Bushey moved and Councilmember Llorens Gulati seconded to appoint Kristyn Merritt and Morgan Schauffler to the end of August 2026, and Meili Zhao to the end of August 2024, on the Public Art Review Board.

Ayes: Councilmembers: Bushey, Hill, Llorens Gulati and Mayor Kate
Noes: Councilmembers: None
Absent: Councilmembers: Vice Mayor Kertz

Motion passed 4-0

CONSENT CALENDAR:

Mayor Kate invited public comment; however, there was none.

Councilmember Hill moved and Councilmember Llorens Gulati seconded to approve the Consent Calendar.

4. Consent Calendar:

- a. **West End Village (1628 5th Avenue) Final Map 9-Unit Residential Condominium Building Resolution Approving the Final Subdivision Map for the West End Village Subdivision for Condominium Purposes (PW)**

Resolution 15116 - Resolution Approving the Final Subdivision Map for the West End Village Subdivision for Condominium Purposes

Ayes: Councilmembers: Bushey, Hill, Llorens Gulati and Mayor Kate
Noes: Councilmembers: None
Absent: Councilmembers: Vice Mayor Kertz

Motion passed 4-0

ADJOURNMENT:

Mayor Kate adjourned the meeting at 6:53 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2022

KATE COLIN, Mayor

DRAFT



Minutes subject to approval at the meeting of September 6, 2022

**SAN RAFAEL CITY COUNCIL SPECIAL MEETING
CITY COUNCIL CLOSED SESSION
MONDAY, AUGUST 29, 2022 AT 5:00 P.M.**

VIRTUAL MEETING

Zoom Webinar: <https://tinyurl.com/ccspcs-2022-08-29>

Phone: (669) 444-9171

Meeting ID: 833-0421-4020#

One-tap Mobile: US: +16694449171,,83304214020#

Present: Councilmember Bushey
Councilmember Hill
Vice Mayor Kertz
Councilmember Llorens Gulati
Mayor Kate

OPEN SESSION

1. Mayor Kate to announce Closed Session items.

Mayor Kate opened the public comment period.

Speaker: Eva Chrysanthe

There being no further comment from the audience, Mayor Kate closed the public comment period and adjourned to Closed Session.

CLOSED SESSION

2. Closed Session:
 - a. Conference with Legal Counsel - Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1): 2 cases
Blaike, et al. v. City of San Rafael, et al.
City of San Rafael v. Chesson, et al.

ADJOURNMENT:

Mayor Kate adjourned the meeting at 6:32 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2022

KATE COLIN, Mayor



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Clerk

Prepared by: Lindsay Lara, City Clerk

City Manager Approval: _____

TOPIC: CONFLICT OF INTEREST CODE UPDATE

SUBJECT: RESOLUTION REPEALING RESOLUTION NO. 14855, RE-ADOPTING THE FAIR POLITICAL PRACTICES COMMISSION MODEL CONFLICT OF INTEREST CODE AS THE CITY'S CONFLICT OF INTEREST CODE, AND ADOPTING A REVISED LIST OF DESIGNATED EMPLOYEE POSITIONS AND DISCLOSURE CATEGORIES, TO BE INCORPORATED INTO THE CITY'S CONFLICT OF INTEREST CODE

RECOMMENDATION:

Adopt a resolution repealing Resolution 14855, re-adopting the [Fair Political Practices Commission](#) (FPPC) Model Conflict of Interest Code as the City's Conflict of Interest Code, and adopting a revised list of designated employee positions and disclosure categories, to be incorporated into the City's Conflict of Interest Code.

BACKGROUND:

FPPC regulations require that, in every even-numbered year, each public agency review and, if necessary, revise that portion of the Conflict of Interest Code containing the agency's lists of designated positions and disclosure categories. These lists have been formulated using the criteria from FPPC regulations requiring that all local officials, who foreseeably may materially affect their private economic interests through the exercise of their public duties, disclose their economic interests by filing a Statement of Economic Interest (Form 700). Some officials are required to file disclosure statements because of their position, and others are required to file because of their duties.

In compliance with this FPPC requirement, the City Clerk worked with City departments to review and, if necessary, revise their lists of designated positions and disclosure categories to reflect the City's current organizational structure. These lists have now been revised with that information.

In addition, the FPPC has interpreted the Political Reform Act (PRA) to apply to members of those City boards and commissions with "decision-making authority," as well as to certain consultants. Boards and Commissions are considered to have "decision-making authority" if historically the recommendations of those boards and commissions have been routinely adopted by the City Council. Consultants are

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

considered “public officials” for purposes of the PRA if they either serve in the capacity of a staff member or make recommendations that are routinely adopted by the City. The various City departments have provided updated information regarding the applicability of these regulations to their respective consultants as well as their boards and commissions, and that information has been used to update the Conflict of Interest Code.

A copy of this staff report will be provided to all those who will be required to file for the first time.

Copies of all statements of economic interest are kept on file in the City Clerk’s office for public review.

ANALYSIS:

The City Clerk’s office worked in collaboration with the executive team to determine which positions in their department should be either added or removed from the previously adopted list of designated employees. All changes recommended by the executive team are included in the red-lined Appendix A.

The disclosure requirements for Mayor, City Councilmembers, City Manager, City Attorney, City Treasurer, and the Planning Commissioners are set forth in Government Code Sections 87200-87210, and are not included in the City’s Code. These officials are covered under separate regulations and their disclosure statements are filed with the FPPC in Sacramento, with copies kept on file in the City Clerk’s office for public review.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

ACTION:

Adopt a resolution repealing Resolution 14855, re-adopting the [Fair Political Practices Commission](#) (FPPC) Model Conflict of Interest Code as the City’s Conflict of Interest Code, and adopting a revised list of designated employee positions and disclosure categories, to be incorporated into the city’s conflict of interest code.

ATTACHMENTS:

1. Resolution for adoption, including Appendices A and B (redlined)
2. Model FPPC Conflict of Interest Code (2 CCR Section 18730)

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL REPEALING RESOLUTION 14855, RE-ADOPTING THE FAIR POLITICAL PRACTICES COMMISSION MODEL CONFLICT OF INTEREST CODE AS THE CITY'S CONFLICT OF INTEREST CODE, AND ADOPTING A REVISED LIST OF DESIGNATED EMPLOYEE POSITIONS AND DISCLOSURE CATEGORIES, TO BE INCORPORATED INTO THE CITY'S CONFLICT OF INTEREST CODE

WHEREAS, pursuant to California Government Code Sections 81000, et seq. (the Political Reform Act, or PRA), the City Council has adopted by Resolution from time to time the Fair Political Practices Commission's (FPPC) model Conflict of Interest Code, contained in Title 2, California Code of Regulations, Section 18730, as the City's Conflict of Interest Code, and adopted therewith designated employee positions and disclosure categories for incorporation into the City's Conflict of Interest Code, most recently by Resolution No. 14855; and

WHEREAS, every even-numbered year every state agency and local governmental agency is required to review and, if necessary, revise its Conflict of Interest Code, including reviewing and revising its list of designated employee positions and its list of disclosure categories, so as to incorporate such changes as the new titles of recently hired employees, deleted positions, and other organizational restructuring; and

WHEREAS, the City Council has determined that the attached Appendices A and B accurately set forth those designated employee positions (Appendix A - Designated Employees) and disclosure categories of financial interest (Appendix B - Disclosure Categories), which should be made reportable under the City's Conflict of Interest Code; and

WHEREAS, the City Council desires to continue to use the FPPC's model Conflict of Interest Code, as set forth in Title 2, California Code of Regulations Section 18730, as the City's Conflict of Interest Code, a copy of which is available for public review in the City Clerk's office.

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

APPENDIX A
Designated Employees

Position	Disclosure Category
All Departments	
Associate Management Analyst.....	1, 2
Management Analyst.....	1, 2
Senior Management Analyst.....	1, 2
Administrative Analyst.....	1, 2
Professional Analyst (Fixed Term)	1, 2
Business Systems Analyst (Fixed Term)	1, 2
<u>Data Analyst</u>	<u>1, 2</u>
<u>Network Analyst</u>	<u>1, 2</u>

Administrative Services	
<u>Accounting Manager.....</u>	<u>1, 2</u>
<u>Revenue Supervisor.....</u>	<u>1, 2</u>
<u>Principal Accountant.....</u>	<u>1, 2</u>
<u>Senior Accountant.....</u>	<u>1, 2</u>
<u>Payroll Technician.....</u>	<u>3a, 3c, 3g</u>
<u>Director of Employee Experience and Culture.....</u>	<u>1, 2</u>
<u>Human Resources Operations Manager.....</u>	<u>1, 2</u>

City Attorney	
Assistant City Attorney.....	1, 2
Deputy City Attorney II.....	1, 2

City Clerk	
City Clerk.....	1, 2
Deputy City Clerk.....	1, 2

City Manager	
Assistant City Manager.....	1, 2
<u>Director of Homeless Planning & Outreach.....</u>	<u>1, 2</u>
Director of Economic Development and Innovation.....	1, 2

Economic Development Program Coordinator.....	1, 2
Sustainability and Volunteer Program Coordinator.....	1, 2
<u>Parking Services Manager</u>	<u>1, 2</u>
<u>Parking Operations Supervisor</u>	<u>2, 3a, 3d, 3g</u>

Community Development	
Community Development Director.....	1, 2
Planning Manager.....	1, 2
Senior Planner.....	1, 2
Associate Planner.....	1, 2
Assistant Planner.....	1, 2
Planning Technician.....	1, 2
Senior / Code Enforcement Supervisor.....	1, 2
Code Enforcement Official III.....	1, 2
Code Enforcement Official II.....	1, 2
Code Enforcement Official I.....	1, 2
Chief Building Official.....	1, 2
Permit Services Coordinator.....	1, 2
<u>Permit Technician</u>	<u>1, 2</u>
<u>Permit Services Supervisor</u>	<u>1, 2</u>
<u>Housing Program Manager</u>	<u>1, 2</u>
Senior Building Inspector.....	1, 2
Building Inspector II.....	1, 2
Building Inspector I.....	1, 2

Digital Service and Open Government	
Director of Digital Service and Open Government.....	1, 2
Technology Operations Manager.....	1, 2
Data & Infrastructure Manager.....	1, 2
Civic Design Manager.....	1, 2
<u>Product Manager</u>	<u>1, 2</u>
Network Analyst.....	3a, 3d, 3g
GIS Analyst.....	3e, 3g

Fire Department	
Fire Chief.....	1, 2

Deputy Fire Chief.....	1, 2
Battalion Chief – Operations.....	1, 2
Battalion Chief – Administration.....	1, 2
Administrative Fire Captain.....	2, 3d, 3e, 3g
Deputy Fire Marshal.....	1, 2
<u>Deputy Director of Emergency Management</u>	<u>1, 2</u>
Fire Prevention Specialist.....	2, 3d, 3e, 3g
Fire Prevention Inspector II.....	2, 3d, 3e, 3g
Fire Prevention Inspector I.....	2, 3d, 3e, 3g
Environmental Management Coordinator.....	2, 3d, 3e, 3g
Emergency Management Coordinator.....	2, 3d, 3e, 3g
<u>Open Space/Hazard Coordinator</u>	<u>1, 2</u>
<u>Wildfire Mitigation Specialist</u>	<u>2, 3d, 3e, 3g</u>
<u>Wildfire Mitigation Project Coordinator</u>	<u>1, 2</u>
Vegetation Management Specialist.....	2, 3d, 3e, 3g

Finance	
Accounting Manager	1, 2
Revenue Supervisor	1, 2
Principal Accountant	1, 2
Senior Accountant	1, 2
Payroll Technician	3a, 3e, 3g

Human Resources	
Director of Employee Experience and Culture	1, 2
Human Resources Operations Manager	1, 2

Library and Recreation	
Library and Recreation Director.....	1, 2
Assistant Library and Recreation Director.....	1, 2
Senior Recreation Supervisor.....	3a, 3b, 3f, 3g
<u>Recreation Supervisor</u>	<u>3a, 3b, 3f, 3g</u>
<u>Program Coordinator</u>	<u>3a, 3b, 3f, 3g</u>
Supervising Librarian.....	3a, 3b, 3f, 3g
<u>Librarian I/ II</u>	<u>3a, 3b, 3f, 3g</u>

Parking Services	
------------------	--

Parking Services Manager	1, 2
Parking Operations Supervisor	2, 3a, 3d, 3g

Police Department	
Chief of Police.....	1, 2
Police Captain	1, 2
Police Lieutenant.....	1, 2
Police Support Services Supervisor	3d, 3e, 3f, 3g
Police Community Services Officer.....	3d, 3f, 3g

Department of Public Works	
Public Works Director.....	1, 2
Assistant Public Works Director / City Engineer.....	1, 2
Deputy Public Works Director.....	1, 2
Senior Civil Engineer.....	1, 2
Associate Civil Engineer.....	1, 2
Assistant Civil Engineer.....	1, 2
Sr. Associate Engineer.....	1, 2
Jr. Engineer.....	3e, 3g
Engineering Technician I.....	3e, 3g
Engineering Technician II.....	3e, 3g
Traffic Engineer.....	1, 2
Traffic Engineering Technician I.....	3e, 3g
Traffic Engineering Technician II.....	3e, 3g
Streets Maintenance Supervisor.....	1, 2
Parks Maintenance Supervisor.....	1, 2
Operations and Maintenance Manager.....	1, 2
Facility Repair Supervisor.....	3d, 3e, 3f
Shop & Equipment Supervisor.....	3d, 3e, 3f
Senior Project Manager.....	1, 2

Sanitation District	
District Manager / District Engineer.....	1, 2
Sr. Civil Engineer.....	1, 2
Associate Civil Engineer.....	1, 2
Jr. Engineer.....	1, 2

Sewers Maintenance Supervisor.....	3d, 3e, 3f
Sewer Maintenance Superintendent.....	3d, 3e, 3f

Boards & Commissions	
Design Review Board.....	1, 2
Park & Recreation Commission.....	1, 2

Consultants	
Consultants **	1, 2

*** With respect to Consultants, the relevant department director may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in these categories. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The department director shall forward a copy of this determination to the City Clerk. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.*

APPENDIX B

Disclosure Categories

Category 1: All investments and sources of income.

Category 2: All interests in real property in the jurisdiction of San Rafael or within 2 miles of the jurisdiction of San Rafael.

Category 3: Investments in business entities and sources of income of the type which have or foreseeably could contract with the City to provide services, supplies, materials, machinery, or equipment; or which could be enhanced when a designated employee makes or participates in making a decision.

- a. Personnel agencies or personnel consultants;
- b. Municode and Marin County newspapers;
- c. Financial institutions;
- d. Department record forms, communications equipment, safety equipment, firefighting or fire detection equipment, automotive or rolling stock sales, automotive parts or equipment, general departmental supplies or equipment;
- e. Building supplies or building, contractor, or construction firms;
- f. Travel agencies, recreation and athletic supplies, building maintenance and cleaning supplies;
- g. Book, software, and audio-visual publishers and distributors; computer equipment manufacturers and distributors.

NOTE: PENALTY FOR LATE FILING:

As required under the Political Reform Act of 1974, as amended, section 91013, if any person files an original statement after any deadline, he shall be liable in the amount of \$10.00 per day after the deadline until the statement is filed, up to a maximum of \$100.00, whichever is greater.

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

§ 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in the employee's statement of economic interests those economic interests the employee has which are of the kind described in the disclosure categories to which the employee is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's

disclosure categories are the kinds of economic interests which the employee foreseeably can affect materially through the conduct of the employee's office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following the person's return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that the person is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of the person's military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided the person did not make or participate in the making of, or use the person's position to influence any decision and did not receive or become entitled to receive any form of payment as a result of the person's appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation the person did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;

2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which the employee is a director, officer, partner, trustee, employee, or in which the employee holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

(D) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$520.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$520 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from

any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while the official holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of the officer's election to office through the date the officer vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of \$100 or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action.

Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use the employee's official position to influence the making of any governmental decision which the employee knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of the official's immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$500 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent the employee's participation is legally required for the decision to be made.

The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make the employees' participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use the official's position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of the official's immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that the employee should not make a governmental decision because the employee has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of the duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for the employee's agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

² See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵ A designated employee's income includes the employee's community property interest in the income of the employee's spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14).
Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).

9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).

18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).

19. Editorial correction of subsection (a) (Register 98, No. 47).

20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).

21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).

22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).

23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).

24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District,

nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).

25. Editorial correction of History 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).

27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).

28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).

29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).

30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of*

Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).

32. Amendment of section heading and subsections (a)-(b)(1), (b)(3)-(4), (b)(5)(C), (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) and amendment of footnote 1 filed 1-8-2013; operative 2-7-2013.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2013, No. 2).

33. Amendment of subsections (b)(8.1)-(b)(8.1)(A), (b)(8.2)(E)3. and (b)(9)(E) filed 12-15-2014; operative 1-1-2015 pursuant to section 18312(e)(1)(A), title 2, California Code of Regulations.

Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2014, No. 51).

34. Redesignation of portions of subsection (b)(8)(A) as new subsections (b)(8)(B)-(D), amendment of subsections (b)(8.1)-(b)(8.1)(A), redesignation of portions of subsection (b)(8.1)(A) as new subsections (b)(8.1)(B)-(C) and amendment of subsection (b)(9)(E) filed 12-1-2016; operative 12-31-2016 pursuant to Cal. Code Regs. tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision,

April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 49).

35. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-12-2018; operative 1-11-2019 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2018, No. 50).

36. Amendment of subsections (b)(8.1)-(8.1)(A) filed 12-23-2020; operative 1-1-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2020, No. 52).

37. Amendment of subsections (b)(3)(C), (b)(5)(C), (b)(5.5), (b)(5.5)(A)(2), (b)(7)(D), (b)(8)(A), (b)(8.1)(A), (b)(8.2)(A), (b)(8.2)(C)-(D), (b)(8.3)(A), (b)(9), (b)(9.3), (b)(9.5), (b)(10) and (b)(11) and footnote 5 filed 5-12-2021; operative 6-11-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974

Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2021, No. 20).



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Clerk’s Office

**Prepared by: Lindsay Lara,
City Clerk**

City Manager Approval: 

TOPIC: RESTRUCTURE OF VOTER APPROVED TAX MEASURE OVERSIGHT COMMITTEES

SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ESTABLISHING AND ADOPTING BYLAWS OF THE VOTER APPROVED TAX OVERSIGHT COMMITTEE; APPOINTING THE VOTER APPROVED TAX OVERSIGHT COMMITTEE AS THE TRANSACTION AND USE TAX OVERSIGHT COMMITTEE, THE SPECIAL LIBRARY PARCEL TAX OVERSIGHT COMMITTEE, THE INDEPENDENT OVERSIGHT COMMITTEE OVER THE CANNABIS INDUSTRY TAX REVENUES, AND AS THE INDEPENDENT OVERSIGHT COMMITTEE OVER VOTER APPROVED CITY TAX MEASURES; AND DISSOLVING THE EXISTING TRANSACTION AND USE TAX OVERSIGHT COMMITTEE, THE SPECIAL LIBRARY PARCEL TAX OVERSIGHT COMMITTEE, AND THE CANNABIS INDUSTRY TAX OVERSIGHT COMMITTEE

RECOMMENDATION:

1. Adopt a resolution establishing and adopting bylaws of the Voter Approved Tax Oversight Committee; appointing the voter approved tax oversight committee as the transaction and use tax oversight committee, the special library parcel tax oversight committee, the independent oversight committee over the cannabis industry tax revenues, and as the independent oversight committee over voter approved City tax measures; and dissolving the Transaction and Use Tax Oversight Committee, the Special Library Parcel Tax Oversight Committee and the Cannabis Industry Tax Oversight Committee

BACKGROUND:

San Rafael has three active oversight committees all tasked with providing oversight of voter approved tax measure expenditures. Each Committee consists of five members and the Committees each meet around two times annually to ensure the monies have been expended in accordance with the authorized purposes of each of the measures, as outlined in the applicable ordinances approved by the voters. In 2020, the electorate approved Measure R and the ordinance requires an independent oversight committee to monitor

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2

Measure R revenues and expenditures and conduct an annual report process. Establishing a new oversight committee for Measure R would bring San Rafael to four oversight committees, with similar purviews under different ordinances.

Unlike our other boards and commissions, recruitment and retention for oversight committees is difficult due to meeting one to two times annually, and the limited scope of the committee to provide oversight of expenditures, but not recommendations. Typically, recruitments for our oversight committees produce a very low number of applications and require extending the deadlines in an effort to receive additional applications. Since 2019, the City Clerk's office has recruited five different times and only received 17 applications for the 12 vacancies.

ANALYSIS:

The recommended action would consolidate oversight of all of the City's voter approved measures into one five-member committee, the Voter Approved Tax Oversight Committee, which would provide independent oversight on all voter approved tax measures.

This new committee structure should not negatively impact the level of oversight being provided by any of our existing oversight committees. The volunteers currently serving on oversight committees have provided an excellent service to San Rafael and our community. Not only are oversight committees required by ordinance, but oversight of voter approved taxes are an important element of good governance and transparency. Unlike our existing oversight committee structure, the consolidated Voter Approved Tax Oversight Committee would meet more frequently throughout the year, receive financial information, and generate/recommend the annual report to be approved by the city council for each measure.

The recommended Voter Approved Tax Oversight Committee's mission would be to monitor all current measure revenue and expenditures to ensure the monies have been expended in accordance with the authorized purposes, and to prepare and submit to the City Council an annual report on the expenditures and revenues from each tax measure's revenue from the previous fiscal year.

A resolution (Attachment 1) would formally establish the Voter Approved Tax Oversight Committee. Staff recommends that the Committee be composed of five (5) members. All Committee members would be required to be 18 years of age and live within city limits, and would serve staggered two- or four- year terms.

Staff recommends the application process begin immediately. The City Clerk's office would release the call for applications, with an application filing deadline of three weeks or open until filled. The City Clerk's office would contact all members currently serving on an oversight committee, as well as past applicants, to notify them of the newly established Voter Approved Tax Oversight Committee and invite them to apply, along with our usual outreach process for recruitment. The City Clerk's office is currently recruiting for vacancies on the Special Library Parcel Tax Oversight Committee (Measure D) and, if approved, staff would notify applicants of the change and confirm their interest in serving on the Voter Approved Tax Oversight Committee.

The resolution also dissolves the Measure E, D and G Oversight Committees. While staff is recommending the oversight committees be dissolved, the newly established Voter Approved Tax Oversight Committee will serve as the independent citizen oversight

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 3

committee to review the collection and expenditure of the tax revenues collected under the authority of each of the applicable ordinances.

Each ordinance approved by the voters, with the exception of the cannabis industry tax ordinance, included a clause related to independent citizen oversight, similar to this:

Independent Citizen Oversight.

A city transactions and use tax committee, to be established by the city council by resolution, shall review the collection and expenditure of tax revenues collected under the authority of this chapter. The committee shall consist of at least five (5) members, who shall be residents of the city. The terms of the committee members and their specific duties shall be established by resolution of the city council.

Section 3.19.144 of the San Rafael Municipal Code (Measure E Transactions and Use Tax); see *also*, section 3.19A.144 (Measure R Transactions and Use Tax); section 3.36.080 (Measure D Special Library Services Parcel Tax). The recommended Voter Approved Tax Oversight Committee would be consistent with these requirements.

The Measure G Cannabis Industry Tax Oversight Committee was not established by ordinance but by resolution of the city council [on October 21, 2019](#). The Committee was established as five (5) members, at least 18 years of age and San Rafael residents, serving staggered two-or four-year terms. The recommended Voter Approved Tax Oversight Committee would be consistent with this existing administration of the Committee.

Currently, the staff liaisons for the Committees being dissolved are the Assistant Library and Recreation Director, Administrative Services Director, and the Director of Economic Development and Innovation. The Staff Liaison for the recommended Voter Approved Tax Oversight Committee would be a staff person from the Administrative Services Department, which includes the City's finance department, and they would work in collaboration with the previous oversight committee staff liaisons to provide the Committee with revenue/expenditure information, as well as to generate the annual report. Additionally, the bylaws for the recommended oversight committee would be consistent with the bylaws of our other boards and commissions.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

COMMUNITY OUTREACH:

If approved, the City Clerk's office would release a call for applications at City facilities, social media, the City website, and by mass email notification. Additionally, an email has been sent to all oversight committee members letting them know about the proposed action, and where and how to provide public comment at this meeting, along with a copy of this staff report.

OPTIONS:

1. Adopt the resolution as presented.
2. Adopt the resolution as amended.
3. Do not adopt the resolution and direct staff to return with additional information.

