

**EXHIBIT A**

Community Venture Partners, Inc.  
*A Catalyst for Sustainable Solutions*

August 12, 2014

Marin County Board of Supervisors  
3501 Civic Center Drive, Room 329  
San Rafael, CA 94903

Re: REQUEST TO AMEND THE MARIN COUNTY HOUSING ELEMENT & EXTEND  
THE PUBLIC REVIEW AND APPROVAL PROCESS

Dear Marin County Supervisors:

On Monday, August 25<sup>th</sup>, the Draft of the Marin County "Housing Element" (HE) for the 2015-2023 planning cycle will have its final review by the Planning Commission before being sent to the Department of Housing and Community Development (HCD) in Sacramento.

The County Housing Element plan will have significant impacts on all residents of Marin County. It is important that the public and our elected representatives on the Board of Supervisors have adequate time to review and comment on the plan prior to submission to HCD.

**For the reasons noted below, we find that the proposed HE and its approval process schedule is unresponsive to community needs and unacceptable. We believe the submission should be HCD delayed and the review process extended to allow for greater public participation and comments by our Marin County Supervisors.**

1. **Public Workshops Failed:** The County workshops that were held to solicit public input were biased toward predetermined outcomes. Its participants were not provided with sufficient facts about potential housing project site conditions or impacts to make reasonable, informed decisions.
2. **Site and Density Decisions Lack Sufficient Logic:** The methodologies and criteria used by the County to designate development sites and unit densities are generally inconsistent, inequitable and illogical. No reasonable feasibility analysis has been conducted to evaluate potential negative or unforeseen outcomes.
3. **Fast-Track Schedule is Unnecessary:** The County is fast-tracking the review, submittal and approval of the HE unnecessarily. The County has until May 31<sup>st</sup> of 2015 to gain final certification of the HE from HCD, without risk of penalty of any kind.
4. **The Fast-Track Schedule Denies Sufficient Public Participation:** The fast-track timetable for submittal of the Draft HE to the Department of Housing and Community Development (HCD) is unreasonable and fails to adequately involve the participation of the general public. The final document has not been made available to the public yet.

Once the Draft HE is sent to HCD, the opportunity for public input is over, for all practical purposes. And many residents are out of town this month, so are unable to either respond to the draft HE or attend the August 25th public hearing.

5. **The Fast-Track Schedule Denies Sufficient Participation by Our Elected Officials:** The fast-track timetable for submittal of the Draft HE to the Department of Housing and Community Development (HCD) fails to adequately provide for preliminary review and comment by our elected representatives on the County Board of Supervisors. Once the Draft HE is sent to HCD, the opportunity for significant input or changes by the BOS is over, for all practical purposes.
6. **Housing Density Far Exceeds Our Legal Requirements:** The HE's site and density designations are in excess of the state mandated Regional Housing Needs Allocation (RHNA) quota requirements (the so-called "buffer") and are unprecedented and potentially damaging to the character and economic and environmental sustainability of our County. The HE and its Alternatives propose to increase the number of mostly market rate housing units to approximately 422 percent of the RHNA requirement (781 units planned for instead of 185 required), and the number of high density affordable units to approximately 242 percent of the RHNA requirement (148 units instead of 61 required). There is no logical reason or legal requirement to do this.
7. **The State Density Bonus Adds 35 Percent More Units But Is Not Considered:** The HE fails to account for additional units that will result from the State Density Bonus law, which can automatically add up to 35 percent more units for projects providing minimal affordable housing. This could potentially increase the overall number of mostly market rate housing units approvable under this HE to approximately 470 percent (870 units planned for instead of 185 required) of the RHNA requirement.
8. **Failure to Ensure Affordable Housing:** Many of the HE policies and programs are untested and unlikely to result in the construction of any truly affordable housing for those most in need in Marin County. More than half the "affordable" units noted in the HE are for families making more than \$97,100 a year.
9. **Significant Community and Environmental Impacts:** The housing locations and densities proposed in the HE will overly impact our local roads, schools, water resources, infrastructure, and public services, and dramatically alter the character of our communities, and require further investigation.

**We are strong supporters of realistic affordable housing solutions. However, based on the findings noted above, we hereby respectfully request that the County:**

1. **Delay the submission of the Draft Housing Element to HCD** until such time as the public has had adequate opportunity to review it and comment on it, and until such time as the Board of Supervisors can schedule a public hearing to review it and comment on it prior to submission to HCD.

- II. **Reduce the number of designated building sites and units** that are in excess of our legal requirements (the “buffer”) to a number which more realistically addresses our RHNA obligations under the law, and which is more reasonable and consistent with what other cities and counties have done.
  
- III. **Refocus on how to create affordable housing** in ways that protect public health and safety, are more equitably distributed throughout the County, and are more appropriate for the small-scale character of our towns and the infill development opportunities in our communities, and that do not place unsustainable burdens on the capacity of our roads, schools, water resources, utilities, infrastructure, and public services.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Silvestri', with a stylized flourish at the end.

Bob Silvestri  
President

**EXHIBIT B**

AGENDA FOR  
MARIN COUNTY BOARD OF SUPERVISORS  
MARIN COUNTY HOUSING AUTHORITY BOARD OF COMMISSIONERS  
MARIN COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD OF  
SUPERVISORS

*Agenda items will be heard at the time specified or later, depending on the progress of the meeting.*

*The Marin County Board of Supervisors encourages a respectful dialogue that supports freedom of speech and values diversity of opinion. The Board, staff and the public are expected to be polite and courteous, and refrain from questioning the character or motives of others. Please help create an atmosphere of respect by not booing, whistling or clapping; by adhering to speaking time limits; and by silencing your cell phone.*

**AGENDA**

Tuesday, August 19, 2014  
Board of Supervisors Chambers, Room 330, Civic Center

**9:00 a.m. Convene Meeting of the Marin County Housing Authority Board of Commissioners (in Room 324A)**

**Convene in Open Session**

**Convene in Closed Session**

- 1a. Conference with legal counsel regarding existing litigation pursuant to California Government Code Section 54956.9(a). Name of case: Michelle Twegbe v. Housing Authority of the County of Marin, et al. in Marin County Superior Court, Civil Action No. 1301115.

