



## AGENDA

CORTE MADERA TOWN COUNCIL  
AND SANITARY DISTRICT NO. 2 BOARD  
TOWN HALL COUNCIL CHAMBERS  
300 TAMALPAIS DRIVE  
**TUESDAY, JUNE 21, 2016**  
**7:30 P.M.**

### 1. CALL TO ORDER, ROLL CALL AND SALUTE TO THE FLAG

### 2. PRESENTATIONS

- 2.I. Presentation Of Citizen Of The Year And Volunteer Of The Year Awards  
Presentation of Citizen of the Year Award to Cheryl Longinotti  
Presentation of Volunteer of the Year Award to David Kunhardt

### 3. OPEN TIME FOR PUBLIC DISCUSSION

*Please confine your comments during this portion of the agenda to matters not already on this agenda. Speakers will be limited to three (3) minutes unless otherwise specified by the Mayor or the Presiding Officer.*

*The public will be given an opportunity to speak on each agenda item at the time it is called. The Council may discuss and/or take action regarding any or all of the items listed below. Once the public comment portion of any item on this agenda has been closed by the Council, no further comment from the public will be permitted unless authorized by the Mayor or the council and if so authorized, said additional public comment shall be limited to the provision of information not previously provided to the Council or as otherwise limited by order of the Mayor or Council.*

### 4. TOWN MANAGER AND COUNCIL REPORTS

- Town Manager Report
- Director of Planning & Building Report on Status of Tamal Vista East Corridor Study
- Council Reports

## 5. CONSENT CALENDAR

*The purpose of the Consent Calendar is to group items together which are routine or have been discussed previously and do not require further discussion. They will be approved by a single motion. Any member of the Town Council, Town Staff, or the Public may request removal of an item for discussion. Rescheduling of the item(s) will be at the discretion of the Mayor and Town Council.*

- 5.I. Waive Further Reading And Authorize Introduction And/Or Adoption Of Ordinances And Resolutions By Title Only

This item contains standard language authorizing Town Council to introduce and/or adopt Resolutions and Ordinances by Title only and waive further reading.

- 5.II. Approval Of The Plans And Specifications And Authorization To Bid For Project 15-005, 2015/2016 Pavement Rehabilitation Project  
(Report from Kelly Crowe, Associate Civil Engineer)

Documents: [5.II AUTHORIZATION TO BID 2015.16 PAVEMENT REHAB PROJECT.PDF](#)

- 5.III. Approval Of Grading Plans And Authorization For Issuance Of A Grading Permit For The 1421 Casa Buena "Enclave Townhomes" Project  
(Report from Kelly Crowe, Associate Civil Engineer)

Documents: [5.III APPROVE GRADING PLANS AND GRADING PERMIT FOR 1421 CASA BUENA DRIVE PROJECT.PDF](#)

- 5.IV. Second Reading And Adoption Of Proposed Flood Plain Ordinance Revisions  
(Report from Kelly Crowe, Associate Civil Engineer)

Documents: [5.IV ADOPT ORDINANCE 956 AMENDING FLOOD DAMAGE PREVENTION.PDF](#)

- 5.V. Council Position On Governor Brown's "By Right" Housing Trailer Bill  
(Consider authorizing the Mayor to send a formal letter of opposition to the Governor's "By Right" Housing Bill)

Documents: [5.V LETTER OF OPPOSITION TO GOVERNORS BY RIGHT HOUSING BILL.PDF](#)

- 5.VI. Consideration Of Cancellation Of July 5, 2016 Town Council Meeting  
(Report from Rebecca Vaughn, Town Clerk)

Documents: [5.VI REQUEST FOR CANCELLATION OF 7.5.16 TOWN COUNCIL MTG.PDF](#)

- 5.VII. Receive And File Investment Transactions Monthly Report For April 2016  
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

Documents: [5.VII INVESTMENT TRANSACTIONS MONTHLY REPORT APRIL 2016.PDF](#)

- 5.VIII. Approve Warrants And Payroll For The Period 6/01/16 Through 6/14/16:  
Warrant Check Numbers 213778 through 213864 Payroll Check Numbers 5221 through 5228, Payroll Direct Deposit Numbers 29639 through 29710 Payroll Wire Transfer Numbers 2018 through 2021, and Wire Transfer of 7/01/16.

Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer

Documents: [5.VIII PAYROLL AND DEMANDS 6.1.16 TO 6.14.16.PDF](#)

## **6. PUBLIC HEARINGS: None**

## **7. BUSINESS ITEMS**

### **7.I. TOWN ITEMS**

- 7.I.i. Consideration And Possible Action To Contribute Funds To The Yellow School Bus Program For The 2016-2017 School Year  
(The Town Council will receive a status report and request for funding from Tiburon Vice Mayor Jim Fraser and Belvedere Councilmember Bob McCaskill)

Documents: [7.I.I YELLOW SCHOOL BUS UPDATE AND REQUEST FOR FUNDING.PDF](#)

- 7.I.ii. Consideration And Possible Action To Approve An Employment Agreement With Todd Cusimano For The Position Of Town Manager

Documents: [7.I.II DRAFT AGREEMENT WITH TODD CUSIMANO FOR TOWN MANAGER POSITION.PDF](#)

- 7.I.iii. Consideration And Possible Action To Approve Response From The Town Of Corte To The Grand Jury Report Entitled "Police Fire Arm Security"  
(Report from Todd Cusimano, Police Chief)

Documents: [7.I.III RESPONSE TO GRAND JURY REPORT ON POLICE FIREARM SECURITY.PDF](#)

- 7.I.iv. Consideration And Possible Action To Ratify Subcommittee Recommendations For Appointment Of Robert Bundy, Phyllis Metcalfe And Jennifer Freedman To The Planning Commission; For Appointment Of Pamela Fong, Emily Janowski, And Sarah Elsen To The Parks And Recreation Commission; To Waive Interview Process And Re-Appoint Flood Control Board Incumbent Stephanie Bennett, And Consider Appointment Of One Additional Member To The Flood Control Board Pending Subcommittee Interview  
(Report from Rebecca Vaughn, Town Clerk)

Documents: [7.I.IV SUBCOMMITTEE RECOMMENDATIONS FOR APPOINTMENT.PDF](#)

- 7.I.v. Review Of Draft July 19, 2016 Town Council Agenda

Documents: [7.I.V 7.19.16 DRAFT AGENDA.PDF](#)

- 7.I.vi. Approval Of Minutes Of The June 6, 2016 Town Council Meeting

Documents: [7.I.VI 6.06.16 DRAFT CORTE MADERA COUNCIL MINUTES.PDF](#)

### **7.II. SANITARY DISTRICT ITEM**

7.II.i. Consideration And Possible Action To Adopt Resolution 24/2016 To Award A Contract, Authorize Expenditures, And Approve A Supplemental Appropriation For Construction Of Paradise West Sewer Improvement Project No. 13-201  
(Report from Nisha Patel, Senior Civil Engineer)

Documents: [7.II.I AWARD CONTRACT FOR PARADISE WEST SEWER IMPROVEMENTS.PDF](#)

8. ADJOURNMENT

TOWN COUNCIL STAFF REPORTS ARE USUALLY AVAILABLE BY 5:00 P.M., FRIDAY PRIOR TO THE COUNCIL MEETING, AND MAY BE OBTAINED AT THE CORTE MADERA TOWN HALL, OR BY CALLING 927-5050. AGENDA ITEMS ARE AVAILABLE FOR REVIEW AT CORTE MADERA LIBRARY, FIRE STATION 13 (5600 PARADISE DRIVE) AND THE TOWN HALL. IF YOU CHALLENGE THE ACTION OF THE TOWN COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS AGENDA, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE TOWN CLERK, AT OR PRIOR TO THE PUBLIC HEARING.

Any member of the public may request placement of an item on the agenda by submitting a request to the Town Clerk. The public is encouraged to contact the Town Manager at 415-927-5050 for assistance on any item between Council meetings.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at 415-927-5086. For auxiliary aids or services or other reasonable accommodations to be provided by the Town at or before the meeting please notify the Town Clerk at least 3 business days (the Thursday before the meeting) in advance of the meeting date. If the town does not receive timely notification of your reasonable request, the town may not be able to make the necessary arrangements by the time of the meeting.

To sign up to receive automatic notifications regarding meetings and agendas, please visit the Town's website at <http://www.townofcortemadera.org> and click on "Notify Me" to register, or email the Town Clerk at: [rvaughn@tcmmail.org](mailto:rvaughn@tcmmail.org).

  
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Town Manager

**CORTE MADERA TOWN COUNCIL  
STAFF REPORT**

**REPORT DATE:** June 13, 2016  
**MEETING DATE:** June 21, 2016

**TO:** TOWN MANAGER, MAYOR AND MEMBERS OF THE TOWN COUNCIL  
**FROM:** KELLY CROWE, ASSOCIATE CIVIL ENGINEER  
**SUBJECT:** AUTHORIZATION TO BID FOR PROJECT 15-005, 2015/2016 PAVEMENT REHABILITATION PROJECT

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**PURPOSE:**

Action on this item allows the Council to review the plans, specifications and estimated cost of the project before the construction documents are released to the public for bid.

**RECOMMENDATION:**

Staff recommends that the Council authorize staff to advertise for bids.

**OPTIONS:**

The Town Council may:

1. Authorize the request to advertise for bids from contractors
2. Direct staff as appropriate
3. Take no action at this time

**TOWN MANAGER'S RECOMMENDATION:**

Support staff's recommendation.

**GOVERNING POLICIES:**

Action on this item is consistent with the guiding policies found in Section 4.5 “Goals, Policies and Implementation Programs for Circulation” of the 2009 Town of Corte Madera General Plan.

**ENVIRONMENTAL IMPACT:**

This project will repair and maintain a portion of the existing roadway network and proposes no expansion of use. Pursuant to Section 15301, “Existing Facilities” of the California Environmental Quality Act, this project is categorically exempt from the provisions of that Act.

**FISCAL IMPACT:**

Estimated Contract Expenditures:

Project Administration, Contract Administration, and Construction Management Services	120,000
Construction:	
<i>Engineer’s Estimate: Base Bid</i>	750,000
<i>Engineer’s Estimate: Add Alternate #1-Redwood Ave.</i>	300,000
<i>Engineer’s Estimate: Add Alternate #2-Lucky/Fifer</i>	120,000
<b>Total Estimated Expenditures</b>	<b>\$1,290,000</b>

Budgeted Funds:

FY 2015-16 Street Impact Fee	<u>545,000</u>
FY 2016-17 Street Impact Fee	<u>435,000</u>
TAM Measure ‘A’ Funds	<u>110,000</u>
<b>Total Budgeted Funds</b>	<b>\$1,090,000</b>

Future Maintenance

A majority of the project will consist of installing a new 3” layer of asphalt overlay to the existing roadway which has an approximate 15 year service life. Maintenance activity is expected to be minimal within the next 5 years. Between 5 and 10 years, we expect that some minor maintenance, such as localized crack sealing would be needed. After 10 years, it is recommended that the pavement be slurry sealed to recondition the road and extend the life of the pavement in a cost effective manner.

## **BACKGROUND:**

The project proposes to grind and overlay a portion of the streets that are identified as in poor condition per the latest P-TAP 15 Pavement Management Program report, dated January 20, 2015. The curb, gutter and sidewalk along Fifer Avenue from the intersection of Tamal Vista Boulevard to Lucky Drive are proposed to be replaced in addition to the curb, gutter and sidewalk easterly along Lucky Drive from the intersection of Fifer Avenue to the Town limits.

Pavement rehabilitation is proposed for the following streets:

- 1) Redwood Avenue from Summit Drive to Merry Lane,
- 2) Stetson Avenue from Buida Court to Chapman Drive
- 3) Chapman Drive from the intersection of Lower Chapman and Stetson Avenue to the intersection of Corte Madera Avenue
- 4) The eastbound lane of Fifer Avenue from Lucky Drive to Tamal Vista Boulevard
- 5) The northbound lane of Lucky Drive from Fifer Drive to 140 feet northeast of Fifer Avenue.

The Redwood Avenue (from Summit Drive to Merry Lane) rehabilitation, Lucky Drive and Fifer Avenue improvements will be bid as add-alternates in order to evaluate whether they can be constructed within the available budget.

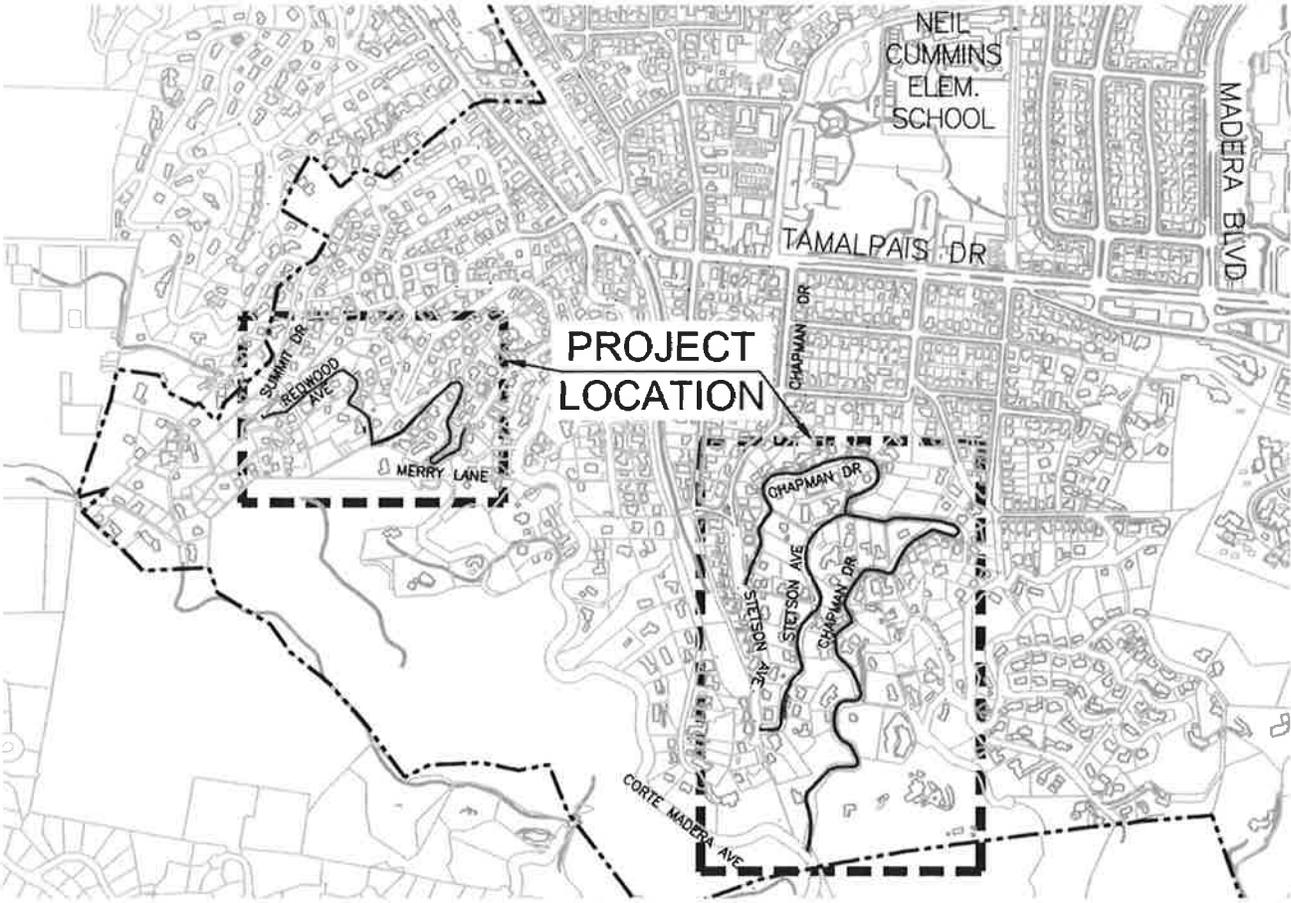
**Note:** The plans and contract documents are available for review at Public Works office.

## **ATTACHMENTS:**

- A. Location Map: Redwood Avenue, Chapman Drive and Stetson Avenue
- B. Location Map: Lucky Drive and Fifer Avenue

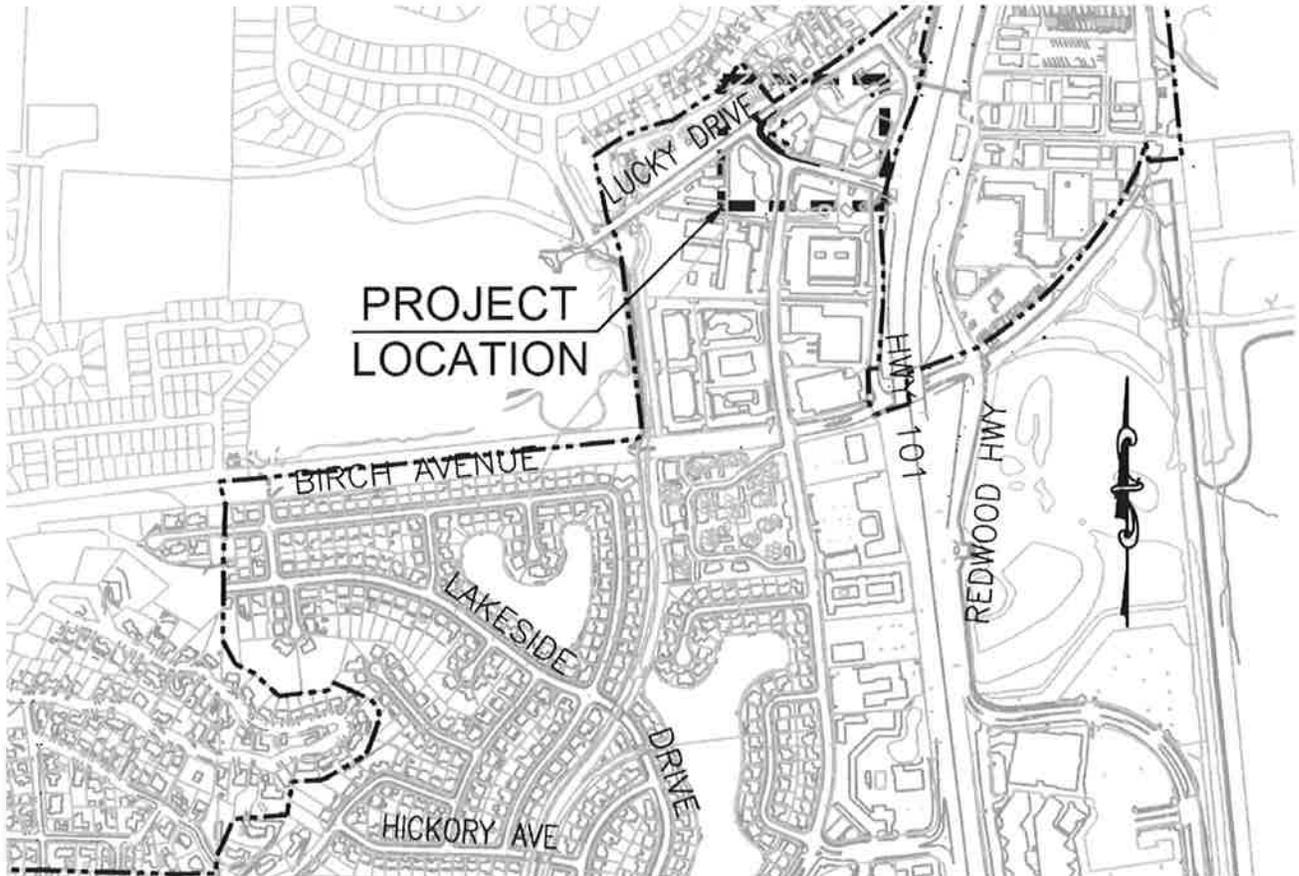
**ATTACHMENT A**

**LOCATION MAP:  
REDWOOD AVENUE  
CHAPMAN DRIVE  
STETSON AVENUE**



**ATTACHMENT B**

LOCATION MAP:  
LUCKY DRIVE  
FIFER AVENUE



  
Town Manager

**CORTE MADERA TOWN COUNCIL  
STAFF REPORT**

**REPORT DATE:** June 15, 2016  
**MEETING DATE:** June 21, 2016

**TO:** TOWN MANAGER, MAYOR AND MEMBERS OF THE TOWN COUNCIL  
**FROM:** KELLY CROWE, ASSOCIATE CIVIL ENGINEER  
**SUBJECT:** APPROVE GRADING PLANS AND AUTHORIZATION FOR ISSUANCE OF A GRADING PERMIT FOR THE 1421 CASA BUENA DRIVE “ENCLAVE TOWNHOMES” PROJECT

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**PURPOSE:**

Action on this item allows the Council to authorize the Director of Public Works to issue a grading permit for the project.

**RECOMMENDATION:**

The grading plans have been reviewed by Public Works staff and meet the requirements of the California Building Code and the Town of Corte Madera Municipal Code (CMMC) Section 15.20 “Grading and Drainage”. Staff recommends that the Council approve the grading plans and authorize the Director of Public Works to issue a grading permit.

**OPTIONS:**

The Town Council may:

1. Authorize the issuance of a grading permit.
2. Direct staff as appropriate.
3. Take no action at this time.

**TOWN MANAGER’S RECOMMENDATION:**

Support staff’s recommendation.

**GOVERNING POLICIES:**

Action on this item is consistent with the requirements set forth in Section 15.20.060 “Permit Issuance” of the Town of Corte Madera Municipal Code.

**ENVIRONMENTAL IMPACT:**

The Town Council adopted the project Mitigated Negative Declaration (MND) per Resolution No. 02/2015 on January 20, 2015. The MND applies to all phases of construction associated with this project.

**FISCAL IMPACT:**

The time spent by staff on the review of the grading plans is recoverable through a Cost Recovery Agreement that the applicant entered into with the town.

**BACKGROUND:**

The Enclave Townhomes project at 1421 Casa Buena Drive has submitted grading plans to the Public Works Department for review per the project conditions of approval. Staff has reviewed and commented on the plans. The applicant’s civil engineer has addressed all comments to the Public Works Department’s satisfaction.

Per CMMC Section 15.20.060 (2), any project that proposes grading quantities in excess of 1,000 cubic yards is required to obtain the approval of the plans by the Town Council in order to receive a grading permit. This project proposes to move approximately 2,200 cubic yards of earth and is therefore subject to CMMC 15.20.060 (2).

In addition to approval by the Town Council, the project applicant must obtain final map approval, post all applicable bonds, pay all applicable fees and enter into a cost recovery agreement for 3<sup>rd</sup> party inspection services prior to issuance of a grading permit. The grading plans are available for review at the Public Works office.

**ATTACHMENTS:**

- A. Resolution No. 02/2015

**ATTACHMENT A**

RESOLUTION 02/2015

## RESOLUTION NO. 02/2015

### **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING USE PERMIT NO. 14-008; DESIGN REVIEW NO. 13-035; AND VESTING TENTATIVE MAP NO. 13-001 TO ALLOW THE CONSTRUCTION OF 16 TOWNHOUSE CONDOMINIUM UNITS AT 1421-1425 CASA BUENA**

**WHEREAS**, Campus Properties, LLC made application for Use Permit, Design Review and Vesting Tentative Map for a 16 unit townhouse condominium development on a 1.23 acre site at 1421-1425 Casa Buena Drive; and

**WHEREAS**, the proposed project qualifies for an incentive or concession related to building design pursuant to California Government Code section 65915(d)(1)(2)(A), and the applicant has requested an exception to the existing 30 foot height limitation established in the R-2 Low Density Multiple Dwelling District regulations to allow a maximum height of 35' 7"; and

**WHEREAS**, the project applicant has requested a reduction in a development standard pursuant to California Government Code section 65915(e)(1) to allow a 25 foot rear yard setback where 35 feet is required; and

**WHEREAS**, the Town contracted with Kimley-Horn and Associates, Inc. to conduct environmental review of the proposed project; and

**WHEREAS**, on November 17, 2014 after review of the proposed project and completion of an Initial Study/Environmental Checklist, Kimley-Horn and Associates, Inc. determined that although the project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent and therefore the project qualifies for a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA); and

**WHEREAS**, on November 18, 2014 the Notice of Completion and Draft Initial Study/Environmental Checklist for the Casa Buena Townhomes was filed with the State Clearinghouse and given the number SCH # 2014112040, beginning a 30-day public review period; and

**WHEREAS**, ON November 18, 2014 the Notice of Availability and Notice of Intent to Adopt a Mitigated Negative Declaration for the Casa Buena Townhomes was filed with the Marin County Clerk; and

**WHEREAS**, on November 19, 2014 the Notice of Availability of the Draft Initial Study/Environmental Checklist and Notice of Public Hearing for the Casa Buena Townhomes were mailed to residents within 300 feet of the subject property;

**WHEREAS**, on December 18, 2014, the Corte Madera Planning Commission held a public hearing on the item, heard testimony from the applicant and interested parties, and at the close of the public hearing voted unanimously to adopt Resolution No. 14-027, **recommending to the Town Council of the Town of Corte Madera that it approve** a Mitigated Negative Declaration and Use Permit No. 14-008, Design Review No. 13-035 and Vesting Tentative Map No. 13-001, thereby allowing construction of 16 townhouse condominium units at 1421-1425 Casa Buena Drive, including a concession to allow a maximum building height of 35' 7" and a reduction in the development standards to allow a 25 foot rear yard setback, based upon the findings listed below in accordance with Sections 18.26.050, 18.08.030, 18.30.070 and

17.20.100 of the Corte Madera Municipal Code, and subject to the conditions listed herein.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Corte Madera does hereby approve a Mitigated Negative Declaration and Use Permit No. 14-008, Design Review No. 13-035 and Vesting Tentative Map No. 13-001, thereby allowing construction of 16 townhouse condominium units at 1421-1425 Casa Buena Drive, including a concession to allow a maximum building height of 35' 7" and a reduction in the development standards to allow a 25 foot rear yard setback, based upon the findings listed below in accordance with Sections 18.26.050, 18.08.030, 18.30.070 and 17.20.100 of the Corte Madera Municipal Code, and subject to the conditions listed herein:

### **MITIGATED NEGATIVE DECLARATION FINDINGS**

In order to grant a Mitigated Negative Declaration, the Town Council makes the following findings:

1. The Mitigated Negative Declaration adequately assesses the environmental impacts of the proposed project. Acceptable mitigation measures have been identified, and have been incorporated into the proposed project and shall be required as conditions of approval to reduce the level of all potentially significant impacts to the level of insignificance.
2. Pursuant to §21081.6 of the Public Resources Code, a Mitigating Monitoring and Reporting Program has been prepared and incorporated into the conditions of approval for this project.
3. Approval of this Mitigated Negative Declaration reflects the independent judgment of the approval authority of the Town of Corte Madera.
4. Pursuant to §21081.6(a)(2) of the Public Resources Code, the Corte Madera Planning Department, located at 300 Tamalpais Drive, Corte Madera, CA, is the custodian and location of the documents and other materials that constitute the record of proceedings upon which the Town Council's decision memorialized in this Resolution is based.

