

# TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of January 14, 2014

Present: Coleman, Kelly, McInerney

Absent: Wright, Greene

7:00 p.m.

## **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

## **ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION**

Deputy Town Attorney, Megan Acevedo reported the action taken in closed session was to authorize the Town Manager to enter into the proposed settlement.

Woody Weingarten, Quality of Life member, presented the Quality of Life Award to Liz Huntington for her longtime, active participation in open space and other environmental causes.

## **OPEN TIME FOR PUBLIC EXPRESSION**

Michael J. Glaser, Magnolia Avenue, said he admires efforts made the Town to keep the creeks clean. Glaser said new residents in his apartment complex are leaving cigarette butts next to the storm drain.

Barry Spitz, Los Angeles Boulevard, express his concern regarding dogs being off leash at Memorial Park and asked the Town to enforce its municipal code.

Tom Fallon, Plumas Avenue, commented on the Town Council meeting of December 14, 2013. Regarding the choosing of mayor Fallon feels it was an assault on his voting rights to have three people decide on what should have been a normal accession process of who should be mayor. Fallon asked Council to rectify the action taken by drafting a resolution, led by Councilmember Greene, drafted, agendized and approved reaffirming the voting rights of the citizens of San Anselmo. Fallon said it is only right that we have a fair, predictable protocol for electing the mayor of our town. Fallon would like the resolution to discard the "three votes as mayor" except for extreme instances such as a death or scandal and that the voting for mayor will always include public expression so the people of the community can choose their mayor. Fallon asked that Council do this within the next 90 days.

## **COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS**

McInerney announced the January 16th meeting of the Central Marin Police Authority (CMPA) will be held in the San Anselmo Town Council Chambers at 7:00pm. Discussions will include possible changes to the CMPA Joint Powers Agreement.

Deputy Town Attorney, Megan Acevedo, said she has reviewed the audio recording of Item 2 of the Town Council meeting of November 12, 2013 and acknowledged the item was heard without public comment. Acevedo said the government code allows for the nullifying of Council past actions and there are various options depending on future agenda discussions.

McInerney, Kelly and Coleman agree the item should be put on a future agenda for further discussion.

**1. CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. DISCUSSION MAY TAKE PLACE AT THE END OF THE AGENDA. OTHERWISE, ALL ITEMS MAY BE APPROVED WITH ONE ACTION.**

- (a) Approve minutes of December 10, 2013.
- (b) Acknowledge and file warrant numbers 76635 to 76794 issued during the month of December, 2013, in the amount of \$1,148,671.41 and a wire transfer in the amount of \$324,786 to the Central Marin Police Authority.
- (c) Approve revenue and expenditure report for the month ending December 31, 2013.
- (d) Approve Recreation revenue and expenditure report for the month ending December 31, 2013.
- (e) Approve Resolution No. 4055 of appreciation to the Rotating Emergency Shelter Team (REST) Organizers, the faith-based community and Volunteers.
- (f) Authorize Mayor to sign letter of support for AB 158, which would prohibit most grocery stores from providing single-use plastic bags in California.
- (g) Approve request from residents on Rowland Ct. for Town contribution toward replacement of a private storm drain in an amount not to exceed \$20,118.

There was no comment from the public regarding the consent agenda.

Kelly pulled Item (f) on the consent agenda.

Coleman pulled Item (e) on the consent agenda.

M/s, Kelly/Coleman, to approve consent agenda items (a), (b), (c), (d), (g). AYES: Coleman, Kelly, McInerney. NOES: None. ABSENT: Greene, Wright.

Regarding item (f) of the consent agenda Kelly asked what the regulations would be for the Town.

Stutsman said a single use bag is the kind at the grocery stores that are very thin plastic for carrying out groceries. The idea behind the Hazardous & Solid Waste JPA (H&SW) ordinance that the JPA is working on is very similar to AB158. For San Anselmo it would be the grocery stores and drug stores that would no longer have the thin single use plastic bags and they would either allow you to purchase recycled paper bags or to bring your own bags.

McInerney has concerns that by endorsing AB158 it may limit the Town's ability to do something different such as a more restrictive ordinance.

Acevedo noted the H&SW JPA is working with the Town to create an ordinance that is Town specific and they are putting together a model ordinance that will come back to local jurisdictions for their review and adoption.

There was no comment from the public regarding item (f) on the consent agenda.

M/s, Kelly, Coleman, to approve item (f) on the consent agenda. AYES: Coleman, Kelly, McInerney. NOES: None. ABSENT: Greene, Wright.

Regarding item (e) on the consent agenda, Coleman noted many churches are working with and in support of the REST program. Volunteers provide the meals and it is indeed a good experience.

There was no comment from the public.

M/s, Coleman, Kelly, to approve item (f) on the consent agenda. AYES: Coleman, Kelly, McInerney. NOES: None. ABSENT: Greene, Wright.

