



525 San Anselmo Avenue
San Anselmo, CA 94960

Town Council

Agenda

Tuesday, May 24, 2022

7:00 PM

Town Council Chambers

<https://us02web.zoom.us/j/87490306845>

Or Telephone: +1 669 900 6833 | Webinar ID: 874 9030 6845

How to Submit Comments Before the Meeting: Members of the public are encouraged to submit email correspondence to towncouncil@townofsananselmo.org before the meeting begins.

How to Participate During the Meeting: Members of the public will have the option to speak during the meeting through the Zoom application by using their phone or an electronic device.

For PC, Mac, or smart phone, Use "Raise hand" function when public comment for an item is requested. It is a button that is located at the top or bottom of your screen, based on your computer

For landline phones, raise hand to be recognized with *9

1. 6:30 PM Closed Session: Conference with Labor Negotiators (§ 54957.6) Agency designated representatives: Dave Donery, Jeff Zuba and Christopher Boucher Employee organizations: Service Employees International Union, Local 1021; Management Employees; Confidential Employees

Call to Order. Optional Pledge of Allegiance: The Mayor or a designated Council member will recite the Pledge of Allegiance for members of the Council and the public who wish to join in the recitation.

Open time for public expression.

Public Comment

Attachments: Public Comment

2. Proclamation honoring outgoing Town Clerk Carla Kacmar

Council requests for future agenda items.**3. Consent Agenda:**

- 3.1.** Minutes of May 10, 2022.

Attachments: [May 10, 2022 Minutes](#)

- 3.2.** Revenue and Expenditure Reports, April 2022

Attachments: [Staff Report](#)
[Budget Comparison Report - San Anselmo, CA Sub APR 2022](#)
[Budget Comparison Report - San Anselmo, CA Dept APR 2022](#)

- 3.3.** April Financial Report on Recreation Fund

Attachments: [Staff Report](#)
[April 2022-Attachment](#)

- 3.4.** Consider Adopting a Resolution Declaring June 2022 LGBTQ Pride Month and Directing Staff to Fly the Rainbow Flag Throughout the Month of June at Town Hall

Attachments: [Staff Report](#)
[Attachment 1 - PRIDE month reso](#)

- 3.5.** Resolution Authorizing the November 8, 2022 Election

Attachments: [Staff Report](#)
[Attachment 1](#)

- 3.6.** “Measure A” Parks Tax Allocation - FY 2022/2023

Attachments: [Staff Report](#)
[Measure A FY 22~23 Estimate](#)

- 3.7.** Accept 2021 Street Resurfacing Project - Phase A

Attachments: [Staff Report](#)
[Notice of Completion - 2021 Paving Phase A.pdf](#)

- 3.8.** Initiate Opting Out of the Congestion Management Program

Attachments: [Staff Report](#)
[Attachment 1 - CMP OPT OUT RESOLUTION ebl.pdf](#)
[Attachment 2 - CMP Opt Out FAQ FINAL.pdf](#)

- 3.9. Consider renewal of Central Marin Police Authority Lease

Attachments: [Staff Report](#)
[Attachment 1 - CMPA TSA Lease July 2021-June 2026](#)

- 3.10. Proclamation for Virginia Stapleton

Attachments: [Staff Report](#)
[Proclamation](#)

Council Items:

4. Marin Wildfire Prevention Authority – Ross Valley Shaded Fuel Break – Presentation by MWPA Executive Officer Mark Brown (verbal report)

5. PG&E Tree Discussion (Verbal Report)

Attachments: [PowerPoint](#)
[Public Comment](#)

6. Introduction and first reading of an Amendment to the San Anselmo Municipal Code adding Chapter 24 “All Electric Construction in Newly Constructed Residential Buildings” to Title 9 “Building Regulations”; and Amendment to Chapter 9-19 “Green Building Requirements” for consistency.

Attachments: [Staff Report](#)
[Ord Amendment All Electric Constr 05.18.2022](#)
[Legislation Text staff report 03.08.2022](#)

7. Approve the 2022 Street Resurfacing Project and authorize staff to advertise for construction bids

Attachments: [Staff Report](#)
[Attachment 1 - Map of planned paving FY22-23.pdf](#)

8. Town Council Committee Assignment Discussion

Attachments: [Staff Report](#)
[Attachment 1 - Committee Assignments - Councilmember Burke Submission](#)
[2022 Council Committee Assignments](#)

Adjourn

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Town Staff at email ckacmar@townofsananselmo.org. Notification

at least 48 hours prior to the meeting will enable the Town to make reasonable accommodation to help insure accessibility to this meeting.

Any writings or documents provided to a majority of the Town Council regarding any item on this agenda after the distribution of the original packet will be made available for public inspection at the public counter at Town Hall located at 525 San Anselmo Avenue.

Notice is hereby given that Council may discuss and/or take action on any or all of the items listed on this agenda. If any of these matters above are challenged in court, you may be limited to raising only those issues you or someone else raised at any public hearing described on this agenda, or in written correspondence delivered at, or prior to, this Council meeting. Judicial review of an administrative decision of the Town Council must be filed with the Court not later than the 90th day following the date of the Council's decision (Code of Civil Procedure Section 1094.6) Any item not under discussion before 10:00 p.m. may be continued to the next regular meeting. Next regular meeting is Tuesday, June 14, 2022.

I certify that this agenda was posted on the Public Notice Bulletin Board on or before Friday, May 20, 2022.

Carla Kacmar, Town Clerk

Comment During the Public Comment period of the San Anselmo Town Council Meeting

Ross Asselstine, May 24, 2022

Recent financial reports from County staff reflect that the Flood District has spent what can only be considered to be an embarrassing, if not unbelievable, amount of our money for almost no credible benefit. It's time to start talking about taking real responsibility for the waste and saying this waste has many serious issues: it's a waste of our taxes, a waste of time, a waste of energy in a useless machine that does nothing. A vehicle with all but zero miles to the gallon, a factory with no product other than the smoke of hard earned money. San Anselmo needs to act. I believe you need to act.

These numbers are from FZ9's most recent financial report:

- Our flood fees have totaled about \$33.9 million so far
- We have external grants and sources of about \$4.3 million
- We have spent \$34.2 million to date
- There is only about \$4.2 million unspent or uncommitted in current fees

Expenses have been:

- Staff costs: \$10.3 million
- Consultants and Supplies: \$18 million (maybe \$5 million of this is construction)
- Land: \$5.8 million
- The estimated remaining fees to be imposed until 2027: \$23 million.

So we are here:

- About \$39 million dollars in income and \$34.8 million is gone.
- We own \$5.8 million of land and built one tiny detention basin for about \$5 million.
- The carbon footprint of this waste is staggering.

Engineering Summary:

We have no real way to increase creek capacity and no way to increase detention. I.e. there is no solution to flooding in the Ross Valley, but we sure know how to waste money studying it.

Financial and Environmental Impact

On average, we are burning money about as fast as we can collect the flood fee. In one view, about 75% of our money has been wasted. Wasting money is in effect, directly tied to producing CO2 emissions for no benefit. My perspective is that we've spent \$29 million dollars and emitted a consequent amount of CO2. This is a terrible truth and we should own it. The question going forward is are we going to participate in wasting the remaining \$27 million dollars not yet spent or collected as fees in the coming years.

What are we going to say when all the money is spent? Are we going to say we did not know? Are we going to say that no one told us? Are we going to say we did not think we could do anything? Are we going to say that spending almost \$60 million dollars on all but no flood control and a huge plume of CO2 emissions was worth it? Sometimes we want to blame someone other than ourselves: The US government, the State, the County, the USACE, FEMA, the list goes on. This waste is ours to stop. I believe it is San Anselmo's Council's time to act, just as it was the citizen's time to act with the Vote To Save Memorial Park.

And it should stop now. I suggest you all stand up to this waste. Now you know, now someone told you, now you can do something and yes, now you know wasting this much money is not worth it for the taxpayers or the planet.

I implore you to act.

NOTES

I attach documentation on Town Council actions in 1971 as well as notes about the engineering obstacles and related in the attached.

I also provide copies of some of the warnings I've given about budgets and ineffectiveness. Today marks exactly twelve years since I was appointed to the San Anselmo Flood Committee. I've been called a "critic" but I've been honest and rigorous in my assessment about where this entire effort was headed. I could see this coming.

We have exited the Flood District before, we can do it again.

On April 13, 1971 the San Anselmo Town Council voted unanimously to leave the Flood District. "San Anselmo should not participate in the maintenance of all of Corte Madera Creek because it is of little or no benefit to San Anselmo". "...the city attorney be directed to prepare an appropriate document indicating the City of San Anselmo's intention to withdraw from the Joint Powers Agreement". See **Appendix A**

On June 22, 1971 the San Anselmo Town Council told Flood Control District Engineers that "....as the project now stands, the City is absolutely not willing to discuss it further." See **Appendix B**.

This is not about "the NIMBYs" or "the naysayers". It's about the simple realities of our valley.

The failure to create detention basins cannot be blamed on those that apposed digging up Memorial Park. It was never going to be feasible to create enough basins.

The goals and concepts were unachievable, the engineering was not tied to any political or economic reality. The attempted land grabs were grossly naïve. I list the possible detention basins and the groups that adamantly opposed them:

- Phoenix Lake Reservoir: MMWD and the obvious risks related to an earthen dam failing.
- Memorial Park Basin: the majority of the voters in San Anselmo
- Left Gomez Basin : a huge number of Fairfax petition signatories and Fairfax Council
- San Domenico School Basin: the Board of Trustees of San Domenico
- Deer Park School Basin: the representative of Fairfax on the FZ Advisory Board
- Loma Alta Open Space Basin: advocates for open space
- Arequipa Basin: the representative of Arequipa Girl Scout Camp
- The Town and Country Club Basin: the owner of the Town and Country Club

I have been speaking up for years.

Since my appointment to the San Anselmo Flood Committee, I have read engineering reports, closely looked at budgets and estimates and warned the community about the reality of the situation and waste. A copy of a Marin Voice from 2017 is included in **Appendix C**.

APPENDIX A

Minutes of the regular San Anselmo City Council meeting of April 13, 1971
All present - quorum declared

ELECTION OF MAYOR AND VICE MAYOR

M/S Councilman Capurro-Stewart for the nomination of Councilman Anderson for Mayor. M/S Councilman Perry-Stewart to close the nominations.
Motion passed on following vote:

Ayes Councilmen Perry, Stewart, Capurro, Reed
Abstaining Councilman Anderson

Mayor Anderson occupied the Mayor's chair and thanked Councilman Reed for his hard work during his term of office as Mayor, pointing out that the Mayor has spent more time working for the city of San Anselmo than for any other project.

Councilman Stewart nominated Councilman Perry for Vice Mayor. Councilman Reed moved the nominations be closed. Mayor Anderson called for the vote for Councilman Perry for Vice Mayor. Passed unanimously

OPEN TIME FOR PUBLIC DISCUSSION

Ross Perry, President, Redhill School Student Body, asked if the city would be interested in helping his group with the collection of debris in creek and planting areas around San Anselmo such as providing debris bags. They plan on handling the material on a recycling basis. This is tentatively planned for May 22nd. Mayor Anderson stated the city will be happy to cooperate and Ross Perry should work out details with Mr. Letizell. Mr. DeVore requested permission to have signs at the entrances to San Anselmo pertaining to the San Anselmo Town Meeting. He was instructed to contact the Chief of Police regarding this matter. Mr. Husband, of the Parks and Recreation Commission, brought up the matter of a letter of intent to file for federal assistance for park projects. He was asked not to go into this matter since it was on the agenda for the adjourned meeting the next night, April 14, 1971.

APPLICATION FOR USE PERMIT, U-183, Brunal and Mitchell

Mr. Leitzell read the motion for denial by the Planning Commission which was based on the lack of off-street parking and the traffic problems which would be aggravated if such a business is allowed on this particular site. Mr. Shapire and Mr. Silberstein represented the applicants. They described a parking plan which included permission for five spaces at a nearby service station, and also stated that there would be no take-out food service and this item was taken out of their application. Mr. Heinecke, Chairman of the Planning Commission stated that the commission, in viewing the item, was concerned with the parking situation and further stated this is already a tight area with regard to traffic problems on Redhill. The Chief of Police stated the Police Department could not enforce the law in regard to parking in the reserve area at the service station since this is on private property. Mr. Ragan, Planning Commissioner, brought out the fact that the commission was only concerned with parking and safety - that there could be serious problems in having cars backing out on a bus street. Councilman Reed stated he found the actions of the Planning Commission proper and would uphold them. Councilman Stewart stated he was interested in the legal question as to what the beer and wine have to do with the application being denied. Mr. Heinecke felt that establishing another restaurant in the area dispensing alcoholic beverages is undesirable. He brought out that the reason for having Use Permits is the recognition there may be uses which can be applied in certain zones but not in all parts of the zone. Primary consideration is the safety and welfare of San Anselmo. If there were no other restaurants in the area serving alcoholic beverages, there would be no great concern but San Anselmo already has a bad situation traffic-wise and it is not unfair to the applicant to prevent him from compounding the problem. Councilman Capurro stated there are definitely two problems - traffic and off-street parking - unfortunately this property is located in an island - and he would go along with the Planning Commission. Councilman Perry said that the grounds for denial were appropriate because of the interest of public safety and welfare. The Chief of Police stated it is a bad situation and the problems have increased because of the Lions Share across the street.

M/S Councilman Reed-Perry that in regard to the application for Use Permit, U-183, Brunal and Mitchell, the decision of the Planning Commission be upheld and the appeal be denied.

Motion passed on following vote: Ayes Councilmen: Perry, Capurro, Reed, Anderson
Noes Councilman: Stewart

VARIANCE 444, application of Andrew Stafford for 10' variance

Mr. Leitzell described the matter from a map pointing out difficulties with parking patterns because of the cottage at the rear of the property. The land area is sufficient according to the ordinance. Mr. Reed stated there are specific reasons for the city to grant variances such as a hardship demonstrated and/or advantages to the neighborhood. Mr. Stafford explained that his property is for an investment and he wants to get as many units on the property as possible. Mr. Perry felt that Mr. Stafford is trying to get too much on the lot and this is not a good reason for granting a variance.

Mayor Anderson pointed out that all requirements must be considered in order to obtain a variance, including set-backs and parking.
 M/S Councilman Perry-Stewart that the appeal of Ansrew Stafford be denied.
 Passed unanimously

RECOMMENDATION FROM PARKS & RECREATION COMMISSION - Proposed playground changes at Isabel Cook School. This item to be considered at adjourned meeting April 14.

POLICE:

1. Promulgation of eligible list, Police Sergeant. M/S Councilman Stewart-Perry to promulgate eligible list, Police Sergeant. Passed unanimously
- 1a Appointment of Police Sergeant. M/S Councilman Reed-Stewart to appoint Officer Richard Schmidt to the position of sergeant effective April 16, 1971, Step D, Range 70, salary \$992.00 per month. Passed unanimously

OIL AND GASOLINE FIRE SCHOOL - M/S Councilman Perry-Stewart to authorize the contribution of 100 gallons of gasoline for less than \$25.00 for the Marin County Fire Chief's Assoc. training school. Passed unanimously

APPOINTMENTS:

- 1/ Committee on Ecology: M/S Councilman Reed-Perry to appoint the following for the Committee on Ecology: Claudia Goldthwaite, 131 Surry Lane, Terra Linda, Michele Thunes, 70 Florence Ave. and John Doge, 91 Spring Grove Ave.
2. Traffic & Street Committee: M/S Councilman Reed-Perry to accept the resignation of R.G. Dufficy, III, from the committee. Passed unanimously A letter of appreciation to be sent out. There are no applicants for the position and Mayor Anderson stated that anyone interested should speak up. The appointment will be put over until there are applications for the vacancy.
3. Human Rights -Mini Board: M/S Councilman Stewart-Perry to accept the resignations of Mrs. Virna H. Chrest from the board. Passed unanimously Councilman Reed nominated Rev. Charles Gompertz, 13 Parkside Court. M/S Councilman Stewart-Perry that the nominations be closed. Passed unanimously
 M/S Councilman Reed-Capurro to appoint Rev. Charges Gompertz to the San Anselmo Mini-Board. Passed unanimously

MARIN SENIOR COORDINATING COUNCIL -Nomination for Senior Citizen of the Year.
 Mr. Trehwella reported that the San Anselmo Chamber of Commerce has nominated Mr. Von Rotz. M/S Councilman Capurro-Perry to nominate Mr. Von Rotz for Senior Citizen of the Year. Passed unanimously

AWARD OF BID, TREE SPRAYING

Benjamin Blades of the College of Marin Ecology Center voiced his concern about the substance to be used and stated that Berkeley used biological controls exclusively. It was decided that the matter would be held over until April 27, in order for Mr. Schaaf and his committee to have th time to get more detailed information.

AMENDMENT OF RESOLUTION 1240, Leased Housing Program. Mr. Leitzell gave history of Resolution. M/S Councilman Stewart-Reed that Resolution 1240 be amended as follows: Delete paragraph 8 and put the following wording in its place.

"Leased housing may be established in any structure meeting the requirements of paragraphs 1 through 7 above, providing that any dwelling unit proposed for participation in the program which is non-conforming per the Zoning Ordinance shall be shown by the owner to be legal non-conforming rather than illegal". Passed unanimously
 Councilman Capurro suggested that Item 4 be re-written by the City Attorney and passed at the meeting the following night, April 14. All agreed. Mr. Leitzell is to look at the two units under consideration before the meeting. Mr. Gerald J. Hood, Manager of Leased Housing Program, Housing Authority-County of Marin will be present.

AMENDMENT OF JOINT POWERS AGREEMENT, Corte Madera Creek Maintenance

Mr. Kaepfel explained that the request for an Amendment to Joint Powers Agreement is to enable the Marin County Flood Control and Water Conversation District to accumulate funds from year to year rather than have a larger tax rate one year and perhaps no tax rate the next year. Councilman Reed feels that San Anselmo should not participate in the maintenance of all of Corte Madera Creek because it is of little or no benefit to San Anselmo. The District keeps adding to the size of the ditch we have to maintain. He further states he is in favor of pulling out of the agreement completely. Councilman Perry was definitely not in favor of the addition to Paragraph 6, third line which reads in part: "and are not placed in a reserve for future maintenance". He stated the City of San Anselmo should refuse to modify the agreement which would allow the inclusion of this new phrase and should also send them a proposal allowing us to withdraw. M/S Councilman Perry-Reed that the city of San Anselmo declined to amend the Joint Powers Agreement with the Marin County Flood Control Water Conservation District. Passed unanimously

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M/S Councilman Perry-Reed that the city attorney be directed to prepare an appropriate document indicating the City of San Anselmo's intention to withdraw from the Joint Powers Agreement dated November 23, 1965.

Ayes: Councilmen Perry, Reed, Stewart, Anderson

Noes: Councilman Capurro

Councilman Capurro felt that San Anselmo should not say we won't help maintain the creek because it belongs to all of us.

PUBLIC WORKS: Funding Resolution, TOPICS Program: Mr. Leitzell read the resolution by title only.

Resolution No. ____ Requesting allocation of funds from the California State Highway Commission for improvement of a portion of Sir Francis Drake Blvd. as a "TOPICS" project. Total allocation is for \$34,443.00. At the suggestion of Councilman Reed the remainder of the council concurring, Item 3 should read: "That the City has sufficient rights-of-way to assure completion of all stages of the Ultimate Facility." M/S Councilmen Reed, Perry that the resolution noted above be approved. Passed unanimously

Resolution No. ____ approving a "Local Agency-State Agreement" for Traffic Operations Program to Increase Capacity and Safety, "Topics", an authorizing the Mayor to sign the Agreement on behalf of the City" is to be considered at the City Council adjourned meeting of April 14, 1971.

Authorization for the Mayor to sign agreement for signalization design, Project 66 is to be considered at the adjourned meeting of the City Council, April 14, 1971.

SPRING CLEAN-UP: Set dates and time, appropriate funds for debris boxes. Hours for the spring clean-up will be from 6:00 a.m. to 2:00 p.m. Mr. Schaaf, Chairman of the Ecology Committee for spring clean-up read a letter giving the following recommendations for spring clean-up.

1. Endorse the recommendation of the Ecology Committee to re-cycle all possible material collected during the spring clean-up.
2. Establish the weekend of May 22-23 (Sat. & Sun) for the clean-up.
3. Authorize the expenditure of \$900 for rental of debris boxes. (NOTE the Ecology Committee intends to spend as little of this amount as possible, but is requesting it because of the experimental nature of the program. Actually, the hope is to make a profit.)
4. Authorize the use of the city's chipping machine, and an operator experienced in its use, for the above period. The following additions were added by the Council.
5. The spring clean-up and recycling drive be under the control of the Ecology Committee with the exception of the fact that the city-operated equipment will be under the direct responsibility of the Department Head.

M/S Councilman Reed-Perry that the council endorse the recommendations of the Ecology Committee and accept Paragraphs 1,2,3,4 plus paragraph 5 and insertions. Passed unanimously. Mr. Schaaf reported that the Town Meeting and Ecology Committees are going to send out information regarding the spring clean-up without cost to the city.

REQUEST FROM ABAG: Project application by Sanitary District #1. M/S Councilman Reed-Stewart to check the Project Notification Response Card under "General Support" and send it back. Passed unanimously

REQUESTS FOR PURCHASE OF OFFICE EQUIPMENT

1. Used desk for Public Works Dept. M/S Councilman Reed-Stewart to authorize the purchase of desk from Cosgrove Equip. Co. not to exceed the amount of \$195.00 plus tax, from the general reserve. Passed unanimously

2. M/S Councilman Stewart-Reed to transfer funds from General Reserve in the amount of \$124.00 to Account 421-40 for purchase of filing cabinet. Passed unanimously

RESOLUTION No. ____ Amendment to sick leave regulations, read in full by Mr. Buresh. M/S Councilman Reed-Capurro to approve resolution of Intent. Passed unanimously

CONSENT AGENDA

Approve minutes of March 23, 1971.

REQUEST BY MEMBER OF TRANSPORTATION SUBCOMMITTEE CCPC -last line after "for public transit" insert 'to recreational areas'. Additions by Mr. Reed: In answer to the request by Mrs. Roberta Michels representing the Mini-Board regarding the installation of additional bulletin boards in various parts of San Anselmo, the Council agreed that present bulletin board at City Hall is adequate for the ordinary business of the City required by law. It was suggested that the Mini-Board could contact the shopping center banks, etc. for permission to use their bulletin boards if they feel there is a need.

Mr. Reed reported that several months ago, a citizen contacted Councilman Perry and offered some property to the city of San Anselmo which contained a large redwood tree. Later she contacted Mr. Reed who found she doesn't actually own the property now - that she and the Seminary were interested in the property at the same time and it now belongs to the Seminary. Mr. Reed discussed the matter with Don Duerr at the Seminary who stated that they had no desire to sell the property to the city or to anyone else. Mr. Reed wrote to Mrs. Stout stating that, in his conversation with Mr. Duerr, he found Mr. Duerr was interested in preserving the tree and suggested that she try to obtain some sort of guarantee from the Seminary for the preservation of the tree. Mr. Reed added his thanks for what Mrs. Stout was attempting to do.

Resolution No. ____ Claims and Demands for the month of March, passed unanimously by Council with Mr. Perry abstaining on Sunnyside Nursery item.
M/S Councilman Perry-Capurro to approve consent agenda. Passed unanimously

Requested items for the next agenda were:

 Lions Share
 Criminal Justice Co-ordinator
 Burglary reports in the I-J

Councilman Stewart wants an item on the next agenda regarding setting aside a short period of time at the half-way point of the council meeting for discussion of items not on the agenda whereby anything can be discussed. Mayor Anderson suggested that a separate meeting for this purpose be called periodically and not use the regular City Council meetings.

Meeting adjourned at 11:45 p.m. until April 14, 1971 at 8:00 p.m.