RECOMMENDED ACTION:

1. Adopt a resolution establishing and adopting bylaws of the Voter Approved Tax Oversight Committee; appointing the voter approved tax oversight committee as the transaction and use tax oversight committee, the special library parcel tax oversight committee, the independent oversight committee over the cannabis industry tax revenues, and as the independent oversight committee over voter approved City tax measures; and dissolving the Transaction and Use Tax Oversight Committee, the Special Library Parcel Tax Oversight Committee and the Cannabis Industry Tax Oversight Committee

ATTACHMENTS:

1. Resolution

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ESTABLISHING AND ADOPTING BYLAWS OF THE VOTER APPROVED TAX OVERSIGHT COMMITTEE; APPOINTING THE VOTER APPROVED TAX OVERSIGHT COMMITTEE AS THE TRANSACTION AND USE TAX OVERSIGHT COMMITTEE, THE SPECIAL LIBRARY PARCEL TAX OVERSIGHT COMMITTEE, THE INDEPENDENT OVERSIGHT COMMITTEE OVER THE CANNABIS INDUSTRY TAX REVENUES, AND AS THE INDEPENDENT OVERSIGHT COMMITTEE OVER VOTER APPROVED CITY TAX MEASURES; AND DISSOLVING THE EXISTING TRANSACTION AND USE TAX OVERSIGHT COMMITTEE, THE SPECIAL LIBRARY PARCEL TAX OVERSIGHT COMMITTEE, AND THE CANNABIS INDUSTRY TAX OVERSIGHT COMMITTEE

WHEREAS, San Rafael has three active tax oversight committees, with 14 different volunteers, and at the General Municipal Election held on November 3, 2020, San Rafael voters approved Measure R, requiring oversight of new Measure R funds; and

WHEREAS, staff recommends consolidating all oversight committees into one Voter Approved Tax Oversight Committee with the purposes of providing oversight over the collection and use of voter approved tax proceeds, and ensure monies are being spent as outlined in the establishing ordinances approved by voters, and generating an annual report for each tax measure; and

WHEREAS, the City Council finds that consolidating the tax oversight function into one Voter Approved Tax Oversight Committee would meet the requirements of the San Rafael Municipal Code and each tax ordinance, and would provide the same level of oversight over voter approved tax revenues as currently provided by the three existing committees.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Rafael hereby:

1. Establishes the Voter Approved Tax Oversight Committee which shall serve as the independent tax oversight committee for the purpose of reviewing the collection and expenditure of tax revenues collected under the authority of voter approved City tax measures; and
2. Adopts the bylaws of the Voter Approved Tax Oversight Committee, including its responsibilities and duties, as specifically delineated in Exhibit "A" attached hereto and incorporated herein; and
3. Appoints the Voter Approved Tax Oversight Committee as the Transaction and Use Tax Oversight Committee required under Section 3.19.144 of the San Rafael Municipal Code to review the collection and expenditure of Transaction and Use Tax revenues collected pursuant to Chapter 3.19 of the San Rafael Municipal Code, and upon appointment of a quorum of members of the newly-formed Voter Approved Tax Oversight Committee, dissolves the

- existing Transaction and Use Tax Oversight Committee established by resolution of the City Council on [April 7, 2014](#); and
4. Appoints the Voter Approved Tax Oversight Committee as the Transaction and Use Tax Oversight Committee required under Section 3.19A.144 of the San Rafael Municipal Code to review the collection and expenditure of Transaction and Use Tax revenues collected pursuant to Chapter 3.19A of the San Rafael Municipal Code; and
 5. Appoints the Voter Approved Tax Oversight Committee as the Special Library Parcel Tax Oversight Committee required under Section 3.36.080 of the San Rafael Municipal Code to review the collection and expenditure of Special Library Tax revenues collected pursuant to Chapter 3.36 of the San Rafael Municipal Code, and upon appointment of a quorum of members of the newly-formed Voter Approved Tax Oversight Committee, dissolves the existing Special Library Parcel Tax Oversight Committee established by resolution of the City Council on [May 15, 2017](#); and
 6. Appoints the Voter Approved Tax Oversight Committee as the independent oversight committee to review the collection and expenditure of Cannabis Industry Tax revenues collected pursuant to Chapter 3.40 of the San Rafael Municipal Code, and upon appointment of a quorum of members of the newly-formed Voter Approved Tax Oversight Committee, dissolves the Cannabis Industry Tax Oversight Committee established by resolution of the city council [on October 21, 2019](#); and
 7. Appoints the Voter Approved Tax Oversight Committee as the independent oversight committee over all other voter approved City tax measures that may hereinafter be enacted, except where otherwise expressly specified.

I, LINDSAY LARA, CLERK of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly adopted by the City Council of the City of San Rafael, Marin County, California, at a regular meeting, held on the 6th day of September 2022, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

VOTER APPROVED TAX OVERSIGHT COMMITTEE BYLAWS

ARTICLE I. NAME AND PURPOSE

Section 1.1. Name. The name of this body shall be the City of San Rafael Voter Approved Tax Oversight Committee, hereinafter referred to as the “Committee.”

Section 1.2. Purpose. The Committee’s purpose is to review the collection and expenditure of voter approved tax revenues collected under the authority of voter-approved City tax measures and Resolution _____ adopted by the San Rafael City Council on September 6, 2022.

Section 1.3. Committee Responsibility. The Committee’s authority is oversight only.

The responsibilities and duties of the Committee shall be limited to:

- 1.2 Review expenditures of Measure tax revenues to ensure the monies have been expended in accordance with the authorized municipal purposes of each Measure. To complete this review, the Committee shall:
 - 1.2.1 Understand allowable expenses of each existing Measure’s tax funds (as identified in the enacting Municipal Ordinance)
 - 1.2.2 Review documentation from City Council and from City Council-appointed advisory committees that pertain to the prioritization of use of each Measure’s tax funds.
 - 1.2.3 Review annual reports prepared by the City’s Finance Department that track the receipt and spending of each Measure’s tax funds.
 - 1.2.4 Prepare and submit to the City Council and the community an annual public report on the expenditures of each Measure’s tax revenues for the previous fiscal year.
 - 1.2.5 Fulfill the final responsibilities of each Measure’s responsibilities at the Measure’s termination, repeal or extension: Before submitting a final report: Review and report on the final expenditures of each Measure during the previous fiscal year, through its termination, to ensure that monies have been expended consistent with the authorized purposes of the Measure.

The Committee shall **not**:

1. Have any budgetary decision authority, shall not allocate financial resources, and shall not make budget or service recommendations to the City Council.
2. Have authority to direct, nor shall it direct, City staff or officials.

ARTICLE II. MEMBERSHIP

Section 2.1. Number of Members. The Voter Approved Tax Oversight Committee shall consist of five (5) voting members.

Section 2.2. Eligibility. Members of the Committee shall be at least 18 years of age and reside within the City limits.

Section 2.3. Appointment of Committee Members. Members shall be appointed by the City Council. Appointments shall be published on the website for the City of San Rafael in accordance with Government Code Section 54973, as amended from time to time.

Section 2.4. Terms of Appointment. Each member shall serve a minimum term of four (4) years. An effort will be made to ensure that the terms are staggered, and not all of the appointments expire in the same year.

Section 2.5. Term Limits. Members shall be limited to two (2) consecutive four-year terms. Additional terms may be served if there is a break between terms.

Section 2.6. Absence and Removal. An unexcused absence from two (2) consecutive Committee meetings without notification to the Staff Liaison will constitute an immediate vacancy and shall be considered a voluntary resignation from the Committee. Previously dismissed Committee members may be eligible for reappointment.

Section 2.7. Compensation. Members shall serve without compensation.

ARTICLE III. MEETINGS

Section 3.1. Time and date of Regular Meeting. Notification of meeting place, date, and time shall be rendered to the public through posting on the City of San Rafael website.



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Attorney

Prepared by: Genevieve Coyle,
Assistant City Attorney

City Manager Approval: _____

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

TOPIC: USE OF TELECONFERENCING FOR PUBLIC MEETINGS DURING STATE OF EMERGENCY

SUBJECT: RESOLUTION PURSUANT TO ASSEMBLY BILL 361 MAKING FINDINGS AND CONFIRMING THE NEED FOR THE USE OR CONTINUED USE OF TELECONFERENCING TO HOLD PUBLIC MEETINGS OF THE CITY'S LEGISLATIVE BODIES DURING THE CONTINUING STATE OF EMERGENCY RELATING TO THE COVID-19 PANDEMIC

RECOMMENDATION:

Adopt the resolution pursuant to Assembly Bill 361 making findings and confirming the need for the use or continued use of teleconferencing to hold public meetings of the City's legislative bodies during the continuing state of emergency relating to the COVID-19 pandemic.

BACKGROUND:

The Ralph M. Brown Act ("Brown Act") requires that except as specifically provided, "meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body". (Gov. Code §54953(a).) For many years, the Brown Act has authorized members of a local agency's legislative body to attend a public meeting by teleconference in compliance with strict procedural requirements. Under Government Code section 54953(b)(3), to use teleconferencing, at least a quorum of the legislative body must participate from locations within the agency's boundaries, and the agency must give notice of each teleconference location, post an agenda at each teleconference location, provide for public access to each teleconference location, and allow members of the public to address the Council at each teleconference location.

On March 4, 2020, Governor Newsom declared a statewide state of emergency in connection with the COVID-19 pandemic. Subsequently, on March 18, 2020, the Governor issued Executive Order [No. N-29-20](#) suspending the Brown Act's requirements for in-person meetings and facilitating the use of teleconferencing for public meetings during the state of emergency. The Executive Order authorized public meetings to be held by teleconference only, provided that notice and accessibility requirements are met, members of the public are allowed to observe and address the legislative body at the meeting, and there is a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities. This order allowed the City Council and the City's other formal boards and commissions to hold their public meetings using teleconferencing technologies until the order expired on

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2

September 30, 2021. On September 16, 2021 Governor Newsom signed into law as an urgency measure Assembly Bill (AB) 361. [AB 361](#) amended the Brown Act provisions governing the use of teleconferencing for public meetings of a local agency's legislative bodies, allowing more liberal teleconferencing requirements to continue during the current and future state-declared emergencies. Therefore, since October 1, 2021, the City has relied on the amendments enacted by AB 361 as its authority to continue to hold meetings using teleconferencing technologies.

Government Code section 54953, as amended by AB 361, now provides in new subsection (e)(1), that during the current and any future state-declared state of emergency, the legislative body of a local agency may use teleconferencing without complying with the procedural requirements of Government Code section 54953(b)(3) in any of three circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Certain additional requirements would apply under the new law, however, including specific requirements as to how public comment must be allowed and heard, with which the City already complies. In addition:

- In the event of a disruption which prevents the City from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the City's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.
- If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:
 - The legislative body has reconsidered the circumstances of the state of emergency.
 - Any of the following circumstances exist:
 - (i) The state of emergency continues to directly impact the ability of the members to meet safely in person.
 - (ii) State or local officials continue to impose or recommend measures to promote social distancing.

ANALYSIS:

The City Council has determined that it is now safe to hold in person meetings in the City Council Chambers, and the Council held its first such meeting on April 18, 2022. Other boards and commissions that meet in the City Council Chambers will also be able to meet in person. The City Council Chambers are roomy enough to allow for social distancing in most cases and are now equipped with teleconferencing equipment that also allows participation in public meetings from other locations. This hybrid meeting model provides an alternative means to attend for those persons who feel they cannot safely attend in person, as well as for those persons who may find it more convenient to participate in the meetings through teleconferencing.

However, the City Council also holds special meetings at locations not in the City Council Chambers and staff has determined that the hybrid meeting model set up for these meetings has not provided sufficient space for social distancing and negatively impacts public participation through virtual means. Additionally, not all City boards and commissions meet in the City Council Chambers. Staff has not yet been able to make comparable arrangements for hybrid meetings in those other meeting locations. Therefore, staff recommends that the City Council continue to adopt the resolution required by AB 361, so that the City's legislative bodies meeting outside the City Council Chambers can meet or continue to meet using teleconferencing technology. These include special meetings of the City Council and meetings of the City's boards and commissions.

The resolution before the City Council is intended to comply with the requirement to make specified findings every 30 days. The resolution finds that the state of emergency continues in effect, that measures to promote social distancing are still being imposed or recommended by the state and county, and that the state of emergency directly impacts the ability of the public and the members of the City's Council, boards, and commissions to meet safely in person. The proposed resolution confirms the City Council's determination that all public meetings of the City's legislative bodies (the Council and all formal boards and commissions) may continue to be held using only teleconferencing technology.

FISCAL IMPACT:

There is no fiscal impact associated with the adoption of the attached resolution.

OPTIONS:

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

1. Adopt the resolution as proposed.
2. Adopt a modified resolution.
3. Direct staff to return with more information.
4. Take no action.

RECOMMENDED ACTION:

Adopt the resolution pursuant to Assembly Bill 361 making findings and confirming the need for use or continued use of teleconferencing to hold public meetings of the City's legislative bodies during the continuing state of emergency relating to the COVID-19 pandemic.

ATTACHMENTS:

1. Resolution

RESOLUTION NO.

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL PURSUANT TO ASSEMBLY BILL 361 MAKING FINDINGS AND CONFIRMING THE NEED FOR THE USE OR CONTINUED USE OF TELECONFERENCING TO HOLD PUBLIC MEETINGS OF THE CITY'S LEGISLATIVE BODIES DURING THE CONTINUING STATE OF EMERGENCY RELATING TO THE COVID-19 PANDEMIC

WHEREAS, on March 4, 2020 Governor Newsom issued a proclamation pursuant to Government Code Section 8625 declaring a state of emergency in California due to the COVID-19 pandemic; and

WHEREAS, the Ralph M. Brown Act (Gov. Code §§ 54950 et seq.) (hereafter, the "Brown Act") provides in Government Code section 54953 that "all meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided by this chapter"; and

WHEREAS, Government Code section 54953(b)(3) permits the legislative body of a local agency to use teleconferencing for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law, subject to specified procedural requirements including, but not limited to, the posting of agendas at all teleconference locations, the opportunity for members of the public to address the legislative body directly at each teleconference location, and that at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the legislative body exercises jurisdiction; and

WHEREAS, Government Code section 54953(e), added by Assembly Bill 361 effective September 16, 2021, provides, in section 54953(e)(1), that during a state of emergency proclaimed pursuant to Government Code section 8625, the legislative body of a local agency may hold a meeting using teleconferencing without complying with the procedural requirements of section 54953(b)(3), provided that the legislative body complies with the requirements of section 54953(e)(2); and

WHEREAS, pursuant to Government Code section 54953(e)(3), if a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, then in order to continue to teleconference without compliance with the requirements of section 54953(b)(3), the legislative body shall make specified findings at least every 30 days; and

WHEREAS, the City Council has reconsidered the circumstances of the proclaimed COVID-19-related state of emergency and finds that it remains active; and

WHEREAS, the City Council finds that state and/or local officials continue to impose or recommend measures to promote social distancing, including masking in certain indoor public settings; and

WHEREAS, the City Council finds that the state of emergency directly impacts or continues to directly impact the ability of the City's legislative bodies to meet safely in person,

including special meetings of the City Council and meetings of the City's boards and commissions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Rafael that in order to protect the safety of the members of the public and its legislative bodies, for the 30 days following adoption of this resolution, public meetings of the City's legislative bodies may continue to be held using teleconferencing technology in compliance with the requirements of Government Code section 54953(e)(2) and all other applicable laws.

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 the City of San Rafael, held on Tuesday, the 6th day of September 2022 by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Lindsay Lara, City Clerk

ORDINANCE NO. 2015

AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING THE TEXT OF THE SAN RAFAEL MUNICIPAL CODE, TABLE 14.05.020 UNDER SECTION 14.05.020, LAND USE REGULATIONS (GC, NC, O, C/O, R/O, FBWC) TO ALLOW ANIMAL CARE FACILITIES AS A CONDITIONALLY PERMITTED USE IN THE OFFICE (O) DISTRICT SUBJECT TO PERFORMANCE STANDARDS; AMENDING THE TEXT OF TABLE 14.06.020 UNDER SECTION 14.06.020, LAND USE REGULATIONS (I, LI/O, CCI/O, LMU) TO SUBJECT ANIMAL CARE FACILITIES TO PERFORMANCE STANDARDS; AND AMENDING TEXT OF CHAPTER 14.17 TO ESTABLISH PERFORMANCE STANDARDS FOR ANIMAL CARE FACILITIES

WHEREAS, the City of San Rafael Community Development Department has received an application requesting a zoning text amendment; and

WHEREAS, on June 28, 2022, the Planning Commission held a duly-noticed public hearing on the proposed amendment to the San Rafael Municipal Code, accepting all public testimony and the written report of the Department of Community Development, and recommended to the City Council the approval of the amendment; and

WHEREAS, on August 1, 2022, the San Rafael City Council held a duly-noticed public hearing on the proposed zoning text amendment, as required by State law, accepting all oral and written public testimony and the written report of the Community Development Department staff reports relevant to the proposal; and

WHEREAS, the City's police power allows it to regulate animals and animal care in accordance with the health, safety, and welfare of the general public (Cal. Const., Art. XI, § 7); and

WHEREAS, the City has determined that amending the City's Zoning Code to allow for animal care facilities, as defined, as a conditionally permitted use in the Office District and to establish performance standards for animal care facilities in the City further the health, safety, and welfare of the general public; and

WHEREAS, upon review of the application, the City Council finds that this project 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 adoption of this zoning text amendment or its implementation would have a significant effect on the environment; and

WHEREAS, the Community Development Department of the City of San Rafael is the custodian of documents which constitute the record of proceedings upon which this decision is based.

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

Section 1. Findings.

The City Council of the City of San Rafael hereby determines and finds that all of the facts and statements contained in the recitals herein and findings of the Planning Commission Resolution 22-13 recommending to the Council adoption of this ordinance, are true and correct.

Section 2. Amendment of Table 14.05.020 of the San Rafael Municipal Code.

Table 14.05.020, in Section 14.05.020 (“Land Use Regulations (GC, NC, O, C/O, R/O, FBWC)”) of Chapter 14.05 (“Commercial and Office Districts”) of Division II (“Base District Regulations”) of Title 14 (“Zoning”) of the City of San Rafael Municipal Code is hereby amended as set forth below. Deletions are in strikethrough, and additions are in **bold and underline**. Unless indicated below, no other cells or rows within Table 14.05.020 shall be modified by this amendment.

Table 14.05.020

Type of Land Use		GC	NC	O	C/O	R/O	FBWC *	Additional Use Regulations
Commercial Uses								
Animal sales and service, excluding exterior kennels, pens								See Chapter 10.24
Animal care facilities		CZ	CZ	<u>CZ</u>	CZ			See Chapter 14.17 standards.
Animal retail sales		P	P		P			

Section 3. Amendment of Table 14.06.020 of the San Rafael Municipal Code.

Table 14.06.020, in Section 14.06.020 (“Land Use Regulations (I, LI/O, CCI/O, LMU)”) of Chapter 14.06 (“Industrial Districts (I, LI/O, CCI/O, LMU)”) of Division II (“Base District Regulations”) of Title 14 (“Zoning”) of the City of San Rafael Municipal Code is hereby amended as set forth below. Deletions are in strikethrough, and additions are in **bold and underline**. Unless indicated below, no other cells or rows within Table 14.06.020 shall be modified by this amendment.

Table 14.06.020

Type of Land Use	I	LI/O	CCI/O	LMU	Additional Use Regulations
Commercial Uses					

Animal care facilities (with or without exterior kennels, pens or runs)	CZ	CZ	CZ	CZ	<p>See Chapter 14.17 standards. *Without exterior kennels, pens or runs (See Chapter 10.24).</p>
---	----	----	----	----	--

Section 4. Addition of Chapter 14.17.040 – “Animal Care Facilities” to the San Rafael Municipal Code.

Section 14.17.040 (“Animal care facilities”) is hereby added to Chapter 14.17 (“Performance Standards”) of Division IV (“Regulations Applying in All or Several Districts”) of Title 14 (“Zoning”) of the San Rafael Municipal Code as set forth below.

Section 14.17.040 - Animal care facilities.

- A. Purpose. Performance standards related to animal care facilities protect the public health, safety and general welfare by minimizing potential nuisance factors that may result from the caring of animals.
- B. Applicability. Performance standards for animal care facilities, unless specifically exempted by this subsection shall apply throughout the City of San Rafael. A use permit approved by the zoning administrator, issued pursuant to Chapter 14.22 of this Division, shall be required for animal care facilities within the City of San Rafael.
- C. Findings. In order to grant a use permit for animal care facilities in an office/commercial district, the following findings shall be made:
 - 1. Compliance with Applicable Laws. The animal care facility will not violate any provision of the San Rafael Municipal Code or any other applicable provision of law. The animal care facility shall maintain an employee handbook outlining best management practices for handling of animals, handling medical waste and disposal of animal waste.
 - 2. Sound Attenuation. The animal care facility shall not result in sound levels that exceed the noise levels established under Chapter 8.13 for any adjacent tenant spaces or properties.
 - 3. Waste. The animal care facility shall include and maintain adequate waste and hazardous waste facilities at all times.
 - 4. Nuisances. The animal care facility will not result in other public or private nuisances.

Section 5. Severability.

If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 6. Compliance with CEQA.

The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3)

of the CEQA Guidelines, because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment, and pursuant to CEQA Guidelines section 15183 (consistent with the general plan and zoning).

Section 7. Publication; Effective Date.

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

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

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this Ordinance along with the names of those Councilmembers voting for or against the Ordinance.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 1st day of August 2022, and was passed and adopted at a regular meeting of the San Rafael City Council on the 6th day of September 2022 by the following vote, to wit:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

KATE COLIN, Mayor

Attest:

LINDSAY LARA, City Clerk

SUMMARY OF ORDINANCE NO. 2015

AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SAN RAFAEL MUNICIPAL CODE, TABLE 14.05.020 UNDER SECTION 14.05.020, LAND USE REGULATIONS (GC, NC, O, C/O, R/O, FBWC) TO ALLOW ANIMAL CARE FACILITIES AS A CONDITIONALLY PERMITTED USE IN THE OFFICE (O) DISTRICT SUBJECT TO PERFORMANCE STANDARDS; AMENDING THE TEXT OF TABLE 14.06.020 UNDER SECTION 14.06.020, LAND USE REGULATIONS (I, LI/O, CCI/O, LMU) TO SUBJECT ANIMAL CARE FACILITIES TO PERFORMANCE STANDARDS; AND AMENDING TEXT OF CHAPTER 14.17 TO ESTABLISH PERFORMANCE STANDARDS FOR ANIMAL CARE FACILITIES

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2015, which will amend the San Rafael Municipal Code to allow “Animal Care Facilities” excluding exterior kennels, pens or runs, as a conditionally permitted use in the Office (O) District, and to establish performance standards for Animal Care Facilities throughout the City.

Ordinance No. 2015 is scheduled for adoption by the San Rafael City Council at its regular meeting of September 6, 2022. 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

Chapter 14.05 of the City’s Municipal Code contains land use regulations for commercial and office districts. Animal Care Facilities, excluding exterior kennels, pens, or runs, are currently permitted in the General Commercial (GC), Neighborhood Commercial (NC), and Commercial Office (C/O) Districts, subject to approval of a use permit by the zoning administrator.

To allow Animal Care Facilities in the Office (O) Zoning District, and to establish performance standards for all Animal Care Facilities proposed within the City, as recommended by the San Rafael Planning Commission, the San Rafael City Council has adopted amendments to the San Rafael Municipal Code. The amendments include changes to Table 14.05.020 under Section 14.05.020, Land Use Regulations (GC, NC, O, C/O, R/O, FBWC) to allow Animal Care Facilities as a conditionally permitted use in the Office (O) District subject to performance standards; and amending the text of Table 14.06.020 under Section 14.06.020, Land Use Regulations (I, LI/O, CCI/O, LMU) to subject Animal Care Facilities to performance standards; and amending text of chapter 14.17 to establish performance standards for Animal Care Facilities.

Copies of the Ordinance are also available for public review by contacting the City Clerk’s office by email to city.clerk@cityofsanrafael.org. You may also contact Leslie Mendez, Planning Manager, at 415-485-3095 or leslie.mendez@cityofsanrafael.org for information.

/s/ Lindsay Lara
LINDSAY LARA
San Rafael City Clerk
Dated: 08/04/2022



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Digital Service and Open Government

**Prepared by: Bernadette Sullivan, Sr.
Management Analyst and Vinh Pham,
Digital Infrastructure Manager**

City Manager Approval: _____ 

TOPIC: SUPPORT OF THE DIGITAL MARIN STRATEGIC PLAN

SUBJECT: RESOLUTION IN SUPPORT OF THE DIGITAL MARIN STRATEGIC PLAN

RECOMMENDATION: Adopt the Resolution in support of the Digital Marin Strategic Plan.

BACKGROUND: In June 2019, the Marin County Board of Supervisors approved the development of a Digital Infrastructure Strategic Plan, which became the Digital Marin project. At the same time, the Marin County Civil Grand Jury released the Marin’s Telecommunications Disconnect Report underscoring the need for improved leadership and coordination of telecommunications efforts. Digital Marin became a collaborative effort involving representatives from every sector including residents, businesses, education, government, healthcare providers, non-profits, utilities, and technology companies.

From the outset, the project envisioned a future where everyone in Marin has access to universally available, affordable, reliable, resilient, and safe broadband with robust devices, technical support, and the digital literacy needed to take part in an ever-increasing digital world. This vision also included serving residents, businesses, and other organizations better through public and private collaborations and sharing of data and resources.

The resulting Strategic Plan (Attachment 2) is the roadmap to move Marin from where we are today to a better digital future by creating leadership, governance, collaboration, and actions that advance broadband deployment and digital adoption. Specifically, four goals with enabling strategies were developed.

1. High-quality broadband is available to everyone in Marin.
 - a. Assist with the deployment of universally accessible public and public/private broadband services throughout Marin
 - b. Improve the quality, reliability, resiliency, and safety of Marin’s broadband services
 - c. Increase access to affordable broadband services
2. Everyone in Marin can take advantage of all online opportunities.
 - a. Coordinate and expand digital literacy training in Marin
 - b. Expand community-based programs to provide end user devices and support
 - c. Help organizations create easy to use digital services that work for everyone

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

3. Marin has a high rate of digital adoption that benefits everyone.
 - a. Improve privacy, security, and digital accessibility across Marin
 - b. Address barriers through education and community problem solving
 - c. Increase public value from investments in technology
4. Marin has a community driven organization with a mission to deliver broadband for all.
 - a. Obtain funding and create an independent operating entity

The City of San Rafael participated in the effort to develop the countywide Strategic Plan. The City's Director of Digital Service and Open Government served on the executive steering committee for the Digital Marin project, where she was an integral part of making sure the City's needs and input were included in the project plan.

One of the identified projects for Digital Marin is the "Canal Neighborhood Wi-Fi Project" which is focused on bringing fiber to multi-dwelling units. This project will deploy free Wi-Fi to low-income apartment buildings. The City's apartment Wi-Fi program is a partnership between the City, Education Super Highway, and building owners to bring free Wi-Fi to residents through a solution that is cost-effective, simple to implement, and easy for residents to access. Digital Marin can support the City through all aspects of the program by:

- Creating a plan for accessing federal infrastructure programs to fund the solution funds for the program
- Engaging property owners to adopt the program
- Identifying Internet service options that adequately support connectivity
- Advising on the installation and maintenance of Wi-Fi equipment

ANALYSIS:

The COVID-19 pandemic highlighted many issues facing students, households in underserved areas, older adults and people with disabilities, and other individuals facing barriers to using the internet. The Digital Marin project involved a needs assessment to define where Marin is experiencing the digital divide. The plan includes several strategies to move Marin to a better digital future by creating leadership, governance, collaboration, and actions that advance broadband deployment and digital adoption.

The strategic plan was in part designed by the City of San Rafael and will be a valuable tool in building and completing important digital projects in San Rafael. The City Council's support of Digital Marin will show a united approach when applying for grants, helping the County of Marin and the City of San Rafael to obtain future funding to put the strategic plan into action.

COMMUNITY OUTREACH:

In conducting the needs assessment there was extensive public outreach including work groups and surveys that resulted in feedback from over 3,000 Marin residents, business owners, community advocates, and employees from government, education, and other industries.

FISCAL IMPACT:

There is no fiscal impact associated with adopting the Resolution. County staff indicated that they would pursue various funding sources, including nonprofits and foundation grants, State and Federal funding and grants, and private investment.

RECOMMENDED ACTION: Adopt the Resolution in support of the Digital Marin Strategic Plan.

