

**MARIN COUNTY COUNCIL OF MAYORS AND COUNCILMEMBERS
AGENDA**

Wednesday, October 24, 2018
Hosted by the Town of San Anselmo
Creekside Pizza and Taproom – 638 San Anselmo Avenue, San Anselmo, CA 94960

6:00 PM Social Hour (No-Host Bar)

6:55 PM Welcome and Introductions

1. **Call to Order:** President Ray Withy
2. **Public Comment** (Limit 3 minutes per person)
3. **Welcome and Introduction of Guests:** Mayor John Wright

7:05 PM Dinner Service

7:15 PM 4. Committee Reports (3 minutes per person)

- 4.a. Association of Bay Area Governments – Written and verbal report from Pat Eklund, Novato.
(See Attachment 4.a.: ABAG Report, with CASA Compact First Round Draft Term Sheets as Attachment)
- 4.b. Marin Local Agency Formation Commission (LAFCO) – Verbal Report from Sashi McEntee, Mill Valley
- 4.c. Marin Transit – Written and verbal update provided by Stephanie Moulton-Peters, Mill Valley.
(Attachment 4.c.: The Marin Transit Report was not available at time of publication. The report will be provided at the meeting and the agenda packet will be revised and re-sent once available)
- 4.d. Sonoma/Marin Area Rail Transit (SMART) Commission – Written and Verbal Report from Dan Hillmer, Larkspur
(See Attachment 4.d., SMART Report)

7:45 PM 5. Keynote Speaker:
Dr. Micah Weinberg – President, Bay Area Council Economic Institute
“Reimagining the Economic Future of Marin”

8:15 PM 6. Business Meeting

- 6.a Consideration and Possible Action to Make the Following Committee Appointments:

6.a.1: Appointment of One Member to Represent MCCMC on the Homeless Policy Steering Committee

One seat available: Representative

Expiration of current term was announced and letters of interest were solicited at the September 26 meeting. Kay Coleman, San Anselmo, was nominated and has submitted a letter of interest. Additional nominations will be accepted from the floor and appointment with no set term will be made at the October 24 meeting.

(Attachment 6.a.1: Letter of Interest – Kay Coleman, San Anselmo)

6.a.2: Appointment of One Member to Represent MCCMC as the 2nd Representative to the League of California Cities North Bay Division

One seat available: 2nd Representative

Vacancy was announced and letters of interest were solicited at the September 26 meeting. Joe Burns, Sausalito, was nominated and has submitted a letter of interest.

Additional nominations will be accepted from the floor and appointment to the remainder of a one-year term will be made at the October 24 meeting.

(Attachment 6.a.2: Letter of Interest – Joe Burns, Sausalito)

6.b. Announcement of Upcoming Vacancies and Call for Letters of Interest

Expiration of current terms will be announced and Letters of Interest will be solicited. Appointments will be made at the November 28, 2018 MCCMC Meeting hosted by the Town of Ross.

6.b.1 MCCMC Representatives to League of California Cities, North Bay Division Executive Board

(Two seats available: Representative and Alternate Representative, 2nd Alternate is being filled separately, due to vacancy, under item 6.a.2) MCCMC Representatives are appointed annually each calendar year. Incumbents are: 1st: Kay Coleman, San Anselmo and Alternate: Sashi McEntee, Mill Valley

6.b.2 Cal-ID Remote Access Network

(Incumbent: Ann Morrison, Larkspur, 2-year term will expire 01/2019)

6.b.3 Marin Major Crimes Task Force Oversight Committee (Alternate)

(Incumbent: Catherine Way, Larkspur, 2-year term will expire 01/2019)

6.b.4 Marin County Transit Board of Directors (Two seats, Director and Alternate, have expiring terms)
(Incumbents: Kate Colin, San Rafael, Director, and Eric Lucan, Novato, Alternate. 2-year terms will expire 01/2019)

6.b.5 Sonoma Marin Area Rail Transit (SMART) Commission
(Incumbent: Dan Hillmer, Larkspur, 2-year term will expire 01/2019)

6.c. Nomination of up to Three Candidates to the Board of Supervisors for Marin Commissioner to the Metropolitan Transportation Commission
(Supervisor Damon Connolly is the incumbent representative, and was appointed to fill the remainder of a 4-year term expiring February 2019. The membership will vote on a maximum of three candidates to forward to the Marin County Board of Supervisors. The Board of Supervisors will then agendize the item and select an appointee to represent the County of Marin on the Commission)

Notice of the end of the current term will be announced and Letters of Interest will be solicited at the October 25, 2018 meeting. At the November 28, 2018 meeting the City Selection Committee will convene to nominate up to three candidates for consideration by the Marin County Board of Supervisors for appointment to a new 4-year term.

(See Attachment 6.c., Correspondence from MTC)

6.d. Consideration and Possible Action to Initiate a Survey of Members
(Attachment 6.d.: The report regarding the Survey of Members was not available at time of publication. The report will be provided at the meeting and the agenda packet will be revised and re-sent once available)

6.e. Review of Draft Agenda for November 28, 2018 MCCMC Meeting Hosted by the Town of Ross
(Attachment 6.e.: Draft Agenda for November 28, 2018 MCCMC meeting)

6.f. Consideration and Possible Action to Approve the Draft Minutes of the September 26, 2018 MCCMC Meeting Hosted by the City of San Rafael
(Attachment 6.f.: Draft Minutes of September 26, 2018 MCCMC meeting)

8:30 PM ADJOURN: to the November 28, 2018 meeting hosted by the Town of Ross
Deadline for Agenda Items – November 21, 2018 Please send to:
MCCMCSecretary@gmail.com

Report on ABAG to MCCMC

October 2018

MARIN PLAN BAY AREA (PBA) PUBLIC WORKSHOP: The Marin ABAG delegates/alternates meeting on October 29, 2018 will discuss the: 1) proposed CASA (The Committee to House the Bay Area) Compact; 2) draft agenda for PBA 2050 Public Workshop in Jan/Feb 2019; and, 3) draft Concept Paper on Regional Growth Strategies for Plan Bay Area 2050.

EXECUTIVE DIRECTOR SEARCH:

The MTC’s Executive Director Job Announcement went public during the week of October 10th on CPS HR’s website (<https://secure.cpsr.us/escandidate/JobDetail?ID=398>). The announcement is also posted under MTC’s employment opportunities and a separate page was created on MTC’s website dedicated to our Executive Director Recruitment Process (<https://mtc.ca.gov/about-mtc/careers/executive-director-recruitment>). Pam Derby, Lead Senior Executive Recruiter from CPS HR (hired by MTC to conduct the recruitment process), and her team are conducting one-on-one interviews with MTC Commissioners, ABAG Executive Board Members, MTC leadership, CSR Leadership, Transportation and Community Partners, Community Advocates, the public and our employees. Pam Derby will also be meeting with groups of stakeholders, and conducting an online survey to obtain input in developing the ideal candidate profile and to assist us in understanding key issues and challenges that will face a new Executive Director.

On October 10, 2018, I attended the MTC Policy Advisory Committee meeting which had an extensive discussion on the process and professional and personal characteristics/attributes on the ideal candidate profile for MTC’s next Executive Director. At this meeting, MTC Chair Mackenzie identified the following MTC Commissioners appointed to an Executive Director Selection Committee (EDSC): Chair Mackenzie, Vice Chair Haggerty, Council Member and ABAG representative to MTC Julie Pierce, Commissioners Bruins, Josefowitz, Spering and Worth. MTC Chair Mackenzie along with Courtney Ruby, MTC Director, Administration & Facilities; and Pam Derby, senior executive recruiter with CPS HR (hired by MTC to conduct the recruitment) requested the MTC Policy Advisory Committee’s “input regarding the profession and personal characteristics/attributes deemed the most critical”. They also discussed a draft ‘Community Engagement Survey’ that would be used to seek public input. The MTC Policy Advisory Council requested this item be agendaized at their November 14, 2018 meeting. I plan on attending that meeting.

The adjacent table identifies the process and schedule. Tentatively, during the week of **12/10/2018**, the final candidates will be interviewed by ABAG’s Ad-Hoc Review Committee. Per the MOU, they will make their recommendations to MTC EDSC by **12/19/2018** who will make their final packet recommendation of candidates to be interviewed by the full MTC Commission at a special meeting on **1/9/2019**. After the MTC Commission interview the finalists, a recommendation will be made at the regular MTC Commission meeting on January 23rd.

Task Name	Month 1				Month 2				Month 3				Month 4			
Weeks	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Initial Meeting / Candidate Profile	➤															
Draft Brochure			➤													
Brochure Approved / Printed & Place Ads				➤												
Aggressive Recruiting							➤									
Final Filing Date							➤									
Preliminary Screening											➤					
Present Leading Candidates												➤				
Interviews															➤	
Reference / Background Checks																➤
Appointment																➤
Weeks	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

The recruitment is following the procedures in the approved MOU between MTC and ABAG. However, it is still unclear whether the ABAG Executive Board will be able to have a discussion about the recommendations and what role our membership will have in this recruitment process.

CASA – The Committee to House the Bay Area:

Currently, the CASA technical & steering committees are finalizing the proposed Compact which is anticipated to be signed by all parties including the MTC and ABAG Executive Board. As previously mentioned, Steve Heminger, Executive Director of MTC and ABAG has indicated that the CASA compact will be brought to the ABAG Executive Board for information on November 15, 2018 and to the MTC Commission on November 28-29, 2018 with the intent of asking the MTC Commission in December 2018 and the ABAG Executive Board on January 17, 2019 to authorize the MTC Chair and ABAG Executive Board President, respectively for approval to sign the CASA Compact.

Before these meetings, I, along with Supervisors Rodoni and Connolly would like to get feedback on this important issue since this Compact could have significant impacts on local government. This is an agenda item on the Marin ABAG delegates/alternates October 29th meeting. Please be sure that your city/town is represented. The Compact may include a recommendation to **Create a Regional Housing Enterprise & Trust Fund**. The term sheet states:

Agenda Item III Attachment 1

Term Sheet: Regional Housing Enterprise

Brief Description: This proposal encompasses a variety of actions that would be assigned to a new regional housing enterprise, including the following:

- Raise and distribute revenue to support the protection and preservation of affordable housing for very low, low and moderate income households; advance increased production of missing middle housing; and, implement policies that will protect vulnerable residents from displacement.
- Create new finance tools and develop partnerships with philanthropic organizations to leverage existing tools related to Production, Preservation and Protection.
- Collect and analyze data – track deed restricted units, maintain a regional housing pipeline database, monitor state/regional housing requirement progress.
- Manage a regional housing trust fund and program funds.
- Coordinate land acquisition and potentially hold and dispose of land.
- Provide technical assistance, staffing support and financial resources to cities and counties, including smaller and more financially-constrained communities.
- Monitor and coordinate MTC’s conditioning of regional transportation and infrastructure dollars on attainment of housing production goals and adoption of tenant protection policies.
- Monitor housing production related to ABAG’s Regional Housing Needs Allocation (RHNA) process.
- Implement regional objectives outlined in the CASA Compact.
- Legislative advocacy

Desired Effect:

- Create a new entity to be staffed by MTC/ABAG with capacity to accelerate housing production and fill gaps in the region’s housing production system in a manner that recognizes the Bay Area’s diverse jurisdictions and market conditions.
- Develop funding/financing tools, land assembly and housing development staffing expertise necessary to significantly improve regional housing affordability and double the production of affordable housing within 5-10 years.
- Advance a comprehensive real estate strategy and create viable housing opportunities for very low, low and moderate income households by working across sectors to activate surplus public and private lands.
- Provide an open and transparent process for policymakers and stakeholders to engage in program development, funding delivery/coordination, and, technical assistance programming for local communities with the end goal of producing/preserving more housing and protecting residents from displacement.
- Establish a robust real-time development tracking system that includes new development, public lands, vacant and under-utilized parcels, unsubsidized affordable housing units where residents are at risk of displacement, and, a regional pipeline of projects.
- Apply MTC’s financial authority and acumen and ABAG’s capacity for local government engagement to create and apply new finance and policy tools well beyond the region’s current capacities.