H. Ragan, Secty.

* * * * *

Minutes of the San Anselmo City Council adjourned meeting of April 14, 1971.
All present - quorum declared

RECOMMENDATION BY PARKS & RECREATION COMMISSION for application for Federal Grant for park development and other park purposes.

Mr. Husband, Chairman of the Parks & Recreation Commission expressed the desire to approach the Council regarding the subject matter. However, the Mayor suggested that he withhold his recommendations until Mr. Joel Nemschoff, Area Manager of the Department of Housing and Urban Development had an opportunity to describe the program. In response to inquiries by members of the staff, City Council and Park & Recreation Commission, Mr. Nemschoff offered the following information to the City Council:

The President wants to develop open space for everyone. Under the July 1st law, his department (HUD) can use funds to develop any lands owned by the city - even lands that are leased. This is called the Legacy of Parks under the Bureau of Outdoor Reclamation or Rural Water-oriented parks. San Anselmo would be urban development. The Cities write to the bureau and tell them what they want to do:

1. What does the city to acquire?
2. What does the city want to develop?

All letters are reviewed and a letter of assurance is returned to the city and the details will be worked out later. The Bureau will eliminate some applications - depending on what the demand is - and this is why they are asking for a Letter of Intent. The open space program, Title 7 of the new law was passed effective July 1st. Regarding school land, there must be an agreement that the city would help to improve the land, state who will maintain it, and make certain it is usable by the public in general when not used by the school. List everything under the open space that the city might want to acquire - any open space to develop. - Because this is a 50% grant, nothing should be put in more than the budget can allow. There have been some changes in the program - now swimming pools can be built - and the \$25,000 limit on structures is off. For instance, if the city wants to plant a large quantity of trees, a work order can be issued and they can be counted as a contribution. The time involved in setting up a Letter of Intent is worth the effort. The letter should not be specific - the details come later. The program includes beautification items but not construction of curbs, gutters, etc. in the case of Hub intersection work and similar projects. Mr. Nemschoff said to forget Sorich Ranch because it is not a neighborhood park. He stated that his department views the overall picture to include housing and they are interested in the community using all of the programs and want the community to take an interest in housing. The Letter of Intent is due in on April 20th and the time to nail down the priorities can be changed. San Anselmo should have a Capital Improvement Program showing what the City can do within the next five years. Mr. Numschoff stated there are no HUD funds for constructing or improving a Civic Center but there are funds for storm drain improvement.

CORRECTED PAGE 113

APPENDIX B

Minutes of the regular meeting of the San Anselmo City Council held June 22, 1971
All Councilmen present. Quorum declared.

CORTE MADERA CREEK FLOOD CONTROL PROJECT

Mr. Charles Murphy, Flood Control Engineer for the County of Marin, stated the Corps of Engineers had asked if San Anselmo and Fairfax would look at the Flood Control Project again, and he was present to answer any questions with regard to the project. Several of the Councilmen pointed out to Mr. Murphy that as the project now stands the City is absolutely not willing to discuss it further. The City is definitely opposed to work in the creek, concrete ditches, chain link fences, etc.

Councilman Stewart presented slides of various channel Corps of Engineer projects throughout the County as well as areas of the creek in San Anselmo.

M/S Councilman Reed-Stewart, the City Administrator be instructed to write a letter to the Board of Supervisors informing them that we are not interested in any project designed by the Corps of Engineers until such time as they indicate a greater flexibility in their project storm criteria and further have reasonable assurance from their superiors that alternates to their basic design flood control facility can be funded; however, we are interested and concerned about flood control in the City of San Anselmo. Passed unanimously

U-185 and C-30. RECOMMENDATION OF DESIGN REVIEW COMMITTEE. United Rent All

The City Administrator pointed out that the Design Review Committee concerned themselves with the screening of the outdoor display of vehicles only, and did not make a recommendation for the outdoor display of smaller equipment in the front of the building.

Mr. Pfeiffer, of United Rent all, said he felt the Design Review Committee proposed a good solution to the problem; however, it was a costly one for him. He said he was not in favor of removing existing live trees and the provision for what Design Review considered "proper maintenance".

M/S Councilman Perry, Stewart, the acceptance of the recommendations of the Design Review Committee insofar as they are set forth on the memorandum dated June 16, 1971 is concerned. Passed unanimously

The Planning Director asked that the additional outdoor display of merchandise be limited.

Councilman Perry pointed out that the outdoor display of merchandise in this case was unique since there is a walkway immediately adjacent to the building and this is set back from the sidewalk, then there is a planted area and then a clear space where the merchandise would be displayed. The merchant is not being told he can put the merchandise on the sidewalk.

M/S Councilman Reed, Capurro, that we allow limited display of outdoor merchandise; the number not to exceed three and be containable on the walkway area adjacent to the front of the building so passage not be obstructed and that all items be removed into the building when the operation is closed and that this is to be reviewed in a six month period.

Ayes Councilmen: Capurro, Reed, Perry, Anderson

Noes Councilman: Stewart

STREET NAME CHANGE, ROSE AND LILY AVENUES, TO VINEYARD AVENUE

M/S Councilman Perry, Reed, that the names of Rose Avenue and Lily Avenue be changed to Vineyard Avenue. Passed unanimously

REQUEST FROM MERCHANTS TO CLOSE SAN ANSELMO AVENUE AND TUNSTEAD AVENUE FOR COUNTY FAIR

The Chief of Police had no opposition to closing the above two streets for County Fair. There was a question of whether or not horses would be allowed in the parade.

M/S Councilman Perry, Reed, that in furtherance of San Anselmo County Fair Days, we authorize the closing of Tunstead Avenue from San Anselmo Avenue to Caspar's frontage, and that San Anselmo Avenue be closed from Tamalpais Avenue to Tunstead Avenue on Saturday August 28, 1971 from 11:00 a.m. to 3:00 p.m., and that permission is giving for a parade with or without horses. Passed unanimously

APPOINTMENTS TO CITIZENS' COMMITTEE ON ZONING AND HOUSING

Resignations had been received from Robert Lee and William Franchini.

M/S Councilman Reed, Perry, that Robert Gicker and James Klein be nominated as regular members of the Citizens' Committee on Zoning and Housing. Passed unanimously

M/S Reed, Perry, nomination be closed. Passed unanimously

M/S Reed, Perry, the appointment of Robert Gicker and James Klein to the Citizens Committee on Zoning and Housing. Passed unanimously

In reviewing the attendance records of the members and alternates of the CCZH it was noted that Rev. Vernon Cox had never attended a meeting. Councilman Stewart asked the Committee Chairman to write a letter to him informing him that he is now the only alternate to the Committee, and they would like to have him attend.

Councilman Stewart suggested that additional alternates should be appointed. Councilman Reed felt that the Committee was so far into the study at this point that appointments of alternates at this point might have a deleterious effect on the project rather than a positive one. He said members might be less inclined to resign from the Committee if they are aware that there is no one prepared to take their place.

M/S Reed, Perry, that alternates not be appointed to the CCZ at this time.

Ayes Councilmen: Capurro, Reed, Perry, Anderson

Noes Councilman: Stewart

The Administrator was asked to write letters of appreciation to Robt. Lee and Wm. Franchini.

A.B. 2294, Mobilehomes: LOCAL CONTROL REMOVED

Mayor Anderson said he had asked to have this item on the Agenda; he said he cannot believe this bill will pass the assembly, but it did pass the Committee on Planning and Land Use unanimously

M/S Councilman Reed, Perry, that we write to our legislators opposing AB 2294 and SB 1489 on the grounds that they are an invasion of home rule. Passed unan.

REQUEST FOR FUND RAISING DRIVE PERMIT, MARIN COUNTY YOUTH COMMISSION

M/S Councilman Stewart, Reed, that a solicitation permit be issued to the Marin County Youth Commission for the purpose of conducting a fund raising drive within San Anselmo and that such fee for the permit be waived in accordance with their letter of June 15, 1971. Passed unanimously

ANNEXATION OF TERRITORY AT END OF SAN FRANCISCO BOULEVARD

The City Administrator read a memorandum he had prepared after researching the possibility of annexation of the territory at the end of San Francisco Blvd. He said in an effort to make some progress toward eliminating the small unincorporated area between the City Limits and the Corporation Yard, he had discussed the matter with the Local Agency Formation Commission. He was told in view of the circumstances prevailing along this street the LAFC would favor such action in the hope that a domino effect would gradually bring all of these properties into the City.

M/S Councilman Reed, Perry, that we instruct the City Administrator to send a letter to each property owner on this unincorporated area on San Francisco Blvd. inviting them to apply individually for annexation thereby making all city services, including fire protection available. Passed unanimously

REQUEST OF CITY OF SAN ANSELMO RELATING TO PLUMBING FIXTURE CASE

M/S Councilman Reed, Stewart, that we instruct the City Attorney to file a written notice that the City of San Anselmo be excluded on the grounds that we made no such purchases. Passed unanimously

AMENDMENT OF URBAN THOROUGHFARE AGREEMENT

Mr. Buresh said he had read the agreement and felt that it was satisfactory as written.

M/S Councilman Reed, Capurro, the addition of section 14, as set forth as an attachment to a letter dated May 20 from the Director of Public Works, Donald Frost, to the Board of Supervisors. Passed unanimously

MAYORS AND COUNCILMEN:

1. Suggestions for increased effectiveness of meetings.

Councilman Stewart read his suggestion for increased effectiveness of meetings.

M/S Councilman Stewart, Reed, that the Council submit this resolution to the Marin County Mayors and Councilmen at their next regular meeting for deliberation by that body. The City Administrator to send a copy to each City previous to the meeting, and assure its placement on the Agenda. Passed unanimously

2. Proposal to Ban Non-returnable Beverage Containers

Mr. Valmar Schaaf, Chairman of the Ecology Committee reported he had research the proposal. It was found to be discriminatory to ban one-way beverage bottles when all other one-way containers are not banned, plus the fact that one-way glass containers comprise only about 3% of litter.

Councilman Stewart asked how the makeup of roadside litter was determined.

Mr. Schaaf said he did not know. Councilman Reed asked if it would be possible to study the makeup of roadside litter. Mr. Schaaf said that if the Council desired this, he could take it to the committee. Mayor Anderson said he felt such an ordinance should be passed on a statewide basis to make it work.

M/S Councilman Reed, Perry, that we support an ordinance banning the one way use of malt and carbonated beverage containers, providing it is passed by all other eleven cities and the unincorporated area and requesting the County and other cities then go along with the City of San Anselmo to study the composition of their litter to determine whether malt and carbonated beverage bottled do, in fact, constitute a high percentage of the slow degrading and non-degrading litter in our streets.

AYES Councilmen: Reed, Perry, Anderson

NOES Councilmen: Stewart, Capurro

REQUEST TO DECLARE OLD BICYCLE RACKS SURPLUS

The Director of Public Works said the old bicycle racks are not suited to today's bicycles, and he had an offer of \$25.00 for one of the old racks. He said it might be possible to rework the racks; however, in the case where he had an offer, it would be just as easy to buy new material for another rack with the money from the sale. M/S Councilman Stewart, Perry, that four bicycle racks be declared surplus and be disposed of at the discretion of the City Engineer. Passed unanimously

APPROVAL OF CONTRACTS

1. Marin Senior Coordinating Council - Mr. Ed Ryken, Executive Director of the Marin Senior Coordinating Council was present and discussed the use of facilities in San Anselmo for Senior Citizens. He said use of Robson-Harrington had been somewhat limited because of physical problems, e.c. restrooms located upstairs pose a hardship for some of the elderly. Seating capacity is limited and in some instances it is necessary to bring in additional card tables and chairs from other areas. Presently the Presbyterian Church is used as a base of operation. He said average attendance was between 50 and 80 per meeting, 93% of which attendance are residents of San Anselmo. The City Administrator said a Joint Powers Agreement should be entered into with the Marin Senior Coordinating Council for providing of recreational program for senior citizens and to renew the agreement with the Marin Senior Coordinating Council for the implementation of the program. M/S Reed, Stewart, that the Joint powers agreement providing recreational program for senior citizens for the coming fiscal year be approved and also the contract with the senior Coordinating Council for recreational services to senior citizens in an amount not to exceed \$2,700 also be approved. Passed unanimously

2. College of Marin, Work-Study Program - The City Administrator said this was a renewal of an agreement which the City has had with the College of Marin. This year's contract is on the basis of a 60% federal contribution and 40% city contribution. Councilman Capurro felt this item was more appropriately considered at the Recreation budget hearing, and the matter was held over until that time.

ORDINANCES:

Ord. No. 617 Rezoning A/P 5-151-02,03,03 and a ptn of 01, (Arbini, Segale, Tartaul and Soldavini) second reading.

M/S Reed, Stewart, that we rezone A/P 5-151-02,03,04 and ptn of 01, (Arbini, Segale, Tartaul and Soldavini), from C-1 to R-1

Ayes Stewart, Reed, Anderson

Noes Capurro, Perry

Ord. No. "Amending Code relating to parking of bicycles. First Reading

The City Attorney said he and the Chief of Police felt the ordinance should apply only to the central business district. Councilman Reed said that would require quite a few bike racks since the only one the City had provided was demolished already. He said he did not believe that the Council had proved to themselves yet that a bicycle rack standing in a parking space was the solution.

The Mayor referred the matter to each Councilman to give some thought to, and the item was tabled until it was put back on the agenda.

CONSENT AGENDA

M/S Reed, Stewart, approval of consent agenda. Passed unanimously

The Mayor said it will be necessary to make an appointment to the Parks and Recreation Commission effective July 15. He would like to recommend that the appointment be made at the next regular meeting of July 13th.

The Mayor also announced the Council should be ready with nominations at the July 13th meeting for the two terms on the Planning Commission.

Mrs. Cann of the Parks & Recreation Commission asked how late letters of application would be accepted for the Park & Recreation Commission, and the Mayor told her they should be in by the following week.

The Mayor brought up the noise ordinance. If the Marin County Mayor's and Councilmen do not proceed on this item it will be placed on the next San Anselmo City Council agenda.

Meeting adjourned at 11:00 p.m. to 8:00 p.m. June 23, 1971 Budget Hearing/

Thelma Foster, Secretary

OPINIONCOMMENTARY

Marin Voice: Stuck on the wrong strategy for Ross Valley flood control

By MARIN INDEPENDENT JOURNAL |

PUBLISHED: February 16, 2017 at 2:49 p.m. | UPDATED: July 19, 2018 at 12:12 p.m.

It's time to be honest with each other. Starting with today.
To reduce damage from floods in the Ross Valley, the effort needs to be focused on simple measures to protect what is in harm's way. We need to set aside a half-baked, unjustifiable engineering plan to "fix" nature.
Mitigating risk by attempting to control the raging waters is for all practical purposes a fool's errand.

At this point, it is an expensive fool's errand.

We are living in the absurd spending our money in an irresponsible fashion when:

1. There are no reliable estimates and never have been.
2. There is no coherent plan to meet the goal of "fixing" the floods.
3. There is no money allocated to reduce flood losses by the simplest and most practical measures.

Most of us drive the streets of our flood plains every day. We can see the evidence that older homes were raised. We might even know someone that raised their home since 2005. In commercial areas, we can see a few solidly built floodgates that will work, and flimsy gates or piles of sand bags that won't. We also know there is real and justifiable opposition to detention basins.

I have spoken publicly for years, along with numerous others, to voice objections to this absurd process.
After six years of reading engineering reports, I've long understood and am convinced, there are fundamental problems that cannot be surmounted: a lack of money and land. Like so many places across the U.S., buildings must move, be raised or have perimeter protection because flood waters simply cannot be mitigated.

Let's go back in time a bit.

If we were given comprehensive, complete estimates and a clear voice in use of public spaces six years ago, the entire effort and all of our funds would have been re-directed towards the simplest, quickest and most effective methods available. The recent storms of this season would not have resulted in sandbagging of our downtowns; we would have first-class hinged floodgates and sealed floors on the commercial buildings.
We could have offered a program to help homeowners raise their homes; maybe pay for the permit costs, while the homeowner pays to improve their own property. We would have been doing something useful and of immediate benefit. We would have had six years of real progress.

A failed plan gives false results.

The Flood Zone 9 board perpetuates the false hope that we are going to control nature. Because of this, many emotional people have been led to believe that their realistic neighbors are the problem.

A social media website, Nextdoor, is filled with long comments and 10-bullet-point diatribes, being divisive and suggesting the impossible, but these are not based on the simple, irrefutable fact that we don't have enough money nor unused land to build a "big dig" solution. There are decades of history of proposals to fix floods. This history is laced with just a few undersized projects, cost overruns, unaffordable dreams and community actions to halt "big digs" that are considered as harm to the environment. We are paying huge sums to re-live that history: simply repeating the cycle of wanting something we either cannot have, or don't accept the loss of quality of life.

We are going in the wrong direction and most of us know it.

We need to head in a new direction. We need to do this together, based on an honest assessment, based on rational use of our flood fee dollars, based on tangible improvements.

Town of San Anselmo

*525 San Anselmo Avenue
San Anselmo, CA 94960*



Minutes

Tuesday, May 10, 2022

7:00 PM

Town Council Chambers (via Zoom)

Town Council

1. 6:00 PM Announce adjournment to closed session:

Conference with Legal Counsel – Anticipated Litigation: Initiation of litigation (Cal. Gov. Code § 54956.9(d)(4))

Public Employee Appointment - Title: Planning Director (Cal. Gov. Code § 54957)

Call to Order. Optional Pledge of Allegiance: The Mayor or a designated Council member will recite the Pledge of Allegiance for members of the Council and the public who wish to join in the recitation.

Mayor Fineman announced no reportable action in closed session.

PRESENT: Mayor Alexis Fineman, Vice Mayor Steve Burdo, Eileen Burke, Ford Greene, and Brian Colbert

ABSENT: None

Open time for public expression.

Abby, Rene Voss, and Victoria Shaw spoke of concerns of tree trimming being conducted around Town.

Geoffrey Hendrey, resident, spoke of a project at 3 Loma Robles.

Council requests for future agenda items.

Council Member Colbert spoke of the walk and roll to school event. At the San Anselmo Economic Development Committee meeting they talked about potential frameworks for membership and possibly changing the time to make it more appealing to new members. Colbert went to the May Day event at Robson and attended a Marin Transit ribbon cutting for a brand new facility. Colbert also mentioned a new OBAG grant program with an emphasis on disadvantaged communities and multimodal transit. Colbert mentioned that a PG&E representative spoke at the last Marin County Council of Mayors and Council Members about tree cutting who mentioned that if a property owner does not want a tree cut it would not be allowed. Colbert did feel there was a disconnect with some contractors and PG&E.

Vice Mayor Burdo stated the Racial Equity Committee was putting together the pieces for the future of the committee and thanked staff for their work on that committee. Burdo attended the Robson Day of Play, Night of the poets and Skate Fest. Burdo thanked staff for the events and Lisa Graham for heading the Skate Fest event.

Council Member Burke attended the Flood Committee meeting where they spoke of a storm drain master plan and SAFFR project. Burke also introduced an intern, Ella Acker, who would be working with the Town in the coming months.

Council Member Greene asked to have a discussion around the Tree ordinance. There was Council majority to have a discussion. Colbert wanted a PG&E representative present for the tree ordinance discussion.

Mayor Fineman attended the Bicycle and Pedestrian Advisory Committee meeting. Fineman also mentioned that Pride Month was next month and wanted to bring forward the proclamation to raise the flag. Fineman spoke of including sunset language in the Measure D renewal. Fineman asked to agendaize a discussion to suspend Rosenberg's rules of order with regard to sunset language for Measure D. The request died for lack of interest.

2. Consent Agenda:

M/s, Brian Colbert, Ford Greene, to adopt the consent agenda.

AYE: Mayor Fineman, Vice Mayor Burdo, Burke, Greene, and Colbert

NO: None

ABSENT: None

2.1. April 26, 2022 Town Council Minutes.

Attachments: [April 26, 2022 Minutes](#)

2.2. Report of Warrants Issued, April 2022

Attachments: [Staff Report](#)
[Warrant Report April 2022](#)

2.3. Consider Adoption of Resolution to Allow for Virtual Town Council Meetings in Compliance with AB 361.

Attachments: [Staff Report](#)
[Resolution](#)

2.4. Adoption of Ordinance updating Town's Purchasing Policy

Attachments: [Staff Report](#)
[Purchasing Policy Ordinance](#)

2.5. Senate Bill 1 (SB1) Gas Tax Funding Project List

Attachments: [Staff Report](#)
[Resolution 22-23 Budget Amendment draft.pdf](#)

2.6. Approval of Resolution Setting a Statement of Investment Policy for Fiscal Year 2022-2023

Attachments: [Staff Report](#)
[Attachment 1 - 2022-2023 investment policy resolution](#)
[Attachment 2 - 2022-2023 Statement of Investment Policy](#)

2.7. Town of San Anselmo 2022-2023 Tax Rates for Municipal Services Tax, Pension Override Tax, Measure G Debt Service Tax, Special Library Services Tax, and Ross Valley

Paramedic Tax

Attachments: [Staff Report](#)
[Attachment 1 - 2022-2023 Municipal Services Tax Resolution](#)
[Attachment 2 - 2022-2023 Pension Override Resolution](#)
[Attachment 3 - 2022-2023 measure g resolution](#)
[Attachment 4 - 2022-2023 Library tax Resolution](#)
[Attachment 5 - 2022-2023 rvpa resolution](#)

2.8 Accept School Bike Spine project

Attachments: [Staff Report](#)
[Notice of Completion - Bike Spine.pdf](#)

2.9 Review the report from a Marin Municipal Water District representative.

Attachments: [Staff Report](#)
[Attachment 1](#)

Council Items:

3. Consultant Agreement for Housing and Safety Elements of the San Anselmo General Plan

Attachments: [Staff Report](#)
[Attachment 1 - Houseal Lavigne Housing.Safety Element Professional Services Agreement](#)
[Exhibit A to Attachment 1 - Houseal Lavigne - San Anselmo CA Housing Element and Public Safety Element Proposal](#)
[Attachment 2 - January 25, 2022 Housing Element Staff Report](#)

Town Manager Donery presented the staff report.

Greene asked if the planning director position was not vacant, would the town be in the position of paying so much for an outside consultant. Donery stated the prior Planning Director had a number of consultants on board to help. Greene wanted to know if the entire job needed to be outsourced to a consultant. Donery stated this year is particularly challenging due to the Regional Housing Numbers which is requiring 833 housing units. Donery added that there are no towns in the county that are doing this without a consultant.

Fineman asked consultant about the community stakeholder meetings and environmental impact requirements. Kain stated there is a possibility of CEQA clearance requirements, but won't know that for sure until we identify the opportunity sites and see what type of zoning may occur. As far as community engagement, they would work with staff on identifying the stakeholders and looking at developers that are heavily invested in the community, advocacy groups, and community members.

Greene wanted to know if the group had any experience working in Marin. Kain stated it would be the first Marin County engagement for the firm.

Rene Voss, from the Open Space Committee, wanted the consultant to attend one of their meetings about the particular parcels that may be on the margins of open space.

Geoffrey Hendrey wanted to know the process for connecting with this process. Donery stated subscribe to the weekly newsletter.

Colbert and Burdo were in support of moving forward. Greene and Burke had concerns moving forward and preferred waiting for a new planning director. Greene asked what the consequences of a late housing element would be. Kain stated the state can withhold grant funding. Fineman was not comfortable punting until a new director was in place.

M/s, Steve Burdo, Brian Colbert, to approve the Consultant Agreement for Housing and Safety Elements of the San Anselmo General Plan

AYE: Mayor Fineman, Vice Mayor Burdo, and Colbert

NO: Burke, and Greene

ABSENT: None

4. Emergency Sinkhole Response at Center Boulevard Bridge

Attachments: [Staff Report](#)

Public Works Director Condry presented the staff report. Council thanked staff.