ATTACHMENTS:

1. Resolution
2. Digital Marin Strategic Plan

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL IN SUPPORT OF THE DIGITAL MARIN STRATEGIC PLAN

WHEREAS, the internet is a fundamental element of our lives, from our economy to education, it provides us with access to opportunities and critical services; and

WHEREAS, the COVID-19 pandemic and other recent disruptive events underscore Marin County's need to end internet access inequities and bridge the digital divide – the economic, educational, and social inequalities between those who have computers and online access and those who do not have it; and

WHEREAS, students in San Rafael need reliable home connections for distance learning, families need online access to information and support services, and our businesses and growing remote workforce demand more from internet providers to remain competitive; and

WHEREAS, the City of San Rafael envisions a future where everyone in Marin County has access to universally available, affordable, reliable, resilient, and safe broadband with robust devices, technical support, and the digital literacy needed to take part in an ever-increasing digital world; and

WHEREAS, in 2019, the Marin County Board of Supervisors approved development of a Digital Infrastructure Strategic Plan, which became the Digital Marin project; and

WHEREAS, in 2020 and 2021, the Digital Marin project conducted community outreach to sectors including business and economic development, education, government and emergency management, health and community-based organizations, internet, communication and technology providers, planning, transportation, public works and utilities, and residents; and

WHEREAS, the individual findings for each sector were analyzed and combined into a Needs Assessment Report that identified seven overall needs that represent challenges that must be overcome to achieve Digital Marin's vision; and

WHEREAS, successful implementation of the Digital Marin Strategic Plan requires support from all communities in Marin County.

NOW, THEREFORE, BE IT RESOLVED that the City of San Rafael hereby supports the Digital Marin Strategic Plan.

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 Tuesday, the 6th day of September 2022 by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

DIGITAL MARIN STRATEGIC PLAN



TABLE OF CONTENTS

Introduction	1
Guiding Principles	3
Methodology	4
Existing Assets	5
Marin's Digital Needs.....	7
Marin's Digital Roadmap	8
Goal 1 - High-quality broadband is available to everyone in Marin	9
<i>Strategy: Assist with the deployment of universally accessible public and public/private broadband services throughout Marin</i>	<i>11</i>
<i>Strategy: Improve the quality, reliability, resiliency, and safety of Marin's broadband services.....</i>	<i>12</i>
<i>Strategy: Increase access to affordable broadband service</i>	<i>13</i>
Goal 2 - Everyone in Marin can take advantage of all online opportunities	14
<i>Strategy: Coordinate and expand digital literacy training in Marin.....</i>	<i>15</i>
<i>Strategy: Expand community-based programs to provide end user devices and support.....</i>	<i>16</i>
<i>Strategy: Help organizations create easy to use digital services that work for everyone</i>	<i>18</i>

**Goal 3 -Marin has a high rate of digital adoption
that benefits everyone 19**

*Strategy: Improve privacy, security, and digital
accessibility across Marin.....20*

*Strategy: Address barriers through education
and community problem solving21*

*Strategy: Increase public value from
investments in technology22*

**Goal 4 -Marin has a communitydriven organization
with amission of broadband for all 24**

*Strategy: Obtain funding and create an independent
operating entity25*

Getting There..... 27

Risk and Impact Analysis.....28

Timeline.....29

Initiatives to Bridge the Digital Divide.....30

Appendices.....31

- 1 - Needs Assessment Report*
- 2 - Magellan Conceptual Network Design*
- 3 - Executive Steering Committee*
- 4 - Project Administration*

Founding Partners32



Requests for disability accommodations may be made by phoning 415-473-6309 (Voice), CA Relay 711 or by e-mail at Digital@MarinCounty.org. Copies of documents are available in alternative formats, upon request.

Executive Steering Committee

Ann Mathieson

Chief Executive Officer
Marin Promise Partnership

Bruce Vogen

Research Analyst
Marin Resident

Elise Semonian

Planning Director
Town of San Anselmo

Javier Trujillo

Chief Assistant Director
Marin County Information
Services and Technology

Jessica MacLeod

*Director, Digital Service
and Open Government*
City of San Rafael

Johnathan Logan

Vice President, Community Engagement
Marin Community Foundation

Liza Massey

Chief Information Officer
Marin County

Michael Frank

Executive Officer
Marin General Services Agency

Mike Blakeley

Chief Executive Officer
Marin Economic Forum

Rebecca Woodbury

Former Director
City of San Rafael

Ross Millerick

*Director, IT Management
and Lecturer Golden Gate University*
Novato USD Trustee

Sarah Jones

Former Director
Marin County Free Library

Project Team

Jeff Daniel

Project Manager
Marin County Information Services
and Technology

Abbie Ridenour

*Education Pioneers COVID
Response Fellow*
Marin Promise Partnership

Aidan Vermeulen

Former College Intern
Marin County Information Services
and Technology

Daniella Baker

Administrative Support
Marin County Information Services
and Technology

Nina Bell

Administrative Support
Marin County Information Services
and Technology

INTRODUCTION

The internet is a fundamental element of our lives. From our economy to education, it provides us with access to opportunities and critical services. The COVID pandemic and other recent disruptive events underscore Marin's need to end internet access inequities and bridge the digital divide - the economic, educational, and social inequalities between those who have computers and online access and those who do not have it. Students need reliable home connections for distance learning. Families need online access to information and support services. Our businesses and growing remote workforce demand more from internet providers to remain competitive. High speed internet has become equal to water and electricity.

In June 2019, the Marin County Board of Supervisors approved the development of a Digital Infrastructure Strategic Plan, which became the Digital Marin project. At the same time, the Marin County Civil Grand Jury released the [Marin's Telecommunications Disconnect Report](#) underscoring the need for improved leadership and coordination of telecommunications efforts. Digital Marin became a collaborative effort involving representatives from every sector including residents, business, education, government, healthcare, non-profits, utilities, and technology providers. From the outset, the project envisioned a future where everyone in Marin has access to universally available, affordable, reliable, resilient, and safe broadband with robust devices, technical support, and the digital literacy needed to take part in an ever increasing digital world. This vision also included serving residents, businesses, and other organizations better through public and private collaborations and sharing of data and resources.

The needs assessment findings solidified our belief that access to high-speed internet is crucial for participation in today's society, but barriers exist.

The digital needs assessment process was conducted through community outreach. This approach created collaborations among Marin's residents, businesses, and public and private sectors that will serve us well moving forward. It confirmed that the price and availability of internet services in Marin are consistent with other Bay Area counties. With that said, our consultants, Magellan Advisors, found that despite Marin County's position next to a global technology hub, the number of entities owning network infrastructure, and the relative affluence of our population, the County has few network assets. They also found that internet access infrastructure and broadband options are no better than most other communities across the country. The findings solidified our belief that access to high-speed internet is crucial for participation in today's digital society, but barriers exist for some residents. Residents and businesses without broadband service most often cited the lack of availability and cost of service as reasons for not having it.

The needs assessment also better defined where Marin is experiencing the digital divide. While residents in five geographic areas - the Canal Neighborhood, Marin City, two areas in Novato, and West Marin – most disproportionately experience it, so do Marin’s older adults and persons with disabilities. Findings also showed that lack of availability or competitive options, inconsistent service levels and pricing, and other barriers exist to varying degrees in Marin, even in affluent areas, and the need for improved digital literacy, better devices, and increased digital adoption cuts across all socio-economic groups. These findings influenced the Plan’s focus on equity. Details about the findings from the needs assessment and gap analysis are available in the Digital Marin Needs Assessment Report. (See Appendix 1)

Marin’s physical access to the internet has been left in the hands of private companies that are not required and do not provide universal service. This approach is not unusual for counties of all sizes and geographic makeup. It created the lack of competition, service gaps in less profitable areas like West Marin, and other outcomes we found. For example, the telecommunications industry is currently advertising “5G” as an alternative to wired internet. Based on past experience, this new technology will be installed where providers expect the highest return on investment, not where the systems are most needed in Marin, such as the Canal area.

Hands on leadership at the local level, backed by State and Federal government and partnerships with the private sector, are needed to solve our problems and meet local digital needs. Achieving Digital Marin’s vision also requires collaboration, time, funding, policies, programs, and a continued commitment particularly to those areas of Marin that are deemed un- or under-served by Federal and State laws. Establishing a community driven operating entity, launched and incubated within the County of Marin organization but supported by all sectors, is vital to success.

Actions taken to implement the Plan must include transparent tracking and reporting of performance, disaggregated by factors like race, age, and income, to ensure that resources are equitably applied especially to those with the most need. This Plan includes key performance indicators (KPIs) - quantifiable measures that gauge progress - that will be further refined during implementation of the Plan. Progress will be measured and reported using these KPIs.

This Strategic Plan is the roadmap to move Marin from where we are today to a better digital future by creating leadership, governance, collaboration, and actions that advance broadband deployment and digital adoption. Creation of the Plan was made possible by members of the Executive Steering Committee, Work Groups, Project Team, and the project’s consultant, Magellan Advisors. It is better because of the advice, input, and feedback of over 3,000 Marin residents, business owners, community advocates, and employees from government, education, and other industries.

GUIDING PRINCIPLES

From inception through completion of this Strategic Plan, the Digital Marin project followed four guiding principles.

Broadband for All

The digital divide is closed so every resident, community, and organization in Marin can take advantage of all digital opportunities and resources.

Inclusive & Equitable

Digital projects and initiatives are inclusive and equitable, involving and benefiting all of Marin's communities and sectors.

Community Driven

Digital solutions are community driven to address what communities say is important.

Forward Thinking

Digital projects are forward thinking with near-term wins and long-term gains.

METHODOLOGY



PROJECT APPROACH

Development of the Strategic Plan was managed as a project with a project plan, project manager, tasks, timeline, and monthly reporting.

Project leadership provided by an Executive Steering Committee. Marin Managers Association served as project sponsors.



COMMUNITY INVOLVEMENT

Community outreach resulted in more than 3,700 touch points, including 12 surveys and more than 70 meetings, focus groups, briefings, and interviews.

Touch points also included providing comments, subscribing to the weekly newsletter, and participating as stakeholders, community advocates, or subject matter experts.



ASSET INVENTORY

The Project's consultant, Magellan Advisors, conducted an inventory, assessment, and gap analysis of Marin's network assets and services.

Magellan Advisors provided findings and recommendations including a phased, conceptual network design.



NEEDS ASSESSMENT

Community needs were used to develop a Needs Assessment Report that identified seven (7) digital needs.

The Report was made available for public comment, updates were made, and the final Report is posted on the [GoDigitalMarin](#) website.



BEST PRACTICES

Plans and projects from other government entities were reviewed, and we participated in development of the California State Broadband Action Plan.

We participated in workshops and other forums conducted by the FCC, CPUC, Smart Cities Connect, and other organizations, and are members of NBNCBC and NATOA.



ADOPTION AND ENDORSEMENT

The Strategic Plan was made available for public comment, updates were made, and the final Plan is posted on the [GoDigitalMarin](#) website.

We are seeking adoption or endorsement by boards, councils, commissions, and other leadership bodies for organizations in all sectors.

EXISTING ASSETS

The project's consultant, Magellan Advisors, conducted an inventory and gap analysis of Marin's digital infrastructure. They found a significant discrepancy between factors typically associated with well-connected regions and what was found in Marin.

According to Magellan Advisors,

Marin County has numerous private and public players in the network infrastructure and services space. In contrast, network assets and services are quite modest, particularly in comparison to leading communities, many of which are less affluent and densely populated, and much farther from major tech hubs than Marin.

While these findings and the information obtained through surveys, interviews, and focus groups outline the challenges faced in achieving Digital Marin's vision, we have existing assets to build upon.

Infrastructure

- California Open-Access Middle Mile Network (proposed)
- California Research and Education Network (CalREN)
- Commercial middle mile and backhaul networks
- Incumbent providers' networks
- Light and telephone poles
- Magellan Advisor's Recommended Conceptual Network Design
- Marin Emergency Radio Authority (MERA)
- MIDAS
- Public Benefit Fiber in SMART easement
- San Rafael Fiber Network
- Satellite service
- Towers

Collaborations

- Bolinas-Stinson Union School District Connectivity Committee
- Canal Neighborhood Wi-Fi Project
- Digital Marin Project
- Marin City Free Internet
- Marin General Services Authority (MGSA)
- Marin Broadband Taskforce
- Marin Information Security Collaboration
- Nicasio Broadband Network Project
- North Bay/North Coast Broadband Consortium
- Shoreline Connectivity Project

Data Sharing

- Community Information Exchange Movement
- Integrated Justice System
- MarinMap
- Marin Promise Partnership

Funding Sources

- California Advanced Service Fund Grant
- Community Foundations
- Federal Recovery and Infrastructure Funds
- Private Donors
- State Broadband Funds

MARIN'S DIGITAL NEEDS

The Digital Marin project conducted community outreach by dividing Marin's stakeholders into sectors and assigning at least one (1) member of the project's Executive Steering Committee as a liaison to each. The seven sectors are: business and economic development; education; government and emergency management; health and community based organizations; internet, communication and technology providers; planning, transportation, public works, and utilities; and residents. The individual findings for each sector were analyzed and combined into a [Needs Assessment Report](#) that identified seven (7) overall needs. These needs represent challenges that must be overcome to achieve Digital Marin's vision.

- 1 BROADBAND FOR ALL**
Universally accessible, affordable, reliable, and safe broadband is needed throughout Marin.
- 2 AFFORDABLE INTERNET SERVICE**
Affordable broadband service is needed throughout Marin, so cost is not a barrier to entry.
- 3 RESILIENT AND RELIABLE COMMUNICATION NETWORKS**
Redundancy and resiliency are needed for all of Marin's digital infrastructure.
- 4 DEVICES FOR ALL**
Marin's residents need safe, robust end user devices to access all digital resources and opportunities.
- 5 DIGITAL LITERACY**
Digital literacy for providers and consumers of internet content and services is needed.
- 6 COLLABORATION AND DATA SHARING**
Collaboration and sharing of data and resources are needed to improve service delivery to our residents.
- 7 DIGITAL ADOPTION**
Building trust and knowledge of the benefits of participating in an ever increasing digital world is needed to increase digital adoption.

MARIN'S DIGITAL ROADMAP

Four (4) goals with enabling strategies emerged from the community outreach, needs assessment, asset inventory, and gap analysis. These goals and related strategies create Marin's digital roadmap.

Goal 1: High-quality broadband is available to everyone in Marin.

Strategies:

- Assist with the deployment of universally accessible public and public/private broadband services throughout Marin
- Improve the quality, reliability, resiliency, and safety of Marin's broadband services
- Increase access to affordable broadband service

Goal 2: Everyone in Marin can take advantage of all online opportunities.

Strategies:

- Coordinate and expand digital literacy training in Marin
- Expand community-based programs to provide end user devices and support
- Help organizations create easy to use digital services that work for everyone

Goal 3: Marin has a high rate of digital adoption that benefits everyone.

Strategies:

- Improve privacy, security, and digital accessibility across Marin
- Address barriers through education and community problem solving
- Increase public value from investments in technology

Goal 4: Marin has a community driven organization with a mission to deliver broadband for all.

Strategy:

- Obtain funding and create an independent operating entity



Goal 1
*High-quality broadband
is available to
everyone in Marin*



While our research found that five (5) geographic areas of Marin most acutely experience a lack of affordable access to broadband, findings also show that lack of availability, inconsistent service levels, and lack of provider competition exist in Marin, even in some affluent areas. The gap analysis revealed Marin's two primary providers offer internet service to approximately 99% of the households in urban Marin with varying levels of service, speeds, and pricing. Surveys revealed that cost and lack of available service are the top two reasons Marin residents give when they do not have broadband at home.

70% of respondents in subsidized housing identify cost as the primary reason they do not have broadband at home.

—Marin Housing Authority Residents Survey

According to the California Public Utilities Commission (CPUC) 2020 estimates, Marin County has 591 households that are unserved, i.e., either have no internet service available in their community or service that is below the 25 Mbps download/3 Mbps upload (25/3) broadband speed policy set by the Federal Communications Commission (FCC). Of those 591 households, 208 have service at or below 6 Mbps down/1 Mbps up (6/1). These households are deemed underserved. This data is questionable since it is self-reported by internet service providers and the threshold for identifying what households are "served" is low. Detractors believe that the number of un- and under-served households is higher than reported.

This issue appears to be the case in Marin. For example, in a small number of cases, our survey respondents' speed tests for households in served areas reported results as low as 681 kb/s down and 126 kb/s up. As such, these findings show that even "served" households, i.e., those identified as receiving at least 25/3 or higher, may experience speeds below the FCC standard for broadband. Given the sample size, more speed testing is required to better define un- and under-served households.

Our research also identified issues with quality of service. Survey responses about the quality of service revealed that despite paying 5.82% more for internet only service than the \$70/month national average, only 55% of residents rated their overall internet service as good or excellent. When asked about internet slowdowns and outages, over 61% of respondents indicated that they occurred several times a year.

Outages and inconsistent cell services hinder emergency response and communication during disasters.

—Public Safety Officials

While this Plan's actions aim to address issues of pricing, availability, and service, existing laws constrain state and local governments from regulating the activities of private providers. These and other findings show that high-quality, affordable broadband services are not as available as Marin prefers. Deploying broadband infrastructure, adopting quality standards, and increasing affordability will help to address these issues.

Strategy: Assist with the deployment of universally accessible public and public/private broadband services throughout Marin

Implementing this strategy requires designing Marin's broadband network and facilitating deployment of broadband infrastructure. Three high-level actions enable increasing broadband deployment throughout Marin.

Action 1 - Deploy an open access broadband network comprised primarily, but not exclusively, of publicly owned assets

Hire a consultant to assist with development of a detailed public broadband network design that delivers best in the U.S. high-speed service in Marin, with a goal of 1 Gbps symmetrical wherever needed and possible, with an emphasis on providing internet services to Marin government entities such as city halls, schools, county and municipal facilities, joint power agencies (JPAs), and special districts. Consider all deployment options including public, public/private partnerships, and commercial. Wherever possible, incorporate competition, overbuilding, use of existing public and private network assets and services, local control, and community ownership into the design.

Include the following as part of the design process.

- As a top priority, determine the ability to use the strands of dark fiber in the SMART easement allocated to the County and the cities through which it passes in the License Agreement between SMART and Sonic.
- Identify ways to offset the cost of constructing an open access broadband network including analysis of current spending and performance metrics, such as the number of circuits and speeds, used by government, schools, anchor institutions, and other publicly-funded entities to reduce spending or divert funding.
- Use Magellan Advisor's recommended conceptual network design as a basis for development of the detailed, open-access, publicly-owned network design. (See Appendix 2)
- Coordinate with the State's Open Access Middle Mile project to take advantage of available infrastructure and technical assistance.

- Incorporate public and privately owned internet infrastructure and assets to the greatest extent possible to reduce cost and increase the speed of deployment, while still resulting in a publicly owned, controlled, or managed network, wherever possible.
- Consider all options including underground and aerial fiber, fixed wireless, wave broadband, satellite, and other available and emerging technologies.

Action 2 – Use a phased implementation of stand-alone broadband components

After a detailed broadband network design is completed and resources become available, oversee deployment of broadband infrastructure using a phased implementation of stand-alone broadband network components. Manage each phase using project management best practices that include securing funds, hiring consultants, and obtaining other necessary resources. Upon completion of each proceeding phase, launch projects to deploy subsequent phases of Marin’s public broadband network.

Action 3 – Expand deployment of broadband and increase local control

Use existing network infrastructure and services, develop residential community siting standards, adopt trench once/trench smart ordinances, standardize permit requirements and fees, and develop other rules, policies, and procedures, to the fullest extent possible. Work to update, change, or adopt laws, rules, policies, and procedures to increase deployment of broadband infrastructure with an emphasis on the deployment of publicly owned, controlled, or managed infrastructure.

Strategy: Improve the quality, reliability, resiliency, and safety of Marin’s broadband services

Implementing this strategy requires collaboration among broadband service providers, regulatory agencies, network infrastructure and asset owners, and public agencies. Also, quality, reliability, resiliency, and safety must be incorporated into Marin’s broadband network design. Two high-level actions advance improvements to broadband quality throughout Marin.

Action 4: Establish Marin’s own internet service standards

Local government is and for the foreseeable future will be constrained from regulating the business practices of private companies providing internet services in Marin. Develop internet service standards for accessibility, speed, reliability, resiliency, safety, availability, consistency, affordability, open access, and other important aspects of broadband for all that meet or, if desired and where possible, exceed standards set forth by current laws, rules, policies, and procedures. Update, change, or adopt laws, rules, policies, and procedures to put in place and enforce these service standards. Use these internet service standards during development of the detailed public broadband network design and deployment of all internet infrastructure and services in Marin.

Action 5 - Improve incumbent internet providers' services

Obtain more information about incumbents' internet prices, speeds, resiliency, and quality by conducting a county-wide speed test coupled with an evaluation of individual service provider's costs, program offerings, and quality of service standards and ratings. Work with incumbent providers to ensure that their current and future internet services meet or exceed Marin's adopted standards in an agreed upon time frame.

Strategy: Increase access to affordable broadband service


Implementing this strategy requires collaboration among broadband service providers, funding sources, non-profits, and public agencies to identify opportunities, manage and coordinate services, and market availability.

Action 6 – Increase access to affordable broadband service

Increase access to affordable broadband services for everyone, especially for those least able to pay, by identifying or creating discounted and free programs. Manage the programs through a centralized agency, whenever possible, using Federal, State, local, and other funding sources. Remove barriers to entry by ensuring the process to get discounted or free internet service is easy to complete. Coordinate with other entities such as those providing social services. Ensure services provided through discount and free programs are consistent with full price options and meet or exceed Marin's internet service standards. Increase consumer education that helps lower consumers' out-of-pocket costs by providing information about options once more speed testing and price comparisons are completed.

KEY PERFORMANCE INDICATORS

- Increase the number of households served by broadband using 2020 CPUC data as a baseline and comparing it to updated CPUC data and surveys of Marin's households
- Improve residents' and businesses' ratings of internet quality and reliability using the Needs Assessment findings as a baseline and comparing it to future survey results



Goal 2
*Everyone in Marin can
take advantage of all
online opportunities*

Despite its relative wealth, Marin has residents who suffer from the digital divide. The needs assessment found that many people lack robust devices to access the internet, digital literacy, and adequate technical support. While availability of high-quality broadband is important, these other needs must be met for everyone in Marin to thrive in the digital world.

The needs assessment revealed a device disparity among Marin's residents. Devices include computers, laptops, tablets, mobile phones, landlines, and Internet of Things (IoT). When asked how many devices are connected to their home internet service, respondents to the Online Residents Survey reported 8.5 per household. In contrast, respondents to a survey conducted of residents in Marin Housing Authority's subsidized housing reported 2.6 per household. In the Canal Neighborhood, 57% of households reported not having a computer at home and 37% of students in the Bolinas-Stinson Union School District reported not having an adequate device at home.

57% of households surveyed in one neighborhood reported not having a computer at home.

—City of San Rafael Survey of Residents in the Canal Neighborhood

Even if they have devices, some residents and business owners report not knowing where to begin. They also lack knowledge of how to perform tasks such as signing up for an email account, requesting an Uber, or participating in a telehealth session. The research also revealed that various methods and types of training are needed. For example, online digital literacy training does not work when someone is unsure of how to get on the internet. The needs assessment also revealed that digital literacy training is needed for public service employees and educators.

Strategy: Coordinate and expand digital literacy training in Marin

Participants in the needs assessment recommended two high level actions. First, creating standards for Marin to better define what digital literacy means and help residents and businesses reach at least a basic level of literacy. Also, identifying and coordinating the various existing digital literacy training programs and filling the gaps to ensure various methods of training are available to meet Marin's diverse needs. For example, older adults say that they need training programs that tailor the content, speed, and delivery method to their needs.

Action 7 - Create Digital Literacy Standards for Marin

Develop a baseline standard of digital literacy for Marin. Work with schools and other training programs to incorporate these standards into their curriculum and

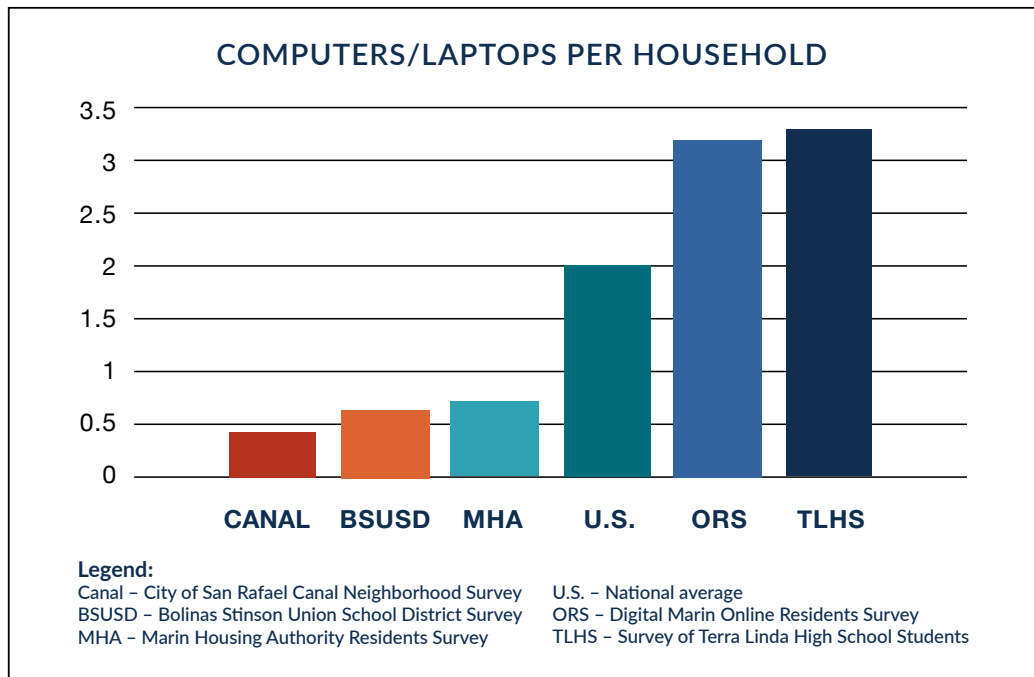
training programs. Conduct a marketing campaign to ensure that these standards are well known and adopted throughout Marin.

Action 8 - Integrate and Expand Digital Literacy Training Programs

Inventory digital literacy training programs, including those in K-12 and higher education, to determine gaps, identify redundancies, and ensure that digital literacy training is available for all Marin residents and businesses. Collect information such as intended audience, training method, curriculum, and whether the program is meeting Marin’s digital literacy standards. Ensure that resources spent on literacy training are optimized and that training is delivered in a variety of ways to meet the diverse needs of everyone in Marin.