### **USE PERMIT FINDINGS**

In order to grant a Use Permit for Multiple House in the R-2 zoning district, the Planning Commission must make the following findings required by Sections 18.26.050 and 18.08.030 of the Corte Madera Municipal Code and based on California State law.

- 1. The proposed location of the conditional use is in accord with the objectives of this title and the purpose of the district in which the site is located.**

The proposed development of the site is consistent with the parameters of the R-2 Low Density Multiple Dwelling District. The R-2 district allows multi-family rental dwellings as a permitted use, but requires a conditional use permit for condominiums. The proposed development is located immediately to the north of another multi-family condominium development, the Village Green, and immediately to the south of the Cortebella Apartments, a multi-family rental apartment complex and therefore would complement the existing development pattern in the area. Both adjacent properties are also located in the R-2 district.

- 2. The proposed location of the conditional use and the proposed conditions under which the use would be operated or maintained will not be detrimental**

**to the public health, safety or welfare.**

The site plan and units have been designed to provide attractive living spaces indoors and outdoors, and will not be detrimental to public health or safety. The unusually large setback at the Casa Buena frontage will help to preserve the openness as viewed from US 101 or Casa Buena Drive. Granting the use permit will allow development that is consistent with the objectives of the General Plan and Zoning Ordinance, including the Housing Element's designation of this site as one of six sites of over 1 acre that were designated as High Potential Sites likely to develop during the Housing Element planning period. With the mitigations identified in the Mitigated Negative Declaration and the Conditions of Approval, the project would not be detrimental to the public health, safety or welfare.

**3. The proposed conditional use will comply with the general plan and with each of the applicable provisions of this title.**

The project site is an infill project site identified in the Town of Corte Madera 2011 Housing Element as Housing Opportunity Site #9 with no significant constraints to development and a realistic development capacity of at least 14 units. The proposed 16 unit project is consistent with the Housing Element policies intended to facilitate housing development and meet RHNA requirements at locations identified in the sites inventory analysis. The proposed residential units, whether developed as a multiple houses or multiple dwellings, further the General Plan goal of developing additional housing in Corte Madera where feasible and where such development fits within the character and context of existing neighborhoods. Furthermore, the proposed project would include three units of affordable housing which would help meet Housing Element policies related to the provision of a variety of housing types and affordability.

The proposed conditional use complies with the allowable density permitted in the R-2 zoning and the Town's affordable housing ordinance. Other than the concession and reduction of development standards allowed pursuant to the State density bonus provisions, the conditional use complies with the development standards for development in the R-2 zoning district.

The proposal conforms with General Plan objectives to ensure that the present, unique character of the Town's different neighborhoods is protected and enhanced by proposing a new Multiple House development that is appropriate for this infill site. The project is also consistent with General Plan **Goal LU-3:**

*"Infill development that achieves a more livable, sustainable community."*

The subject property is an underdeveloped infill site and a legal building site for multiple dwelling residential development consistent with the development standards of the Zoning Ordinance. Infill development is the most efficient and sustainable means of providing needed housing units within Corte Madera and Marin County as a whole.

The proposed development conforms to the following General Plan Land Use policies:

**Policy 2.3.b:** Maintain low-density character of residential development in Corte Madera.

**Policy 2.3.i:** Require development materials and techniques that will result in durable, high-quality structures and landscaping.

**Policy 2.6.c:** Preserve views of ridges, wooded areas, wetlands, and open water in accord with guidelines to be prepared that balance view preservation against development opportunities.

**Policy 5.1.f:** Continue to levy traffic mitigation fees on new development to ensure that

developers pay for the new transportation projects and services required to serve each new development, including its share of cumulative development impacts on arterials and collectors within the Town.

**Policy 6.3.b:** Require development to preserve the natural qualities of sloping terrain rather than shaping a site for the purpose of facilitating development or increasing development intensity.

The proposal also conforms with the following policies of the Housing Element:

**Housing Policy H-2.7.**

**Implementation Program H-2.7.d Actions for 1421 Casa Buena Drive**

Facilitate development of this 1.29-acre property, which is designated Medium Density Residential in the General Plan and has corresponding R-2 residential zoning with an allowable density of up to 11 units per acre. There are no significant constraints on the property.

**Specific Findings for Multiple House:**

**1. The application conforms with the general plan.**

See discussion under Finding 3, above, which said Finding is incorporated here. The subject property is shown in the Housing Element for the Town of Corte Madera adopted April 5, 2011 as housing opportunity site #9 with a realistic development capacity of at least 14 units.

**2. The property conforms to all requirements of this title, unless a variance has been granted as provided in Chapter 18.28, Variances, or variances of the site development standards have been authorized pursuant to Chapter 18.18, Special Purpose Overlay Districts.**

See discussion under Finding 1, above, which said Finding is incorporated here. With the Government Code Sections 65915 – 65918 Density Bonus Law incentives and concessions and waivers or reductions in development standards, increase in the height limit, and reduction of the setback standard, the property conforms with all requirements of Title 18 of the Town of Corte Madera Municipal Code.

**3. The property meets all the requirements of Chapter 15.01 of this code (the Uniform Building Code) as they apply to new construction for Group "R" occupancy, except for such requirements that the planning commission finds unnecessary to fulfill the chapter's objective of ensuring that multiple-family dwellings have been constructed in a manner suitable for individually owned units.**

The property meets all the requirements of the California Building Code (CBC) 2013, the successor code to the Uniform Building Code now in use in California as they apply to new construction for Group "R" occupancy. The application is for new construction and is not a conversion of multiple-family dwellings to individually owned units.

**4. Each dwelling unit has space and connections for the installation and operation of laundry equipment for the private use of the occupants of that unit.**

Each dwelling unit will have connections for a washer and dryer for the private use of the occupant of that unit.

- 5. At least one hundred cubic feet for each unit and an additional fifty cubic feet for each bedroom of enclosed, weatherproof storage space, either inside or outside the unit, in addition to that required by the Federal Housing Administration's minimum property standards for similar units, is provided for each dwelling unit.**

Each unit has been provided with designated areas of at least one hundred cubic feet plus fifty cubic feet for each bedroom of enclosed, weatherproof storage space, either inside the unit in addition to that required by the Federal Housing Administration's minimum property standards for similar units.

- 6. If the permit is for new construction, each dwelling unit has separate utility meters with individual shutoff valves for all utilities.**

All units will be provided with separate utility meters with individual shutoff valves for all utilities.

### **DESIGN REVIEW FINDINGS**

In order to grant Design Review approval, the Planning Commission must make the following findings required by Section 18.30.070 of the Corte Madera Municipal Code and based on California State law.

- 1. The project conforms to the General Plan, any applicable Specific Plan, and all provisions of the Zoning Ordinance.**

Please see discussion under Use Permit Findings 1 and 3, above, which findings are incorporated here. The project location is not within an established Specific Plan area.

- 2. The project will not unnecessarily remove trees and natural vegetation, will preserve natural landforms and ridgelines, does not include excessive or unsightly grading of hillsides, and otherwise will not adversely affect the natural beauty of the Town.**

Based on the Tree Protection Plan submitted with the project application, the project site has 40 trees on site, 26 of which are proposed to be removed during construction. Of the 26 trees that are proposed to be removed, 15 trees are considered protected trees based on their trunk size (fifty inches or greater or multi-stemmed trees having an aggregate circumference of one hundred twenty inches, measured four and one-half feet above the ground). One tree, a blue gum eucalyptus tree, is not a protected tree (despite its circumference) because it is not considered a desirable species pursuant to Corte Madera Municipal Code, section 15.50.020(27). The proposed preliminary landscape plan shows that approximately 80-84 trees would be planted as part of the project. The replacement ratio of the trees is approximately 3.2:1.

The project consists of a minimal amount of grading (approximately 2,200 cubic yards of cut and 1,150 cubic yards of fill). The project will involve the off-haul of approximately 1,050 cubic yards of soil, resulting from site preparation and excavation. The proposed grading is not excessive as the cuts and excavations will not leave a scarred hillside, and this is a site with slightly to gentle sloping terrain. Also, the landscape plan shows a central social zone with a preserved oak, a generous landscaped setback from Casa Buena Drive, back gardens with preserved oaks and other species and landscaped side yards all of which include additional

trees, shrubs, lawns and groundcover plantings. As noted in the conditions of approval, the project applicant will be required to consult with a licensed arborist to assess the feasibility of preserving as many healthy, existing trees as possible, in particular trees numbered 10, 11, 21, 22, 23, 30, and 31 on the "Tree Protection Plan," TM-5, received December 15, 2014, and review such findings with the Planning Department for comment and review.

**3. The project will not significantly and adversely affect the views, sunlight, or privacy of nearby residences, provides adequate buffering between residential and nonresidential uses, and otherwise is in the best interests of the public health, safety and general welfare.**

The project site is located on developed property west of Casa Buena Drive. The project intensifies the development on the site and will change the views presently visible from the adjacent Village Green complex to the south in that the proposed project would partially intrude into views of the wooded hillside to the west as seen by the neighbors in the parking lot and entrance areas of this multi-family development. View blockage would be primarily of the developed foreground portions of the view, leaving views of the more scenic ridge and hillside tree canopies intact. View blockage would not substantially affect public viewpoints on Casa Buena Drive, because such views toward the scenic hillside and ridgeline are already screened and filtered by existing vegetation in the vicinity of the site.

The existing single-family two-story house located at 75 Meadow Valley Road, immediately adjacent to the western (rear) property line of the project site is situated within its required 25 foot rear yard setback, approximately 14 feet from the rear property line. Two derelict single-family residences are located on the project site, 20 feet and 24 feet from the west property line. The view from the home at 75 Meadow Valley Road looking east will be of the rear elevation of 4 new townhomes, 25 feet away from the common property line, each of which has been reduced in height to 2-stories, when viewed from the west property line. This is a change to the present view of two existing derelict single-family structures. However, while the new townhome structure is similar in proximity, the architecture and design of the proposed townhomes on this elevation is more attractive than the present structures. Additionally, the existing trees and other plantings that currently provide a visual buffer between the two properties will remain.

There will be no material change to the amount of sunlight received by the single-family residence to the rear of the subdivision or the adjacent neighbors at the Village Green complex.

**4. The structure, site plan and landscaping are in scale and harmonious with existing and future development adjacent to the site and in the vicinity and with the landforms and vegetation in the vicinity of the site.**

The new residences have been designed to provide homes with comfortable, family-style living. Access will be provided by a private interior street off Casa Buena Drive. Each residence will have a two-car garage off a driveway except for the 4 units in Building A which each have one car garage. The landscape proposal features a central social zone, a generous setback from Casa Buena, back yards along the west property line all featuring trees, plants, and shrubs that will thrive well in areas of similar climatic conditions and will provide aesthetically pleasing entries to the subdivision and new residences.

The new homes are setback at least 73 feet from Casa Buena Drive, at least 10 feet from the south property line, 25 feet from the west property line and between 14 and 30 feet from the north property line. With the Government Code s. 65915 (b)(1)(B) and s. 65915 (e) (1) Density Bonus concession or incentive, and waiver or reduction in development standard for a reduced

rear yard setback, all setbacks meet or exceed the required setbacks.

The proposed project is located immediately to the south of the Corte Bella Apartments, a four-building two-story multi-family rental apartment complex. This complex is proposed to be demolished and replaced with two and three story condominium buildings approximately 30 feet in height. The proposed project is also located immediately to the north of the Village Green multifamily condominium apartment complex, which consists of several two-story buildings. The proposed project would be compatible and harmonious with these adjacent existing and future multi-family uses and while the proposed buildings would be taller from finished grade than the surrounding existing uses, the project sits at a low point in Meadow Valley and therefore surrounding development, particularly to the north, east and west, generally would not perceive the full proposed height of the structures.

**5. Development materials and techniques will result in durable high-quality structures.**

The new construction will be in conformance with the current building codes including the new, more energy efficient California Green Building Code standards.

**6. The structures, site plan, and landscaping create an internal sense of order, provide a visually pleasing setting for occupants, visitors, and the general community, are appropriate to the function of the site, and provide safe and convenient access to the property for pedestrians, cyclists and vehicles.**

The project would provide a slightly realigned access to the property with curb, gutter and sidewalk where no such improvements currently exist. The new access would improve sight distance along Casa Buena Drive.

The buildings are logically arranged in rows of 4 units off a main drive.

The siting of the buildings, on-site parking and circulation, and landscaping would create an internal sense of order to the site providing a desirable environment for occupants, visitors, and the general community, and provide safe and convenient access to the property for pedestrians, cyclists and vehicles.

**7. To the maximum extent feasible, the project includes the maintenance, rehabilitation, and improvement of existing sites, structures, and landscaping, and will correct any violations of the Zoning Ordinance, Building Code, or other municipal violations that exist on the site.**

All new construction will be inspected and conform to the latest building codes. Staff is not aware of any municipal violations existing on the site.

**8. The design and location of signs are consistent with the character and scale of the buildings to which they are attached or which are located on the same site, the signs are visually harmonious with surrounding development and there are no illegal signs on the site.**

There are no signs associated with this project.

**VESTING TENTATIVE MAP FINDINGS**

In order to approve the Vesting Tentative Map, the Planning Commission must make the following findings required by Section 17.20.100 of the Corte Madera Municipal Code and based on California State law.

**1. The project conforms to the Subdivision Map Act.**

The record demonstrates that the Vesting Tentative Map application has been processed in compliance with the procedural requirements of the Subdivision Map Act including but not limited to Section 66452. Further as required by Section 66473.5, the Vesting Tentative Map is compatible with the objectives, policies, general land uses, and Programs in the Town of Corte Madera General Plan as evidenced by the General Plan consistency findings discussed herein.

**2. The project conforms to Title 17, the Subdivision Ordinance, of the Town of Corte Madera Municipal code.**

The Town Engineer has reviewed the Vesting Tentative Map plans and documents and determined that the application complies with the engineering standards in Chapter 17.12 of the Subdivision Ordinance. The record demonstrates that the Vesting Tentative Map application has been processed with the standards in Chapter 17.20 of the Subdivision Ordinance.

**3. The project conforms to Title 18, the Zoning Ordinance, of the Town of Corte Madera Municipal Code.**

Please see discussion under Use Permit Finding 1, above.

**4. The project conforms to the Town of Corte Madera General Plan and any applicable Specific Plan or Precise Plan.**

Please see discussion under Use Permit Finding 3, above. The project location is not within an established Specific Plan or Precise Plan area.

**DENSITY BONUS FINDINGS**

No substantial evidence was submitted which shows that the proposed concession for a maximum of approximately 5.5 additional feet of height is unnecessary to provide for affordable housing costs or would have a specific adverse impact upon public health or safety or the physical environment or on any real property listed in the California Register of Historical Resources. As discussed in the staff report and at the public hearings on this matter, the additional height is acceptable at this location due to the fact that blockage of views from adjacent properties have been minimized or are inexistent, units have been designed with hip roofs in the middle to minimize the impression of height, and the site plan, including the existing sloping terrain and the large setback from Casa Buena Drive, will help provide a perception of lower height from off-site.

Moreover, due to the unique characteristics of the project site, permitting the tops of the project's buildings to, in some instances, exceed the otherwise applicable 30 feet height limitation does not do violence to the design standards or use permit criteria applicable to this project. For example, topographically, the project site is located in a depressed, bowl-like area and, thus, allowing the height limitation of 30 feet to be exceeded by no more than 5.5 feet will not significantly affect the views of existing residents nor cause the project's buildings to appear out of scale or dis-harmonious with neighboring structures. Because the applicant is providing affordable housing units on site, under Cal. Gov't Code sections 65915-65918, the Town is compelled to grant at least one concession to the applicant, and here, the applicant has requested that the height limitation be modified to allow the project's structures' height to exceed the 30 feet limitation by no more than 5.5 feet. Pursuant to said State laws, and based on the evidence in the record, the Town Council has no option but to grant this requested concession.

No substantial evidence was submitted which shows that the proposed reduction of the rear yard setback standard from 35 feet to 25 feet is not necessary for the feasible development of the proposed project at the densities to which the applicant is entitled with the concessions permitted. Additionally, no evidence has been submitted which shows the proposed reduction of the rear yard setback would have specific adverse impact upon health, safety, or the physical environment. As discussed in the staff report, the project is setback more than 70 feet from Casa Buena Drive, in part due to existing easements on the property, condensing the area of the site available for development.

### **CONDITIONS OF APPROVAL**

1. The proposed project shall be constructed substantially in accordance with the CASA BUENA TOWNHOMES project plans prepared by William Hezmalhalch Architects, Inc. stamped "Official Exhibit" and RECEIVED stamped on December 15, 2014, except as amended by the conditions listed below:
2. No changes shall be made to the approved site plan or elevations without written approval from the Corte Madera Planning Department. The Planning Director may refer changes to the Planning Commission.
  - a. The construction of the project and the exterior colors utilized in painting and finishing all exterior surfaces shall match the elevations, renderings, palette of colors and sample board submitted to and approved by the Town Council at the Council's meeting of January 20, 2015, which said materials are on file with the Town's Planning Director; provided, however, the white colors shown in the elevations which surrounded the doors on the first floor and were applied to the stairway landings on the first floor of the project buildings shall be replaced with some other color, subject to the approval of the Planning Director. Furthermore, the two buildings designated in the project plans as "Building B" shall be predominantly painted in the green palette of colors submitted to and approved by the Town Council and the other two buildings shall be predominantly painted in the brown palette of approved colors.
3. All design and construction shall comply with the 2010 California Building Standards Codes including the California Green Building Code.
4. The applicant and subject property owner shall permit the Planning Department or its representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the construction being performed under the authority of this approval is in accordance with the terms and conditions described herein.
5. Upon issuance of a Building Permit, the property line and setback location(s) at areas of construction must be identified on site by a licensed land surveyor or registered civil engineer. The licensed land surveyor or registered civil engineer shall submit a written confirmation to the Building Department that the staking of the property lines has been properly completed.
6. Prior to a final Building Department inspection of this project, the applicants shall contact the Planning Department to schedule an inspection of the finished project to ensure compliance with all of the required conditions of approval.
7. All mitigation measures in the Mitigation Monitoring and Reporting Program approved as part of the Mitigated Negative Declaration shall be conditions of project approval.

### **LANDSCAPE PLANS**

8. All landscaped areas shall be installed prior to Certificate of Occupancy in compliance with Preliminary Landscape Plan prepared by Ripley Design Landscape Architecture of the approved Design Review Plans. If all the required landscaping is not completed prior to the Certificate of Occupancy, the applicant shall post a cash deposit or letter of credit for 125 percent of the total cost of the landscaping, based on a written estimate of such cost. All landscaping shall be completed within six months of the Certificate of Occupancy.
9. Prior to and during construction, as necessary, the project applicant shall consult with a licensed arborist acceptable to the Planning Department and to assess the feasibility of preserving as many healthy, existing trees as possible, in particular trees numbered 10, 11, 21, 22, 23, 30, and 31 on the "Tree Protection Plan," TM-5, received December 15, 2014, and review such findings with the Planning Department for comment and review. Any changes to the "Tree Protection Plan," resulting from this review shall be documented in a revised "Tree Protection Plan" and may be approved by the Planning Director without the need for Design Review.
10. All landscaping areas required by this approval shall be permanently maintained, including automatic watering, weeding, pruning, pest control, replacement of plant materials as needed, and any other operations needed to ensure proper maintenance. Failure to meet these requirements shall be cause for the issuance of a citation and order for compliance as specified in Section 18.24.110 of the Corte Madera Municipal Code.

## PUBLIC WORKS/ENGINEERING DEPARTMENT

### Grading and Drainage

11. In accordance with section 15.20.030 of the Municipal Code, the applicant may be required to obtain a **Grading and Drainage Permit** from the Public Works Department prior to issuance of a Building Permit. The application for this permit shall include, but not be limited to, a site grading plan/drainage plan showing topographic information prepared by a licensed civil engineer or landscape architect. If a geotechnical report is required, the project geotechnical/soils engineer shall review and approve the grading/drainage plan for conformance to the report prepared for the project.
12. Grading within this area may be subject to the requirements of Section 15.20.220 "Supervised Grading" of the Municipal Code. A determination will be made by the Public Works Department at the time of the Grading and Drainage Permit.
13. No earthwork shall take place during the rainy season between October 15th and April 15th without special written authorization from the Director of Public Works. Unless specifically exempted, earthwork operations will require an **Erosion and Sediment Control Permit** from the Public Works Department per Municipal Code Section 15.20.285. The permit will require the installation and maintenance of appropriate erosion and sedimentation control measures for the proposed work. The applicant will be required to obtain the permit prior to the issuance of Building Permit.
14. Per Municipal Code Section 15.20.285, the applicant may be required to post a security (cash deposit) to guarantee the timely installation of erosion control measures whenever the contractor fails to perform the required erosion control work or to perform it in a timely manner. Applicability of the security, which is based on the square footage of

earthwork, will be determined at the time of Erosion and Sediment Control Permit.

15. Prior to issuance of a Building Permit, the Public Works/Engineering Department will make a determination as to whether the proposed improvements will interfere with the free flow of any watercourse affected by the project. The construction of any improvement within a watercourse will require a **Watercourse Alteration/Relocation Permit** from the Public Works Department per Municipal Code Section 9.32.060.
16. Where possible, drainage facilities shall be installed to collect roof drainage and surface water runoff from driveways, walkways, and other paved surfaces. Drainage shall be conveyed and disposed in a manner that avoids concentrated flows and minimizes impacts to adjoining properties. Drainage collection systems shall be designed to Town standards and the flow shall be conveyed to a publicly maintained storm drain system, natural drainageway, or approved on-site dispersal structure. Runoff shall not be diverted from one drainage area to another. The subsurface drainage system (foundation, retaining wall, etc...) shall remain separate from the surface drainage system.
17. A hydrology study shall be submitted to the Public Works Department for review and approval prior to obtaining a Building Permit.
18. Prior to issuance of a building permit, the applicant shall submit a storm drain plan and profile and drainage calculations that are in compliance with all Town standards.
19. Construction activity resulting in a land disturbance of one acre or more, or less than one acre but part of a larger common plan of development, must obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit) from the California State Water Resources Control Board. This permit will require the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) for the project.
20. Prior to issuance of a building permit, a construction management plan shall be submitted by the applicant for approval. The plan shall show in detail how the work will progress in order to mitigate access impacts. This shall include, but not be limited to, a detailed schedule of the work, the designation of stockpile areas for grading and construction materials, the size and type of trucks and equipment to be used for the work, and an indication of how construction deliveries and workers will park and access the site.
21. Prior to issuance of a building permit the applicant shall provide a copy of the Notice of Intent to obtain coverage under and to comply with the State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Construction Permit (General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities).

#### Sanitary Sewer

22. Prior to issuance of a building permit, the applicant shall submit a sanitary sewer drawing showing a plan and profile of the existing and proposed sewer mains and laterals. All work shall comply with Sanitary District No. 2 Standard Specifications and Drawings, latest edition, and any other special requirements, including additional sewer main replacement. It should be noted that Sanitary District No. 2 Standards for sewer easements require the easement be at least 15 feet wide and dedicated to the District on a form as approved by the Town Attorney.

23. Prior to building permit approval all sewer connection charges and fees will be paid to the District. These charges and fees are based on the number of units approved for the project. A fee schedule can be obtained from the Public Works office.
24. Provide design calculations based on project build out for the existing sanitary sewer system. Show any pipe sizing changes and structure modifications required to accommodate the calculated increase in effluent flow.
25. Provide capacity calculations on Paradise Drive Sanitary Sewer Pump Station. Show any modifications to the sewer pumps and /or changes to the structure required to accommodate the calculated increase in effluent.
26. The applicant will be required to obtain a **Sanitary Sewer Permit** to be issued by Sanitary District No. 2 for all work associated with the sanitary sewer mains or laterals serving this property, including the installation of a backflow preventer device. An application for this permit shall be made to the District prior to beginning any work on the sanitary sewer system.

#### Work in Public Right-of-Way

27. The private use of public property, public easements, or right-of-ways, and/or the construction of private improvements thereon, may be subject to review by the Town Council, and a **License Agreement to Permit Encroachment on Town Property** will be required to be executed by the applicant and recorded with the County.
28. The applicant will be required to obtain an **Encroachment Permit** from the Public Works Department for all activities within, or use of, the public right-of-way (curbs, sidewalks, etc...) per Municipal Code Section 12.04.040. Work in the public right-of-way shall be in conformance with the Marin County Uniform Construction Standards and Specifications. The permit shall be obtained prior to any work being performed within the Town right-of-way.
29. Per Municipal Code Section 12.04.040, an **Encroachment Permit** from the Public Works Department will be required for any activities within, or use of, the public right-of-way such as placement of debris boxes, staging of equipment in the street, traffic control activities, or street closures, subject to the review and approval of the Public Works Department.
30. Per Town Resolution No. 3314, a project over \$10,000.00 is subject to the **Street Impact Fee** equal to 1% of the project valuation. Applicability of this fee will be determined at the time of Building Permit.
31. At the time of Building Permit, the Public Works/Engineering Department will inspect encroachments, vegetation, sidewalks, and drainage at the property for compliance with the Town Municipal Code. The applicant shall bring the property into compliance with the Municipal Code in accordance with Town standards and to the satisfaction of the Public Works Director/Town Engineer prior to final acceptance of the project.
32. Please note that additional roadway improvements may be required on Casa Buena Drive pending final review by the Public Works Department. Without limiting the generality of the foregoing, sidewalks, curb, gutter, and street pavement shall be constructed and/or replaced along the entire property where it fronts Casa Buena Drive.