5. Water Conservation Efforts Town Wide and Memorial Park Field Renovation Project

Attachments: [Staff Report](#)
[Attachment 1 1.pdf](#)
[Attachment 2 TEC report.pdf](#)
[Attachment 3 Field w wells etc..pdf](#)
[Attachment 4 Memorial Park Field H2O REDUC 03-28-22.irf \(002\).pdf](#)
[Attachment 5 San Anselmo Field StormTech Drawings 2022-0330.pdf](#)
[Public Comment](#)
[Further Public Comment](#)
[Further Public Comment](#)
[Further Public Comment](#)

Public Works Director Condry made the presentation. Aaron mentioned that the real

value was artificial turf or 100,000 gallons of water storage. Aaron mentioned that in the summer months the grass needs 100,000 gallons of water a week. Council discussed the potential of transporting recycled water from Las Galinas and using grey water from the apartment complex nearby and the restrooms.

Doug Kelly, Nancy Okata and Bridget Clark did not want artificial turf.

Warren Karlenzig, resident was in favor of using storm water from the parking lot.

Pat Johnstone was in favor of moving forward to update the park and was in support of option 1.

Michael Cerio and Rod Kerr were in support for either option 1, or option 2 and liked the idea of a natural grass turf versus an artificial turf.

Stephen Pringle spoke in support of artificial turf.

Lisa Graham and Ryan Lafrenz spoke in support of the project.

Cat Austin spoke in support of option 2 or option 3.

Burke supports option 3 without turf and felt the Town should hold off on the 100,000 gallon storage tank because she preferred it be placed under the tennis courts. Colbert, Burdo and Greene were interested in option 1. Greene did not want artificial turf and also supported the request of MMWD for viability of importing water from Los Galinas. Burdo wanted to make a plan for the 100,000 gallon or 20,000 gallon tanks and phase them in.

Fineman was attracted to the 100,000 gallon tank option and the large storm water and gray water collection systems placed under the fields.

Greene proposed option 1, minus the 8,000 gallon tank and adding instead the 100,000 gallon below ground storage.

There was Council support for this option and Fineman added that she would like a tank under the field.

M/s, Steve Burdo, Ford Greene, to approve option 1 with outlined potential modifications for Water Conservation Efforts Town Wide and Memorial Park Field Renovation Project

AYE: Vice Mayor Burdo, Burke, Greene, and Colbert

NO: Mayor Fineman

ABSENT: None

6. Town Council Committee Assignment Discussion

Attachments: [Staff Report](#)
 [Attachment 1 - Committee Assignments - Councilmember Burke](#)
 [Submission](#)

M/s, Ford Greene, Eileen Burke, to continue Town Council Committee Assignment Discussion

AYE: Mayor Fineman, Vice Mayor Burdo, Burke, Greene, and Colbert

NO: None

ABSENT: None

Adjourn



Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

5/24/2022

Item #: 3.2.

FROM:

Jeff Zuba, Finance & Administrative Services Director

SUBJECT:

Revenue and Expenditure Reports, April 2022

RECOMMENDATION

Approve the monthly year-to-date Revenue and Expenditure Reports and corresponding activity for the period ending through April 30, 2022.

BACKGROUND

Every reporting period end, the Town of San Anselmo presents to the Town Council its operations as shown on the Revenue and Expenditure reports for discussion and approval. The Revenue and Expenditure reports are year-to-date summaries of revenues and expenditures from the Town's financial system ('Tyler Incode') for both the current as well as the prior corresponding fiscal year. These reports include the General Fund's operations given most of the Town-level operational activities are processed through the General Fund either directly or indirectly. This approval is to be obtained once a month within the fiscal year.

ANALYSIS

The revenue and expenditure data through April 30, 2022, is a compilation of all operating activity that is year-to-date for the current and prior fiscal year. These reports are sourced directly from the Town's financial system, of which a corresponding analysis has been performed identifying the key trends the Town Council should take note about.

Revenues

Overall, through the April 2022 reporting period end, the Town's General Fund revenue has expanded its base relative to prior year by \$0.700M. This is primarily from the increase in property taxes, sales taxes, and fines offset by licenses and permits and Transfers In. All other activity is either flat year-over-year or nets correspondingly to an immaterial change-all of which are within management's expectations.

Category	APR YTD FY22	APR YTD FY21	\$ Change	% Change
Property Tax	14,127,023.53	13,246,003.17	881,020.36	6.65%
Sales Tax	1,058,852.71	830,925.51	227,927.20	27.43%
Property Transfer Tax	122,440.00	97,866.00	24,574.00	25.11%
Franchise Taxes	614,333.96	571,642.03	42,691.93	7.47%
Licenses & Permits	994,671.25	1,030,899.17	(36,227.92)	-3.51%
Fines	64,244.01	34,902.33	29,341.68	84.07%
Cash & Investment Interest	7,257.53	11,186.30	(3,928.77)	-35.12%
Intergovernmental	129,997.51	114,654.47	15,343.04	13.38%
Other Fees	243,396.69	248,913.99	(5,517.30)	-2.22%
Transfers In	290,168.60	352,907.87	(62,739.27)	-17.78%
Total	17,652,385.79	16,539,900.84	1,112,484.95	6.73%

As shown above, the Town's revenue base overall increased by \$1.11M of which is driven by Property Taxes, Sales Tax, Franchise Taxes and Fines:

- Property Taxes increased by \$0.832M compared to the prior period due to increased values on properties due to the active real estate market.
- Sales Taxes increased by \$0.227M compared to the prior period is a result of improving economic conditions from the COVID-19 Pandemic conditions within the Town's boundaries. With greater confidence in security and safety of public health, consumer sentiment is rising giving way to increased sales transactions.
- Franchise Taxes increased by \$0.042M compared to the prior period due to rate increases by the service providers.
- Fines increased by \$0.029M compared to the prior period as enforcement returns to normal following relaxed protocols during the height of the pandemic.

The largest decrease to (\$0.062M) transfers into the General Fund. Due to the Covid-19 pandemic \$0.060M was returned in FY20 to the General Fund from the Robson House Fund as the project for dry rot repair and exterior painting was put on hold. As far as the other revenue streams, these changes either decreased or remained relatively flat year-over-year resulting in an immaterial change.

Expenditures

Overall, through the April 2022 reporting period end, the Town's General Fund expenditures have increased compared to the prior year by \$0.746M. This is primarily from increases in compensation, CalPERS retirement payments, Outside Services, and other expenditures. All other activity is either flat year-over-year or nets correspondingly to an immaterial change-all of which are within management's expectations.

Category	APR YTD FY22	APR YTD FY21	\$ Change	% Change
Compensation	2,679,437.16	2,449,547.84	229,889.32	9.38%
Retirement	845,755.73	745,560.26	100,195.47	13.44%
Training	26,229.33	8,770.68	17,458.65	199.06%
Outside Services	9,262,704.69	8,853,408.61	409,296.08	4.62%
Maintenance	112,128.96	96,280.63	15,848.33	16.46%
Utilities	165,047.95	178,749.90	(13,701.95)	-7.67%
Supplies	101,759.09	90,803.13	10,955.96	12.07%
Debt Service	117,132.54	116,857.77	274.77	0.24%
Other Expenditure	119,422.65	58,610.76	60,811.89	103.76%
Transfers Out	1,263,517.00	1,348,517.00	(85,000.00)	-6.30%
Total	14,693,135.10	13,947,106.58	746,028.52	5.35%

As shown above, the Town's expenditures base overall increased by \$0.746M of which is driven by Compensation,

CalPERS Retirement payments, Outside Services, and Transfers Out payments:

- Compensation (Salaries & Wages and Benefits) increased by \$0.230M compared to the prior fiscal year primarily due to the 5% maximum salary reduction put in place for the previous fiscal year. This salary reduction affected both SEIU and Unrepresented Town employees through the end of the 2021 fiscal year. In addition, the employee groups received cost of living adjustments on July 1, 2021, and January 1, 2022.
- Expenditures relating to CalPERS retirement increased by \$0.098M due to the Town's required unfunded pension liability payment. The required retirement payment to CalPERS is a combination of both the contribution for the active and retired employees. This payment increased by \$80,985 as compared to the previous fiscal year.
- Outside Services decreased by \$0.409M compared to the previous fiscal year due to the changes in payments for Public Safety JPA's and construction project activity.
- Transfers to other funds decreased by \$0.085M due to mid-year budget transfers in the previous fiscal year for project activity.

As far as the other expenditure streams, these changes either slightly changed or remained flat year-over-year resulting in an immaterial change. All other changes are taken together overall immaterial for further discussion and are expected given the Town's operations.

CONCLUSION

As inspected, the Town's financial position is continuously improving compared to the prior fiscal year given the economic recovery from the COVID-19 Pandemic. In anticipation through the end of the current fiscal year, these trends are expected to continue with increased revenue collection from this positive economic traction.

Attachment #1: Revenue and Expenditure Report by subcategory, April 2022

Attachment #2: Expenditure Report by department, April 2022

Town of San Anselmo 2021-2022 Rev & Exp Report as of 04/30/2022 Fund: 01 - GENERAL FUND	2020-2021 Revised Budget	2020-2021 Audited Actuals	2020-2021 YTD Actuals	% of Audited Actuals	2021-2022 Adopted Budget	2021-2022 Revised Budget	2021-2022 YTD Actuals	% of Actual / Budget
Revenue								
400 - PROPERTY TAX GENERAL	7,953,590.00	8,128,724.86	7,699,702.82	94.72 %	8,376,892.00	8,376,892.00	8,163,744.34	97.46 %
401 - PENSION	2,039,162.00	2,490,632.38	2,375,120.94	95.36 %	2,291,981.00	2,291,981.00	2,554,331.03	111.45 %
402 - PROPERTY TAX OTHER	2,717,576.00	3,376,535.46	3,171,179.41	93.92 %	3,265,116.00	3,265,116.00	3,408,948.16	104.41 %
410 - OTHER TAXES	1,218,100.00	1,456,718.47	928,811.51	63.76 %	1,324,486.00	1,440,000.00	1,181,292.71	82.03 %
411 - FRANCHISE TAXES	745,630.00	807,418.78	571,642.03	70.80 %	750,630.00	750,630.00	614,333.96	81.84 %
420 - BUSINESS LICENSE	180,000.00	292,105.63	254,143.64	87.00 %	240,000.00	240,000.00	239,292.52	99.71 %
421 - PARKING	5,500.00	11,264.58	7,495.91	66.54 %	24,500.00	24,500.00	7,372.42	30.09 %
422 - CONSTRUCTION	809,000.00	1,006,976.29	769,259.62	76.39 %	900,000.00	980,000.00	748,006.31	76.33 %
430 - VEHICLE CODE	10,000.00	18,042.79	8,518.16	47.21 %	10,000.00	17,500.00	17,538.50	100.22 %
431 - LIBRARY	200.00	1,205.41	137.17	11.38 %	0.00	0.00	907.83	0.00 %
432 - PARKING	27,000.00	42,314.81	26,247.00	62.03 %	50,000.00	65,000.00	45,797.68	70.46 %
440 - USE OF MONEY AND PROPERTY	10,000.00	76,486.94	11,186.30	14.63 %	15,000.00	15,000.00	7,257.53	48.38 %
450 - STATE REVENUE	144,800.00	152,155.19	114,654.47	75.35 %	107,500.00	107,500.00	129,997.51	120.93 %
460 - FEDERAL REVENUE	0.00	0.00	0.00	0.00 %	0.00	0.00	0.00	0.00 %
470 - LOCAL AGENCY REVENUE	0.00	0.00	0.00	0.00 %	0.00	0.00	0.00	0.00 %
480 - FEES FOR SERVICES	172,000.00	221,754.24	193,380.81	87.21 %	171,000.00	171,000.00	155,285.47	90.81 %
490 - MISCELLANEOUS REVENUE	90,900.00	78,215.46	55,533.18	71.00 %	97,500.00	97,500.00	88,111.22	90.37 %
519 - TRANSFERS IN	447,087.00	420,968.92	352,907.87	83.83 %	418,464.00	418,464.00	290,168.60	69.34 %
520 - SOURCE OF PROCEEDS	0.00	0.00	0.00	0.00 %	0.00	0.00	0.00	0.00 %
Total Revenue:	16,570,545.00	18,581,520.21	16,539,920.84	89.01 %	18,043,069.00	18,261,083.00	17,652,385.79	96.67 %
Expense								
600 - SALARIES AND WAGES	2,471,371.00	2,245,428.15	1,888,086.12	84.09 %	2,887,665.00	2,887,665.00	2,099,471.13	72.70 %
601 - RETIREMENT	830,820.00	779,893.84	745,560.26	95.60 %	960,932.00	960,932.00	845,755.73	88.01 %
602 - EMPLOYEE BENEFITS	671,150.00	555,400.10	493,511.72	88.86 %	782,423.50	782,423.50	513,210.49	65.59 %
604 - RETIREE BENEFITS	139,622.00	139,622.00	67,950.00	48.67 %	144,322.00	144,322.00	66,755.54	46.25 %
610 - TRAINING	32,200.00	10,659.57	8,770.68	82.28 %	40,200.00	40,200.00	26,229.33	65.25 %
611 - OUTSIDE SERVICES	10,380,759.00	10,826,178.87	8,853,408.61	81.78 %	11,039,241.00	11,269,241.00	9,262,704.69	82.19 %
613 - PUBLICATION / DUES	15,550.00	9,366.97	9,261.35	98.87 %	15,550.00	15,550.00	19,356.58	124.48 %
614 - MAINTENANCE	21,600.00	13,933.03	9,238.08	66.30 %	21,600.00	21,600.00	12,179.68	56.39 %
615 - BUILDING MAINTENANCE	128,950.00	154,733.30	87,042.55	56.25 %	189,950.00	189,950.00	97,575.91	51.37 %
616 - VEHICLE MAINTENANCE	6,500.00	2,425.66	0.00	0.00 %	6,500.00	6,500.00	2,373.37	36.51 %
617 - UTILITIES	221,740.00	252,211.91	178,749.90	70.87 %	210,740.00	210,740.00	165,047.95	78.32 %
618 - HIRING	0.00	2,357.11	632.11	26.82 %	1,000.00	1,000.00	20,815.11	2,081.51 %
619 - MISCELLANEOUS	19,000.00	-231.12	-380.00	164.42 %	18,500.00	18,500.00	11,170.00	60.38 %
620 - OFFICE SUPPLIES	34,800.00	20,755.39	16,040.02	77.28 %	36,200.00	36,200.00	16,257.15	44.91 %
622 - DEPARTMENT SUPPLIES	45,200.00	86,129.01	69,281.21	80.44 %	45,700.00	45,700.00	71,142.54	155.67 %
623 - BOOKS / MAGAZINES / VIDEOS	23,373.00	6,848.11	5,481.90	80.05 %	23,373.00	23,373.00	14,359.40	61.44 %
629 - MISCELLANEOUS	77,000.00	72,018.87	49,097.30	68.17 %	76,500.00	76,500.00	68,080.96	88.99 %
630 - EQUIPMENT	0.00	0.00	0.00	0.00 %	500.00	500.00	0.00	0.00 %
631 - CAPITAL OUTLAY - CONSTRUCTION	0.00	0.00	0.00	0.00 %	0.00	0.00	0.00	0.00 %
640 - PRINCIPAL	211,000.00	211,000.00	106,000.00	50.24 %	227,000.00	227,000.00	113,000.00	49.78 %
641 - INTEREST	19,018.00	16,901.83	10,857.77	64.24 %	11,208.00	11,208.00	4,132.54	36.87 %
670 - TRANSFERS OUT	1,348,517.00	1,348,517.00	1,348,517.00	100.00 %	1,263,517.00	1,263,517.00	1,263,517.00	100.00 %
Total Expense:	16,698,170.00	16,754,149.60	13,947,106.58	83.25 %	18,002,621.50	18,232,621.50	14,693,135.10	80.59 %
Total Fund: 01 - GENERAL FUND:	-127,625.00	1,827,370.61	2,592,814.26		40,447.50	28,461.50	2,959,250.69	
Report Total:	-127,625.00	1,827,370.61	2,592,814.26		40,447.50	28,461.50	2,959,250.69	

Town of San Anselmo 2021-2022 Rev & Exp Report as of 04/30/2022 Fund: 01 - GENERAL FUND Expense	2020-2021 Revised Budget	2020-2021 Audited Actuals	2020-2021 YTD Actuals	% of Audited Actuals	2021-2022 Adopted Budget	2021-2022 Revised Budget	2021-2022 YTD Actuals	% of Actual / Budget
00 - UNDESIGNATED	1,348,517.00	1,348,517.00	1,348,517.00	100.00 %	1,263,517.00	1,263,517.00	1,263,517.00	100.00 %
11 - TOWN COUNCIL	95,323.00	36,904.54	33,345.34	90.36 %	95,323.00	95,323.00	26,468.42	27.77 %
12 - ADMINISTRATION	1,196,257.00	1,082,515.02	887,122.52	81.95 %	1,403,741.50	1,423,741.50	989,266.09	69.48 %
16 - LEGAL SERVICES	205,000.00	315,276.23	229,251.83	72.71 %	300,000.00	300,000.00	261,687.86	87.23 %
18 - PLANNING	407,296.00	356,215.18	290,066.69	81.43 %	638,270.00	638,270.00	282,526.75	44.26 %
21 - NON-DEPARTMENTAL	1,056,651.00	967,944.26	872,926.07	90.18 %	1,159,369.00	1,159,369.00	972,772.06	83.91 %
30 - POLICE	4,540,998.00	4,546,888.17	3,798,211.00	83.53 %	4,685,857.00	4,685,857.00	3,921,336.74	83.68 %
32 - ROSS VALLEY FIRE SERVICE	4,391,395.00	4,382,001.59	3,631,579.20	82.87 %	4,611,448.00	4,611,448.00	3,776,211.80	81.89 %
40 - DEBT SERVICE	226,518.00	226,417.85	115,373.79	50.96 %	234,708.00	234,708.00	118,532.54	50.50 %
41 - ENGINEERING AND INSPECTION	1,167,307.00	1,283,354.81	989,470.60	77.10 %	1,326,648.00	1,406,648.00	1,207,833.44	85.87 %
42 - STREETS	835,488.00	900,353.28	701,339.29	77.90 %	890,957.50	920,957.50	774,682.02	84.12 %
71 - LIBRARY	613,159.00	561,377.89	481,217.01	85.72 %	729,255.50	729,255.50	511,189.59	70.10 %
81 - PARKS	361,249.00	505,007.96	366,538.92	72.58 %	382,079.50	482,079.50	374,803.96	77.75 %
82 - RECREATION/GENERAL FUND	253,012.00	241,375.82	202,147.32	83.75 %	281,447.50	281,447.50	212,306.83	75.43 %
Total Expense:	16,698,170.00	16,754,149.60	13,947,106.58	83.25 %	18,002,621.50	18,232,621.50	14,693,135.10	80.59 %
Total Fund: 01 - GENERAL FUND:	16,698,170.00	16,754,149.60	13,947,106.58	83.25 %	18,002,621.50	18,232,621.50	14,693,135.10	80.59 %
Report Total:	16,698,170.00	16,754,149.60	13,947,106.58	83.25 %	18,002,621.50	18,232,621.50	14,693,135.10	80.59 %



Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

5/24/2022

Item #: 3.3.

FROM:

Dannielle Mauk, Director of Community Services

SUBJECT:

April Financial Report on Recreation Fund

RECOMMENDATION

That the Council approve the Recreation Fund Revenue and Expenditure Report for the period ending April 30, 2022.

BACKGROUND

The Recreation Department offers a wide variety of fee-based programs throughout the fiscal year including sports programs and leagues, youth and adult classes, childcare and camps. Additional revenue is generated through facility rentals and administrative fees.

DISCUSSION

As of April 30, 2022, 83% of the fiscal year has elapsed and the Recreation Fund is listed at 151% of projected revenues and 90% of projected expenditures.

Enrollment for recreation programs is much higher than expected for FY 2021-22. As a result, the expenditures will also be higher. The budget was drafted with numbers based on County Public Health orders for COVID 19. As the orders have changed, the department has been able to serve more members of the community.

It is also important to note that the current budget has a \$158,744 deficit which is reflected in the difference between the revenue budgeted at \$1,348,625 and the budget expenditures of \$1,507,369.

All the revenue that is collected for summer programs occurring after July 1, 2022, will be deferred to FY 2022-23.

The State and County Public Health Orders for COVID-19 are designed to ensure and protect the health of our residents. The orders change the Recreation Department's ability to offer services, programs, and rentals. The Department continues to follow all guidance.

For historical comparison purposes, staff has developed the following table.