Strategy: Expand community-based programs to provide end user devices and support

A 2020 study about consumer electronics found that U.S. households have an average of two computers. When comparing computers/laptops per household in Marin, survey respondents reported a range of less than one half (.4) per household in the Canal Neighborhood through 3.3 per household for students at Terra Linda High School in San Rafael. Even when they have adequate devices to access the Internet, some residents and business owners reported that they did not know how to take advantage of the capabilities and features, with some reporting that they never took their device out of the box.



Action 9 - Create Partnerships to Provide Devices for All

Create programs with eligibility standards to distribute low and no-cost devices to individuals and organizations. Identify needs, secure funding, determine eligibility, obtain, distribute, and track devices, and manage the program. To remove barriers, ensure that the process to obtain devices is easy to complete and coordinated with other entities such as those providing social services. Ensure that all low and no-cost devices are comparable to full price ones. Strive to create self-sustaining support models where recipients learn how to provide training and technical support for the devices to others.

Examples of potential projects identified through the needs assessment process include the following.

- Expanding School Information Systems (SIS) to include the ability to collect digital information such as availability of devices and internet service at home to address student households' needs, enable online and distance learning, and end the homework gap – when students cannot access foundational educational resources at home because of lack of devices and connectivity.
- Providing high-quality devices to all students in Marin's K-12 and higher education programs, on a one to one basis, and allowing students to keep a device upon graduation.
- Collaborating with Marin's non-profit, government, and community based organizations to provide Tech Connect Packs for residents of subsidized housing, older adults, social service recipients, homeless individuals, and other under-served people to ensure they have the devices, internet service, knowledge, and support to meet their digital needs.
- Partnering with community foundations and other organizations to distribute low and no-cost devices to non-profits and community based organizations to address their digital needs.
- Collaborating with economic development agencies and other organizations to partner with or create refurbishment programs to broaden Marin's distribution of low and no-cost devices and potentially create jobs, job training opportunities, and new businesses.

37% of students surveyed in one district reported not having a reliable device at home.

— *BSUSD Connection Committee Survey*

Action 10 - Create Community-Based Digital Support Networks

Create community-based digital support networks that serve individuals and organizations without the means to get technical support. Expand existing programs or establish new ones, potentially resulting in job creation, job training opportunities, and new businesses. Launch these projects based on each communities' specific needs and availability of resources.

Strategy: Help organizations create easy to use digital services that work for everyone

Participants from every sector expressed frustration with the difficulty in using online services. They reported poor experiences such as struggling with applications with poor user interfaces that are hard to operate or do not work on a mobile phone, do not follow digital accessibility requirements, or require scanned versions of documents instead of pictures.

Action 11: Educate providers to make online services easier to use and accessible for all

Assemble best practices for universal design and ease of use for online services. Work with schools, higher education, and other training programs to incorporate these best practices into their related curriculum and training programs. Share best practices with providers of online content and applications in all sectors. Conduct a marketing campaign to ensure that these practices are well known and adopted in Marin.

KEY PERFORMANCE INDICATORS

- Increase number of people with devices by using data collected through the needs assessment process, other sources, and additional surveys to establish a baseline to compare to future survey findings.
- Improve level of digital literacy throughout Marin by using data collected through the needs assessment process and other sources to establish a baseline to compare to future survey data.
- Improve users' ratings of online services by collecting data through surveys and other collection methods to establish a baseline and compare it to future results.



Goal 3

Marin has a high rate of digital adoption that benefits everyone

The needs assessment revealed other factors that keep people from participating in the increasingly digital world including lack of digital accessibility – the ability for people with a wide range of abilities and disabilities to use digital resources. Security and privacy concerns, as well as concerns about Electric Magnetic Field (EMF) and Radio Frequency (RF) radiation’s effect on human’s health and the environment keep people from using the internet. Also, some residents and business-people are unaware of the benefits of using the internet, so they do not pursue it.

More than 1,800 households in Marin can have internet access but choose not to do so.

—According to CPUC data

When broadband infrastructure is in place, public value is gained through deployment of smart technologies like sensors on critical infrastructure, wearable health monitors, intelligent transportation systems, temperature and moisture sensors for farming, and smart thermostats that save energy. Digital adoption also benefits the local economy through potential job creation, adding or expanding small, home-based, and digital businesses, and increasing our digital workforce.

Strategy: Improve privacy, security, and digital accessibility across Marin

Concerns with security and privacy were expressed often during the needs assessment process. Additionally, issues with accessibility of digital information and services were raised, especially by older adults and people with disabilities. These factors reduce digital adoption and decrease the value of investments in broadband infrastructure. Two high-level actions to address these issues were identified through the needs assessment process.

Action 12 - Establish a Marin Digital Accessibility Council

Establish a Marin Digital Accessibility Council to serve all sectors including public, non-profits, and private industry. Share information and resources and pursue projects and funding to improve access to digital resources and services.

Action 13 - Establish a Marin Security and Privacy Council

Expand the County-led Marin Information Security Collaboration (MISC), which currently serves government, education, non-profit, and similar public organizations, into a Marin Security and Privacy Council that includes other agencies and organizations, including for-profit enterprises. Continue to share cybersecurity information and resources, as well as broaden the focus to include digital privacy. Pursue projects and funding to improve and expand cybersecurity and privacy resources, policies, procedures, and laws that protect Marin’s residents and businesses.

Strategy: Address barriers through education and community problem solving

The research found other barriers that decrease digital adoption. One factor is a lack of knowledge about digital resources and the benefits of participating in the digital society. Another is health concerns related to digital infrastructure and devices. Educating Marin's residents and businesses and developing community-based solutions help increase Marin's digital adoption. Two high-level actions were identified through the needs assessment process.

Action 14 - Create an Education Campaign for Benefits of Digital Adoption

Educate the public about the availability and benefits of digital services. Include representatives from all sectors to ensure that the program serves Marin's residents and businesses. Help individuals and businesses identify the benefits of using digital solutions, so they can experience the full value of online services and digital opportunities.

The results of a recent survey of businesses in one of Marin's towns found that some owners are afraid to learn new technology, leaving haves and have-nots.

— Findings from Economic Development Focus Group

Action 15 - Address Residents' Concerns with Digital Technologies

Investigate community concerns including getting information from a wide-range of experts with differing opinions. Ensure that all voices are heard. Develop community-based solutions to address these concerns. Pursue these activities based upon specific needs and availability of resources.

Examples of potential topics identified during the needs assessment process include the following.

- The effect of Electric Magnetic Field (EMF) and Radio Frequency (RF) radiation on human's health and the environment.
- Privacy concerns related to data collection and aggregation, monitoring, surveillance, facial recognition, and other similar technology-enabled processes.

Strategy: Increase public value from investments in technology

Investments in broadband infrastructure and digital adoption must result in public and economic value. Value results from sharing data, applications, infrastructure, and other digital resources to improve service, increase buying power, and reduce support needs. This value is also achieved by deploying smart technologies and growing Marin's small, home-based, and digital businesses. Four high level actions were identified during the needs assessment process.

Action 16 - Identify and Increase Data Sharing Initiatives

Create collaborations, explore opportunities, develop project proposals, and get funding for data sharing initiatives to provide whole person care for individuals and families. Potential projects identified through the needs assessment process include the following.

- Expanding data sharing among schools, libraries, and education-focused community based organizations to support home access to educational resources and family and school communication while eliminating the homework gap.
- Increasing collaboration and data sharing among healthcare, mental health, social service, justice, education, non-profits, housing, and other organizations to provide wrap around services by:
 - Resourcing a backbone entity and providing community engagement, technology, and legal resources for a Community Information Exchange model;
 - Investing in data platforms for wrap around programs like Success Networks, community schools, etc.; and
 - Aligning goals and actions between existing collective impact initiatives.

Action 17 - Enable Shared Services Among Government and Educational Agencies

Create collaborations, explore opportunities, develop project proposals, and get funding for shared services among government and educational agencies to improve efficiency, streamline processes, and improve customer service. Potential projects identified through the needs assessment process include the following.

- Increasing network interconnectivity and shared digital solutions and resources to lower costs and increase consistency of services to the public.
- Standardizing processes and digital systems to make digital resources less costly and easier to buy and maintain and improve usability.
- Increasing data sharing to improve transparency, reporting, and accountability for shared goals.

Action 18 - Identify and Promote Smart Technologies

Create collaborations, explore opportunities, develop project proposals, and get funding for smart technologies that improve public service delivery and promote community engagement and public sector innovation. Include representatives from all sectors, including residents, to ensure that community needs are met, and security, privacy, and health concerns and risks are reduced or, where possible, eliminated. Base timing of these efforts upon specific needs and availability of resources.

Action 19 - Establish a Digital Business Incubator Program

Establish a digital business incubator to create or expand Marin's small, home-based, and online digital businesses. Include resources such as free or low-cost workspace, digital tools and technologies, mentorship, sharing of expertise, access to investors, and potentially, working capital in the form of grants and loans. Include representatives from business, economic development, chambers of commerce, education, and other relevant organizations.

KEY PERFORMANCE INDICATORS

- **Decrease number of households not served by choice using 2020 CPUC data as a baseline and comparing it to updated CPUC data and surveys of Marin's households**
- **Prevent or reduce the number of cyber security and privacy incidents by collecting data before actions are taken to create a baseline and measuring again after actions are taken**
- **Increase digital accessibility for all sectors in Marin by measuring accessibility before actions are taken to create a baseline and measuring again after actions are taken**
- **Realize cost savings from sharing services among government and educational agencies by comparing costs before and after actions are taken**
- **Increase number of digital businesses started or grown by comparing data before and after actions are taken**

Goal 4

Marin has a community driven organization with a mission of broadband for all



Adoption of the Digital Marin Strategic Plan by the County of Marin and Marin's cities, towns, and other public agencies, plus endorsement by educational, business, and community organizations will maximize return on the investment of time and funds in its development. Identifying or establishing an organization responsible for its implementation must also occur quickly to build on the momentum generated during the planning process and improve the ability for Marin to receive and wisely use Federal, State, and other funding. A delay in adoption and implementation of this Plan will result in the loss of community confidence and substantial funding opportunities.

Strategy: Obtain funding and create an independent operating entity

Federal and state governments are infusing billions of dollars into public and public/private broadband network development. Marin, like all counties in California, stands to benefit from these and other time-limited investments and grant opportunities. Funding from Federal, State, and local sources and private investments enable creation of the operating entity and establishment of an administrative team. The operating entity must have the ability to raise capital, invest and manage infrastructure if needed, and work with and influence organizations throughout Marin to achieve broadband for all. While taking these actions, the Digital Marin Project should continue as is, under guidance from the County of Marin and funded through the current California Advanced Services Fund (CASF) grant and the Digital Marin Strategic Plan's project budget. Two high-level actions related to this strategy were identified during the needs assessment process.

Evolve Digital Marin into a formal organization to develop, manage, and own public network assets with the Executive Steering Committee as initial Board of Directors.

—Magellan Advisors' Needs and Options Report

Action 20 - Establish a Digital Marin Operating Entity

Evolve the Digital Marin project into a community driven, independent operating entity with the ability to inform and influence policy makers and make decisions, raise capital, and spend funds to achieve Marin's shared digital goals. Secure the resources, determine the type of organization, and take all steps necessary to complete its establishment. Incubate the new entity within the County of Marin's Information Services and Technology (IST) Department until it is capable of operating independently.

Action 21 - Establish a Board of Directors

Establish a diverse, community-based Board of Directors for the Digital Marin operating entity. Have the project's Executive Steering Committee serve as the initial Board. Make modifications to the Board to ensure it represents all sectors and segments of Marin's population.

KEY PERFORMANCE INDICATORS

- **Create an effective operating entity by measuring its progress toward meeting the Strategic Plan's goals within the time frames set forth in the Plan**
- **Represent all sectors and population groups on the Board of Directors by comparing the Board's membership to the most current census data**

GETTING THERE

The roadmap to Marin's digital future is only as good as the ability to follow it. These steps ensure that Marin's digital strategy leads to realization of its vision.

Collaborative Vision

Use Digital Marin's shared vision to increase commitment and advance initiatives that improve Marin's digital future.

Community Owned

Foster community ownership and enhance local control for increased responsiveness to Marin's digital needs.

Accountable Leadership

Designate a knowledgeable, proven leader to centrally manage implementation of Marin's digital strategy.

Shared Goals

Secure adoption and endorsement of shared goals to increase the likelihood of success.

Measured Progress

Use Key Performance Indicators to measure progress toward intended results and ensure activities achieve what matters most.

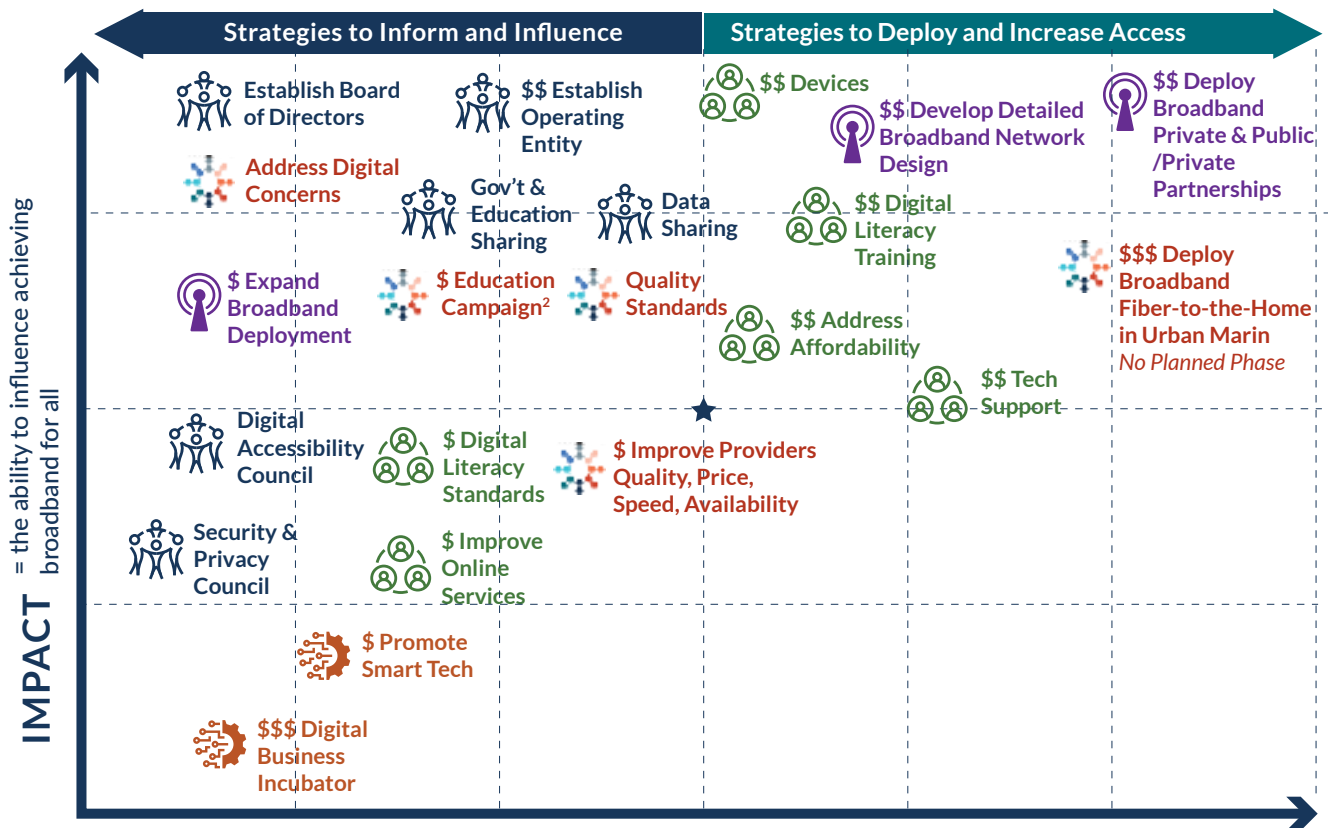
Sustainable Funding

Identify sustainable funding sources to ensure that programs continue after the initial funding is used.

RISK AND IMPACT ANALYSIS

Since achieving broadband for all is resource intensive, strategies to achieve Digital Marin's vision must be evaluated for impact and risk. While developing a detailed broadband network design and deploying broadband have high impacts, they also have high levels of risk. Despite the risk level, these two initiatives are fundamental in achieving Digital Marin's vision. Establishing an independent operating entity is equally critical for completion of the other strategies.

ACTION RISK/IMPACT MATRIX



RISK = length of time to implement, complexity, cost of the initiative, and number and type of stakeholders involved.

Create operating entity, task forces, and councils. Develop business and project plans. *Requires funding for operating costs including paid staff and consultants.*

Activities conducted by Digital Marin. Collaborate to deliver. *Requires some funding. Maybe limited by lack of regulatory authority.*

Physical broadband infrastructure design, development, deployment. *Requires costly consultants, federal, state and local funding, cross-jurisdiction government collaboration, and a robust customer acquisition strategy. Timing must align with SB156 CA Middle Mile development and E-Rate funding cycles.*

Three legs of the digital inclusion stool (devices, connectivity, training) for the residents in need of assistance. *Requires collaboration and funding.*

Activities influenced by Digital Marin. Cost Dependent on projects.

Activities that build upon investments in the infrastructure and digital inclusion.

\$ Indicates estimated level of funding required

TIMELINE



2022

FIRST QUARTER

Secure adoption and endorsement of the Strategic Plan
Determine organization type
Begin process to establish the community-driven operating entity

SECOND QUARTER

Begin development of a business plan
Launch the Marin Security and Privacy Council

THIRD QUARTER

Refine Strategic Plan based on the business plan
Launch the Marin Digital Accessibility Council

FOURTH QUARTER

Launch a project to develop the high-level broadband network design
Begin digital adoption efforts

2023

2023

Begin deployment of broadband infrastructure
Accelerate data and resource sharing projects
Initiate key programs for devices, support, and digital literacy training
Initiate projects to address affordability of internet service

2024

2024 & Beyond

Accelerate deployment of Smart Technologies
Establish a Digital Business Incubator Program

INITIATIVES TO BRIDGE THE DIGITAL DIVIDE

While this Strategic Plan was being developed, the COVID-19 pandemic continued to exasperate the issues facing students, households in underserved areas, older adults and people with disabilities, and other individuals facing barriers to using the internet. As a result, four projects were launched in communities around Marin - the Canal Neighborhood, Marin City, Bolinas-Stinson, and Shoreline. These projects were done in collaboration with but not led by Digital Marin. While the technical approaches taken to solve these areas' digital challenges varied, they all had strong community activism and collaboration among residents, education, government, and business.

Efforts to bridge the digital divide must continue, even if they are short-term solutions such as distributing free hot spots and providing free Wi-Fi to solve the most pressing needs until long-term solutions are available. In addition to the four collaborative digital divide projects already underway, additional projects are needed, even while the Strategic Plan is implemented.

- Identify and conduct additional needs assessment in the two under-served areas of Novato including identification of advocates to lead collaborative efforts to bridge the digital divide in their communities.
- Define, obtain funding, and provide internet service, devices, digital literacy training, and support to the five (5) subsidized housing residences for older adults and persons with disabilities.
- Further define and recommend solutions to address the specific needs of Marin's older adults and persons with disabilities and ensure that all digital projects and initiatives include addressing their needs.

More information about these and other collaborations is available on the [Digital Marin website](#).

APPENDICES

1 - Needs Assessment Report

Based on months of outreach to residents, government officials, schools, businesses, healthcare, and community-based organizations, the [Digital Marin Needs Assessment Report](#) was compiled to accurately define Marin's digital needs. The outreach process uncovered gaps that many people did not know existed and opened the door for collaboration between multiple entities.

2 - Magellan Conceptual Network Design

On June 24, 2021, Magellan Advisors presented their Digital Infrastructure Needs and Options Report to the Executive Steering Committee, Digital Marin project team, and the project's work group members. The Report informed this Strategic Plan. Topics included Marin's current internet infrastructure and services, and recommendations for an ongoing business model and a governance structure to move the Strategic Plan forward to project implementation. The [meeting notes and video](#) are available on the [GoDigitalMarin](#) website.

3 – Executive Steering Committee

The Digital Marin project was guided by an [Executive Steering Committee](#), with representation from all of Marin's sectors. Members of this committee led public outreach within the various sectors, lent their time and expertise to development of the Plan, and continue to assist in its completion and eventual implementation.

4 - Project Administration

The Digital Marin project followed best practice project management processes. More information about the [planning process](#) is available on the [GoDigitalMarin](#) website.

FOUNDING PARTNERS

Visit Digital Marin's [Partner Organizations' page](#) to view our Supporting Partners.



MARIN MANAGERS ASSOCIATION



**City of San Rafael
In Recognition of
National Preparedness Month 2022**

WHEREAS, in San Rafael, our community is susceptible to human-caused and natural disasters including earthquakes, wildland fires, floods, pandemics, and other large-scale emergencies we cannot predict; and

WHEREAS, recent events, including drought, wildfires, and an ongoing pandemic have emphasized environmental, structural and social vulnerabilities; and

WHEREAS, when large-scale emergencies occur Professional First Responders and Disaster Workers will be overwhelmed and need the support of prepared and trained residents; and

WHEREAS, government agencies and disaster organizations cannot bear the sole responsibility to prepare for and respond to disasters; and

WHEREAS, working in partnership with our community members, Community Emergency Response Teams (CERT), Neighborhood Response Groups (NRGs) and community organizations, we can minimize the loss of lives and injuries, reduce the impact to property and the natural environment, and more quickly help our community find a new normal post emergency; and

WHEREAS, the City of San Rafael will join the nation in emphasizing this year's theme, "A Lasting Legacy" because 'the life you've built is worth protecting'; and

WHEREAS, the City of San Rafael and partner organizations will provide a variety of trainings, resources, and outreach to encourage residents and staff to take steps to be better prepared for all emergencies and disasters; and

WHEREAS, the time, energy and effort residents, business owners, and San Rafael employees invest in preparing now will create more resilient communities that can better prevent, navigate, and recover from a disaster.

NOW, THEREFORE, I, Kate Colin, Mayor of San Rafael, do hereby proclaim the month of September 2022 as

National Preparedness Month

and in doing so, urge all residents and community members to take emergency preparation steps to increase our community's resiliency to large scale emergencies or disasters.



Kate Colin
Mayor

City of San Rafael
In Recognition of
HISPANIC HERITAGE MONTH 2022

WHEREAS, as a community we recognize the contributions offered by a rich community tapestry of all ages, gender, race, orientation, religious traditions, etc.; and

WHEREAS, we celebrate National Hispanic Heritage Month annually from September 15 to October 15 by honoring the histories, traditions, and contributions of Americans whose ancestors came from Latin America and Spain; and

WHEREAS, Marin County and San Rafael today embrace a growing and vibrant multicultural Latino community, with roots in Mexico, Central and South America, the Caribbean, and Spain, with many Spanish names still gracing our City, including San Rafael, Las Gallinas, Santa Venetia, and San Pedro; and

WHEREAS, over thirty percent of the population of San Rafael is of Hispanic, Latino & Indigenous descent, and these residents contribute to the economic, cultural and historic fabric of our City; and

WHEREAS, many City of San Rafael employees have Hispanic heritage and they contribute to the strength and diversity of the overall city workforce; and

WHEREAS, the City of San Rafael is proud to recognize its Hispanic/Latino leadership, including the Hispanic Chamber of Commerce of Marin, Canal Alliance, Latino Council, Voces del Canal, the Multicultural Center of Marin, and others; and

WHEREAS, it is important to increase Hispanic cultural awareness and diversity by paying tribute to the valuable contributions made by Hispanic and Latino Americans to our business, cultural, and educational communities.

NOW, THEREFORE, I, Kate Colin, Mayor of San Rafael, do hereby proclaim September 15 through October 15, 2022 as Hispanic Heritage Month in the City of San Rafael and urge its residents to join in observing and recognizing the accomplishments of Hispanic Americans.




Kate Colin
Mayor



Agenda Item No: 4.i
Meeting Date: September 6, 2022

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Police Department

Prepared by: Lisa Holton, Lieutenant **City Manager Approval:** 

TOPIC: SPECIAL EVENT STREET CLOSURES IN DOWNTOWN SAN RAFAEL

SUBJECT: RESOLUTION AUTHORIZING CLOSURES OF FOURTH STREET BETWEEN F STREET AND G STREET ON OCTOBER 6TH, 7TH AND 14TH TO SUPPORT THE LIMITED EXTENSION OF OUTDOOR EVENTS INCLUDING THE SAN RAFAEL THURSDAY AND FRIDAY NIGHT BLOCK PARTY

RECOMMENDATION: Adopt the Resolution authorizing closures of Fourth Street between F Street and G Street on October 6th, 7th and 14th to support the limited extension of outdoor events including the San Rafael Thursday and Friday Night Block Party.

BACKGROUND:
The San Rafael Municipal Code requires City Council approval of all special events which necessitate the temporary closure of City streets and temporary parking restrictions. Historically, the City has brought all proposed street closures to City Council in compliance with this code.

However, in spring 2020, the Coronavirus pandemic and the unprecedented economic hardship it brought upon San Rafael’s business community called for a temporary expansion of this approval authority to the City Manager in order to support the local economy more quickly with expanded options for COVID-safe outdoor dining and commerce. On June 1, 2020, the City Council approved several temporary COVID-relief measures, including the Dining Under the Lights (DUTL) program and the implementation of a separate temporary outdoor dining and retail program.

The Council action taken on June 1, 2020, authorized evening street closures twice per week at times and locations determined by the City Manager. Importantly, the Council action also granted the City Manager the ability to modify the existing municipal code requirements, which included full cost recovery associated with any street closures. Therefore, the Council action granted the City Manager the authority to temporarily reduce and/or waive the fees associated with street closures to make it easier, faster, and less expensive for local restaurants and retail businesses to use the City’s streets and sidewalks for their business operations.

The West End neighborhood and the San Rafael Business Improvement District have organized highly successful community events on Thursdays and Friday evenings. The events were held in conjunction with DUTL (now called San Rafael Thursdays featuring dining under the lights, live music, makers

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

marketplace, and kids activities) through the end of September. The organizers of the event have requested an extension into October, necessitating the closure of Fourth Street between F and G Streets for the safety of the community. Staff is recommending extending the closure to the following dates: October 6th, 7th, and 14th.