Scale/Structure: The Regional Housing Enterprise would be structured to implement the CASA Compact advancing Protection, Production and Preservation.

Models: Twin Cities Region- Metropolitan Council, State of Massachusetts - MassDevelopment Agency, New York City Housing Development Corporation

The Regional Housing Enterprise would implement a ‘Plan of action’ including seeking State legislation on some and/or all of the following elements:

- a) Just Cause Eviction; b) Anti-Gouging Cap; c) Right to Legal Counsel; d) Amend Housing Element/RHNA for Preservation, Missing Middle, Site Feasibility; e) No Net Loss; f) Promote Public Land for Affordable Housing; Redevelopment; g) Regional Inclusionary Zoning; h) Remove Barriers to ADUs; i) Align and Improve Density Bonus and Inclusionary Zoning; j) Amend Permit Streamlining, Mitigation Fee Act, and CEQA to Create Fair Process; k) Cap Impact Fees; l) Improve State Streamlining; m) Minimum Zoning Near Transit; n) Establishing a minimum building height of 3 stories for housing in the Bay Area and higher height limits near transit; o) Modify Defect Liability for Condominiums; and, p) New Revenue to Cities that Build Housing.

NOTE: Attachment 1 includes a draft of the term sheets for those actions moving forward.

The Regional Housing Enterprise would also pursue funding sources to finance the action plans. As part of this discussion, they have been looking at potential new sources of revenue which were explained in detail in my September 2018 ABAG report to MCCMC. MTC staff evaluated the entire list of proposed funding sources to determine their performance based on their criteria identified below. These are very conceptual and a beginning of many discussions in the near future. Following is the result of their evaluation:

CASA Funding/Financing Compact: Criteria Evaluation										
	Tax/Fee Rate	Revenue Yield (millions)	No Overlap w/ Local Taxes	Positive Policy / Behavior Impact	Revenue Stability	Rate Yield	Admin Ease	Progressivity	Polling Results	Overall
Property Owners										
Inflation-Indexed Windfall Tax	3.35 percent	\$100								
Parcel Tax	\$48 per year	\$100								
Real Estate Transfer Tax	\$1.35 per \$1,000	\$100								
Vacant Homes Tax	1 percent	\$100								
Short-Term Rental Tax	25 percent	\$100								
Developers										
Commercial Linkage Fee (Variable)	\$2-\$8 per sq. ft.	\$100								
Commercial Linkage Fee (Flat)	\$5 per sq. ft.	\$100								
Employers										
Head Fee (Variable)	\$8-\$64 per job	\$100								
Head Fee (Flat)	\$30 per job	\$100								
Gross Receipts Tax	1/12-cent	\$100								
Commuter VMT Fee	1 cent per mile	\$100								
Local Governments										
Revenue Sharing Contribution	17.5 percent	\$100								
Redevelopment Revenue Set-Aside	27.5 percent	\$100								
Public Land Set-Aside	20 acres	\$100								
Taxpayers										
Sales Tax	1/16-cent	\$100								
General Obligation Bonds	5-yr. term	\$100								
Legend										
Strong performance on criteria										
Medium performance on criteria										
Low performance on criteria										

UPCOMING MEETINGS¹

- **October 24, 2018 --** MTC Commission, 9:30 am
CASA Steering Committee meeting, 12:00 to 2:00 pm
- **November 9, 2018 --** Joint ABAG Administrative and MTC Planning Committee meeting, 10:00 to 12:00 pm
- **November 14, 2018 --** MTC Regional Policy Advisory Council, 1:30 pm
- **November 15, 2018 --** ABAG Executive Board; Legislation and Finance Committee meetings
- **November 28-29, 2018 --** MTC Commission Meeting (location TBD)

If you have questions or comments, please contact Pat Eklund, Council Member, City of Novato (415-883-9116 and/or pateklund@comcast.net).

¹ All meetings are held at 375 Beale Street in San Francisco, unless noted otherwise.

CASA Compact

First Round - Draft Term Sheets

October 16, 2018

Please note this is not a full draft Compact.

Compact Element #2: Emergency Rent Cap

Brief Summary: Establishes reasonable annual increases in rent.

Desired Effect: High impact. An emergency rent cap would prevent extreme rent increases in rent on a year-to-year basis, thereby decreasing the number of households who are at risk of displacement and homelessness, decreasing the number of households who are rent burdened, and promoting tenant and community stability. Extreme rent increases can pose a particular burden for tenants who are low and fixed income. Can be extended

Scale: State legislation applied to 9 Bay Area Counties

Models: Existing State Anti-Gouging Law in States of Emergency (cite)

References: Action Plans Referenced: 1.1, 1.2, 1.3

Negotiation Points: Annual rent increase limits, vacancy decontrol, define property types excluded; limits on # of years increases can be banked and % of increases banked; enforcement mechanisms; duration: permanent program or tied to emergency declaration w/ sunset provisions

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Annual Rent Increase Limits	No landlord shall increase rent by more than the allowable increase, as defined below, in any year of tenancy (yearly increase).	<p><u>Percentage Increases:</u> Option 1: all units have rent increase caps, e.g. 5%+CPI</p> <p>Option 2: a different cap depending on age of unit, e.g. units 15+ years have CPI cap and newer units have 5%+CPI</p> <p><u>Term</u> Is there a sunset period?</p>	This applies whether or not Prop 10 passes. Costa Hawkins is irrelevant to state legislation and does not limit coverage in this instance
Vacancy Provision		Vacancy de/control Cap applies to renter not unit -	
Coverage		<i>In addition to exemption of nonprofit/government owned housing,</i>	Costa Hawkins is irrelevant to state legislation and does not

		<i>dormitories, ADUs, are there other exceptions?</i>	limit coverage in this instance
Banking and Capital Improvements		Banking cap, cap on annual increases Formula for pass thrus and returns LL can bank 5 years of unused maximum Only increase rents 2x annual maximum eg. CPI+5x2	Some protections need to be in place so that landlords cannot “bank” an unreasonable amount of rent increases and then issue an exorbitant aggregated rent increase all at once.
Preemption of Local Ordinances	This law does not preempt more restrictive local ordinances.		
State of Emergency		What conditions need to exist for this to apply? Who declares the state of emergency? Determine if state of emergency garner any other tools to expedite housing (permitting, etc)	

Compact Element #3: Right to Legal Counsel for Eviction Proceedings

Brief Summary: All tenants facing eviction would have the right to legal counsel, leveling the playing field and protecting tenants from illegal evictions.

Desired Effect: Access to a lawyer can be the difference between losing a home and keeping it. Ensuring that all tenants facing eviction have the right to legal counsel would create a fairer justice system; prevent evictions and homelessness; improve health, stability and opportunity for thousands of residents, including children; and preserve existing affordable housing. With proper implementation, research suggests that the right to legal assistance for eviction proceedings can reduce evictions by 77% to upwards of 94% (according to a pilot program in California) and lead to a net savings for local jurisdictions. (e.g. in New York City cost savings are estimated at \$2 for every \$1 spent on legal assistance)

Scale: State legislation supported by regional funding

Models: SF Prop F passed in June, New York City

References: Action Plan 3.1

Negotiation Points: Funding source, identifying providers/administration; fees: means testing or sliding scale

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Coverage	<p>All tenants who are faced with legal proceedings to evict them from their residence have the right to legal counsel except when eviction proceedings are brought by a landlord or master tenant who resides in the same dwelling unit or property with tenant. The region or city shall have no obligation to provide legal services where a state or federal program already provides full scope legal representation to a tenant facing eviction proceedings.</p> <p>Landlord obligation limited to providing an addendum notice of this rights in lease and eviction notice. Landlord has no payment or any other obligations. Tenant failure to exercise right to counsel will not impede eviction proceedings for landlord.</p>	<p>What is forum for resolution?. Create separate renters court, regional or local?</p> <p>Means tested? At what range?</p>	<p>The term “legal representation” shall mean full scope representation provided to an individual by a designated organization or attorney which includes, but is not limited to, filing responsive pleadings, appearing on behalf of the tenant in court proceedings, and providing legal advice.</p>

<p>*Funding (alternative pathway to achieve right)</p>	<p>Generate approximately \$50 million per year to fund regional right to legal counsel.</p>	<p>What happens in eviction where there is no \$ for attorney?</p> <p>Possible sources include a regional transient occupancy tax, a tax on short-term rentals and vacant units, and a regional mega-measure, among others.</p>	<p>Tenants Together’s recent report, <i>California Evictions Are Fast and Frequent</i> found the following 3-year averages for unlawful detainer filings by county: (1) Alameda - 5,467; (2) Contra Costa - 3,928; (3) Marin - 432; (4) Napa - 277; (5) San Francisco - 3,275; (6) San Mateo - 1,516; (7) Santa Clara - 3,515; (8) Solano - 2,321; and (9) Sonoma - 1,195, for a total of 21,926 unlawful detainer filings per year. It should be noted that this number does not include the number of eviction notices prior to the filing of unlawful detainer eviction lawsuits. Therefore, if the region were to provide a right to legal counsel, the number of cases could be much higher; however, as a counterpoint, a right to legal counsel would likely deter landlords from serving tenants with illegal eviction notices.</p>
<p>Providers</p>		<p>Option 1: Each city shall establish, run, and fully fund a program to provide legal representation for all tenants within the city who are faced with legal proceedings to evict them from their residence.</p> <p>Option 2: Each jurisdiction identifies local service providers to provide legal representation. Bay Area Metro distributes funds to local service providers from a regional pool. Bay Area Metro and local jurisdictions fund and conduct education efforts to notify residents of this right.</p> <p>Option 3: Bay Area Metro identifies and funds local service providers to provide legal representation. Bay Area Metro funds and conducts education efforts to notify residents of this right.</p>	<p>NYC’s has a coordinator who designates existing organizations that have “the capacity to provide legal services”</p> <p>Annual or bi-annual review of the program</p>

Compact Element #4: Amendments to State Housing Law/RHNA

Brief Summary: Amend State Housing Law and RHNA to improve 3P policies and performance

Desired Effect: Require local agencies to analyze the totality of their actions on housing production and preservation, report this to the State, and use this information to evaluate their zoning and programming to improve housing outcomes. Require especially attention to creating 3P policies locally. Require study of how to add zoning for missing middle along with locally established cost reductions such that homes identified in new RHNA reporting category from 120 to 150% AMI that do not require subsidy to be achieved.

Scale: Statewide legislation. Amend the Housing Element certification process to provide for desired impacts outlined above.

Models: Forthcoming if available/applicable.