The applicant shall repair damaged sidewalk, curb and gutter, relocate existing driveways, and construct and dedicate to the Town the improvements within the Town's right-of-way, including concrete curb, gutter, sidewalk, paving, drainage system, street lights, and street trees, all to the satisfaction of the Town Engineer. Existing street structural section shall be removed and replaced along the frontage of the property to the centerline of the street if the existing structural section is cracked or damaged in any way, or if the street structural section is determined by the Town Engineer to be inadequate for the intended traffic. Sidewalks shall be ADA compliant. All improvements shall be designed and constructed to the satisfaction of the Town Engineer.

- 32A. After completing the right of way improvements described in Condition #32, applicant shall stripe Casa Buena Drive from the point where the southern boundary of the project intersects the Casa Buena Drive right of way to the point where the northern boundary of the luxury car dealership intersects the Casa Buena Drive right of way. The nature, color and locations of said striping shall be subject to the approval of the Town Engineer.
- 32B. All interior streets shall be paved and improved after utilities are installed in accordance with Town of Corte Madera's Standard Drawings and Design Guidelines.
- 32C. Applicant shall install two stop signs: one shall be located at the project's driveway exit and the other shall be located at the Village Green's driveway exit to require vehicles to stop prior to entering Casa Buena Drive.
- 33. The applicant may be required to prepare and submit a **Construction Management Plan** to the Public Works/Engineering Department prior to the issuance of the Building Permit. The Plan shall provide a general overview of the construction process as it affects the public right-of-way and surrounding neighbors. At a minimum, the plan should outline the schedule of construction, the locations for staging of equipment and materials, and the truck routes that will be used for deliveries.
- 34. Prior to the issuance of the Building Permit, the applicant may be required to provide a **Construction Parking Plan** to Public Works. The Plan shall propose a system to minimize the effect of construction worker parking in the neighborhood, include an estimate of the number of workers and vehicles that will be present on the site during various phases of construction, and indicate where sufficient off-street parking will be provided.

#### Traffic

- 35. A site-specific traffic analysis is required for this project. The analysis will need to identify project peak hour traffic demands and impacts on the roadway system. The traffic analysis shall be prepared by a registered traffic engineer or civil engineer with experience in this type of work. The traffic engineer shall also address the proximity of the two existing driveways and the proposed project driveway entering Casa Buena Drive.
- 36. Prior to issuance of any permit, the applicant shall submit any applicable pedestrian or traffic detour plans, to the satisfaction of the Town Engineer, for any lane or sidewalk closures. The detour plan shall comply with the State of California Manual of Traffic Controls for Construction and Maintenance Work Zones, and with standard construction practices.
- 36A. By no later than May 1, 2015, the applicant shall apply to the Planning Department for a

variance to locate a surface parking space within the front setback in accordance with the plan titled "Casa Buena Drive Improvements" dated January 19, 2015, and submitted to the Town Council and discussed at the Council's January 20, 2015 public hearing. If such variance is approved, such parking space shall be incorporated into the approvals for the project and shall be required to be constructed as approved.

- 36B. The applicant shall include in the CC&Rs (defined below) for the project a provision that requires each resident in the subdivision to maintain his/her garage in a manner which permits the parking of the number of cars for which the garage was designed. In addition, said CC&Rs shall provide that each, from 7:00 p.m. until 7:00 a.m. of the following day, each resident in the subdivision must park his/her vehicles inside the garage built for his/her residential unit and as to those units for which there are assigned uncovered parking spaces, each day, from 7:00 p.m. until 7:00 a.m. of the following day the residents of those units must park their vehicles in those assigned parking spaces.

#### Tentative Map, Easements and Dedications

37. The tentative map shall comply with the requirements under Chapter 17.20 of the Corte Madera Municipal Code.
38. The applicant shall satisfy the applicable requirements for any dedications of property or provisions of easements for street, storm drain, sanitary sewer, drainage, or access purposes as defined and approved by the Town or other agencies.
39. The preparation, approval, and recording of a Final Map will be required for this project.
- 39A. (1) Homeowner's Association: The applicant shall establish a Homeowners' Association (hereinafter referred to as the "HOA") and prepare and record conditions, covenants and restrictions ("CC&Rs") governing the maintenance, management and governance of the project. Except as set forth below, the CC&Rs shall include, but not be limited to, HOA responsibility for : a) the maintenance of all private and unaccepted public easements, streets and trails; b) maintenance of all common area parcels; c) maintenance of all landscape easement areas; d) maintenance of all other parcels of common ownership as described on the Tentative Map; and e) enforcement of any improvement, development and design guidelines and criteria. The HOA shall be responsible for all inspection and maintenance of common and easement area private improvements such as: storm drain systems, storm water management plan facilities, all landscaping and irrigation systems as shown on the landscaping plan required in condition #8, retaining walls, access roads, sidewalks, parks, sewer, signs, lighting, and private utilities. Said CC&Rs shall include minimum acceptable maintenance standards for all common facilities and improvements. The HOA shall also be responsible for inspection, maintenance, and reporting plan for the storm water management plans required by the State Water Resources Control Board Order No. 2009-0003-DWQ National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Storm Water Discharges Associated with Construction and Land Disturbance Activities and subsequent amendments, and the State Water Resources Control Board Order No. 2013-0001-DWQ National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004 Waste Discharge Requirements

(WDRs) for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) and also the associated BASMAA Post-Construction Manual- Design Guidance for Storm Water Treatment and Control for Projects in Marin, Sonoma, Napa, and Solano Counties. Final configuration of the easements, wording of the implementing CC&R's and "owner's statements" on the final map are subject to the approval of the Town Attorney, Planning Director and Town Engineer.

(2) Project CC&Rs shall be submitted for Town review and shall be subject to approval of the Town Attorney, Planning Director, and Town Engineer, with the final map and improvement plans. The CC&Rs shall contain clauses requiring Town approval of subsequent changes to those provisions of the CC&R's which are required hereunder once initially approved by the Town and giving the Town the right, but not the duty, to enforce the CC&Rs. Town approval of the CC&Rs is a condition precedent to the Town's approval of the final map.

#### Permits from Other Agencies

40. The applicant shall be responsible for determining if permits will be required from the Bay Conservation and Development Commission, Army Corps of Engineers, California Department of Fish and Game, or any other regulatory agency having jurisdiction over the project. If any of these permits are required, they must be obtained by the applicant before a Building Permit will be issued.
41. The applicant shall enter into a pipeline extension agreement for the installation of necessary facilities with Marin Municipal Water District, as outlined in their letter to the Town of Corte Madera dated December 2, 2014. The applicant must meet all requirements of the District, as detailed in that letter.

#### Construction Operations

42. Prior to the issuance of Building Permit, a video or photographic inspection of the existing conditions of the roadways and other public improvements adjoining the project may be required of the applicant. The inspection results shall be submitted to the Public Works Department.
43. Any damage to the street caused by heavy equipment or as a result of project construction activities shall be repaired, at the applicant's expense, prior to issuance of the Certificate of Occupancy. All hazardous damage shall be repaired immediately. Any heavy equipment brought to the construction site shall be transported by truck.
44. Prior to the issuance of a Building Permit, it may be required that a cash deposit up to a maximum amount of \$10,000 be posted for bonding purposes to ensure repair of any damage to roadways, landscaping, and other public improvements in the Town right-of-way caused by the applicant's construction-related activities. The amount of the cash deposit shall be determined at the time of the Building Permit. Said cash deposit shall not

be released until the project, including all landscaping, is completed and all required repairs have been made.

45. Per Municipal Code Section 9.33.100, the applicant shall employ best management practices (BMPs) as appropriate from the California Stormwater Best Management Practice Handbook for Construction Activity, latest edition, or from the Erosion and Sedimentation Control Field Manual published by the California Regional Water Quality Control Board, to control and prevent the discharge of sediment, debris and other construction related wastes to the storm drainage system or waterways, including, but not limited to, general construction, concrete and mortar application, heavy equipment operation, road work and paving, and earth-moving activities.

#### FIRE DEPARTMENT

46. Approved Fire Department access shall be provided:
  - 20' wide all-weather surface roadway providing access to structures
  - Fire apparatus turnaround near the west end of the roadway
  - If a gate is to be installed, fire department access required
47. Approved fire service water supply shall be provided:
  - A fire hydrant at an approved location near the west end of the roadway.
48. This project is within the Town of Corte Madera's Wildland Urban Interface (WUI) Fire Area, and is required to comply with specific regulations regarding:
  - Exterior building materials
  - Vegetation / Landscaping (Vegetation Management Plan)
49. Automatic natural gas shut-off devices required.
50. The interior of the buildings shall be provided with an automatic sprinkler system. The design and calculations for the systems shall be approved by the Fire Department prior to final close-in of framing.
51. The roofs shall be constructed to be fire retardant (Class A) or non-combustible and all chimneys shall have spark arresters.
52. Prior to the issuance of a Certificate of Occupancy, Fire Department-approved address identification shall be installed.
53. Smoke alarms and carbon monoxide alarms shall be installed in the structure, as required by the California Building Code/California Residential Building Code.
- 53A. The curbs adjacent to any and all firelanes (so shown on the project plans referenced in Condition #1) shall be painted red and no-parking signs shall be installed adjacent to said firelanes. The curbs that must be so painted and the design, numbers, colors, size, wording and height of the no-parking signs shall be subject to the approval of the Fire Department.

### EXTERIOR LIGHTING

54. Prior to final building inspection, all exterior lighting shall be shielded and/or directed so that it does not glare off-site.

### CONDITIONS DURING CONSTRUCTION

55. Hours of construction shall be limited to 7:30 a.m. to 5:00 p.m., Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturday, provided that if any reasonable and credible work-related complaints are received by the Town about construction on a weekend, no further work shall be conducted on a Saturday; and provided further, if any reasonable and credible work-related complaints are received by the Town about construction during any weekday, the Planning Director is vested with the authority to impose reasonable conditions to address the issues that gave rise to the complaint. Whether or not a complaint about construction is reasonable and credible shall be left to the sole and sound judgment of the Planning Director. In order to mitigate the adverse impacts the applicant's construction activities have on neighboring property owners and renters, the Planning Director shall be vested with the authority to impose reasonable conditions on the applicant's hours of construction and/or the applicant's construction activities. No workers shall be on the site except during these hours. Without limiting the generality of the foregoing, no preparatory work or staging shall be allowed to occur on the site or on adjacent properties except during the hours specified above. No work shall be performed on a legal holiday.
56. Prior to construction, a portable toilet facility shall be installed on site and remain on site for the duration of the project.
57. All equipment shall be equipped with mufflers.
58. Prior to final building inspection, all debris shall be removed from the site.

### DESIGN REVIEW EXPIRATION

59. The Design Review approval shall lapse and become null and void one year following the date on which the approval becomes effective unless, prior to the expiration of one year, a building permit is issued and remains active per Building Code requirements on the site which was the subject of the application, a Certificate of Occupancy is issued for the site or structure which was the subject of the application. Design Review approval may be renewed as prescribed in Section 18.30.090 of the Town Zoning Ordinance.

### STOP WORK ORDER - RED TAG ORDINANCE

60. Per Section 15.70.010 of the Municipal Code, whenever any construction or other work that is subject to any provision of the Code has been, or is being, done in any manner that is contrary to any of the provisions of the Code, any ordinance of the Town, or any condition of a permit, approval, or other entitlement granted by the Town, the Town Manager or his/her designee may order that all construction or work on the property be stopped immediately by notice in writing mailed to any person engaged in doing or causing such

work to be done and the owner of the property, and by posting on the property where the violation has occurred, or is presently occurring, a notice to stop such construction or work. Such person shall forthwith stop such work until authorized by the Town to proceed.

#### INDEMNIFICATION AGREEMENT

61. The applicant shall:
- A. Defend, indemnify, and hold harmless the Town of Corte Madera and its agents, officers, attorneys, or employees from any claim, action or proceeding (collectively referred to as "proceeding") brought against the Town or its agents, officers, attorneys, or employees to attack, set aside, void, or annul an approval of Use Permit No. 14-008, Design Review No. 13-035, or Tentative Map No. 13-001, which proceeding is brought within the applicable statute of limitations. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the Town, if any, and the cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the Town, and/or the parties initiating or bringing such proceeding.
  - B. Defend, indemnify, and hold harmless the Town, its agents, officers, attorneys, or employees for all costs incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending any document, if made necessary by said proceeding and if applicant desires to pursue securing such approvals, after initiation of such proceeding, which are conditioned on approval of such documents.
  - C. In the event that a proceeding is brought, the Town shall promptly notify the applicant of the existence of the proceeding and the Town will cooperate fully in the defense of such proceeding. In the event that the applicant is required to defend the Town in connection with any said proceeding, the Town shall retain the right to (1) approve the counsel to defend the Town, (2) approve all significant decisions concerning the matter in which the defense is conducted, and (3) approve any and all settlements, which approval shall not be unreasonably withheld. The Town shall also have the right not to participate in said defense, except that the Town agrees to cooperate with the applicant in the defense of said proceeding. If the Town chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend the Town in such matters, the fees and expenses of the counsel selected by the Town shall be paid by the Town. Notwithstanding the immediately preceding sentence, if the Town attorney's office participates in the defense, all Town attorney fees and costs shall be paid by the applicant.

#### APPEAL PERIOD

62. No building permit shall be issued until the expiration of the appeal period. The appeal period extends ten calendar days from the date of decision by the Planning Commission. Unless a shorter statute of limitations period applies, the time within which judicial review must be sought is governed by California Code of Civil Procedure Section 1094.6.

SCHOOL IMPACT MITIGATION FEES

- 63. The applicant is responsible for payment of School district mitigation fees by the Larkspur-Corte Madera School District for this project. These fees to be paid prior to the applicant receiving a building permit for this project.

TRAFFIC MITIGATION FEES

- 65. Prior to the issuance of a Certificate of Occupancy, the applicant shall pay Traffic Mitigation Fees based pursuant to the Corte Madera Municipal Code Chapter 3.32 and Town Council Resolution No. 2207.

PARKLAND DEDICATION FEE

- 66. Prior to the Final Parcel Map recordation, payment of the Parkland Dedication Fees shall be paid in compliance with Chapter 17.30 of the Corte Madera Municipal Code.

CONDITIONS ADDED BY THE PLANNING COMMISSION

- 67. Prior to close-in inspection, the applicant shall provide the Town with a surveyor’s certificate verifying the maximum height of each of the buildings in accordance with the approvals herein.
- 68. Prior to issuance of any occupancy permit, the applicant shall construct required sidewalk improvements along the Casa Buena Drive frontage of the property, to the satisfaction of the Town Engineer.
- 69. Prior to issuance of a building permit, the applicant shall submit a final landscape plan for review and approval by Planning Staff.
- 70. Plans submitted for building permit shall include a plan demonstrating bicycle parking in addition to that provided within the units, to be reviewed and approved by Planning Staff.

**FEE ADMONITION**

The Conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. The applicant is hereby further notified that the 90-day approval period in which the applicant may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun. If the applicant fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing resolution was duly and regularly adopted by the Town Council of the Town of Corte Madera on 20<sup>th</sup> day of January, 2015, by the following vote, to wit:

AYES: Condon, Lappert, Furst

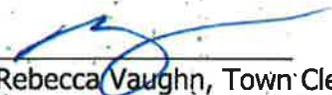
NOES: Bailey

ABSTAIN: Ravasio

ABSENT:

  
Carla Condon, Mayor

ATTEST:

  
Rebecca Vaughn, Town Clerk

THIS MATERIAL HAS BEEN REVIEWED BY:

*DB*

TOWN MANAGER

**CORTE MADERA TOWN COUNCIL  
STAFF REPORT**

REPORT DATE: June 15, 2016  
MEETING DATE: June 21, 2016

**TO:** TOWN MANAGER, MAYOR AND MEMBERS OF THE TOWN COUNCIL  
**FROM:** KELLY CROWE, ASSOCIATE ENGINEER  
**SUBJECT:** MUNICIPAL CODE CHAPTER 16.10 "FLOOD DAMAGE PREVENTION"  
**ADOPTION OF ORDINANCE NO. 956 TO AMEND CHAPTER 16.10 OF  
THE MUNICIPAL CODE**

\* \* \* \* \*

**PURPOSE:**

To consider the adoption of Ordinance No. 956 amending Chapter 16.10 "Flood Damage Prevention" of the Municipal Code to be consistent with recent changes to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM).

**OPTIONS:**

- 1) The Council may adopt the proposed ordinance.
- 2) The Council may direct staff to revise the ordinance and re-introduce the revised ordinance at a later meeting.
- 3) The Council may reject the proposed ordinance.

**TOWN MANAGER'S RECOMMENDATION:**

Support staff's recommendation.

**GOVERNING POLICIES:**

The revisions to the ordinance support policy F-1.1.c (Flood Control Ordinance) of the Town of Corte Madera General Plan

**ENVIRONMENTAL IMPACT:**

Pursuant to Section Title 14 of the California Code of Regulations, Section 15061(b)(3), this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not an activity which has the potential for causing a significant effect on the environment.

**FISCAL IMPACT:**

Staff time associated with the review and update of the code section.

**BACKGROUND:**

At the June 7, 2016 Town Council meeting, staff presented a draft amendment to the Town’s Municipal Code Title 16, Protection of Flood Hazard Areas in order to be consistent with recent changes to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM). Public comment was heard, and the Town Council voted to introduce the draft ordinance. Should the Town Council vote to approve the proposed ordinance, it would become effective 30 days following the date of adoption.

The Town of Corte Madera Municipal Code (CMMC) Title 16, “Protection of Flood Hazard Areas” was adopted by the town in 1999 as a requirement of federal law (44 CFR Parts 59 and 60) for participation in the National Flood Insurance Program (NFIP). For a community to participate in the NFIP, it must adopt and enforce floodplain management regulations that meet or exceed the minimum NFIP requirements. The intent of the code is to regulate development within the Special Flood Hazard Area (SFHA) to minimize the loss of property and life as a result of flood related damage. By complying with the law and participating in the NFIP, property owners within the SFHA have the opportunity to purchase federally subsidized flood insurance through FEMA. Furthermore, the town’s continued participation in the Community Rating System (CRS) through FEMA secures a 15% discount on the NFIP insurance premiums for property owners subject to flood insurance requirements.

On March 16, 2016, the revised FIRM for the Town of Corte Madera became effective. As a result of the map change, the Base Flood Elevation (BFE) increased in height from elevation 9 (NAVD) to 10 (NAVD). The current code references a BFE equal to elevation 6 (NGVD) which is roughly equal to 9 (NAVD). The intent of the proposed amendment is to make the code current with the effective FIRM by removing the reference to a specific BFE as well as a specific vertical datum. The effective FIRM for a community is the controlling document that specifies elevation and datum information with respect to BFE’s. In addition to updating the code to be current with the FIRM, outdated portions of the code have been updated or deleted.

**ATTACHMENTS:**

1. Amended Chapter 16.10 of the Municipal Code

**ATTACHMENT 1**

AMENDED CHAPTER 16.10 OF THE MUNICIPAL CODE

## Chapter 16.10 - FLOOD DAMAGE PREVENTION\*

### Sections:

- 16.10.010 - Statutory authorization.
- 16.10.020 - Findings of fact.
- 16.10.030 - Statement of purpose.
- 16.10.040 - Methods of reducing flood losses.
- 16.10.050 - Definitions.
- 16.10.060 - General provisions.
- 16.10.070 - Administration.
- 16.10.080 - Provisions for flood hazard reduction.
- 16.10.090 - Variance procedure.

### 16.10.010 - Statutory authorization.

The Legislature of the state of California has, in Government Code Sections 65302, 65560 and 65800, conferred upon local government units authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the town council of the town of Corte Madera does ordain as follows in this chapter.

(Ord. 889 § 1 (part), 2005; Ord. 845(b) § 1 (part), 1999)

### 16.10.020 - Findings of fact.

- (a) The flood hazard areas of the town of Corte Madera are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss.

(Ord. 889 § 1 (part), 2005; Ord. 845(b) § 1 (part), 1999)

### 16.10.030 - Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood-control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as storm drains, flood-control pumps and dikes, water and gas mains, electric, telephone and sewer lines and streets and bridges located in areas of special flood hazard;

- (6) To help maintain a stable tax base by providing for appropriate use and development of areas of special flood hazard;
- (7) To insure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) To insure that those who occupy areas of special flood hazard assume responsibility for their actions.

(Ord. 889 § 1 (part), 2005: Ord. 845(b) § 1 (part), 1999)

16.10.040 - Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for the following:

- (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- (2) Requiring that uses vulnerable to flooding, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- (4) Controlling filling, grading, dredging and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of barriers which will unnaturally divert floodwaters to other areas or which may increase flood hazards in other areas.

(Ord. 889 § 1 (part), 2005: Ord. 845(b) § 1 (part), 1999)

16.10.050 - Definitions.

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application:

- (a) "Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.
- (b) "Alluvial fan" means a geomorphologic feature characterized by a cone- or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.
- (c) "Apex" means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.
- (d) "Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this chapter.
- (e) "Area of shallow flooding" means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

- (f) Area of Special Flood Hazard. See "Special flood hazard area."
- (g) "Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this chapter. "Base Flood Elevation" (BFE) means the elevation shown on the Flood Insurance Rate Map that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.
- (h) "Basement" means any area of the building having its floor subgrade—i.e., below ground level—on all sides.
- (i) Building. See "Structure."
- (j) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.
- (k) "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.
- (l) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- (m) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (n) "Flood, flooding or flood water" means: (1) a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and (2) the condition resulting from flood-related erosion.
- (o) "Flood boundary and floodway map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.
- (p) "Flood hazard boundary map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.
- (q) "Flood insurance rate map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (r) "Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map, and the water surface elevation of the base flood.
- (s) "Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source. See "flooding."
- (t) "Floodplain administrator" is the individual appointed to administer and enforce the floodplain management regulations.
- (u) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency

preparedness plans, flood-control works and floodplain management regulations, and open space plans.

- (v) "Floodplain management regulations" means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control ordinances) and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.
- (w) "Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water or sanitary facilities, or structures and their contents. (Refer to FEMA Technical Bulletins ~~TB-1-93~~, ~~TB-3-93~~, and ~~TB-7-93~~ for guidelines on dry and wet floodproofing.)
- (x) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "regulatory floodway."
- (y) "Floodway fringe" is that area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted.
- (z) "Fraud and victimization," as related to Section 16.10.090 "Variance procedure" of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the town council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.
- (aa) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.
- (bb) "Governing body" is the local governing unit, i.e., the town council of the town of Corte Madera, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.
- (cc) "Hardship," as related to Section 16.10.090 "Variance procedure" of this chapter, means the exceptional hardship that would result from the failure to grant the requested variance. The town council requires that the variance be exceptional, unusual and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.
- (dd) "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (ee) "Historic structure" means any structure that is:
  - (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
  - (3) Individually listed on the state inventory of historic places, or individually listed on a local inventory of historic places, or individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.
- (ff) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.
- (gg) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.
- (hh) "Lowest floor" means the lowest floor of the lowest enclosed area including basement (see "Basement" definition).
- (1) An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable nonelevation design requirements, including, but not limited to:
    - (A) The wet floodproofing standards in Section 16.10.080(a)(3)(C) of this chapter;
    - (B) The anchoring standards in Section 16.10.080(a)(1) of this chapter;
    - (C) The construction materials and methods standards in Section 16.10.080(a)(2) of this chapter;
    - (D) The standards for utilities in Section 16.10.080(b) of this chapter.
  - (2) For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.
- (ii) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."
- (jj) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.
- (kk) "Market value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.
- (ll) "Mean sea level (MSL)" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of

1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

- (mm) "New construction" means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulations adopted by the town, and includes any subsequent improvements to such structures.
- (nn) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.
- (oo) "Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.
- (pp) One Hundred-Year Flood or 100-Year Flood. See "Base flood."
- (qq) "Public safety and nuisance" as related to Section 16.10.090 "Variance procedure" of this chapter, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin.
- (rr) "Recreational vehicle" means a vehicle which is:
  - (1) Built on a single chassis;
  - (2) Four hundred square feet or less when measured at the largest horizontal projection;
  - (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
  - (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (ss) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- (tt) "Remedy a violation" means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.
- (uu) "Riverine" means relating to, formed by or resembling a river (including tributaries), stream, brook, etc.
- (vv) Sheet Flow Area. See "Area of shallow flooding."
- (ww) "Special flood hazard area (SFHA)" means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. ~~It is shown on an FHBM or FIRM as zones A, AO, A1-A30, AE, A99 and AH.~~
- (xx) "Start of construction" refers to substantial improvement and other proposed new development, and means the date the building permit was issued; provided, the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of

the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a "substantial improvement," the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

- (yy) "Structure" means a walled and roofed building that is principally aboveground; this includes a gas or liquid storage tank or a manufactured home.
- (zz) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.
- (aaa) "Substantial improvement" means any act or acts of reconstruction, rehabilitation, addition or other proposed new development of a structure occurring ~~both after October 7, 1999 and~~ within the five years immediately preceding the current application, regardless of any change in ownership during this time period, which act or acts aggregated have a total cost that equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include:
- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
  - (2) Any alteration of a "historic structure"; provided, that the alteration does not preclude the structure's continued designation as a "historic structure"; or
  - (3) Any damage sustained by a structure as a result of an accidental fire limited to a single structure, provided that damage is not "substantial damage."
- (bbb) "Ultimate settlement" means the total amount of settlement which is predicted, on the basis of a thorough soils investigation performed by an appropriately licensed professional, over the useful life of a structure. The minimum useful life of a structure shall be considered to be fifty years.
- (ccc) "Variance" means a grant of relief from a requirement of this chapter that permits construction in a manner that would otherwise be prohibited by this chapter.
- (ddd) "Violation" means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.
- (eee) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
- (fff) "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which water flows at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(Ord. 889 § 1 (part), 2005: Ord. 845(b) § 1 (part), 1999)

16.10.060 - General provisions.