**9:30 a.m. Reconvene Meeting of the Marin County Housing Authority Board of Commissioners (in Room 330)**

Announcement from Closed Session

- 1b. Approval of minutes of the meeting of July 29, 2014.  
1b - DRAFT MINUTES
- 1c. Board of Commissioners' matters.
- 1d. Open time for public expression, up to three minutes per speaker, on items not on the Housing Authority Agenda. (While members of the public are welcome to address the Board, under the Brown Act, Board members may not deliberate or take action on items not on the agenda, and, generally, may only listen.)
- 1e. Executive Director's Report.

- 1f. Request to accept 2013 Annual Marin Housing Authority Audited Financial Statements and Audit Reports.  
**Recommended actions: Accept reports.**

1f - STAFF REPORT  
1f - ATTACHMENT

- 1g. Authorize the Executive Director to negotiate and execute Housing Opportunities for Persons with AIDS ("HOPWA") agreement with the California Department of Public Health, in the amount of \$294,000, to provide tenant-based rental assistance for people living with HIV/AIDS.  
**Recommended actions: Approve.**

1g - STAFF REPORT  
1g - AGREEMENT

- 1h. Authorize the Executive Director to modify the Family Self-Sufficiency Services Case Manager and Family Self-Sufficiency Services Coordinator classifications.  
**Recommended actions: Approve.**

1h - STAFF REPORT

- 1i. Hearing: Conduct a public hearing and approve revisions to the Administrative Plan governing the Housing Choice Voucher Program for submittal to the Department of Housing and Urban Development ("HUD").  
**Recommended actions: Approve.**

1i - STAFF REPORT  
1i - ATTACHMENT

- 1j. Hearing: Conduct a public hearing and approve revisions to the Admissions and Continued Occupancy Plan that governs the Public Housing Program for submittal to the Department of Housing and Urban Development ("HUD").  
**Recommended actions: Approve.**

1j - STAFF REPORT  
1j - ATTACHMENT

**Adjourn as the Marin County Housing Authority Board of Commissioners**

**10:00 a.m. Convene as the Board of Supervisors**

2. Board of Supervisors' matters.
3. Administrator's report.
4. Consent Calendar A (Items CA-1 through CA-10)  
*("Consent Calendar A" reflects those agenda items that have prior policy approval from the Board.)*

CA-1 **Board of Supervisors:**

- a. Request for In Memoriam adjournments as requested by Board Members during Board of Supervisors' matters.
- b. Approval of minutes of the special meetings of July 28, 31, August 4 and 12, 2014 and the regular meetings of July 22 and 29, 2014.

CA-1b - DRAFT MINUTES OF JULY 22, 2014  
CA-1b - DRAFT MINUTES OF JULY 28, 2014  
CA-1b - DRAFT MINUTES OF JULY 29, 2014  
CA-1b - DRAFT MINUTES OF JULY 31, 2014  
CA-1b - DRAFT MINUTES OF AUGUST 4, 2014  
CA-1b - DRAFT MINUTES OF AUGUST 12, 2014

- c. Request from Supervisor Kinsey to adopt resolution commending Whistlestop's 60th anniversary.

CA-1c - RESOLUTION

- CA-2     Community Development Agency:  
Authorize President to execute fourth amendment to agreement with Steven F. Scholl for a time-only contract extension for work associated with the update of the Marin County Local Coastal Program Amendment ("LCPA").

CA-2 - STAFF REPORT  
CA-2 - AGREEMENT

- CA-3     County Administrator:  
a. Authorize President to execute agreement with Marin Family Action, in the amount of \$45,000, to support the Youth Financial Literacy program and Safe and Friendly Environment ("SAFE") program.

CA-3a - STAFF REPORT  
CA-3a - AGREEMENT

- b. Authorize President to execute extension of ground lease with United States Postal Service ("USPS") for approximately 38,135 square feet of land with an address commonly known as 2 Civic Center Drive, San Rafael, CA (APN: 179-270-019) for a lease term of five years, with an option for the USPS to extend another five years, for one dollar per year.

CA-3b - STAFF REPORT  
CA-3b - AGREEMENT

- CA-4     Finance:  
Request to approve temporary transfer of available funds within the County Treasury, in an amount not to exceed \$17,500,000, to accommodate Teeter Plan interim financing of the buyout of the June 30, 2014 tax delinquencies.

CA-4 - STAFF REPORT



CA-5 Fire:  
Authorize President to execute agreement with Wittman Enterprises, LLC, in an amount not to exceed \$28,000, to provide medical billing related to ambulance services provided by the Marin County Fire Department.

CA-5 - STAFF REPORT  
CA-5 - AGREEMENT

CA-6 Health and Human Services:  
NOTE: Agreements in items CA-6a - CA-6d are renewals of existing agreements that were included in and funded in the FY 2014-15 budget.  
a. Authorize President to execute renewal of HIV Surveillance Data Use agreement with the California Department of Public Health.

CA-6a - STAFF REPORT  
CA-6a - AGREEMENT

b. Authorize President to execute FY 2014-17 California Department of Public Health Standard agreement #14-10026 and related documents, in the amount of \$174,192, for the Childhood Lead Poisoning Prevention Program.

CA-6b - STAFF REPORT  
CA-6b - AGREEMENT

c. Authorize President to execute FY 2014-15 agreement with Ritter Center, in the amount of \$568,900, to provide case management, general medical care, medical and psychiatric evaluations, expedited enrollment in SSI/SSDI, housing, and supportive services to the safety net population.

CA-6c - STAFF REPORT  
CA-6c - AGREEMENT

d. Authorize President to execute FY 2014-15 agreement with Golden Gate Regional Center ("GGRC") to allow the Division of Mental Health and Substance Use Services to provide psychiatric medication assessment to GGRC clients in the Outpatient Medication Clinic.

CA-6d - STAFF REPORT  
CA-6d - AGREEMENT

e. Authorize President to execute FY 2014-15 agreement with Patricia Holmstrand, dba Home Based Family Advocates, in the amount of \$50,000, to provide parent advocacy services in collaboration with Marin Children and Family Services.

CA-6e - STAFF REPORT  
CA-6e - AGREEMENT

CA-7 Human Resources:  
Effective August 31, 2014, request to reallocate one FTE Technology Systems Specialist II in the Department of Health and Human Services to Technology Systems Specialist III, as detailed in staff report dated August 19, 2014.

CA-7 - STAFF REPORT

CA-8

Library:

Approve one day closure of all branches of the Marin County Free Library on Friday, September 19, 2014, to allow all library employees to attend "All Staff Day."

CA-8 - STAFF REPORT

CA-9

Public Works:

a. Approve request by the Bolinas Community Center for the temporary closure of Wharf Road in Bolinas on Monday, September 1, 2014 from 10:00 a.m. to 6:30 p.m. for the annual Labor Day Celebration.