References: SB 828 Weiner (land use: housing element/RHNA). This compact element to be revised as needed based on SB 828, which was just signed by the Governor.
Action Plan 8.1, 12.4

Negotiation Points: Missing middle definition; impacts on affordable housing

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Housing Element Reporting Requirement	<p>Add:</p> <ul style="list-style-type: none"> • Site feasibility analysis • Requirement that local agencies have programs in place and are monitored for effectiveness of 3P's: Tenant Protections (including Just Cause), Preservation, and Production including adding missing middle zoning (36', high lot coverage low parking , duplex-8 plex) , easing ADUs and tiny homes. • Reducing locally imposed added costs in excess of State Building Code (fees, process, inclusionary, green building, tax districts, elevated standards other impositions in excess of State Building Code standards to create safe shelter) to a level where new housing be financially feasible and being built in the locality for incomes from 100-150% of median without subsidy. 	<p>New reporting requirements on:</p> <ul style="list-style-type: none"> • ADUs and tiny homes • Reducing locally imposed added costs in excess of State Building Code (fees, process, inclusionary, green building, tax districts, elevated standards other impositions in excess of State Building Code standards to create safe shelter) to a level where new housing is financially feasible and being built for incomes from 100-150% of median without subsidy 	

<p>Housing Element Reporting Requirement</p>	<ul style="list-style-type: none"> Allow Jurisdictions To Count Market-Rate Units that They Convert to Deed-Restricted Affordable Units as Meeting up to 25% of Their Low- and Very-Low-Income RHNA Obligation: As an incentive to encourage jurisdictions to preserve affordable housing, amend Housing Element law (e.g., in Government Code §§ 65583.1 and 65400) to allow jurisdictions that (a) acquire existing market-rate units, (b) rehabilitate those units (if needed), and (c) rent-restricts those units as rental housing affordable to low- and very-low-income households for 55 years, to count those units towards up to 25 percent of their low- and very-low-income RHNA obligation at the end of the RHNA cycle (i.e., in the jurisdiction’s reporting requirements). 		
<p>RHNA</p>	<p>Require RHNA compliance to include backlog and zoning in excess of RHNA and to add “missing middle” income range without cash subsidy from 120-150% AMI</p>		

Compact Element #5: No Net Loss of Deed Units with Right of First Refusal

Brief Description:

No Net Loss Policy: This policy could be a standalone policy whenever demolition is occurring, or it could be an overlay/subset of other policies recommended on this list that encourage rezoning/upzoning and or intensification of existing uses that currently include housing (example: Redevelopment 2.0, Upzoning on Transit, SB35)

Desired Effect:

The goal of the policy is to preserve opportunities for low income households to return to their communities and prevent the loss of low and middle income housing opportunities in a redevelopment project or area.

Scale: State Legislation Applied to 9 Bay Area Counties

Models:

Public Housing Redevelopment, Former Redevelopment Requirements, City of Portland No Net Loss Policy, City of Arlington, VA Conservation Districts

References:

Action Plan 8.2

<http://www.lesardevelopment.com/2018/03/no-net-loss-action-sb-166/>

<http://www.mapc.org/wp-content/uploads/2017/11/One-for-One-Affordable-Housing-Replacement-Ordinances.pdf>

<https://www.frbsf.org/community-development/publications/community-investments/2014/march/research-briefs-money-mismanagement-correlated-homelessness-municipal-policies-preserve-affordable-housing/>

<https://housing.arlingtonva.us/affordable-housing/housing-conservation-district/>

<https://ahcd.assembly.ca.gov/sites/ahcd.assembly.ca.gov/files/hearings/RoleofLocalRedevelopmentAgenciesinAffordableHousingFeb15.pdf>

Negotiation Points

Does this apply everywhere or only in cases where upzoning or intensification is envisioned; Mechanism for requiring, Relocation assistance; location and amount of replacement housing; right to return; how to pay - funding sources and/or developer incentives; 1:1 replacement definitions and requirements including whether it applies beyond just deed restricted units; balancing size of requirement vis-à-vis having sufficient \$\$ sources and offsets to over the cost

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
<ul style="list-style-type: none"> • When “No Net Loss” Required • Relocation assistance 	<p>Required in renewed redevelopment areas</p> <p>Required in SB 827 and similar zoning</p>	<p>Will this policy include relocation assistance?</p> <p>Required in SB 35?</p>	

<ul style="list-style-type: none">• Right to Return?	This would require new developments to offer displaced residents a right to return to the newly redeveloped projects.		
<ul style="list-style-type: none">• How to pay for this?		Should costs be paid for with public dollars or offset by increase in density, tax abatement, or reduction in other impositions? Does it only apply in cases of density bonus and/or upzoning?	

Compact Element #7: Strengthen Utilization of Public Land for Housing Production

Brief Summary: Promote increased utilization of public land for affordable housing through enhancements to a variety of legislation, regulatory tools and regional coordination and planning actions including strengthening the surplus land act, amending housing element law or amending the regulatory certification process, and embedding coordinating, technical support and monitoring functions in a regional housing entity. Goals are to achieve:

- Barrier reduction to developing on public land by ensuring that land is adequately zoned
- Create mechanism for coordination/monitoring of regional public land supply
- Provide technical support and draft legislation that encourages public land to be re-used for housing.

Desired Effect: Encourage the reuse of public land for the creation of mixed-income or affordable housing development.

Scale: State legislation applied to 9 Bay Area Counties; may impacts housing element law; to be addressed in coordination with other CASA policies.

Models: Puget Sound region of WA including Seattle; <https://www.psrc.org/public-land-affordable-housing>;
<https://seattle.curbed.com/2017/9/29/16387686/surplus-public-land-affordable-housing>
 Enterprise report: <https://www.enterprisecommunity.org/download?fid=3257&nid=3739>

References: Action Plans 16.1; 16.2

Negotiation Points: Intent: is it to “encourage” or to “create stricter requirements for affordability”
Incentive structure options, revenue source to cover localities cost to implement; levels of affordability; pricing and conveyance of land ranging from donated in full to conveying at below-market value

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
	<p>See (Current bill)</p> <p>Also support changing State Housing Element Law to:</p> <p>A) Require and resource jurisdictions to prepare a full inventory of publicly-owned sites within their boundaries, including current uses, and report this to their Councils of Governments (COGs).</p> <p>B) Allow residential uses on developable public land, regardless of zoning, by establishing a presumption in Housing Element Law that homes may be built on public land meeting certain criteria (eg not parkland). If a jurisdiction prohibits housing on a</p>		

	<p>site, require them to submit a rationale for its exemption, based on strict State-sanctioned standards.</p> <p>Regulatory changes:</p> <p>A) Make public land more competitive for affordable housing funds to incentivize rezoning: Modifications to LIHTC, AHSC, other program requirements. Build in incentives to programs that encourage housing development on public lands.</p> <p>B) Review State's spatial guidelines for public facilities (ie schools) to evaluate potential for changes that could open up land for housing without compromising the quality of on-site public services (e.g. New York allows for vertical mixed use with ground floor public uses)</p>		
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Compact Element #10: Remove Regulatory Barriers to ADUs and Tiny Homes

Brief Summary: Amend existing state ADU law to remove regulatory barriers to building including ministerial approval for ADUs and Junior ADUs in residential zones, allowance for multiple ADUs in multi-family homes, and creation of a small homes building code (AB 2890 Ting).

Desired Effect: Extremely High Impact; Short Term. Assuming 20% of 1.5 Million single family homes in Bay Area = 300,000 new homes distributed into existing neighborhoods. In PDAs alone would be 50,000 new homes. Distribute green, more affordable homes quickly and uniformly in region. State must reduce zoning barriers to: (1) Create significant, rapid increase in less costly homes including stabilizing vulnerable households including seniors, disabled, and lower income homeowners in all existing neighborhoods (Missing middle housing, Preservation); (2) Reduce GHG by improving utilization of buildings/land build more small, infill, low GHG/sustainable homes (3) ease codes for ADUs and Tiny Homes . Help expand and stabilize labor force and construction.

Scale: State legislation applied to 9 Bay Area Counties

Models: Arlington VA, Portland OR, Seattle WA, Vancouver BC, State of Oregon Tiny Homes Code, (Leslye's work)

References: Action Plans 10.3, 10.4
UCB Chapple 2015; UCB Turner Center 2017; Legislative history SB 1069, AB 2890

Negotiation Points:

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Ministerial Approval	Allow ministerial approval regardless of zoning standards for: <ul style="list-style-type: none"> ● Both an ADU and a Junior ADU (JADU), not required to be smaller than 800 sqft in any zone that allows residential uses; in existing or proposed structures including in rear yard cottage not to exceed 800 sqft , 16' tall , with 4' in side or rear yard setbacks ● Existing unused spaces in multi-family structures or yards may be converted to multiple ADUs. ● ADUs receiving ministerial permits cannot be rented for less than 30 days; subject to local non-zoning housing standards not addressed in this law ● Encourage non-safety code forgiveness 		

Owner Occupancy	If Owner Occupancy locally required, reasonable annual monitoring based on published documents		
Impact Fees	Cap impact fees on net new living area over 500 sqft per accessory unit A		
Small and Tiny Homes Building Code	Create small homes building code to reduce non-safety code requirements that disproportionately make small homes and tiny homes infeasible including energy standards, appliance and room sizes, and similar.		

Compact Element #11: Align Density Bonus/Inclusionary Laws to Improve Even, Fair Application for ALL Housing Production

Brief Summary: More on-site affordable housing constructed through creating clear uniform standards for building under the State Density bonus, inclusionary zoning, and housing mitigation impact fees laws.

Desired Effect: High Impact; Short Term for mixed income projects that that otherwise prevented from advancing due to oversized and conflicting affordability and housing fee requirements. Not possible to document the number of units “not proposed”. Will increase (1) housing production overall and (2) production of affordable units or fees require significant increase in housing production that cannot widely occur without this law change.

Scale: State legislation applied to 9 Bay Area Counties

Models: Other regions of US with Inclusionary Zoning programs add incentives not additional costs to deliver more affordable homes (Washington, New York)

References: LUNA case
Action Plan 10.3

Negotiation Points:

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Density Bonus Clarifications & Administration	<ul style="list-style-type: none"> ● Re-write density bonus law to add clarity, clear implementation guidelines to be developed by HCD including implementing forms, agreements, etc. ● Confirm and codify Density Bonus ruling in <i>Latinos Unidos del Valle de Napa y Solano v. County of Napa</i> ("LUNA") as applied to DB units, inclusionary units, and mitigation, SB 35 ie \$ for \$ credit (each is credited all requirements, no double or triple payments) ● HCD monitor DB and IZ units 	Need draft of proposed clarifications	

<p>Density Bonus Requirements</p>	<ul style="list-style-type: none"> ● Relate Density Bonus Affordability to Palmer Fix (Inclusionary) and disallow separate housing impact fees except as an alternative compliance mechanism ● Density bonus affordable housing units can be delivered at a range of income levels up to 120% AMI, as long as overall average target income level for affordable housing units is at 80% AMI level; for example 1/3 at 50%, 1/3 at 80% and 1/3 at 110%. ● Subject to Housing Accountability Act protections 	<ul style="list-style-type: none"> ● Clarify that mitigation fees for housing may not be charged to Density Bonus or deed restricted units ● Discuss rates and affordability levels ● Add new density bonus category to significantly increase missing middle housing (Example: 40% increase in density for 30% of units affordable between 80% and 150% AMI) ● Add a prohibition on downzoning to avoid compliance with density bonus 	
<p>Taxes on Affordable Units</p>	<p>Property taxes on deed restricted (DB or IZ) affordable units shall be set at the affordable rent/sales price that is set by the affordability restrictions not by the market value of the unit.</p>	<p>Confirm whether today this is possible with a non-profit partner</p>	
<p>Equity Sharing</p>	<p>Ownership BMRs should be permanently affordable with limited equity share</p>	<p>Discuss how to set these rules Discuss with Habitat for Humanity how to have workable equity sharing rules that allow owners to receive equity appreciation</p>	

Compact Element #12: Streamline Housing Approvals Through Fair, Predictable, Faster Process

Brief Summary: Amend State Housing and Permitting Laws (Permit Streamlining Act, Housing Accountability Act, CEQA) to disallow backsliding to avoid compliance with State law, and to restore transparency, certainty, fairness, deadlines, predictability to housing approval process Case-by-case public disputes and opposition to many if not most housing projects, even when these are consistent with local plans and rules,. Good government must be transparent, fair, predictable, and even-handed across the region, with clear rules that apply to everyone equally.

Desired Effect: High Impact; Short Term for proposed housing or housing stuck in approval pipeline that that otherwise prevented from advancing due. Not possible to document the number of units “not proposed” or “slowed down until became infeasible”. Required precursor to increasing housing production of market rate, affordable, homeless, and all forms of housing.

Scale: State legislation applied to 9 Bay Area Counties

Models: Forthcoming if available/applicable.

References:

Action Plans Referenced: 12.1

https://www.law.berkeley.edu/wp-content/uploads/2018/02/Getting_It_Right.pdf

Negotiation Points: Terms and requirements for a local waiver; monitoring and enforcement to ensure not suppressing production; exploration of “deemed approved” language.