- (a) Lands to Which this Chapter Applies. This chapter shall apply to all areas of special flood hazards, and to all shoreline lands directly exposed to tidal action within the town.
- (b) Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by ~~the Federal Insurance Administration (FIA) of the~~ Federal Emergency Management Agency (FEMA) in the current version of the flood insurance study (FIS) ~~dated March 1977~~ and accompanying flood insurance rate maps (FIRMs) and flood boundary and floodway maps (FBFMs), ~~dated December 15, 1977~~ and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the town council by the floodplain administrator. The study, FIRMs and FBFMs are on file at the Corte Madera Department of Public Works ~~233 Tamalpais Drive, Corte Madera, CA 94925.~~
- (c) Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing in this chapter shall prevent the town council from taking such lawful action as is necessary to prevent or remedy any violation.
- (d) Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate or impair any existing adopted codes, easements, covenants or deed restrictions. However, where this chapter and another adopted code, ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (e) Interpretation. In the interpretation and application of this chapter, all provisions shall be considered as minimum requirements; be liberally construed in favor of the governing body; and be deemed neither to limit nor repeal any other powers granted under state statutes.
- (f) Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the town, any officer or employee thereof, the state of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
- (g) Severability. This chapter and the various parts thereof are declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(Ord. 889 § 1 (part), 2005: Ord. 845(b) § 1 (part), 1999)

16.10.070 - Administration.

- (a) Establishment of a Floodplain Development Permit. A floodplain development permit shall be obtained before construction or development begins within any area of special flood hazards, established in Sections 16.10.060(a) and (b) of this chapter. Application for a floodplain development permit shall be made on forms furnished by the floodplain administrator and shall be accompanied by plans drawn to scale showing the nature, location, dimensions and elevation of the area in

question; existing or proposed structure, fill, material storage areas, drainage facilities; and the locations of the foregoing. Specifically, the following information is required:

- (1) Site plan, including but not limited to:
    - (A) For all proposed structures, spot ground elevations at building corners and twenty-foot or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site,
    - (B) Proposed locations of water supply, sanitary sewer, and utilities,
    - (C) If available, the base flood elevation from the flood insurance study and/or flood insurance rate map, and
    - (D) If applicable, the location of the regulatory floodway;
  - (2) Foundation design detail, including but not limited to:
    - (A) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures,
    - (B) For a crawl-space foundation, location and total net area of foundation openings as required in Section 16.10.080(a)(3)(C) of this chapter and FEMA Technical Bulletins 1-93 and 7-93, and
    - (C) For foundations placed on fill, the location and height of fill, and compaction requirements (compacted to ninety-five percent using the Standard Proctor Test method);
  - (3) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 16.10.080(a)(3)(B) of this chapter and FEMA Technical Bulletin TB-3-93;
  - (4) All appropriate certifications listed in subsection (c)(4) of this section; and
  - (5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (b) Designation of the Floodplain Administrator. The town engineer is appointed to administer and implement this chapter by granting or denying floodplain development permits in accordance with its provisions.
- (c) Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:
- (1) Permit Review. Review all building, grading and development permits to determine the following:
    - (A) That the permit requirements of this chapter have been satisfied,
    - (B) That all other required state and federal permits have been obtained,
    - (C) That the site is reasonably safe from flooding,
    - (D) That the proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will increase the water surface elevation of the base flood more than one foot;
  - (2) Review, Use and Development of Other Base Flood Data.
    - (A) When base flood elevation data has not been provided in accordance with Section 16.10.060(b) of this chapter, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or

state agency, or other source, in order to administer Section 16.10.080 of this chapter. Any such information shall be submitted to the town council for adoption, or

- (B) If no base flood elevation data is available from a federal or state agency or other source, then a base flood elevation shall be obtained using one of two methods from the FEMA publication "Managing Floodplain Development in Approximate Zone A Areas—A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995 in order to administer Section 16.10.080 of this chapter:
  - (i) Simplified method:
    - a. One hundred-year or base flood discharge shall be obtained using the appropriate regression equation found in a U.S. Geological Survey publication, or the discharge-drainage area method, and
    - b. Base flood elevation shall be obtained using the Quick-2 computer program developed by FEMA, or
  - (ii) Detailed method:

The one hundred-year or base flood discharge and the base flood elevation shall be obtained using detailed methods identified in FEMA Publication 265, published in July 1995 and titled: "Managing Floodplain Development in Approximate Zone A Areas-A Flood Elevations";
- (3) Notification of Other Agencies. In alteration or relocation of a watercourse:
  - (A) Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation,
  - (B) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency, and
  - (C) Assure that the flood carrying capacity within the altered or relocated portion of such watercourse is maintained;
- (4) Documentation of Floodplain Development. The floodplain administrator shall obtain and maintain for public inspection and make available as needed the following documents:
  - (A) The certification required in Section 16.10.080(a)(3)(A) (lowest floor elevations),
  - (B) The certification required in Section 16.10.080(a)(3)(B)(iii) (elevation or floodproofing of nonresidential structures),
  - (C) The certification required in Section 16.10.080(a)(3)(C)(i) or 16.10.080(a)(3)(C)(ii) (wet floodproofing standard),
  - (D) The certification of elevation required in Section 16.10.080(c)(2) (subdivision standards),
  - (E) The certification required in Section 16.10.080(e)(l) (floodway encroachments);
- (5) Map Determinations. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards. Where there appears to be a conflict between a mapped boundary and actual field conditions or the exact boundaries of shoreline areas directly exposed to tidal action, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of a boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 16.10.090 of this chapter;
- (6) Remedial Action. Take action to remedy violations of this chapter as specified in Section 16.10.060(c) of this chapter;
- (7) Appeals. The town council of the town of Corte Madera shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.

(Ord. 889 § 1 (part), 2005: Ord. 845(b) § 1 (part), 1999)

16.10.080 - Provisions for flood hazard reduction.

- (a) Standards of Construction. In all areas of special flood hazards and shoreline areas exposed to direct tidal action, the following standards shall be required:
- (1) Anchoring.
    - (A) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
    - (B) All manufactured homes shall meet the anchoring standards of subsection (d) of this section.
  - (2) Construction Materials and Methods. All new construction and substantial improvement shall be constructed:
    - (A) With flood-resistant materials as specified in FEMA Technical Bulletin ~~FB-2-93~~, and utility equipment resistant to flood damage;
    - (B) Using methods and practices that minimize flood damage;
    - (C) With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if
    - (D) Within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
  - (3) Elevation and Floodproofing. (See Section 16.10.050, Definitions, for "basement," "lowest floor," "new construction," "substantial damage" and "substantial improvement").
    - (A) Residential construction, new or substantial improvement, shall have the lowest floor, including basement.
      - (i) In zones ~~A and AEA1-A30~~, elevated to a height equal to or exceeding one (1) foot above the base flood elevation specified on the FIRM, ~~plus the amount of ultimate settlement anticipated for the structure. The base flood elevation in zone A1, as shown on the FIRM, is elevation 6 NGVD.~~
      - (ii) In zone ~~V and VEA~~, elevated to a height equal to or exceeding one (1) foot above the base flood elevation ~~of 6 NGVD, plus the amount of ultimate settlement anticipated for the structure. This base flood elevation has been determined by the contour interpolation method and data extrapolation method outlined in the FEMA publication titled "Managing Floodplain Development in Approximate Zone A Areas—A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.~~
      - (iii) ~~In any area of special flood hazard to which this chapter applies, and which is on the shoreline of San Francisco Bay, Corte Madera Creek, or San Clemente Creek and exposed to direct tidal action, elevated to a height equal to or exceeding three feet above the base flood elevation of 6 NGVD, plus the amount of ultimate settlement anticipated for the structure. The base flood elevation shall be as determined in either subsections (a)(3)(A)(i) or (a)(3)(A)(ii) of this section.~~ Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

- (B) All new construction or substantial improvements of nNonresidential construction shall either be elevated in conformance with subsection (a)(3)(A) of this section, or together with attendant utility and sanitary facilities:
- (i) Be floodproofed below the elevation recommended under subsection (a)(3) of this section so that the structure is watertight with walls substantially impermeable to the passage of water;
  - (ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - (iii) Be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certifications shall be provided to the floodplain administrator.
- (C) All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access, or storage, and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall follow the guidelines in FEMA Technical Bulletins ~~TB-1-93~~ and ~~TB-7-93~~, and must exceed the following minimum criteria:
- (i) Be certified by a registered professional engineer or architect; or
  - (ii) Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters; or be certified by a registered professional engineer or architect.
- (D) Manufactured homes shall also meet the standards in subsection (d) of this section.
- (b) Standards for Utilities.
- (1) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.
  - (2) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them, during flooding.
- (c) Standards for Subdivisions.
- (1) All preliminary subdivision proposals shall identify the special flood hazard area and the elevation of the base flood.
  - (2) All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevation shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.
  - (3) All subdivision proposals shall be consistent with the need to minimize flood damage.
  - (4) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
  - (5) All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.
- (d) Standards for Manufactured Homes.
- (1) All manufactured homes that are placed or substantially improved, within zones A, ~~A1-A30, AH,~~ and AE on the community's flood insurance rate map, on sites located:
    - (A) Outside of a manufactured home park or subdivision;

- (B) In a new manufactured home park or subdivision;
  - (C) In an expansion to an existing manufactured home park or subdivision; or
  - (D) In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the elevation identified in subsection (a)(3) of this section, and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (2) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones ~~A, A1-A30, AH~~ and AE on the flood insurance rate map, that are not subject to the provisions of subsection (d)(1) of this section will be securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement and elevated so that either:
- (A) The lowest floor of the manufactured home is at or above the base flood elevation; or
  - (B) The manufactured home chassis is supported by reinforced pier or other foundation elements of at least equal strength that are no less than thirty-six inches in height above grade. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.
- (e) Standards for Recreational Vehicles. All recreational vehicles placed on sites within zones ~~A, A1-A30, AH~~ and AE on the flood insurance rate map will either:
- (1) Be on the site for fewer than one hundred eighty consecutive days, and be fully licensed and ready for highway use—a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
  - (2) Meet the permit requirement of Section 16.10.070 of this chapter and the elevation and anchoring requirements for manufactured homes in subsection (d) of this section.
- (f) Floodways. Located within areas of special flood hazard established in Section 16.10.060(b) of this chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other new development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge;
  - (2) If subsection (e)(1) of this section is satisfied, all new construction, substantial improvements, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this section.

(Ord. 889 § 1 (part), 2005: Ord. 845(b) § 1 (part), 1999)

#### 16.10.090 - Variance procedure.

- (a) Nature of Variances. The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance. The variance criteria set forth in this section of the chapter are based on the general principal of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics

so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants or the property owners. It is the duty of the town council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements of this chapter shall be rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this section are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(b) Appeal Board.

(1) In passing upon appeals and applications for variances, the town council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:

- (A) The danger that materials may be swept onto other lands to the injury of others;
- (B) The danger to life and property due to flooding or erosion damage;
- (C) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
- (D) The importance to the community of the services provided by the proposed facility to the community;
- (E) The necessity of a waterfront location to the facility, where applicable;
- (F) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (G) The compatibility of the proposed use with existing and anticipated development;
- (H) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (I) The safety of access for ordinary and emergency vehicles to the property in time of flood;
- (J) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and
- (K) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water system, and streets and bridges.

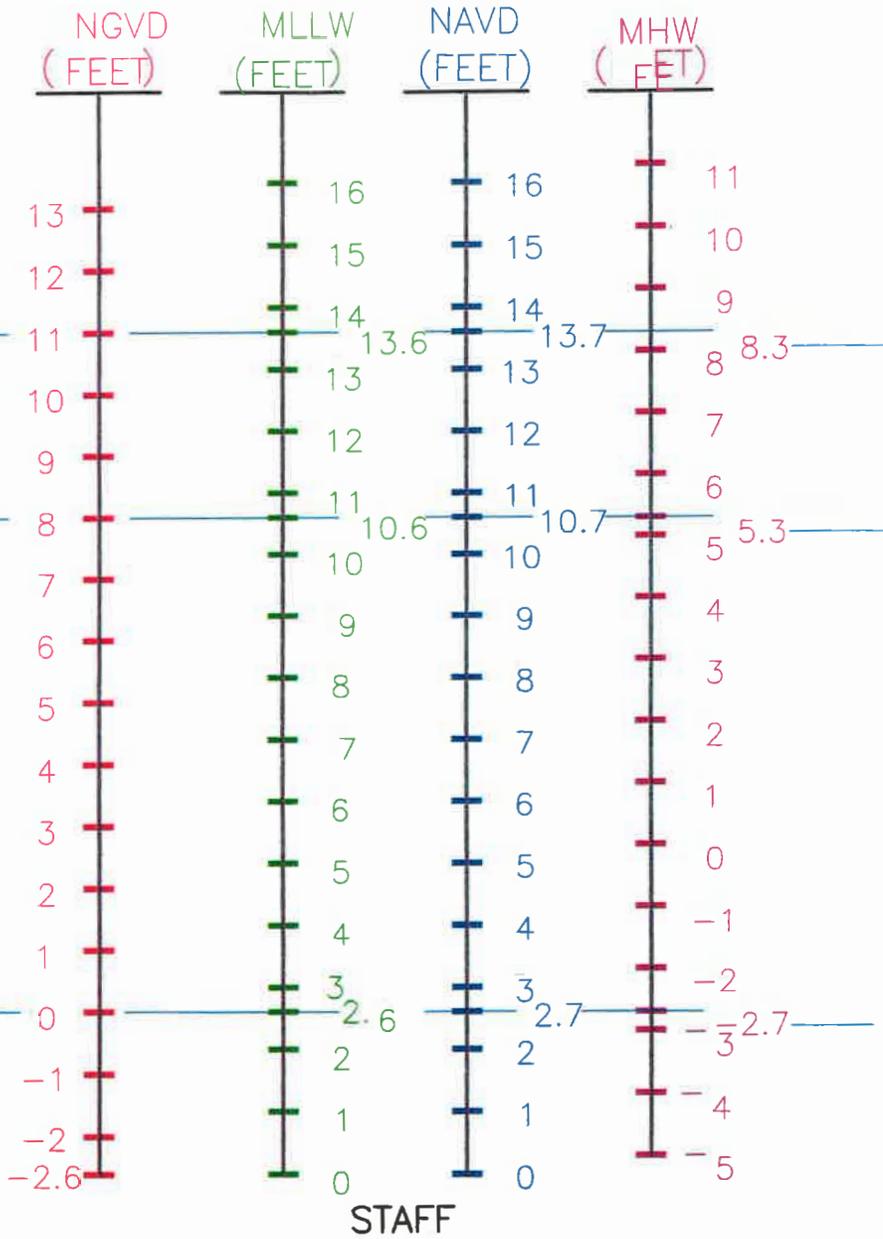
(c) Conditions for Variances.

- (1) Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 16.10.070 and 16.10.080 of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 16.10.050 of this chapter) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

- (4) Variances shall only be issued upon a determination that the variance is the "minimum necessary," considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the town council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the town council believes will both provide relief and preserve the integrity of the local ordinance.
- (5) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
  - (A) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage; and
  - (B) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the floodplain administrator in the office of the Marin county recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- (6) The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.
- (7) Variances shall only be issued upon a:
  - (A) Showing of good and sufficient cause;
  - (B) Determination that failure to grant the variance would result in exceptional "hardship" (as defined in Section 16.10.050 of this chapter) to the applicant; and
  - (C) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Section 16.10.050—see "Public safety or nuisance"), cause fraud or victimization (as defined in Section 16.10.050) of the public, or conflict with existing local laws or ordinances.
- (8) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsections (c)(1) through (5) of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
- (9) Upon consideration of the factors of subsection (b)(1) of this section and the purposes of this chapter, the town council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(Ord. 889 § 1 (part), 2005: Ord. 845(b) § 1 (part), 1999)

**ATTACHMENT 2**  
**DATUM COMPARISON CHART**



**DATUMS:**

NGVD29 - NATIONAL GEODETIC VERTICAL DATUM OF 1929  
(USED ON TOWN'S MAPS AND PLANS)

MLLW - MEAN LOWER LOW WATER (TIDE TABLES)

NAVD88 - NORTH AMERICAN VERTICAL DATUM OF 1988

MHW - MEAN HIGH WATER

**EQUATIONS**

(AT SAN CLEMENTE CREEK AND CORTE MADERA CREEK AT HW101):

APPROXIMATE ELEVATION (MLLW) = ELEVATION (NGVD) + 2.6 FEET

APPROXIMATE ELEVATION (NAVD) = ELEVATION (NGVD) + 2.7 FEET

APPROXIMATE ELEVATION (MHW) = ELEVATION (NGVD) - 2.7 FEET



Town of Corte Madera  
STORM DRAINAGE AND FLOOD  
CONTROL STUDY - PHASE 2



**DATUM COMPARISON**  
**(AT SAN CLEMENTE CREEK AND**  
**CORTE MADERA CREEK AT HWY 101)**

**EXHIBIT R**

## CONSENT CALENDAR ITEM 5.V

### Council Position On Governor Brown's "By Right" Housing Trailer Bill

(There is no staff report for this item. The Town Council will review the proposed draft letter and consider authorizing the Mayor to send the formal letter of opposition to the Governor's "By Right" Housing Bill)



THE TOWN OF  
CORTE MADERA  
MARIN COUNTY CALIFORNIA

300 TAMALPAIS DRIVE  
CORTE MADERA, CA  
94925-1418

www.townofcortemadera.org

TOWN MANAGER  
TOWN COUNCIL  
415-927-5050

TOWN CLERK  
415-927-5086

FINANCE / BUS. LICENSE  
415-927-5055

FIRE DEPARTMENT  
415-927-5077

PLANNING / ZONING  
415-927-5064

BUILDING INSPECTOR  
415-927-5062

TOWN ENGINEER  
PUBLIC WORKS  
415-927-5057

RECREATION DEPARTMENT  
415-927-5072

SANITARY DISTRICT No. 2  
415-927-5057

CENTRAL MARIN  
POLICE AUTHORITY  
415-927-5150

June 17, 2016

Honorable Assembly Member Adrin Nazarian  
Chair, Assembly Budget Subcommittee #4  
State Capitol, Room 6026  
Sacramento, CA 95814  
Fax: 916-319-2199

Honorable Senator Richard Roth  
Chair, Senate Budget Subcommittee #4  
State Capitol, Room 5019  
Sacramento, CA 95814  
Fax: 916-323-8386

**RE: Governor's By-Right Housing Proposal  
Notice of Opposition**

Dear Honorable Chairs Nazarian and Roth:

The Town of Corte Madera opposes the recently released proposal by the Governor to pre-empt local discretionary land use approvals of specified housing developments by having all such approvals be considered "ministerial" actions, meaning eliminating opportunities for public review, project-level environmental review and restricting design review.

We believe that such fundamental policy changes should not be rushed through as a budget proposal, but merit extensive review by the appropriate policy committees in a deliberative fashion.

Eliminating opportunities for public review of these major development projects goes against the principles of local democracy and public engagement. While it may be frustrating for some developers to hear concerns about traffic, parking and other development impacts, those affected by such projects have a right to be heard. Not having such outlets will increase public distrust in government.

Avoiding or restricting design review is also short-sighted. Community acceptance can be improved through good design that enables a new structure to match a community character.

*Several years ago, San Clemente Place, an affordable housing development was built by EAH. Because of stringent design guidelines and community input, we now have today a beautiful residential resource that is embraced by the community.*

*The current laws in place, including density bonuses, reduce parking requirements and height limits, already impose onerous conditions on our community. Criticism of design or request for reduced density could have been interpreted as an "impediment" leaving the jurisdiction open to lawsuits. As a result of over-inflated RHNA numbers which were corrected post-construction, we now have a project that is out of character for our*

*small town character. We certainly wouldn't be willing to relinquish more power over our land use.*

*The Corte Madera community already feels State's usurping of local control and would be outraged to hear that our local control was even further stripped.*

This proposal is disappointing from our Governor. He has taken our state backwards on affordable housing by stripping local governments and the state of the few resources available to build these units, and is now seeking to avoid a discussion of how to replace these lost funds by undermining public input, environmental and design review.

On behalf of the residents we represent who deserve a voice in the future shape of their communities, the Town of Corte Madera respectfully states our opposition to this measure.

Sincerely ,

Sloan C. Bailey  
Mayor

cc : Senator Mike McGuire  
Assembly Member Marc Levine  
Nancy Hall Bennett, League of California Cities, nbennett@cacities.org  
Dan Carrigg, League of California Cities, CarriggD@cacities.org

THIS MATERIAL HAS BEEN REVIEWED  
BY THE TOWN MANAGER

  
\_\_\_\_\_

CORTE MADERA TOWN COUNCIL  
STAFF REPORT

Report Date: June 16, 2016  
Meeting Date: June 21, 2016

TO: MAYOR AND TOWN COUNCIL  
FROM REBECCA VAUGHN, TOWN CLERK  
SUBJECT: REQUEST FOR CANCELLATION OF JULY 5, 2016 TOWN  
COUNCIL MEETING

\* \* \* \* \*

**STAFF RECOMMENDATION**

Cancel the July 5, 2016 Town Council meeting.

**TOWN MANAGER RECOMMENDATION**

Support staff's recommendation.

**BACKGROUND**

Occasionally in past years, the Town Council has canceled one or more of their regularly scheduled meetings during the summer. At this time, staff proposes cancelling the July 5 Town Council meeting due to both the light agenda and the Special Joint meeting with the Larkspur City Council that will be scheduled for the following evening. The next regular Town Council meeting is scheduled for July 19, 2016.

THIS MATERIAL HAS BEEN REVIEWED BY  
THE TOWN MANAGER

TOWN OF CORTE MADERA  
SANITARY DISTRICT NO. 2 OF MARIN COUNTY,  
A SUBSIDIARY DISTRICT TO THE TOWN OF CORTE MADERA  
INVESTMENT TRANSACTIONS  
FOR THE MONTH OF APRIL, 2016

Type of Investment Instrument	Institution	Beginning Date of Investment	Date of Maturity	Total Number of Days	Call Provisions	Total Number of Days This Month	Amount of Investment	Market Value For Securities With A Maturity Over 12 Months	Interest Rate	Interest Accrued This Month	Interest Due
Certificate of Deposit (CD)	GE Capital Bank, Draper, Utah (Semi)	02/28/14	02/28/17	1,096	None	30	247,000	247,904.02	1.05%	213.30	451.23
Certificate of Deposit (CD)	Goldman Sachs, New York, NY (Semi)	03/05/14	03/06/17	1,096	None	30	247,000	247,607.62	1.00%	203.10	387.99
Certificate of Deposit (CD)	United Banker's Bank Bloomington, Minn (Monthly)	8/29/2014	11/29/17	1,185	None	30	245,000	245,862.40	1.15%	231.60	262.29

TOWN OF CORTE MADERA  
 SANITARY DISTRICT NO. 2 OF MARIN COUNTY,  
 A SUBSIDIARY DISTRICT TO THE TOWN OF CORTE MADERA  
 INVESTMENT TRANSACTIONS  
 FOR THE MONTH OF APRIL, 2016

Type of Investment Instrument	Institution	Beginning Date of Investment	Date of Maturity	Total Number of Days	Call Provisions	Total Number of Days This Month	Amount of Investment	Market Value For Securities With A Maturity Over 12 Months	Interest Rate	Interest Accrued This Month	Interest Due
Local Agency Inv Fund	St Treasurers Off	Apr, 16 LAIF Trans	N/A	N/A	N/A	N/A	N/A	N/A	0.525	0.00	0.00
Local Agency Inv Fund	St Treasurers Off	May, 16 LAIF Trans	N/A	N/A	N/A	N/A	N/A	N/A	0.000	0.00	0.00
Local Agency Inv Fund	St Treasurers Off	Apr-Jun, LAIF Adjust	N/A	N/A	N/A	N/A	N/A	N/A	0.000	0.00	0.00
Local Agency Inv Fund	St Treasurers Off	03/15/16	04/08/16	24	N/A	7	10,550,000.00	N/A	0.525	1,062.25	1,062.25
Local Agency Inv Fund	St Treasurers Off	04/08/16	04/12/16	4	N/A	4	10,460,000.00	N/A	0.525	601.84	601.84
Local Agency Inv Fund	St Treasurers Off	04/12/16	04/14/16	2	N/A	2	10,330,000.00	N/A	0.525	297.18	297.18
Local Agency Inv Fund	St Treasurers Off	04/14/15	04/18/16	4	N/A	4	10,030,000.00	N/A	0.525	577.08	577.08
Local Agency Inv Fund	St Treasurers Off	04/18/16	05/20/16	32	N/A	13	14,330,000.00	N/A	0.525	2,679.56	2,679.56
TOTALS							15,069,000.00	741,374.04		5,865.91	6,319.42

Total interest earned for the month of April was \$5,865.91.  
 Total cash in investment on April 1, 2016 was \$11,289,000.00.  
 Total cash in investment on April 30, 2016 was \$15,069,000.00.  
 Effective yield for the month April, 2016 was 0.557%.

LAIF	14,330,000.00
CDs	741,374.04
Market Variance	(2,374.04)
	<u>15,069,000.00</u>

Submitted herewith is the monthly report of investment transactions pertaining to the Town of Corte Madera and Sanitary District No. 2 of Marin County, a Subsidiary District to the Town of Corte Madera, in accordance with Government Code Section 53600 et seq. and Section 53646. The subject investment transactions are in accordance with the Annual Statement of Investment Policy dated January 1, 2016.

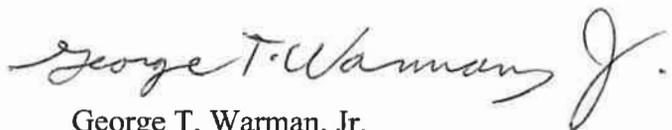
Pursuant to State Law, the following statement is required: Sufficient funds will be available to meet expenditure requirements for the next six (6) months.