**2. RECEIVE REPORT ON THE YOUTH COMMISSIONER PROGRAM AND PROVIDE DIRECTION TO STAFF ON INCREASING THE NUMBER OF YOUTH ON EACH PARTICIPATING BOARD/COMMISSION/COMMITTEE TO ALLOW FOR TWO YOUTH MEMBERS FOR A TRIAL PERIOD OF 12 MONTHS.**

Community Services Director, Dave Donery, presented the staff report.

There was no comment from the public.

M/s, Kelly/Coleman, to approve increasing the number of youth on each participating Board/Commission/Committee to allow for two youth members for a trial period of 12 months. AYES: Coleman, Kelly, McInerney. NOES: None. ABSENT: Greene, Wright.

**3. ACCEPT THE REPORTS OF MOSS, LEVY & HARTZHEIM LLP, COMPRISING THE ANNUAL INDEPENDENT AUDIT REPORT FOR FISCAL YEAR ENDING JUNE 30, 2013.**

Finance and Administrative Services Director, Daria Carrillo introduced Derek Rampone, Audit Manager, Moss, Levy & Hartzheim LLP. Rampone presented the Town's Annual Independent Audit Report for Fiscal Year ending June 30, 2013. Rampone said the audit did not find any material differences and that Town staff was very cooperative during the audit. The Actual Budget reflects \$512,000 more than the Projected Budget due to unexpected revenue received.

There was no comment from the public.

M/s, Kelly/Coleman, to accept the reports of Moss, Levy, Hartzheim LLP, comprising the Annual Independent Audit Report for fiscal year ending June 30, 2013. AYES: Coleman, Kelly, McInerney. NOES: None. ABSENT: Greene, Wright.

**4. APPROVE RESOLUTION NO. 4056 AUTHORIZING THE TOWN MANAGER TO EXECUTE AGREEMENTS WITH THE STATE BOARD OF EQUALIZATION FOR IMPLEMENTATION OF A LOCAL TRANSACTION AND USE TAX.**

Finance and Administrative Services Director, Daria Carrillo, presented the staff report. Carrillo said as a result of the November 5, 2013 election the voters approved an ordinance enacting a one half percent transaction and use tax for general purposes for a period of ten years. The State Board of Equalization is requesting a resolution from the Town authorizing the Town Manager to execute the Agreement for Preparation to Administer and Operate Town's Transactions and Use Tax Ordinance and the agreement for State of Administration of Town Transactions and Use Taxes.

There was no comment from the public.

M/s, Kelly/Coleman, approve Resolution No. 4056 authorizing the Town Manager to execute agreements with the State Board of Equalization for Implementation of a Local Transaction and Use Tax. AYES: Coleman, Kelly, McInerney. NOES: None. ABSENT: Greene, Wright.

**5. AUTHORIZE TOWN MANAGER TO EXECUTE THE SECOND AMENDMENT TO THE ROSS VALLEY FIRE DEPARTMENT JOINT POWERS AGREEMENT REGARDING THE ADDITION OF A MANAGEMENT COMMITTEE AND CONDUCT OF CLOSED SESSIONS WITH THE INDIVIDUAL MEMBER AGENCIES.**

Debra Stutsman, Ross Valley Fire Department, Executive Officer presented the staff report. The proposed second amendment to the Ross Valley Fire Department JPA consists of two matters: 1.) Currently the Fire Chief reports to the Board through the Executive Officer. The appointment of the Executive Officer is for a two year term and rotates between the three Town Managers. The formation of a Management Committee would formalize the role of the three Town Managers in the JPA and the Executive Officer would serve as the head of the Management Committee; 2.) Closed sessions are confidential and the information discussed in the closed session cannot be discussed outside of the closed session unless there is specific language in the Joint Powers Agreement. The Fire Board believes that the language is important and an amendment to the JPA agreement incorporating specific language regarding closed sessions would allow the member agencies to discuss closed session issues with individual Town/District legal counsel, his/her alternate, and other members of the full legislative body of the specific member in closed session when there are direct financial or liability implications for the member, as outlined in the Brown Act.

The RVFD Board of Directors directed staff to work with JPA legal counsel to prepare a second amendment to the Amended and Restated Joint Powers Agreement, incorporating changes regarding the Executive Officer and Management Committee and also incorporating specific language regarding closed sessions. The Fire Board reviewed the draft amendment at the meeting of Wednesday, December 11, 2013, and recommended that the governing boards of each of the four members, Fairfax, Ross, Sleepy Hollow and San Anselmo, review and consider approval of the amendment at their next meeting.

There was no comment from the public.

M/s, Coleman/Kelly, to authorize the Town Manager to execute the Second Amendment to the Ross Valley Fire Department Joint Powers Agreement regarding the addition of a Management Committee and conduct of closed sessions with the individual member agencies. AYES: Coleman, Kelly, McInerney. NOES: None. ABSENT: Greene, Wright.

Mayor McInerney adjourned the meeting at 8:08 pm.

Respectfully submitted,

Joanne Kessel