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Local Jurisdictional Requirements	<ul style="list-style-type: none"> ● Disallow height and density reductions, limits, and moratoria in already residentially zoned areas to avoid compliance with State housing law especially the HAA. ● Where the general plan or its housing element and zoning already allow housing, HAA shall apply to provide protections to projects consistent with these plan standards despite any locally required rezonings. ● Local agency and special district rules, fees, codes, and standards must be made available in writing to an applicant on a written form available at the local agency with clear mechanisms for determining rules, fees, inclusionary standards, community benefits and historic 	<ul style="list-style-type: none"> ● Should this apply only to projects of 20 units or less (e.g. “small” projects)? ● No net loss provisions on streamlined projects ● Additional community engagement and delayed implementation in sensitive communities 	

<p>Local Jurisdictional Requirements</p>	<p>status determinations or they cannot be requested by the local agency nor agreed to by the developer.</p> <ul style="list-style-type: none"> ● Historic status must be determined at completeness based on published reports. ● Allow no more than 3 de novo public hearings on a housing project (with possibility of appeals). ● Report to Bay Area Metro and HCD the length of time from new or renovated housing project application to project approval for all housing projects and remodels, as well as the number of de novo hearings and appeals on each. ● Use it or lose it provision such that streamlined permits expire if not used in a timely way (eg 24 months) 		
<p>Fees</p>	<ul style="list-style-type: none"> ● For projects consistent with the general plan, any relevant specific plans, and consistent with residential use zoning, LOCK FEES AND RULES AND COMMUNITY BENEFITS AT APPLICATION COMPLETENESS (excepting rule changes for life safety conditions). Lock fees and rules for 100% affordable projects as of the date of application. ● These local rules/fees cannot be modified after Application Completeness. Completeness shall be defined as making all the required plan changes in the first zoning completeness letter. 		
<p>Parallel Amendments</p>	<ul style="list-style-type: none"> ● Amend Permit Streamlining Act to require approval of all residential projects less than 20 units or 20,000 square feet in size in 6 months. ● Make parallel amendments to create CEQA statutory exemptions for housing in urbanized areas that has 20 or fewer units. ● Close loopholes in Housing Accountability Act on definitions of objective standards 		

Compact Element #14: Improve Effectiveness and Fairness of State Housing Streamlining (SB 35)

Brief Summary: SB 35 was intended to streamline housing for projects with fully skilled and trained labor and on-site affordable amendments are needed to improve effectiveness so more projects to make use of this section to increase housing production. Amendments proposed:

- Allow reasonable local review including design review
- Allow smaller projects to access expedited review without added labor or affordability standards
- For larger projects add tax 15-year abatement (modeled on New York) and other offsets to pay for labor and affordable requirements

Desired Effect: Projects that have labor standards should get the benefit of additional tools (benefits/offsets) to pay for living wage jobs. Pre-cursor to achieving expanded housing production with labor standards and on-site affordable throughout the region. Essential to easing construction labor shortage increasing number and predictability of high quality desirable construction jobs.

Scale: State legislation applied to 9 Bay Area Counties

Models: New York

References: SB 35

Action Plans Referenced: 12.2, 12.3, 17.1, 17.2

Negotiation Points: Deferrals for provisions for communities of concern regarding affordability levels, economic offsets and tools; confirm 15 year time period for real estate tax abatement; define: small project, affordability levels, limits/requirements on use of real estate abatement

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Clarifications to Existing Law	<ul style="list-style-type: none"> • SB 35 projects are exempt from CEQA • Housing developments of less than 20 units or 20,000 square feet, are eligible for SB 35 expedited approvals without added affordability, wage, apprentice, or labor standards to reduce local planning workload on small but often controversial projects. • SB 35 projects subject to limited local discretionary review as follows: <ol style="list-style-type: none"> a. 6 months and 1 de novo hearing for projects of 20 units or less 		

	<p>b. 12 months and 3 de novo hearings for projects larger than 20 units</p> <ul style="list-style-type: none"> • Subject to Housing Accountability Act protections. • Deferral option in Sensitive Communities: Local agency may elect in sensitive community designated areas to retain affordability levels for SB 35 projects at current law levels until community planning complete at which point affordability levels may change. 		
<p>Developer Incentives</p>	<ul style="list-style-type: none"> • Cap impact fees on SB 35 projects to \$30 per square feet for over 500 square feet of net new living area • Add 15-year tax relief modeled on NY program to SB 35 projects “reverse redevelopment” • Make SB 35 projects eligible for an automatic 35% Density Bonus 	<p>Economic offsets and tools; confirm 15-year time period for real estate tax abatement, limits/requirements on use of real estate abatement</p>	
<p>Changes to Existing Law</p>	<ul style="list-style-type: none"> • Existing law limits time of SB 35 project approvals. Allow SB 35 projects to provide less than 50% affordable in jurisdictions that have “met” market rate RHNA goals for housing developments <u>outside</u> Sensitive Communities 	<p>Proposal: Limit affordability to 15% regional cap, but do not allow waivers</p> <p>In which jurisdictions should the affordability levels be applied? Add affordability category to significantly increase missing middle housing (Example: 30% of units affordable between 80% and 150% AMI)</p> <p>Ensure that total combined proposed changes expand use of this tool significantly to expand production widely</p>	

Compact Element #15: Minimum Zoning on Transit for Housing

Brief Summary: Increase number of market rate and affordable homes near transit on low density residential, commercial, and public sites with limited parking in a manner that fits in with existing neighborhoods and expands at a minimum missing middle housing (housing built to height of 36', 75% lot coverage, no parking, no density restrictions), to significantly increase overall housing production in areas targeted by Plan Bay Area and Sustainable Communities.

Desired Effect: High Impact, Medium to Long term but essential to achieve compliance with PBA and SCS. Required precursor to increasing housing production of market rate, affordable, homeless, and all forms of housing.

Scale: State legislation applied to 9 Bay Area Counties

Models: Portland OR, Seattle WA pre-zoning infill neighborhoods

References: Action Plans Referenced: 8.2, 10.3, 10.5, 10.6
SB 827

Negotiation Points: Temporary delay provisions for communities of concern for 3-5 years; height for added density above missing middle to 75/80', define qualifying transit (bus, rail, ferry, major transit stop?); Refer to last draft of last printed version of SB 827 for all items except those specified here.

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Density Requirements	<p>Modify concepts from last printed version SB 827 only as specified below:</p> <ul style="list-style-type: none"> • Increase housing densities and allow housing overlay ½ miles “on Transit” (confirm definition) to permit housing uses on commercial and institutional land below a low allowed FAR (1.5) to a missing middle building form or “Minimum Building Density” of 36', lot coverage 75%, 0 parking • Increase densities and create housing overlay on Transit to at least densities above. • In areas closer to major transit corridors (rail corridors, ferry stations, major transit corridors) increase densities to minimum 50' (up to 75' with density bonus excepting that “Sensitive Communities” can delay this 	<p>Height for added density above missing middle</p> <p>Define qualifying transit (rail, ferry, bus, major transit stops?);</p> <p>Determine definition of “transit corridors”</p> <p>Determine reduced affordability levels outside “sensitive communities”</p> <p>Determine period of “deferred compliance” and expected planning densities on transit for completed plans.</p>	

	<p>increased Transit Density for projects providing less than 50% affordable housing for up to 4 years at 120% of AMI or less but only if no plan adopted last 5 years ie no downzoning</p> <ul style="list-style-type: none"> ● Sites occupied by a Mobile Home Park, Public Housing, or Single Room Occupancy built prior to Effective Date shall not be eligible for Transit Density. ● Subject to Additional Terms from SB 827 (e.g. no net loss, etc.). ● No local action required under CEQA for this to take effect ● Subject to Housing Accountability Act protections. 	<p>Map of sensitive communities (see geography proposal)</p> <p>Add new density bonus category to significantly increase missing middle housing (Example: 40% increase in density for 30% of units affordable between 120 and 150% AMI)</p> <p>Discuss how to ensure that exclusive communities not located on transit are also doing more to add density and a range of housing options</p>	
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Compact Element #16: Amend Product Defect Liability Standards

Brief Summary: Adjust liability standards to make more homes insurable. Home ownership cannot be achieved in infill buildings without modifying existing liability laws that prevent reasonable attached home ownership products because they are uninsurable. See AB 2353 (Frazier)

Desired Effect: Medium to Long term but essential to achieve compliance with PBA and SCS. In regions such as Cascadia which has more reasonable liability laws for ownership, up to 50% of attached housing new construction is in ownership forms. If the Bay Area could increase production by being able to offer homes for sale in addition to for rent, could increase overall housing production significantly. Also may be only way to create new home ownership opportunities in existing developed communities including in small missing middle type projects that could create more ownership opportunities at a range of incomes.

Scale: Liability standards and insurance markets in most US States and Canada

Models: Liability standards and insurance markets in most US States and Canada

References: Action Plans Referenced: 11.3
Legislative History

Negotiation Points:

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Amendments	<p>Require licensed inspectors for plaintiffs and builders in construction defect cases to reduce the likelihood and size of class action like suits which prove to be timely and expensive</p> <p>By minimizing costs related to construction defect suits, this will encourage increased production of homes, especially condominiums.</p>		Confirm that this is sufficient to restore insurance availability to designers, contractors, and developers of for sale product.

- **Total Ridership** = Clipper Card counts (if they tag on/off) + Mobile App + 31-Day Passes + Eco Passes + Fare Dodgers
- From August 25, 2017 to August 25, 2018 we carried...
 - **722,961** Passengers
 - **65,468** Bicycles
 - **3,095** Wheelchairs
- 38% have a household size of two and 28% have a household size of four
- 77% are White/Caucasian and 15% are Hispanic
- 53% are male and 47% are female
- 95% speak English and 4% speak Spanish
- The average SMART train rider is 46 years old, makes \$97,300 annually, and lives in a household of three people, two of whom work.

- SMART riders are choice riders, in that they have access to a vehicle but use the SMART train instead. Respondents averaged 2 vehicles per household.

Most SMART riders who also use transit, walk for at least a portion of their trip:

- Eight of every ten (83%) of these riders walked to their first transit stop
- Three-quarters (76%) of these riders walked to their destination from their last transit stop

Slightly more than half of all respondents (55%) paid their fare using the cash option on their Clipper and 31% used a Clipper 31 Day Pass.

One-fourth (27%) of riders use the SMART train five or more days per week. Over half (57%) ride the SMART train at least once a week.

The most popular boarding stations were:

- San Rafael (29%),
- Petaluma Downtown (15%),

- Sonoma County Airport (11%).

The most popular alighting stations were:

- San Rafael (26%),
- Petaluma Downtown (15%),
- Santa Rosa Downtown (13%).

Nearly half (40%) of riders say they will use two or more transit vehicles (buses, trains, ferries) on their one-way trip. This is most commonly another Golden Gate Transit bus, Golden Gate Ferry, a Marin Transit bus, or BART.

Nearly half (46%) of our riders travel in 3 Zones, 25% travel in 2 Zones, 17% travel in 4 Zones & 6% travel in 5 Zones

Rebecca Vaughn
c/o MCCMC
rvaughn@tcmmail.org

Dear Rebecca,

Having been nominated, I would like to affirm that I am, indeed, interested in serving as the MCCMC representative to the Homeless Policy Steering Committee of Marin.

I have been going to these meetings, as a non-voting member, for several years and am well-acquainted with their hard work in serving our homeless population. In addition, I attended many meetings on housing and homelessness at the recent League of California Cities Conference in Long Beach. It is a subject I hold very close.

Further, having participated in the REST program both at San Anselmo's First Presbyterian and at St. Rita Church in Fairfax, I have witnessed, first hand, the ramifications of not having a place to sleep securely and have something hot and good to eat.

Many agencies are working to resolve these issues and I look forward to being a "voting" member and representing our Mayors and Councilpersons at the HPSC table.