George T. Warman, Jr.  
 Director of Administrative Services  
 June 10, 2016

Investment Transactions  
April, 2016

Calculation of Effective Yield

Amount Invested Times	Number of Days	Equals Denominator and Times	Interest Rate	Equals Numerator
247,000	30	7,410,000	1.050	7,780,500
247,000	30	7,410,000	1.000	7,410,000
245,000	30	7,350,000	1.150	8,452,500
10,550,000	7	73,850,000	0.525	38,771,250
10,460,000	4	41,840,000	0.525	21,966,000
10,330,000	2	20,660,000	0.525	10,846,500
10,030,000	4	40,120,000	0.525	21,063,000
14,330,000	13	186,290,000	0.525	97,802,250
		384,930,000		214,092,000
		214,092,000		
		384,930,000 = effective yield of 0.557%		



George T. Warman, Jr.  
Director of Administrative Services  
June 10, 2016

PAGE 4 OF 6

	Cash	Investments	Fund Total
101	GENERAL FUND	674,961.66	4,310,622.04 CR
102	GENERAL FUND NON-OPERATIONS FD	0.00	1,767.36 CR
104	CAPITAL EQUIP. REPLACE FUND	0.00	5,631,944.50
105	TRAFFIC SAFETY FUND	0.00	0.00
106	PARK MADERA CENTER FUND	0.00	2,285,224.15 CR
108	GAS TAX 2103 FUND	0.00	100,336.21
109	GAS TAX 2105 FUND	0.00	34,876.80
110	GAS TAX 2106 FUND	0.00	10,441.96
111	GAS TAX 2107 FUND	0.00	27,505.39 CR
112	GAS TAX 2107.5 FUND	0.00	0.00
114	TAM SALES TAX OVERRIDE FUND	0.00	69,129.92
115	STATE DISABILITY ACCESS FEE FUND	0.00	1,107.10
116	BEAUTIFICATION FUND	0.00	11,728.30 CR
120	CORTE MADERA SALES TAX OVERRIDE	0.00	3,936,511.19
124	AFFORDABLE HOUSING FUND	0.00	165,390.78
140	STORM DRAINAGE SPECAL TAX FUND	0.00	1,546,493.08
159	SHORELINE PARKING DEBT SERVICE	0.00	160,852.11
160	CAPITAL MAINTENANCE FUND	0.00	0.00
165	SHORELINE PARKING MAINT. DIST.	0.00	16,573.17
170	CAPITAL IMPROVEMENT FUND	0.00	18,655.29 CR
176	WESTSIDE PARK-IN-LIEU FUND	0.00	5,500.00
178	TRAFFIC IMPROVEMENT FUND	0.00	49,524.39 CR
179	VILLAGE TRAFFIC IMPROVEMENT FUND	0.00	133,000.00
180	2016 IRC 125 FLEX BENEFIT FUND	0.00	32,201.10
186	2015 IRC 125 FLEX BENEFIT FUND	0.00	58,847.97
187	DEVELOPERS DEPOSIT AGENCY FUND	0.00	213,432.29
188	AB 1600 DEVELOPMENT FEES FUND	0.00	558,013.13
201	SEWER GENERAL OPERATING FUND	0.00	8,825,271.77
255	SAUSALITO ST SEWER ASSESS DIST	0.00	0.00
257	OLD LANDING ROAD DEBT SERVICE	0.00	74,155.37
260	SEWER CAPITAL MAINTENANCE FUND	0.00	837,218.12 CR
270	SEWER CONNECTION FEE PROJ FUND	0.00	0.00
301	RECREATION CENTER FUND	0.00	275,897.55 CR
302	PARKS & REC REVENUE TRUST FUND	0.00	12,700.00
303	PARKS & REG FACILITY TRUST FUND	0.00	901,806.01
304	MARIN PARKS MEASURE "A" FUND	0.00	46,494.76
401	RECREATION OUTDOOR FACILITY FUND	0.00	18,426.81
501	NEIL CUMMINS GYM FUND	0.00	88,845.01 CR
601	AFTERSCHOOL PROGRAMS FUND	0.00	55,472.72 CR
701	SUMMER CAMPS & PLAYGROUND FUND	0.00	57,203.34 CR
810	WORKERS' COMP SELF-INSURE FUND	0.00	130,708.65
820	GEN & AUTO LIAB SELF-INSURE FD	0.00	395,886.61
830	PROP & VEH DAMG SELF-INSURE FD	0.00	8,562.37
<b>Grand Total:</b>		<b>674,961.66</b>	<b>15,069,000.00</b>

4,806,990.69  
674,961.66  

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5,481,952.35

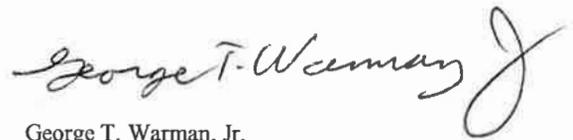
8,062,209.02

502,008.96 →

06/10/16

Interest Distribution  
 Month of April, 2016  
 Posted to Financial Records in May, 2016

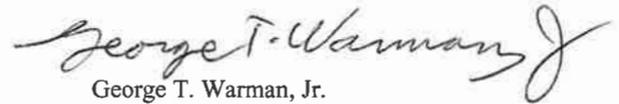
Fund	De-Pooled Interest Earnings	Opening Cash Balances Less De-Pooled 05/01/2016	Percentage of Total Pooled Cash	Pooled Interest Earnings	Total Interest Earnings
#101-General & All Others Not Detailed	N/A	5,481,952.35	34.82	2,042.51	2,042.51
#108-Gas Tax	N/A	118,149.58	0.75	44.00	44.00
#140 Storm Drainage Tax	N/A	1,546,493.08	9.83	576.62	576.62
#201-Sewer	N/A	8,062,209.02	51.19	3,002.75	3,002.75
#810-Workers' Comp Self-Insure	N/A	139,271.02	0.89	52.21	52.21
#820-Gen & Auto Liab Self-Insure	N/A	395,886.61	2.52	147.82	147.82
	0.00	15,743,961.66	100.00	5,865.91	5,865.91



George T. Warman, Jr.  
 Director of Administrative Services  
 June 10, 2016

CASH BALANCES AS OF APRIL 30, 2016  
(NOT FUND BALANCES ON AN ACCRUAL BASIS)

Fund Number	Fund Title	Cash In Investment	Booked Cash In Commerical Account	Total Booked Cash
#101	General	4,806,990.69	674,961.66	5,481,952.35
#108	Gas Tax	118,149.58	0.00	118,149.58
#140	Storm Drainage Tax	1,546,493.08	0.00	1,546,493.08
#201	Sewer	8,062,209.02	0.00	8,062,209.02
#810	Workers' Comp Self-Insure	139,271.02	0.00	139,271.02
#820	Gen & Auto Liab Self-Insure	395,886.61	0.00	395,886.61
TOTALS		15,069,000.00	674,961.66	15,743,961.66



George T. Warman, Jr.  
Director of Administrative Services  
June 10, 2016

**TOWN OF CORTE MADERA**

**RATIFICATION AND APPROVAL OF  
PAYROLL AND DEMANDS (ACCOUNTS PAYABLE)  
PERIOD 06/01/16 – 06/14/16**

Submitted herewith are the Payroll and Demands (Accounts Payable) paid during the period of 06/01/16 through and including 06/14/16 in accordance with Corte Madera Municipal Code Section 2.12.145 and Chapter 2.28(Statutory provisions contained in Government Code Sections 37202 through 37209 and Sections 40802 through 40805 and Section 40805.5).

Payroll (05/23/16-06/05/16)		
Payroll Check Numbers	5221 – 5228	\$ 18,356.87
Payroll Direct Deposit Numbers	29639 – 29710	164,974.21
Payroll Wire Transfer Numbers	2018 – 2021	<u>88,052.14</u>
<b><u>Total Payroll</u></b>		\$ 271,383.22
Warrant Check Numbers	213778 – 213864	\$ 306,299.65
Wire- Central Marin Police Monthly Payment (07/01/16)		258,000.00
Wire- CalPERS Fire Classic Annual Unfunded Liability Payment (00/00/00)		0.00
Wire- CalPERS Misc. Classic Annual Unfunded Liability Payment (00/00/00)		0.00
Wire- MERA Annual Bond Payment (00/00/00)		0.00
Wire- Park Madera Semi-Annual Debt (00/00/00)		<u>0.00</u>
<b><u>Total Demands (Accounts Payable)</u></b>		\$ 564,299.65
<b>TOTAL PAYROLL AND DEMANDS</b>		\$ <b>835,682.87</b>

	6/15/16		06/14/16
David James Bracken	Date	George T. Warman, Jr.	Date
Town Manager		Director of Administrative Services/ Town Treasurer	

**APPROVED AT MEETING OF 06/21/16**

\_\_\_\_\_  
SLOAN C. BAILEY, MAYOR

\_\_\_\_\_  
DIANE FURST, VICE MAYOR

\_\_\_\_\_  
JAMES ANDREWS, COUNCIL MEMEBER

\_\_\_\_\_  
CARLA CONDON, COUNCIL MEMBER

\_\_\_\_\_  
MICHAEL LAPPERT, COUNCIL MEMBER

\*Checks listed do not correspond to a month or an accounting period because of overlap between months and accounting periods. Questions oncerning the check register should be directed to George Warman at 927-5055. In his absence, ask for Jonna Intoschi or Lina /

Voucher List  
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213778	6/8/2016	aa100c A AND P MOVING, INC.	4045869		MONTHLY RECORD STORAGE FEE MONTHLY RECORD STORAGE FEE	35.00
					<b>Total :</b>	35.00
213779	6/8/2016	an106c A N WEST INC., CONSULTING ENGINEEF	INV 593702-2 INV 594101-2		STORM DRAINAGE IMPROVEMENT STORM DRAINAGE IMPROVEMENT MAY 2016 ASSIST WITH FINANCIAL MAY 2016 ASSIST WITH FINANCIAL	170.00 5,580.00
					<b>Total :</b>	5,750.00
213780	6/8/2016	am035c AMY SKEWES-COX, AICP	143/27		CORTE MADERA INN EIR CORTE MADERA INN EIR	3,971.57
					<b>Total :</b>	3,971.57
213781	6/8/2016	at111c AT & T MOBILITY - 436050713282	04/25/16-5/24/16		UTILITIES - TELEPHONE UTILITIES - TELEPHONE	206.34
					<b>Total :</b>	206.34
213782	6/8/2016	ba550c BAY AREA BARRICADE SERVICE,INC	0337537-IN		SIGNS SIGNS	436.00
					<b>Total :</b>	436.00
213783	6/8/2016	wi026c BAY AREA HAPPY FEET	11837		CONTRACT INSTRUCTOR CONTRACT INSTRUCTOR	344.04
					<b>Total :</b>	344.04
213784	6/8/2016	ce075c CENTRAL MARIN SANITATION AGEN.	16-8084 16-8090		MARCH INVOICE FOR CMSA ROUT MARCH INVOICE FOR CMSA ROUT APRIL INVOICE FOR CMSA ROUTIN APRIL INVOICE FOR CMSA ROUTIN	47,701.31 35,557.61
					<b>Total :</b>	83,258.92
213785	6/8/2016	ch250c CHEVRON & TEXACO BUSINESS CARD	05/22/2016STMT		FUEL - GASOLINE FUEL - GASOLINE FUEL - GASOLINE	1,061.57 842.31

Voucher List  
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213785	6/8/2016	ch250c CHEVRON & TEXACO BUSINESS CARD	(Continued)		FUEL - GASOLINE	579.15
					FUEL - GASOLINE	402.05
					DIESEL - FUEL	136.67
					FUEL - GASOLINE	351.56
					FUEL - GASOLINE	259.68
					FUEL - GASOLINE	27.79
					FUEL - GASOLINE	95.46
					FUEL - GASOLINE	123.80
					FUEL - DIESEL	43.29
					FUEL - DIESEL	243.25
					<b>Total :</b>	4,166.58
213786	6/8/2016	co173c COMCAST - 0209597, 0209571 &, 005632	06/01/16-06/30/16		CORP. YARD "DSL" LINE	
					CORP. YARD "DSL" LINE	111.20
					<b>Total :</b>	111.20
213787	6/8/2016	co835c CORTE MADERA BEAUTIFICATION, % C.	06/06/2016STMT		DONATION OF COMMISSIONERS S	
					DONATION OF COMMISSIONERS S	50.00
					<b>Total :</b>	50.00
213788	6/8/2016	co800c CORTE MADERA COMM. FOUNDATION	06/06/2016STMT		DONATION OF COMMISSIONER ST	
					DONATION OF COMMISSIONER ST	100.00
					<b>Total :</b>	100.00
213789	6/8/2016	da025c D & K AUTO SERVICES	50701		ZIP TIES	
			50735		ZIP TIES	111.09
					FILTER KIT/WIRES	
					FILTER KIT/WIRES	120.91
					<b>Total :</b>	232.00
213790	6/8/2016	de230c DEPT. OF JUSTICE ACCT. OFFICE	170134		FINGERPRING APPS - FBI BUILDING	
					FINGERPRING APPS - FBI BUILDING	49.00
					<b>Total :</b>	49.00
213791	6/8/2016	fe075c FEDERAL EXPRESS CORPORATION	5-430-95118		MIS. PROF. SPECIALIZED SERVICE	

Voucher List  
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213791	6/8/2016	fe075c FEDERAL EXPRESS CORPORATION	(Continued)		MIS. PROF. SPECIALIZED SERVICE	136.45
					<b>Total :</b>	136.45
213792	6/8/2016	fe500c FERGUSON ENTERPRISES,INC. #686	4786410		IRRIGATION SUPPLIES	27.89
					<b>Total :</b>	27.89
213793	6/8/2016	fi047c FISHMAN SUPPLY CO. - (P/P/B)	1028938		OFFICE SUPPLIES / PLUS SERVICE	257.90
					<b>Total :</b>	257.90
213794	6/8/2016	ge120c GEORGE HILLS COMPANY, INC.	INV1010624		MONTHLY LIAB. CLAIMS ADMIN. FE	977.50
					<b>Total :</b>	977.50
213795	6/8/2016	gh102c GHD INC.	62289		VILLAGE AT CM 2016 EXPANSION E	14,297.42
					<b>Total :</b>	14,297.42
213796	6/8/2016	gi038c GIRON, MARIA	R-34877		REFUND OF PICNIC DEPOSIT	200.00
					<b>Total :</b>	200.00
213797	6/8/2016	go055c GOPHER-IT TRENCHLESS-	G1212		WATER LINE REPLACEMENT AT TC	6,300.00
					<b>Total :</b>	6,300.00
213798	6/8/2016	go033c GORDON, JEFF	R-34875		REFUND OF FACILITY DEPOSIT	500.00
					<b>Total :</b>	500.00
213799	6/8/2016	he125c HEPPNER RISK MGMT., DARRELL	06/01/2016STMT		RISK MGMT - HEPPNER	2,062.75
					RISK MGMT - HEPPNER	2,063.00
					RISK MGMT - HEPPNER	458.00

Voucher List  
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213799	6/8/2016	he125c he125c HEPPNER RISK MGMT., DARRELL	(Continued)			<b>Total :</b> 4,583.75
213800	6/8/2016	ho175c HORIZON	1Q067363		IRRIGATION SUPPLIES IRRIGATION SUPPLIES FERTILIZER	380.89 60.00 <b>Total :</b> 440.89
213801	6/8/2016	ir020c IRON MOUNTAIN	MRN8805		RECORD STORAGE RECORD STORAGE	157.00 <b>Total :</b> 157.00
213802	6/8/2016	ji101c JIM CORBET'S ACE HARDWARE	660927		HAND TOOL & MINOR EQUIPMENT HAND TOOL & MINOR EQUIPMENT	76.20 <b>Total :</b> 76.20
213803	6/8/2016	ko110c KORINKE, KRISTIN	05/24/2016STMT		LIABILITY CLAIM EXPENSE LIABILITY CLAIM EXPENSE	100.00 <b>Total :</b> 100.00
213804	6/8/2016	la275c LARKSPUR, CITY OF	06/01/2016STMT		FUEL - DIESEL FUEL - DIESEL	413.57 <b>Total :</b> 413.57
213805	6/8/2016	ma208c MARIN INDEPENDENT JOURNAL	05/31/2016STMT		PUBLIC NOTICE PUBLIC NOTICE SANITARY DISTRICT NO. 2 MISC. PROF. SPECIALIZED SERVIC FLOOD PLAIN ORDIANCE	81.20 88.40 1,494.64 70.80 <b>Total :</b> 1,735.04
213806	6/8/2016	ne100c NERVIANI PAVING, INC.	4757 4760		CM VARIOUS LOCATIONS - CANAL CM VARIOUS LOCATIONS - CANAL REDWOOD RD & CRESCENT RD REDWOOD RD & CRESCENT RD	3,000.00 2,970.00 <b>Total :</b> 5,970.00
213807	6/8/2016	ro450c ROY'S SEWER SERVICE, INC.	193679		CHEYENNE & BIRCH CLEAN SEWE	

Voucher List  
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213807	6/8/2016	ro450c ROY'S SEWER SERVICE, INC.	(Continued)			
			193698		CHEYENNE & BIRCH CLEAN SEWE 83 PIXLEY AVE - CLEANED STORM 83 PIXLEY AVE - CLEANED STORM	590.00  10,145.00
					<b>Total :</b>	10,735.00
213808	6/8/2016	so063c SONIC.NET, INC.	8654496		TOWN 'DSL' LINE TOWN 'DSL' LINE	 500.95
					<b>Total :</b>	500.95
213809	6/8/2016	sp109c SPARK	06/06/2016STMT		DONATIONS OF COMMISSIONER S DONATIONS OF COMMISSIONER S	 200.00
					<b>Total :</b>	200.00
213810	6/8/2016	ti124c TIFCO INDUSTRIES	71154201		DRILL BITS/DUCT TAPE/T&B TY-RA DRILL BITS/DUCT TAPE/T&B TY-RA	 331.61
					<b>Total :</b>	331.61
213811	6/8/2016	bo101c TOWNSEND, MICHAEL D.	06/05/16b		AT SHOREBIRD OFF TAMALPAIS DF AT SHOREBIRD OFF TAMALPAIS DF	 8,120.00
			06/05/16c		CORNER OF EASTMAN AVE AND M CORNER OF EASTMAN AVE AND M	 9,280.00
			06/05/2016a		CORNER OF REDWOOD AVE & CRI CORNER OF REDWOOD AVE & CRI	 14,650.00
					<b>Total :</b>	32,050.00
213812	6/8/2016	wa295c WATER COMPONENTS	05/31/2016STMT		SERVICE CHARGE SERVICE CHARGE	 2.51
					<b>Total :</b>	2.51
213813	6/8/2016	we275c WEST END NURSERY, INC.	05/31/2016STMT		PLANT MAINTENANCE PLANT MAINTENANCE PLANT MAINTENANCE	  141.53 641.43
					<b>Total :</b>	782.96
213814	6/8/2016	ze025c ZEE MEDICAL SERVICE	40823		SAFETY & PROTECTIVE ITEMS SAFETY & PROTECTIVE ITEMS	 152.72

Bank code : bom

<u>Voucher</u>	<u>Date</u>	<u>Vendor</u>	<u>Invoice</u>	<u>PO #</u>	<u>Description/Account</u>	<u>Amount</u>
213814	6/8/2016	ze025c ZEE MEDICAL SERVICE	(Continued) 40833		SAFETY & PROTECTIVE ITEMS SAFETY & PROTECTIVE ITEMS	122.82
					<b>Total :</b>	275.54
37 Vouchers for bank code : bom					Bank total :	179,762.83
<b>37 Vouchers in this report</b>					<b>Total vouchers :</b>	<b>179,762.83</b>

Voucher List  
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213815	6/14/2016	aa101c A & S LANDSCAPE MATERIALS, INC	03/31/2016STMT		TURF-MAINT. TOWN PARK	
			05/31/2016STMT		TURF-MAINT. TOWN PARK	258.92
					PLANTING SUPPLIES	
					PLANTING SUPPLIES	899.47
					<b>Total :</b>	<b>1,158.39</b>
213816	6/14/2016	af020c AFLAC, REMITTANCE PROCESSING	614981		INTOSCHI	
					INTOSCHI	68.04
					KRAMER	21.98
					RAVINA	21.96
					SANTOS	29.72
					ROSE	29.74
					MEJIA	29.72
					QUADROS	29.72
					RUSSELL	21.96
					GABBARD	29.82
					DOWNING	39.96
					PALMER, M.	119.82
					SCHROTH	39.96
					FISCHER	174.74
					MCGOVERN	22.44
					<b>Total :</b>	<b>679.58</b>
213817	6/14/2016	al049c ALHAMBRA & SIERRA SPINGS, 28776025	5139045	060816	WATER	
					WATER	96.13
					<b>Total :</b>	<b>96.13</b>
213818	6/14/2016	al048c ALHAMBRA AND SIERRA SPRINGS, 28756	5135078	060816	WATER	
					WATER	73.21
					<b>Total :</b>	<b>73.21</b>
213819	6/14/2016	am114c AMERICAN MESSAGING	W4101516QF		RADIO MAINTENANCE	
					RADIO MAINTENANCE	147.15
					<b>Total :</b>	<b>147.15</b>

Voucher List  
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213820	6/14/2016	am500c AMERICAN POWER CORP.	5232		SCOPE OF SERVICES PERFORMR S SCOPE OF SERVICES PERFORMR S	2,344.00
					<b>Total :</b>	2,344.00
213821	6/14/2016	ar125c ARAMARK UNIFORM SERVICES'	05/31/2016STMT		BUILDING MAINTENANCE BUILDING MAINTENANCE BUILDING MAINTENANCE MISC. SUPPLIES CLOTHING & UNIFORMS CLOTHING & UNIFORMS CLOTHING & UNIFORMS CLOTHING & UNIFORMS BUILDING MAINTENANCE JANITORIAL SUPPLIES BUILDING MAINTENANCE	247.50 266.88 304.25 253.28 265.96 304.25 304.25 224.04 316.71 171.00
					<b>Total :</b>	2,658.12
213822	6/14/2016	at075c AT & T - CALNET 3	000008151589		UTILITIES - TELEPHONE	126.15
			000008157769		UTILITIES - TELEPHONE - CREDIT UTILITIES - TELEPHONE - CREDIT	-124.61
			9391023426		UTILITIES - TELEPHONE UTILITIES - TELEPHONE	475.14 50.09 57.04 14.18 14.34 -43.57
			9391023427		UTILITIES - TELEPHONE UTILITIES - TELEPHONE	0.34 0.09
			9391023428		UTILITIES - TELEPHONE UTILITIES - TELEPHONE	626.30
			9391023429		UTILITIES - TELEPHONE UTILITIES - TELEPHONE	9.07

Voucher List  
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213822	6/14/2016	at075c AT & T - CALNET 3	(Continued)		UTILITIES - TELEPHONE	6.46
			9391026356		UTILITIES - TELEPHONE	
					UTILITIES - TELEPHONE	18.09
			9391033626		UTILITIES - TELEPHONE	
					UTILITIES - TELEPHONE	10.27
					UTILITIES - TELEPHONE	7.70
			9391033627		UTILITIES - TELEPHONE	
					UTILITIES - TELEPHONE	17.97
			9391033628		UTILITIES - TELEPHONE	
					UTILITIES - TELEPHONE	48.26
			9391033629		UTILITIES - TELEPHONE	
					UTILITIES - TELEPHONE	44.80
					UTILITIES - TELEPHONE	208.10
					UTILITIES - TELEPHONE	53.66
					UTILITIES - TELEPHONE	0.56
					UTILITIES - TELEPHONE	-27.84
			9391033630		UTILITIES - TELEPHONE	
					UTILITIES - TELEPHONE	126.31
					UTILITIES - TELEPHONE	36.94
					UTILITIES - TELEPHONE - CREDIT	-36.84
					<b>Total :</b>	1,719.00
213823	6/14/2016	bo105c BOUND TREE MEDICAL, LLC	82164367		MEDICAL SUPPLIES	
					MEDICAL SUPPLIES	292.56
					<b>Total :</b>	292.56
213824	6/14/2016	br150c BRANDON TIRE SUPPLY, INC.	1001232		REPAIR FLAT TIRE	
					REPAIR FLAT TIRE	119.32
			1001608		DISPOSAL LT TRUCKS/SUV TIRES	
					DISPOSAL LT TRUCKS/SUV TIRES	12.00
					<b>Total :</b>	131.32
213825	6/14/2016	co008c COASTLAND CIVIL ENG., INC.	39312	1866	FY 2015-16 PAVEMENT REHABILITA ENGINEERING DESIGN SERVICES-	18,806.76

Voucher List  
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213825	6/14/2016	co008c co008c COASTLAND CIVIL ENG., INC.	(Continued)			Total : 18,806.76
213826	6/14/2016	co165c COMCAST - 0208565, 0055313, FIRE DEF 06/06/16-07/05/16			FIRE STATION #13 "DSL" LINE FIRE STATION #13 "DSL" LINE	111.20 Total : 111.20
213827	6/14/2016	co027c CONNOR, JOANIE	R-34979		CENTENNIAL SHIRTS CENTENNIAL SHIRTS	5.00 Total : 5.00
213828	6/14/2016	co025c CORTE MADERA TOW, INC.	117278		TOWING CHARGE TOWING CHARGE	65.00 Total : 65.00
213829	6/14/2016	da025c D & K AUTO SERVICES	50733 50826 50827 50853 50855 50857 50860 50871		2006 FORD - EXPEDITION 2006 FORD - EXPEDITION BATTERY BATTERY DELO ENGINE OIL/PLUGS/FILTER DELO ENGINE OIL/PLUGS/FILTER OIL FILTERS OIL FILTERS FIBER DISCS FIBER DISCS EXHAUST FLUID 2.5 GAL EXHAUST FLUID 2.5 GAL 2008 FOOD EXPEDITION 2008 FOOD EXPEDITION SERVICE ON 2001 DODGE - S4 SERVICE ON 2001 DODGE - S4	285.90 158.74 214.48 80.27 142.44 19.61 110.05 300.00 Total : 1,311.49
213830	6/14/2016	wa150c D. WALTON SAWS, INC.	62931		SHARPEN SAW BLADE SHARPEN SAW BLADE	26.00 Total : 26.00

Voucher List  
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213831	6/14/2016	pc101c DANG, MICHAEL	9107		DATA PROCESSING EQUIPMENT	
					DATA PROCESSING EQUIPMENT	6,442.01
					TOWN WIDE SYSTEM MAINTENAN	8,280.00
					SEWER	-1,150.00
					FIRE	-517.50
					BUILDING	-517.50
					PERMIT	-460.00
					SEWER	1,150.00
					FIRE	517.50
					RECREATION	517.50
					BUILDING	460.00
					<b>Total :</b>	<b>14,722.01</b>
213832	6/14/2016	su103c DANIEL MUTISO MUTHYA	1532		JANITORIAL SVCS.	
					JANITORIAL SVCS.	2,200.00
					<b>Total :</b>	<b>2,200.00</b>
213833	6/14/2016	fe075c FEDERAL EXPRESS CORPORATION	5-445-07110		MISC. SUPPLIES	
					MISC. SUPPLIES	13.65
					<b>Total :</b>	<b>13.65</b>
213834	6/14/2016	fi046c FISHMAN SUPPLY CO. (REC-7856)	1036285		JANITORIAL SUPPLIES	
					JANITORIAL SUPPLIES	305.53
					<b>Total :</b>	<b>305.53</b>
213835	6/14/2016	gl102c GLOBALSTAR USA	1000000007342121		UTILITES - TELEPHONE	
					UTILITES - TELEPHONE	44.91
					<b>Total :</b>	<b>44.91</b>
213836	6/14/2016	go300c GOODMAN BUILDING SUPPLY	05/25/2016STMT		MISC. SUPPLIES	
					MISC. SUPPLIES	323.89
					PAINTING SUPPLIES	26.01
					BUILDING MAINTENANCE	298.70
					<b>Total :</b>	<b>648.60</b>
213837	6/14/2016	go055c GOPHER-IT TRENCHLESS-	G1211		RELOCATION OF IRRIGATION BOXI	