FY	Revenue			Expenditures			Rev Over/(Under) Exp	
	Budget	Actual	%	Budget	Actual	%	\$\$	%
2021-22	1,348,625	2,008,541	151%	1,507,369	1,353,900	90%	655,215	49%
2020-21	1,408,121	1,167,978	83%	1,550,971	926,300	63%	196,044	14%

2019-20		1,627,261	1,532,439	94%		1,676,	1,331,	79%		201,372	12%
2018-19		1,510,601	1,705,541	113%		1,591,	1,197,	75%		508,293	33.6%
2017-18		1,514,001	1,525,941	101%		1,644,	1,165,	71%		360,724	23.8%
2016-17		1,384,321	1,511,841	109%		1,500,	1,150,	77%		360,963	26.1%
2015-16		1,246,681	1,396,811	113%		1,356,	1,180,	87%		216,536	17.5%



Town of San Anselmo

Budget Report Group Summary

For Fiscal: 2021-2022 Period Ending: 04/30/2022

SubCategory...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 21 - RECREATION						
Department: 00 - UNDESIGNATED						
490 - MISCELLANEOUS REVENUE	0.00	0.00	0.00	100.00	100.00	0.00 %
670 - TRANSFERS OUT	80,694.00	80,694.00	0.00	80,694.00	0.00	0.00 %
Department: 00 - UNDESIGNATED Surplus (Deficit):	-80,694.00	-80,694.00	0.00	-80,594.00	100.00	0.12 %
Department: 61 - SPORTS						
480 - FEES FOR SERVICES	434,125.00	434,125.00	31,540.00	594,345.93	160,220.93	36.91 %
600 - SALARIES AND WAGES	36,000.00	36,000.00	0.00	32,817.50	3,182.50	8.84 %
602 - EMPLOYEE BENEFITS	2,754.00	2,754.00	0.00	2,510.61	243.39	8.84 %
611 - OUTSIDE SERVICES	91,250.00	91,250.00	10,950.00	111,662.75	-20,412.75	-22.37 %
629 - MISCELLANEOUS	46,500.00	46,500.00	1,446.79	47,550.54	-1,050.54	-2.26 %
Department: 61 - SPORTS Surplus (Deficit):	257,621.00	257,621.00	19,143.21	399,804.53	142,183.53	-55.19 %
Department: 62 - CULTURE						
480 - FEES FOR SERVICES	93,000.00	93,000.00	1,000.00	148,156.22	55,156.22	59.31 %
611 - OUTSIDE SERVICES	51,190.00	51,190.00	4,716.60	82,636.57	-31,446.57	-61.43 %
629 - MISCELLANEOUS	300.00	300.00	0.00	0.00	300.00	100.00 %
Department: 62 - CULTURE Surplus (Deficit):	41,510.00	41,510.00	-3,716.60	65,519.65	24,009.65	-57.84 %
Department: 63 - CHILD CARE						
480 - FEES FOR SERVICES	787,000.00	787,000.00	62,816.00	1,239,251.47	452,251.47	57.47 %
600 - SALARIES AND WAGES	344,174.00	344,174.00	19,483.69	230,193.49	113,980.51	33.12 %
601 - RETIREMENT	27,011.00	27,011.00	1,127.82	14,426.54	12,584.46	46.59 %
602 - EMPLOYEE BENEFITS	88,412.00	88,412.00	4,272.56	56,054.06	32,357.94	36.60 %
611 - OUTSIDE SERVICES	176,683.00	176,683.00	8,059.26	203,663.59	-26,980.59	-15.27 %
629 - MISCELLANEOUS	14,930.00	14,930.00	217.53	9,288.05	5,641.95	37.79 %
Department: 63 - CHILD CARE Surplus (Deficit):	135,790.00	135,790.00	29,655.14	725,625.74	589,835.74	-434.37 %
Department: 64 - EVENTS AND OTHER						
480 - FEES FOR SERVICES	11,000.00	11,000.00	2,820.00	19,166.00	8,166.00	74.24 %
611 - OUTSIDE SERVICES	2,000.00	2,000.00	0.00	71.18	1,928.82	96.44 %
Department: 64 - EVENTS AND OTHER Surplus (Deficit):	9,000.00	9,000.00	2,820.00	19,094.82	10,094.82	-112.16 %
Department: 65 - PROGRAM ADMINISTRATION						
480 - FEES FOR SERVICES	23,500.00	23,500.00	1,775.00	7,526.00	-15,974.00	67.97 %
600 - SALARIES AND WAGES	245,310.00	245,310.00	24,892.70	222,286.98	23,023.02	9.39 %
601 - RETIREMENT	23,390.00	23,390.00	2,265.70	20,053.41	3,336.59	14.27 %
602 - EMPLOYEE BENEFITS	51,655.00	51,655.00	4,900.73	49,422.72	2,232.28	4.32 %
610 - TRAINING	3,000.00	3,000.00	0.00	776.71	2,223.29	74.11 %
611 - OUTSIDE SERVICES	124,500.00	171,866.00	55,616.14	155,147.78	16,718.22	9.73 %
613 - PUBLICATION / DUES	1,000.00	1,000.00	75.00	925.17	74.83	7.48 %
614 - MAINTENANCE	1,500.00	1,500.00	0.00	0.00	1,500.00	100.00 %
615 - BUILDING MAINTENANCE	1,500.00	1,500.00	0.00	200.93	1,299.07	86.60 %
617 - UTILITIES	15,000.00	15,000.00	1,749.25	13,306.80	1,693.20	11.29 %
618 - HIRING	0.00	0.00	0.00	3,312.47	-3,312.47	0.00 %
619 - MISCELLANEOUS	1,500.00	1,500.00	0.00	1,156.70	343.30	22.89 %
620 - OFFICE SUPPLIES	25,000.00	25,000.00	0.00	12,194.71	12,805.29	51.22 %
622 - DEPARTMENT SUPPLIES	4,250.00	4,250.00	303.92	2,976.91	1,273.09	29.96 %
629 - MISCELLANEOUS	500.00	500.00	0.00	0.00	500.00	100.00 %
Department: 65 - PROGRAM ADMINISTRATION Surplus (Deficit):	-474,605.00	-521,971.00	-88,028.44	-474,235.29	47,735.71	9.15 %
Fund: 21 - RECREATION Surplus (Deficit):	-111,378.00	-158,744.00	-40,126.69	655,215.45	813,959.45	512.75 %
Report Surplus (Deficit):	-111,378.00	-158,744.00	-40,126.69	655,215.45	813,959.45	512.75 %



Town of San Anselmo

Budget Report Group Summary

For Fiscal: 2021-2022 Period Ending: 04/30/2022

Account Typ...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 21 - RECREATION						
Revenue	1,348,625.00	1,348,625.00	99,951.00	2,008,545.62	659,920.62	48.93 %
Expense	1,460,003.00	1,507,369.00	140,077.69	1,353,330.17	154,038.83	10.22 %
Fund: 21 - RECREATION Surplus (Deficit):	-111,378.00	-158,744.00	-40,126.69	655,215.45	813,959.45	512.75 %
Report Surplus (Deficit):	-111,378.00	-158,744.00	-40,126.69	655,215.45	813,959.45	512.75 %



Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

5/24/2022

Item #: 3.4.

FROM:

David P. Donery, Town Manager

SUBJECT

Consider Adopting a Resolution Declaring June 2022 LGBTQ Pride Month and Directing Staff to Fly the Rainbow Flag Throughout the Month of June at Town Hall

RECOMMENDATION

Adopt Resolution Declaring June 2022 LGBTQ Pride Month and Directing Staff to Fly the Rainbow Flag Throughout the Month of June at Town Hall

BACKGROUND

Pride Month is an annual month-long celebration of the LGBTQ community, currently observed in the month of June. The purpose of the commemorative month is to recognize the impact that lesbian, gay, bisexual, and transgender individuals have had on local, national, and international history.

At the June 8, 2021 Town Council meeting, the Town Council directed staff to bring forth on an annual basis an agenda item that would allow the Town of San Anselmo to further show support for Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) Pride Month by flying the Rainbow Flag during the month of June.

DISCUSSION

Under the government speech doctrine, the Town may advance its own speech without requiring viewpoint neutrality when the government itself is the speaker, so long as the Town does not show religious preference, encourage a certain vote in an election or otherwise violate the law.

As this request has originated from a Councilmember and subsequently by the full Council, and not by a third-party request, staff has determined that the flying of the Rainbow Flag on a Town Hall flagpole would be considered government speech and is consistent with the flagpole policy approved in 2021. Staff therefore sees Council approval to fly the Pride Flag for the full length of Pride Month in 2022.

FISCAL IMPACT

There is no fiscal impact associated with the proposed action.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The Council's discussion of this item is not a "project" under the California Environmental Quality Act, because it does not involve an activity which has the potential to cause a direct or reasonably foreseeable indirect physical change in the environment. (Cal. Pub. Res. Code § 21065).

Attachment 1 - Proposed Resolution

RESOLUTION NO.

Resolution of the Town of San Anselmo Declaring June LGBTQ Pride Month and Directing Staff to Fly the Rainbow Flag Throughout the Month of June at Town Hall

The San Anselmo Town Council DOES RESOLVE as follows:

WHEREAS, the Town of San Anselmo has a diverse Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) community and is committed to supporting visibility, dignity, and equity for all people in the community; and

WHEREAS, many of the residents, students, employees, and business owners within the Town of San Anselmo who contribute to the enrichment of our Town are part of the LGBTQ community; and

WHEREAS, June has become a symbolic month in which LGBTQ persons, and supporters, come together in various celebrations of pride; and

WHEREAS, cities across the United States recognize and celebrate June as LGBTQ Pride month; and

WHEREAS, the Town of San Anselmo feels it remains important to communicate its support for inclusivity, equality and respect in our City, and desires to recognize and celebrate June as LGBTQ Pride month; and

WHEREAS, the Town of San Anselmo strives to be a place where all residents and visitors feel accepted and welcome; and

WHEREAS, the Rainbow Flag, also known as the LGBTQ Pride Flag or Gay Pride Flag, has been used since the 1970s as a symbol of LGBTQ pride and social movements; and

WHEREAS, flying the Town's Rainbow Pride Flag at Town Hall throughout the month of June further symbolizes San Anselmo's official recognition of June as LGBTQ Pride month, reflects the Town of San Anselmo's viewpoint, and symbolizes the City's celebration of diversity and support for the LGBTQ community; and

WHEREAS, under the government speech doctrine, the Town may advance its own speech without requiring viewpoint neutrality when the government itself is the speaker, so long as the Town does not show religious preference or encourage a certain vote in an election; and

WHEREAS, this request has originated from a request made by a seated Councilmember, and subsequently by the full Council, and is consistent with the flagpole policy.

NOW, THEREFORE, the Town Council does resolve as follows:

Section 1.

The Town Council hereby declares the month of June as LGBTQ Pride Month in the Town of San Anselmo and directs staff to fly the Rainbow Pride Flag on a flagpole at Town Hall throughout the month of June.

Section 2.

This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of San Anselmo on the 24th day of May 2022, by the following vote:

AYES: NOES:

ABSTAINED:

ABSENT:

Alexis Fineman , Mayor

ATTEST:

Carla Kacmar, Town Clerk



Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

5/24/2022

Item #: 3.5.

FROM:

Carla Kacmar, Town Clerk

SUBJECT:

Resolution Authorizing the November 8, 2022 Election

RECOMMENDATION

That Council approve the resolution calling an election on November 8, 2022; requesting the Marin County Board of Supervisors to consolidate the Town's general municipal election with any other election conducted on said date; requesting election services by the County Registrar of Voters; and providing rules for candidates' statement of qualifications and filing fee.

BACKGROUND

The following seats will expire in 2022:

Town Councilmember	Two (2) seats	4 Year Term	\$ 300 Per/Month
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Ford Greene

Steve Burdo

Town Treasurer	One (1) seat	4 Year Term	\$50 Per/Month
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John Mahl

Town Clerk	One (1) seat	4 Year Term	\$25 Per/Year
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Carla Kacmar

The 4-year terms for each of these Town Officers are consistent with San Anselmo Municipal Code section 2-9.01(c)b. The attached proposed resolution requests the Marin County Board of Supervisors to consolidate the Town's general municipal election with any other election conducted on November 8, 2022, requesting election services by the County Registrar of Voters; and providing for Candidates' Statement of Qualifications and filing fee.

TIMING FOR CANDIDATES

Pursuant to California Elections Code section 10407, the following deadlines apply to the election:

July 18 - August 12 Filing period for candidates

August 17 Extended filing period deadline for non-incumbent candidates (if no incumbent files for candidacy by August 12)

November 8 Election

Staff will require candidates to make appointments with the Town Clerk for receiving and submitting nomination papers, so that accommodations for proper social distancing can be made. Appointments can be made by emailing townclerk@townofsananselmo.org <<mailto:townclerk@townofsananselmo.org>>. The deadline for submitting paperwork is by 5 PM on August 12 (or August 17, if no incumbent files for candidacy).

RULES FOR CANDIDATE STATEMENTS

Under California Elections Code section 13307, the following rules pertain to the material prepared by any candidate for the General Municipal Election:

- a) Statements shall not exceed 200 words;
- b) The actual pro-rated costs of printing, handling and translating said statements shall be levied against each candidate availing himself-herself of such service;
- c) The candidate shall be required to pay in advance, at the time of filing, his or her prorata share of the estimated total cost of printing, handling, translating, and mailing of said statement as a condition of having his or her statement included in the sample ballot;
- d) The estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements.
- e) No additional materials shall be prepared to be sent on behalf of the candidate with the Marin County Ballot/Voters Pamphlet; and
- f) The taxpayers of the Town of San Anselmo should not be responsible for costs of individual candidate statements.

Note that the Town Council may authorize an increase in the limitations on words for the statement from 200 to 400 words. (Cal. Elec. Code § 13307 (a)). The attached resolution reflects a 200-word limit, but can be amended prior to adoption.

FISCAL IMPACT

The cost of an election in a statewide election season is approximately \$2 to \$4 per voter. It is expected that the cost will range from \$19,000 to \$38,000.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The proposed decision is exempt from the California Environmental Quality Act (CEQA), under the “common sense” exemption, because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (Cal. Code Regs. tit. 14, § 15061).

**TOWN OF SAN ANSELMO
RESOLUTION NO. _____**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO CALLING
AN ELECTION IN ITS JURISDICTION ON NOVEMBER 8, 2022; REQUESTING THE
MARIN COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE THE GENERAL
MUNICIPAL ELECTION WITH ANY OTHER ELECTION CONDUCTED ON SAID DATE;
REQUESTING ELECTION SERVICES BY THE COUNTY REGISTRAR OF VOTERS; AND
PROVIDING RULES FOR CANDIDATES' STATEMENT OF QUALIFICATIONS AND
FILING FEE**

WHEREAS, San Anselmo Municipal Code Title 2, Chapter 9, requires that a general municipal election for election of Town Council members be held on November 8, 2022; and

WHEREAS, a statewide election is scheduled to be held on November 8, 2022; and

WHEREAS, under California Elections Code section 10400 et seq., an election may be consolidated with other elections held on the same date.

NOW, THEREFORE, the Town Council of the Town of San Anselmo hereby resolves as follows:

Section 1. Environmental Review

The Town Council finds that this resolution does not constitute a project subject to the California Environmental Quality Act (CEQA) under Public Resources Code section 21065 or CEQA Guidelines section 15378.

Section 2. Call of Election

A General Municipal Election is called for the Town of San Anselmo to be held on the 8th day of November 2022, at which election the issue to be presented to the voters shall be election of:

Candidates for the Town Council:

Regular Term, 4 years:	Two (2) seats
Candidate for Town Clerk	
Regular Term, 4 years:	One (1) seat
Candidate for Town Treasurer	
Regular Term, 4 years:	One (1) seat

Section 3. Request for Consolidation

The Town Council of the Town of San Anselmo hereby requests that the Board of Supervisors of the County of Marin:

- (1) Consolidate the Town's General Municipal Election with any other applicable election conducted on November 8, 2022.
- (2) Authorize and direct the County Registrar of Voters, at Town expense, to provide all necessary election services and to canvass the results of said election. The services shall be of the type normally performed by the Registrar of Voters in assisting the clerks of municipalities in the conduct of elections, including but not limited to checking registrations, mailing ballots, hiring election officers and arranging for polling places, receiving absentee voter ballot applications, mailing and receiving absentee voter ballots and opening and counting same, providing and distributing election supplies, and furnishing voting machines.

Section 4. Statement of Qualifications.

- (1) Consistent with California Elections Code section 13307, the Town Council hereby adopts the following rules pertaining to the material prepared by any candidate for the General Municipal Election:
 - a) Said statements shall not exceed 200 words.
 - b) The actual pro-rated costs of printing, handling and translating said statements shall be levied against each candidate availing himself-herself of such service.
 - c) The candidate shall be required to pay in advance, at the time of filing, his or her prorated share of the estimated total cost of printing, handling, translating, and mailing of said statement as a condition of having his or her statement included in the sample ballot;
 - d) The estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements.
 - e) No additional materials shall be prepared to be sent on behalf of the candidate with the Marin County Ballot/Voters Pamphlet; and
 - f) The taxpayers of the Town of San Anselmo should not be responsible for costs of individual candidate statements.
- (2) Each candidate shall pay a filing fee of \$25, unless the candidate chooses the option of collecting 100 signatures of San Anselmo registered voters in lieu of paying the filing fee.

Section 5. Transmittal of Resolution.

The Town Clerk shall submit a certified copy of this resolution to the Board of Supervisors for the County of Marin.

PASSED AND ADOPTED THIS 24th day of May, 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Carla Kacmar, Town Clerk



Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

5/24/2022

Item #: 3.6.

FROM:

Dannielle Mauk, Community Services Director

SUBJECT:

"Measure A" Parks Tax Allocation - FY 2022/2023

RECOMMENDATION

That Council receive a report on options for the 2022/23 Work Plan for the Town's allotment of Measure A funds. Staff recommends that the Town Council allocate 70% towards the Memorial Park Improvement Project and 30% towards the San Anselmo Open Space Fund. Based on the 2022/23 estimates provided by the County of Marin (\$44,186), this would represent \$30,930 for the Memorial Park Fund and \$13,256 for the Open Space Fund.

BACKGROUND

On November 6, 2012, Marin County voters approved the Marin Parks, Open Space, and Farmland Preservation Transactions and Use Tax Ordinance ("MEASURE A"). MEASURE A levies a one-quarter percent transaction and use tax in Marin County and is estimated to generate approximately \$10,000,000 per year for the ten-year term of the measure.

You will notice the amount to be received July 1, 2022 and January 1, 2023 is significantly lower than normal. That is because the tax expired at the end of March 2022, voters will decide whether to renew it June 7, 2022, and revenues would not begin to be collected again until October 1, 2022. We anticipate we will receive the amount in the attachment in July (about 5 months of revenue), receive little or nothing in January 2022, and then (only if voters renew the tax) receive a payment again in July 2023.

DISCUSSION

2013/14 Allocation

In November of 2013, the Town Council voted to allocate 100% of the 2013/14 Measure A funds allotted to San Anselmo, which was estimated to be in the amount of \$35,897, towards the purchase of the Sky Ranch property in Fairfax and San Anselmo to be used as open space lands. The 2013/14 Measure A funds ended up exceeding the County's estimates by \$12,175, for a total of \$ 48,072. These additional funds were deposited into the Town's Measure A account for a future designation.

At that time, Council directed staff to engage both the Open Space Committee and the Parks and Recreation Commission in the creation of Measure A recommendations for consideration by the Town Council.

2014/15 Allocation

At the Council Meeting held on May 13, 2014, the Council was presented with options from both the Parks & Recreation Commission and Open Space Committee for use of the 2014 Measure A funds. These recommendations included committing 100% of the 2014/15 allocation towards future improvements at Memorial Park. This recommendation took

into consideration the fact that 100% of the 2013/14 allocation went towards the Sky Ranch acquisition. The second recommendation was that 90% be allocated towards Memorial Park and 10% be allocated to the Open Space Fund.

During the discussion of these options, members of the Open Space Committee reported that serious negotiations were underway for the purchase of the Sky Ranch property for use as open space and requested that the Council postpone the decision on the 2014/15 Measure A Work Plan until the May 27, 2014 Town Council meeting. The Council chose to postpone the decision to May 27, 2014

At the May 27, 2014 Town Council meeting, after a lengthy discussion, the Council decided by a 3 to 2 vote to allocate \$55,494 towards the purchase of the Sky Ranch property, and to allocate \$66,794 towards future improvements at Memorial Park. The Sky Ranch allocation represented the full allocation from 2013/14 of \$48,072 plus 10% of the estimated 2014/15 funding or \$7,422.

2015/16 Allocation

In preparation for the decision regarding the 2015/16 Measure A Work Plan and funding allocations, staff met with the Open Space Committee to discuss the development of a unified and equitable formula to present to the Town Council regarding the allocation of the annual Measure A funding. Staff defined the urgent need for accumulating funds for improvements at Memorial Park and Open Space Committee members outlined the many exciting and complex opportunities existing both currently and on the horizon. After this discussion and some negotiation, it was agreed that a split of 70% towards Memorial Park improvements and 30% towards the Open Space Fund was a good recommendation to bring to the Town Council.

The Town Council approved the recommendation, and since 2015/16 the Measure A funds have been split, designating 70% towards Memorial Park improvements and 30% towards the Open Space Fund. This recommendation is intended to be renewed each year pending any significant changes.

2022/23 Allocation

The estimate for the Measure A funds provided by the County of Marin for 2022/23 is \$44,186. In preparation for the decision regarding the 2022/23 Measure A Work Plan and funding allocations, staff contacted the Open Space Committee and confirmed that they would like to continue the 70/30 split with Memorial Park and Open Space.

CONCLUSION

Staff recommends that the Town Council allocate 70% towards the Memorial Park Improvement Project and 30% towards the San Anselmo Open Space Fund. Based on the 2022/23 estimates provided by the County of Marin (\$44,186), this would represent \$30,930 for the Memorial Park Fund and \$13,256 for the Open Space Fund.

City and Town Estimate for FY 2022-23 Disbursements

	Pop. on 1/1/13	% of total pop.	Per capita estimate
Belvedere	2,086	1.12%	\$ 7,414.62
Corte Madera	9,320	4.99%	\$ 33,127.65
Fairfax	7,499	4.01%	\$ 26,654.96
Larkspur	12,021	6.43%	\$ 42,728.27
Mill Valley	14,147	7.57%	\$ 50,285.07
Novato	52,554	28.13%	\$ 186,801.56
Ross	2,446	1.31%	\$ 8,694.23
San Anselmo	12,431	6.65%	\$ 44,185.60
San Rafael	58,182	31.14%	\$ 206,806.11
Sausalito	7,116	3.81%	\$ 25,293.60
Tiburon	9,031	4.83%	\$ 32,100.41
Total	186,833	100.00%	\$ 664,092.10

SOURCE: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>

Allocation Estimates for FY 22-23 Disbursements

	Pop. on 1/1/13	% of total pop.
Belvedere	2,086	0.82%
Corte Madera	9,320	3.67%
Fairfax	7,499	2.95%
Larkspur	12,021	4.73%
Mill Valley	14,147	5.57%
Novato	52,554	20.69%
Ross	2,446	0.96%
San Anselmo	12,431	4.89%
San Rafael	58,182	22.91%
Sausalito	7,116	2.80%
Tiburon	9,031	3.56%
Unincorporated County*	67,174	26.45%
Total Marin County	254,007	100.00%

SOURCE: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>

FY22-23 Total Estimated Measure A budget

CTSD Program portion (15%) \$ 902,860

12-month total estimate for FY 22-23 \$ 902,860

Percent available to cities and towns 73.55%

Percent available to special districts 26.45%

City and town FY 22-23 disbursement estimate \$ 664,092.10

Special district FY 22-23 disbursement estimate \$ 238,767.90

*It is assumed that special districts serve all of the unincorporated population of Marin County



Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

5/24/2022

Item #: 3.7.

FROM:

Scott Schneider, Assistant Public Works Director

SUBJECT:

Accept 2021 Street Resurfacing Project - Phase A

RECOMMENDATION

That the Town Council accept the 2021 Street Resurfacing Project - Phase A and authorize staff to file a Notice of Completion.

BACKGROUND

On June 8, 2021, the Town Council approved the construction plans for the two 2021 Street Resurfacing Projects - Phases A and B, and authorized the Town Manager to award the contracts to the lowest bidder.

The Phase A project included the following streets:

- Laurel Ave - Myrtle Lane to Madrone Ave
- Crescent Road - Raymond Ave to Woodland Ave
- Fairview Court- Butterfield Road to end
- Florence Ave - San Anselmo Ave to end
- Fern Lane - San Anselmo Ave to Merced Ave
- San Anselmo Ave - Center Boulevard to Fern Lane (extended to Oak Knoll Ave)

The Engineer's Estimate was \$500,000. Team Ghilotti, Inc. was the low bidder with a bid of \$517,141. The work was completed and fully available for public use on May 13, 2022.

The final construction cost was \$555,468.55, which included extra work to replace additional curb, gutter and sidewalk to improve drainage flow, as well as increased asphalt tonnage to extend the San Anselmo Avenue paving from Fern Lane to Oak Knoll Avenue.

In addition, two short sections of streets were added to the contract - Pastori Avenue from Oak Knoll Avenue to end, and Los Angeles Boulevard from Monterey Avenue to end. Pastori Avenue was added as it was located close to the work area and was on a future paving list, and Los Angeles was added as it was in the area of a water district project (also being constructed by Team Ghilotti), and was funded by the t-cut credit paid by the water district.

FISCAL IMPACT

Funding for the project (total of \$625,000) came from Measure D (\$395,000) and Measure AA (\$230,000) included in the FY2020/2021 budget.

<u>Phase</u>	<u>Budget</u>	<u>Actual</u>
Design Costs	\$60,000	\$51,432
Const. + Contingency	\$550,000	\$555,468
Const. Management	\$15,000	\$8,308
Total Project Cost	\$625,000	\$615,227

Pastori Ave - \$39,537 from project savings (\$9,773) and Measure D unprogrammed resurfacing (\$29,764)

Los Angeles Blvd - \$54,944 from MMWD t-cut credit for Los Angeles/Monterey Ave water pipeline replacement project

GENERAL PLAN CONSISTENCY

The General Plan does not address maintenance of the Town's roadway network, but rather focuses on changes to the roadways (additional lanes, turn pockets, etc). The street resurfacing projects maintains the current roadway configurations while improving the roadway surface and striping for all modes of transportation (vehicle drivers, bicyclists, pedestrians and transit users).

CONSISTENCY WITH CEQA, CLIMATE ACTION PLAN 2030 AND BICYCLE AND PEDESTRIAN MASTER PLAN

The Town finds these projects to be categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 Class 1, because they involve rehabilitation of existing streets, sidewalks, and gutters that will not create additional automobile lanes and involve negligible or no expansion of use. (14 Cal. Code Regs. § 15301). None of the exceptions to this Class 1 categorical exemption apply in this instance (14 Cal. Code Regs. § 15300.2). Specifically, successive projects of the same type in the same location will not cause significant cumulative impacts, as there are no successive projects planned at this time. There are no unusual circumstances presented by this project and the project will not result in damage to scenic resources within a designated state scenic highway. Finally, the project will not cause a substantial adverse change in the significance of a historical resource, as no historical resources will be impacted.