CA-9a - STAFF REPORT

b. Request to approve a five-hour temporary closure of Scott Street, between Laverne Avenue and Evergreen Avenue in Mill Valley (District 3), on August 24, 2014 from 2:00 p.m. to 7:00 p.m. for a block party.

CA-9b - STAFF REPORT

c. Authorize President to execute agreement with Harris & Associates, Inc., in a total amount not to exceed \$257,423, to provide environmental and detailed design services for Marin Veterans' Memorial Auditorium Parking Lot Improvements (Project No. CAP 13-013).

CA-9c - STAFF REPORT

CA-9c - AGREEMENT

d. Authorize President to execute Amended and Restated Memorandum of Understanding ("MOU") by and between the Marin Emergency Radio Authority ("MERA") and the County of Marin specifying that the parcel tax revenues will be used solely for the purpose of funding the Next Generation Radio System.

CA-9d - STAFF REPORT

CA-9d - MEMORANDUM OF UNDERSTANDING

e. Request to approve hangar space sublease at Gness Field between Bemac Properties and Andres Amil III.

CA-9e - STAFF REPORT

f. Request to (i) approve plans and specifications; (ii) direct Clerk to advertise for bids for 2014 Wharf Road Retaining Wall Repair project (Project No. 2014-21); and (iii) authorize Public Works Director to award construction contract to lowest responsible bidder.

CA-9f - STAFF REPORT

- g. Request to schedule hearing for September 9, 2014 at 10:30 a.m. to consider Marin Sanitary Service's requested 5.52% rate increase, along with execution of a new consolidated agreement for the Central Marin franchise areas serviced by Marin Sanitary Service, as detailed in staff report dated August 19, 2014.

CA-9g - STAFF REPORT

- h. Request to (1) approve award of Request for Proposal ("RFP") No. 2694 to First Building Maintenance of San Francisco, in the annual amount of \$284,784 with an option to extend four additional years, for janitorial services to provide floor maintenance at 16 County locations; and (2) authorize Purchasing Agent to approve subsequent annual contract extensions with the same terms and conditions as the originally approved contract, including mutually agreed upon price increase, as detailed in staff report dated August 19, 2014.

CA-9h - STAFF REPORT

CA-10

Sheriff:

Request to adopt resolution to approve the Marin Operational Area Mass Care and Sheltering Plan as an annex to the Marin Operational Area Emergency Operations Plan ("EOP").

CA-10 - STAFF REPORT

CA-10 - DRAFT RESOLUTION

CA-10 - ATTACHMENT

5.

Consent Calendar B (Items CB-1 through CB-3)

*("Consent Calendar B" reflects those agenda items requiring 4/5 vote of available members relating to budgetary matters.)*

CB-1

County Administrator:

Request to approve monthly budget adjustments as detailed in staff report dated August 19, 2014.

CB-1 - STAFF REPORT (revised)

CB-1 - ATTACHMENT (revised)

CB-2

Health and Human Services:

Effective for the August 17, 2014 pay period, approve cost neutral personnel and budget adjustments in Division of Public Health, to address new and emerging needs and to further implement the Department's new organizational structure, as detailed in staff report dated August 19, 2014.

CB-2 - STAFF REPORT

CB-3

Public Works:

- a. Request to (i) accept grant, in the amount of \$85,461.92, from the Marin County Hazardous and Solid Waste Joint Powers Authority ("JPA") for outreach and coordination of Recycling, Food Scrap and Composting Program and supplies; and (ii) approve related budget actions, as detailed in staff report dated August 19, 2014.

CB-3a - STAFF REPORT

- b. Effective January 1, 2015, request to (i) add 1.0 FTE Engineering Technician position; and (ii) approve related budget actions, as detailed in staff report dated August 19, 2014.

CB-3b - STAFF REPORT

6. Open time for public expression, up to three minutes per speaker, on items not on the Board of Supervisors' agenda. (While members of the public are welcome to address the Board, under the Brown Act, Board members may not deliberate or take action on items not on the agenda, and generally may only listen.)
7. Request from the County Administrator for Board concurrence and adoption of response to 2013-2014 Grand Jury Report: "Aging in Marin: What's the Plan?" (June 13, 2014).  
**Recommended actions: Concur in and thereby adopt response and direct the President to submit the response to the Presiding Judge.**

7 - STAFF REPORT

7 - RESPONSE

7 - GRAND JURY REPORT

8. Request from the Sheriff to authorize execution of a Memorandum of Understanding ("MOU") with the Sonoma County Sheriff's Office to temporarily house up to fifteen (15) Sonoma County inmates in the Marin County Jail at the rate of \$100 per day per inmate, as detailed in staff report dated August 19, 2014.  
**Recommended actions: Approve.**

8 - STAFF REPORT

8 - MEMORANDUM OF UNDERSTANDING

9. Request from County Parks to add new positions funded by Measure A to address natural resource management, landscape architecture, and communications workloads, and approve related budget actions as detailed in staff report dated August 19, 2014.  
**Recommended actions: Approve.**

9 - STAFF REPORT

10. Hearing: Ordinance amending Marin County Code Title 19 (Marin County Building Code) regarding alternative building Codes in support of sustainable construction methods.  
**Recommended actions: Conduct public hearing and consider adopting ordinance.**

10 - STAFF REPORT

10 - DRAFT ORDINANCE

11. Request from the County Administrator to increase authorization to review and execute professional services contracts from an amount not to exceed \$25,000 to a revised amount not to exceed \$50,000.  
**Recommended actions: Approve.**

11 - STAFF REPORT

12. Appointments:
- a. Disaster Council (DC3)  
One vacancy representing the American Red Cross (Marin chapter). An application has been received from Andrew McClelland.  
**Recommended action: Make appointment.**
  - b. Kentfield Planning advisory Board  
One term expiration. Incumbent Alan Derwin has reapplied.  
**Recommended action: Make appointment.**
  - c. Strawberry Design Review Board  
One vacancy. Applications have been received from Christopher Marino, Robert Martyn, Penna Omega, and Barbara Rowe.  
**Recommended action: Make one appointment.**

**Recess as the Board of Supervisors**

**10:45 a.m. Convene as the Marin County Flood Control and Water Conservation District Board of Supervisors**

- 13a. Approval of minutes of the meeting of August 5, 2014.