Voucher List  
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213837	6/14/2016	go055c GOPHER-IT TRENCHLESS-	(Continued)		RELOCATION OF IRRIGATION BOXI	25,000.00
					<b>Total :</b>	25,000.00
213838	6/14/2016	gr064c GRAINGER (REC.)	9119972686		BUILDING MAINTENANCE	213.76
					<b>Total :</b>	213.76
213839	6/14/2016	hi086c HICKERSON, LEZLI	FOLIO #245546		TRANSIENT OCCUPANCY TAX	
					TRANSIENT OCCUPANCY TAX	86.20
					TRANSIENT OCCUPANCY TAX	86.20
					TRANSIENT OCCUPANCY TAX	344.68
					<b>Total :</b>	517.08
213840	6/14/2016	ho175c HORIZON	1Q067660		IRRIGATION SUPPLIES	
					IRRIGATION SUPPLIES	523.09
					<b>Total :</b>	523.09
213841	6/14/2016	ja025c JACKSON'S HARDWARE, INC.	05/31/2016STMT		SAFETY & PROTECTIVE ITEMS	
					SAFETY & PROTECTIVE ITEMS	109.24
					HAND TOOLS & MINOR EQUIPMEN	125.35
					<b>Total :</b>	234.59
213842	6/14/2016	kb100c KBA DOCUSYS	INV441390		BLACK TONER	
					BLACK TONER	12.95
					<b>Total :</b>	12.95
213843	6/14/2016	ma179c MARIN JOE'S	06/13/2016STMT		FOOD SUPPLIED FOR JUNE 10TH	
					FOOD SUPPLIED FOR JUNE 10TH	1,945.00
					<b>Total :</b>	1,945.00
213844	6/14/2016	ma550c MARIN MUNICIPAL WATER DISTRICT	06/09/2016STMT		WATER	
					WATER	2,523.77
					WATER	178.05
					<b>Total :</b>	2,701.82
213845	6/14/2016	mc100c MC MASTER-CARR, SUPPLY CO.	62769883		HAND TOOLS & MINOR EQUIPMEN	

Voucher List  
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213845	6/14/2016	mc100c MC MASTER-CARR, SUPPLY CO.	(Continued)		HAND TOOLS & MINOR EQUIPMEN	55.10
					<b>Total :</b>	55.10
213846	6/14/2016	me112c MEDICAL CENTER OF MARIN	00080434-00		AIRA SOFER	130.00
					AIRA SOFER	130.00
					<b>Total :</b>	130.00
213847	6/14/2016	ne100c NERVIANI PAVING, INC.	4767		EASTMAN RD - PATCH	5,390.00
					EASTMAN RD - PATCH	5,390.00
					<b>Total :</b>	5,390.00
213848	6/14/2016	no350c NOSCAASI INK, ELLEN GOLDMAN	3259		YOUTH CREW NECK/SWEATSHIRT	949.38
					YOUTH CREW NECK/SWEATSHIRT	949.38
					<b>Total :</b>	949.38
213849	6/14/2016	oh100c O'HEHIR, JOANNE	INV NO. 11		159 PRINCE ROYAL DR	243.75
					159 PRINCE ROYAL DR	113.75
					220 GRANADA DR	97.50
					MINUTUES CLERK	341.25
			INV NO. 12		516 CHAPMAN DR	260.00
					516 CHAPMAN DR	162.50
					5627 PARADISE DR	48.75
					1618 REDWOOD HWY - CENTER C	92.50
					136 SUMMIT DR	92.50
					MINUTES CLERK	92.50
					<b>Total :</b>	1,360.00
213850	6/14/2016	om102c OMG NATIONAL	R-35327		JUNIOR FIRE STICKERS	150.28
					JUNIOR FIRE STICKERS	150.28
					<b>Total :</b>	150.28
213851	6/14/2016	pa031c PARISI TRANSPORTATION	16188		1009 NOCON CORTE MADERA - OB	2,092.50
			16231		1009 NOCON CORTE MADERA - OB	2,092.50
					16009 NOCON CORTE MADERA - O	5,355.00
					16009 NOCON CORTE MADERA - O	5,355.00

Voucher List  
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213851	6/14/2016	pa031c pa031c PARISI TRANSPORTATION	(Continued)			Total : 7,447.50
213852	6/14/2016	pe140c PEROZZI, CARLO	6245		MAY MAINT. FEE MAY MAINT. FEE MAY MAINT. FEE	400.00 200.00 Total : 600.00
213853	6/14/2016	ph108c PHYSIO CONTROL, INC.	416120649		ANNUAL FEE FOR EQUIPMENT & M ANNUAL FEE FOR EQUIPMENT & M	9,204.60 Total : 9,204.60
213854	6/14/2016	re141c RENNE SLOAN HOLTZMAN SAKAI	31421 31422 31423 31424		CORTE MADERA INN CORTE MADERA INN GENERAL PLANNING GENERAL PLANNING MARIN COUNTRY DAY SCHOOL MARIN COUNTRY DAY SCHOOL NON-LITIGATION NON-LITIGATION	487.50 2,400.00 97.50 7,524.45 Total : 10,509.45
213855	6/14/2016	ri041c RICOH USA, INC. - CORP YARD, 89846-10	96994844		PHOTOCOPYING EQUIP. MAINT. PHOTOCOPYING EQUIP. MAINT.	204.89 Total : 204.89
213856	6/14/2016	ro006c ROBINSON, MARTIN	FOLIO #246971		TRANSIENT OCCUPANCY TAX TRANSIENT OCCUPANCY TAX TRANSIENT OCCUPANCY TAX TRANSIENT OCCUPANCY TAX	97.67 97.67 390.56 Total : 585.90
213857	6/14/2016	sc042c SCOTT, EVAN	FOLIO #245547		TRANSIENT OCCUPANCY TAX TRANSIENT OCCUPANCY TAX TRANSIENT OCCUPANCY TAX TRANSIENT OCCUPANCY TAX	86.20 86.20 344.68 Total : 517.08

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213858	6/14/2016	ta025c T & B SPORTS, INC.	255213-00		REC. SUPPLIES	
					REC. SUPPLIES	399.72
			255486-00		REC. SUPPLIES	
					REC. SUPPLIES	71.97
					<b>Total :</b>	471.69
213859	6/14/2016	ta180c TAMALPAIS PAINT & COLOR-TOWN	05/31/2016STMT		SAN CLEMENTE PARK RESTROOM	
					SAN CLEMENTE PARK RESTROOM	32.69
					BUILDING MAINTENANCE	342.03
					<b>Total :</b>	374.72
213860	6/14/2016	te030c TERRILL LAY PAINTING	06/13/2016STMT		PUMP STATION MAINTENANCE PAI	
					PUMP STATION MAINTENANCE PAI	6,510.00
					<b>Total :</b>	6,510.00
213861	6/14/2016	ti124c TIFCO INDUSTRIES	71156328		PK INDUSTRIAL CHEMICAL	
					PK INDUSTRIAL CHEMICAL	64.90
					<b>Total :</b>	64.90
213862	6/14/2016	tr050c TRANSBAY SECURITY SERVICE, INC	63128		KEYS	
					KEYS	62.49
					<b>Total :</b>	62.49
213863	6/14/2016	vi052c VINSKO, MARK	FOLIO # 244838		TRANSIENT OCCUPANCY TAX	
					TRANSIENT OCCUPANCY TAX	56.28
					TRANSIENT OCCUPANCY TAX	56.28
					TRANSIENT OCCUPANCY TAX	225.03
					<b>Total :</b>	337.59
213864	6/14/2016	we275c WEST END NURSERY, INC.	06/01/2016STMT		PLANT MAINTENANCE	
					PLANT MAINTENANCE	58.85
					PLANT MAINTENANCE	1,491.70
					PLANT MAINTENANCE	576.84
					PLANT MAINTENANCE	252.20
					PLANT MAINTENANCE	300.00
					PLANT MAINTENANCE	223.76

Voucher List  
TOWN OF CORTE MADERA

Bank code : bom

<u>Voucher</u>	<u>Date</u>	<u>Vendor</u>	<u>Invoice</u>	<u>PO #</u>	<u>Description/Account</u>	<u>Amount</u>
213864	6/14/2016	we275c	we275c WEST END NURSERY, INC.	(Continued)		Total : 2,903.35
50 Vouchers for bank code : bom						Bank total : 126,536.82
50 Vouchers in this report						Total vouchers : 126,536.82

## **BUSINESS ITEM 7.I.i**

### **Consideration and Possible Action to Contribute Funds to the Yellow School Bus Program for the 2016-2017 School Year**

(There is no staff report for this item. The Town Council will receive a status report and request for funding from Tiburon Vice Mayor Jim Fraser and Belvedere Councilmember Bob McCaskill)

June 14, 2016

Mayor Sloan Bailey  
Town of Corte Madera  
300 Tamalpais Drive  
Corte Madera, CA 94925

RE: Yellow Bus Program

Dear Mayor Bailey:

We respectfully request that Corte Madera continue its support of the Yellow Bus Program for the Reed Union School District students, commonly referred to as the *Yellow Bus Challenge*. You generously subsidized \$25,000 of the costs of the pilot 2015-16 program and we ask that you support the program in a similar amount for the coming year.

The 2015-16 pilot program continued to be administered by the school district itself. Effective last month, the Tiburon Peninsula Traffic Relief Joint Powers Agency was established, and will now administer the Yellow Bus Program from this point forward. Marin Transit, which has administrative responsibilities for the Ross Valley and the new Mill Valley bus programs, has been engaged to manage key aspects of the enhanced Yellow Bus Program.

We are continuing to seek other avenues of funding for this program through the County of Marin and other alternatives. But, these funding possibilities are still uncertain and, at best, may require several years to materialize.

Here are some key points about the program for your consideration:

- 1,329 one-way bus passes were sold in 2015-16, equivalent to 665 round-trip passes. With total RUSD enrollment of 1,521 students, this means approximately 44% of RUSD students rode the bus, more than double that of prior years.
- In 2015-16, 15% of bus passes were sold to families living in Corte Madera. Approximately 10% of RUSD students live in Corte Madera.
- There will be seven buses serving 13 different bus routes in Belvedere, Tiburon and Corte Madera in 2016-17. Advance bus pass sales indicate that an equal or larger number of students in Corte Madera will ride the bus next school year. Because the number of students requesting bus passes exceeds the seats available on the route from East Corte Madera to Bel Aire School, an additional bus has been added.
- Although the final bill for the pilot 2015-16 program is still being tallied, the excess of expenses over revenues is estimated to be approximately \$250,000. This cost will be covered by Belvedere and Tiburon, and the \$25,000 subsidy from Corte Madera.
- The projected budget for the coming school year is reflected in the attached schedule. Costs are expected to go up because of necessary program improvements. For example, management of the program has moved from the school district to the newly-formed Tiburon Peninsula Traffic Relief Joint Powers Authority, with logistical support provided by Marin Transit. In addition, a

tracking app has been developed to allow parents to track the progress of buses in real time, and to know the exact location of their child's bus at all times.

- Tiburon and Belvedere plan to cover whatever deficit remains in 2016-17 after obtaining financial support from Corte Madera and other potential funding sources. Although we are actively seeking funding from various sources – including the County of Marin – such funding is uncertain and may take several years to materialize.
- And most importantly, the *Yellow Bus Challenge* has resulted in a very meaningful reduction in morning and afternoon congestion on the main arteries in our three neighboring municipalities, achieving the underlying objective of the program. This benefits all of our citizens, including the many parents driving their children to the three schools accessed via Paradise Drive: the Cove School, Marin Country Day School and Marin Montessori School.

Enclosed is a letter signed by 46 residents of Corte Madera in support of the program. It includes separate comments by a number of the individuals signing the letter.

Thank you for your consideration. We believe it is important that our three councils collaborate on projects that impact all of our communities.

Sincerely,

Jim Fraser  
Tiburon Town Council

Bob McCaskill  
Belvedere City Council

Claire McAuliffe  
Mayor, City of Belvedere

Erin Tollini  
Mayor, Town of Tiburon

**Tiburon Peninsula Traffic Relief Joint Power Agency  
Draft 2016-2017 Budget  
June 13, 2016**

**ESTIMATED REVENUE AND EXPENSES**

<b>REVENUE</b>	<b>2016-17</b>
YBC Bus Pass Sales	343,750
RUSD Contribution	15,000
Grant Funding (Belvedere and Tiburon Community foundations)	15,950
Corte Madera Contribution	0
Citizen Donation Appeal	0
<b>Subtotal</b>	<b>374,700</b>
Tiburon Contribution to Subsidy (80% of Deficit)	249,883
Belvedere Contribution to Subsidy (20% of Deficit)	62,471
<b>Total Revenue</b>	<b>\$687,054</b>

<b>EXPENSES</b>	
Bus Contract Cost	522,900
Contract Overrun	12,500
Consulting to Develop Program	10,000
Operations Support Contract with Marin Transit	45,000
JPA Program Manager	30,000
Printing, Advertising, Supplies, Web & Email Hosting, IT support	8,000
Vehicle Tracking System	16,893
Find My Bus App	16,500
Credit Card Processing Fees	10,261
JPA Liability Insurance	7,500
Legal expense	2,500
Miscellaneous	5,000
<b>Total Expenses</b>	<b>\$687,054</b>

<b>ASSUMPTIONS</b>	
Cost Per 4-hour Bus	\$415
Number of 4-hour Buses	7
School Days	180
No. Pass Sales (excludes free passes for low-income students)	1250
Pass Price	\$275

May 31, 2016

Corte Madera Town Council  
300 Tamalpais Drive  
Corte Madera, CA 94925

To: Corte Madera Town Council

The undersigned residents of Corte Madera wish to encourage the Corte Madera Town Council to continue its financial support for the recently-formed Tiburon Peninsula Traffic Relief Joint Powers Agency in its efforts to both expand and subsidize the Yellow Bus Program for transporting students from East Corte Madera to the three public schools in the Reed Union School District.

The Yellow Bus Program will have seven buses next year serving 12 different bus routes for children attending schools in the Reed Union School District. About 15% of the students currently riding these buses live in East Corte Madera.

The Yellow Bus Program provides three separate morning and afternoon bus routes for children in East Corte Madera attending Reed Elementary School, Bel Aire Elementary School and Del Mar Middle School. Because the number of students requesting bus passes exceeds the seats available on the route from East Corte Madera to Bel Aire School, an additional bus is being added to this route for the 2016-17 school year.

Not only does this program provide a safe and affordable form of school transportation for our children, it also dramatically reduces the traffic congestion on Paradise Drive, the primary traffic artery for our community. Without this bus program, as many as an additional 100 cars would be on Paradise Drive taking children to and from school in both the morning and afternoon. This program eases access to the Cove School, MCDS and Marin Montessori School, while reducing other impacts on our environment.

We appreciate the Council's decision last year to provide funds to support this program for the current school year, and we encourage the Council to continue this financial support for the coming school year.

Sincerely,

*(See attached list of signatures and comments)*

Total signatures 46 (Signature comments can be viewed in the Appendix of this document)

	FirstName	Surname	Email	Address	Town/City	Comment	Date
46	Gunnar	Niemi	niemihi@yahoo.com	5 Enterprise Drive	Corte Madera	N/G	Jun 11, 2016
45	Heather	Niemi	heathergillaspy@yahoo.com	5 Enterprise Drive	Corte Madera	N/G	Jun 11, 2016
44	Sean	Niemi	niemitoad@yahoo.com	5 Enterprise Drive	Corte Madera	N/G	Jun 11, 2016
43	Carol	Strickler	strickler1974@yahoo.com	Robin Drive	Corte Madera	N/G	Jun 04, 2016
42	Julie	Gilligan	julie@gilligan-us	5 windward drive	Corte Madera	N/G	Jun 03, 2016
41	Michael	Miller	mike-miller@calalum.org	250 Balclutha Dr.	Corte Madera	N/G	Jun 03, 2016
40	Linda	Tull	linda.tull@pacunion.com	242 Balcultha	Corte Madera	<a href="#">View</a>	Jun 02, 2016
39	Vicki and Joe	Englert	vickienglert@me.com	1910 Mar West St.	Tiburon	<a href="#">View</a>	Jun 02, 2016
38	Reshma	Lensing	rplensing@yahoo.com	9 Endeavor Cove	Corte Madera	N/G	Jun 02, 2016
37	Joseph S.	Englert	sebenglert@yahoo.com	41 Mariner Green Drive	Corte Madera	<a href="#">View</a>	Jun 02, 2016
36	Lenira	Campos	lotuspresents@hotmail.com	41 Mariner Green Drive	Corte Madera	<a href="#">View</a>	Jun 02, 2016
35	Jim	Glennon	jtglennon@yahoo.com	63 Prince Royal Drive	Corte Madera	N/G	Jun 02, 2016
34	Richard	Austen	austen14@gmail.com	131 Upland Circle 94925	Corte Madera	N/G	Jun 02, 2016
33	Azita	Taghavy	azita.taghavy@gmail.com	110 Geanada Drivr	Corte Madera	N/G	Jun 02, 2016
32	Mo	Saleh	asharafsaleh@yahoo.com	110 Granada Drive	Corte Madera	N/G	Jun 02, 2016
31	Kris	Kilayko	kriskilayko@hotmail.com	59 prince royal drive	Corte madera	<a href="#">View</a>	Jun 02, 2016
30	Anna	Johnson	ajohnsonslp@gmail.com	30 Privateer Dr.	Corte Madera	N/G	Jun 02, 2016
29	Lilia	Acquistapace	liliamak@hotmail.com	46 Mariner Green Drive	Corte Madera	N/G	Jun 02, 2016
28	Don	Danmeier	dgdanmeier@gmail.com	29 enterprise drive	corte madera	<a href="#">View</a>	Jun 02, 2016
27	Lisa	Churton	lisa@babyjak.com	9 Buccaneer Ct	Corte Madera	N/G	Jun 02, 2016
26	Jimmy	Herlitschek	jimmyherlitschek@gmail.com	536 Robin Dr	Corte Madera	N/G	Jun 02, 2016
25	Joel	Hernandez	joeldhernandez369@gmail.com	159 Prince Royal Drive	Corte Madera	N/G	Jun 02, 2016
24	Tyler	Hampton	tyisfly@me.com	236 Granada Dr.	Corte Madera	N/G	Jun 02, 2016
23	Carl	Krawitt	carl@wine-wits.com	74 Sonora Way	Corte Madera	<a href="#">View</a>	Jun 02, 2016
22	Michael	McGregor	mcgregom@me.com	5 Balclutha Drive	Corte Madera	<a href="#">View</a>	Jun 02, 2016

	FirstName	Surname	Email	Address	Town/City	Comment	Date
21	Donna	Collings	donna.collings@marriott.com	131 Prince Royal Drive	corte Madera	<a href="#">View</a>	Jun 02, 2016
20	Karen	Goldfarb	kareng7@gmail.com	22 Endeavor Drive	Corte Madera	<a href="#">View</a>	Jun 02, 2016
19	Gummee	Chanpommier	gchampommier@hotmail.com	108 Mariner Green Drive	Corte Madera	N/G	Jun 02, 2016
18	Masako	Takagi	masakosfo@gmail.com	138 Mariner Green Ct	Corte Madera	N/G	Jun 02, 2016
17	Cheryl	Rusting	crusting@gmail.com	18 Privateer Drive	Corte Madera	N/G	Jun 02, 2016
16	Connie	Merron	connie-merron@gmail.com	500 Prince Royal Dr	Corte Madera	<a href="#">View</a>	Jun 02, 2016
15	Ariel	Vigo	arirfvigo@gmail.com	128 mariner green ct	Corte Madera	N/G	Jun 02, 2016
14	Tanya	McGregor	tbmgreg@gmail.com	5 Balclutha Drive	Corte Madera	<a href="#">View</a>	Jun 02, 2016
13	Teri	Garsten	tgarsten@comcast.net	146 Granada Drive	Corte Madera	<a href="#">View</a>	Jun 02, 2016
12	Lucy	Churton	lur@mindspring.com	404 Prince Royal Drive	Corte Madera	<a href="#">View</a>	Jun 02, 2016
11	Andrea	Dyer	andrea@demetermatrix.com	250 Balclutha Drive	Corte Madera	N/G	Jun 02, 2016
10	Leilah	Gilligan	leilahgilligan@yahoo.com	93 mariner green drive	Corte Madera	N/G	Jun 02, 2016
9	Greg	Johnson	gjohnson352@gmail.com	30 Privateer Drive	Corte Madera	N/G	Jun 02, 2016
8	Paul	Gildea	paul.jen62@gmail.com	732 Robin Drive	Corte Madera	N/G	Jun 02, 2016
7	Thomas	Stickley	tomstickley@gmail.com	43 Mariner Green Dr	Corte Madera	<a href="#">View</a>	Jun 02, 2016
6	Amy	Slater	avslater@copper.net	50 Sonora Way	Corte Madera	<a href="#">View</a>	Jun 02, 2016
5	Tamila	Faridjoo	tamilafarid@live.com	163 Prince Royal Drive	Corte Madera	N/G	Jun 02, 2016
4	Jennifer	Chou	thechous@me.com	118 Westward Drive	Corte Madera	N/G	Jun 02, 2016
3	Tetyana	Hrekh	threkh@hotmail.com	426 Robin Dr	Corte Madera	N/G	Jun 02, 2016
2	Murad	Sofizade	sofizade@yahoo.com	426 Robin Dr	Corte Madera	N/G	Jun 02, 2016
1	arno	ghelfi	ag@starno.com	28 mariner green dr	corte madera	N/G	Jun 02, 2016

\* N/C - field not collected by the author

\* N/G - not given by the signer

\* S/C/P - State, County or Province

\* View - view comment

## Appendix: All signatures comments

**40 Linda Tull**

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Corte Madera needs to get on board!

**39 Vicki and Joe Englert**

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Traffic up and down Tiburon Blvd. from approximately 8:00am to 9:15am and from about 1:30 pm to 5 pm Mon - Fri is bumper to bumper when school is in session. Please consider joining Belvedere and Tiburon by helping to subsidize school bus rides. Our granddaughter commutes via bus from Mariner Green town homes in Corte Madera. The bus subsidy is a blessing for her hard-working parents who struggle to make ends meet. Having to drive their child to and from school is a burden to both parents who need to be at their respective jobs early each morning. Our granddaughter is one of the "Latch Key Kids" in the neighborhood. It gives us a secure feeling to know she can get to and from school safely and her parents are relieved to have the financial support from our communities. Not every family in the RSD is well-off. Many are struggling to live in this fine community in order to provide an outstanding education for their children. Thank you for your consideration.

**37 Joseph S. Englert**

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Please, lets be on board on this very importante matter for your community.

**36 Lenira Campos**

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Please, lets be on board on this very importante matter for your community.

**31 Kris Kilayko**

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This town needs the school bus to alleviate the traffic problem and safety for kids walking!

**28 Don Danmeier**

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I have two children who use this bus service regularly, and my wife and I count on it. I strongly encourage the town to continue its support for this critical service.

**23 Carl Krawitt**

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Thank you Corte Madera for supporting efforts to reduce traffic with reliable and safe transportation for our children.

**22 Michael McGregor**

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This is an obvious plus for this neighborhood and encourages parents to keep their children in the Tiburon schools, thereby reducing the population at Corte Madera schools.

We also have no need to drive the kids to and from school, meaning that we don't have to add to the traffic on Paradise Drive. There are already enough parents shuttling their kids to and from the Cove school and Marin Day.

Please continue to support this program.

Thank you,  
Michael McGregor

**21 Donna Collings**

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I would appreciate my town supporting this initiative. I am a single working Mom and depend upon this great transportation for my daughter, and have for 5 years.. Since we live the furthest from the schools, it is crucial to have this transportation available. The cost reduction has also been a tremendous relief financially. Supporting this initiative will help continue to alleviate the bad congestion on Paradise Drive now by the Cove School, which will get worse with more cars on the road from East Corte Madera to Tiburon. Please continue to support this important initiative!

**20 Karen Goldfarb**

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Considering that we are the families in the area furthest from the RUSD schools, and the families more likely to benefit from financial subsidies, it only makes sense to financially support us in doing our part to get traffic off the road. Please contribute so that we can afford to have our kids ride the bus.

**16 Connie Merron**

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Please help for the traffic and our KIDS! Thank you

**14 Tanya McGregor**

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A large number of students from the east Corte Madera neighborhood near the Cove School use these buses to get to school in Tiburon. The number of cars they take off the road benefits us all!

**13 Teri Garsten**

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Please help to keep our kids safe, conserve precious resources, reduce traffic and provide a community for kids to bond with one another!

**12 Lucy Churton**

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The bus program last year was a huge success and a big thanks to Corte Madera for participating financially in the program. I'm a parent who has relied on the school bus system for the past 6 years for two children at two different schools and it's critical to get students onto the busses and out of individual traffic inducing cars. The program was such a success, other schools in Mill Valley are copying the program (Edna McGuire). We need to keep these programs alive in Marin and all towns need to support each other in this effort of reducing traffic. Who knows - maybe one day Corte Madera will be asking Tiburon or Belvedere to help support Corte Madera with a similar Redwood Bus program.

**7 Thomas Stickley**

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Please continue your support for this service that is beneficial to all in our community .

**6 Amy Slater**

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Please support the challenge!

## **BUSINESS ITEM 7.I.ii**

### **Consideration and Possible Action to Approve an Employment Agreement with Todd Cusimano for the Position of Town Manager**

(There is no staff report for this item.  
The draft Agreement is included for review in the agenda packet and a verbal  
report will be provided by Mayor Sloan Bailey)

**TOWN MANAGER EMPLOYMENT AGREEMENT  
BETWEEN THE TOWN OF CORTE MADERA AND  
TODD CUSIMANO DATED JULY     , 2016**

**1.     Employment:**

This Town Manager Employment Agreement (Agreement) is entered into by and between the TOWN OF CORTE MADERA (Town) and TODD CUSIMANO (Manager). Under this Agreement, the Town offers, and Manager accepts, employment as Town Manager of the Town.