As with any paving project, the Town follows our Complete Streets Policy which aims to improve the street not just for vehicular traffic, but for pedestrians and bicyclists as well as transit. New and modified curb ramps and enhanced crosswalks improve pedestrian safety, and improved pavement condition makes conditions safer for bicyclists. (Climate Action Plan 2030 Transportation Measures T-2 Bicycling and T-3 Walking).

Recording requested by, and
When recorded mail to:
The Town of San Anselmo
Public Works Department
525 San Anselmo Avenue San
Anselmo, CA 94960

For the benefit of
Town of San Anselmo
A Municipal Corporation

TOWN OF SAN ANSELMO

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN:

1. That on the 24th day of May 2022, the Public Works Project known as:
2021 Street Resurfacing Project – Phase A, was accepted by the Town Council as complete.
2. That the name and address of the agency/owner filing this Notice is:
the TOWN OF SAN ANSELMO, 525 SAN ANSELMO AVENUE, CA 94960.
3. That the nature of the interest is Public Right of Way.
4. That the name and address of the contractor responsible for the construction of said public project is:
Team Ghilotti, Inc, 2531 Petaluma Boulevard South, Petaluma, CA 994952.
5. That the name and address of said contractors’ surety is:
Berkley Surety Group, 412 Mount Kemble Avenue, Suite 10N, Morristown, NJ 07960.
6. That the general description of the public project was:
The work to be performed under this Contract consists of, but is not limited to: mobilization, traffic control, clearing and grubbing, pavement grinding, paving mat, hot mix asphalt paving, minor concrete work, utility adjustments, pavement delineation and signage, water pollution control and ancillary work on various streets in San Anselmo as shown on the project plans.
7. That said public project was completed on May 13, 2022 in accordance with the plans and specifications as required by the Town of San Anselmo.

I, THE UNDERSIGNED, have read and understand this Notice and know its contents. I declare under penalty of perjury that the facts stated herein are true and correct to the best of my knowledge.

TOWN OF SAN ANSELMO

By _____
Sean Condry, Public Works Director

EXECUTED AT San Anselmo, California on the 24th day of May 2022.

ATTEST:

Carla Kacmar, Town Clerk



Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

5/24/2022

Item #: 3.8.

FROM:

Scott Schneider, Assistant Public Works Director

SUBJECT:

Initiate Opting Out of the Congestion Management Program

RECOMMENDATION

Staff recommends that the Town Council adopt the attached Resolution to elect that the Town accept the Transportation Authority of Marin (TAM) recommendation to opt out of the Marin County Congestion Management Program (CMP) in Accordance with the State CMP statute as authorized by California Government Code Section 65088.3.

BACKGROUND

As the Congestion Management Agency (CMA) for Marin County, TAM is required by State law to prepare and update on a biennial basis a Congestion Management Program (CMP) for Marin County. The CMP process was established as part of a 1990 legislative package to implement Proposition 111, which increased the state gas tax from 9 to 18 cents. The intent of the CMP was to tie the appropriation of new gas tax revenues to congestion reduction efforts by improving land use/transportation coordination. Proposition 111 was not tied to inflation and has largely been replaced with Senate Bill (SB) 1, which was passed in 2016, however funding from proposition 111 still flows to local jurisdictions in Marin County and throughout the state.

With the passage of Assembly Bill (AB) 32 (California Global Warming Solutions Act of 2006), SB 375 (Sustainable Communities and Climate Protection Act of 2008), and SB 743 (Environmental quality: transit-oriented infill projects, judicial review streamlining for environmental leadership development projects), the CMP is largely out of alignment with regional and state policy direction. Whereas the new legislation focuses on reducing emissions and vehicles miles traveled (VMT), the CMP legislation focused on Level of Service and congestion. In fact, with SB 743, the CMP now conflicts with current California Environmental Quality Act (CEQA) Transportation Analysis guidance.

At the April 28, 2022, TAM Board of Commissioners Meeting, the TAM Board directed TAM staff to initiate the Opt-Out process and work with local jurisdictions to pass resolutions to Opt-Out of the CMP consistent with Government Code Section 65088.3. Gov. Code, § 65088.3 provides that a CMP is not required where a majority of local governments that collectively represent the majority of the population in the county, adopt local resolutions electing to opt out of the CMP.

ANALYSIS

The CMP legislation has been updated many times since its passage. In 1997, the state allowed for local jurisdictions to opt out of the CMP process. California Government Code § 65088.3, states that counties may “opt-out” of the CMP requirement without loss of Proposition 111 gas tax revenues, if the majority of jurisdictions representing the majority

of the county's population pass resolutions that request TAM to "opt-out" of the CMP.

TAM is founded as a sales tax authority and is designated by local resolutions as the Congestion Management Agency for Marin County, responsible for developing the CMP. TAM inherited CMP activities from the Marin County Congestion Management Agency (a function of County Department of Public Works) in 2004. TAM has maintained the CMP in mostly its original form since its inception, expanding its traffic monitoring efforts, but limiting any substantive changes.

The CMP is intended to establish designated performance standards on our roadway network using a vehicle delay-based Level of Service (LOS) standard and comparing roadway conditions against those standards. Local land use developments are also reviewed to ensure performance standards are met. If performance standards on roadways are not met, local jurisdictions are required to perform corrective actions to mitigate LOS (typically though adding capacity). This deficiency planning process has never been conducted in the county but would be required of local jurisdictions, with failure to do so resulting in TAM being mandated to ask the State to withhold Proposition 111 funding. This process has the benefit of providing a uniform analysis for land use and transportation projects with resulting large traffic volumes. In practice, the CMP has never been used to withhold funding and serves primarily as a report on traffic conditions (on the subset of roads in the CMP network), rather than a functional planning process.

Due to its mandated process, the CMP is a rigid framework. TAM staff have raised concerns with the process including the inability to remove CMP segments once designated in the network, and removal of performance standards.

Changes to Transportation Impact Analysis in CEQA

Prior to the effective date of SB 743 in 2020, the CMP was considered as part of the California Environmental Quality Act (CEQA) requirements, serving as a mutually supportive process for the CMP and lead agencies. Before SB 743, CEQA analysis of traffic impacts was measured by the project's impact on road congestion and delay, or Level of Service. SB 743 changed this framework, and now a project is analyzed based on Vehicle Miles Traveled, rather than vehicle delay or traffic congestion. Because the CMP analyzes Level of Service (congestion, delay) this analysis does not add value and is not consistent with current CEQA requirements and local jurisdiction General Plan requirements. Moreover, this additional tier of CMP requirements can potentially conflict with VMT and General Plan analysis requirements. As housing element updates are required this year, staff have been coordinating discussions on traffic analysis from housing element updates. Planning directors have expressed support to remove CMP requirements which conflict with CEQA processes during this process.

Marin Public Works Association Review

In November 2021, TAM staff presented information on next steps for the CMP to the Marin Public Works Association (MPWA) in November 2021 and asked if the CMP provided any value to local jurisdictions. MPWA members noted that they did not derive much value from the CMP process other than the traffic monitoring data, which they do find useful. They also asked TAM to consider development of a CMP 2.0 or next generation planning process. In response to these comments, MPWA formed a subcommittee of public works directors to take a closer look at the CMP process. This group met in February 2022 and TAM presented an overview of the CMP, its use, and three options for next steps, including maintaining the CMP, continuing the CMP for an additional cycle, or initiating the Opt-Out Process.

The MPWA sub-committee recommended initiating the Opt-Out Process to MPWA at its March 2022 meeting. MPWA verbally agreed with this recommendation, although no formal action was taken.

CMP Opt-Out Process

As noted, at the April 28, 2022, TAM Board of Commissioners Meeting, the TAM Board directed TAM staff to initiate the Opt-Out process and work with local jurisdictions to pass resolutions to Opt-Out of the CMP.

To complete the Opt-Out process, a majority of local jurisdictions representing a majority of the population of the county would be required to pass resolutions to conduct the Opt-Out process. Marin County would not be the first county to opt out of the CMP. The following agencies have already conducted the Opt-Out Process or no longer prepare a CMP:

- Fresno Council of Governments (Fresno County) - 1997
- Los Angeles Metropolitan Transportation Authority - 2019
- Napa Valley Transportation Authority (Napa County) - (late 1990s/early 2000s)
- Sacramento Transportation Authority (Sacramento County) - 1996
- San Diego Association of Governments (San Diego County) - 2009
- San Joaquin Council of Governments - (2019-2020)
- San Luis Obispo Council of Governments (San Luis Obispo County) - 1997
- Santa Cruz County Regional Transportation Commission (Santa Cruz County) - 2000
- Sonoma County Transportation Authority (Sonoma County) - 2000

To date, local jurisdiction staff from both DPW and community development have indicated no concerns with proceeding with an Opt-Out process at this time. TAM staff are requesting consideration of council resolutions by December 2022.

Once city councils have completed the Opt-Out Process, TAM staff would return to the TAM Board for administrative updates, including updates to previous resolutions as appropriate.

FISCAL IMPACT

There is no impact to the current fiscal year budget, nor any anticipated impact to future budgets or the continued flow of state gas tax revenues to local jurisdictions.

ENVIRONMENTAL IMPACT

Adoption of the attached resolution completing the Opt-Out for the CMP is not a “project” under the California Environmental Quality Act, because it does not involve an activity which has the potential to cause a direct or reasonably foreseeable indirect physical change in the environment. (Cal. Pub. Res. Code § 21065).

RESOLUTION NO. ##-##

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
SAN ANSELMO ELECTING TO BE EXEMPT
FROM THE CONGESTION MANAGEMENT PROGRAM PURSUANT TO GOVERNMENT
CODE SECTION 65088.3

WHEREAS, California voters passed Proposition 111 in June of 1990 requiring urbanized counties to develop and implement a Congestion Management Program (CMP); and

WHEREAS, the Legislature and Governor established the specific requirements of the Congestion Management Program by passage of legislation that was a companion to Proposition 111 and is codified in California Government Code Sections 65088 to 65089.10; and

WHEREAS, the Transportation Authority of Marin is the Congestion Management Agency responsible for Marin County's Congestion Management Program; and

WHEREAS, California Government Code Section 65088.3 allows urbanized counties to be exempt from the Congestion Management Program based on resolutions passed by local jurisdictions representing a majority of a county's jurisdictions with a majority of the county population; and

WHEREAS, over time the Congestion Management Program has become increasingly out of step with current regional, State, and Federal planning processes and requirements, including new State requirements for transportation performance measures related to greenhouse gas reduction and analysis under the California Environmental Quality Act; and

WHEREAS, on the 28th day of April 2022 the TAM Board of Commissioners directed TAM staff to work with the various local governments within the County in pursuing exemption from the Congestion Management Program under Government Code Section 65088.3; and

WHEREAS, electing to opt-out of the CMP is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) because it is not a "project" under CEQA; CEQA Guidelines section 15061(b)(3), the "common sense exemption", because it will not have a significant environmental effect; and

NOW, THEREFORE BE IT RESOLVED by the Town of San Anselmo that:

1. That the above recitations are true and correct and incorporated herein.
2. That the Town of San Anselmo hereby elects to be exempt from the CMP as described in California Government Code Section 65088.3.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the Town Council of the Town of San Anselmo on the 24th day of May, 2022 by the following vote:

AYES: None

NOES: None

ABSENT: None

ABSTAIN: None

Alexis Fineman, Mayor

Town of San Anselmo

ATTEST:

Carla Kacmar

Town Clerk

Congestion Management Program (CMP) Frequently Asked Questions

Draft as of March 31, 2022

What is the CMP? The CMP is an early attempt at developing a performance-based planning process to determine local development impacts on a specified network of arterials and highways. The CMP identifies a roadway network, sets level of service performance standards, develops a standardized land use development review for regional traffic impacts, identifies transportation demand measures, requires the development of a travel model and a capital improvement plan to address any identified deficiencies to system performance.

Why does TAM prepare a CMP? TAM is founded as a sales tax authority and designated by local resolution as the congestion management agency (CMA). Section 65088 - 65089.10 of the state government code requires the development of a congestion management program every two years for local streets and roads funding from 1990's Proposition 111 to flow to local jurisdictions. TAM conducts CMA duties, specifically planning, programming and project delivery functions based on the CMA designation.

Why is TAM exploring opting out? An "opt-out" provision was incorporated into the state government code in 1997, and some CMAs chose to opt out of the CMP subsequently. TAM's funding agreement with MTC has historically required TAM to develop either a congestion management program or a countywide transportation plan and allowed TAM to fund the CMP. In October 2021, TAM received guidance from MTC encouraging CMAs to opt out of the CMP process and stating MTC's intention to not allow future MTC planning agreement funds to be used for future CMP development.

Why is MTC encouraging CMAs to opt out? MTC is encouraging CMAs to opt out due to conflicts between level of service-based planning and the state legislative focus on greenhouse gas reduction from AB 32, SB 375, SB 743 and CEQA's use of Vehicle Miles Traveled as the preferred metric for transportation analysis. Additionally, MTC has noted that the CMP process does not include public participation, equity, climate change and other critical factors for consideration. The process also does not consider operations and maintenance costs, or adaptation needs such as sea level rise in its planning process.

What CMAs have opted out? TAM is not the first county to consider opting out. The following agencies have either opted out or no longer prepare a CMP:

- Fresno Council of Governments (Fresno County) – 1997
- Sacramento Transportation Authority (Sacramento County) – 1996
- San Diego Association of Governments (San Diego County) – 2009
- San Luis Obispo Council of Governments (San Luis Obispo County) – 1997
- Santa Cruz County Regional Transportation Commission (Santa Cruz County) – 2000
- Sonoma County Transportation Authority (Sonoma County) – 2000s
- Napa Valley Transportation Authority (Napa County) – 2000s
- LA Metro (Los Angeles County) – 2019
- San Joaquin Council of Governments – 2020

Will opting out of the CMP affect Marin County's Transportation Funding? There is no impact to Marin County transportation funding from opting out. MTC guidance supports this determination, and TAM sales tax expenditures have no relationship to the CMP. The impact on TAM member fees from local jurisdictions would remain in place. Retaining the CMP may require additional funding from local jurisdictions if MTC funds are no longer allowed for use.

Would opting out of the CMP affect Marin County Transportation Projects? There would be no impact to transportation projects if TAM retains or opts out of the CMP. MTC guidance and SCTA and NVT A practice assure that TAM can still input projects into the TIP.

Would opting out remove TAM's CMA designation? The opt-out language refers specifically to the CMP, and not the broader CMA designation. TAM would maintain CMA functions outside of the CMP process, including but not limited to, designation of a representative to the SMART board, and distribution of Bay Area Air Quality Management District funds as designated.

What process is required to opt out of the CMP? The CMA designation is provided by local resolution. State code above allows for opting out of the CMP when "a majority of local governments, collectively comprised of the city councils and the county board of supervisors, which in total also represent a majority of the population in the county, each adopt resolutions electing to be exempt from the congestion management program." (Section 65088.3)

Would opting out of the CMP require a Countywide Transportation Plan? To comply with MTC's funding agreement, a countywide transportation plan would be required. TAM has the basis of a countywide plan with the development of 2017's Strategic Vision Plan, as well as components of a countywide plan through other plans, programs and model development activities. Future updates to the Strategic Vision Plan are expected to meet Countywide Transportation Plan Requirements.

What is TAM's process for a decision on opting out? TAM is currently exploring opting out with local jurisdictions, in advance of a future board discussion. If TAM needs to develop a 2023 CMP, staff will need to release an RFP around April 2022 to meet procurement and upcoming monitoring deadlines. TAM would like staff level agreement by the April timeframe, and local resolutions to be passed no later than December 30, 2022.

Does opting out of the CMP have any impact on how TAM and partner agencies address congestion? TAM will continue to monitor and report on traffic conditions and expects to be able to deliver more robust monitoring efforts for less expense than the legislatively required CMP performance analysis. TAM will continue to work with our partner agencies to deliver congestion and mobility improvements in Marin County as required by voters in approved expenditure plans. The CMP is not the only tool used to address congestion in the county, and sales tax measures and other planning efforts are more effective at delivering improvements in the county.

What is the relationship between the CMP and TAM's Measure Programs? The voter-approved Measure AA, the 0.5 cent transportation sales tax, and Measure B, the \$10 vehicle registration fee, would have no impact from opting out. Expenditure plans and strategic plans for these funds are not based on the CMP.



Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

5/24/2022

Item #: 3.9.

FROM:

David P. Donery, Town Manager

SUBJECT:

Consider renewal of Central Marin Police Authority Lease

RECOMMENDATION

Staff recommends that the Town Council approve the lease agreement between the Central Marin Police Authority and the Town for the first floor of Town Hall for the period July 1, 2021 through June 30, 2026.

BACKGROUND

The police agencies of San Anselmo and Twin Cities Police Authority consolidated in January of 2013 becoming the Central Marin Police Authority (CMPA), which serves the towns of Corte Madera and San Anselmo and the city of Larkspur. The San Anselmo police station, located on the first floor of the Town Hall building, continues to be utilized as a police station for CMPA. The current agreement, which was approved in 2016, expired in June of 2021. Staff became aware that the lease had expired recently and recommends applying the start date of the new lease retroactively to July 1, 2021.

DISCUSSION

In order to continue the lease agreement that is in place, staff has updated the agreement, which consists of commercial lease between San Anselmo and CMPA for use of the first floor for \$1 per year. The Town remains responsible for the building structure, while CMPA is responsible for items in use that are specific to police operations.

This agreement requires the Town Council to authorize the Town Manager to execute the lease.

FISCAL IMPACT

There is no fiscal impact related to the execution of this agreement.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

Authorizing the Town Manager to execute a commercial lease agreement with the Central Marin Police Authority is not a "project" under the California Environmental Quality Act, because it does not involve an activity which has the potential to cause a direct or reasonably foreseeable indirect physical change in the

environment. (Cal. Pub. Res. Code § 21065).

CONCLUSION

Staff recommends approval of the attached lease agreement formalizing the use of space in the San Anselmo police station.

Attachments 1 - Commercial Lease Agreement (SA and CMPA)

COMMERCIAL LEASE AND DEPOSIT RECEIPT

AGENCY RELATIONSHIP CONFIRMATION. ~~Note: This confirmation does NOT take the place of the AGENCY DISCLOSURE form which may be required by law.~~ The following agency relationship is hereby confirmed for this transaction and supersedes any prior agency election (if no agency relationship, insert "NONE"):

LISTING AGENT: _____ is the agent of (check one):
(Print Firm Name)

☐ the Lessor exclusively; or ☒ both the Lessee and the Lessor.

LEASING AGENT: _____ (if not the same as the Listing Agent) is the agent of (check one):
(Print Firm Name)

☐ the Lessee exclusively; or ☒ the Lessor exclusively; or ☐ both the Lessee and the Lessor.

RECEIVED FROM Central Marin Police Authority hereinafter referred to as LESSEE, the sum of \$ 1.00 (One dollars), evidenced by Check as a deposit which will belong to Lessor and will be applied as follows:

	TOTAL	RECEIVED	BALANCE DUE PRIOR TO OCCUPANCY
Rent for the period from <u>July 1, 2016</u> to <u>June 30, 2021</u>	\$ <u>1.00</u>	\$ _____	\$ <u>1.00</u>
Security deposit (not applicable toward last month's rent)	\$ _____	\$ _____	\$ _____
Other _____	\$ _____	\$ _____	\$ _____
TOTAL	\$ <u>1.00</u>	\$ _____	\$ <u>1.00</u>

In the event this Lease is not accepted by the Lessor within _____ days, the total deposit received will be refunded.

Lessee offers to lease from Lessor the premises described as Police Dept., 525 San Anselmo Avenue, San Anselmo, CA 94960 ("the Premises") consisting of approximately 4324 rentable square feet, which is approximately 100 % of the total rental square footage of the entire property, upon the following terms and conditions:

- 1. TERM.** The term will commence on (date) July 1, 2021, and end on (date) June 30, 2026.
- 2. RENT.** The base rent will be \$ 1.00 per year payable on the _____ day of each month.

After the first 12 months the rent will be adjusted as follows:

SELECT OPTION:

☐ INDEXED LEASE: Effective upon the first day of the month immediately following the expiration of 12 months from date of commencement of the term, and upon the expiration of each 12 months thereafter, in accordance with changes in the U.S. Consumer Price Index for ☐ All Urban Consumers (1982-84 = 100), or ☐ (other index) _____ ("CPI"). The base rent will be increased to an amount equal to the monthly rent, multiplied by a fraction, the numerator of which is the CPI for the second calendar month immediately preceding the adjustment date, and the denominator of which is the CPI for the second calendar month preceding the commencement of the Lease term; provided however, that the monthly rent will not be less than that immediately preceding the adjustment.

OR SELECT OPTION:

☐ FLAT LEASE: Effective upon the first day of the month immediately following the expiration of 12 months from the date of commencement of the term, and upon the expiration of each 12 months thereafter, the rent will increase ☐ _____ % annually or ☐ _____.

All rents will be paid to Lessor or his or her authorized agent, at the following address _____ or at such other places as may be designated by Lessor from time to time. In the event rent is not received by Lessor within _____ days after due date, Lessee agrees to pay a late charge of \$ _____ plus interest at _____ % per annum on the delinquent amount. Lessee further agrees to pay \$ _____ for each dishonored bank check. The late charge period is **not** a grace period, and Lessor is entitled to make written demand for any rent if not paid when due.

3. ☒ NET LEASE PROVISIONS.

Lessee agrees to pay, in addition to the base monthly rental set forth in Item 2, Lessee's proportionate share of the Lessor's operating expenses, including utility and service costs, insurance, real property taxes, and common area maintenance. Lessee's share is based on the ratio of the square footage of the Premises to the total square footage of the rental space of the entire property of which the Premises are a part. Lessee's monthly share of said expenses at the commencement of the term is \$ _____.

- 4. USE.** The premises are to be used for the operation of Central Marin Police Authority Office and for no other purpose, without prior written consent of Lessor. Lessee will not commit any waste upon the premises, or any nuisance or act which may disturb the quiet enjoyment of any tenant in the building.

- 5. USES PROHIBITED.** Lessee will not use any portion of the premises for purposes other than those specified. No use will be made or permitted to be made upon the premises, nor acts done, which will increase the existing rate of insurance upon the property, or cause cancellation of insurance policies covering the property. Lessee will not conduct or permit any sale by auction on the premises.

Lessee [] [] has read this page.