13a - DRAFT MINUTES

- 13b. Open time for public expression, up to three minutes per speaker, on items not on the Flood Control and Water Conservation District Agenda. (While members of the public are welcome to address the Board, under the Brown Act Board members may not deliberate or take action on items not on the agenda, and generally may only listen.)
- 13c. Board of Supervisors' matters.
- 13d. Staff report on District matters.
- 13e. Request to authorize budgetary adjustments for funding of replacement of the Santa Venetia Pump Station No. 2, Pump No. 2, Flood Control Zone ("FCZ") No. 7, Supervisorial District 1.  
**Recommended action: Approve.**

13e - STAFF REPORT

**Adjourn as the Main County Flood Control and Water Conservation District Board of Supervisors**

**Reconvene as the Board of Supervisors**

14. **Closed Session:**
- a. Conference with legal counsel regarding anticipated litigation pursuant to California Government Code Section 54956.9(d)(2). Number of Potential Cases: One.
  - b. Conference with labor negotiator (Roger Crawford, Marin County Human Resources) regarding negotiations with Service Employees International Union ("SEIU") 1021 (nurses) and Marin County Fire Department Fire Fighters Association, pursuant to California Government Code Section 54957.6(a).

**1:30 p.m. Reconvene in Open Session**  
Announcement from Closed Session.

15. Hearing: Consideration of the Barner et al. Appeal of the Planning Commission's approval of the Granucci Design Review and Tree Removal Permit, 290 Grandview Avenue, Novato (APN 157-103-50).  
**Recommended actions: (a) Review administrative record; (b) conduct public hearing; and (c) make determination on appeal.**

15 - STAFF REPORT  
15 - DRAFT RESOLUTION  
15 - ATTACHMENT

**EXHIBIT C**

REGULAR MEETING OF THE MARIN COUNTY BOARD OF SUPERVISORS HELD  
TUESDAY, AUGUST 19, 2014, AT 10:50 A.M.

Roll Call

Present: Supervisor Arnold; Supervisor Kinsey; Supervisor Rice; Supervisor Sears

Absent: Supervisor Adams

The Board convened as the Marin County Housing Authority Board of Commissioners at 9:05 a.m. and convened as the Board of Supervisors at 10:50 a.m. Supervisor Adams was absent.

2. Board of Supervisors' matters

Whistlestop

Supervisor Rice commented briefly on Consent Calendar Item CA-1c, a resolution commending Whistlestop Wheels.

Lomita Park Community Meeting

Supervisor Rice reported on a recent community meeting in Lomita Park.

Consent Calendar Items CB-3a and CB-3b

Supervisor Rice commented briefly regarding Consent Calendar Items CB-3a and CB-3b related to zero waste goals.

Draft Housing Element

Supervisors Rice and Arnold commented briefly regarding correspondence from community members related to the Draft Housing Element.

In Memoriam

Supervisor Sears requested adjournment in memory of Beatrice "Bea" Seidler and Robin Williams.

3. Administrator's report

Agenda Modifications

County Administrator Matthew Hymel advised that Public Works has asked that Consent Item CA-9h, regarding a Request for Proposal for janitorial services, be removed from the agenda.

Mr. Hymel also advised that a revised monthly budget adjustments letter has been submitted for Consent Calendar Item CB-1.

Marin Emergency Radio Authority ("MERA")

Mr. Hymel commented briefly on actions taken at last week's meeting of the MERA's governing board to address issues that were raised by the Board of Supervisors at their meeting on July 22, 2014.

Mr. Hymel responded to questions from Board members regarding future MERA upgrades.



**Draft Housing Element**

Mr. Hymel introduced Community Development Agency Director Brian Crawford, who provided an update on the status of the Draft Housing Element.

Mr. Crawford and Principal Planner Leelee Thomas responded to questions from Board members regarding various components of the Draft Housing Element.

4. **Consent Calendar A (Items CA-1 through CA-10)**  
**("Consent Calendar A" reflects those agenda items that have prior policy approval from the Board.)**

M/s Supervisor Arnold - Supervisor Kinsey to approve Consent Calendar A, with CA-9h removed.

**CA-1. Board of Supervisors:**

- a. Request from the Board to adjourn in memory of Bea Seidler and Robin Williams.
- b. Approval of minutes of the special meetings of July 28, 31, August 4 and 12, 2014 and the regular meetings of July 22 and 29, 2014.

**CA-1b - MINUTES OF JULY 22, 2014**

**CA-1b - MINUTES OF JULY 28, 2014**

**CA-1b - MINUTES OF JULY 29, 2014**

**CA-1b - MINUTES OF JULY 31, 2014**

**CA-1b - MINUTES OF AUGUST 4, 2014**

**CA-1b - MINUTES OF AUGUST 12, 2014**

- c. Request from Supervisor Kinsey to adopt resolution commending Whistlestop's 60th anniversary.

**CA-1c - RESOLUTION**

- CA-2. Community Development Agency:**  
Authorize President to execute fourth amendment to agreement with Steven F. Scholl for a time-only contract extension for work associated with the update of the Marin County Local Coastal Program Amendment ("LCPA").

**CA-2 - STAFF REPORT**

**CA-2 - AGREEMENT**

**CA-3. County Administrator:**

- a. Authorize President to execute agreement with Marin Family Action, in the amount of \$45,000, to support the Youth Financial Literacy program and Safe and Friendly Environment ("SAFE") program.

**CA-3a - STAFF REPORT****CA-3a - AGREEMENT**

- b. Authorize President to execute extension of ground lease with United States Postal Service ("USPS") for approximately 38,135 square feet of land with an address commonly known as 2 Civic Center Drive, San Rafael, CA (APN: 179-270-019) for a lease term of five years, with an option for the USPS to extend another five years, for one dollar per year.

**CA-3b - STAFF REPORT****CA-3b - AGREEMENT****CA-4. Finance:**

Request to approve temporary transfer of available funds within the County Treasury, in an amount not to exceed \$17,500,000, to accommodate Teeter Plan interim financing of the buyout of the June 30, 2014 tax delinquencies.

**CA-4 - STAFF REPORT****CA-5. Fire:**

Authorize President to execute agreement with Wittman Enterprises, LLC, in an amount not to exceed \$28,000, to provide medical billing related to ambulance services provided by the Marin County Fire Department.

**CA-5 - STAFF REPORT****CA-5 - AGREEMENT****CA-6. Health and Human Services:**

NOTE: Agreements in items CA-6a - CA-6d are renewals of existing agreements that were included in and funded in the FY 2014-15 budget.