ANALYSIS:

Temporary road closures require that the City Council adopt a resolution finding that the closing is necessary for the safety and protection of persons using the road during the closing, per Vehicle Code section 21101(e) which states:

*“(e) Temporarily closing a portion of any street for celebrations, parades, local special events, and other purposes when, in the opinion of local authorities having jurisdiction or a public officer or employee that the local authority designates **by resolution**, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.”*

Department of Public Works staff will support the street closure by providing closure signage and traffic control support. The Police Department and Fire Department may provide ancillary support as well.

Street to be closed:

Fourth Street between F Street and G Street on October 6th, 7th, and 14th.

COMMUNITY OUTREACH: The City has partnered closely with the BID and Chamber of Commerce with all proposed and implemented street closures for DUTL/San Rafael Thursdays, the Friday Night Block Party and the City’s Outdoor Dining and Retail program. Both the BID and the Chamber have surveyed and spoken to dozens of businesses to make sure the current programs are continuing to meet their needs and assist in ensuring the economic vitality of their operations. Chief among concerns was keeping diners and shoppers coming to patronize businesses in downtown San Rafael, since many downtown areas saw a sharp decrease in traffic during the pandemic

FISCAL IMPACT:

The City will provide in-kind services, such as “no parking” signage and traffic control support and advice. Any cost associated with this support will be minimal.

OPTIONS:

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

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

RECOMMENDED ACTION:

Adopt the resolution.

ATTACHMENTS:

1. Resolution authorizing the temporary closure of Fourth Street between F and G Streets.

RESOLUTION NO.

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL AUTHORIZING CLOSURES OF FOURTH STREET BETWEEN F STREET AND G STREET ON OCTOBER 6TH, 7TH AND 14TH TO SUPPORT THE LIMITED EXTENSION OF OUTDOOR EVENTS INCLUDING THE SAN RAFAEL THURSDAY AND FRIDAY NIGHT BLOCK PARTY

WHEREAS, the San Rafael City Council has determined that it is in the best interests of the public health and safety to implement a modified Traffic Plan and Road Closure for all special events in San Rafael and nearby neighborhoods; and

WHEREAS, after reviewing plans for the events and the traffic patterns, City staff has determined and recommended that, in the interest of the safety and welfare of pedestrian and auto traffic in the downtown area, Fourth Street between F street and G Street should be temporarily closed to through traffic for the date and locations as specified in the Staff Report; and

WHEREAS, the specific time periods for the temporary closures described in the Staff Report shall be as determined by the City's Event Coordinator in consultation with the Police Department, and the Events Coordinator shall give timely notice to the public of those time periods by signage and/or other appropriate means;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL HEREBY RESOLVES:

1. That all the above findings are true and correct; and
2. That pursuant to the authority of Vehicle Code section 21101(e), for the safety and protection of persons, both pedestrians and vehicle drivers, the City Council hereby authorizes the temporary closure of the listed streets for the locations and dates shown in the staff report.

I, Lindsay Lara, City 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 held on the 6th day of September 2022 by the following vote, to wit:

AYES: COUNCILMEMBERS: None

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

Lindsay Lara, City Clerk



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

Prepared by: April Miller,
Director of Public Works

City Manager Approval: _____

TOPIC: SAN RAFAEL INTER DEPARTMENT FLEET REPLACEMENT FY 2022-23

SUBJECT: RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO PURCHASE FOURTEEN (14) VEHICLES ACROSS CITY DEPARTMENTS FOR REPLACEMENT, IN AN AMOUNT NOT TO EXCEED \$1,034,100

RECOMMENDATION: Adopt a resolution approving and authorizing the City Manager to purchase fourteen (14) vehicles of various make and models to replace outdated vehicles in the City’s vehicle fleet, in an amount not to exceed \$1,034,100.

BACKGROUND: Department of Public Works staff has identified 14 vehicles across City departments that it recommends for replacement in FY 2022-23. This total includes eight vehicles from the Public Works Department and six vehicles from the San Rafael Police Department. These recommendations are based on vehicle age and mileage, emissions compliance, and operational efficiency. It is important to note that due to global supply chain issues, FY 21-22 replacements have yet to be received and similar delays should be expected for the FY 22-23 replacements. Vehicle maintenance staff have been required to perform larger repairs on older vehicles to meet the City’s operational needs. It is imperative that the vehicle orders are placed in a timely manner when the ordering window is open and the option to purchase vehicles “off the lot” is available. Replacement recommendations by the department are below.

Department of Public Works

Public Works has been delaying replacements of its vehicles to prioritize replacements for the Police and Fire Departments due to the financial uncertainty caused by the Covid-19 pandemic. The department has recently seen significant operational difficulties due to the condition of its fleet and needs to replace a significant portion of its light/medium-duty vehicles to ensure its ability to provide service and respond to emergencies. Table 1 includes specific vehicle information of the Public Works vehicles recommended for replacement:

Vehicle Number	Recommended Replacement	Associated Cost (includes upfitting and contingency)
----------------	-------------------------	--

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2

41-00	Ford F650 Dump Truck	\$93,500
44-08	Ford F350 Dump Truck	\$71,500
49-08	Ford F350 Dump Truck	\$71,500
80-08	Ford F350 Dump Truck	\$71,500
62-08	Ford F350 Dump Truck	\$71,500
51-01	Ford F150 EV	\$52,800
125-01	Ford F150 EV	\$52,800
69-01	Isuzu N-Series Class 3	\$99,000
Total		\$584,100

Table 1- Public Works Replacement Recommendations

Half of the vehicles that are recommended to be replaced have been recently out of service for major breakdowns or placed in deep reserve for reliability and safety concerns. It is recommended that these are replaced with newer models of the same vehicles. In addition, one of the existing trucks set to be replaced will be switched to the Ford F350 Dump for consistency. This increases the standardization of the fleet which increases technician familiarity and reduces the need to purchase additional diagnostic equipment.

The vehicles used by the Facilities and Vehicle Maintenance Division Supervisors to perform service calls to City facilities/vehicles, shuttle staff, and used for parts/materials pickup do not meet the operational needs of the Department and are very inefficient compared to new model vehicles, especially electric vehicles. It is recommended that these vehicles are replaced with new model year Ford F150 Lighting pickup trucks. These trucks will eliminate fuel costs, greatly reduce maintenance costs, and better meet the needs of the department. It will also increase fleet standardization. The change to electric vehicles also aligns with the City’s climate change initiatives.

The existing Isuzu cab forward chipper truck is heavily used and relied upon by the Parks division for its year-round pruning and vegetation work. It has recently started to experience reliability issues and the chipper body has significant corrosion. It is also equipped with a diesel engine and aftermarket emission system that require it to be plugged into a high voltage system to assist in cleaning the emissions filters. It is recommended that it is replaced by a new model year gas-powered Isuzu cab forward truck and chipper body. Though this does not increase fleet standardization, Isuzu is one of the only manufacturers that build a cab-forward design truck that Parks staff prefer for their tighter turning radius.

San Rafael Police Department

The replacement recommendations for the six Police Dept. vehicles are due to vehicle condition and mileage. Each sees high mileage use and has reached its effective operating life. Table 2 shows the vehicle number, recommended replacement, and associated cost.

Vehicle Number	Recommended Replacement	Associated Cost (includes upfitting and contingency)
230-17	Ford Utility Interceptor Hybrid	\$82,500
237-17	Ford Utility Interceptor Hybrid	\$82,500
245-15	Ford Utility Interceptor Hybrid	\$82,500
246-13	Ford Utility Interceptor Hybrid	\$82,500
273-15 (unmarked)	Ford Utility Interceptor Hybrid	\$60,000
278-15 (unmarked)	Ford Utility Interceptor Hybrid	\$60,000
Total		\$450,000

Table 2-Police Dept. Replacement Recommendations

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 3

The existing marked patrol cars and unmarked vehicles are non-hybrid Ford cars that have reached their effective operating life. Once these vehicle types reach 100k miles, they are susceptible to major costly breakdowns including water pump replacement (which requires complete engine removal), and transmission/drivetrain failure. All six of these vehicles have exceeded the 100k mileage mark. It is recommended that they are replaced with new model Ford Utility Interceptor Hybrid patrol cars and two vehicles built with unmarked specifications. This will match previous purchases of the hybrid-powered patrol cars and move the marked patrol fleet to 95% hybrid powered. Fuel use data shows a 30% reduction in fuel use in the current hybrid-powered cars in service, and City technicians have also noticed reduced maintenance needs of the braking system. Though it is a goal to move to fully electric vehicles for the unmarked fleet, it has been determined that current available vehicles do not meet the operational needs of the Police Department, and challenges with charging infrastructure must be addressed first.

Total Costs and Funding

Department	Replacement Costs
Public Works	\$584,100
Police Department	\$450,000
Total	\$1,034,100

Table 3-Summary of total anticipated costs

FISCAL IMPACT: These expenditures have been planned and there are sufficient funds available in the Vehicle Replacement Fund #600 to replace sixteen vehicles recommended for replacement for an amount not to exceed \$1,034,100.

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

1. Adopt a resolution approving and authorizing the City Manager to purchase fourteen (14) vehicles to replace aging vehicles for the City’s vehicle fleet.
2. Do not adopt a resolution and provide further direction to staff.

ATTACHMENT:

1. Resolution
2. Fleet Management Policy and Procedures

RESOLUTION NO.

RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO PURCHASE FOURTEEN (14) VEHICLES ACROSS CITY DEPARTMENTS FOR REPLACEMENT, IN AN AMOUNT NOT TO EXCEED \$1,034,100

WHEREAS, the San Rafael Public Works and Police Department's fleets consist of 16aging vehicles that require replacement; and

WHEREAS, based on information presented in the accompanying staff report and vehicle mileages, the Department of Public Works recommends the replacement of 14 vehicles that are inoperable or have the highest mileages; and

WHEREAS, the City has determined that replacing aging fleet vehicles with various electric and hybrid vehicles is the most cost-effective, long-term option; and

WHEREAS, these expenditures have been planned and there are sufficient funds available in the Vehicle Replacement Fund (Fund #600) to purchase these vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN RAFAEL that the City Council hereby approves and authorizes the City Manager to purchase fourteen (14) vehicles for an amount not to exceed \$1,034,100.

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 Council of said City on the 6th day of September 2022, by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Lindsay Lara, City Clerk



CITY OF SAN RAFAEL POLICIES AND PROCEDURES

Policy No.	
Subject:	Fleet Management Policy
Resolution No.	
Issue Date:	September 6, 2012
Revision Date:	
Prepared By	Richard Landis
Approved By:	<i>Nancy Marshall</i>

FLEET MANAGEMENT POLICY AND PROCEDURES

PURPOSE: The City of San Rafael establishes this policy to govern the management of the City's vehicle fleet.

SCOPE: The acquisition, outfitting and replacement of all City vehicles.

DEFINITIONS: "City vehicle" shall include all automobiles, trucks, motorcycles, or any other equipment registered with the Department of Motor Vehicles and owned, leased, or rented by the City. "Fleet Manager" shall be the Director of Public Works or his/her designee.

POLICY:

General Provisions

Fleet Manager

The role of the Fleet Manager is to advise the City Manager and City Council on matters relating to the City's vehicle fleet. The Fleet Manager shall communicate with all department directors regarding vehicle needs and submit timely reports to the City Manager. The Fleet Manager is committed to the following principles:

1. The size and nature of the City's fleet is governed primarily by need and function, i.e., the number of vehicles should be no greater than what is necessary to provide public services in an efficient manner. Each vehicle within the fleet should be minimally specified to fulfill its intended function, providing operators with a comfortable and modestly-appointed vehicle with which to deliver services in a cost-effective manner.
2. Vehicles should be selected with a strong preference for fuel efficiency and hybrid and alternative fuel technology. The City will strive to reduce the negative impact of its fleet upon the environment by reducing greenhouse gas emissions.
3. Vehicles with the lowest long-term maintenance and repair costs and occupant safety are preferable.

Department Budgeting for Additional Vehicle Acquisition

Before a department determines the need to add a vehicle to its inventory, it shall first check with the Fleet Manager and the Finance Department to determine whether an existing vehicle is available elsewhere in the fleet that may meet the department's needs. If none is available, the requesting

department shall submit a vehicle addition request to the Fleet Manager with the following information:

- The purpose for which the vehicle is needed
- The type of vehicle requested and the total estimated purchase price
- The estimated total cost of any special auxiliary equipment or equipment packages above what might be considered standard equipment. The cost of adding a new vehicle to the fleet shall be paid by the requesting department. Internal service charges to that department's budget shall be established at the time of vehicle purchase to ensure adequate future funding for the vehicle's eventual replacement.

Vehicle Acquisition

All departments shall submit vehicle purchase requests to the Fleet Manager. The Fleet Manager will consider requests, consult with the Finance Department to ensure that there are sufficient funds for the new vehicle request, and review vehicle specifications for conformance with the provisions and intent of the Fleet Policies and Procedures. All vehicle purchases shall be administered by the Fleet Manager and shall comply with bidding procedures, when applicable, to ensure competitive pricing. Invoices for new vehicle purchases and equipment installation shall be administered by the Fleet Manager with pre-approved departmental account codes established to meet the invoice totals.

Vehicle Replacement Funding

Funding for vehicle acquisition and supplemental equipment shall be established through monthly internal service charges to the department operating the vehicle, over the projected useable life of that vehicle. An annual inflation factor is applied to the department's internal service charge to account for anticipated increases in future vehicle costs.

Vehicle Replacement Schedule

City vehicles are eligible for replacement on the basis of the following established useable life recommendations:

Vehicle Description	Useable Life
Sedans, SUV's, vans, light and medium duty trucks (up to 8,600 gross vehicle weight)	10 years
Heavy duty trucks (over 8,600 gross vehicle weight)	15 years
Police patrol/traffic vehicles	5 years
Police unmarked vehicles	8 years
Police motorcycles	4 years
Parking enforcement buggies	5 years
Fire command vehicles	7 years
Fire pumper engines	15 years
Fire ladder trucks	20 years
Ambulances	5 years

Off-road maintenance and construction equipment shall be replaced when economically or operationally justified. When a vehicle in this group approaches the end of its anticipated life cycle, a cost/benefit analysis shall be performed to justify vehicle replacement.

These useable life standards are for vehicle replacement financial estimating purposes only. When a vehicle reaches the end of its established useable life and the department operating the vehicle requests replacement, each vehicle shall be assessed by the Fleet Manager and Vehicle Maintenance Division to determine if replacement is justified, given general vehicle condition, mileage, maintenance and repair history, safety considerations, etc. Extension of the useable life of any vehicle shall be at the discretion of the Fleet Manager and the requesting department. Likewise, a department may request a vehicle replacement prior to the end of its established useable life. The Fleet Manager shall review all such requests in consultation with the Finance Department and Vehicle Maintenance Division. Requests for early replacement shall be accompanied by a thorough justification, including objective criteria supporting the request. The cost of early replacement, if any, shall be borne by the requesting department.

If a department determines that an assigned vehicle is no longer needed, the vehicle shall be returned to the Vehicle Maintenance Division for re-allocation within the fleet or disposition as surplus.

Disposition of Surplus Vehicles

All vehicles accepted by the Vehicle Maintenance Division for replacement or permanent elimination from the fleet shall be consigned to public auction with the City's designated auction service. Departments shall deliver vehicles being replaced to the Vehicle Maintenance Division prior to accepting the new replacement vehicle.

Maintenance and Repair of Vehicles

Preventive and Routine Maintenance and Repairs

The Vehicle Maintenance Division shall notify departments of upcoming scheduled maintenance for vehicles operated by that department and will schedule the date and anticipated duration of the scheduled maintenance. If possible, the department operating the vehicle shall deliver it to the Vehicle Maintenance Division. If necessary, Vehicle Maintenance will pick up the vehicle at its customary parking location and return it when scheduled maintenance is complete.

Unscheduled Repairs

In the event a vehicle requires immediate or unscheduled repair during normal work hours, operators should call the Vehicle Maintenance Division (458-5345), or take the vehicle to the Public Works facility at 111 Morphew Street for assessment. If the vehicle cannot be operated or is unsafe to operate, the driver should call the Vehicle Maintenance Division for road service, towing, or advice. After normal working hours, vehicle operators should call the non-emergency Police Department dispatch number (485-3000) for towing or road assistance. Vehicle operators must notify their supervisors, as well as the Fleet Maintenance Division, in the event of a vehicle failure.

Reimbursement for Personal Expense for City Vehicle Repair

Certain emergencies may occur during non-working hours that can be easily remedied at a service station (for example, a flat tire or radiator hose). Department Directors whose employees routinely work outside of normal working hours shall develop appropriate policies governing the authority of vehicle operators to affect emergency repairs during non-working hours with the intended goal of delivering uninterrupted public service. These departmental policies shall be forwarded to the Fleet Manager for reference.



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

**Prepared by: April Miller
Director of Public Works**

City Manager Approval: _____

TOPIC: STORMWATER PUMP STATION REPAIRS

SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO WAIVE COMPETITIVE BIDDING AND AWARD AND EXECUTE AN AGREEMENT FOR THE PERFORMANCE OF STORMWATER PUMP STATION REPAIRS TO PUMP REPAIR SERVICE COMPANY IN THE AMOUNT OF \$345,686, AND AUTHORIZING CONTINGENCY FUNDS OF \$34,614 FOR A TOTAL APPROPRIATED AMOUNT OF \$380,300

RECOMMENDATION: Adopt the resolution.

BACKGROUND: The City of San Rafael has 12 storm water pump stations that serve as the backbone of the City's flood control system. The vast majority of storm drain inlets located along roadways throughout the city drain into one of the 12 pump stations that run a total of 36 pumps. The pump stations have the combined ability to discharge 2,000,000 gallons of water per minute during significant storm events. The importance of well-functioning pump stations cannot be overstated, as many parts of San Rafael are surrounded by hillsides and are in low-lying areas susceptible to flooding during major rain events.

While day-to-day maintenance at the stations is performed by the Public Works Maintenance staff under the direction of the Operations and Maintenance Manager, the City annually contracts for thorough inspections of, and repairs to the pump stations through more specialized companies to ensure the pumps and control systems are properly functioning ahead of the upcoming winter storm season.

All but three of the storm water pump stations (Lindaro, North Francisco, and Rossi) were constructed in the 1950's and 1960's, and continue to rely on original equipment, including pumps and control systems. During heavy rain events, garbage, rocks and other forms of debris often enter the storm water pump station system; causing significant damage to the pumps and piping system over time.

Damaged pumps must be pulled using large construction equipment and taken to an outside facility that specializes in pump repair in order to perform the repairs and rebuilds. In many cases, replacement of the bowl, shaft, and/or housing assemblies is required, as these parts of the pump are particularly vulnerable to damage from debris. Because the pumps are submerged when they are installed at the pump station, it is nearly impossible to determine the

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2

full extent of the damage which lies on the inside of the fully enclosed pump system. Removal and disassembly of the pump are needed to fully assess the damage.

ANALYSIS: The City has bid these repairs competitively several times over the years but poor workmanship and/or exorbitant prices led us to work exclusively with Pump Repair Service Company of San Francisco. Few repair companies have the expertise required to service pumps from the 1950s and 1960s, most of which were manufactured by Cascade Pump or Peerless Pump. Pump Repair Service Company is an exception. They are quite familiar with these types of pumps and have successfully repaired our stormwater pumps on several occasions in the past. Staff, therefore, recommends the waiver of competitive bidding for the work described above, as described in section 11.50.090(B) of the San Rafael Municipal Code, because the following circumstances exist:

1. Limitations on the source or the scope and nature of the contract are such that no more than one contractor is available to meet the technical specifications and/or quality considerations of the project;
2. The work is of a highly specialized nature;

The following pumps need to be replaced or repaired:

Storm Water Pump Station	Schedule	Cost
Piombo Pump Station-Replace Pump #2	10-12 Weeks	\$65,527.56
Piombo Pump Station-Replace Trash Rack	4-5 Weeks	\$28,734.75
Canal Pump Station-Repair Pump #1	12 Weeks	\$80,740.54
Canal Pump Station-Replace Trash Rack	4-5 Weeks	\$29,416
Kerner Pump Station-Repair Pump #2	12-14 Weeks	\$79,260.29
North Francisco Pump Station-Rebuild Pump #5	20 Weeks	\$28,662.90
North Francisco Pump Station-Replace Pump #6	24 Weeks	\$33,344.19
Total		345,686.23
10% Contingency	NA	\$34,613.77
Total with Contingency		\$380,300

Piombo Pump Station: The #1 pump failed last year and was replaced. The #2 pump is still operational but has reached its usable life and needs to be replaced prior to failure. The trash rack at this pump station has also failed and needs replacement.

Canal Pump Station: The #1 pump at this station exhibited abnormal noise during operation. Upon removal and inspection, it was found to be in poor condition and needing replacement. The trash rack at this pump station has also failed and needs replacement.

Kerner Pump Station: The #2 pump experienced reliability issues this past winter and was pulled for inspection. It was found that the pump and motor need complete rebuilds.

North Francisco Pump Station: The #5 and #6 sump pumps failed this winter. It was found that the #5 pump could be rebuilt for a slightly lower cost than replacement. The #6 pump was found to be irreparable, and a full replacement would be necessary.

FISCAL IMPACT: The expense for the proposed pump repair and maintenance work has already been appropriated in the Stormwater Fund (#205) budget for FY22-23.

OPTIONS:

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 3

1. Adopt the resolution.
2. Direct the Department of Public Works to solicit additional bids. This option will take additional time and may have significant impacts on the functionality of the pump stations for the coming winter season if the pumps are not replaced in time for the winter storm season.

ACTION REQUIRED: Adopt Resolution authorizing the City Manager to waive competitive bidding and award and execute an agreement for the performance of stormwater pump station repairs to Pump Repair Service Company in the amount of \$345,686 and authorizing contingency funds of \$34,614 for a total appropriated amount of \$380,300.

ATTACHMENTS:

1. Resolution

RESOLUTION NO.

RESOLUTION AUTHORIZING THE CITY MANAGER TO WAIVE COMPETITIVE BIDDING AND AWARD AND EXECUTE AN AGREEMENT FOR THE PERFORMANCE OF STORMWATER PUMP STATION REPAIRS TO PUMP REPAIR SERVICE COMPANY IN THE AMOUNT OF \$345,686, AND AUTHORIZING CONTINGENCY FUNDS OF \$34,614 FOR A TOTAL APPROPRIATED AMOUNT OF \$380,300

WHEREAS, the City has 12 storm water pump stations throughout the city that are the backbone of the City's flood control system; and

WHEREAS, day to day maintenance is performed by the Department of Public Works staff with the support of specialized companies to ensure the pumps and control systems function properly before winter storms; and

WHEREAS, the City has attempted to competitively bid these repairs over the years, but has either only received one company or has experienced poor workmanship; and

WHEREAS, the City requests to direct award the annual maintenance contract for pump repairs to Pump Repair Services Company based on the highly specialized nature of the work, quality of work by this company, and experience with the city's aging infrastructure; and

WHEREAS, the city received a bid of \$345,686 from Pump Repair Services Company; and

WHEREAS, staff has recommended that the project budget include a contingency amount of \$34,614.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL

RESOLVES as follows:

1. The City Manager is authorized and directed to execute a contract with Pump Repair Services Company for the bid amount, subject to final approval as to form by the City Attorney upon the execution of the contract.
2. Funds for the project totaling \$380,300 which includes the construction award amount and contingency has already been appropriated in the Stormwater Fund (Fund #205) budget for FY22-23.

3. The Director of Public Works is hereby authorized to take any and all such actions and make changes as may be necessary to accomplish the purpose of this resolution.

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 Council of said City on the 6th day of September 2022, by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Lindsay Lara, City Clerk

**City of San Rafael
In Recognition of
Suicide Prevention Awareness Month 2022**

- WHEREAS,** September is known as National Suicide Prevention Month and is intended to help raise awareness surrounding suicide prevention resources available in the community; and
- WHEREAS,** suicidal thoughts can affect anyone regardless of age, gender, race, orientation, income level, religion or background; and
- WHEREAS,** according to the Centers for Disease Control, each year more than 46,000 people die by suicide – that’s one death every 11 minutes; and
- WHEREAS,** suicide is the 2nd leading cause of death for people ages 10 – 34, the 10th leading cause of death in the US; and
- WHEREAS,** 90% of people who die by suicide have experienced symptoms of a mental health condition; and
- WHEREAS,** organizations like the National Alliance on Mental Illness and the 988 Suicide and Crisis Lifeline (just dial 988) work to help individuals in crisis and provide resources to shed light on this highly stigmatized topic; and
- WHEREAS,** the benefits of preventing and overcoming mental health challenges, suicide attempts and loss, and substance abuse are significant and valuable to individuals, families, and our community at large; and
- WHEREAS,** everyone can help prevent suicide by learning the warning signs, promoting prevention and resilience, and committing to social change.

NOW, THEREFORE, I, Kate Colin, Mayor of San Rafael, do hereby proclaim the month of September 2022 as Suicide Prevention Awareness Month and in doing so, urge all residents and community members to strive to build safe and supportive environments and eliminate the stigma surrounding mental health issues that too often prevents people from seeking the care they need.



A handwritten signature in blue ink, appearing to read "Kate", is written over a horizontal line.

**Kate Colin
Mayor**

Agenda Item 6.a – “Streetaries” Outdoor Eating Areas Ordinance

Continued to September 19, 2022



SAN RAFAEL CITY COUNCIL AGENDA REPORT
Department: City Clerk
Prepared by: Lindsay Lara, City Clerk
City Manager Approval: 

TOPIC: BOARDS AND COMMISSIONS UPDATES
SUBJECT: RESOLUTION AND ORDINANCE CHANGES TO EXISTING CITY BOARDS AND COMMISSIONS
I. INTRODUCE AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 2.16.030 THROUGH 2.16.033 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE BOARD OF LIBRARY TRUSTEES
II. RESOLUTION AMENDING THE BOARD OF LIBRARY TRUSTEES BYLAWS
III. INTRODUCE AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTION 14.25.070 AND ADDING SECTIONS 2.16.120 THROUGH 2.16.122 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE DESIGN REVIEW BOARD
IV. RESOLUTION AMENDING THE DESIGN REVIEW BOARD BYLAWS
V. INTRODUCE AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 2.16.010 THROUGH 2.16.013 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE FIRE COMMISSION
VI. RESOLUTION AMENDING THE FIRE COMMISSION BYLAWS

RECOMMENDATION:
1. Introduce the ordinance relating to the Board of Library Trustees by title only and waive further reading of the ordinance
2. Adopt the Resolution Amending the Board of Library Trustees Bylaws
3. Introduce the ordinance relating to the Design Review Board by title only and waive further reading of the ordinance
4. Adopt the Resolution Amending the Design Review Board Bylaws
5. Introduce the ordinance relating to the Fire Commission by title only and waive further reading of the ordinance
6. Adopt the Resolution Amending the Fire Commission Bylaws

BACKGROUND:
With the exception of the Planning Commission, which is a decision-making body, the City's Boards, commissions, and committees ("BCC's") are advisory bodies, made up of volunteer community members who are appointed by the City Council to serve in an advisory role by reviewing and making recommendations to the City Council on matters within a certain purview. The City of San Rafael has 12 active BCC's, each with varying styles of guidelines which outline how they carry out business as an

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

advisory body to the San Rafael City Council. BCCs are either established by the voters (through a ballot initiative), by resolution of the City Council, or ordinance (and codified in the San Rafael Municipal Code) and the Council has the discretion to both add and remove volunteers.