**2.     Duties:**

Manager shall perform those duties and have those responsibilities that are commonly assigned to a town manager of a town in California, and as may be further set forth in the Town's Municipal Code. Manager shall perform such other legally permissible and proper duties and functions consistent with the office of Town Manager, as the Town Council shall from time to time assign.

**3.     Devotion to Town Business/Hours of Work:**

Manager's position is full-time. Manager shall not engage in any business, educational, professional, charitable, or other activities that would conflict or interfere with the performance of his Town Manager duties, except as may be specifically authorized by the Town Council. It is recognized that the Manager is an exempt employee who must devote a great deal of time to the business of the Town, outside of the Town's customary business hours, and to that end the Manager's schedule of work each day and week may vary in accordance with the work required to be performed. The Manager shall spend sufficient hours on site, e.g., on Town property, to fully perform the duties of the position. However, the Manager has discretion over his work schedule and work location.

**4.     Term:**

Manager's employment will commence on September 1, 2016, and shall continue for five (5) years until September 1, 2021, or the date of earlier termination in accordance with the provisions in this Agreement. Town's election not to extend this Agreement beyond five (5) years shall not entitle Manager to Severance pursuant to Section 6 of this Agreement.

**5.     Commitments:**

A.     Town Council Commitments:

1. Except for the purpose of inquiry, and except with respect to the Town Attorney, the Town Council and its members shall deal with all subordinate Town employees, officers, contractors, and consultants solely through the Manager or the Manager's designee, and neither the Town Council nor any member thereof shall give direction to any subordinate of the Manager, either publicly or privately.
2. No member of the Town Council will order the appointment or removal of any person to any office or employment under the supervision and control of the Manager.
3. Neither the Town Council nor any of its members shall interfere with the execution of the powers and duties of the Manager, as specified in the Town's Municipal Code, this Agreement, or any other lawfully adopted and authorized document.

**6. Termination of Employment and This Agreement; General Release; Severance:**

A. If Town, terminates this Agreement (thereby terminating Manager's employment) without Cause, as determined by the affirmative votes of a majority of the members of the Town Council at a Regular Meeting of the Town Council, and if Manager signs, delivers to the Town Council, and does not revoke, the General Release Agreement ("Release Agreement") in the form attached hereto as Exhibit A, Town shall pay Manager a lump sum benefit equal to six (6) -months of his then Base Salary, and shall provide six (6) months of health (medical, dental, and vision) benefits continuing under the benefit plans in which Manager and his dependents are then enrolled (the cash payment and continuing benefits, collectively "Severance").

**B. TERMINATION AND REMOVAL**

1. While this Agreement contains reference to an initial five (5) year term in Section 4 above, it is expressly understood that the Town Manager is an "at will" employee of the Town, serving at the pleasure of the Town Council as provided in Government Code Section 36506. The position of Town Manager is an exempt position as referenced in the Town of Corte Madera personnel policies. Subject to the provisions of this Agreement, employment of the Town Manager may be terminated with or without cause or notice, at any time, at the will of the Town of Corte Madera Town Council. Upon execution of this Agreement, any oral or implied contracts are void and the employment relationship of the Town Manager may be modified only in writing by the Town Council.

2. Except as set forth in Section C below, the Town Council may remove the Town Manager at any time, with or without cause, by a majority vote of its members. Notice of termination shall be provided to the Town Manager in writing. Termination as used in this Section shall also include (a) a request by the Town Council that the Town Manager resign, (b) a reduction in salary or other financial benefits of the Town Manager to which the Town Manager objects, (c) a material reduction in the powers and authority of the Town Manager, or (d) the elimination of the Town Manager's position. Given the "at will" nature of the position of Town Manager, an important element of the employment agreement pertains to termination. It is in both the Town's interest and that of the Town Manager that any separation of the Town Manager be accomplished in a dignified and businesslike manner.

C. If Town terminates this Agreement (thereby terminating Manager's employment) with Cause, as determined by the affirmative votes of a majority of the members of the Town Council at a Meeting of the Town Council, Manager shall not be entitled to any additional compensation or payment, including Severance, but shall be entitled only to accrued Base Salary and vacation pay, and any other accrued and unused benefit allowances according to their terms ("Accrued Salary and Benefits"). As used in this Agreement, Cause shall only mean any of the following:

1. Conviction of, or plea of guilty or nolo contendere to, any crime or offense (other than minor traffic violations or similar offenses) which is likely to have a material adverse impact on the Town or on the Manager's reputation;
2. Proven failure of the Manager to observe or perform any of his duties and obligations, if that failure continues for a period of thirty (30) business days from the date of his receipt of notice from the Town Council specifying the acts or omissions deemed to amount to that failure;
3. Conviction of any crime involving an "abuse of office or position," as that term is defined in Government Code Section 53243.4, or moral turpitude;
4. Repeated failure to carry out a directive or directives of the Town Council made by the Town Council as a body at a Brown Act-compliant meeting; and
5. Any grossly negligent action or inaction by Manager that materially and adversely: (a) impedes or disrupts the operations of Town or its organizational units; (b) is detrimental to employees or public safety; or (c) violates Town's properly-established rules or procedures.

D. If, during the Term or any extended Term, Manager dies, Manager's estate shall receive Accrued Salary and Benefits, but shall not be entitled to any additional compensation or payment, including Severance.

E. In the event Manager is permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, or mental incapacity for a period of three consecutive months beyond any provided sick leave, the Town may terminate Manager's employment and this Agreement.

F. Manager may resign from his employment at any time, upon giving forty-five (45) days written notice to the Town Council, in which case Manager shall not be entitled to any additional compensation or payment, including Severance, but shall be entitled only to accrued Base Salary and vacation pay and any other accrued and unused benefit allowances according to their terms ("Accrued Salary and Benefits").

#### **7. Compensation and Annual Evaluation:**

A. Manager's initial annual Base Salary shall be Two Hundred Nineteen Thousand Dollars (\$219,000.00). Said amount shall be payable in monthly or biweekly installments at the same time and in the same manner as other employees of the Town are paid. Increases in Manager's Base Salary may be effective at any time in the sole discretion of the Town Council.

B. Town, by the Town Council, and Manager may set mutually-agreed-upon objectives for each year under this Agreement. The Town Council shall evaluate Manager's performance at least once a year during the months of September or October ("Annual Evaluation").

The annual review and evaluation shall be conducted in accordance with specific criteria developed jointly by the Town Council and the Town Manager. Such criteria may be added to or deleted as determined from time to time by the Town Council in consultation with the Town Manager. The Town Council and the Town Manager shall define such goals and performance objectives as they mutually determine are necessary for the proper operation of the Town and for the attainment of the Town Council's policy objectives. The Town Council and the Town Manager shall further establish a relative priority among those goals and performance objectives.

Following the completion of the Annual Evaluation, the Town Council may, in its sole discretion, grant Manager a Performance Bonus of up to 5% of his base salary.

C. Whenever a cost of living adjustment or other non-merit based salary increase is provided to other management employees, the Town Council shall consider whether it is reasonable and appropriate to grant a similar increase to the Manager's Base Salary upon the written request of the Manager.

#### **8. Pension:**

A. Town agrees to enroll Manager in the California Public Employees' Retirement System (CalPERS) under its current contract for mid-management

employees. Said contract provides for a retirement benefit of two and one-half percent (2.5%) at the age of fifty-five (55).

B. Manager shall pay 4.5% of the Town's required contribution towards CalPERS.

C. Effective July 3, 2017, Manager shall pay 5.5% of the Town's required contribution toward CalPERS.

**9. Health and Medical Benefits:**

A. Manager shall be entitled to the benefits, rights, and privileges accorded to the Mid-Management Group, including, but not limited to, group health, dental and vision insurance. To the extent the benefits contained herein exceed the benefits provided to the Mid-Management Group, this Agreement shall control.

B. Manager shall be considered an employee hired before August 1, 2011 per Resolution No. 46/2015 as it relates to all benefits and Retiree Health coverage. Manager shall receive the Marin Kaiser Family Town contribution rate for medical benefits and Marin Kaiser rate for Employee plus One Town contribution rate for Retiree Health coverage.

**10. Disability and Life Insurance:**

A. Town at its expense shall provide Manager with Long Term Disability (LTD) insurance.

B. Town at its expense also shall provide Manager with a term life insurance policy in the amount of \$100,000, payable to a beneficiary designated by the Manager.

**11. Car Allowance:**

Manager's duties require him to be available and to respond to the demands of Town business at all times and outside of regular business hours, including weekends. Town shall pay Manager four hundred-fifty Dollars (\$450.00) monthly in compensation for the use and maintenance of his personal vehicle for Town business. Upon his election at any time, Manager may choose to roll the dollar value of his car allowance into his salary and then pay his own vehicle expenses.

**12. Electronic Equipment Allowance:**

A. The Manager is expected to own and maintain a mobile phone device sufficient to be in contact with the Town Council and Town employees while outside of the office. The Manager shall receive a monthly mobile technology allowance of \$150 to assist with the cost of such a device and the associated service plan. Any mobile phone device and associated accessories purchased by the Town for the Manager shall become the property of the Manager.

B. Town shall pay for the purchase, installation, and maintenance of compatible computer equipment (hardware, software and internet access) for Manager,

primarily for his use in conducting Town business; provided, however, that it is expressly understood that the equipment may be subject to incidental personal use by Manager so long as it does not interfere with the equipment's primary business purpose. Manager shall not allow non-Town employees to use Town computer or telecommunications equipment.

**13. Business and Professional Expenses:**

A. Town recognizes that Manager may incur training and similar such expenses of a non-personal, job-related nature that are reasonably necessary to Manager's service to Town. Town agrees to either pay such expenses in advance or to reimburse the expenses, so long as the expenses are incurred and submitted according to Town's normal expense reimbursement procedures or such other procedure as may be designated by the Town Council. To be eligible for reimbursement, all expenses must be supported by documentation meeting Town's normal requirements and must be submitted within time limits established by Town. Examples of such training include but are not limited to annual and regional meeting sessions of the International City County Management Association (ICMA), League of California Cities annual city managers' meeting and related professional development courses/training.

B. Town agrees to pay the professional dues and subscriptions on behalf of Manager which are necessary for Manager's continuation or full participation in international, national, regional, state, or local associations and organizations necessary and desirable for Manager's continued professional participation, growth and advancement, or for the good of the Town, in an amount up to Three Thousand Five Hundred Dollars (\$3,500.00) per year. Such memberships would include but not be limited to memberships in the International City County Management Association (ICMA) and the League of California Cities.

C. Town agrees to pay Manager's travel and subsistence expenses for official travel, meetings, and occasions reasonably necessary to continue Manager's professional development, and for Manager's reasonable participation in necessary official and other functions for the Town, including but not limited to national, regional, state, and local conferences, and governmental groups and committees on which Manager serves as a member. Notwithstanding the above, the number of conferences or meetings Town will pay for each year, and attendance at out-of-state conferences and meetings, shall be at the discretion of the Town Council as set forth in the Town's budget. Town also agrees to pay up to \$10,000 annually for a professional coaching/mentoring contract for Manager.

**14. Vacation and Sick Leave:**

A. Manager shall be deemed to have accrued ten (10) days of paid vacation on the date of commencement of his employment. Manager shall accrue vacation at the rate of twenty-five (25) paid days each year, in addition to the recognized Town holidays. During the term of this Agreement, Manager may accumulate vacation leave up to a maximum of thirty (30) days. The amount paid Manager shall be based upon Manager's annual Base Salary at the time the vacation leave is paid. Upon termination

or resignation from employment, or the non-renewal of this Agreement, Manager shall be paid for all accrued and unused vacation time.

B. Manager shall be deemed to have accrued forty (40) days of paid sick leave on the date of the commencement of his employment. Thereafter, Manager shall receive the same sick leave accrual and benefits as provided the Mid-Management Town Employees Group. Sick leave accrues at a rate of 8 hours per month, and accrual is unlimited.

**15. Abuse of Office or Position:**

If Manager is convicted of a crime involving an abuse of his office or position or moral turpitude, all of the following shall apply: (a) if Manager is provided with paid administrative leave pending an investigation, Manager shall be required to fully reimburse Town such amounts paid; (b) if Town pays for the criminal legal defense of Manager (which would be in its sole discretion, as it is generally not obligated to pay for a criminal defense), Manager shall be required to fully reimburse Town such amounts paid; and (c) if this Agreement is terminated, any Severance Pay and Severance Benefits related to the termination that Manager may receive from Town shall be fully reimbursed to Town or shall be void if not yet paid to Manager. For purposes of this Section, abuse of office or position means either an abuse of public authority, including waste, fraud, and violation of the law under color of authority, or a crime against public justice.

**16. Enforcement of Agreement:**

The prevailing party in any action brought to enforce this Agreement, or to resolve any dispute or controversy arising under its terms and conditions, shall be entitled to payment of his or its reasonable attorneys' fees and costs.

**17. Communications Upon Manager's Separation:**

In the event the Town terminates the Manager for any reason or no reason, the Town and the Manager agree that no member of the Town Council, the Town Management staff, nor the Manager, shall make any written, oral or electronic statement to any member of the public, the press, or any Town employee, concerning the Manager's termination except in the form of a joint press release or statement, the contents of which shall be mutually-agreeable to the Town and the Manager. The joint press release or statement shall not contain any text or information that is disparaging to either party. Either party may verbally repeat the substance of the joint press release or statement in response to any inquiry.

**18. Indemnification:**

To the extent required by the California Government Code, Town shall defend, hold harmless, and indemnify Manager using legal counsel of Town's choosing, against expense or legal liability for acts or omissions by Manager occurring within the course and scope of Manager's employment under this Agreement.

In the event that the Manager serves as the co-executive or co-manager of other Town-related legal entities, such as the Central Marin Police Authority, then each provision of this Section shall be equally applicable to each Town-related legal entity as though set forth in an indemnity agreement between the Manager and that legal entity. The Town hereby guarantees the performance of this indemnity obligation by the Town-related legal entity, and shall indemnify and hold the Manager harmless against any failure or refusal by the Town-related legal entity to perform its obligations under this Section.

**19. Notices:**

Any notices to be given hereunder by either party to the other in writing may be effected either by personal delivery, mail, or email. Mailed notices shall be addressed to the parties as set forth below, but each party may change this or address by written notice given in accordance with this Section. Notices delivered personally or by email will be deemed communicated as of actual receipt. Mailed notices will be deemed communicated and received as of three (3) calendar days following the date of mailing.

TOWN: Attention: Mayor  
Town of Corte Madera  
300 Tamalpais Drive  
Corte Madera, CA 94952

MANAGER: Todd Cusimano  
Town of Corte Madera  
300 Tamalpais Drive  
Corte Madera, CA 94925

**20. Conflict With Town's Municipal Code:**

The Town's personnel ordinances, resolutions, rules and policies shall apply to Manager in the same manner as applied to other management employees, provided, however, in the event of a conflict between the provisions of this Agreement and the Town's Municipal Code, the Municipal Code shall prevail over this Agreement.

**21. Entire Agreement:**

This Agreement represents the entire agreement between the parties and supersedes any and all other agreements, either oral or in writing, between the parties with respect to the employment of Manager by Town, and contains all of the covenants and agreements between the parties with respect to that employment. Each party to this Agreement acknowledges that no representations, inducements, promises, or agreements, oral or otherwise, have been made by either party, or by anyone acting on behalf of either party, which are not embodied herein, and that no other employment

agreement, statement, or promise not contained in this Agreement shall be valid or binding upon either party.

**22. Modifications:**

Any modifications to this Agreement shall be effective only if in writing and signed by both of the parties hereto.

**23. Effect of Waiver:**

The failure of either party to insist upon strict compliance with any of the terms, covenants, or conditions of this Agreement by the other party shall not be deemed a waiver of that term, covenant, or condition, nor shall any waiver or relinquishment of any right or power at any one time or times be deemed a waiver or relinquishment of that right or power for all or any other times.

**24. Partial Invalidity:**

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

**25. Governing Law:**

This Agreement shall be governed by and construed in accordance with the laws of the State of California.

This Agreement is entered into this \_\_\_\_\_ day of June, 2016.

TOWN OF CORTE MADERA

TODD CUSIMANO

By: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
Manager

Attest:

\_\_\_\_\_  
\_\_\_\_\_, Town Clerk

Approved as to Form:

\_\_\_\_\_  
\_\_\_\_\_, Town Attorney

## GENERAL RELEASE AGREEMENT

This General Release Agreement ("Release Agreement") is entered into by and between TODD CUSIMANO ("Manager") and TOWN OF CORTE MADERA ("Town"), in light of the following facts:

- A. Manager's employment with Town concluded on \_\_\_\_\_.
- B. Certain disputes have arisen between Town and Manager.
- C. Town and Manager each deny any liability whatsoever to the other.
- D. Town and Manager wish to fully and finally resolve any and all disputes they may have with each other.
- E. Manager is hereby informed that he has twenty-one (21) days from receipt of this Agreement to consider it. Town hereby advises Manager to consult with his legal counsel before signing this Agreement.
- F. Manager acknowledges that for a period of seven (7) calendar days following the signing of this Agreement ("Revocation Period"), he may revoke the Agreement. This Agreement shall not become effective or enforceable until the day the Revocation Period has expired.
- G. Manager acknowledges that the Salary Payment referenced in paragraph 1 of this Agreement represents all compensation, including salary, accrued benefit balances and reimbursed expenses, due and payable to him through the date of employment termination. Manager also acknowledges that Town has made this Salary Payment without regard to whether he signs this Agreement. The Salary Payment does not constitute consideration for this Agreement.

1. Receipt of Salary Payment. Manager hereby acknowledges receipt of a check or checks for all compensation owing to him, including salary, accrued benefit balances and reimbursed expenses ("Salary Payment") from Town.

2. Severance. Within five (5) days following Manager's signing, delivering to the Town, and not revoking this Agreement, Town shall pay Manager the gross amount provided for in Section 6.A. of the attached Employment Agreement, less applicable deductions, and shall provide the months of medical benefits as provided in that same Section 6.A. Manager acknowledges that the Severance is in excess of all amounts due and owing him as a result of his employment by Town.

3. General Release. In consideration of the Severance to be paid and provided to Manager, and other good and valuable consideration, Manager hereby releases and discharges Town and its past and present Town Council Members, employees, representatives and agents, from all rights, claims, causes of action, and damages, both known and unknown, in law or in equity, concerning and/or arising out of his employment by Town which he now has, or ever had, including but not limited to any rights, claims, causes of action or damages arising under Title VII of the Civil Rights Act of 1964, the Vocational Rehabilitation Act of 1973, the Employee Retirement Income Security Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Older Workers Benefits Protection Act, the Family and Medical Leave Act of 1993, the Domestic Partners Act of 2003, the California Labor Code, the Private Attorneys General Act of 2004, the California Moore-Brown-Roberti Family Rights Act, the California Unruh Civil Rights Act, the California Fair Employment and Housing Act, any other federal, state, or local employment practice legislation, or any federal or state common law, including wrongful discharge, breach of express or implied contract, or breach of public policy.

Manager hereby waives and relinquishes all rights and benefits afforded by Section 1542 of the Civil Code of California. Manager understands and acknowledges the significance and consequences of this specific waiver of Section 1542. Section 1542 of the Civil Code of California states as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor."

Notwithstanding the provisions of Section 1542, and for the purpose of implementing a full and complete release and discharge of Town and its past and present Town Council Members, employees, representatives and agents, Manager expressly acknowledges that this General Release is intended to include in its effect, without limitation, all claims which he does not know or suspect to exist in his favor.

Manager further acknowledges that he has read this General Release and that he understands that this is a general release, and that he intends to be legally bound by the same.

4. Fees and Costs. Manager and Town agree that in the event of litigation relating to this Release Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs.

Dated \_\_\_\_\_, 20\_\_

TOWN OF CORTE MADERA

By: \_\_\_\_\_  
MAYOR

TODD CUSIMANO

Dated: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
MANAGER

**APPROVED AS TO FORM:**

By: \_\_\_\_\_

Date: \_\_\_\_\_

**ATTEST:**

By: \_\_\_\_\_  
Town Clerk

Date: \_\_\_\_\_

  
TOWN MANAGER

**CORTE MADERA TOWN COUNCIL  
STAFF REPORT**

REPORT DATE: June 6, 2016  
MEETING DATE: June 21, 2016

**TO:** TOWN MANAGER, MAYOR AND MEMBERS OF THE COUNCIL  
**FROM:** TODD CUSIMANO, POLICE CHIEF  
**SUBJECT:** CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE TOWN OF CORTE MADERA'S RESPONSE TO THE MARIN COUNTY CIVIL GRAND JURY'S REPORT, POLICE FIREARM SECURITY: KEEPING POLICE GUNS OUT OF THE HANDS OF CRIMINALS

\* \* \* \* \*

**STAFF RECOMMENDATION:**

Approve the proposed response to the Marin County Civil Grand Jury.

**OPTIONS:**

- 1) The Council may approve the proposed response.
- 2) The Council may propose modifications to the proposed response.
- 3) The Council may reject the proposed response and provide further direction to staff.

**TOWN MANAGER'S RECOMMENDATION:**

Support staff's recommendation.

**FISCAL IMPACT:**

None

**BACKGROUND:**

On April 21, 2016 the 2015/2016 Marin County Civil Grand Jury issued a report called Police Firearm Security: Keeping Police Guns Out of the Hands of Criminals (refer to attached). The report examined every Marin County Law Enforcement Agency's policies and training regarding firearm security. The report concluded asking the Town of Corte Madera to respond to eight (8) Findings and five (5) Recommendations.

Central Marin Police Authority (CMPA) Policy #312 - Firearms addresses firearms and firearm security (refer to attached). The majority of this policy was provided by Lexipol, which is a company commonly contracted with by nationwide law enforcement agencies for best practice and legally defensible policies. Policy #312 was further strengthened and modified over the years by CMPA Administration as the need arose.

The Town of Corte Madera drafted a written response to the Grand Jury Report (refer to attached). A written response from the Town of Corte Madera must be submitted to the Grand Jury no later than June 28, 2016. This draft response is consistent with the response submitted by the CMPA, which was approved by the CMPA Council on June 2, 2016.

**ATTACHMENTS:**

1. 2015/2016 Marin County Civil Grand Jury report - Police Firearm Security: Keeping Police Guns Out of the Hands of Criminals
2. CMPA Policy #312 – Firearms
3. The Town of Corte Madera’s Response to Findings and Recommendations from Grand Jury Report – Police Firearm Security

**ATTACHMENT 1**

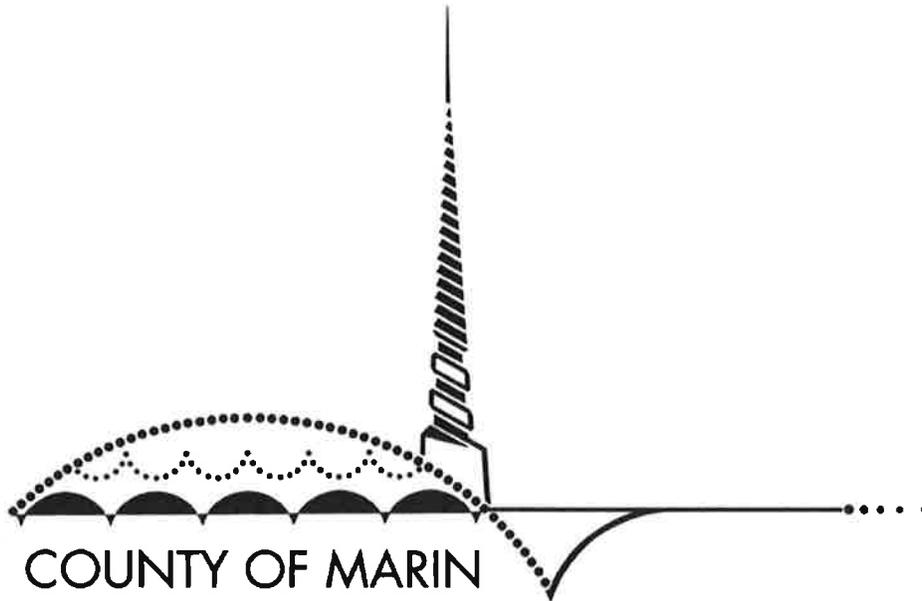
2015/2016 Marin County Civil Grand Jury report - Police Firearm Security:  
Keeping Police Guns Out of the Hands of Criminals

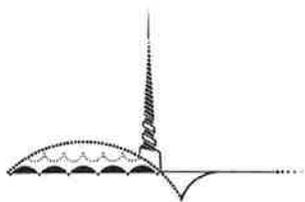
2015/2016 MARIN COUNTY CIVIL GRAND JURY

# Police Firearm Security

## *Keeping Police Guns out of the Hands of Criminals*

Report Date: April 21, 2016  
Public Release Date: April 28, 2016





## Police Firearm Security

*Keeping Police Guns out of the Hands of Criminals*

### SUMMARY

Guns and unattended police cars are a lethal combination. The loss of police firearms from unmarked department vehicles has recently been “front page” news. Use of those firearms in subsequent crimes, including two homicides, has led to increased public concern and calls for changes in police practice and legislation. Three reports of stolen firearms within one month in the Bay Area raise questions and concerns. Further reports of stolen police guns indicate that police are still leaving firearms unsecured in their vehicles and vulnerable to theft.

The Grand Jury investigated the status of law enforcement firearm security in Marin County and which policies, if any, exist to safeguard guns from being lost or stolen. The Grand Jury also investigated whether any changes have been made or are under consideration to prevent police guns from ending up in the hands of criminals. This investigation was prompted in part when, during Grand Jury training, two Marin County police chiefs had distinctly different responses when asked about the firearm thefts. Neither response indicated that the recent thefts of police firearms prompted a change in practice or policy.