- a. Authorize President to execute renewal of HIV Surveillance Data Use agreement with the California Department of Public Health.

**CA-6a - STAFF REPORT**

**CA-6a - AGREEMENT**

- b. Authorize President to execute FY 2014-17 California Department of Public Health Standard agreement #14-10026 and related documents, in the amount of \$174,192, for the Childhood Lead Poisoning Prevention Program.

**CA-6b - STAFF REPORT**

**CA-6b - AGREEMENT**

**CA-6b - RESOLUTON**

- c. Authorize President to execute FY 2014-15 agreement with Ritter Center, in the amount of \$568,900, to provide case management, general medical care, medical and psychiatric evaluations, expedited enrollment in SSI/SSDI, housing, and supportive services to the safety net population.

**CA-6c - STAFF REPORT**

**CA-6c - AGREEMENT**

- d. Authorize President to execute FY 2014-15 agreement with Golden Gate Regional Center ("GGRC") to allow the Division of Mental Health and Substance Use Services to provide psychiatric medication assessment to GGRC clients in the Outpatient Medication Clinic.

**CA-6d - STAFF REPORT**

**CA-6d - AGREEMENT**

- e. Authorize President to execute FY 2014-15 agreement with Patricia Holmstrand, dba Home Based Family Advocates, in the amount of \$50,000, to provide parent advocacy services in collaboration with Marin Children and Family Services.

**CA-6e - STAFF REPORT**

**CA-6e - AGREEMENT**

- CA-7. Human Resources:  
Effective August 31, 2014, to reallocate one FTE Technology Systems Specialist II in the Department of Health and Human Services to Technology Systems Specialist III, as detailed in staff report dated August 19, 2014.

**CA-7 - STAFF REPORT**

- CA-8. Library**  
Approve one day closure of all branches of the Marin County Free Library on Friday, September 19, 2014, to allow all library employees to attend "All Staff Day."

**CA-8 - STAFF REPORT**

- CA-9. Public Works:**

- a. Approve request by the Bolinas Community Center for the temporary closure of Wharf Road in Bolinas on Monday, September 1, 2014 from 10:00 a.m. to 6:30 p.m. for the annual Labor Day Celebration.

**CA-9a - STAFF REPORT**

- b. Request to approve a five-hour temporary closure of Scott Street, between Laverne Avenue and Evergreen Avenue in Mill Valley (District 3), on August 24, 2014 from 2:00 p.m. to 7:00 p.m. for a block party.

**CA-9b - STAFF REPORT**

- c. Authorize President to execute agreement with Harris & Associates, Inc., in a total amount not to exceed \$257,423, to provide environmental and detailed design services for Marin Veterans' Memorial Auditorium Parking Lot Improvements (Project No. CAP 13-013).

**CA-9c - STAFF REPORT**

**CA-9c - AGREEMENT**

- d. Authorize President to execute Amended and Restated Memorandum of Understanding ("MOU") by and between the Marin Emergency Radio Authority ("MERA") and the County of Marin specifying that the parcel tax revenues will be used solely for the purpose of funding the Next Generation Radio System.

**CA-9d - STAFF REPORT**

**CA-9d - MEMORANDUM OF UNDERSTANDING**

- e. Request to approve hangar space sublease at Gross Field between Bemac Properties and Andres Amil III.

**CA-9e - STAFF REPORT**

- f. Request to (i) approve plans and specifications; (ii) direct Clerk to advertise for bids for 2014 Wharf Road Retaining

Wall Repair project (Project No. 2014-21); and (iii) authorize Public Works Director to award construction contract to lowest responsible bidder.

CA-9f - STAFF REPORT

- g. Request to schedule hearing for September 9, 2014 at 10:30 a.m. to consider Marin Sanitary Service's requested 5.52% rate increase, along with execution of a new consolidated agreement for the Central Marin franchise areas serviced by Marin Sanitary Service, as detailed in staff report dated August 19, 2014.

CA-9g - STAFF REPORT

- h. This item, regarding the approval of an award of Request for Proposal for janitorial services, was removed from the agenda.

CA-10. Sheriff:  
 Request to adopt Resolution No. 2014-75 to approve the Marin Operational Area Mass Care and Sheltering Plan as an annex to the Marin Operational Area Emergency Operations Plan ("EOP").

CA-10 - STAFF REPORT

CA-10 - RESOLUTION NO. 2014-75

CA-10 - ATTACHMENT

Vote: Motion carried 4-0  
 AYES: Supervisor Arnold, Supervisor Kinsey, Supervisor Rice, Supervisor Sears  
 ABSENT: Supervisor Adams

- 5. Consent Calendar B (Items CB-1 through CB-3)  
("Consent Calendar B" reflects those agenda items requiring 4/5 vote of available members relating to budgetary matters.)

M/s Supervisor Rice - Supervisor Arnold to approve Consent Calendar B, with revisions to CB-1.

CB-1. County Administrator:  
 Request to approve monthly budget adjustments as detailed in revised staff report dated August 19, 2014.

CB-1 - STAFF REPORT (revised)

CB-1 - ATTACHMENT (revised)

CB-2. Health and Human Services:  
 Effective for the August 17, 2014 pay period, approve cost neutral

personnel and budget adjustments in Division of Public Health, to address new and emerging needs and to further implement the Department's new organizational structure, as detailed in staff report dated August 19, 2014.

**CB-2 - STAFF REPORT**

**CB-3. Public Works:**

- a. Request to (i) accept grant, in the amount of \$85,461.92, from the Marin County Hazardous and Solid Waste Joint Powers Authority ("JPA") for outreach and coordination of Recycling, Food Scrap and Composting Program and supplies; and (ii) approve related budget actions, as detailed in staff report dated August 19, 2014.

**CB-3a - STAFF REPORT**

- b. Effective January 1, 2015, request to (i) add 1.0 FTE Engineering Technician position; and (ii) approve related budget actions, as detailed in staff report dated August 19, 2014.

**CB-3b - STAFF REPORT**

**Vote:** Motion carried 4-0

**AYES:** Supervisor Arnold, Supervisor Kinsey, Supervisor Rice, Supervisor Sears

**ABSENT:** Supervisor Adams

8. **Request from the Sheriff to authorize execution of a Memorandum of Understanding ("MOU") with the Sonoma County Sheriff's Office to temporarily house up to fifteen (15) Sonoma County inmates in the Marin County Jail at the rate of \$100 per day per inmate, as detailed in staff report dated August 19, 2014**

**8 - STAFF REPORT**

**8 - MEMORANDUM OF UNDERSTANDING**

By letter dated August 19, 2014, Sheriff-Coroner Bob Doyle submitted his report and recommendations regarding the above-captioned matter.