On [June 6, 2022](#), the City Council approved changes to the Bicycle and Pedestrian Advisory Committee, the Park and Recreation Commission and the Planning Commission in an effort to bring consistency and uniformity across the City’s Boards and Commissions program. The updates made at the June 6, 2022 City Council meeting included changes to the composition of the BCC’s. The changes being proposed in this staff report focus on changing masculine language in the municipal code to gender neutral language, provides authority to the City Council to approve compensation of board members and commissioners by resolution, and update the scope of a few BCCs to better reflect current practices.

ANALYSIS:

Staff is recommending changes to the Board of Library Trustees, Design Review Board, and the Fire Commission. All recommended changed are explained below.

Board of Library Trustees

The Board of Library Trustees is required per the City’s Charter. Board membership, terms, and powers and duties are set forth in San Rafael Municipal Code Sections 2.16.030 through 2.16.033 of Chapter 2.16 (Boards and Commissions). Staff is recommending that the City Council adopt an ordinance (Attachment 1) amending the code to provide authority to the City Council to approve compensation of Board Members by resolution, to remove the clause regarding term of office and removal due to duplicity, amend all masculine language to gender neutral language, and to remove the Board’s duty to review and make comments and recommendations regarding the annual operating budget of the department, as the City Council is the budget review authority.

In addition, staff is recommending adoption of bylaws for the Board to be consistent with recently approved bylaws for other boards, to include clear information on meetings, voluntary resignation and compensation, and to include the policy on term limits as outlined in [Resolution No. 13681 approved by the City Council in February 2014](#). These rules and procedures are consistent with current practice; however, incorporating them into bylaws will clarify the expectations for Board members. Attachment 2 to this report is a resolution adopting the proposed bylaws. Additionally, staff recommends including eligibility requirements for the Board to formalize the current practice of requiring residency in city limits.

Present	Proposed
Ordinance	
Requirement to serve without compensation set by Municipal Code	Provides authority to approve compensation of Board members by resolution
Board’s duty to review, comment, and recommend department operating budget	Removes this duty as it is a function of the San Rafael City Council
Term of office and removal of Board members	Deletion – duplicative (Article IX, Section 1)
Masculine language	Gender-neutral language
Resolution & Bylaws	
Silent on eligibility requirements	Must reside in city limits
Silent on voluntary resignation	2 consecutive unexcused absences constitute voluntary resignation
Silent on the term limits approved in 2014	Maximum of 2 consecutive four-year terms

Design Review Board

The Design Review Board membership, terms, and powers and duties are set forth in San Rafael Municipal Code Section 14.25.070 of Chapter 14.25 (Environmental and Design Review Permits). Staff is recommending that the City Council adopt an ordinance (Attachment 3) amending the code to delete provisions relating to term of office, removal or vacancy of membership, meetings, quorum, and rules of order. Staff recommends this information be included in the Bylaws for the Board and be adopted by resolution in an effort to remain consistent with other boards and commissions. Additionally, staff recommends removal of compensation information in the municipal code, and provide authority to the City Council to approve compensation by resolution.

Staff also recommends moving the remaining provisions governing administration of the Design Review Board from Section 14.25.070 to new Sections 2.16.120 through 2.16.122 established under Chapter 2.16 (Boards and Commissions). This move will consolidate the provisions governing administration of the Design Review Board with provisions governing administration of the other boards and commissions of the City.

Staff recommends retaining under Section 14.25.070 the subsection governing the pilot program approved by the City Council in May 2022 for streamlined review of certain residential projects of the Environmental and Design Review Permits because this is a specific program for permitting of certain residential structures.

In addition, staff is recommending adoption of bylaws for the Board to be consistent with recently approved bylaws for other boards, to include clear information on meetings, voluntary resignation and compensation, and to include the policy on term limits as outlined in [Resolution No. 13681 approved by the City Council in February 2014](#). These rules and procedures are consistent with current practice; however, incorporating them into bylaws will clarify the expectations for Board members. Attachment 4 to this report is a resolution adopting the proposed bylaws.

Present	Proposed
Ordinance	
Membership and Powers and Duties	Moved to Sections 2.16.120 through 2.16.122
Membership, term of office, removal or vacancy of membership, meetings, quorum, and compensation	Deletion – will be designated by resolution adopting bylaws
Masculine language	Gender-neutral language
Resolution & Bylaws	
Silent on voluntary resignation	2 consecutive unexcused absences constitute voluntary resignation
Silent on the term limits approved in 2014	Maximum of 3 consecutive four-year terms

Fire Commission

The Fire Commission is required per the City’s Charter. Board membership, terms, and powers and duties are set forth in San Rafael Municipal Code Sections 2.16.010 through 2.16.013 of Chapter 2.16 (Boards and Commissions). Staff is recommending that the City Council adopt an ordinance (Attachment 5) amending the code to provide authority to the City Council to approve compensation of Board Members

by resolution, to remove the clause regarding term of office and removal due to duplicity, amend all masculine language to gender neutral language, and to remove the Commission’s duty to review and make comments and recommendations regarding the annual operating budget of the department, as the City Council is the budget review authority.

In addition, staff is recommending adoption of bylaws for the Commission to be consistent with recently approved bylaws for other boards, to include clear information on meetings, voluntary resignation and compensation, and to include the policy on term limits as outlined in [Resolution No. 13681 approved by the City Council in February 2014](#). These rules and procedures are consistent with current practice; however, incorporating them into bylaws will clarify the expectations for Commissioners. Attachment 6 to this report is a resolution adopting the proposed bylaws. Additionally, staff recommends including eligibility requirements for the Commission to formalize the current practice of requiring residency in city limits.

Present	Proposed
Ordinance	
Requirement to serve without compensation set by Municipal Code	Provides authority to approve compensation of Commissioners by resolution
Board’s duty to review, comment, and recommend department operating budget	Removes this duty as it is a function of the San Rafael City Council
Term of office and removal of Commissioners	Deletion – duplicative (Article VIII, Section 10)
Masculine language	Gender-neutral language
Resolution & Bylaws	
Silent on eligibility requirements	Must reside in city limits
Silent on voluntary resignation	2 consecutive unexcused absences constitute voluntary resignation
Silent on the term limits approved in 2014	Maximum of 2 consecutive four-year terms

City Council Role with BCCs

On an annual basis, the City Council designates liaison positions to the BCCs. The role of the liaison is to generally stay abreast of the activities of the BCC which may include attending one or more meetings per year, checking in with the Chair of the BCC on a quarterly basis, reporting out on significant activities during City Council meetings as needed, assisting in culling down applications into an interview list when there is a vacancy, and providing a “mentor” role for the needs of the BCCs which could relate to answering procedural questions, facilitating training, or other assistance. Additionally, the Mayor may act in the acting role of the City Council liaison for each BCC.

Alternate Members

Attendance at any regularly scheduled meeting is a necessary part of being an effective Alternate Member. If a regular member is unable to attend a scheduled meeting, the Member notifies the staff liaison in advance and the Alternate Member is notified of their attendance as a full voting member. Alternate Members will be expected to review all meeting materials in preparation for BCC meetings and will vote in the absence of a full voting member. If more than one Alternate Member exists, there shall be a pre-determined first and second Alternate, and they will alternate between first and second Alternate Member annually. First Alternates shall vote in the absence of one voting member, and Second Alternates shall vote in the absence of a second voting member. If no member is absent, the Alternate Member may

still participate in the discussion, deliberation and questions/answers of staff during meetings but will not vote.

FISCAL IMPACT:

There is no fiscal impact associated with this recommendation.

OPTIONS:

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

1. Adopt resolutions and introduce the ordinances.
2. Adopt resolutions/ introduce the ordinances with modifications.
3. Direct staff to return with more information.
4. Take no action.

RECOMMENDED ACTION:

1. Introduce the ordinance relating to the Board of Library Trustees by title only and waive further reading of the ordinance
2. Adopt the Resolution Amending the Board of Library Trustees Bylaws
3. Introduce the ordinance relating to the Design Review Board by title only and waive further reading of the ordinance
4. Adopt the Resolution Amending the Design Review Board Bylaws
5. Introduce the ordinance relating to the Fire Commission by title only and waive further reading of the ordinance
6. Adopt the Resolution Amending the Fire Commission Bylaws

ATTACHMENTS:

1. Ordinance (Board of Library Trustees)
2. Resolution (Board of Library Trustees) & Exhibit A – Bylaws
3. Ordinance (Design Review Board)
4. Resolution (Design Review Board) & Exhibit A – Bylaws
5. Ordinance (Fire Commission)
6. Resolution (Fire Commission) & Exhibit A – Bylaws

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 2.16.030 THROUGH 2.16.033 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE BOARD OF LIBRARY TRUSTEES

WHEREAS, Article IX, Section 1 of the Charter of the City of San Rafael requires the City Council to appoint a Board of Library Trustees of the City of San Rafael; and

WHEREAS, regulations governing the Board of Library Trustees of the City of San Rafael are located in the San Rafael Municipal Code (SRMC) Sections 2.16.030 through 2.16.033 of Chapter 2.16 (Boards and Commissions); and

WHEREAS, staff recommends amending SRMC Section 2.16.031 (Trustee membership-Compensation) by replacing the provision that members serve without compensation with a provision that authorizes the City Council to establish their compensation by resolution; and

WHEREAS, staff recommends removing the Board's duty to review, and make comments and recommendations regarding the annual operating budget of the library department by deleting the applicable provision from the SRMC Section 2.16.033 (Trustee powers and duties); and

WHEREAS, there are instances throughout the SRMC where masculine language is used, and staff recommends amending the language to be gender-neutral; and

WHEREAS, there are instances throughout the SRMC where the term 'citizen' is used, and staff recommends replacing this term with the terms 'community' or 'patron'; and

WHEREAS, staff recommends repealing Section 2.16.032 of the SRMC (Trustee term of office and removal) in its entirety because it is duplicative of information set forth in Article IX, Section 1 of the San Rafael Charter.

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

Division 1. Amendment of Municipal Code.

Sections 2.16.030 through 2.16.033 of Chapter 2.16 (Boards and Commissions) of the San Rafael Municipal Code are hereby amended to read as follows. Additions are shown in underline, and deletions are shown in ~~strikethrough~~.

2.16.030 - Board of library trustees.

A board of library trustees is created.

(Ord. 889 § 6, 1967).

** Board of library trustees —See San Rafael Charter, Art. IX § 1.*

2.16.031 - Trustee membership—Compensation.

The board of library trustees shall consist of five members appointed by the city council, one of whom may be a ~~councilman~~ councilmember. ~~All members shall serve without compensation.~~ The City Council may establish compensation for members of the board of library trustees by resolution.

(Ord. 889 § 7 (part), 1967).

2.16.032 - ~~Trustee term of office and removal.~~ Reserved

~~The members of the board of library trustees shall serve for a term of four years and shall be subject to removal by the affirmative vote of three members of the city council. The terms of office of members of the board of library trustees shall be staggered in the manner provided by resolution of the city council.~~

(Ord. 889 § 7 (part), 1967).

2.16.033 - Trustee powers and duties.

Subject to the direction and control of the city council, as provided in Section 2.04.030 of this code, the powers and duties of the board of library trustees shall be:

To assess and evaluate current and long-range needs of the library; to formulate and adopt policies, rules and regulations with respect to programs and facilities to meet such needs of the community, including recommendations for sites and design of facilities. Such formulations and adoptions shall be made in conjunction with recommendations of the librarian;

~~To review, comment and make recommendations regarding the annual operating budget of the library;~~

To receive, and review periodic reports from the librarian concerning the general operations and functions of the library;

To recommend ways to inform the ~~citizens of San Rafael~~ community as to the various programs, services and assistance which the library affords all its patrons~~citizens~~;

To promote intergovernmental cooperation in the development of library services, patronage and usage;

To perform such other duties as may be prescribed by the city council.

(Ord. 1131 § 3, 1974: Ord. 889 § 7 (part), 1967).

Division 2. Severability.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

Division 3. CEQA Determination.

This Ordinance makes only administrative changes to the operations of a City board and is therefore exempt from the requirements of the California Environmental Quality Act (CEQA) under 14 Cal. Code Regs. §15061(b)(3), the common sense exemption, because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

Division 4. Publication; Effective Date.

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.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the ___ day of _____ 2022, and was passed and adopted at a regular meeting of the San Rafael City Council on the ___ day of ____ 2022 by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

KATE COLIN, Mayor

Attest:

LINDSAY LARA, City Clerk

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
APPROVING BYLAWS OF THE BOARD OF LIBRARY TRUSTEES**

WHEREAS, the City Council wishes to establish consistent rules and procedures for the operation of its boards, commissions and committees, including the Board of Library Trustees; and

WHEREAS, staff recommends adoption of the Board of Library Trustees Bylaws in Exhibit A attached hereto, which include specific rules and practices for the operation of the Board to be consistent with recently approved bylaws for other City boards and commissions; and

WHEREAS, the attached bylaws include a provision for voluntary resignation of members based on unexcused absences;

WHEREAS, the attached bylaws include the policy on term limits as outlined in Resolution 13681 limiting Board Members to a maximum of two consecutive four-year term limits;

WHEREAS, the attached bylaws include eligibility requirements of living in city limits.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts the Board of Library Trustees Bylaws 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 the City of San Rafael, held on Tuesday, the 6th day of September 2022, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

EXHIBIT A: BOARD OF LIBRARY TRUSTEES BYLAWS

BOARD OF LIBRARY TRUSTEES BYLAWS

ARTICLE I. NAME AND PURPOSE

Section 1.1. Name. The name of this body shall be the City of San Rafael Board of Library Trustees, hereinafter referred to as the "Library Board," or the "Board."

Section 1.2. Purpose. The purpose of the Board is to support the Library Director, support the Library Foundation in its quest for a new library, serve as advocates for the Library to the City Council, and help increase the visibility of the Library in the community.

Section 1.3. Board Responsibility. The Library Board's responsibilities shall be in accord with these Bylaws, as amended from time-to-time by the City Council. The Library Board's authority is advisory only. The Library Board has no power to act on behalf of the City of San Rafael or any other entity.

Subject to the direction and control of the city council, as provided in Section 2.04.030 of the San Rafael Municipal Code, the powers and duties of the Board of Library Trustees shall be:

1. To assess and evaluate current and long-range needs of the library;
2. to formulate and adopt policies, rules and regulations with respect to programs and facilities to meet such needs of the community, including recommendations for sites and design of facilities. Such formulations and adoptions shall be made in conjunction with recommendations of the librarian;
3. To receive, and review periodic reports from the librarian concerning the general operations and functions of the library;
4. To recommend ways to inform the San Rafael community as to the various programs, services, and assistance which the library affords all patrons;
5. To promote intergovernmental cooperation in the development of library services, patronage and usage;
6. To perform such other duties as may be prescribed by the city council.

ARTICLE II. MEMBERSHIP

Section 2.1. Number of Members. The Library Board shall consist of five (5) voting members. The City Council has the authority to appoint alternates as needed.

Section 2.2. Eligibility. Board members shall be residents of the city of San Rafael.

Section 2.3. Appointment of Board Members. Members shall be appointed by the City

Council. Appointments shall be published on the website for the City of San Rafael in accordance with Government Code Section 54973, as amended from time to time.

Section 2.4. Terms of Appointment. Each Board member shall serve a minimum term of four (4) years. An effort will be made to ensure that the terms are staggered, and not all of the appointments expire in the same year.

Section 2.5. Term Limits. Members of the Board shall be limited to two (2) consecutive four-year terms. Additional terms may be served if there is a break between terms.

Section 2.6. Absence and Removal. An unexcused absence from two (2) consecutive Board meetings without notification to the Staff Liaison shall be considered a voluntary resignation from the Board. Previously dismissed Board members may be eligible for reappointment to the Board. The members of the Board shall be subject to removal by the affirmative vote of three members of the city council.

Section 2.7. Compensation. Board members serve without compensation.

ARTICLE III. MEETINGS

Section 3.1. Time and date of Regular Meeting. Notification of meeting place, date, and time shall be rendered to the public through posting on the City of San Rafael website. The Board shall meet once per month, unless there is no business to conduct, and shall be scheduled annually. The schedule for the upcoming year will be set by December of the previous year.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTION 14.25.070 AND ADDING SECTIONS 2.16.120 THROUGH 2.16.122 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE DESIGN REVIEW BOARD

WHEREAS, regulations governing the Design Review Board of the City of San Rafael are located in the San Rafael Municipal Code (SRMC) Section 14.25.070 (Environmental and Design Review Permits); and

WHEREAS, staff recommends deleting provisions of Section 14.25.070 relating to the Board's term of office, removal or vacancy of membership, meetings, quorum, and rules of order; and

WHEREAS, staff recommends that the remaining regulations under Section 14.25.070 relating to Board membership and powers and duties be moved to new Sections 2.16.120 through 2.16.122 of Chapter 2.16 (Boards and Commissions); and

WHEREAS, staff recommends that the regulation under Section 14.25.070 relating to streamlined reviews of certain residential projects remain in that section of the code; and

WHEREAS, staff recommends the removal of compensation information from the municipal code.

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

Division 1. Amendment of Section 14.25.070 of Municipal Code.

Section 14.25.070 of Chapter 14.25 (Environmental and Design Review Permits) of the San Rafael Municipal Code is hereby amended to read as follows. Additions are shown in underline, and deletions are shown in ~~strikethrough~~.

14.25.070 – ~~Design review board~~ Streamlined Review of Certain Residential Projects.

~~A. Purpose and Authority.~~

- ~~1. The design review board shall serve as an advisory body to the city for the purpose of reviewing and formulating recommendations on all major physical improvements requiring environmental and design review permits, except that an alternate streamlined review process is allowed for certain eligible projects as described below. The design review board may also serve as an advisory body on other design matters, including minor physical improvements or administrative design permits, referred to the board by the community development director, planning commission or city council. The design review board shall provide professional design analysis, evaluation and judgment as to the completeness, competence and appropriateness of development proposals for the use and setting and to recommend approval, approval with conditions, redesign or denial based on design standards adopted by the city council.~~

~~2. Streamlined Review of Certain Residential Projects.~~

The following residential projects shall be eligible for a streamlined review process, as established by City Council resolution under a pilot program known as the "streamlined review for certain residential projects."

- ~~a. A. Residential structures of three (3) to ten (10) units.~~
- ~~b. B. Additions to multifamily residential structures of between three (3) to ten (10) units, where the addition constitutes no more than forty (40) percent of the total square footage of the building and would not increase the unit count by more than three (3) units.~~

This streamlined review process allows for a joint meeting of the planning commission and two (2) representatives of the design review board. The framework, roles and membership of the design review board representatives for a streamlined review process shall be as established by city council resolution.

~~B. Membership of the Design Review Board. The design review board shall consist of a total of five (5) regular members and may include one alternate member appointed by the city council. The design review board members shall be qualified as follows:~~

- ~~1. At least two (2) members shall be licensed architects or licensed building designers;~~
- ~~2. At least one member shall be a licensed landscape architect;~~
- ~~3. At least one of the five (5) members shall have background or experience in urban design;~~
- ~~4. The alternate member may have qualifications in any of the above fields of expertise;~~
- ~~5. All board members shall reside in the city of San Rafael; and~~
- ~~6. In addition to the five (5) council-appointed board members and one alternate member, one planning commissioner shall attend board meetings. This liaison planning commissioner shall be appointed by the commission chairperson. An additional commissioner shall be appointed to serve as an "alternate liaison" in case of absence. The planning commission liaison should be present at all design review board meetings to offer advice and direction to the board on matters of commission concern.~~

~~C. Alternate Member. The alternate member may temporarily fill a vacancy created when a regular member: (1) leaves office prior to completion of the member's term; (2) cannot attend a meeting; or (3) cannot participate on a particular matter due to a conflict of interest.~~

~~D. Term of Office. The term of office for each design review board member shall be four (4) years. Of the members of the board first appointed, one shall be appointed for the term of one year; one for the term of two (2) years; one for the term of three (3) years; and two (2) for the term of four (4) years. The term of office for the alternate board member shall be four (4) years concurrent with the term of the chairperson.~~

~~E. Removal or Vacancy of Membership. Any member of the board or the alternate member can be removed at any time by a majority vote by the city council. A vacancy shall be filled in the same manner as the original appointment. The person appointed to fill a vacancy shall serve for the remainder of the unexpired term.~~

~~F. Meetings. At least one (1) regular design review board meeting shall be held each month on a date selected by the board, unless there is no business to conduct. The design review board may adopt and amend as necessary, Rules of Order ensuring efficient and responsive board meetings.~~

~~G. Quorum. Three (3) of the members of the board, either regular members or two (2) regular members and the alternate board member, shall be required to constitute a~~

~~quorum for the transaction of the business of the board and the affirmation vote of a majority of those present is required to take any action.~~

~~H. Compensation of the Design Review Board. All members of the board shall serve as such without compensation.~~

~~I. The design review board may adopt, and amend as necessary, Rules of Order to ensure efficient and responsive board meetings.~~

~~(Ord. 1838 § 53, 2005; Ord. 1794 § 2, 2003; Ord. 1625 § 1 (part), 1992).~~

~~(Ord. No. 1882, Exh. A, § 94, 6-21-2010; Ord. No. 2006, § 1, 5-2-2022)~~

Division 2. Addition to Chapter 2.16 of Municipal Code.

Sections 2.16.120 through 2.16.122 are hereby adopted and made a part of Chapter 2.16 (Boards and Commissions) of the San Rafael Municipal Code as follows. Additions are shown in underline.

2.16.120 Design review board – creation.

A design review board is created.

2.16.121 Design review board membership - compensation.

The design review board shall consist of a total of five (5) regular members and may include one alternate member appointed by the city council. The design review board members shall be qualified as follows:

1. At least two (2) members shall be licensed architects or licensed building designers;
2. At least one member shall be a licensed landscape architect;
3. At least one of the five (5) members shall have background or experience in urban design;
4. The alternate member may have qualifications in any of the above fields of expertise;
5. All board members shall reside in the city of San Rafael; and
6. In addition to the five (5) council-appointed board members and one alternate member, one planning commissioner shall attend board meetings. This liaison planning commissioner shall be appointed by the commission chairperson. An additional commissioner shall be appointed to serve as an "alternate liaison" in case of absence. The planning commission liaison should be present at all design review board meetings to offer advice and direction to the board on matters of commission concern.

Alternate Member. The alternate member may temporarily fill a vacancy created when a regular member: (1) leaves office prior to completion of the member's term; (2) cannot attend a meeting; or (3) cannot participate on a particular matter due to a conflict of interest.

The city council may establish compensation for members of the design review board by resolution.

2.16.122 – Design review board powers and duties.

Subject to the direction and control of the city council, as provided in Section 2.04.030 of this code, the powers and duties of the design review board shall be:

To serve as an advisory body to the city for the purpose of reviewing and formulating recommendations on all major physical improvements requiring environmental and design

review permits, except that an alternate streamlined review process may be allowed for certain eligible projects by ordinance or resolution of the city council.

To serve as an advisory body on other design matters, including minor physical improvements or administrative design permits, referred to the board by the community development director, planning commission or city council.

To provide professional design analysis, evaluation and judgment as to the completeness, competence and appropriateness of development proposals for the use and setting and to recommend approval, approval with conditions, redesign or denial based on design standards adopted by the city council.

Division 2. Severability.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

Division 3. CEQA Determination.

This Ordinance makes only administrative changes to the operations of a City board and is therefore exempt from the requirements of the California Environmental Quality Act (CEQA) under 14 Cal. Code Regs. §15061(b)(3), the common sense exemption, because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

Division 4. Publication; Effective Date.

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.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 6th day of September 2022, and was passed and adopted at a regular meeting of the San Rafael City Council on the 19th day of September 2022 by the following vote, to wit:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

KATE COLIN, Mayor

Attest:

LINDSAY LARA, City Clerk

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
APPROVING BYLAWS OF THE DESIGN REVIEW BOARD**

WHEREAS, the City Council wishes to establish consistent rules and procedures for the operation of its boards, commissions and committees, including the Design Review Board; and

WHEREAS, the Design Review Board bylaws in Exhibit A attached hereto are recommended by staff and include specific rules and practices for the operation of the Board to be consistent with recently approved bylaws for other City boards and commissions; and

WHEREAS, the attached bylaws include a provision for voluntary resignation of members based on unexcused absences;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts the Design Review Board Bylaws as set forth in 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 the City of San Rafael, held on Tuesday, the 6th day of September 2022, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

EXHIBIT A: DESIGN REVIEW BOARD BYLAWS

DESIGN REVIEW BOARD BYLAWS

ARTICLE I. NAME AND PURPOSE

Section 1.1. Name. The name of this body shall be the City of San Rafael Design Review Board, hereinafter referred to as the "Board."

Section 1.2. Purpose. The Board shall serve as an advisory body to the city for the purpose of reviewing and formulating recommendations on all major physical improvements requiring environmental and design review permits, except that an alternate streamlined review process may be allowed for certain eligible projects by ordinance or resolution of the city council. The Board may also serve as an advisory body on other design matters, including minor physical improvements or administrative design permits, referred to the board by the community development director, planning commission or city council. The Board shall provide professional design analysis, evaluation and judgment as to the completeness, competence and appropriateness of development proposals for the use and setting and to recommend approval, approval with conditions, redesign or denial based on design standards adopted by the city council.

Section 1.3. Board Responsibility. The Board's responsibilities shall be in accord with these Bylaws, as amended from time-to-time by the City Council. The Board's authority is advisory only. The Board has no power to act on behalf of the City of San Rafael or any other entity.