Thank you.
Sincerely,

Kay Coleman
Councilmember, San Anselmo
kcoleman@townofsananselmo.org
415-717-4546



CITY OF SAUSALITO

420 Litho Street • Sausalito, CA 94965
Telephone: (415) 289-4100
www.sausalito.gov

10/5/2018

Ray Withy
President, MCCMC

Dear Ray,

Please accept this letter confirming my interest to have the membership of the Marin County Council of Mayors and Councilmembers consider my nomination as 2nd Representative to the League of California Cities North Bay Division.

I was elected to the Sausalito City Council in November 2016 and currently serve as the Vice-Mayor. I also sit on the Marin Telecommunications Agency and numerous Sausalito committees. My experience with MCCMC and the League has been so enjoyable. I had personal relationships with various North Bay leaders long before my council experience and the opportunity to further those in this capacity would exciting.

In that my profession in real estate takes me throughout the North Bay, I have a great understanding of both my Marin communities as well as those represented by the LOCC – NB. I relish the opportunity to represent these communities in a more meaningful capacity.

I pledge my commitment to this council as well as to your leadership as President. I have the bandwidth and desire to take on new assignments and look forward to serving.

Sincerely,

Joe Burns

FAX NUMBERS:

Administration: (415) 289-4167
Recreation: (415) 289-4189

Community Development: (415) 339-2256

Library: (415) 331-7943
Public Works: (415) 289-4138



METROPOLITAN
TRANSPORTATION
COMMISSION

AGENDA ITEM 6.c.

Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105
415.778.6700
www.mtc.ca.gov

Jake Mackenzie, Chair
Sonoma County and Cities

Scott Haggerty, Vice Chair
Alameda County

Alicia C. Aguirre
Cities of San Mateo County

Tom Azumbrado
U.S. Department of Housing
and Urban Development

Jeannie Bruins
Cities of Santa Clara County

Damon Connolly
Marin County and Cities

Dave Cortese
Santa Clara County

Carol Dutra-Vernaci
Cities of Alameda County

Dorene M. Giacomini
U.S. Department of Transportation

Federal D. Glover
Contra Costa County

Anne W. Halsted
San Francisco Bay Conservation
and Development Commission

Nick Josefowitz
San Francisco Mayor's Appointee

Jane Kim
City and County of San Francisco

Sam Liccardo
San Jose Mayor's Appointee

Alfredo Pedroza
Napa County and Cities

Julie Pierce
Association of Bay Area Governments

Libby Schaaf
Oakland Mayor's Appointee

Warren Slocum
San Mateo County

James P. Spering
Solano County and Cities

Tony Tavares
California State
Transportation Agency

Amy R. Worth
Cities of Contra Costa County

Steve Heminger
Executive Director

Alix Bockelman
Deputy Executive Director, Policy

Andrew B. Fremier
Deputy Executive Director, Operations

Brad Paul
Deputy Executive Director,
Local Government Services

September 25, 2018

Via U.S. Mail

The Honorable Ray Withy
President
Marin County Council of Mayors and Councilmembers
Sausalito City Hall
420 Litho Street
Sausalito, CA 94965

Dear President Withy:

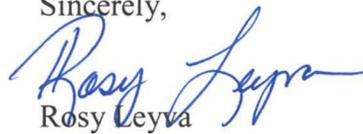
Pursuant to the Metropolitan Transportation Commission's (MTC) enabling legislation, all Commissioners are appointed to concurrent four-year terms. The current term of your representative on MTC, the Honorable Damon Connolly, expires on February 9, 2019. I have been asked by the Commission to request that the Council of Mayors and Councilmembers for the County of Marin begin consideration of the nomination of Mr. Connolly for reappointment, and to furnish the Marin County Board of Supervisors with the names of nominees from which the Board shall appoint a representative to serve a four-year term that commences on February 10, 2019.

Enclosed for your information is a copy of MTC's enabling legislation. MTC Commission members may be elected or appointed officials, or members of the general public. Pursuant to Government Code Section 66504: "Commissioners shall be selected for their special familiarity with the problems and issues in the field of transportation."

MTC Commissioners should expect to serve on one or more of the Commission's standing, special or advisory committees. Usually, the Commission and each committee meet once a month in San Francisco. From time to time, the Commission may conduct public hearings in the MTC region, which MTC Commissioners may be requested to attend. A \$100 per diem (up to a maximum of \$500 per month), plus Commission-authorized travel expenses, are paid to members for attendance at meetings of their committees, the Commission, and public hearings held by the Commission.

Should you wish additional information concerning the Commission or the responsibilities of its members, please feel free to contact me. The Commission would appreciate being notified of the reappointment or appointment of a representative as soon as possible.

Sincerely,



Rosy Leyva
Secretary to the Commission

RL:rc

Enclosure (1)

cc: The Hon. Damon Connolly, President, Marin County Board of Supervisors (no enclosure)
Diane Patterson, Clerk of the Board, Marin County Board of Supervisors (no enclosure)

**MARIN COUNTY COUNCIL OF MAYORS AND COUNCILMEMBERS
DRAFT AGENDA**

Wednesday, November 28, 2018
Hosted by the Town of Ross

6:00 PM Social Hour (No-Host Bar)

6:55 PM Welcome and Introductions

1. **Call to Order**
2. **Public Comment** (Limit 3 minutes per person)
3. **Welcome and Introduction of Guests:** Mayor Beach Kuhl

7:00 PM Dinner Service

7:10 PM 4. Presentation:

7:15 PM 5. Tentative Committee Reports (3 minutes per person, please note request below for written reports this month in lieu of verbal reports)

- 5.a. Metropolitan Transportation Commission – Supervisor Connolly
- 5.b. Association of Bay Area Governments
- 5.c. Marin Major Crimes Task Force Oversight Committee
- 5.d. Marin County School Board Association
- 5.e. Homeless Committee
- 5.f. Marin County Disaster Council Citizen Corps
- 5.g. Marin Transit
- 5.h. Sonoma/Marin Area Rail Transit Commission
- 5.i. Golden Gate Bridge & Highway Transportation District
- 5.j. Transportation Authority of Marin
- 5.k. MCCMC Legislative Committee
- 5.l. Local Agency Formation Commission

7:30 PM 6. Program / Guest Speaker: To Be Announced

8:15 PM 7. Business Meeting

7.a Convening of City Selection Committee for the Purpose of Making the Following Appointment:

(Supervisor Damon Connolly is the incumbent representative, and was appointed to fill the remainder of a 4-year term expiring February 2019. The membership will vote on a maximum of three candidates to forward to the Marin County Board of Supervisors. The Board of Supervisors will then agendize the item and select an appointee to represent the County of Marin on the Commission)

Notice of the end of the current term were announced and Letters

6.e.

of Interest solicited at the October 25, 2018 meeting. At the November 28, 2018 meeting the City Selection Committee will convene to nominate up to three candidates for consideration by the Marin County Board of Supervisors for appointment to a new 4-year term.

7.b. Consideration and Possible Action to Make the Following Committee Appointments:

Expiration of current terms were announced and Letters of Interest solicited at the October 24, 2018 Meeting. Appointments will be made at the November 28, 2018 MCCMC Meeting hosted by the Town of Ross.

7.b.1 MCCMC Representatives to League of California Cities, North Bay Division Executive Board

(Three seats available: Representative, 2nd Representative and Alternate Representative)

(MCCMC Representatives are appointed annually each calendar year. Incumbents are: 1st: Kay Coleman, San Anselmo, 2nd TBD and Alternate: Sashi McEntee, Mill Valley)

7.b.2 Cal-ID Remote Access Network

(Incumbent is Ann Morrison, Larkspur, 2-year term will expire January 2019)

7.b.3 Marin Major Crimes Task Force Oversight Committee (Alternate)

(Incumbent is Catherine Way, Larkspur, 2-year term will expire January 2019)

7.b.4 Marin County Transit Board of Directors (Two seats, Director and Alternate, have expiring terms)

(Incumbents are Kate Colin, San Rafael, Director, and Eric Lucan, Novato, Alternate. 2-year terms will expire January 2019)

7.b.5 Sonoma Marin Area Rail Transit (SMART) Commission

(Incumbent is Dan Hillmer, Larkspur. 2-year term will expire January 2019)

7.c. Review of Draft Agenda for January 23, 2018 MCCMC Meeting Hosted by the City of Sausalito

7.d. Consideration and Possible Action to Approve the Draft Minutes of the October 24, 2018 MCCMC Meeting Hosted by the Town of San Anselmo

8:30 PM ADJOURN: to the November 28, 2018 meeting hosted by the Town of Ross
Deadline for Agenda Items – November 21, 2018 Please send to:
MCCMCSecretary@gmail.com

6.e.

MARIN COUNTY COUNCIL OF MAYORS AND COUNCILMEMBERS

DRAFT

MINUTES

Wednesday, September 26, 2018

Hosted by the City of San Rafael

Members Present

- Belvedere: Campbell, Kemnitzer, McAuliffe, Winter
- Corte Madera: Andrews, Bailey, Kunhardt, Ravasio
- Fairfax: Ackerman, Coler, Goddard, Lacques, Reed
- Larkspur: Chu, Haroff, Hillmer, Way
- Mill Valley: McEntee, Moulton-Peters
- Novato: Athas, Drew, Eklund, Lucan
- Ross: Brekhus, Kuhl, McMillan, Robbins, Russell
- San Anselmo: Brown, Colbert, Coleman, Greene, Wright
- San Rafael: Bushey, Colin, Gamblin, McCullough, Phillips
- Sausalito: Burns, Cleveland-Knowles, Cox, Hoffman, Withy
- Tiburon: Fredericks, Thier, Welner

Ex Officio: Corte Madera Town Manager, Todd Cusimano; Fairfax Town Manager Garrett Toy; Larkspur City Manager, Dan Schwarz; Mill Valley City Manager Jim McCann; Novato Assistant City Managers Michael Antwine and Peggy Flynn; Ross Town Manager Joe Chinn; San Anselmo Town Manager David Donery; San Rafael City Manager Jim Schutz; Sausalito City Manager Adam Politzer; MCCMC Secretary Rebecca Vaughn

Guests were: Marin County Board of Supervisors Damon Connolly, Katie Rice and Dennis Rodoni; Nancy Hall Bennett, League of California Cities North Bay Division; Jason Fried, Marin LAFCO Interim Executive Officer.

Call to Order

President Ray Withy called the meeting to order at 7:04p.m., welcomed everyone to the Marin County Council of Mayors and Councilmembers for September 26, 2018 and then called for public comment.

Public Comment

1. Katherine Boggs, San Anselmo – Spoke about industry’s fast-tracking of 5g and concerns that widespread deployment of small-cell technologies on lamp posts, buildings and power poles would bathe residents in RF radiation 24 hours a day, taking away our choice to escape. This has become an unbridled and unregulated industry that once fully implemented will turn into a wireless planetary cage. Why is the FCC streamlining permitting for 5g when they haven’t completed their investigations of the health and environmental impacts and updated safety limits of low intensity radio frequency radiation. How it will affect our children, pregnant women and the elderly, the most vulnerable in our population. Previous networks had been designed to meet the needs of people, but 5g has been created with machine needs in mind. These phased arrays will create powerful beams whizzing by us at all times. These antennas will concentrate their energy in narrow high-powered beams aimed directly at smart phones and devices. If you walk between someone’s phone and a station, or even in the vicinity, the beam will go through your body. If you are in a crowd, multiple beams will overlap and be unavoidable. Radiation waves from phased array antennas will penetrate much deeper into the human body. We need to lock arms as a County and say enough is enough, health does matter. Future generations matter. And having a choice matters.