Sheriff Doyle responded to questions from Board members regarding various aspects of the proposed Memorandum of Understanding ("MOU").

M/s Supervisor Kinsey - Supervisor Arnold to authorize execution of a Memorandum of Understanding ("MOU") with the Sonoma County Sheriff's Office to temporarily house up to fifteen (15) Sonoma County inmates in the Marin County Jail at the rate of \$100 per day per inmate, as detailed in staff report dated August 19, 2014.

**Vote:** Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Kinsey, Supervisor Rice, Supervisor  
Sears  
ABSENT: Supervisor Adams

6. Open time

Iraq

A member of the public addressed the Board to express opposition to recent U.S. military action in Iraq.

Draft Housing Element

Several members of the public expressed various concerns regarding the Draft Housing Element and asked for a delay in its submission to the California Department of Housing and Community Development ("HCD").

Two members of the public and a representative of the Marin Association of Public Employees ("MAPE") expressed support for updating the Housing Element in a timely manner and spoke about affordable housing issues in Marin County.

Supervisor Arnold commented briefly regarding public testimony.

7. Request from the County Administrator for Board concurrence and adoption of response to 2013-2014 Grand Jury Report: "Aging in Marin: What's the Plan?" (June 13, 2014)

7 - STAFF REPORT

7 - RESPONSE

7 - GRAND JURY REPORT

By letter dated August 19, 2014, County Administrator Matthew Hymel submitted his report and recommendations regarding the above-captioned matter.

Mr. Hymel commented briefly regarding staff's response to the Grand Jury Report.

Board members commented on the importance of highlighting the needs of the County's aging population and spoke about the work of community partners.

M/s Supervisor Rice - Supervisor Kinsey to concur in and thereby adopt response and direct the President to submit the response to the Presiding Judge.

Vote: Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Kinsey, Supervisor Rice, Supervisor  
Sears

ABSENT: Supervisor Adams

9. Request from County Parks to add new positions funded by Measure A to

address natural resource management, landscape architecture, and communications workloads

9 - STAFF REPORT

By letter dated August 19, 2014, Assistant Parks Director Ron Miska submitted his report and recommendations regarding the above-captioned matter.

Parks Director Linda Dahl summarized staff's recommendations for adding new positions.

Ms. Dahl responded to questions from Board members regarding the use of metrics to illustrate the accomplishments of Measure A funding separate from ongoing programs of the Parks Department.

M/s Supervisor Kinsey - Supervisor Rice to approve the addition of new positions funded by Measure A to address natural resource management, landscape architecture, and communications workloads, and approve related budget actions as detailed in staff report dated August 19, 2014.

Vote: Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Kinsey, Supervisor Rice, Supervisor Sears

ABSENT: Supervisor Adams

10. Hearing: Ordinance amending Marin County Code Title 19 (Marin County Building Code) regarding alternative building Codes in support of sustainable construction methods

10 - STAFF REPORT

10 - ORDINANCE NO. 3619

By letter dated August 19, 2014, Community Development Agency Director Brian Crawford and Deputy Director Bill Kelley submitted their report and recommendations regarding the above-captioned matter.

Mr. Crawford acknowledged Bill Kelly and Building and Safety staff for their efforts.

The hearing was declared open to receive public testimony.

The Executive Director of the Community Land Trust Association of West Marin ("CLAM"), Co-Founder of the Regenerative Design Institute of Bolinas, and two members of the public expressed support for the proposed ordinance.

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

M/s Supervisor Arnold - Supervisor Rice to adopt Ordinance No. 3619 amending Marin County Code Title 19 (Marin County Building Code) regarding alternative building Codes in support of sustainable construction methods.

Vote: Motion carried 4-0



**AYES:** Supervisor Arnold, Supervisor Kinsey, Supervisor Rice, Supervisor Sears

**ABSENT:** Supervisor Adams

11. Request from the County Administrator to increase authorization to review and execute professional services contracts from an amount not to exceed \$25,000 to a revised amount not to exceed \$50,000

11 - STAFF REPORT

By letter dated August 19, 2014, County Administrator Matthew Hymel and Deputy County Administrator Dan Eilerman submitted their report and recommendations regarding the above-captioned matter.

Mr. Eilerman briefly introduced the item, summarizing the results of a survey of seven comparison counties regarding their policies delegating authority to the County Administrator as a Deputy Purchasing Agent.

M/s Supervisor Arnold - Supervisor Kinsey to increase authorization to review and execute professional services contracts from an amount not to exceed \$25,000 to a revised amount not to exceed \$50,000, effective October 1, 2014.

**Vote:** Motion carried 4-0

**AYES:** Supervisor Arnold, Supervisor Kinsey, Supervisor Rice, Supervisor Sears

**ABSENT:** Supervisor Adams

Small Plane Crash

In response to a request from Supervisor Arnold, Fire Emergency Medical Officer Michael Giannini briefly reported on a small plane crash and fire occurring in West Marin early this morning.

12. Appointments

a. Disaster Council (DC3)

Link to Commission

One vacancy representing the American Red Cross (Marin chapter). An application was received from Andrew McClelland.

M/s Supervisor Rice - Supervisor Arnold to appoint Andrew McClelland.

**Vote:** Motion carried 4-0

**AYES:** Supervisor Arnold, Supervisor Kinsey, Supervisor Rice, Supervisor Sears

**ABSENT:** Supervisor Adams

b. Kentfield Planning Advisory Board

Link to Commission

One term expiration. Incumbent Alan Derwin reapplied.

M/s Supervisor Rice - Supervisor Arnold to reappoint Alan Derwin.

Vote: Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Kinsey, Supervisor Rice,  
Supervisor Sears

ABSENT: Supervisor Adams

c. Strawberry Design Review Board

Link to Commission

One vacancy. Applications were received from Christopher Marino, Robert Martyn, Penna Omega, and Barbara Rowe.

M/s Supervisor Rice - Supervisor Arnold on behalf of Supervisor Sears, to appoint Barbara Rowe.

Vote: Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Kinsey, Supervisor Rice,  
Supervisor Sears

ABSENT: Supervisor Adams

The Board recessed at 12:27 p.m. to meet as the Marin County Flood Control and Water Conservation District Board of Supervisors and reconvened at 12:31 p.m. Supervisor Adams was absent.