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- 6. ASSIGNMENT AND SUBLETTING.** Lessee will not assign this Lease or sublet any portion of the premises without prior written consent of the Lessor, which will not be unreasonably withheld. Any such assignment or subletting without consent will be void and, at the option of the Lessor, will terminate this Lease.
- 7. ORDINANCES AND STATUTES.** Lessee will comply with all statutes, ordinances, and requirements of all municipal, state and federal authorities now in force, or which may later be in force, regarding the use of the premises. The commencement or pendency of any state or federal court abatement proceeding affecting the use of the premises will, at the option of the Lessor, be deemed a breach of this Lease.
- 8. MAINTENANCE, REPAIRS, ALTERATIONS.** Unless otherwise indicated, Lessee acknowledges that the premises are in good order and repair. The premises will be surrendered at termination of the Lease, in as good condition as received, normal wear and tear excepted. Lessor during the Lease term shall be responsible for the maintenance, repair, replacement and improvements to the building, structure, including but not limited to roof, roof coverings, exterior walls, structural foundations, mechanical, electrical and plumbing systems, driveways, sidewalks, landscaping, and the like. The cost of alterations required by law (such as the Americans With Disabilities Act) shall also be the Lessor's responsibility. Lessee shall be responsible for maintenance and repair of any systems installed by it for its police service operations, including but not limited to its dispatch/radio systems, computer networks, telecommunications, and fire alarm systems, as well as for all its furnishings and interior decorating items.
- No improvement or alteration of the premises will be made without the prior written consent of the Lessor. Prior to the commencement of any substantial repair, improvement, or alteration, Lessee will give Lessor at least **two (2) days written notice** in order that Lessor may post appropriate notices to avoid any liability for liens.
- If the improvement or alteration results in an increase in real property taxes, the amount of the increase will be paid by Lessor.
- 9. ENTRY AND INSPECTION.** Lessee will permit Lessor or Lessor's agents to enter the premises at reasonable times and upon reasonable notice for the purpose of inspecting the premises, and will permit Lessor, at any time **within sixty (60) days** prior to the expiration of this Lease, to place upon the premises any usual "For Lease" signs, and permit persons desiring to lease the premises to inspect the premises at reasonable times.
- 10. INDEMNIFICATION OF LESSOR.** Lessor will not be liable for any damage or injury to Lessee, or any other person, or to any property, occurring on the premises. Lessee agrees to hold Lessor harmless from any claims for damages arising out of Lessee's use of the premises, and to indemnify Lessor for any expense incurred by Lessor in defending any such claims.
- 11. POSSESSION.** ~~If Lessor is unable to deliver possession of the premises at the commencement date set forth above, Lessor will not be liable for any damage caused by the delay, nor will this Lease be void or voidable, but Lessee will not be liable for any rent until possession is delivered. Lessee may terminate this Lease if possession is not delivered within _____ days of the commencement term in Item 1.~~
- 12. LESSEE'S INSURANCE.** Lessee, at his or her expense, will maintain plate glass, public liability, and property damage insurance insuring Lessee and Lessor with minimum coverage as follows: With the limits of no less than \$1million per occurrence.
- Lessee will provide Lessor with a Certificate of Insurance showing Lessor as additional insured. The policy will require **ten (10) day's written notice to Lessor prior to cancellation or material change of coverage.**
- 13. LESSOR'S INSURANCE.** Lessor will maintain hazard insurance covering one hundred percent (100%) actual cash value of the improvements throughout the Lease term. Lessor's insurance will not insure Lessee's personal property, leasehold improvements, or trade fixtures.
- 14. SUBROGATION.** To the maximum extent permitted by insurance policies which may be owned by the parties, Lessor and Lessee waive any and all rights of subrogation against each other which might otherwise exist.
- 15. UTILITIES.** Lessee will be responsible for the payment of all utilities, including water, gas, electricity, heat, and other services delivered to the premises.
- 16. SIGNS.** Lessee will not place, maintain, nor permit any sign or awning on any exterior door, wall, or window of the premises without the express written consent of Lessor, which will not be unreasonably withheld, and of appropriate governmental authorities.
- 17. ABANDONMENT OF PREMISES.** Lessee will not vacate or abandon the premises at any time during the term of this Lease. If Lessee does abandon or vacate the premises, or is dispossessed by process of law, or otherwise, any personal property belonging to Lessee left on the premises will be deemed to be abandoned, at the option of Lessor.
- 18. CONDEMNATION.** If any part of the premises is condemned for public use, and a part remains which is susceptible of occupation by Lessee, this Lease will, as to the part taken, terminate as of the date the condemnor acquires possession. Lessee will be required to pay such proportion of the rent for the remaining term as the value of the premises remaining bears to the total value of the premises at the date of condemnation; provided, however, that either party may, at his or her option, terminate this Lease as of the date the condemnor acquires possession. In the event that the premises are condemned in whole, or the remainder is not susceptible for use by the Lessee, this Lease will terminate upon the date which the condemnor acquires possession. All sums which may be payable on account of any condemnation will belong solely to the Lessor; except that Lessee will be entitled to retain any amount awarded to him or her for his or her trade fixtures and moving expenses.

Lessee [] [] has read this page.

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- 19. TRADE FIXTURES.** Any and all improvements made to the premises during the term will belong to the Lessor, except trade fixtures of the Lessee. Lessee may, upon termination, remove all his or her trade fixtures, but will pay for all costs necessary to repair any damage to the premises occasioned by the removal.
- 20. DESTRUCTION OF PREMISES.** In the event of a partial destruction of the premises during the term, from any cause except acts or omission of Lessee, Lessor will promptly repair the premises, provided that such repairs can be reasonably made within sixty (60) days. Such partial destruction will not terminate this Lease, except that Lessee will be entitled to a proportionate reduction of rent while such repairs are being made, based upon the extent to which the making of such repairs interferes with the business of Lessee on the premises. If the repairs cannot be made **within sixty (60) days**, this Lease may be terminated at the option of either party by giving written notice to the other party **within the sixty (60) day period**.
- 21. HAZARDOUS MATERIALS.** Lessee will not use, store, or dispose of any hazardous substances upon the premises, except the use and storage of such substances that are customarily used in Lessee's business, and are in compliance with all environmental laws. Hazardous substances means any hazardous waste, substance or toxic materials regulated under any environmental laws or regulations applicable to the property. Lessee will be responsible for the cost of removal of any toxic contamination caused by lessee's use of the premises.
- 22. INSOLVENCY.** The appointment of a receiver, an assignment for the benefits of creditors, or the filing of a petition in bankruptcy by or against Lessee, will constitute a breach of this Lease by Lessee.
- 23. DEFAULT.** In the event of any breach of this Lease by Lessee, Lessor may, at his or her option, terminate the Lease and recover from Lessee: (a) the worth at the time of award of the unpaid rent which had been earned at the time of termination; (b) the worth at the time of award of the amount by which the unpaid rent which would have been earned after termination until the time of the award exceeds the amount of such rental loss that the Lessee proves could have been reasonably avoided; (c) the worth at the time of award of the amount by which the unpaid rent for the balance of the term after the time of award exceeds the amount of such rental loss that the Lessee proves could be reasonably avoided; and (d) any other amount necessary to compensate Lessor for all the detriment proximately caused by the Lessee's failure to perform his or her obligations under the Lease or which in the ordinary course of things would be likely to result therefrom, including, but not limited to, that portion of any leasing commission paid by Lessor and applicable to the unexpired term of the lease.
- Lessor may, in the alternative, continue this Lease in effect, as long as Lessor does not terminate Lessee's right to possession, and Lessor may enforce all of Lessor's rights and remedies under the Lease, including the right to recover the rent as it becomes due under the Lease. If said breach of Lease continues, Lessor may, at any time thereafter, elect to terminate the Lease.
- These provisions will not limit any other rights or remedies which Lessor may have.
- 24. SECURITY.** The security deposit will secure the performance of the Lessee's obligations. Lessor may, but will not be obligated to, apply all or portions of the deposit on account of Lessee's obligations. Any balance remaining upon termination will be returned to Lessee. Lessee will not have the right to apply the security deposit in payment of the last month's rent.
- 25. DEPOSIT REFUNDS.** The balance of all deposits will be refunded **within thirty (30) days** (or as otherwise required by law), from date possession is delivered to Lessor or his or her authorized agent, together with a statement showing any charges made against the deposits by Lessor.
- 26. ATTORNEY FEES.** In any action, arbitration, or other proceeding involving a dispute between Lessor and Lessee arising out of this Lease, the prevailing party will be entitled to reasonable attorney fee, expert witness fees, and costs.
- 27. WAIVER.** No failure of Lessor to enforce any term of this Lease will be deemed to be a waiver.
- 28. NOTICES.** Any notice which either party may or is required to give, will be given by mailing the notice, postage prepaid, to Lessee at the premises, or to Lessor at the address shown in Item 2, or at such other places as may be designated in writing by the parties from time to time. Notice will be effective **five (5) days after mailing**, or on personal delivery, or when receipt is acknowledged in writing.
- 29. HOLDING OVER.** Any holding over after the expiration of this Lease, with the consent of Lessor, will be a month-to-month tenancy at a monthly rent equal to the rent for the month immediately preceding the expiration date, plus \$0. The monthly rent shall be payable in advance and the occupancy subject to all of the other terms and conditions of this Lease, as applicable, until either party terminates the tenancy by giving the other party **thirty (30) days written notice**.
- 30. TIME.** Time is of the essence of this Lease.
- 31. HEIRS, ASSIGNS, SUCCESSORS.** This Lease is binding upon and inures to the benefit of the heirs, assigns, and successors of the parties.
- 32. OPTION TO RENEW.** Provided that Lessee is not in default in the performance of this Lease, Lessee will have the option to renew the Lease for an additional term of 24 months commencing at the expiration of the initial Lease term. All of the terms and conditions of the Lease will apply during the renewal term, ~~except that the monthly rent will be the sum of \$_____ which will be adjusted after commencement of the renewal term in accordance with any increases set forth in Paragraph Item 2.~~
- The option will be exercised by written notice given to Lessor **not less than 60 days** prior to the expiration of the initial Lease term. If notice is not given within the time specified, this Option will expire.
- 33. AMERICANS WITH DISABILITIES ACT.** The parties are alerted to the existence of the Americans With Disabilities Act, which may require costly structural modifications. The parties are advised to consult with a professional familiar with the requirements of the Act.

Lessee [] [] has read this page.

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34. LESSOR'S LIABILITY. In the event of a transfer of Lessor's title or interest to the property during the term of this Lease, Lessee agrees that the grantee of such title or interest will be substituted as the Lessor under this Lease, and the original Lessor will be released of all further liability; provided, that all deposits will be transferred to the grantee.

35. ESTOPPEL CERTIFICATE.

(a) On **ten (10) days' prior written notice** from Lessor, Lessee will execute, acknowledge, and deliver to Lessor a statement in writing: [1] certifying that this Lease is unmodified and in full force and effect (or, if modified, stating the nature of such modification and certifying that this Lease, as so modified, is in full force and effect), the amount of any security deposit, and the date to which the rent and other charges are paid in advance, if any; and [2] acknowledging that there are not, to Lessee's knowledge, any uncured defaults on the part of Lessor, or specifying such defaults if any are claimed. Any such statement may be conclusively relied upon by any prospective buyer or encumbrancer of the premises.

(b) At Lessor's option, Lessee's failure to deliver such statement within such time will be a material breach of this Lease or will be conclusive upon Lessee: [1] that this Lease is in full force and effect, without modification except as may be represented by Lessor; [2] that there are no uncured defaults in Lessor's performance; and [3] that not more than one month's rent has been paid in advance.

(c) If Lessor desires to finance, refinance, or sell the premises, or any part thereof, Lessee agrees to deliver to any lender or buyer designated by Lessor such financial statements of Lessee as may be reasonably required by such lender or buyer. All financial statements will be received by the Lessor or the lender or buyer in confidence and will be used only for the purposes set forth.

36. SUBORDINATION. This Lease, at Lessor's option, will be subordinate to any mortgage, deed of trust, or other security now existing or later placed upon the property; provided, however, that Lessee's right to quiet possession will not be disturbed if Lessee is not in default on the payment of rent or other provision of this lease.

37. ENTIRE AGREEMENT. The foregoing constitutes the entire agreement between the parties and may be modified only in writing signed by all parties. The following exhibits are a part of this Lease:

Exhibit A: Lead Based Paint Disclosure (Required for Property Built Prior to 1978)

Exhibit B: _____

38. ADDITIONAL TERMS AND CONDITIONS.

The undersigned Lessee acknowledges that he or she has thoroughly read and approved each of the provisions contained in this Offer, and agrees to the terms and conditions specified.

Lessee _____ Date _____ Lessee _____ Date _____

Receipt for deposit acknowledged by _____ Date _____
 Debra Stutsman, Town Manager

ACCEPTANCE

The undersigned Lessor accepts the foregoing Offer and agrees to lease the premises on the terms and conditions set forth above.

NOTICE: The amount or rate of real estate commissions is not fixed by law. They are set by each broker individually and may be negotiable between the owner and broker.

The Lessor agrees to pay to _____, the Broker in this transaction, the sum of \$ _____ for services rendered and authorizes Broker to deduct said sum from the deposit received from Lessee.

In the event the Lease is extended for a definite period of time or on a month to month basis after expiration of the original term, Lessor will pay to Broker an additional commission of _____ % of the total rental for the first extended period, and an additional commission of _____ % of the total rent for any, and all, additional extensions. Commissions will be due and payable at the commencement of the applicable extension if for a fixed term, or if on a month to month basis, at the termination of Lessee's occupancy or one year, whichever is earlier.

In any action for commission, the prevailing party will be entitled to reasonable attorney fees.

Lessor _____ Date _____ Lessor _____ Date _____
 Debra Stutsman, Town Manager

Lessor's Address 525 San Anselmo Avenue Telephone 415-258-4652 Fax _____
San Anselmo, CA 94960 E-mail dstutsman@townofsananselmo.org

Lessee acknowledges receipt of a copy of the accepted Lease on (date) _____ [] []
 (initials)

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Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council
3.10.

5/24/2022

Item #:

FROM:

Carla Kacmar, Town Clerk

SUBJECT:

Proclamation for Virginia Stapleton

RECOMMENDATION

Approve proclamation to be presented at a Chamber of Commerce ceremony on June 7, 2022.

PROCLAMATION
The Town of San Anselmo is pleased to honor
VIRGINIA STAPLETON
UPON HER RETIREMENT

WHEREAS, in 1988, Virginia founded the Stapleton School of the Performing Arts with the unique mission of providing professional dance training, while incorporating a compassion for students as whole individuals; and

WHEREAS, in 1998, Virginia developed the Stapleton Youth Company to provide a semi-professional experience for the school's advanced students; and

WHEREAS, since the inception of the Stapleton School, enrollment has grown steadily, and currently over 500 students are enrolled in the Ballet Division; and

WHEREAS, in her 33 years she has created, developed and collaborated with many people and built a sustaining legacy for our community; and

NOW, THEREFORE, on behalf of the citizens of San Anselmo, I, Alexis Fineman, Mayor of the Town of San Anselmo, do hereby honor Virginia Stapleton on the occasion of her retirement and recognize her for her exemplary service to the Town of San Anselmo and the remarkable effect it has had on our community. We congratulate her for a job well done and wish her continued success and happiness throughout retirement.

Signed this 24th day of May, 2022.

Alexis Fineman, Mayor

Vegetation Management

SAN ANSELMO TOWN COUNCIL

May 24, 2022



PG&E's Vegetation Management Programs

- Trim trees to meet or exceed state vegetation and fire safety standards.
- Cut down dead, diseased, or dying trees that pose a risk to powerlines.
- Evaluate the condition of trees that may need to be addressed if they are tall enough to strike powerlines or equipment.
- Trim or cut down trees and shrubs to increase defensible space or construct stronger, more resilient electric equipment.





State and Regulatory Requirements

PG&E is legally required to maintain minimum clearances and address and abate trees that pose a hazard to our electric powerlines and facilities according to the following regulations:

California Public Utilities Commission* (CPUC)

[General Order 95, Rule 35](#)

California Public Resources Code (PRC)

[Section 4292](#) [Section 4293](#)

**Under [Article XII](#) of the California Constitution, PG&E's vegetation management work is under the sole jurisdiction of the CPUC, which preempts local discretionary authority over public utility projects.*

Routine Vegetation Management Program

When This Work Occurs

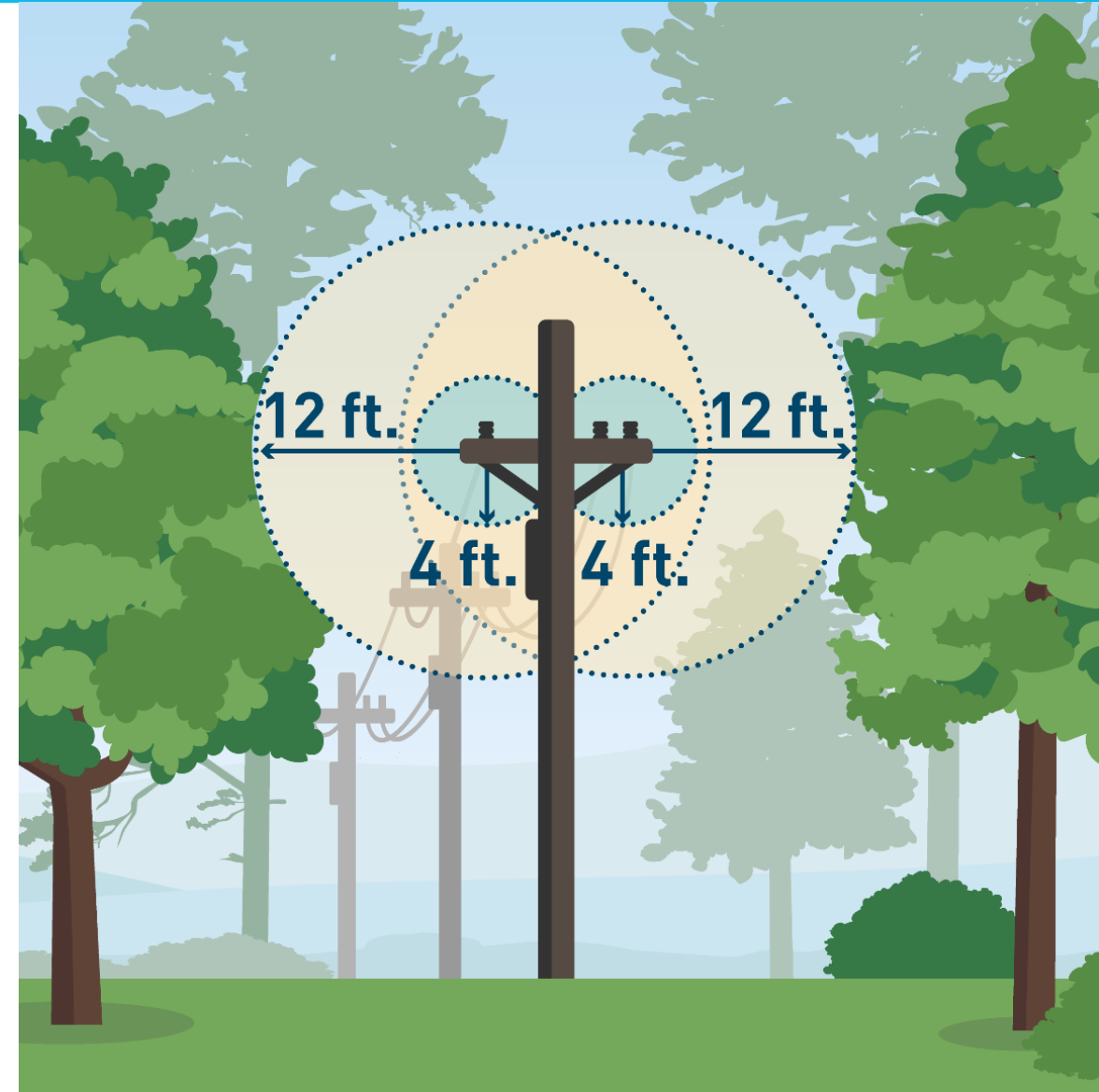
- Once annually

Where This Work Occurs

- Along all primary electric distribution lines and equipment

What This Work Involves

- Trimming or cutting down dead, diseased, dying and defective trees that pose a threat to PG&E facilities
- Maintaining required minimum clearances of:
 - 1.5 feet in non-High Fire-Threat Districts
 - 4 feet, with recommended 12 feet minimum at time of prune in High Fire-Threat Districts



Drought and Tree Mortality Program

When This Work Occurs

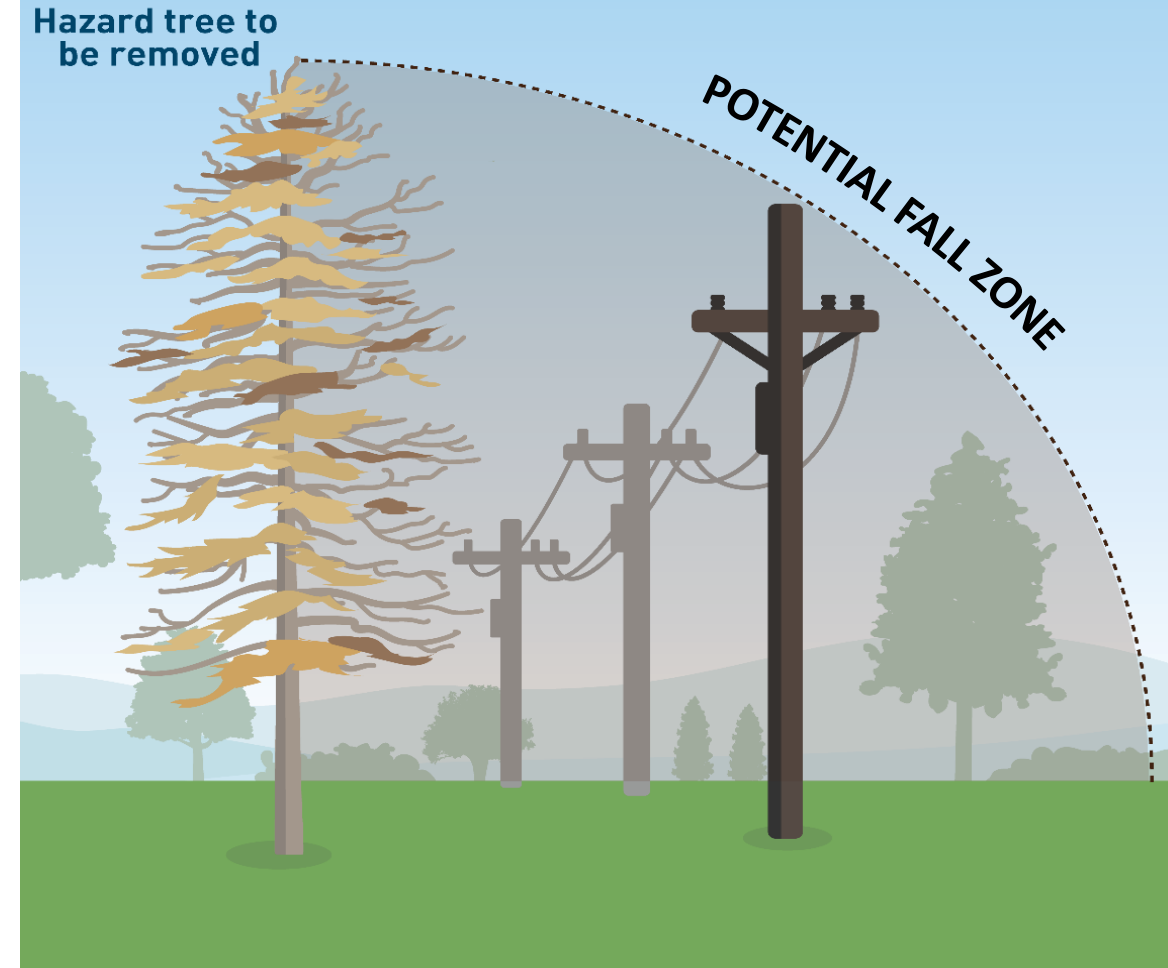
- Once annually, six months after Routine Vegetation Management

Where This Work Occurs

- Along primary electric distribution lines and equipment in High Fire-Threat Districts

What This Work Involves

- An additional inspection to ensure clearance requirements
- Cutting down all dead, dying and diseased trees that pose a threat to PG&E facilities



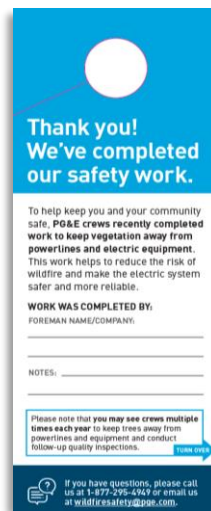
How We're Engaging With Customers

It's important that our customers and communities are informed about our important vegetation management work. We are committed to informing customers before, during and after the work occurring in 2022. Here are a few ways we are keeping customers informed:

Pre-Inspection Door Hanger



Tree Work Complete Door Hanger



Pre-Inspection Postcard



Tree Work Postcard



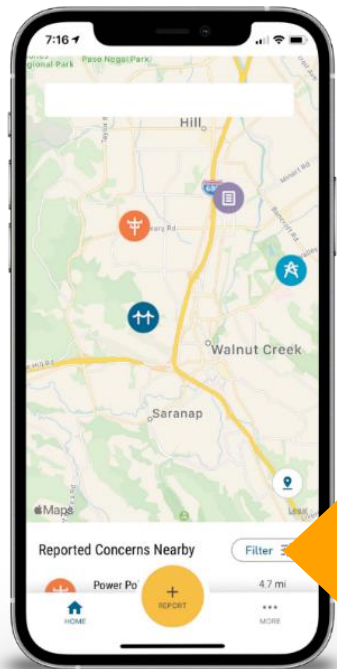
Mailer





Customer and Community Resources

Customers who have questions about our vegetation management work can contact us directly at: **1-800-743-5000**

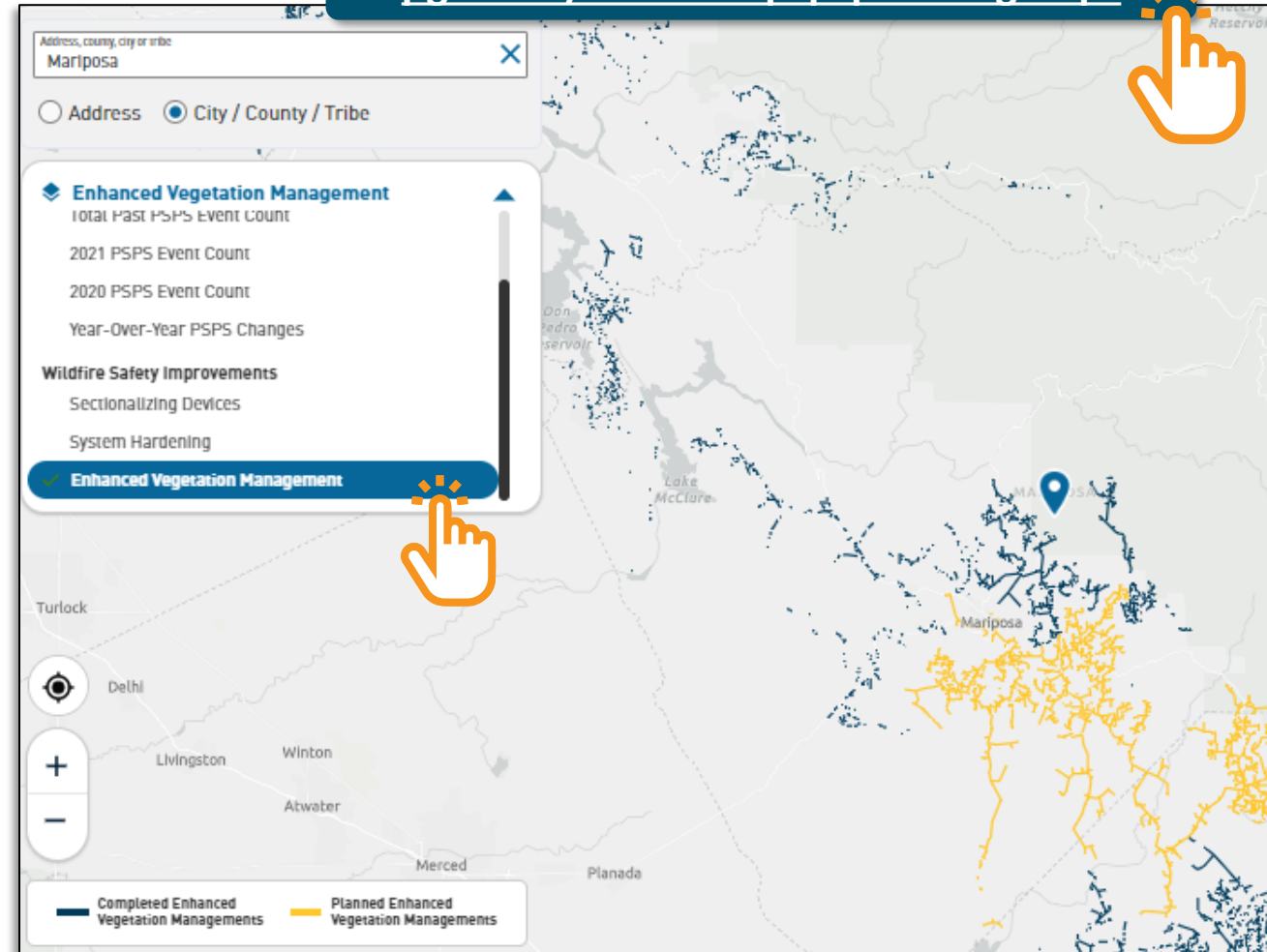


**“PG&E Report It”
Safety App**
allows customers to
submit photos of non-
emergency safety concerns

pge.com/reportit

To see a map of completed and planned EVM work visit:

pge.com/customerpspsplanningmaps



Carla Kacmar

From: Abby <abbywords@gmail.com>
Sent: Tuesday, May 24, 2022 5:33 PM
To: René Voss
Cc: Alexis Fineman; Brian Colbert; Carla Kacmar; Dave Donery; Eileen Burke; Ford Greene; Jonathan Braun; Maxwell Pritt; Megan Acevedo; Sean Condry; Steve Burdo; brian@briancrawford.info
Subject: Re: tree cutting in Faude Park (today)

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: External Sender

Are they union contractors? I believe the PG&E EVM contractors are required to be union contractors by the state of California. Someone can double check.

A

On Tue, May 24, 2022 at 2:49 PM René Voss <renepvoss@gmail.com> wrote:
From Brian Crawford. This happened just this afternoon. The tree company is Rancho Tree Services out of Bakersfield, hired by PG&E....

Guys,

I heard chainsaws start up outside my house and found a tree crew cutting down trees in Faude Park. I asked them if they had permission from the town to remove trees from a town park. They knew nothing about it. They gave me their boss' number and I called and asked him. He said PG&E hired some other contractor to mark the trees and they were told to take them out. He didn't know it was a park and wasn't told he needed permission. I told him to stop and call Sean, which he said he would do.

This is the second time in the last few months that a tree crew has started cutting trees on public property without asking permission. Rene Voss and I confronted them and succeeded in getting it stopped last time and I thought we had an understanding with Sean that there would be no non-emergency tree work in the park without consulting the Open Space Committee.

I saw them cut down a large tree at least 60 feet back from Oakland Avenue, so it was not a threat to the power lines. They have stopped for now, but I want to see this practice stopped permanently. I know we're all concerned about wildfires and power outages, but no one should be removing trees from our public open spaces without permission.

Brian Crawford

[415-407-5776](tel:415-407-5776)

René Voss
renepvoss@gmail.com

----- Original message -----

From: René Voss <renepvoss@gmail.com>

Date: 5/24/22 11:13 AM (GMT-08:00)

To: Steve Burdo <sburdo@townofsananselmo.org>, Alexis Feinman <afineman@townofsananselmo.org>, Brian Colbert <bcolbert@townofsananselmo.org>, Eileen Burke <eburke@townofsananselmo.org>, Ford Green <fgreene@townofsananselmo.org>

Cc: Sean Condry <scondry@townofsananselmo.org>, Megan Acevedo <macevedo@epsteinlawyer.com>, Carla Kacmar <ckacmar@townofsananselmo.org>, David Donnery <ddonery@townofsananselmo.org>, Maxwell Pritt <mpritt@bsfillp.com>, Abby Cunningham <abbywords@gmail.com>

Subject: State Enforcement Against PG&E for Riparian Tree Cutting

Town Council Members,

For your council meeting tonight, I am attaching an example of an enforcement action taken by the state against PG&E for unpermitted tree cutting in NAPA county. Similar actions by PG&E in and along our creeks are starting to happen here in Marin County.

I have been working with Cal. State enforcement staff at the Water Boards and Cal. Fish and Game regarding PG&E's rampant tree cutting in certain sensitive areas, such as creeks, riparian areas, and redwood stands, which serve as critical habitat for federally threatened and endangered coho salmon and steelhead, as well as northern spotted owls, all protected under the ESA and CESA. I expect that they may be taking action against PG&E soon based on my reports of tree cutting or tree marking along creeks in San Geronimo Valley, all without permits.

The creeks in San Anselmo and Fairfax also contain critical habitat for both coho and steelhead, and state law prohibits tree removal in or along our creeks without the necessary permits and mitigations.

Please review the letters and the photos near the end. I would be happy to help answer any questions.

Thank you,

René Voss

Attorney at Law

415-446-9027





Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

5/24/2022

Item #: 6.

FROM:

Erica Freeman, P.E., R.A., Building Official

SUBJECT:

Introduction and first reading of an Amendment to the San Anselmo Municipal Code adding Chapter 24 "All Electric Construction in Newly Constructed Residential Buildings" to Title 9 "Building Regulations"; and Amendment to Chapter 9-19 "Green Building Requirements" for consistency.

RECOMMENDATION

1. That the Town Council hold a public hearing to consider the Ordinance Amendment.
2. Motion to introduce the Ordinance by title only and to waive future readings in their entirety.

BACKGROUND

On March 8, 2022, Council provided direction to staff on the electrification of new residential construction, see Attachment 2. Confronting climate change and promoting environmental sustainability are important goals for the Town of San Anselmo. The Town's Climate Action Plan sets forth the Town's environmental goals and policies. Recently, there has been a growing push to reduce reliance on fossil fuels by requiring all new buildings to be electric-only. Staff proposes an amendment to the Town Code requiring that all new residential construction include electric-only sources of power as one tool to reduce greenhouse gas emissions and further the use of cleaner electric power.

DISCUSSION

The main provision of the proposed Ordinance Amendment would be to require that all new residential buildings must completely utilize electricity as a permanent source of power. No natural gas or propane infrastructure would be allowed in newly constructed buildings.

The State of California adopts new building standards every three years, codified in Title 24 of the California Code of Regulations known as the California Building Standards Code. ("California Building Code." Municipalities adopt the California Building Code by reference into their own local codes. San Anselmo adopted its most recent update in November 2019, Title 9, Chapter 1 "Construction Codes". The California Building Code and the Town Code currently contain energy-efficient requirements, such as "green" building requirements.

In addition, State law allows local jurisdictions to adopt more stringent local amendments to the building code if reasonably necessary because of local climatic, geological, or topographical conditions. (See i.e., Health & Saf. Code, § 17958.7.)

The California Building Code (as currently applied in the Town) does not dictate the type of energy to be used in new buildings. Rather, it provides prescriptive and performance-based environmental requirements. The Climate Action Committee suggests that to reduce the use of fossil fuels and promote cleaner electric power, it is necessary to require that all new buildings be constructed with electricity as the sole power source.

Fossil fuel usage, such as natural gas, has several drawbacks:

- The primary component in natural gas is methane, which is a pollutant that contributes to climate change. Climate change has contributed to extreme weather and hazard conditions including wildfires, drought, and flooding.
- Methane pollution can occur throughout a natural gas system including leaks within homes and buildings.
- Methane pollution may also occur when natural gas is burned in a building by appliances including cooking, space heating, and clothing washers and driers.
- Indoor natural gas use for cooking can pollute indoor air quality.

Fossil fuel usage, such as natural gas, has a benefit:

- A natural gas connection provides resiliency as an alternative energy source, especially during a Public Safety Power Shutoff.

In April 2020 the Town adopted a Green Building Ordinance, referred to as “reach codes” which allowed all construction to be mixed fuel, limited mixed fuel, or all-electric. Since the adoption of this ordinance, staff believes that only a number of Accessory Dwelling Units have gone all-electric.

Requiring that new residential buildings use electric power benefits the environment and promotes green electric energy. Many California jurisdictions, including the Town of Fairfax and the City of Petaluma, have adopted ordinance amendments that require new construction to be all-electric.

The proposed Ordinance Amendment would apply to all new construction residential building permit applications submitted on or after the effective date of the new ordinance. It would require all newly constructed residential buildings to be constructed to use solely electric power. A “newly constructed building” is defined as a building that has “never been used or occupied for any purpose”, mirroring the definition used by many California jurisdictions with similar ordinances including the Town of Fairfax. Substantial remodels would not be subject to the ordinance; however, should the Council desire to include substantial remodels, staff is prepared to return with additional language and analysis for the Council’s consideration.

The proposed Ordinance Amendment contains narrow exemptions. First, under the public interest exemption, the Town may allow the installation of natural gas infrastructure in a newly constructed residential building if it determines that it is in the public interest. The Town may consider factors including, but not limited to, the availability of alternative technologies or systems that do not use natural gas, and the impact the decision may have on the public health, welfare, and safety. However, the building must include sufficient electrical infrastructure such as wiring and conduit to facilitate full electrification in the future. Additionally, the Town Building Official may grant an exemption if it determines that full electrification is physically infeasible under the circumstances. The proposed Ordinance Amendment also exempts food services establishments with commercial kitchens, in order to reduce the burden on local business and promote the economic vitality of the

Town. All exempt projects remain subject to other green building code requirements.

Finally, the proposed Ordinance Amendment provides that the requirements shall constitute “objective standards” pursuant to SB 35 (Gov. Code § 65913.4), the Housing Accountability Act (Gov. Code § 65589.5), and SB9. By way of background, these State laws only allow a municipality to impose objective standards to certain housing development projects.

FISCAL IMPACT

There is no significant financial impact associated with the Ordinance Amendment, except it may require additional review time by staff.

GENERAL PLAN CONSISTENCY

The proposed Ordinance Amendment is consistent with the General Plan.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The proposed Ordinance Amendment is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5) because it is not a “project” under CEQA; CEQA Guidelines section 15061(b)(3), the “common sense exemption”, because the proposed Ordinance Amendment will not have a significant environmental effect; and CEQA Guidelines section 15307 and 15308 as an action taken by a regulatory agency to protect the environment.

The Town’s long-term climate action goal as set forth in the Climate Action Plan includes the electrification and the phase-out of fossil fuels by upgrading and replacing fossil fuel-based infrastructure throughout the transportation and building sectors with cleaner electric power. (Climate Action Plan, p. 8.) Additionally, Chapter 2 of the Climate Action Plan encourages the use of electric power in new construction. The proposed Ordinance Amendment is consistent with the Climate Action Plan because it reduces the use of non-renewable fossil fuels in newly constructed buildings and promotes environmentally cleaner electric power.

CONCLUSION

Staff recommends that the Town Council consider the approval of the proposed Ordinance Amendment.

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
ADDING CHAPTER 24 “ALL ELECTRIC CONSTRUCTION IN NEWLY
CONSTRUCTED RESIDENTIAL BUILDINGS” TO TITLE 9 “BUILDING
REGULATIONS” AND AMENDING CHAPTER 9-19 “GREEN BUILDING
REQUIREMENTS” FOR CONSISTENCY**

WHEREAS, the Town’s Climate Action Plan sets forth Town goals and policies to combat climate change, promote clean energy use, and protect the environment; and

WHEREAS, the Climate Action Plan’s Framework for a Post-Carbon Community has the strategy to “upgrade and replace carbon-intensive, fossil fuel-based infrastructure and combustion power throughout the transportation and building sectors with clean electric power”; and

WHEREAS, natural gas contains methane, which significantly contributes to pollution and climate change; and

WHEREAS, methane pollution from natural gas occurs throughout the natural gas system including leaks within buildings, and from household appliances; and

WHEREAS, the use of natural gas, including building-related natural gas infrastructure, produces significant greenhouse gas emissions that contribute to climate change; and

WHEREAS, the Town Council desires to require that all newly constructed residential buildings, with certain limited exceptions, be constructed to use all-electric power and make a minor amendment to Town Code section 9-19 “Green Building Requirements” for consistency (the “Ordinance Amendment”); and

WHEREAS, the Town Council determines that the Ordinance Amendment is necessary to protect the health, safety, and welfare of its residents pursuant to the Town’s Constitutional Police Power authority; and

WHEREAS, the Town Council also determines pursuant to Health and Safety Code sections 17958.5, 17958.7, and 18941.4, that the Ordinance Amendment is reasonably necessary because of local climatic, geological, or topographical conditions as set forth in the findings herein; and

WHEREAS, on May 24, 2022, the Town Council held a duly noticed public hearing to consider the Ordinance Amendment.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN AS FOLLOWS:

SECTION 1: Environmental Review. The Ordinance Amendment is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5) because it is not a “project” under CEQA; CEQA Guidelines section 15061(b)(3), the “common sense exemption”, because the proposed Ordinance Amendment will not have a significant environmental effect; and CEQA Guidelines section 15307 and 15308 as an action taken by a regulatory agency to protect the environment.

SECTION 2: The above recitals are true and correct and are incorporated as findings herein.

SECTION 3: Chapter 24 “All Electric Construction in Newly Constructed Residential Buildings” of Title 9 “Building Regulations” is hereby added as follows:

9-24.01 – Findings and Purpose.

The Town Council of the Town of San Anselmo expressly declares and finds that:

- (a) A primary component in natural gas is methane, which is a pollutant that significantly contributes to climate change.
- (b) The combustion of natural gas and leakage occurring during the procurement, transportation, storage, distribution, and usage of natural gas produces emissions of methane that contributes to climate change.
- (c) The adoption of this San Anselmo Municipal Code Chapter 9-24 “All Electric Construction in Newly Constructed Residential Buildings”, is reasonably necessary because of local climatic, geologic, and topographical conditions as set forth below:
 - (1) Flooding Hazards. The Town of San Anselmo has historically been subject to damaging floods during significant rain events due to the flooding of the San Anselmo Creek. Many areas of San Anselmo are located within flood zones subject to a high risk of flooding as defined by the Federal Emergency Management Agency. Extreme weather and sudden large rain events fueled by climate change have caused flood events in San Anselmo to become more common. Requiring newly constructed buildings to utilize only electric power will reduce greenhouse gas emissions that contribute to climate change and flooding events.
 - (2) Wildfire Hazards. The Town of San Anselmo is located near a wildland-urban interface area vulnerable to wildfires. The hilly topography of the Town combined with its narrow roads constrain the fire department’s ability to respond to fires. The Town of San Anselmo is also subject to drought conditions that have increased wildfire risk. The climatic conditions of drought, combined with the geologic and topographical conditions of the Town, significantly increase the risk of a catastrophic wildfire. Reducing the use of combustible natural gas and associated infrastructure will reduce fire risks, and reduce greenhouse gas emissions that contribute to climate change.
 - (3) Seismic Hazards. San Anselmo is located near several active seismic faults with the potential to cause damaging earthquakes. The San Andreas Fault runs north and south

in the Western side of Marin County approximately 9 miles from the Town, and several other faults are within 15 miles of the Town including the Hayward Fault, the Rodgers Creek Fault, and the San Andreas Fault. Earthquakes can damage natural gas infrastructure causing gas leaks and significant fire hazards. New building electrification requirements and the accompanying reduction in natural gas use are reasonably necessary to reduce the risk of gas leaks and fire caused by earthquakes.

9-24.02– Applicability.

- (a) Unless exempt, the requirements of this chapter apply to all newly constructed residential buildings.
- (b) This chapter shall in no way be constructed to amend Energy Code requirements under Title 24 of the California Code of Regulations Part 6 or part 1, nor as requiring the use or installation of any specific appliance of system.
- (c) This chapter shall not apply to portable propane appliances as used for outdoor cooking and heating.

9-24.03 – Definitions. For the purposes of this chapter the following definitions apply:

- (a) “All electric building” means a building that uses a permanent supply of electricity as the source of energy for space heating, water heating (including pools and spas), cooking appliances, clothing drying appliances, that has no natural gas or propane plumbing installed in the building.
- (b) “Energy Code” means the California Energy Code as adopted in San Anselmo Municipal Code section 9-1.101.
- (c) “Newly constructed residential building” means a residential building that has never been used or occupied for any purpose, and has not been granted and/or is not subject to a valid building permit that remains in effect.

9-24.04 – Requirement for All Electric Construction in Newly Constructed Residential Buildings. A newly constructed residential building must satisfy the definition of an all electric building.

9-24.05 – Exemptions. The following are exempt from the requirements of this chapter. If an exemption applies, the newly constructed building shall remain subject to other applicable Town building codes including Chapter 9-19 “Green Building Requirements”.

- (a) The Building Official may allow natural gas infrastructure in a newly constructed residential building if the applicant establishes the building is not able to achieve the performance compliance standard under the Energy Code using commercially available technology or there is not an all-electric prescriptive compliance pathway under the Energy Code.
- (b) The Building Official may allow natural gas infrastructure in a newly constructed residential building if the applicant establishes that there is an equivalent greenhouse gas reduction to that of all-electric construction.
- (c) For all exemptions hereunder, natural gas appliance locations must also be electrically pre-wired for future electric appliance installation as approved by the Building Official.

9-24-06 – Objective Standard. The requirements of this chapter shall be determined to constitute “objective standards” under current and future State housing laws including but not limited to Government Code sections 65913.4 (SB35), 65589.5 (the Housing Accountability Act) and 65852.21 (SB9).

SECTION 4: Chapter 19 “Green Building Requirements” of Title 9 “Building Regulations” is amended as follows. Deleted language in ~~strikeout~~, new language in underline, existing language unchanged.

9-19-030 – Applicability

The provisions of this chapter shall apply to all construction or development projects defined below as a “covered project.” Notwithstanding anything to the contrary in this chapter, Chapter 9-24 “All Electric Construction in Newly Constructed Residential Buildings” shall apply to newly constructed buildings as defined in said chapter, unless exempt.

SECTION 5: Severability. The Town Council hereby declares every section, paragraph, sentence, clause, and phrase is severable. If any section, paragraph, sentence, clause or phrase of these ordinance amendments are for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 6: Effective Date. This Ordinance Amendment shall go into effect thirty (30) days from its adoption and shall be posted or published as required by state law.

SECTION 7: Submission to California Building Standards Commission. The Ordinance Amendment shall be submitted to the California Building Standards Commission pursuant to State law.

INTRODUCED AND ADOPTED AT A PUBLIC HEARING at a regular meeting of the San Anselmo Town Council on May 24, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSED:

APPROVED: _____
Alexis Fineman, Mayor

ATTEST: _____
Carla Kacmar, Town Clerk



Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Legislation Text

File #: 22-131, **Version:** 1

FROM:

Erica Freeman, PE, RA, CBO, Building Official

SUBJECT:

New Residential Construction Electrification

RECOMMENDATION

That the Council provide direction to staff on revising the Town's Building Code related to the current Green Building Reach Code requirements to include the electrification of residential new construction under the Health and Safety Code, before the proposed 2022 Reach Code adoption this fall.

BACKGROUND AND DISCUSSION

California continues to lead the fight against climate change. The State has established two goals to drastically reduce Greenhouse Gas (GHG) emissions throughout the State: 1) reduce GHG by 40-percent of 1990 levels by 2030; and 2) reach carbon neutrality by 2045. The effort to fight climate change is delegated to State agencies, regional planning/transportation agencies and local governments like San Anselmo and Marin County.

In 2019, Building Energy accounted for 34% of Countywide Emissions (27% Natural Gas and 7% Electricity). Waste and Water use were at 4% and <1% respectively, and despite being a smaller portion of emissions, both are addressed within features of the state's Green Building Code.

Overall Marin County GHG emissions have decreased from 777,035 mt CO₂ equivalent (CO₂e) in 2005 to 481,855 mtCO₂e in 2019. The decrease in County emissions is the result of Statewide policy and Marin Clean Energy's (MCE) cleanup of the electricity grid on the supply side, and green building requirements, efficiency, and decarbonization on the demand side. Despite the decrease in overall GHG emissions, natural gas emissions from 2005 to 2019 increased as a percentage from 56% to 80%.

On April 28, 2020, the Town Council approved San Anselmo's Green Building Reach Codes, which incorporated additional requirements, beyond the state's Green Building code requirements, to Residential: New Construction, Large Additions and Alternations, Small Additions and Alterations; Commercial: New Construction, Large Additions and Alternations, Small Additions and Alterations. The adopted Reach Codes were the same as those adopted by Marin County and Mill Valley.