- 1 2. Jason Fried, Interim Executive Officer for Marin LAFCO – Announced that he is the new Interim
2 Executive Officer for Marin LAFCO and will be coming by each of the cities and towns to talk
3 with your staff, and is happy to talk with your councils upcoming plans for the next year and a
4 half. Just had a workshop and put together a new work plan and will be coming together in
5 October to approve that workplan.
6

7 Following Public Comment, President Withy presented an award and flowers to outgoing MCCMC
8 President, Kate Colin and thanked her for her hard worked, leadership and service to MCCMC. He
9 then introduced San Rafael Mayor Gary Phillips.
10

11 **Welcome and Introduction of Guests**

12 Mayor Phillips welcomed everyone to San Rafael. He introduced the following members of the San
13 Rafael City Council: Vice Mayor Gamblin and Councilmembers Maribeth Bushey, Kate Colin, and
14 Andrew McCullough. The following City staff were introduced: City Manager Jim Schutz, Fire Chief
15 Chris Gray, Police Chief Diana Bishop, Assistant City Manager Cristine Alilovich, Director of Economic
16 Development and Innovation Danielle O’Leary, Director of Homeless Planning Andrew Hening,
17 Sanitation District Manager Doris Toy, Assistant Library Director Henry Bankhead, Assistant City
18 Attorney Rob Epstein, Assistant City Attorney Lisa Goldfien, Finance Director Nadine Hade,
19 Community Development Director Paul Jensen, Senior Administrative Assistant Lidia Que-Macedo
20 and City Clerk Lindsay Lara.
21

22
23 Once dinner service was underway, President Withy called on Committee Reports
24
25

26 **4. Committee Reports:**

27 **4.a. Metropolitan Transportation Commission – Supervisor Damon Connolly**

28 Supervisor Connolly reported that, at the MTC meeting, there was an item on the Consent Calendar
29 that really highlighted the creative approaches that cities/towns are using, along with the
30 Transportation Authority of Marin, to make sure that we are aware of possible funding sources for
31 our local projects and can jump on those opportunities when they arise.
32
33

34 Supervisor Connolly stated that he learning that there are a lot of different pots of money, and ways
35 to repurpose that money, at MTC. He provided an example of \$4.5 million that came available due to
36 not being spent on the gap closure project. So to our credit the \$4.5 million dollars was re-purposed,
37 through advocacy of TAM, it is now being used on Marin-Sonoma Narrows, Old Redwood Highway
38 multi-purpose pathway, Downtown Novato SMART Station, as well as the Grand Avenue Bike and
39 Ped Bridge construction project, for a total of \$4.5 million.
40

41 He reported that MTC also voted to approve a \$400+ million dollar contract to upgrade Clipper, the
42 commuter card that you use to tap on and off buses, ferries, and the like. He is also looking at taking
43 a leadership role on looking at ways to integrate fares around the Bay area. Right now, our different
44 systems have thousands of different rules for fares, different structures, et cetera. So Fare
45 Integration and Simplification would serve to increase usability for transit users, equity issues, and
46 more.
47

48 Regarding the Bettini Transit Center, he reported that they have five proposals that are being
49 actively evaluated with community input. There will be a scoping hearing on October 30th, and after
50 scoping, an EIR process estimated through Fall of 2019 with preliminary design expected fall of
51 2020.
52

1 Supervisor Connolly also reported that the SMART Board will meet on October 17 at 1:30pm and will
2 provide a report on the first year of operation for the SMART Train.
3

4 In conclusion, Supervisor Connolly reported on Proposition 6, the attempt to repeal Senate Bill 1,
5 which is pumping over 50 million dollars into transportation in California, \$8 million alone in Marin
6 County, for streets and roads for our cities and towns. A lot is at stake. Please let him know if you
7 need any facts in terms of the impacts on your town. This will be on the ballot in November and the
8 polling looks tough right now.
9

10
11 **4.b. Association of Bay Area Governments (ABAG) - Pat Eklund, Novato**

12 Councilmember Eklund referred to her written report and highlighted that the Plan Bay Area
13 workshop is going to be delayed until January because that is when they will get the updated growth
14 strategies. The workshop will take place in late January early February.
15 She also mentioned in the report a new awards system that ABAG and MTC are doing together. She
16 highly encouraged everyone to take a look at the flyers and apply. These are awards that are given
17 out by ABAG and MTC. She thought Mill Valley has a great case to win an award on their Miller
18 Avenue project. She knows there are a lot of other cities who may qualify so please take advantage
19 of this.
20

21 She reported that she picked up pothole report that MTC released and gave one copy to each city.
22 She will also send it out electronically. Please forward it to anyone who may be interested.
23

24 Councilmember Eklund stated that Steve Hemminger spoke to the MTC Commission about the
25 recruitment for executive director. Pamela Derby will be working with the staff of ABAG/MTC, still
26 uncertain about what role the executive board will play in this decision. The MTC ad hoc committee
27 August 24th went out with a request for proposals, looking for consultants to help them with the
28 recruitment. They actually hired another recruiter on September 6th, and it's CPSHR the one that
29 has Pamela Derby, who is going to be working with the staff at ABAG and MTC doing some
30 outreach to the stakeholders. But there is still uncertainty as to what role the ABAG executive board
31 is going to play in this decision. The process is that the MTC ad hoc will interview the candidates and
32 then refer two, or the top candidate, to the ABAG ad hoc committee, and then they will give MTC
33 their advice about the candidate. So it's really not as clear as it should be.
34

35 The MOU between ABAG and MTC as part of the merger, referenced that on July 1st 2019, both
36 ABAG and MTC are going to start talking about the merger of the boards, and whether or not that
37 merger is going to take place. MTC. She reported that she learned, though not through any official
38 routes, that MTC has added \$10,000 to the existing Management Partners contract, so that they
39 could do an update the analysis of what other council governments are doing nationwide. And they
40 are going to have some discussion probably later this year or early next, and she is requesting the
41 support of cities/towns as they embark on this next round.
42

43 In conclusion, Councilmember Eklund reported that she attended the CASA meeting, and was
44 surprised to hear that regarding the compact that they are about ready to finalize at the end of the
45 year, it is expected that ABAG and MTC are going to sign onto that compact. This was reported by
46 Steve Hemminger at the CASA meeting. She encouraged everyone to read her report about the
47 CASA meeting because it talks about revenue generation. They want to share the pain between all
48 the stakeholders including local government. And she understands it, the CASA compact will be
49 coming to ABAG executive board in November and the MTC commission in November as
50 information, and then they will want to have us make a decision in December or January.
51
52
53

1 **4.c MCCMC Legislative Committee – Alice Fredericks, Tiburon**

2 Councilmember Fredericks reported that AB1912 which covers Joint Powers (JPA) liability issue,
3 has actually been revised, it is now sitting on the governor's desk. It no longer includes retroactive
4 joint and several liability commitments from the member agencies. The way the bill was revised,
5 allows apportionment of the debt, when the JPA dissolves or no longer operates, terminates contract
6 for the retirement system. So the member agencies can get together, decide the apportionment, and
7 if they can't, that's when CalPERS jumps in.

8
9 She reported that AB946, has been chaptered and sort of constrains the regulations that local
10 jurisdictions can place on sidewalk vendors. It doesn't really impact many of us, but you'll have to
11 make a judgment with respect to your jurisdiction.

12
13 She also reported that the FCC just voted today on regulations which will limit the role of local
14 government in decisions concerning the deployment of 5G.

15
16 She also reported that AB293, which is the legislation that takes local land use authority of the
17 jurisdiction in which BART owns lands in a half mile of a BART station, and basically hands it over to
18 a transportation agency, and requires the local jurisdictions planning, if it's not consistent with the
19 transportation oriented development plan of BART, to revise their warning system and plans. So it
20 doesn't directly affect us, but we had concerns, and it is sitting on the governor's desk. We
21 expressed our concern that it's a dangerous precedent, to take local land use authority, deny the
22 people impacted public input, and hand it over to any special district, not just a transportation
23 agency.

24
25 Councilmember Fredericks reminded the group of her hand-out last year regarding the bills on
26 housing that were passed, and the legislature continues to struggle with how to get cities to meet
27 their RHNA goals. She reported that 13 of the 482 incorporated cities in the state of California have
28 met their RHNA goals last year, that's 2.4 percent. And this information is from a February 2018
29 report from HCD.

30
31 The legislature will continue to address the problems in meeting the housing needs. But in addition
32 to continuing focus on funding, awards, and disincentives from local government, the upcoming
33 legislative session we are told by our lobbyist, will also focus on providing incentives to landowners
34 who are sitting on tracts of land that could possibly be mixed-use or affordable housing
35 developments.

36
37 **4.d. Golden Gate Bridge Highway and Transportation District – Alice Fredericks, Tiburon**

38 Councilmember Fredericks stated that the Golden Gate Bridge district report that she was going to
39 give was already been covered by Damon Connolly. She added that, if you have an interest in
40 seeing the design alternatives for the interim transit center, they were presented to the Golden Gate
41 Bridge District's transportation committee in August of 2018, and they are on the Golden Gate Bridge
42 District's website.

43
44 She reminded the group of the Bridge District's dilemma with respect to revenue: 38 million cars
45 went over the Golden Gate Bridge in 2017, this is the source of the tolls that provide 59% of the
46 revenues for operation of the district. So the district with its legislative mandate to reduce congestion
47 in traffic over the bridge because there's a limited capacity on the bridge, is also up against the fact
48 that those tolls generate their revenues.

49
50
51 **4.e. Transportation Authority of Marin – Alice Fredericks, Tiburon**

52 Regarding the TAM report provided earlier by Damon Connolly, Councilmember Fredericks
53 reminded the group that there is also a measure on the ballot, Measure AA, which is a renewal of the

1 existing Measure A sales tax that produces 72% of the transportation dollars for our local
 2 transportation projects. Keep Marin Moving has information on this that you will find useful, but in
 3 addition to general information, keepmarinmoving.org also has fact sheets on the particular projects
 4 that affect your jurisdiction or are in your jurisdiction. She recommended that the group make good
 5 use of the website.

6
 7 **4.f. Homeless Committee – Kate Colin, San Rafael**

8 Councilmember Colin reported that every jurisdiction participated in their community homeless fund,
 9 which is important for many reasons. One the biggest reasons is that by coming together and
 10 pooling our resources, we are able to fund the mobile showers. And I know many jurisdiction have
 11 had Andrew Hening and Karen Strolia, who is the director of the downtown streets team, come and
 12 talk about the mobile showers. They are doing really well. She mentioned that both Corte Madera
 13 and Sausalito have had presentations and are considering sites right now, which is huge. We are
 14 meeting people where they are.

15
 16 To date, Novato was counted at 500 showers since March, San Rafael, 260, and these are folks that
 17 are not using showers elsewhere. They are only using showers in those communities. So again, we
 18 are serving the people in those communities. The other reason that mobile showers were so
 19 important it was a portal into to coordinated entry. People came to get a shower, and were able to be
 20 connected to services that can help them. She thanked everyone for coming together on that and
 21 agreeing to participate

22
 23 Councilmember Colin also reported that the next Homeless Committee meeting is on October 10th.
 24 The meeting will also cover the Mobile Shower Program and Karen Strolia will talk to the group.
 25 There will be cake because we're celebrating the fact the community homeless fund was participated
 26 in by everyone.

27
 28 She concluded with a report that the Board of Supervisors is having a presentation on Tuesday,
 29 October 23rd from 9am to noon. They are going to discuss everything related to homelessness and
 30 everything that the County is doing. She also announced that due to the work of the safety net of
 31 community-based organizations, since March 2016, 78 of the hardest to serve folks have been
 32 housed in Marin County.

33
 34
 35 **4.g. Marin Local Agency Formation Commission (LAFCO) –Sashi McEntee, Mill Valley**

36 Councilmember McEntee reported that there have been a lot of changes at the LAFCO, and she is
 37 the new LAFCO chair and Jason Fried is the executive officer. If there are any consolidation
 38 questions or other kinds of issues, you are welcome to talk to Jason. This past month, Marin LAFCO
 39 has had a strategic planning retreat and will have a work plan and a revision of our study schedule
 40 coming out soon. LAFCO is also going to have an opening for our public member. If you know of
 41 anyone who would be a good fit for that seat, please let them know. She stated that it is a very
 42 collegial group that would welcome anybody who would be interested in the public member seat.
 43 She announced that there will also be a Special District member seat coming up soon as well.
 44 She concluded by announcing that the next LAFCO meeting is October 11th, and will take place at
 45 Marin Clean Energy.