The Board recessed at 12:32 p.m. to meet in closed session.

14. Closed Session

The Board met in closed session to discuss the following:

a. Conference with legal counsel regarding anticipated litigation pursuant to California Government Code Section 54956.9(d)(2). Number of Potential Cases: One.

b. Conference with labor negotiator (Roger Crawford, Marin County Human Resources) regarding negotiations with Service Employees International Union ("SEIU") 1021 (nurses) and Marin County Fire Department Fire Fighters Association, pursuant to California Government Code Section 54957.6(a).

The Board reconvened in open session at 1:39 p.m. Supervisor Adams was absent.

The President reported that the Board met in closed session and had nothing to report.

15. Hearing: Consideration of the Barner et al. Appeal of the Planning Commission's approval of the Granucci Design Review and Tree Removal Permit, 290 Grandview Avenue, Novato (APN 157-103-50)

15 - STAFF REPORT

15 - RESOLUTION NO. 2014-74

## 15 - ATTACHMENT

### [Link to complete documentation](#)

By letter dated August 19, 2014. Planner Lorene Jackson and Community Development Agency Director Brian Crawford submitted their report and recommendations regarding the above-captioned matter.

Assistant Community Development Agency Director Tom Lai briefly summarized the matter before the Board.

Ms. Jackson made a presentation highlighting elements of the proposed project, outlining the basis of appeal, summarizing the Planning Commission's consideration of the project and recommending that the Board deny the appeal and sustain the conditionally approved Granucci Design Review and Tree Removal Permit.

The hearing was opened to receive public testimony.

Attorney Rob Epstein, representing the applicant, addressed the Board. Mr. Epstein referred to his letter dated August 13, 2014, identified other members of the project team who were present, and commented on the matter before the Board.

Project designer Bill Bagby advised he was available to respond to questions.

On behalf of the appellant, Don Drummer addressed the Board. Mr. Drummer commented on the basis of appeal, highlighted considerations related to the proposed septic system and concluded his remarks requesting the Board grant the appeal.

Mr. Lai responded to comments made by speakers regarding the proposed septic system, the median home size within the neighborhood and the proposed tree removal as part of the project application.

One speaker expressed support for the proposed project.

Two speakers expressed support for the appeal.

Mr. Epstein briefly responded to comments made by the previous speakers.

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

Supervisor Arnold briefly commented on the proposed project, issues raised by the appellants, and work underway to revise the Black Point Community Plan. Supervisor Arnold concluded her remarks recommending modification of the conditions of approval to include a construction management plan and to further address landscape requirements.

Supervisor Sears acknowledged those present and expressed support for the design requirements applied by the Planning Commission, as well as the

additional conditions of approval requested by Supervisor Arnold.

M/s Supervisor Arnold - Supervisor Kinsey to adopt Resolution No. 2014-74 denying the Barner et al., appeal and conditionally approving the Granucci Design Review and Tree Removal permit.

Vote: Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Kinsey, Supervisor Rice, Supervisor Sears

ABSENT: Supervisor Adams

Mr. Lai advised that, based on the Board's direction, the final resolution would reflect additional conditions of approval related to a construction management plan and landscaping requirements.

The meeting was adjourned at 2:22 p.m. in memory of Bea Seidler and Robin Williams.

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PRESIDENT

ATTEST:

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CLERK

**EXHIBIT D**

**ATTACHMENT TO E YATES SEPTEMBER 17 LETTER TO MARIN COUNTY BOARD OF SUPERVISORS**

**Summary of Certain Comments Made at August 19, 2014 Board of Supervisors Hearing Regarding 2015-2023 Housing Element**

**Minutes 4:00-6:55**

**Supervisor Rice:** speaks about the Housing Element. This is not a report from a subcommittee or personal interaction or Board assignment.

**Minute 4:17**

**Supervisor Rice:** "I am glad to see Mr. Crawford here to speak about the process."

**Minute 5:18**

**Supervisor Rice:** "I just wanted to make one more comment on this item."

**Minutes 6:55- 9:17**

**Supervisor Arnold:** speaks about the Housing Element. This is not a report from a subcommittee or personal interaction or Board assignment.

**Minute 14:40**

**County Administrator Hymel:** Supervisor Rice has asked the Community Development Director Brian Crawford to discuss the housing element.

**Minutes 14:50-25:40**

**Community Development Director Brian Crawford** reads off prepared notes and discusses specific timelines, policies and legal issues regarding the housing element. Mr. Crawford also referenced a meeting with County Counsel (Minute 18:50) where he received advice regarding issues brought up by Community Ventures Partners in recent letters.

**Minute 14:50**

**Community Development Director Brian Crawford:** "Thank you members for the Board for the opportunity to address your Board on the status of the housing element."

**Minute 25:30**

**Community Development Director Brian Crawford:** "With that I'll complete my comments."

**Minutes 25:50-30:00**

**Question and Answer by Board Members to Community Development Director Brian Crawford and staff member LeeLee Thomas.**

**Minutes 1:07-1:12:30**

**Comments by all Supervisors regarding Mr. Crawford's discussion of housing element and opinions regarding appropriateness of current housing element process and proposal.**

**EXHIBIT E**

**Law Office of Edward E. Yates**

1000 Fourth Street, Suite 800  
San Rafael, CA 94901  
415-526-6314  
eyates@marinlandlaw.com

September 18, 2014

Matthew Hymel, County Administrator/Clerk of the Board  
Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear Mr. Hymel and Members of the Board,

I represent Community Venture Partners, Inc., (CVP) in regard to the 2015-2023 Marin County General Plan Housing Element amendment (Housing Element) and related matters.

This letter is to call your attention to what was a substantial violation of central provisions of the Ralph M. Brown Act by the Marin County Board of Supervisors (Board). This letter also demands that you cease and desist such violations. The nature of the violation is as follows: in its meeting of August 19, 2014, the Board planned for and engaged in extensive discussions of an item that was not on the agenda and for which no public notice was given. The item was the 2015-2023 Housing Element.

Government Code Section 54954.2(a) (2) states that "No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3." The actions taken by the Board were not in compliance with Section 54954.2(a)(2) because there was no notice to the public on the posted agenda or any other place for such an agenda item.<sup>1</sup> Further, the Brown Act creates specific agenda obligations for notifying the public with a "brief description" of each item to be discussed or acted upon. Government Code § 54954.2(a)(1). No such description was provided to the public.