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Currently, Marin County's stance is that building electrification is critical to decarbonizing the building sector and reducing overall emissions. Additionally, the decarbonization of buildings sets the stage to decarbonize the transportation sector through EV readiness and infrastructure policies and programs.

This fall, the Town will adopt State Building Code amendments, including potential additional County Reach Codes. The State will defer an all-electric code until the 2025 code cycle but will focus on heat pumps this 2022 code cycle. However, in the 2022 cycle, the County will have draft Reach Codes that will include requirements beyond the state's requirements. These Reach Codes will be developed by Marin County through a process, (meetings and community outreach), which began this winter with the County's Steering Committee. Like the 2019 Reach Codes, the 2022 Reach Codes will encompass residential and commercial new construction and remodel permit types. Under the 2022 Reach Codes, new residential construction will be required to be all-electric. The 2022 Green Building Reach Codes, if adopted on schedule, will become enforceable by Jan 1, 2023.

Approximately 53 California jurisdictions including Fairfax, have utilized sections 18941.5 and 17958.7 of the Health and Safety Code to adopt all-electric and/or natural gas moratoriums for new residential construction. Under these statutes, a jurisdiction can modify the Building Code based on findings that the jurisdiction-specific amendments are reasonably necessary because of local climatic, geological, or topographical conditions. If the Town Council directs staff to prepare a building electrification ordinance based on these findings, the Council may implement such regulations until the Reach Codes are adopted.

Between now and the implementation of the 2022 Green Building Reach Codes (if adopted), the Planning Department has determined that two new homes and 10 new Accessory Dwelling Units (ADUs) could potentially apply for new construction permits. With a new construction electrification ordinance, these units would be required to be all-electric. The numbers of units are speculative and as with all construction environments, this number could be higher or lower. If the Town does not adopt an all-electric ordinance before complete applications are submitted for the above new construction, the Town will have missed an opportunity to reduce greenhouse gas emissions for these new buildings.

With the above information in mind, if directed by Council, staff will return with an ordinance that requires all new residential construction to be all-electric. The ordinance would be in effect until the Reach Codes take effect in January 2023.

FISCAL IMPACT

Staff time.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The Town hereby finds that pursuant to CEQA Guidelines section 15378(b)(5), action on this item is not a project subject to CEQA because it is an

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administrative governmental activity that will not cause a direct or indirect physical change in the environment.

The Town also finds that, alternatively, under CEQA Guidelines section 15061(b)(3), this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

Further, and in the alternative, the Town finds that the Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources.

The electrification of new residential construction will address San Anselmo's Climate Action Plan (CAP) 2030, specifically CAP E-4, Green Building Reach Codes, all-electric building systems as an option to reduce greenhouse gas emissions.



Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

5/24/2022

Item #: 7.

FROM:

Scott Schneider, Assistant Public Works Director

SUBJECT:

Approve the 2022 Street Resurfacing Project and authorize staff to advertise for construction bids

RECOMMENDATION

That the Town Council approves the 2022 Street Resurfacing Project and authorizes staff to advertise for construction bids

BACKGROUND AND DISCUSSION

The Town Capital Improvement Program (CIP) typically includes about \$1,000,000 of street paving each year. Most of the streets selected for Fiscal Year 2022/2023 were included in the 5-Year CIP approved by Town Council on August 27, 2019. All segments chosen are in extremely poor condition. This project is larger than our typical annual resurfacing project as we included several streets (e.g. Cordone Dr and Riviera Street) that were not included in the 5-Year CIP but are adjacent to CIP streets, and it would be efficient to include them with this project.

The street resurfacing project includes grinding and paving of the asphalt roadways, construction of curb ramps and replacement of striping. We have included the installation of green-backed sharrows on Cordone and Brookside Drives they are on the School Bike Spine.

2022 Street Resurfacing Project include:

Woodside Drive - Butterfield Drive to Idlewood Drive

Woodside Court - Woodside Drive to end

Oak Springs Drive - Woodside Drive to Angela Ave

Timothy Avenue - Oak Springs Drive to end

Angela Avenue - Oak Springs Drive to Sheila Court

Angela Avenue - Oak Springs Drive to end

Mountain View Avenue - Sir Francis Drake Boulevard to end

Beverly Way - Mountain View Avenue to end

Cordone Drive - Sir Francis Drake Boulevard to end

Brookside Drive - Morningside Drive to Cordone Drive

Riviera Street - Mountain View Avenue to Cordone Drive

The project will be advertised for 30 days starting in late May. Staff will return to Council for Award of the construction contract in late July. Construction is expected to start in late August. The project includes 45 working days (9 weeks).

FISCAL IMPACT

Design Costs	\$ 132,000
Engineer's Estimate for Construction	\$ 1,400,000
Construction Contingency	\$ 140,000
<u>Construction Management</u>	<u>\$ 40,000</u>
Total Project Costs	\$ 1,712,000

Funding for the design costs was included in the FY 2021/2022 budget. Funding for construction is available from Measure D and the Road Maintenance Fund, and is included in the FY2022/2023 budget.

GENERAL PLAN CONSISTENCY

The General Plan does not address maintenance of the Town's roadway network, but rather focuses on changes to the roadways (additional lanes, turn pockets, etc). The street resurfacing project maintains the current roadway configurations while improving the roadway surface and striping for all modes of transportation (vehicle drivers, bicyclists, pedestrians and transit users).

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

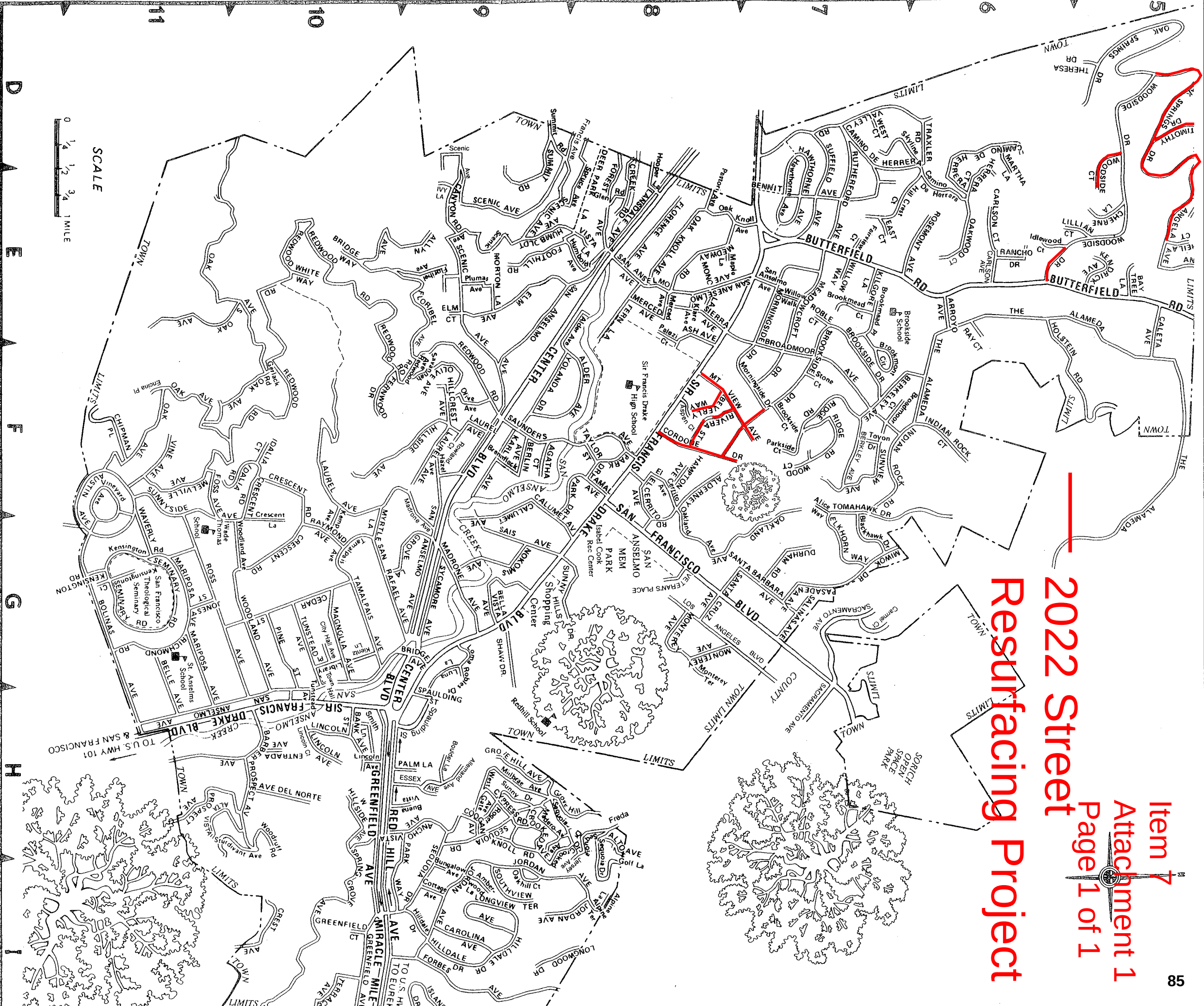
The Town finds this project to be categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 Class 1, because it involves rehabilitation of existing streets, sidewalks, and gutters that will not create additional automobile lanes and involves negligible or no expansion of use. (14 Cal. Code Regs. § 15301). None of the exceptions to this Class 1 categorical exemption apply in this instance (14 Cal. Code Regs. § 15300.2). Specifically, successive projects of the same type in the same location will not cause significant cumulative impacts, as there are no successive projects planned at this time. There are no unusual circumstances presented by this project and the project will not result in damage to scenic resources within a designated state scenic highway. Finally, the project will not cause a substantial adverse change in the significance of a historical resource, as no historical resources will be impacted.

As with any paving project, the Town follows our Complete Streets Policy which aims to improve the street not just for vehicular traffic, but for pedestrians and bicyclists as well as transit. New and modified curb ramps and enhanced crosswalks improve pedestrian safety, and improved pavement condition makes conditions safer for bicyclists. (Climate Action Plan 2030 Transportation Measures T-2 Bicycling and T-3 Walking).

The Town of San Anselmo

STREET GUIDE

Agatha Ct	F-9	Brookmoor Ct	F-7	East Ct	E-7	Herrera Ct	D-6	Lillian Ct	E-8
Alder Ave	E-F-8	Brookmead Ct	E-7	East La	E-8	Hillcrest Ave	F-9	Lincoln Ave	H-10
Alderney Rd	F-8	Brookmead Pl	E-7	El Centro Ave	F-8	Hillcrest Ct	E-6	Lincoln Ct	H-10
Alice Way	F-7	Brookmont Cir	F-7	Elkhorn Way	G-7	Hilldale Ct	G-9	Loma Robles Dr	G-9
Allemand Ave	H-9	Brookside Ct	E-7	Elm Ave	E-9	Hillside Ave	F-9	Longview Ave	E-9
Allyn Ave	E-9	Brookside Dr	H-9	Elm Ct	E-9	Hoag Ave	E-9	Longwood Dr	I-8
Alpine La	I-8	Buena Vista	E-9	Encina Pl	F-11	HoSTEIN Rd	E-6	Los Angeles Blvd	G-8
Alpine Ter	I-8	Bungalow Ave	I-9	Entrada Ave	F-11	Hooper La	D-8	Luna La	G-9
Alto Vista	H-11	Butterfield Rd	E-6	Essex Ave	H-10	Humboldt Ave	E-9		
Alto Ave	H-8								
Amberwood La	H-9	Caleta Ave	E-5	Fairview Ct	E-7	Idalia Ct	F-10	Madero Ave	H-9
Ancho Vista Ave	I-9	Catalumel Ave	F-9	Fern La	E-8	Idalia Rd	F-10	Madrone Ave	F-9
Angela Ave	E-5	Canyon De Herrera	E-5	Fernwood Dr	F-10	Idlewood Ct	E-6	Magnolia Ave	G-10
Arroyo Ave	E-6	Carmelo Rd	E-9	Florence Ave	E-8	Indian Rock Ct	F-6	Maple La	E-8
Ash Ave	E-8	Carmel Ct	G-7	Florence Ave	E-8	Indian Rock Rd	F-7	Mariposa Ave	G-11
Aspen Ct	F-8	Carlson Ave	E-9	Florbel Ave	E-9	Island Dr	F-7	Martha La	D-6
Austin Ave	F-11	Carlson Ct	E-6	Florbel Ave	E-9	Medway Rd	I-9	Meadowcroft Dr	E-7
Avenue Del Norte	H-10	Carolina Ave	I-9	Foothill Rd	E-9	Ivy La	E-9	Medway Rd	E-8
		Cedar St	G-10	Forbes Ave	I-9			Melville Ave	F-11
Bank St	H-10	Center Blvd	F-9	Forest Ave	E-8	Jersey Ave	I-8	Merced Ave	E-8
Barber Ave	H-10	Cherne La	G-9	Foss Ave	F-11	Jones St	G-11	Milbrae Ave	H-9
Bay Tree La	E-5	Chipman Pl	F-11	Francis Ave	D-8	Jordan Ave	I-8	Miracle Mile	I-10
Bella Vista Ave	G-9	City Hall Ave	G-10	Freda	H-8			Miwok Dr	G-7
Belle Ave	G-11	Coogan Ave	H-9					Mono La	E-8
Bennit Ave	E-7	Cordone Dr	F-8	Garlock Rd	F-10	Karl Ave	F-9	Monterey Ave	G-8
Berkley Ave	F-7	Cottage Ave	I-9	Glen Rd	E-8	Kemp Ave	F-10	Monterey Ter	G-8
Berlin Ave	F-9	Creek Rd	E-8	Golf La	I-8	Kensington Ct	E-5	Morningside Dr	E-7
Beverly Way	F-8	Crescent La	F-10	Greenfield Ave	H-10	Kensington Rd	G-11	Morton La	E-9
Blackhawk Dr	G-7	Crescent Rd	F-10	Greenfield Ct	I-10	Kentz La	G-11	Mountain View Ave	F-8
Boinas Ave	H-9	Crest Ave	F-10	Grove Hill Ave	G-9	Klare Ave	E-8		
Boulder La	G-11	Crowned Ave	H-9						





Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

5/24/2022

Item #: 8.

FROM:

Carla Kacmar, Town Clerk

SUBJECT:

Town Council Committee Assignment Discussion

RECOMMENDATION

Discuss options for appointing Council members to serve on committees and provide direction to staff.

BACKGROUND

Town Council members serve on a variety of committees, some of which are internal to the Town and some of which are regional. It has been the Council's practice to review the list of appointments each year and make new appointments as desired or needed. This is normally taken up at a meeting after the Council reorganization.

During the 2022 appointment discussion, Council member Burke requested a future agenda item to discuss whether to change the current practice for Council committee assignments. She specifically asked that the Council explore the option of rotating committee assignments to each Council member.

ANALYSIS

Staff surveyed the towns and cities in Marin to determine how committee assignments are handled in each jurisdiction. Fairfax, Belvedere, Tiburon, Larkspur, Novato and San Anselmo currently do not have a rotation policy in place. All of the aforementioned jurisdictions, except Fairfax, address committee assignments for Council consideration after the reorganization meeting. Fairfax only considers Council assignments when a new council member is sworn in.

In Ross, Corte Madera and Sausalito, the Mayor has more control over the appointment process. In Ross, the Mayor checks with each Council member to see if they want to change the committees they are on, makes any necessary changes and then brings it to a Council meeting for final approval. In Sausalito and Corte Madera, the Mayor makes appointments to committees after the annual reorganization, but normally does not change a committee assignment unless there is a vacancy.

Staff researched committee appointment policies from other cities in California and found that the available written policies are similar to Ross and Sausalito with the Mayor having more control over the selection process.

Municipality	Policy
Belvedere	Same as San Anselmo
Corte Madera	The mayor designates committee appointments after Council reorganization.
Fairfax	Only reshuffles committee assignments when a new Council Member is elected.
Larkspur	Same as San Anselmo
Novato	Same as San Anselmo.
Ross	The mayor designates committee appointments after Council reorganization.
Sausalito	The mayor designates committee appointments after Council reorganization.
Tiburon	Same as San Anselmo.

OTHER	Policy
Manhattan Beach	The mayor designates committee appointments.
Claremont	The mayor designates committee appointments.
Rohnert Park	The mayor designates committee appointments.
San Carlos	The mayor designates committee appointments.
Palo Alto	The mayor designates committee appointments.

DISCUSSION OF OPTIONS

While staff was not able to find an example of a rotation of assignments policy, Council could consider establishing a rotation among a subset of committees. The rotation would need to be divisible by five, so that each Council Member would have the opportunity to serve for one year on each committee. This rotation would be impacted by the timing of the policy's implementation and by the expiration of Council members' terms. For example, if two Council members have only two years left in their terms and they do not seek reelection, they would serve one year each on two of the five committees.

During the meeting, the committees that were named by Council Member Burke and Mayor Fineman as committees of interest are as follows:

Central Marin Police Authority (CMPA) (2 members, 1 alternate)
Ross Valley Fire Board (RVFD) (2 members, 1 alternate)
Marin Clean Energy (MCE) (1 member, 1 alternate)
Marin Wildfire Prevention Authority (MWPA) (1 member, 1 alternate)
Transportation Authority of Marin (TAM) (1 member, 1 alternate)

Please note, if the Council were to enact a rotation among these five committees, there is a chance that the committees could select chairs to their Boards based on seniority and not simply rotate through each jurisdiction. The Council may want to consider if those Board appointments would be accounted for in the rotation policy, so that someone with a Board position on a committee would remain in that position until the term of office on the Board expires.

The following options are available to the Council:

1. Keep the committee assignment process the same as has been past practice.
2. Create a policy that will allow for the mayor to appoint the committee assignments after the Council reorganization meeting.
3. Create a policy that will allow for rotation of all committee assignments every year or after every election. The committee assignments would need to be evenly dispersed among the Council members for a rotation list to work.
4. Create a policy that will allow for rotation of specific committee assignments every year or after every election. The specific committees will need to be identified by the Council and those committees would need to be evenly dispersed among the Council members for rotation.

FISCAL IMPACT

There would be no direct fiscal impact to the Town related to this item.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

Discussing a potential committee assignment policy is exempt from the California Environmental Quality Act (CEQA), under the “common sense” exemption, because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (Cal. Code Regs. tit. 14, § 15061).

Attachment 1 - Sample resolution submitted by Councilmember Burke

The following document was submitted by Councilmember Eileen Burke for inclusion in Item 7 the May 10, 2022 Town Council meeting

RESOLUTION REGARDING ANNUAL TOWN COUNCIL COMMITTEE ASSIGNMENTS

Town Council members are elected to four-year terms and sit on a variety of town, JPA, and regional commissions, committees and boards (hereinafter “committees”) that impact the interests of the Town, town residents, the greater region and the state. These committees address and govern a variety of issues including, but not limited to, housing, homelessness, sustainability, energy, recycling, regional planning, disaster preparedness, transportation, police and fire protection, and hiring and firing of employees.

Positions on these various committees provide Council Members the following individual benefits, which in turn, benefit the Town, residents and the larger region:

- a) experience and knowledge;
- b) the ability to impact and prioritize short and long term policy;
- c) contacts in the greater community;
- d) a position to advocate to the benefit of the Town and town residents;
- e) control over budgetary decisions for essential services; and,
- f) working relationships with upper levels of the various county, state, regional and town organizations.

Though individual council members may have personal interests and reasons for wanting to be on a particular committee, personal reasons should be secondary to the overall benefit and interests of the Town.

The Town benefits and best serves Town interests by promoting, among all five council members, equal institutional knowledge, education and experience on the full spectrum of issues that come before the Council.

Concentration of institutional knowledge and experience in only a few council members can lead to a loss of institutional knowledge and experience, as when

one or two council members who have remained on a committee for an extended period of time retire or are voted out of office.

Concentration of committee assignments in a few Council members and/or long term assignment of a single Council member to a particular committee, to the exclusion of other Council members, can also lead to an unequal sharing of control and decisions related to Town governance and an underutilization of the talents of all five Council members.

Committee attendance is a time commitment such that it is in the interest of fairness that all council members share the responsibility of sitting on the various committees equally.

In order to promote co-equality of council members with both depth and breadth of knowledge and experience, it is in the best interest of the Town to have Council members rotate committee assignments on a periodic basis. The benefits of rotation include:

1. Professional development of Council members;
2. Allowing Council members to utilize their individual skills in a variety of positions and committees;
3. Allowing more Council members the experience and knowledge necessary to fully evaluate issues pertaining to the Town;
4. Reducing the negative impact and lost institutional knowledge created by Council change through elections and retirement;
5. Reinvigoration of Council members and committees through rotation to new assignments and expanded networks;
6. Avoidance of any possible bias in favor of or against any particular Council member or committee;
7. Allowing sitting Council members who have left an assignment to mentor Council members new to an assignment thereby reinforcing knowledge continuity; and,
8. Allowing development of working relationships between all Council members and the long-term employees and agencies serving the Town and area.

THEREFORE:

To benefit the Town by ensuring both a depth and breadth of experience among Council members,

To reward seniority on the Council, and

To provide an equal opportunity for all Council members to serve on the various committees,

The following procedure will be implemented for annual assignment to committees:

Prior to annual assignments, the seated council will determine an order of seniority based on continuous number of years in office.

If Council members were first elected in the same election or have served for the same period of time, the member with more votes in the most recent election will be designated the senior member for purposes of seniority.

In order of seniority, reversed when the 5th member has made their selection, the Council members will select the committee they wish. Committee assignments will proceed in this manner (1-5, 5-1) until all assignments are selected.

Further, unless a particular committee has a designated shorter term limit, a member may not select the same committee for more than three consecutive years UNLESS no other member wishes to serve on said committee.

Council members who are appointed and assume the committee assignments of a departing councilmember shall not have the assumed assignments count toward the three consecutive years.

Alternates to committee assignments are not limited to number of years and do not count as a selection.

This procedure will begin with the assignment of committees in 2022 and, for the purpose of determining consecutive years, will incorporate the committee assignments for 2019, 2020 and 2021.

Town of San Anselmo Representation on Various Committees

ABAG General Assembly	Burdo Alt: Greene
Capital Programs Monitoring Committee	Burdo, Fineman
CDBG Upper Ross Valley	Fineman
Central Marin Police Authority	Greene, Colbert Alt: Burke
Chamber of Commerce liaison	Colbert
Economic Development Committee	Colbert, Vacant
Financial Advisory Committee	Fineman, Colbert
Flood Committee	Burke, Greene
Flood Control District Zone 9	Greene
MCCMC Homeless Committee	Burdo
League of California Cities, North Bay	Fineman, Alt: Colbert
MCCMC Economic Recovery Committee	Colbert
MCCMC Disaster Preparedness Committee	Greene, Alt: Fineman
MCCMC Legislative Committee	Fineman, Alt: Burdo
MCCMC Climate Action Committee	Fineman
MCCMC Water Policy Ad Hoc Committee	Fineman, Burke
Marin Emergency Radio Authority (MERA)	Burdo, 1st Alt: Condry, 2nd Alt: Donery
Marin Clean Energy	Greene, Alt: Fineman
Marin Wildfire Prevention Agency	Burdo, Alt: Burke
Refuse and Recycling Subcommittee	Greene, Burdo
Ross Valley Fire Board	Greene, Burdo, Alt: Burke
Ross Valley School District	Colbert
Ross Valley Yellow Bus JEPa	Colbert, Alt: Burdo Staff: Donery
Safe Routes to School	Colbert, Alt: Fineman
Transportation Authority of Marin (TAM)	Colbert, Alt: Burke
Racial Equity Sub Committee	Fineman, Burdo Alt: Colbert
Creek Park Advisory Committee	Colbert, Fineman Alt: Burdo
Memorial Park Advisory Committee	Burdo, Burke
Minimum Wage Sub Committee	Fineman, Burke