ARTICLE II. MEMBERSHIP

Section 2.1. Number of Members. The Board shall consist of a total of five (5) regular members and may include one alternate member appointed by the city council. The design review board members shall be qualified as follows:

1. At least two (2) members shall be licensed architects or licensed building designers;
2. At least one member shall be a licensed landscape architect;
3. At least one of the five (5) members shall have background or experience in urban design;
4. The alternate member may have qualifications in any of the above fields of expertise; and
5. In addition to the five (5) council-appointed Board members and one alternate member, one planning commissioner shall attend Board meetings. This liaison planning commissioner shall be appointed by the commission chairperson. An additional commissioner shall be appointed to serve as an "alternate liaison" in case of absence. The planning commission liaison should be present at all design review board meetings to offer advice and direction to the board on matters of commission concern.

Alternate Member. The alternate member may temporarily fill a vacancy created when a regular member: (1) leaves office prior to completion of the member's term; (2) cannot

attend a meeting; or (3) cannot participate on a particular matter due to a conflict of interest.

Section 2.2. Eligibility. Board members shall be residents of the city of San Rafael.

Section 2.3. Appointment of Board Members. Regular voting members and alternate members shall be appointed by the City Council. Appointments shall be published on the website for the City of San Rafael in accordance with Government Code Section 54973, as amended from time to time.

The liaison Planning Commissioner shall be appointed by the Commission Chairperson. An additional Commissioner shall be appointed to serve as an “alternate liaison” in case of absence.

Section 2.4. Terms of Appointment. Each Board member shall serve a term of four (4) years. An effort will be made to ensure that the terms are staggered, and not all of the appointments expire in the same year.

Section 2.5. Term Limits. Members of the Board shall be limited to three (3) consecutive four-year terms. Additional terms may be served if there is a break between terms.

Section 2.6. Absence and Removal. An unexcused absence from two (2) consecutive Board meetings without notification to the Staff Liaison shall be considered a voluntary resignation from the Board. Previously dismissed Board members may be eligible for reappointment to the Board. The members of the Board shall be subject to removal by the affirmative vote of three members of the city council.

Section 2.7. Compensation. Board members serve without compensation.

ARTICLE III. MEETINGS

Section 3.1. Time and date of Regular Meeting. Notification of meeting place, date, and time shall be rendered to the public through posting on the City of San Rafael website. Regularly scheduled Board meetings shall be the first and third Tuesday of each month, but these dates may be impacted by holidays. A schedule shall be approved annually by the Board. The Board shall meet once per month. The schedule for the upcoming year will be set by December of the previous year.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 2.16.010 THROUGH 2.16.013 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE FIRE COMMISSION

WHEREAS, Article VIII, Section 10 of the Charter of the City of San Rafael requires the City Council to appoint a Board of Fire Commissioners of the City of San Rafael; and

WHEREAS, regulations governing the Board of Fire Commissioners of the City of San Rafael are located in the San Rafael Municipal Code (SRMC) Sections 2.16.010 through 2.16.013 of Chapter 2.16 (Boards and Commissions); and

WHEREAS, staff recommends amending SRMC Section 2.16.011 (Board membership-Compensation) by replacing the provision that members serve without compensation with a provision that authorizes the City Council to establish their compensation by resolution; and

WHEREAS, staff recommends removing the Commission's duty to review, and make comments and recommendations regarding the annual operating budget of the fire department by deleting the applicable provision from the SRMC Section 2.16.013 (Trustee powers and duties); and

WHEREAS, there are instances throughout the SRMC where masculine language is used, and staff recommends amending the language to be gender-neutral; and

WHEREAS, staff recommends repealing Section 2.16.012 of the SRMC (Board term of office and removal) in its entirety because it is duplicative of information set forth in Article VIII, Section 10 of the San Rafael Charter.

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

Division 1. Amendment of Municipal Code.

Sections 2.16.030 through 2.16.033 of Chapter 2.16 (Boards and Commissions) of the San Rafael Municipal Code are hereby amended to read as follows. Additions are shown in underline, and deletions are shown in ~~strike through~~.

2.16.010 - Board of fire commissioners.*

A board of fire commissioners is created.

(Ord. 889 § 2, 1967: Ord. 825 § 1, 1965: Ord. 422).

* *Fire commission—See San Rafael Charter, Art. VIII § 10.*

2.16.011 - Board membership—Compensation.

The board of fire commissioners shall consist of five members appointed by the city council, one of whom may be a ~~councilman~~ councilmember. The chief of the fire department shall be an ex officio member of the commission, but shall not be entitled to vote as a member of the commission. ~~All members of the commission shall serve without~~

~~compensation. The city council may establish compensation for members of the board of fire commissioners by resolution.~~

~~(Ord. 889 § 3 (part), 1967).~~

~~**2.16.012 – Board term of office and removal.**~~

~~The members of the board of fire commissioners shall serve for a term of four years and shall be subject to removal by the affirmative vote of three members of the council. The terms of office of members of the commission shall be staggered in the manner provided by resolution of the city council.~~

~~(Ord. 889 § 3 (part), 1967).~~

2.16.013 - Board powers and duties.

Subject to the direction and control of the city council, as provided in Section 2.04.030 of this code, the powers and duties of the board of fire commissioners shall be:

To review and recommend concerning the future needs of the fire department in respect to long-range capital needs, including buildings, training facilities, and water mains and hydrant replacements;

To review the relationship of the fire department with other governmental agencies and private entities concerning topics which the commission feels present a true and pressing need for the city's fire service, i.e., mutual aid and the fire rating system of the Independent Insurance Office;

~~To review, comment and make recommendations regarding the annual operating budget of the department;~~

To recommend to the fire chief and the city council action concerning initial adoption and future amendments to the fire prevention code, the building code, and other such ordinances which pertain to the prevention of fires within the community;

To receive monthly reports from the department head concerning the general operations and functions of the department;

To perform such other duties as may be prescribed by the city council.

~~(Ord. 1131 § 1, 1974: Ord. 889 § 3 (part), 1967).~~

Division 2. Severability.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

Division 3. CEQA Determination.

This Ordinance makes only administrative changes to the operations of a City commission and is therefore exempt from the requirements of the California Environmental Quality Act (CEQA) under 14 Cal. Code Regs. §15061(b)(3), the common sense exemption, because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

Division 4. Publication; Effective Date.

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.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the ___ day of _____ 2022, and was passed and adopted at a regular meeting of the San Rafael City Council on the ___ day of ____ 2022 by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

KATE COLIN, Mayor

Attest:

LINDSAY LARA, City Clerk

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
APPROVING BYLAWS OF THE FIRE COMMISSION**

WHEREAS, the City Council wishes to establish consistent rules and procedures for the operation of its boards, commissions and committees, including the Fire Commission; and

WHEREAS, staff recommends adoption of the Fire Commission Bylaws in Exhibit A attached hereto, which include specific rules and practices for the operation of the Commission to be consistent with recently approved bylaws for other City boards and commissions; and

WHEREAS, the attached bylaws include a provision for voluntary resignation of members based on unexcused absences;

WHEREAS, the attached bylaws include the policy on term limits as outlined in Resolution 13681 limiting Commissioners to a maximum of two consecutive four-year term limits;

WHEREAS, the attached bylaws include eligibility requirements of living in city limits.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts the Fire Commission Bylaws 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 the City of San Rafael, held on Tuesday, the 6th day of September 2022, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

EXHIBIT A: FIRE COMMISSION BYLAWS

FIRE COMMISSION BYLAWS

ARTICLE I. NAME AND PURPOSE

Section 1.1. Name. The name of this body shall be the City of San Rafael Fire Commission, hereinafter referred to as the “Commission.”

Section 1.2. Purpose. The purpose of the Fire Commission is to advise and support the goals and objectives of the San Rafael Fire Department as articulated by the Fire Chief.

Section 1.3. Commission Responsibility. The Commission’s authority is advisory only. The Fire Commission has no power to act on behalf of the City of San Rafael or any other entity.

Subject to the direction and control of the city council, as provided in Section 2.04.030 of the San Rafael Municipal Code, the powers and duties of the Fire Commission shall be:

1. To review and recommend concerning the future needs of the fire department in respect to long-range capital needs, including buildings, training facilities, and water mains and hydrant replacements;
2. To review the relationship of the fire department with other governmental agencies and private entities concerning topics which the commission feels present a true and pressing need for the city's fire service, i.e., mutual aid and the fire rating system of the Independent Insurance Office;
3. To recommend to the fire chief and the city council action concerning initial adoption and future amendments to the fire prevention code, the building code, and other such ordinances which pertain to the prevention of fires within the community;
4. To receive monthly reports from the department head concerning the general operations and functions of the department;
5. To perform such other duties as may be prescribed by the city council.

ARTICLE II. MEMBERSHIP

Section 2.1. Number of Members. The Commission shall consist of five (5) members, one of which may be a Councilmember. The City Council has the authority to appoint alternates as needed. The Chief of the fire department shall be an ex officio member of the Commission but shall not be entitled to vote as a member of the Commission.

Section 2.2. Eligibility. Commissioners shall be residents of the city of San Rafael.

Section 2.3. Appointment of Commissioners. Commissioners shall be appointed by the City Council. Appointments shall be published on the website for the City of San Rafael in accordance with Government Code Section 54973, as amended from time to time.

Section 2.4. Terms of Appointment. Each Commissioner shall serve a term of four (4) years. An effort will be made to ensure that the terms are staggered, and not all of the appointments expire in the same year.

Section 2.5. Term Limits. Commissioners shall be limited to two (2) consecutive four-year terms. Additional terms may be served if there is a break between terms.

Section 2.6. Absence and Removal. An unexcused absence from two (2) consecutive Commission meetings without notification to the Staff Liaison shall be considered a voluntary resignation from the Commission. Previously dismissed Commissioners may be eligible for reappointment to the Commission. Commissioners shall be subject to removal by the affirmative vote of three members of the city council.

Section 2.7. Compensation. Commissioners serve without compensation.

ARTICLE III. MEETINGS

Section 3.1. Time and date of Regular Meeting. Notification of meeting place, date, and time shall be rendered to the public through posting on the City of San Rafael website. The Commission shall meet once per month, unless there is no business to conduct, and shall be scheduled annually. The schedule for the upcoming year will be set by December of the previous year.



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Community Development

Prepared by: Alicia Giudice
Community Development Director
Alexis Captanian, Housing Analyst

City Manager Approval: _____

A handwritten signature in blue ink, appearing to be 'AS'.

TOPIC: GRAND JURY REPORT – AFFORDABLE HOUSING: TIME FOR COLLABORATION IN MARIN

SUBJECT: RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE RESPONSE TO THE MARIN COUNTY CIVIL GRAND JURY REPORT ENTITLED – AFFORDABLE HOUSING: TIME FOR COLLABORATION IN MARIN

EXECUTIVE SUMMARY:

The Marin County Civil Grand Jury has published a report entitled *Affordable Housing: Time for Collaboration in Marin*. The Grand Jury Report lists ten findings and one suggested recommendation to address the housing affordability challenge in Marin County. The Grand Jury has requested that the City of San Rafael review and respond to the findings and suggested recommendation, which focuses on a coordinated regional approach to affordable and workforce housing policy. A response to the findings and suggested recommendation has also been requested of the County of Marin, the other Marin cities and towns, and the Transportation Authority of Marin. The City’s written response must be submitted to the Grand Jury by September 22, 2022.

Staff has reviewed the Grand Jury Report, met with staff from the County and other cities and towns to discuss a coordinated response, and prepared a response to the findings and suggested recommendation that aligns substantially with other Marin jurisdictions. It is requested that the City Council authorize the Mayor to execute the City’s response to the Grand Jury Report.

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution (Attachment 1).

BACKGROUND:

On June 24, 2022, the 2021-2022 Marin County Civil Grand Jury released a report entitled *Affordable Housing: Time for Collaboration in Marin* (Grand Jury Report). This Grand Jury Report addresses the lack of affordable housing in Marin and offers a suggested solution to facilitate the development of more affordable housing through regional coordination. This Grand Jury Report can be accessed at the following link:

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

<https://www.marincounty.org/-/media/files/departments/gj/reports-responses/2021-22/affordable-housing--time-for-collaboration-in-marin.pdf?la=en>

The methodology used for preparing this report included:

- conducting interviews with elected officials and staff members from Marin County, local cities and towns, and neighboring counties;
- consulting experts on affordable housing issues, executives of both nonprofit and for-profit housing developers, and individuals from local housing advocacy groups;
- reviewing past civil grand jury reports, past Marin County planning documents and proposals, academic studies, government reports and documents, and news articles on a broad range of affordable housing issues; and
- inspecting potential affordable housing building sites located in the county.

The “Discussion” section of the Grand Jury Report outlines the need for more affordable and workforce housing in Marin, Marin municipalities’ performance in meeting Regional Housing Needs Allocations (RHNA), and the implications of new statewide housing legislation SB35 for local control. The Grand Jury then presents the benefits of a countywide approach, including increased access to funding, and offers several approaches to countywide coordination, such as formation of a Joint Powers Authority (JPA) or a subregion for the Housing Element process. The Grand Jury suggests creating a regional authority or tasking an existing authority such as the Transportation Authority of Marin to facilitate affordable housing policy countywide, and references the City County Planning Committee (CCPC), previously proposed in 2006, as a potential model.

The Grand Jury Report presents the following findings:

- F1. Marin County lacks sufficient affordable and workforce housing.*
- F2. Increasingly, individuals who work in Marin County cannot afford to live in the county, many of whom must commute from outside the county.*
- F3. Recent California laws provide new incentives for local governments to collaborate in developing affordable housing.*
- F4. The Regional Housing Needs Allocation allotments are widely viewed as unachievable for the county and many Marin municipalities.*
- F5. Failure to achieve Regional Housing Needs Allocation allotments will trigger loss of local control over housing development.*
- F6. There is new and increasing support and willingness to cooperate among elected officials for building affordable housing in Marin.*
- F7. A countywide approach to housing development would enhance Marin’s ability to meet affordable and workforce housing needs.*
- F8. Large affordable housing developments in Marin require subsidies to be financially feasible.*
- F9. Organizations with expertise and access to subsidies and other funding sources are*

successfully building new affordable and workforce housing developments in Marin.

F10. A countywide approach to housing development would enhance Marin's ability to secure funding for affordable and workforce housing.

The Grand Jury Report presents the following recommendation:

R1. No later than December 31, 2022, the Marin County Board of Supervisors and Marin's city and town councils should jointly create a regional authority, or empower an existing authority such as the Transportation Authority of Marin, to coordinate affordable and workforce housing policy on a countywide basis.

The Grand Jury Report dated June 24, 2022 was distributed to the County of Marin and all cities and towns in Marin County. In addition, the report was distributed to the Transportation Authority of Marin. The City of San Rafael has been requested to respond to the findings and recommendation R1.

The City is required to respond to the Grand Jury Report. Penal Code section 933(c) 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 on or before September 22, 2022. A proposed Resolution is attached that would approve the City's response.

ANALYSIS:

Overall, the Grand Jury Report does not present any previously unknown findings or information. The suggested solution to deepen collaboration countywide to achieve more affordable housing makes sense, and San Rafael currently engages with the County and other jurisdictions in several ways. While the report briefly acknowledges some of these efforts, Staff has taken the opportunity in its response to the Grand Jury Report to further describe current collaboration on housing with other jurisdictions, and to outline future possibilities and intentions.

Response to Report Findings

The Civil Grand Jury has requested that the City of San Rafael respond to the ten report findings listed above. Staff has reviewed these findings and agrees with the findings numbered F1, F2, F3, F4, F5, F6, F7, F9, and F10. Staff partially disagrees with the finding numbered F8. Staff has provided direct comments in response to F8 and four of the other findings:

F4. The Regional Housing Needs Allocation allotments are widely viewed as unachievable for the county and many Marin municipalities.

Response: Agree.

The City supports using the Regional Housing Needs Allocation (RHNA) as a means of identifying sites for housing and is on track to meet its increased market-rate allocation for the 2023-2031 planning

period. In August 2021, the City Council adopted General Plan 2040. General Plan 2040 maintained almost all existing land use designations, which have existed since at least 2000. Most of these designations already allow residential development. The City is also actively seeking ways to support affordable and workforce/moderate housing projects. That said, whether the amount of housing allocated through RHNA can be built within the eight-year timeframe will depend on many factors that are outside the City's control, such as owner interest, availability of land, financing, and other market forces.

F7. A countywide approach to housing development would enhance Marin's ability to meet affordable and workforce housing needs.

Response: Agree.

San Rafael collaborates and coordinates housing programs with Marin County and other towns and cities in a number of areas, as discussed further in the response to Recommendation R1 below.

F8. Large affordable housing developments in Marin require subsidies to be financially feasible.

Response: Partially disagree.

Regardless of size, all affordable housing developments require subsidies. In fact, smaller developments are more expensive, more difficult to fund, and cost more per unit than larger developments.

F9. Organizations with expertise and access to subsidies and other funding sources are successfully building new affordable and workforce housing developments in Marin.

Response: Agree.

The Vivalon Healthy Aging Campus and Senior Housing currently under construction in San Rafael is an example of successful countywide partnership. Eden Housing and Vivalon are collaborating on a mixed-use project with studios and 1-bedroom apartments on the upper floors, which will be available to low-income seniors. The City of San Rafael and County of Marin provided funding, and the Marin Housing Authority provided project-based vouchers.

F10. A countywide approach to housing development would enhance Marin's ability to secure funding for affordable and workforce housing.

Response: Agree.

San Rafael collaborates and coordinates housing programs with Marin County and other towns and cities in a number of areas, as discussed further in the response to Recommendation R1 below.

Response to Report Recommendation

The Civil Grand Jury has requested that the City of San Rafael respond to report recommendation R1:

R1. No later than December 31, 2022, the Marin County Board of Supervisors and Marin's city and town councils should jointly create a regional authority, or empower an existing authority such as the Transportation Authority of Marin, to coordinate affordable and workforce housing policy on a countywide basis.

This recommendation will not be implemented because it is not warranted or reasonable.

The City agrees that more collaboration on housing policy and funding would be beneficial and will likely result in more affordable housing in our communities. In fact, much work has been done to date, as described below, and additional opportunities are being developed. The City remains open to additional collaboration and/or more formal arrangements in the future.

However, forming a Joint Powers Agreement (JPA) with 12 jurisdictions would take a significant investment of time, funding and energy that would likely impair current housing efforts, and of course requires willing partners. Doing so by December 31, 2022 is not a realistic timeline, particularly given that each Marin jurisdiction is currently striving to meet statutory deadlines to submit their housing element by January 31, 2023.

Below is a brief summary of existing and recommended new pursuits for strengthening interjurisdictional coordination and planning around affordable and workforce housing:

Existing collaboration

The City has long participated in housing collaboration with the County and other cities and towns, beginning in 2008 with the development of the countywide Housing Element Workbook, which provided a shared template, background information and model programs and policies for development of the 2009 Housing Element. This effort resulted in all Marin municipalities receiving certified housing elements, which in turn made more housing funds available.

In 2019, City staff joined a countywide working group of Planning Directors and planning staff to encourage interjurisdictional collaboration on housing issues and solutions, with a specific focus on responding to new state legislation to streamline housing developments. The working group established common goals and coordinated on housing legislation, planning, production, and preservation of existing affordability. The working group meets once monthly and has evolved from briefings and discussions regarding state housing legislation into collaboration on projects to facilitate the development of more housing in Marin County. The group received funds from ABAG to work collaboratively on shared Housing Element deliverables including translation dollars, Affirmatively Furthering Fair Housing products, visualizations, and a countywide website. In some instances where the City already had begun certain policies and projects ahead of other jurisdictions, the City shared its conclusions and remained open to alignment when in service to increasing housing supply.

Future collaboration

The City intends to expand collaboration with the County and other cities and towns in the following ways:

1. ***Commit to collaboration:*** In the City's draft 2023-2031 Housing Element, a proposed new program would "*Collaborate with Marin County, cities and towns to address regional planning and housing issues*"
 - This would require the City, along with Marin County and other cities and towns, to commit resources to collaboration and hold a public hearing annually to report on progress to the respective decision-making body and report to the State through the Annual Progress Report (APR).

2. **Implementation of Housing Element programs:** During implementation of the 2023-2031 Housing Element, the City will collaborate with the County and other cities and towns on program implementation, especially those related to Affirmatively Furthering Fair Housing and tenant protections. This will include:
 - *Model ordinances:* helping to inform model ordinances developed by the County, to be considered by the Board of Supervisors and City Councils.
 - *Outreach and community engagement:* Conducting shared outreach and community engagement.
3. **Housing Element Collaboration:** Develop a deeper and more formalized collaboration on the Housing Element in the future. This could include:
 - *Shared Housing Element components and policy toolkit:* Develop shared background and outreach sections, and a toolkit of programs and policies. This would provide consistency, save funds and improve accessibility for stakeholders and housing developers.
 - *Consider a Subregional approach:* The County and cities and towns could consider developing a subregional approach to meeting the Regional Housing Need Allocation in the next housing element cycle.
 - *Shared consultants* to conserve resources and develop more consistent policies and programs, the County, cities and towns will seek to hire the same consultants to prepare parts of the housing element, conduct regional outreach and conduct any needed environmental review.
4. **Funding collaboration:** explore ways to more effectively collaborate on shared funding for affordable housing. This could include:
 - *Inclusionary policies:* Developing more consistent fees to encourage and facilitate more affordable housing as part of new market rate developments and increase funding for affordable housing.
 - *Regional housing trust fund:* Consider the establishment of a regional housing trust fund which would make state applications more competitive and lower the administrative burden for cities and towns.
 - *Community Development Block Funds:* Continue to collaborate as part of the Marin County entitlement community on using CDBG funds to fund affordable housing and leverage other State and Federal Sources.
 - *Permanent Local Housing Allocation (PLHA):* Continue to collaborate as an entitlement community to use PLHA funds on housing-related projects and programs that assist in addressing the unmet housing needs of our local communities.
 - *The Bay Area Housing Finance Authority (BAHFA):* Actively participate and support the efforts of BAHFA to raise funds to help address affordable housing and housing stability.

Conclusions

The Grand Jury Report focuses on enhanced regional collaboration to build more affordable housing while retaining local control, stating: “Regardless of the specific mechanism utilized, Marin must establish a strong culture of inter-jurisdictional collaboration to address housing needs beyond basic planning issues.” While the City will not implement the report’s recommendation for a regional authority, Staff agrees that a culture of inter-jurisdictional collaboration is critical, and will continue to build relationships, leverage existing collaborations, and pursue additional opportunities to coordinate approaches with other jurisdictions, when in alignment with San Rafael’s commitment to creating more affordable and workforce housing.

FISCAL IMPACT:

City review and comment on this Civil Grand Jury Report has no fiscal impact on the City of San Rafael.

OPTIONS:

The City is required to respond, however, the City Council has the following options to consider on this matter:

1. Adopt resolution as presented, approving the proposed response.
2. Adopt resolution with modifications to the proposed response.
3. Direct staff to return with more information.

RECOMMENDED ACTION:

Adopt resolution approving and authorizing the Mayor to execute the proposed response to the Marin County Civil Grand Jury Report.

ATTACHMENTS:

1. Resolution, with attached City response to Grand Jury report

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE
RESPONSE TO THE MARIN COUNTY CIVIL GRAND JURY REPORT ENTITLED
- AFFORDABLE HOUSING: TIME FOR COLLABORATION IN MARIN**

WHEREAS, pursuant to Penal Code section 933(c), a public agency which receives a Grand Jury Report with findings and recommendations pertaining to matters under the control of the public agency 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(c) 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 June 24, 2022, entitled "Affordable Housing: Time for Collaboration in Marin;" and

WHEREAS, at a regular City Council meeting held on September 6, 2022, the Grand Jury Report was presented, public testimony was accepted, and the City Council discussed the report findings and recommendations.

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 June 24, 2022 report, entitled "Affordable Housing: Time for Collaboration in Marin," a copy of which response 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 6th day of September 2022, by the following vote to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

LINDSAY LARA, City Clerk



RESPONSE TO GRAND JURY REPORT FINDINGS AND RECOMMENDATIONS

REPORT TITLE: "AFFORDABLE HOUSING: TIME FOR COLLABORATION IN MARIN"
REPORT DATE: June 24, 2022
RESPONSE BY: San Rafael City Council

GRAND JURY FINDINGS

- We agree with the findings numbered: **F1, F2, F3, F4, F5, F6, F7, F9, and F10**
- We disagree wholly or partially with the finding numbered: **F8**

GRAND JURY RECOMMENDATIONS

- Recommendation numbered **R1** will not be implemented because it is not warranted or reasonable.

Date: _____

Signed: _____
Mayor Kate Colin



City of San Rafael Response to Grand Jury Report Findings and Recommendations
“Affordable Housing: Time for Collaboration in Marin”
(June 24, 2022)

RESPONSE TO GRAND JURY FINDINGS

F1. Marin County lacks sufficient affordable and workforce housing.

Response: Agree.

F2. Increasingly, individuals who work in Marin County cannot afford to live in the county, many of whom must commute from outside the county.

Response: Agree.

F3. Recent California laws provide new incentives for local governments to collaborate in developing affordable housing.

Response: Agree.

F4. The Regional Housing Needs Allocation allotments are widely viewed as unachievable for the county and many Marin municipalities.

Response: Agree.

The City supports using the Regional Housing Needs Allocation (RHNA) as a means of identifying sites for housing and is on track to meet its increased market-rate allocation for the 2023-2031 planning period. In August 2021, the City Council adopted General Plan 2040. General Plan 2040 maintained almost all existing land use designations, which have existed since at least 2000. Most of these designations already allow residential development. The City is also actively seeking ways to support affordable and workforce/moderate housing projects. That said, whether the amount of housing allocated through RHNA can be built within the eight-year timeframe will depend on many factors that are outside the City’s control, such as owner interest, availability of land, financing, and other market forces.

F5. Failure to achieve Regional Housing Needs Allocation allotments will trigger loss of local control over housing development.

Response: Agree.

F6. There is new and increasing support and willingness to cooperate among elected officials for building affordable housing in Marin.

Response: Agree.

F7. A countywide approach to housing development would enhance Marin’s ability to meet affordable and workforce housing needs.



City of San Rafael Response to Grand Jury Report Findings and Recommendations
“Affordable Housing: Time for Collaboration in Marin”
(June 24, 2022)

Response: Agree.

San Rafael collaborates and coordinates housing programs with Marin County and other towns and cities in a number of areas, as discussed further in the response to Recommendation R1 below.

F8. Large affordable housing developments in Marin require subsidies to be financially feasible.

Response: Partially disagree.

Regardless of size, all affordable housing developments require subsidies. In fact, smaller developments are more expensive, more difficult to fund, and cost more per unit than larger developments.

F9. Organizations with expertise and access to subsidies and other funding sources are successfully building new affordable and workforce housing developments in Marin.