46
 47 **4.h. Sonoma Marin Area Rail Transit (SMART) – Dan Hillmer, Larkspur**

48 Councilmember Hillmer reported that the General Manager's written report for August and
 49 September are included in the agenda packets:

50 https://sonomamarintrain.org/sites/default/files/Board/COC%20Documents/GM%20Report%20-%20%20Aug%20-%20Sept%202018_Rev%202.pdf .

51
 52 He also reported that the Larkspur extension ramp and platform construction are well on their way.
 53 At the recent SMART board meeting, the Board approved contracts to start the Windsor extension

1 work. The Board also accepted \$500,000 from the State of California to start building a connection
2 between Novato and Suisun City
3

4 **4.i. Marin County Disaster Council Citizen Corps (DC3) – Catherine Way, Larkspur**

5 Councilmember Way announced that the Disaster & Citizens Corps Council (DC3) meets quarterly,
6 and the last meeting was September 13th. She provided copies of her report with some highlights of
7 the meeting on each table. She reported that Marin County Fire Chief Jason Weber provided a
8 presentation of the final report of lessons learned from the North Bay Fire Siege of 2017. He also
9 presented to the Board of Supervisors a few days before the DC3 meeting. Councilmember Way
10 also thanked the Board of Supervisors for approving additional funding for emergency disaster
11 preparedness in Marin and added that we will all see the benefit of disaster preparedness.
12

13 Chief Weber has allocated the new funding, as noted in the report, and has kept some in reserve. He
14 will also be rolling out some requests to the cities about additional funding for a county-wide Disaster
15 Coordinator, and Sashi McEntee, the Co-chair of the Disaster Preparedness Ad Hoc Committee, will
16 report on this in the next committee report.
17

18 **4.j. Disaster Preparedness Ad Hoc Committee – Sashi McEntee, Mill Valley**

19 Councilmember McEntee thanked Councilmember Way for her leadership in creating this
20 subcommittee. Disaster Preparedness is something that is really important to all of our constituents
21 and to all of us. It is also important that we as council members are coordinating with each other,
22 getting the best practices from each other, and really working together to help prepare our
23 communities.
24

25 The ad hoc committee has met four times. The first meeting was more of an introductory meeting.
26 The second meeting was about the Disaster Council. There are several different models that cities
27 use. Disaster Councils is one, and also neighborhood preparedness organizations and Corte Madera
28 and Larkspur have the neighborhood response groups. Another meeting covered the role of
29 volunteers and how cities can prepare for volunteers. As you may have seen during the North Bay
30 Fires, there was a huge wave of spontaneous volunteers. That is going to happen and is something
31 that we all need to be prepared for. Spontaneous volunteers, if not given something to do, can
32 impede the work of firefighters, can impede the work of public services. This is something that we
33 really need to pay attention to, and we had a good conversation about that. The guest speaker at the
34 next meeting is going to be Marin County Fire Chief Jason Weber, who will talk about lessons learned
35 from the North Bay Fires, and the responsibilities of local jurisdictions.
36

37 The committee has also been talking about the Community Wildfire Protection Plan which lists
38 responsibilities and opportunities for each one of the cities. Councilmember McEntee encouraged
39 the membership to take a look at the CWPP which can be found on firesafemarin.org and look at
40 what it has listed for each city. She also encourages that all representatives to the committee to also
41 send their alternates to the meetings. There are a lot of good ideas, and there have been a lot of
42 good speakers.
43

44 Following the conclusion of the report, President Withy called on Mayor Phillips to introduce the
45 evening's guest speaker.
46
47

48 **5. Keynote Speaker:**

49 **Presentation by Amy O’Gorman Jenkins. Senior Policy Director for California Cannabis**
50 **Industry Association**
51

52 Mayor Phillips thanked everyone, again, and introduced San Rafael’s Economic Development Director,
53 Danielle O’Leary to introduce both the topic and the featured guest speaker, Amy O’Gorman Jenkins.
54

1 Ms. O'Leary stated that, before she introduces their outstanding keynote speaker Amy O'Gorman
2 Jenkins, she wanted to provide a brief update on San Rafael, where they are at, the thoughts behind
3 their program and some helpful tips that you might be considering for your organization either in
4 adjusting and developing regulation. Policy development at a local level is really time intensive and
5 complex with much to think through. It is important to understand the local conditions, issue framing, it's
6 an overwhelming topic for most people and when you take it to the community they can quickly get lost
7 in the complexity of it. It is also import to look at developing possible taxation strategies to help local
8 governments fund it because it does cost some money from a local perspective on how you conduct
9 enforcement.

10
11 So, policy, who contributes? Elected officials are very important and it takes a lot of courage to step out
12 to this uncharted territory. Collaboration with your city and county staff is paramount. You're going to
13 want to understand from a staff perspective, what community development, police and fire, economic
14 development, code enforcement and public health are all going to approach this industry because each
15 one of them will touch it. And if you have cultivation in your community, you will want to involve the
16 county agricultural commissioner. Your community stakeholders, such as your residents, will need help
17 understanding the vast expanse of political and regulatory barriers for the cannabis industry.

18
19 Regarding the cannabis industry itself, how do you know what you're going to regulate if you don't even
20 know how it works? So you really need to get out there, meet the business community, understand
21 what your ecosystem is. And lastly, the State of California, who really sets the tone for the broader
22 regulation and shapes the local impact. We can always be more strict than the state but really they set
23 that initial bar.

24
25 Ms. O'Leary provided an example of a lotion manufacturer in your community which infuses lavender
26 olive oil. And in this example, cannabis provides them with a completely new line of business, and
27 revenue. You have craft makers who are making edibles. You give them cannabis as an opportunity
28 that's just diversified their portfolio. You've got labs, you've got pharmaceutical companies, all of which
29 have a new line of business available to them, and from a business retention standpoint, as an
30 economic developer, this is a very important quality that you want to think through as you conduct your
31 cannabis regulation.

32
33 Many cities and counties don't realize that they actually have choices. You can permit all of it or some
34 of it. What kind of commercial districts do you have? Do we have a lot of industrial? It might make
35 sense to pursue the wholesale perspective of the cannabis community. Manufacturing, distribution,
36 testing. What current businesses do we have in our communities that might benefit from this additional
37 revenue?

38
39 The cannabis industry itself, what do you have? What currently exists? Do you have the capacity to do
40 this? And if not, who do you bring on to help you shape your approach? Issue framing is very, very
41 important, the State already has over 20 different commercial license types and we can allow all or we
42 can allow some. And you can choose from a variety of license types. Education on the differences on
43 these license types is really key to your community because cities tend to focus on the two most
44 controversial, which is cultivation and retail.

45
46 Taxation and revenue is a very hot topic, most of which is there are too many taxes, that's the first
47 thinking here. But from a local perspective you really do need to have revenue for this mandate that is
48 placed upon you and how you're going to regulate it. And so options include forming a cannabis
49 business tax which San Rafael recently did, actively based on gross receipts or square footage. You
50 can look at your administration fees, your permanent intake fees and try to create some kind of cost
51 recovery structure.

1 You can also, if you're a community that permits retail licenses, take in some of the sales tax that will
2 be received from some of those businesses. There is a little bit of confusion between medical and adult
3 use and if sales tax is applicable to medical, it is applicable to medical if the patient does not have the
4 state issued ID card which less than 13,000 people in California do. You should expect to receive some
5 sales tax from medical. And then lastly we have the State excise tax which is 15% of the retail value of
6 the product. Cities that prohibit cannabis within their communities are not eligible for any of the funds
7 that might come from the state, but if you do allow some source of cannabis activity in your community
8 you might be eligible for funds.

9
10 It is unclear what those funds will be and how we would seek reimbursement but that is an option. So
11 program development, know your fees, know what your costs are, and try to help balance the ongoing
12 resources. So from a permitting perspective, are we looking at this as land use? Are we saying that we
13 want this to be land entitlement? Or do we prefer this to be professional license?

14
15 Working with all cash businesses is difficult, and it is hoped that banking services will be provided to
16 cannabis businesses at some point. There is a high cost in making and working with the cannabis
17 industry so from a city or county perspective, collection is something you want to think through. And
18 then lastly, forming good relationships with our state partners is important. These are the Bureau of
19 Cannabis Control, the California Department of Public Health, and the California Department of Food
20 and Agriculture are the three main regulatory licensing bodies at the state level.

21
22 San Rafael has awarded 16 operator licenses, eight for infused product makers, five for non-storefront
23 delivery, and three for distributors. Each applicant is in various stages of site section receiving zoning
24 clearances and applying for tenant improvements, currently we're working on developing a tax intake
25 process, as we talked about the cash collection as something we're going to have to work through, and
26 we are working on processing auditing procedures and tax onboarding procedures. Because San
27 Rafael started small with 16 licensees, staff can give them white glove service as far as what this
28 means and how they can apply to the tax that they're about to be required to submit to the City on a
29 quarterly basis. In conclusion,

30
31 Ms. O'Leary then introduced Amy O'Gorman Jenkins, stating that she left a successful career at the
32 state capitol to become a lobbyist in November 2014, and since that time, she has managed a diverse
33 client portfolio that includes government consumer product safety, clean energy financing and the
34 cannabis industry clients. As a senior policy director to the California Cannabis Industry, CCIA, Ms.
35 Jenkins spearheaded policy and legislation for legal cannabis industry including Prop 64, and the
36 medicinal and adult use cannabis regulation and safety act.

37
38 As chief of staff to the state senator, Luke Herrera, from Santa Ana, Ms. Jenkins planned and directed
39 all administrative, financial, legislative and operational activities at the senator's capitol of district office.
40 During her tenure with the senator, Ms. Jenkins helped advance legislation to establish a Santa Ana
41 conservancy and reform of California's cannabis laws. Prior to her work in the Senate, Ms. Jenkins
42 served as the legislative, intergovernmental and policy officer for the county of Solano.

43
44 Amy O'Gorman Jenkins:

45 Ms. Jenkins thanked Ms. O'Leary for the introduction and thanked the Mayor for the invitation to speak.
46 She stated that it is wonderful to be back in local government.

47
48 She explained that she just returned from Colorado on a three day study mission on all things cannabis,
49 and said that it was discussed that cannabis policy in the state is like flying a plane while you're building
50 it. And that really is how it has been for the last five years that she has been working on this policy. She
51 further explained that as she sees it, local governments are the co-pilots, along with the state, as we
52 are on this journey.

1 Ms. Jenkins started with some high level thinking, stating that it's important to understand that
2 California is really not alone right now in this effort. There are 31 states and territories, D.C., Guam,
3 Puerto Rico, that actually have a comprehensive medicinal and/or adult use cannabis framework. There
4 are two states that have approved cannabis laws as recently, and then states that have legalized adult
5 use, is actually up to nine now when you include Vermont. These statistics are changing all the time.

6
7 And then you have 17 states that permit CBD use, such as the non-psychoactive cannabinoid, which is
8 largely used to reduce inflammation stress. There is a lot of science and study being done in the area of
9 CBD use. We have 46 states that are authorizing some form of cannabis activity.

10
11 She then showed several graphics regarding the historical perspective of adult-use framework of
12 cannabis by state. A 2017 ballot poll basically showed now that 80% of Americans approve legal
13 access to medicinal cannabis. 64% actually approved full adult use legalization. Divide among parties,
14 the graph shows 51% of republicans were beginning to think that adult use was okay.

15
16 She showed another poll, which was not as pro-cannabis, but was broken down by generational and
17 partisan differences. It polls lower with republicans, but shows that support from Baby Boomers is on
18 the rise, due to the use of CBD and Cannabis treatments for certain ailments.