Both Brown Act obligations were violated on August 19 because the Board made no such notice or description and yet proceeded to: 1) discuss Housing Element issues at length; 2) request and listen to a formal presentation by the Community Development Director Brian Crawford; 3) engage in lengthy discussion with and questions for Mr. Crawford and staff member LeeLee Thomas; and 4) discuss and opine on Housing Element issues that are currently under consideration by the County. (See Attachment.) In all, the Board spent approximately 26 minutes discussing and opining on Housing Element issues. The lengthy, formal presentation requested by a Board member and the lengthy opinions and responses by the Board clearly do not qualify as making "a brief announcement, or "a brief report on his or her own activities," or asking "a question for clarification" as allowed for under Government Code Section 54954.2(a)(1-2).

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<sup>1</sup> Also, there was no finding made by the Board that urgent action was necessary on a matter unforeseen at the time the agenda was posted. Government Code § 54954.2(b)."



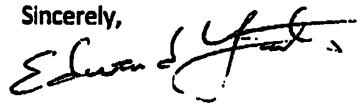
In addition, the video of the August 19<sup>th</sup> meeting shows a clear *intent* to have an unnoticed, lengthy, formal agenda item on the subject of the Housing Element. During the Supervisors Report agenda item, Supervisors Rice and Arnold described the need to educate the public on the subject of the Housing Element and Ms. Rice stated that Mr. Crawford "is here to discuss the Housing Element process." County Administrator Mathew Hymel introduced Mr. Crawford by stating that "Supervisor Rice had asked the Community Development Director, Brian Crawford to discuss the Housing Element." (Emphasis added.) Neither Mr. Crawford nor Ms. Thomas had any reason to be at the Board meeting (no non-consent agenda items) and Mr. Crawford and Ms. Lee only appeared at the meeting during this discussion item.

The formal and prepared nature of the presentation was made clear by Mr. Crawford reading a prepared, written presentation on the topic of the Housing Element. Mr. Crawford spent over 11 minutes reading off prepared notes regarding the Housing Element. This was in essence a staff report that the Brown Act requires be distributed to the public 72 hours before the meeting or made available at the meeting. Government Code § 54957.5(b). This was not done. Mr. Crawford ended his discussion by thanking the members of the Board "for the opportunity to address your Board on the status of the Housing Element."

Further demonstration of intent to evade the Brown Act is the fact that much of the topic of Mr. Crawford's presentation was a point by point response to comments made by my client in a previous letter to the County regarding the Housing Element. (See Letter from Bob Silvestri, Community Ventures Partners, to Marin County Planning Commission, August 12, 2014.) In particular, given that the intent of Supervisor Rice and Mr. Crawford was to discuss my client's letter, it is even more egregious that my client, a representative of my client or any other member of the public were not given the required notice.

I request written notice that your Board and other County bodies will cease, desist from, and not repeat the past actions that violate the Brown Act.

Sincerely,



Edward E. Yates

Cc: Steven Woodside, County Counsel

**ATTACHMENT TO E YATES SEPTEMBER 17 LETTER TO MARIN COUNTY BOARD OF SUPERVISORS**

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**Minutes 1:07-1:12:30**

**Comments by all Supervisors regarding Mr. Crawford's discussion of housing element and opinions regarding appropriateness of current housing element process and proposal.**

**EXHIBIT F**

**marinij.com**

## **Flap erupts over Marin board's 'off agenda' housing chat**

By Nels Johnson

[njohnson@marinij.com](mailto:njohnson@marinij.com) @nelsjohnsonnews on Twitter

Posted: 09/24/2014 03:40:30 PM PDT [3 Comments](#)

A legal kerfuffle involving the public's right to know erupted this week as an attorney representing housing policy foes squared off with county officials on state anti-secrecy law.

Attorney Ed Yates of San Rafael, representing Community Venture Partners, says county supervisors violated key provisions of the Ralph M. Brown Act by discussing housing issues that were not on the agenda of a public meeting last month. His client, Community Venture Partners, an organization headed by housing policy critic Bob Silvestri, says it believes "those most in need of affordable housing solutions are best served by a bottom up approach to planning, development and government decision making."

Yates, citing "substantial violation of central provisions of the Ralph M. Brown Act," filed a letter with the county Board of Supervisors that "demands that you cease and desist such violations." The county must respond within 60 days, at which time the matter could proceed to court.

County Counsel Steve Woodside, saying Yates' Brown Act complaint is all bark and no bite, asserted nothing illegal or otherwise inappropriate was done regarding the board's "off agenda" exchange.

At issue is a housing discussion requested by Supervisor Katie Rice during a period for supervisors' statements as a regular board meeting began Aug. 19. The matter was not on the

agenda, but she inquired about housing policy procedures, and development chief Brian Crawford, alerted to attend, outlined issues. No deliberation or decision was made.

#### Advertisement

Yates, noting the discussion lasted 26 minutes, said the law requires notice be given, including an agenda listing, and added that the county violation of the Brown Act was "crystal clear."

The county's top lawyer begged to differ. "I looked at the tape of the meeting," Woodside said. "Nothing illegal was done."

"Asking staff to provide information on a subject not on the agenda ... is not a violation of the Brown Act or anti-secrecy law," Supervisor Rice said. "I asked Brian to provide information about the housing element update so as to highlight the opportunities for public participation throughout, including upcoming Planning Commission and Board of Supervisors' meetings," she said. "Seems like providing clarity on the process is a good thing ... encouraging public participation and assuring an open and transparent public process."

Next time, Yates indicated, make sure the discussion is posted on the agenda so that those interested can attend and opine.

**EXHIBIT G**



Edward Yates <eyates@marinlandlaw.com>

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## Brown Act Cease and Desist Demand

1 message

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Edward Yates <eyates@marinlandlaw.com>

Sat, Dec 13, 2014 at 11:20 AM

To: "Woodside, Steven" <swoodside@marincounty.org>

Cc: Bob Silvestri <communityventurepartners@comcast.net>, "mhymel@marincounty.org" <mhymel@marincounty.org>

Mr. Woodside,

Regarding the Brown Act Cease and Desist Demand letter that I sent the County on September 18, 2014, I have not received any response or other correspondence from you or Marin County by email, U.S. mail or any other method.

Ed Yates

--

**Law Office of Edward E. Yates**

1000 Fourth Street, Suite 800

San Rafael, CA 94901

415-990-4805

www.marinlandlaw.com

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