Response: Agree.

The Vivalon Healthy Aging Campus and Senior Housing currently under construction in San Rafael is an example of successful countywide partnership. Eden Housing and Vivalon are collaborating on a mixed-use project with studios and 1-bedroom apartments on the upper floors, which will be available to low-income seniors. The City of San Rafael and County of Marin provided funding, and the Marin Housing Authority provided project-based vouchers.

F10. A countywide approach to housing development would enhance Marin’s ability to secure funding for affordable and workforce housing.

Response: Agree.

San Rafael collaborates and coordinates housing programs with Marin County and other towns and cities in a number of areas, as discussed further in the response to Recommendation R1 below.

RESPONSE TO GRAND JURY RECOMMENDATIONS

The Marin County Civil Grand Jury recommends the following:

R1. No later than December 31, 2022, the Marin County Board of Supervisors and Marin’s city and town councils should jointly create a regional authority, or empower an existing authority such as the Transportation Authority of Marin, to coordinate affordable and workforce housing policy on a countywide basis.

This recommendation will not be implemented because it is not warranted or reasonable.

The City agrees that more collaboration on housing policy and funding would be beneficial and will likely result in more affordable housing in our communities. In fact, much work has been



City of San Rafael Response to Grand Jury Report Findings and Recommendations
“Affordable Housing: Time for Collaboration in Marin”
(June 24, 2022)

done to date, as described below, and additional opportunities are being developed. The City remains open to additional collaboration and/or more formal arrangements in the future.

However, forming a Joint Powers Agreement (JPA) with 12 jurisdictions would take a significant investment of time, funding and energy that would likely impair current housing efforts, and of course requires willing partners. Doing so by December 31, 2022 is not a realistic timeline, particularly given that each Marin jurisdiction is currently striving to meet statutory deadlines to submit their housing element by January 31, 2023.

Below is a brief summary of existing and recommended new pursuits for strengthening interjurisdictional coordination and planning around affordable and workforce housing:

Existing collaboration

The City has long participated in housing collaboration with the County and other cities and towns, beginning in 2008 with the development of the countywide Housing Element Workbook, which provided a shared template, background information and model programs and policies for development of the 2009 Housing Element. This effort resulted in all Marin municipalities receiving certified housing elements, which in turn made more housing funds available.

In 2019, City staff joined a countywide working group of Planning Directors and planning staff to encourage interjurisdictional collaboration on housing issues and solutions, with a specific focus on responding to new state legislation to streamline housing developments. The working group established common goals and coordinated on housing legislation, planning, production, and preservation of existing affordability. The working group meets once monthly and has evolved from briefings and discussions regarding state housing legislation into collaboration on projects to facilitate the development of more housing in Marin County. The group received funds from ABAG to work collaboratively on shared Housing Element deliverables including translation dollars, Affirmatively Furthering Fair Housing products, visualizations, and a countywide website. In some instances where the City already had begun certain policies and projects ahead of other jurisdictions, the City shared its conclusions and remained open to alignment when in service to increasing housing supply.

Future collaboration

The City intends to expand collaboration with the County and other cities and towns in the following ways:

1. **Commit to collaboration:** In the City’s draft 2023-2031 Housing Element, a proposed new program would “*Collaborate with Marin County, cities and towns to address regional planning and housing issues*”
 - This would require the City, along with Marin County and other cities and towns, to commit resources to collaboration and hold a public hearing annually to report on progress to the respective decision-making body and report to the State through the Annual Progress Report (APR).
2. **Implementation of Housing Element programs:** During implementation of the 2023-2031 Housing Element, the City will collaborate with the County and other cities and



City of San Rafael Response to Grand Jury Report Findings and Recommendations
“Affordable Housing: Time for Collaboration in Marin”
(June 24, 2022)

towns on program implementation, especially those related to Affirmatively Furthering Fair Housing and tenant protections. This will include:

- *Model ordinances:* helping to inform model ordinances developed by the County, to be considered by the Board of Supervisors and City Councils.
- *Outreach and community engagement:* Conducting shared outreach and community engagement.

3. **Housing Element Collaboration:** Develop a deeper and more formalized collaboration on the Housing Element in the future. This could include:
 - *Shared Housing Element components and policy toolkit:* Develop shared background and outreach sections, and a toolkit of programs and policies. This would provide consistency, save funds and improve accessibility for stakeholders and housing developers.
 - *Consider a Subregional approach:* The County and cities and towns could consider developing a subregional approach to meeting the Regional Housing Need Allocation in the next housing element cycle.
 - *Shared consultants* to conserve resources and develop more consistent policies and programs, the County, cities and towns will seek to hire the same consultants to prepare parts of the housing element, conduct regional outreach and conduct any needed environmental review.
4. **Funding collaboration:** explore ways to more effectively collaborate on shared funding for affordable housing. This could include:
 - *Inclusionary policies:* Developing more consistent fees to encourage and facilitate more affordable housing as part of new market rate developments and increase funding for affordable housing.
 - *Regional housing trust fund:* Consider the establishment of a regional housing trust fund which would make state applications more competitive and lower the administrative burden for cities and towns.
 - *Community Development Block Funds:* Continue to collaborate as part of the Marin County entitlement community on using CDBG funds to fund affordable housing and leverage other State and Federal Sources.
 - *Permanent Local Housing Allocation (PLHA):* Continue to collaborate as an entitlement community to use PLHA funds on housing-related projects and programs that assist in addressing the unmet housing needs of our local communities.
 - *The Bay Area Housing Finance Authority (BAHFA):* Actively participate and support the efforts of BAHFA to raise funds to help address affordable housing and housing stability.




Agenda Item No: 7.b
Meeting Date: September 6, 2022

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Library & Recreation

Prepared by: Craig Veramay,
Assistant Library & Recreation
Director

City Manager Approval: _____ 

TOPIC: AGREEMENT FOR DISBURSEMENT OF MEASURE A TAX PROCEEDS AND MEASURE A WORK PLAN FOR JULY 1, 2022 – JUNE 30, 2023

SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE COUNTY OF MARIN FOR DISBURSEMENT OF MEASURE A TAX PROCEEDS AND APPROVING THE MEASURE A WORK PLAN FOR JULY 1, 2022 – JUNE 30, 2023

RECOMMENDATION:
Adopt a resolution authorizing the City Manager to execute an agreement with the County of Marin for Disbursement of Measure A tax proceeds and approving the Measure A Work Plan for July 1, 2022 – June 30, 2023.

BACKGROUND:
In November 2012, an ordinance (“Measure A”) of the County of Marin was approved by a two-thirds majority of the electors voting on the Measure. Measure A imposes a nine year one-quarter of one percent retail transactions and use tax 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. In its first nine years, the tax has generated an average of \$14 million per year for parks, open spaces, and farmland preservation across Marin. This level of revenue changes during the life of the Measure due to the variability in annual receipts.

Measure A included a sunset provision, and the ordinance expired on March 31, 2022. In June 2022, voters approved re-implementation of Measure A. In accordance with this law, for the next nine years, funds raised by Measure A will continue to be spent on parks and open space, sustainable agriculture, recreation in Marin’s nineteen cities and towns, and land acquisition. The newly re-implemented rate will go into effect on October 1, 2022, and is being administered by the County of Marin via its Ordinance No. 3760. The rate will remain in effect until September 30, 2031, and may be further renewed by the voters.

_____ **FOR CITY CLERK ONLY** _____

Council Meeting: _____

Disposition: _____

Park Capital Improvement Projects	FY13-14 to FY15-16	FY16-17	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22	Total
Albert Park Playground		\$37,761	\$50,618	\$221,957				\$310,336
Victor Jones Playground		\$80,275	\$19,725					\$100,000
Bret Harte Park Restroom			\$2,183	\$170,798				\$172,981
Pickleweed Park Field Conversion					\$6,523	\$9,359		\$15,882
Albert Park Stadium Field Fencing					\$41,593			\$41,593
Sun Valley Playground Upgrades						\$4,429	\$128,587	\$133,016
Citywide Park and Recreation Master Plan							\$277,009	\$277,009
Total	\$252,493	\$118,036	\$72,526	\$392,755	\$48,116	\$13,788	\$405,596	\$1,309,530

Historically, the City has used Measure A funding to support four general activities: park maintenance, vegetation management, protection of open space and park improvements. For FY2022-23, Measure A funds will be focused on park improvement projects. The planned expenditures total \$780,000, which includes the \$206,806 FY2022-2023 allocation as well as carry-over funds from previous years.

- **Park Capital Improvements and Maintenance:** The City’s FY2022-2023 Capital Improvement program will rely on \$595,000 from Measure A funding to support the following projects:
 - **\$35,000** will be used to support additional project scope in the development of a comprehensive, Citywide Parks and Recreation Master Plan that is intended to be integrated with the City’s General Plan. The Master Plan will provide a framework for directing City resources toward parks, facilities, and programs, and for addressing current and future community recreational needs over the next ten (10) years.
 - **\$335,000** will be used to construct a new playground at Sun Valley Park that will improve ADA accessibility and improve community members experience. Additional Prop 68 Per Capita funding will be allocated in FY2022-23 for the implementation of this project.
 - **\$240,000** will be used to improve the fencing at Albert Park Field.
 - **\$100,000** will be used to fund the creation of a citywide Trail Master Plan as part of the proposed Open Space and Trails Master Plan.
 - **\$70,000** will be used to install replacement room divider partitions at the Terra Linda Community Center and the Albert J. Boro Community Center. The current equipment is inoperable, limiting use of these community resources.

These planned expenditures are summarized in the Measure A Work Plan for July 1, 2022 through June 30, 2023 (Attachment 2). While all projects proposed under the Measure A Work Plan are included in the approved FY 2022-23 CIP, the proposed expenditures vary slightly, as they reflect an updated Measure A fund balance and more recent project budget estimates.

Additionally, with the renewal of Measure A, Marin County is requesting a new agreement for disbursement of tax proceeds, which is included as Attachment 3.

FISCAL IMPACT:

City Council has already appropriated \$300,000 of Measure A funding for Fiscal Year 2022-23. Approving the Measure A Work Plan would authorize the appropriation of an additional \$480,000 of restricted tax proceeds from Fund 241, the Measure A Open Space Fund.

OPTIONS:

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

1. Adopt a resolution authorizing the City Manager to execute an agreement with the County of Marin for disbursement of “Measure A” tax proceeds and approving the FY 2022-23 Measure A Work Plan.
2. Adopt a resolution as amended, authorizing the City Manager to execute an agreement with the County of Marin for disbursement of “Measure A” tax proceeds and approving the FY 2022-23 Measure A Work Plan.
3. Do not adopt a resolution authorizing the City Manager to execute an agreement with the County of Marin for disbursement of “Measure A” tax proceeds and approving the FY 2022-23 Measure A Work Plan and provide direction to staff.

RECOMMENDED ACTION:

Adopt a resolution authorizing the City Manager to execute an agreement with the County of Marin for Disbursement of “Measure A” tax proceeds and approving the Measure A Work Plan for July 1, 2022 – June 30, 2023.

ATTACHMENTS:

1. Resolution – Measure A
2. Exhibit A to Resolution: Measure A Work Plan
3. Draft grant agreement for disbursement of tax proceeds between County of Marin and City of San Rafael

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE COUNTY OF MARIN FOR DISBURSEMENT OF MEASURE A TAX PROCEEDS AND APPROVING THE MEASURE A WORK PLAN FOR JULY 1, 2022 – JUNE 30, 2023

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, on June 7, 2022 Marin County voters approved the renewal of Measure A for an additional nine-year period, that will remain in effect October 1, 2022 through September 30, 2031, and may be further renewed by voters; 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 \$206,806 for FY 2022-2023, 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 \$206,806 for July 1, 2022 – June 30, 2023.

NOW, THEREFORE, BE IT RESOLVED by the San Rafael City Council that the City Manager is authorized to execute an agreement with the County of Marin and to make any necessary, mutually acceptable changes to the agreement, once approved as to form by the City Attorney, to establish the relationship between the parties with respect to the disbursement of Measure A proceeds, and the accounting for Measure A fund expenditures, and to take other actions necessary to fulfill this intent; and

BE IT FURTHER RESOLVED that the San Rafael City Council approves the Measure A Work Plan for Proposed Expenditure of Measure A funds for July 1, 2022 - June 30, 2023, a copy of which is hereby attached as Exhibit A and by this reference made a part hereof; and

BE IT FURTHER RESOLVED that the Administrative Services 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, 2022 to June 30, 2023.

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 Tuesday, the 6th day of September 2022, by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk



Work Plan

Measure A City, Town, and Applicable Special District Program Proposed Expenditure of Measure A Funds for July 1, 2022 to June 30, 2023

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 Manager (kwright@marincounty.org), by July 1, 2022.
- Contact Mr. Wright by e-mail (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.

This portion of page is intentionally blank. Proceed to next page.

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
(Print)

Title: Administrative Services Director
(Print)

Address: 1400 Fifth Avenue, Suite 204

City, Zip: San Rafael, CA 94901

Phone: 415-485-3062

E-mail: Nadine.Hade@cityofsanrafael.org

C. Total estimated funds for Fiscal Year 2022-23:

i. Estimated carry-over balance of recipient's Measure A funds from previous fiscal years	ii. Estimate of recipient's Measure A funds for FY 2022-23. (This information will be provided by Marin County Parks)	iii. Total estimated available funds for FY 22-23 (i + ii).
\$ 575,000	\$ 206,806	\$ 781,806

D. Recipient's Measure A Work Plan for Fiscal Year 2022-23:

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
Park Planning	B	Creation of a Citywide Park & Recreation Master Plan	\$ 35,000	0	\$ 35,000
Park Improvements	B	Replace playground and improve ADA accessibility at Sun Valley Park	\$ 335,000	0	\$ 335,000
Trail Planning	B	Creation of a Citywide Trail Master Plan, as part of the Open Space and Trails Master Plan	\$ 100,000	0	\$ 100,000
Field Improvements	B	Design for improved fencing at Albert Park Field	\$ 240,000	0	\$ 240,000
Community Center Improvements	B	Replacing room dividers at Albert J Boro and Terra Linda Community Centers	\$ 70,000	0	\$ 70,000
Estimated Total					\$780,000

****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

GRANT AGREEMENT FOR DISBURSEMENT OF TAX PROCEEDS

BETWEEN

COUNTY OF MARIN

AND

CITY OF _____
TOWN OF _____
_____ DISTRICT

This Grant Agreement (hereinafter "AGREEMENT") is made and entered into this ___ day of MONTH, 2022, by and between the County of Marin, a political subdivision of the State of California (hereinafter "COUNTY"), and the CITY/TOWN of _____, or _____ DISTRICT (hereinafter "CITY/TOWN/DISTRICT"), a political subdivision of the State of California, collectively hereinafter the "PARTIES".

Recitals

Whereas, the Marin Parks, Open Space, and Sustainable Agriculture Transactions and Use Tax Ordinance 3760 (hereinafter "MEASURE A"; attached as Exhibit A) was approved by Marin County voters on June 7, 2022; and

Whereas, upon becoming operative on October 1, 2022, MEASURE A applies to any unspent fund balance from the Marin Parks, Open Space, and Farmland Preservation Transactions and Use Tax Ordinance 3586, which became effective April 1, 2013.

Whereas, MEASURE A levies a one-quarter of one-percent transactions and use tax (hereinafter "sales tax") in Marin County and is estimated to generate approximately \$16,000,000 per year for the nine year life of the measure; and

Whereas, the MEASURE A Expenditure Plan, included in Exhibit A, allocates fifteen percent (15%) of the revenues from the sales tax increment to a City, Town, and Applicable Special District Program (hereinafter "PROGRAM") to assist Marin's municipalities and applicable special districts in managing their parks, open space preserves, recreation programs, and vegetation to promote biodiversity and reduce wildfire risk; and

Whereas, the term, "applicable special districts," means a local public entity located wholly within the unincorporated area of Marin that was explicitly formed to provide services to the community for park and recreation purposes and/or park and recreation purposes plus open space. Applicable special districts do not include federal agencies, state agencies, extensions of the County government (i.e. Community Service Areas) and/or districts located within an incorporated town or city even if such agencies or districts provide services to the community for recreation, open space or recreation programming.

Whereas, COUNTY is charged with the fiduciary duty to administer the MEASURE A sales tax proceeds consistent with applicable laws; and

Whereas, MEASURE A, requires that an allocation method be used as a means to determine the amount of funding each municipality and applicable special district receives on an annual basis from the PROGRAM; and

Whereas, the Ordinance 3586 allocation method approved by the Marin County Board of Supervisors on December 17th, 2013, a copy of which is attached hereto and made a part hereof (hereinafter "ALLOCATION METHOD"; Exhibit B), has been updated with current census information and will be used to determine funding allocations under this PROGRAM; and

Whereas, the objective of this AGREEMENT is to continue a mutually beneficial relationship between PARTIES to disburse and account for MEASURE A fund expenditures;

Therefore, PARTIES are entering into this AGREEMENT.

Statement of Agreement

1. It is mutually agreed and understood that, upon signing of this AGREEMENT:
 - a. COUNTY is responsible for allocating, managing, accounting for, and disbursing all PROGRAM funds.
 - b. COUNTY will disburse PROGRAM funds to CITY/TOWN/DISTRICT semiannually (two times per fiscal year), as follows:
 - i. Disbursement 1 will occur in or about July each year, conditional upon receipt by Marin County Parks of an Annual Measure A Work Plan prepared by CITY/TOWN/DISTRICT, in the form attached as Exhibit C, by July 1st of the same calendar year. Disbursement 1 will consist of PROGRAM funds from Measure A revenue received from the California Department of Tax and Fee Administration during the preceding January 1st through June 30th period and allocated to the CITY/TOWN/DISTRICT according to the ALLOCATION METHOD. If CITY/TOWN/DISTRICT submits its Annual Measure A Work Plan after July 1st, Disbursement 1 shall occur approximately 30 days subsequent to submittal.
 - ii. Disbursement 2 will occur in or about January, conditional upon receipt by Marin County Parks, by November 15th of the same fiscal year, of an Annual Measure A Expenditure Report prepared by CITY/TOWN/DISTRICT, in the form attached as Exhibit D, describing actual expenditures for the preceding fiscal year. Disbursement 2 will consist of PROGRAM funds from Measure A revenue received from the California Department of Tax and Fee Administration during the preceding July 1st through December 31st period and allocated to the CITY/TOWN/DISTRICT according to the ALLOCATION METHOD. If CITY/TOWN/DISTRICT submits its Annual Measure A Expenditure Report after November 15th, Disbursement 2 may be delayed. Late Expenditure Reports will delay annual reporting on Measure A, and the work of the Measure A Community Oversight Committee.

CITY/TOWN/DISTRICT is encouraged to produce Annual Measure A Expenditure Reports on time.

- iii. COUNTY will make every effort to make disbursements within the time periods specified above, and shall not willfully delay or withhold PROGRAM funds for reasons other than those stated in this AGREEMENT, but shall not be responsible for the consequences if disbursements are delayed for any reason. Disbursements will occur by electronic transfer.
 - iv. CITY/TOWN/DISTRICT Annual Measure A Work Plans and Expenditure Reports shall account for any unspent revenue and unreported expenditures from Ordinance 3586.
- c. CITY/TOWN/DISTRICT's allocation of PROGRAM funds must be used as described in Exhibit A to this AGREEMENT. Only the following uses are allowed:
- i. Manage parks, open spaces, and recreational programming.
 - ii. To maintain, restore and/or renovate existing parks, preserves and recreational facilities.
 - iii. To construct new parks and recreational facilities or acquire parklands.
 - iv. To engage in vegetation management to reduce wildfire risk, promote biodiversity or control invasive non-native weeds on private, municipal, or district lands.
- d. Without changing the ALLOCATION METHOD, COUNTY may review and adjust CITY/TOWN/DISTRICT's population numbers every three years, beginning with the date of this AGREEMENT. COUNTY shall provide CITY/TOWN/DISTRICT's with notice of any adjustments.
- e. For CITY/TOWN/DISTRICT's budgeting purposes, COUNTY will provide an estimate of a CITY/TOWN/DISTRICT's annual allocation for the coming fiscal year on or about March 1st, for as long as the tax is in effect. COUNTY will base the estimate on the annual budget approved by the Board of Supervisors and account for an estimated delay in payment from the sales tax is assessed to the time a payment is made to COUNTY of three (3) months. Actual allocation may be higher or lower than the estimate due to variability in annual tax receipts.
- f. CITY/TOWN/DISTRICT is not required to match funds.
- g. CITY/TOWN/DISTRICT will segregate PROGRAM funds from other funds available to it. CITY/TOWN/DISTRICT must ensure that PROGRAM funds are not commingled with other funds not pertaining to MEASURE A. This can be achieved by either establishing a separate bank account dedicated solely to MEASURE A, or by establishing and accounting for MEASURE A financial transactions in a special revenue fund dedicated solely to MEASURE A.

- h. CITY/TOWN/DISTRICT need not expend its annual allocation of PROGRAM funds in a single fiscal year. Allocations may accumulate with the CITY/TOWN/DISTRICT and carry over into multiple, successive fiscal years if, for example, CITY/TOWN/DISTRICT wishes to use the funds for a program, project or projects that cannot be funded with a single year allocation.
- i. CITY/TOWN/DISTRICT will expend the sum total of its annual allocations by 10 years after the date MEASURE A expires. On that date, PROGRAM funds not expended by CITY/TOWN/DISTRICT shall revert and be due to COUNTY.
- j. CITY/TOWN/DISTRICT's Annual Measure A Work Plans shall be due as stated in item "b" above.
- k. CITY/TOWN/DISTRICT is responsible for ensuring that environmental review and permitting requirements are fulfilled, if applicable, for all projects receiving Measure A funds.
- l. CITY/TOWN/DISTRICT will spend Measure A funds solely on project or program costs. Project or program costs are defined as costs associated with staff, contractors, consultants or materials related to projects identified in the Annual Measure A Work Plan.
- m. The accuracy of CITY/TOWN/DISTRICT's Annual Measure A Expenditure Reports will be certified by the CITY/TOWN/DISTRICT's chief fiscal officer.
- n. COUNTY may audit CITY/TOWN/DISTRICT's expenditure of PROGRAM funds and any unspent allocation balances.
- o. COUNTY will assist CITY/TOWN/DISTRICT to establish or continue practices and procedures, as reasonably necessary, to facilitate CITY/TOWN/DISTRICT's fulfillment of its responsibilities pursuant to this AGREEMENT.
- p. CITY/TOWN/DISTRICT will repay the COUNTY any funds that the COUNTY has disbursed which are not used in accordance with this AGREEMENT unless there has been prior written agreement between the PARTIES stating otherwise.

2. Indemnification

CITY/TOWN/DISTRICT shall defend, indemnify, hold harmless, and release COUNTY, its elected and appointed officials, officers, agents, and employees, from and against any and all actions, claims, damages, liabilities, or expenses (hereinafter "LIABILITY") that may be asserted by any third party arising out of or in connection with CITY/TOWN/DISTRICT'S performance under or the making of this AGREEMENT, except to the extent that LIABILITY is caused by the negligence or willful misconduct of COUNTY.

COUNTY shall defend, indemnify, hold harmless, and release CITY/TOWN/DISTRICT, its elected and appointed officials, officers, agents, and employees, from and against any and all actions, claims, damages, liabilities, or expenses (hereinafter "LIABILITY") that may be asserted by any third party arising out of or in connection with COUNTY'S performance under or the making of this AGREEMENT, except to the extent that LIABILITY is caused by the negligence or willful misconduct of CITY/TOWN/DISTRICT.

3. Replacement

Beginning on October 1, 2022 this AGREEMENT replaces the Ordinance 3586 agreement signed by CITY/TOWN/DISTRICT on December 17, 2013 related to the administration of PROGRAM funds.

4. Duration and Termination

The terms of this AGREEMENT shall remain in full force and effect for 10 (ten) years from the date adopted and signed. Any party may terminate this AGREEMENT by notifying the other party a minimum of 30 (thirty) days in advance.

5. Contacts and Notices

All notices under this Agreement shall be in writing (unless otherwise specified) delivered to the parties by electronic mail, hand, by commercial courier service, or by United States mail, postage prepaid, addressed to the parties at the addresses set forth below or such other addresses as the parties may designate by notice.

For County:

Director and General Manager
Marin County Parks
3501 Civic Center Drive, Suite 260
San Rafael, CA 94903
Phone: (415) 473-6387
Fax: (415) 473-3795
Email: MKorten@marincounty.org

For City, Town or District:

Title
Name of City/Town/District
Address
Phone
Fax
E-mail

6. NO THIRD PARTY BENEFICIARIES

Nothing contained in this agreement shall be construed to create, and the PARTIES do not intend to create, any rights in third parties.

7. EXPENSES

Except as otherwise provided in Section 2 of this AGREEMENT, each party shall be solely responsible for and shall bear all of its own respective legal expenses in connection with any dispute arising out of this AGREEMENT and the transactions hereby contemplated. PARTIES may not use PROGRAM funds for the aforementioned purpose.

8. INTEGRATION

This AGREEMENT, including Exhibits A, B, C and D which are attached hereto and incorporated herein by reference, represents the entire AGREEMENT of the PARTIES with respect to the subject matter thereof. No representations, warranties, inducements or oral agreements have been made by any of the parties except as expressly set forth herein.

9. AMENDMENT

Except as otherwise provided herein, this AGREEMENT may not be changed, modified or rescinded except in writing, signed by all PARTIES hereto, and any attempt at oral modification of this AGREEMENT shall be void and of no effect.

10. SEVERABILITY

Should a court of competent jurisdiction rule or declare that any part of this AGREEMENT is unconstitutional, invalid, or beyond the authority of either party to enter into or carry out, such decision shall not affect the validity of the remainder of this AGREEMENT, which shall continue in full force and effect; provided that the remainder of this AGREEMENT can, absent the excised portion, be reasonably interpreted to give effect to the intentions of the PARTIES.

IN WITNESS WHEREOF, the PARTIES hereto have executed this AGREEMENT on the day and year above written.

CITY, TOWN OR DISTRICT

Mayor or other authorized representative

Attest:

Clerk of the City/Town/District

Approved as to Form:

CITY/TOWN/DISTRICT COUNSEL

By: _____

COUNTY OF MARIN

President, Board of Supervisors

Attest:

Clerk of the Board

Approved as to Form:
COUNTY COUNSEL

By: _____

EXHIBIT A

Marin County Ordinance No. 3760

EXHIBIT B

Allocation Method

EXHIBIT C

Form of Annual Measure A Work Plan

EXHIBIT D

Form of Annual Measure A Expenditure Report