19
20 Ms. Jenkins then stated that, by April of 2018, 59 million US adults had their access to cannabis
21 improved either through voter initiative or legislative action. The Canadian government is about to
22 legalize adult use cannabis. Germany recently legalized. But in the US, Attorney General Jeff Sessions,
23 attempted to unleash US attorneys earlier this year on the cannabis industry and was ordered to stand
24 down by the President.

25
26 Recently, you have seen long-time republican opponents, like Orrin Hatch, Utah, and former Speaker of
27 the House John Boehner really start to change their views and attitudes towards cannabis. So, all in all,
28 with that kind of the back drop, you have seen an up-tic in global spending. As of 2017. \$8.5 billion in
29 US consumers spending and \$2.8 billion of that is in California (about 32%).

30
31 She then spoke about what's happening in California. Regarding the medical cannabis regulation
32 passed in 2015, she stated that the League of California Cities is somewhat responsible for this. It
33 started in 2014 when the League decided to be very proactive and introduce a bill. It was SB 1284, it
34 became the blueprint for the medicinal framework and adult use framework you see today.

35
36 This was the path for the success of 2015, which was a landmark year with the medicinal framework
37 supported by the League. Then you had Proposition 64, which had to be rewritten right before the
38 deadline to submit for title and summary to the attorney general's office. And that's because even the
39 drafters of 64 did not believe the medical framework was going to pass.

40
41 She spoke about MAUCRSA, which is the Medicinal Adult Use Cannabis Regulation and Safety Act.
42 This is really what governs our cannabis policy today. It is division 10 of the business and professions
43 code beginning with 26000. So this is the area of statute that she focuses significantly on these days.

44
45 Local control is a fundamental component of this framework. You cannot operate legally in California if
46 you do not have local approval from your local city or county. The industry did not oppose this
47 component. It also establishes a method for collecting taxes, packaging and labeling standards, CRP,
48 Child-Resistant Packaging, temporary license program.

49
50 Again, this is still changing. It really is like flying a plane while you're building the plane. There were
51 over 56 bills introduced in the legislature just this year alone, to modify or tweak some aspect of this
52 framework and she expects this to continue.

1 She explained that product starts at cultivation, nothing can be transported unless you are a licensed
2 delivery operator. Nothing can be transported without a licensed distributor and that is probably the
3 most highly regulated aspect of the industry, so the distributor transports product either directly to a
4 retailer, to a manufacturer, but before they do it has to be tested.
5

6 Every batch has to be tested in this final form. California has the most rigorous testing of all states in
7 the nation, and we're now also seeing a passage rate of about 31%. So our standards might be a little \\
8 too high. But nonetheless there is a testing component before it goes to the retailer. And the testing lab
9 has to be completely independent. Ms. Jenkins stated that she speaks with a lot of local governments
10 who are reluctant to regulate in their communities and no one seems to have any hesitation allowing
11 testing in their communities. But if you don't have cultivated products or manufactured products close to
12 your testing lab, there's really no point of having a testing lab.
13

14 She encourages local governments to look at what sort of licenses they're comfortable with if they're
15 regulating, that they might want to consider other cannabis activity or do a broader assessment of
16 what's out there in the surrounding areas. Otherwise the testing lab that is approved is going to have a
17 hard time being successful. They have very specific requirements to ensure product integrity and to
18 ensure there is no diversion.
19

20 Local governments have the ability to adopt and enforce all local ordinances and to regulate zoning,
21 planned use, signage requirements, exposure, locations, locations, etc. It is a lot of work on your part
22 but that was really the concept behind the local control components so that you have the ability to
23 determine what happens in your communities, and regulate all aspects of this industry.
24

25 She explained the next steps and that they are currently dealing with the adoption of the permanent
26 regulations. Regarding the draft regulations, the first draft was released on July 13th, and she is being
27 told that the second draft is supposed to actually come out the first or second week of October. She
28 was told that there were 4,000 actual comments submitted. This is separate and distinct from the actual
29 public hearings that took place, 1,800 of those dealt specifically with delivery. But the second draft is
30 supposed to come out in October and then it is part of the Bureau and the licensing entity's timeline.
31 Final regulations will be submitted to the Office of Administrative Law for final review and approval only
32 can take effect on January 1, 2019. There is also a critical timeline for the cannabis industry in that
33 temporary licenses in that program will expire, which is why there is a bill pending that would establish
34 a provisional license program.
35

36 The reason this is important is that if you have a CUP process, if you have building departments that
37 are awaiting review, if you have analysis that you want to perform as it relates to a licensed cannabis
38 operator, you're going to need that provisional license framework because you want to give a cannabis
39 operator an annual license before you close with that process.
40

41 Many people ask about revenue generation, because there is a lot of money that is intended to be
42 earmarked for a lot of local purposes including a grant program for local governments that want to
43 establish licensure programs in their communities for the enforcement. Right now, the framework is
44 operating under a loan of about \$180 million from the general fund. That has to be paid down first
45 before they start other programs. Revenues are currently below projections, and there are many
46 reasons for that. But nonetheless we are seeing some pretty substantial revenues, although not enough
47 to pay down the loan, so there are concerns that the grant programs or the 60% set aside for drug
48 prevention intervention could be delayed.
49

50 She stated that there were two more bills signed today, and that she wanted to touch on SB 1294 in
51 particular. There has been a lot of conversation in Sacramento and state-wide about equity. And the
52 fact that the war on drugs disproportionately affected people of color of disadvantaged communities. So
53 this bill would establish a program that would be administered by the Bureau of Cannabis Control. And

1 there is \$10 million in the State budget for cities and counties and equity applicants to establish and
2 support equity programs for the applicants that are qualified to participate in those programs.
3

4 California is at the head of the curve as a state, no other state is contemplating equity programs like
5 California, although Colorado is soon to follow. The other bill that was signed that may be important to
6 you SB 2020, which expands where temporary cannabis events can take place.
7

8 Lack of enforcement of illicit activity is both an industry and a local government concern. And right now,
9 there is no funding earmarked for enforcement against illicit activity. That is supposed to come as the
10 marijuana tax or the cannabis tax continues to generate revenue for the State, then there would be
11 enforcement. But there is a gap right now and the expectation is that locals are managing enforcement.
12 Access to products continues to be a big issue, and there are deserts in the State where there's no
13 access at all to compliant products. There also continues to be a lot of concern around packaging and
14 labeling, and testing, taxation, public safety, and cash handling are also ongoing concerns. Mainly the
15 continued lack of access is probably one of the biggest issues and is in fact perpetuating illicit activity.
16

17 The fact of the matter is, from the perspective of someone who has been working in this industry,
18 cannabis is everywhere. It is in your communities whether you like it or not, and the key is to identify
19 harm reduction and figure out how to reduce harm and by doing that, you are regulating the industry.
20

21 Regarding federal challenges, Ms. Jenkins stated that cannabis is still a Schedule I drug of the
22 controlled substances act. This is a real problem that prevents the cannabis industry from being able to
23 bank. 70% of the California cannabis industry association members do not have bank accounts.
24

25 Other challenges that Ms. Jenkins discussed included insurance in the industry and how to deal with
26 insurance, and predatory practices. There are a lot of people out there that are trying to make a lot of
27 money off this industry and off local governments, which has been frustrating to see. So a lot of
28 predatory practices, a lot of governments are trying to get into this game right now, it's very interesting.
29 She stated that there will also be conversation around hemp reform next year.
30

31 She concluded by stating that 64% of Americans are now living in a state where they have decided to
32 legalize, which represents a real tipping point. She stated that she thinks it is going to influence what
33 happens in congress. She also pointed out that all cannabis bills in California require two thirds majority
34 in the legislature to pass, which can be really hard to come by. However, cannabis bills are passing
35 with over 67 votes in the assembly, so it's really exciting to see change.
36

37 And then something that's happening in congress that I think will benefit all of us is the State's Act. And
38 this is a bill that President Trump has said he will sign if it gets to his desk. What it would essentially do
39 is state that those states that have a medicinal or adult use framework, comprehensive framework,
40 those licensed cannabis operators would be exempt from 288, and would be allowed to bank. And so
41 all of those challenges that are associated with being cannabis and being a controlled Schedule I
42 substance, they would be exempt from. It has the votes in the senate to pass, but there are still some
43 challenges in the House.
44

45 President Withy thanked Ms. Jenkins for her presentation and proceeded to the Business Meeting.
46
47
48
49
50

51 **6. BUSINESS MEETING**

52 6.a. Consideration and Possible Action to Adopt MCCMC Operating Budget for FY 2018-2019 53

1 There was a motion and a second (Bailey/Lucan) to adopt the MCCMC Operating Budget for
2 FY 2018-2019. The motion was approved by acclamation.
3
4

5 6.b. Announcement of Upcoming Vacancies and Call for Letters of Interest
6

7 6.b.1: Representative to the Homeless Policy Steering Committee (HPSC)

8 President Withy announced that there is one seat available, and the current incumbent,
9 Kate Colin, San Rafael, has expressed that she will not be seeking re-appointment.
10

11 There was a motion and a second (Colin/Bushey) to nominate Kay Coleman, San
12 Anselmo. Councilmember Coleman accepted the nomination and will submit a letter
13 of interest.
14

15 Should anyone else be interested in being considered for the appointment, they can
16 submit a letter of interest prior to the next MCCMC meeting. Additional nominations
17 will be accepted from the floor, and an appointment with no set term will be made, at
18 the October 24, 2018 MCCMC Meeting Hosted by San Anselmo
19
20

21 6.b.2: 2nd MCCMC Representative to the League of California Cities North Bay Division

22 President Withy announced that there is one seat available, the 2nd Representative,
23 as he will be stepping down from that position as a result of his recent election to serve
24 as 2nd Vice President of the North Bay Division.
25

26 Since appointments of MCCMC Representatives to the North Bay Division are made
27 annually in November for terms that run January-December of the following calendar
28 year, his departure will leave a 1-month vacancy in the position. President Withy
29 recommended that the successful appointee serve both the remainder of the current
30 one-year term that will expire December 31, 2018 as well as the 2019 term, for a total
31 appointment of 13 months.
32

33 There was a motion and a second (Athas/Coleman) to nominate Joe Burns,
34 Sausalito. Councilmember Burns accepted the nomination and will submit a letter of
35 interest.
36

37 Should anyone else be interested in being considered for the appointment, they can
38 submit a letter of interest prior to the next MCCMC meeting. Additional nominations
39 will be accepted from the floor, and an appointment for a term of 13 months will be
40 made, at the October 24, 2018 MCCMC Meeting Hosted by San Anselmo. The
41 appointment will consist of both the remaining month of the vacant seat as well as the
42 full 2019 term.
43
44

45 6.c. Consideration and Possible Action to Revise the Meeting Schedule and Listing of Host
46 Cities/Towns for 2018-2019 To Address Timing of November 2019 MCCMC Meeting
47

48 President Withy explained that there was a misunderstanding about the urgency of this item, and
49 since the requested consideration relates to the November 2019 meeting, not 2018, his
50 recommendation is to table the discussion regarding the possible rescheduling of the November
51 2019 meeting until early next year.
52

1 Sloan Bailey, Corte Madera, moved to continue the item to a future meeting. The motion was
2 seconded and approved by acclamation.
3
4

5 6.d. Review of Draft Agenda for October 24, 2018 MCCMC Meeting Hosted by the Town of San
6 Anselmo
7

8 There were no recommended changes to the draft agenda for October 24, 2018
9

10 6.e. Consideration and Possible Action to Approve the Draft Minutes of the June 27, 2018 MCCMC
11 Meeting Hosted by the City of Novato
12

13 There was a motion and a second (Burns/Bailey) to approve the minutes of the June 27, 2018
14 MCCMC meeting as read. The motion was approved by acclamation.
15
16
17
18

19 **Adjournment**

20 President Withy thanked everyone for attending and adjourned the meeting at 8:48p.m. to the
21 next regular meeting scheduled for November 28, 2018 hosted by the Town of Ross.
22
23
24
25
26