The Grand Jury investigation found the incidence of police firearms stolen from vehicles in Marin is low, but thefts have occurred. The “epidemic rise” in auto burglaries suggests that the odds have increased that if a police officer leaves a gun in a vehicle it is more likely it will be stolen. The Grand Jury investigation revealed that in spite of the number of thefts, resulting publicity, a request from the San Francisco Police Chief for policy change,<sup>1</sup> and the deaths of two people killed by stolen law enforcement guns, only one Marin Police agency has changed or amended its gun security policy.<sup>2</sup> At present, most police and sheriff vehicles are not equipped with secured lock boxes to protect firearms left in a vehicle. The Grand Jury believes that the best policy is for law enforcement never to leave a firearm in a vehicle. Short of that, lock boxes should be installed in every department vehicle and policies should state specifically *how* firearms are to be secured. The Grand Jury recommends that a lock box be installed securely within every department vehicle.

In fact, State and local legislation has been proposed and in some cases enacted to require firearms be secured whenever left in a vehicle. This legislation is the result of law enforcement guns being stolen from vehicles and subsequently used in crimes and the public’s concern for greater safeguards. The Grand Jury was surprised to find that there is not overwhelming support among Marin law enforcement executives for such laws or ordinances. The Grand Jury believes that such a law can be clear, apply to police and citizens alike and be a “common sense” prevention measure. Law enforcement cannot prevent the public from leaving guns in vehicles. However, law enforcement officers should never leave a gun unsecured in a vehicle.

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<sup>1</sup> Letter from San Francisco Police Chief to the Police Chiefs of Marin County. November 2, 2015.

<sup>2</sup> Fairfax Police Department Policy manual.

## BACKGROUND

Theft of police firearms from unmarked police vehicles has recently made headline news in the Bay Area. The murder of a young woman in San Francisco was particularly shocking, in part because the weapon used had been stolen the previous week from an unattended unmarked department vehicle belonging to the Bureau of Land Management<sup>3</sup>. Since that report, several other incidents involving police firearms stolen from department vehicles have been published in Bay Area newspapers:

- The pistol and ammunition belonging to a Hayward police officer assigned to a regional drug task force was stolen from his parked car.<sup>4</sup>
- A department vehicle assigned to the University of California, Berkeley PD chief was burglarized and her firearm, badge and computer were stolen.<sup>5</sup>
- A gun belonging to an Immigration and Customs agent was stolen from a vehicle and used in the slaying of a local artist in Oakland.<sup>6</sup>

Despite these disturbing headlines, once again three guns belonging to FBI agents were stolen from an unmarked vehicle in Benicia.<sup>7</sup>

The cases above are just those that made the headlines. Not all thefts of police firearms do. An NBC Bay Area investigation into the loss and theft of police firearms uncovered that since 2010 more than 500 weapons have gone missing from eight different law enforcement agencies, including the California Highway Patrol, the Federal Drug Enforcement Administration and six Bay Area departments.<sup>8</sup>

The urgency for changes in firearm security policy has been emphasized by Mike Sena, Director of the Northern California Regional Intelligence Center, whose team is responsible for analyzing data on car break-ins. Mr. Sena noted, "Over the last six months, literally auto burglaries have doubled... This is not a rarity, this is happening throughout the Bay Area."<sup>9</sup>

Law enforcement should be held to a higher standard when it comes to gun handling and security. This is especially compelling since theft is a primary way firearms fall into the hands of criminals. Stolen guns present a significant risk to the public and to peace officers. Many stolen guns are subsequently used to commit crimes. A U.S. Department of the Treasury study revealed that nearly a quarter of all Alcohol, Tobacco and Firearms (ATF) gun trafficking investigations involved stolen firearms and were associated with over 11,000 trafficked firearms.<sup>10</sup> A gun acquired through theft is an obvious way to circumvent laws regarding who can own firearms, background checks and gun registration. If a gun is not left in the car, it cannot be stolen.

<sup>3</sup> NBC Bay Area.

<http://www.nbcbayarea.com/news/local/Gun-Used-in-Pier-14-Shooting-Stolen-From-Bureau-of-Land-Management-Sources-312517441.html>

<sup>4</sup> SF Gate. <http://www.sfgate.com/crime/article/Another-law-enforcement-officer-s-gun-stolen-6467108.php>

<sup>5</sup> SF Gate. <http://www.sfgate.com/crime/article/Stolen-gun-badge-belonged-to-UC-Berkeley-s-top-6462766.php>

<sup>6</sup> NBC Bay Area <http://www.sfgate.com/crime/article/Another-law-enforcement-officer-s-gun-stolen-6467108.php>

<sup>7</sup> SF Gate. <http://www.sfgate.com/crime/article/3-guns-stolen-from-FBI-vehicle-in-Benicia-6794467.php>

<sup>8</sup> NBC Bay Area. <http://www.nbcbayarea.com/investigations/>

[Unaccounted-For-Hundreds-of-Guns-Lost-or-Stolen-From-Bay-Area-Police-Agencies-Since-2010-350768311.html](http://www.nbcbayarea.com/investigations/Unaccounted-For-Hundreds-of-Guns-Lost-or-Stolen-From-Bay-Area-Police-Agencies-Since-2010-350768311.html)

<sup>9</sup> <http://www.nbcbayarea.com/investigations/>

[Car-Burglaries-Hit-Epidemic-Levels-Across-the-Bay-Area-344920362.html](http://www.nbcbayarea.com/investigations/Car-Burglaries-Hit-Epidemic-Levels-Across-the-Bay-Area-344920362.html)

<sup>10</sup> US General Accounting Office (GAO) <http://www.gao.gov/new.items/d03688.pdf>

Currently there are no state laws or guidelines that mandate how California peace officers transport and secure firearms in vehicles. Individual police agencies, however, *do* have policy manuals that spell out expectations, rules and guidelines, and officers must comply with those. Policies generally require that officers ensure that all firearms are locked and secured while in their homes, vehicles and other areas in a manner that will assure they are inaccessible to children and others who should not have access to guns. However, implementation of these policies is left up to the discretion and judgment of individual officers.

In response to recently reported thefts, several Bay Area police departments have developed and/or amended policies to address how firearms are to be secured if left in a vehicle. These policies range from informing officers of best ways to secure a firearm in a vehicle —usually in a locked trunk or lock box secured in the car —to mandating that a firearm simply never be left in an unattended vehicle. Several cities have also responded with ordinances aimed at preventing guns from being left and then stolen from vehicles. Most notably, San Francisco and Oakland have passed new legislation.

San Francisco’s legislation mandates anyone leaving a firearm in an unattended vehicle in San Francisco must lock the firearm in a trunk that can not be opened from the main body of the vehicle, or inside a box permanently attached to the vehicle. If the vehicle lacks a trunk, the lock box should be under a seat or otherwise hidden from view. A violation is a misdemeanor offense, punishable by a fine of up to \$10,000 and six months in jail.<sup>11</sup>

Oakland’s legislation specifically addresses city-owned firearms left unattended in police vehicles, city vehicles, and officer’s private vehicles.<sup>12</sup> The ordinance codifies the City’s policy intent and directive that the City establish a higher level of safety to protect the public, residents and Oakland police officers from the harm and threat stolen guns pose.

Based on the number of recent thefts of firearms from Bay Area police agencies, the Marin County Civil Grand Jury initiated an investigation to determine the status of law enforcement firearm security in Marin County and what policies exist to safeguard guns from being lost or stolen. Most importantly, (with the current rash of firearms stolen from law enforcement officer’s vehicles), have the Marin County Sheriff and Police Department Chiefs proposed any changes to their policies to safeguard Marin agencies from becoming “front page news”?

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<sup>11</sup> San Francisco Ordinance. <https://sfgov.legistar.com/View.ashx?M=F&ID=4226996&GUID=F8A6CC97-37F3-42F7-B382-36D68EEB48D6>

<sup>12</sup> Oakland City Council Ordinance No. 13351. February 11, 2016.

## METHODOLOGY

The Grand Jury reviewed the policies for each of the City Police departments and the County Sheriff specifically for sections that apply to firearms. This included written policy on the transportation, storage, and reporting of any losses and/or thefts. With the exception of the Sheriff's Department, all the City Police agencies contract with Lexipol, a company that provides model policies to police agencies for use in developing their individual written department policies.

The Grand Jury met and interviewed each Police Chief<sup>13</sup> and the Sheriff regarding the following:

- Policies and training specific to firearm security
- Administration and regularity of inventories of department firearms
- Data on lost, stolen and/or unaccounted for agency firearms
- Data on crime statistics of firearm thefts from homes and vehicles over the last five years
- Any policy changes proposed by the Sheriff and Chiefs to decrease the risk of firearm theft from law enforcement officers

## DISCUSSION

Marin County law enforcement agencies reported few police firearms stolen during the last 5 years.<sup>14</sup> Nevertheless, any firearm stolen is in the hands of a criminal. This is particularly reckless if the firearm is one entrusted to or owned by a peace officer. None of the County agencies reported any department firearms unaccounted for, but auditing firearm inventory is inconsistent in practice and policy in the County.<sup>15</sup> Unlike the numbers reported from other Bay Area agencies, however, Marin agencies assert they are not losing track of their firearms.<sup>16</sup>

### Policy and Procedure

The Grand Jury asked the Sheriff and all nine Police Chiefs about their policies and procedures for securing firearms in vehicles both on and off duty. The consensus was that it is "common sense" and officers are expected to be responsible. Only one agency has amended its policy specifically to forbid a firearm ever being left in an unattended vehicle.<sup>17</sup>

A review of the police policy manuals found that whenever reference was made to securing firearms in vehicles it was incorporated in the Firearms Policy, usually in a section titled "Storage of Firearms at Home". Three agencies title the section "Storage at Home or in Vehicles". This policy complies with CA Penal Code 25100, which addresses firearm storage, and is intended to keep guns out of the hands of children and other persons statutorily forbidden to possess a firearm. Other language specifies how to secure firearms within the jail or the police facility but, with the exception of two agencies, local policies include no specific reference regarding securing firearms in personal or department vehicles. Of those two agencies, one explicitly forbids that a firearm be left in a vehicle, and the other agency prescribes how and

<sup>13</sup> In the case of Novato, we interviewed the acting Police Chief as the Chief was on extended sick leave.

<sup>14</sup> Marin Police Chief Interviews

<sup>15</sup> Marin Police Chief Interviews

<sup>16</sup> NBC Bay Area. <http://www.nbcbayarea.com/investigations/Unaccounted-For-Hundreds-of-Guns-Lost-or-Stolen-From-Bay-Area-Police-Agencies-Since-2010-350768311.html>

<sup>17</sup> Fairfax Police Policy Manual

when leaving a gun in a vehicle is allowed.<sup>18</sup> The reporting of any loss or theft of a firearm is included in general policies regarding department property.

The Grand Jury asked the police chiefs and Sheriff as to whether any discussions or consideration occurred in the wake of the recent high profile thefts of firearms from unattended police vehicles. These cases were particularly troubling given the subsequent criminal use of those stolen guns. The Grand Jury was surprised to hear that discussion of the issue has been minimal and not discussed at the Marin County Chiefs Association meetings.<sup>19</sup> In addition, we were told that no request was made to Lexipol regarding potential or current changes to existing policy regarding increased firearm security.

Our surprise turned to concern in light of a letter dated November 2, 2015 from San Francisco Police Chief Suhr and sent to all Bay Area police chiefs, including those in Marin County<sup>20</sup>. In that letter Chief Suhr stated that after a gun stolen from the vehicle of a law enforcement officer was used in the killing of a young woman in San Francisco, “One would think that would have all law enforcement officers taking extra measures to make sure their weapons are secure. That said, as recently as last week, another firearm was reported stolen from the vehicle of a law enforcement officer”. He went on to say that law enforcement cannot control what is left in vehicles by the general public, but they can take steps to reduce the likelihood of a law enforcement firearm being stolen and used in a crime. The Chief stated one of the things that keeps him up at night is worry that a weapon stolen from the vehicle of a law enforcement officer could be used to shoot or kill someone. He told the Bay Area Chiefs that he has issued an order (policy) that prescribes how SFPD officers are to secure their firearms properly and enclosed a copy of that order in his letter. He asked his fellow Chiefs to review the directive and “consider adopting a similar policy. “ At the minimum he recommended that they request that their respective officers, when in San Francisco, secure their firearms consistent with SFPD policy. He signed off with the request to “please help me in keeping San Francisco safe”. Clearly, Chief Suhr sees a correlation between public safety and securing law enforcement firearms when they are left in vehicles.

### **Securing a Firearm in a Vehicle**

The Grand Jury asked the Marin County Sheriff and Police Chiefs whether department vehicles are equipped with a lock box or some other means to secure a firearm should there be a need to leave the vehicle unattended. Marked vehicles and some specialty vehicles have mounted locking devices primarily used for rifles and shotguns. Few, if any vehicles have a means to secure an officer's handgun. The response to the Grand Jury's inquiry was mixed as to the utility of a lock box. One Chief stated that it might “slow an officer down” if a firearm was quickly needed, though another Chief thought that it would be a great idea. A third Chief felt guns should not be left in cars at all. This is, of course, the surest way to prevent an unattended gun from being stolen.

Officers do carry handguns and those guns usually are carried concealed on their person - even while driving. There are times when leaving a firearm in the vehicle may be necessary, although some Chiefs are of the belief that, if an officer does carry a gun, he/she should carry it and not

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<sup>18</sup> Marin County Police Policy Manuals and the County Sheriff's Policy Manual

<sup>19</sup> Marin County Police Chief Interviews

<sup>20</sup> Letter from San Francisco Police Chief to the Police Chiefs of Marin County. November 2, 2015.

leave it. As noted, one Marin Police department absolutely prohibits leaving a gun in a vehicle.<sup>21</sup> This is, of course, the best way to prevent a gun from being stolen. Firearm lockboxes for cars are available for as little as \$50, while most recommended boxes cost between \$100-\$200. When one considers the cost of the handgun, car and all of the safety equipment that departments consider mandatory, adding \$100-\$200 per lockbox seems a very reasonable price to assure that guns can be secured in vehicles when necessary.

### Legislation

Responding to public concern, legislators on the State and local level are proposing laws that would require securing firearms left in unattended vehicles and timely reporting of any stolen firearms. Oakland, San Francisco, Sunnyvale, and Berkeley are just a few that have passed or are proposing ordinances. Tiburon has amended its ordinance to require timely reporting. On the State level, pending legislation includes Senate Bill 869<sup>22</sup> which would require all firearms left in vehicles to be secured in a locked trunk or secured box and “The Safety for All Act of 2016”<sup>23</sup> would require all lost or stolen guns be reported.

Of course, Marin County would be included under any proposed State legislation that becomes law. Should this legislation not be passed at the State level, however, it is incumbent on Marin County, cities and towns to implement our own policies and procedures to protect officers and the general public. Nevertheless, Marin law enforcement executives were of mixed opinion on the value of prospective ordinances or laws. Some felt that there is no need and others felt that, if it applied to everyone and “not just cops”, then it might be a good idea. Several Chiefs did mention that the proposed legislation in Sacramento would make local ordinances unnecessary. The California Police Chiefs Association,<sup>24</sup> which takes positions on proposed legislation and employs a legal advocacy law firm, is currently just “watching” SB 869 rather than supporting it<sup>25</sup>.

Watching and waiting is no solution to keeping police guns out of the hands of criminals.

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<sup>21</sup> Fairfax Police Policy Manual

<sup>22</sup> Senate Bill 869. <http://www.guns.com/2016/01/14/california-moves-to-criminalize-cops-leaving-guns-unsecured-in-cars/>

<sup>23</sup> The Safety for All Act of 2016. <http://smartgunlaws.org/wp-content/uploads/2015/10/SafetyForAllActFinal.pdf>

<sup>24</sup> California Police Chiefs Association. <http://www.californiapolicechiefs.org/bill-positions-legislative-report>

<sup>25</sup> Senate Bill 869 <http://www.guns.com/2016/01/14/california-moves-to-criminalize-cops-leaving-guns-unsecured-in-cars/>

## FINDINGS

- F1. Firearms left in unattended vehicles are vulnerable to theft and, if stolen, are in the hands of criminals.
- F2. Firearms belonging to Marin County peace officers have been stolen from their vehicles, although the incidence is low.
- F3. There is currently no public tracking of lost or stolen firearms from Marin County peace officers, making the number of firearms missing difficult to determine.
- F4. With the exception the Fairfax Police Department, Marin County Police Departments and the Sheriff's Office have not amended or updated their policies in response to high profile reports of law enforcement guns being stolen from vehicles.
- F5. Most Marin County Police and Sheriff's Departments do not have a clear-cut policy and/or procedure specifying how firearms are to be secured if left in an unattended vehicle.
- F6. Neither the general topic of firearm security nor a specific letter from the SF Chief has been discussed at Marin County Police Chief's Association meetings. The view commonly expressed by the law enforcement executives is that it is a "common sense" responsibility and understood as such by deputies and officers.
- F7. Concern for public safety has led to proposed State and some recent local legislation (in San Francisco and Oakland) requiring that firearms be secured in all unattended vehicles.
- F8. Specifically designed lock boxes are readily available for safely securing firearms inside a vehicle, should a gun and vehicle need to be left unattended.

## RECOMMENDATIONS

- R1. Marin County Sheriff's Office and Police Departments should track and record all firearms that have been lost or stolen from law enforcement and personal vehicles.
- R2. Marin County Sheriff's Office and Police Departments should make public the number and circumstances of all firearms that have been lost or stolen from law enforcement and personal vehicles.
- R3. Marin County Sheriff's Office and Police Departments should update their policies and procedures regarding firearm security, particularly with regard to firearms left in unattended vehicles (departmental and personal) and if a firearm is left in a vehicle, how it is to be secured.
- R4. The Marin County Sheriff and all Police Chiefs should discuss the issue of firearm security including storage, tracking and reporting of lost or stolen firearms at Marin County Police Chief Association meetings and make a recommendation as to whether there should be a standard county policy for leaving a law enforcement firearm in a vehicle.
- R5. Marin County Sheriff's Office and Police Departments should install lock boxes in all department vehicles and require that in the event it is necessary to leave a firearm in a vehicle, the firearm be secured in the lock box.

## REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

- The Cities and Towns of Belvedere, Corte Madera, Larkspur, Mill Valley, Novato, Ross, San Anselmo, San Rafael, Sausalito and Tiburon: F1 - F8 and R1 - R5
- The Town of Fairfax F1 – F8 and R1, R2, R4, R5
- Central Marin Police Authority: F1 - F8 and R1 - R5

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code section 933 (c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

From the following individuals:

- The Marin County Sheriff: F1 - F8 and R1 - R5

The Grand Jury invites the following individuals to respond:

- President, The Marin County Police Chiefs Association: F1 - F8 and R1 - R5
- The Police Chiefs of Belvedere, Mill Valley, Novato, Ross, San Rafael, Sausalito, Tiburon and Central Marin Police Authority: F1 – F8 and R1 – R5
- The Police Chief of Fairfax: F1 – F8 and R1, R2, R4, R5

Note: At the time this report was prepared, information was available at the websites listed.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

**ATTACHMENT 2**  
CMPA Policy #312 – Firearms

## Firearms

### 312.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

### 312.2 POLICY

The Central Marin Police Authority will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

#### 312.2.1 HOLSTERS

The Department will issue holsters for the Glock 22 .40 Caliber. The holster shall be a minimum of a level 2 retention holster. All personnel shall show proficiency with their holster prior to being used in the field. If the holster was not purchased by the Department, officers shall obtain written approval from the Chief of Police prior to using the holster in field and will demonstrate their proficiency

#### 312.2.2 LIGHTS

Lights for weapons may be purchased by employees at their expense. However, the lights can only be used for situations where an officer would normally draw their weapon for a legitimate law enforcement reason. The light must be approved by the Chief of Police. The Authority is not responsible for any damage to light if it becomes damaged during an arrest or any other action.

### 312.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized Department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Captain. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

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## Policy Manual

### Firearms

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#### 312.3.1 HANDGUNS

The authorized department-issued handguns are the Glock 17 9mm and the Glock 22 .40 Caliber. Additional handguns may be approved for on-duty use with the approval of the Chief of Police.

#### 312.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870. The following additional shotguns are approved for on-duty use:

MAKE	MODEL	CALIBER
Remington	870	

When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

#### 312.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the Colt M4. Additional patrol rifles may be approved for on duty use with the approval of the Chief of Police.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed, and the selector lever in the "Safe" Position.

#### 312.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department list of approved firearms.

# Central Marin Police Authority

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### Firearms

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- (b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the Department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

#### **312.3.5 AUTHORIZED SECONDARY HANDGUN**

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and on the department list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

#### **312.3.6 AUTHORIZED OFF-DUTY FIREARMS**

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) The member may use his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. A member carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.
  - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.

# Central Marin Police Authority

## Policy Manual

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- (c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry department-authorized ammunition.
- (i) When armed, officers shall carry their badges and Central Marin Police Authority identification cards under circumstances requiring possession of such identification.

#### **312.3.7 AMMUNITION**

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

#### **312.4 EQUIPMENT**

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

##### **312.4.1 REPAIRS OR MODIFICATIONS**

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Chief of Police.

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#### **312.4.2 HOLSTERS**

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

#### **312.4.3 TACTICAL LIGHTS**

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

#### **312.4.4 OPTICS OR LASER SIGHTS**

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Chief of Police. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

### **312.5 SECTION TITLE**

#### **312.6 SAFE HANDLING, INSPECTION AND STORAGE**

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried.

# Central Marin Police Authority

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### Firearms

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It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

#### **312.6.1 INSPECTION AND STORAGE**

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers at the end of the shift. Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

#### **312.6.2 STORAGE AT HOME**

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

#### **312.6.3 ALCOHOL AND DRUGS**

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, or has taken any drugs or medication, has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

#### **312.6.4 STORAGE OF FIREARMS**

Members of the Central Marin Police Authority are responsible for knowing the location of firearm(s) under their care and control; and ensuring those firearms(s) are secure at all times, whether on or off duty.

- Members of the Central Marin Police Authority shall not secure firearms in the glove box or other similar storage compartment within any vehicle.
- If a member of the Central Marin Police Authority is faced with a situation or exigent circumstance that requires a firearm to be stored in an unattended vehicle for a short period of time, the firearm shall be secured inside the locked trunk of the vehicle out of public view. Examples of situations where this option is warranted are at Marin County Jail, San Quentin, or Federal Courthouses. In these instances, the vehicle shall also be parked in a secured parking lot when possible.

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**Firearms**

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- If the vehicle design does not include a trunk (trucks, SUV, etc.), the firearm shall be secured in a locked metal container affixed to the vehicle in a location within the passenger compartment not visible from the exterior of the vehicle. The firearm is to be placed in the locked metal container out of public view.
- If a member of the Central Marin Police Authority is unable to secure a firearm in a vehicle as described above, the member shall not leave a firearm in an unattended vehicle.
- Under no circumstance shall any firearm be left unattended in a vehicle overnight.

**312.7 FIREARMS TRAINING AND QUALIFICATIONS**

All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, all members will qualify at least annually with their duty firearms. Members will qualify with off-duty and secondary firearms at least twice a year. Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

**312.7.1 NON-CERTIFICATION OR NON-QUALIFICATION**

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
  1. Unauthorized range make-up
  2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

**312.8 FIREARM DISCHARGE**

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

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In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Captain or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

**312.8.1 DESTRUCTION OF ANIMALS**

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER® device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

**312.8.2 INJURED ANIMALS**

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)).

Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

**312.8.3 WARNING AND OTHER SHOTS**

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe.

**312.9 RANGEMASTER DUTIES**

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Sergeant after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-qualification.

The range shall remain operational and accessible to Department members during hours established by the Department.

# Central Marin Police Authority

## Policy Manual

### *Firearms*

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The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the Rangemaster.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Training Sergeant documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Sergeant.

#### **312.10 FLYING WHILE ARMED**

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Central Marin Police Authority identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Central Marin Police Authority must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Central Marin Police Authority an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

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- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

**312.11 CARRYING FIREARMS OUT OF STATE**

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry his/her Central Marin Police Authority identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

**ATTACHMENT 3**

The Town of Corte Madera's Response to Findings and Recommendations  
from Grand Jury Report – Police Firearm Security

## RESPONSE TO GRAND JURY REPORT

Report Title: Police Firearm Security

Report Date: April 21, 2016

Agenda Date: June 21, 2016

Response by: Sloan Bailey

Title: Mayor of the Town of Corte Madera

### FINDINGS

- We agree with findings numbered: F1, F2, F6, F7, and F8
- We disagree *wholly* with the findings numbered: F3, F4, and F5

### RECOMMENDATIONS

- Recommendations numbered R1, R2, R3, and R4 have been implemented.
- Recommendation number R5 will not be implemented because they are not warranted or are not reasonable.

Date: June 21, 2016

Signed: \_\_\_\_\_

Number of pages attached 3

**TOWN OF CORTE MADERA**  
Response to Findings and Recommendations from Grand Jury Report  
Police Firearm Security

**FINDINGS:**

**Statement regarding findings,** the Town of Corte Madera, through the Town Council provides the following information. The Town of Corte Madera's police services are provided through the Central Marin Police Authority (CMPA):

- F1. "Firearms left in unattended vehicles are vulnerable to theft and, if stolen, are in the hands of criminals."**

Response: The respondent agrees with the finding. Any item of value left unattended and in plain view in a vehicle, whether locked or not, is vulnerable to theft. And if that item is stolen, it would be by definition in the hands of a criminal.

- F2. "Firearms belonging to Marin County peace officers have been stolen from their vehicles, although the incidence is low."**

Response: The respondent agrees with the finding. CMPA cannot speak on the behalf of other Marin County law enforcement agencies, but it is presumed that other agencies have had firearms stolen from their vehicles in the past. CMPA have never had any police firearms stolen from its vehicles.

- F3. "There is currently no public tracking of lost or stolen firearms from Marin County peace officers, making the number of missing firearms difficult to determine."**

Response: The respondent disagrees wholly with this finding. All stolen firearms are tracked in the Federal Automated Firearms System, which is accessible to all law enforcement agencies. If a police firearm were to be stolen from CMPA, we would enter the firearm into the Federal Automated Firearm System. In addition, were a public records act request be made to the CMPA we would provide the requestor with all pertinent data, which in this case would be zero stolen firearms.

- F4. "With the exception of the Fairfax Police department, Marin County Police Departments and the Sheriff's Office have not amended or updated their policies in response to high profile reports of law enforcement guns being stolen from vehicles."**

Response: The respondent disagrees wholly with this finding. CMPA has amended its firearm policy several times over the years. The policy was specifically updated after we received a letter from the San Francisco Police Department, referenced in the Marin Grand Jury report.

**F5. “Most Marin County Police and Sheriff’s Departments do not have a clear-cut policy and/or procedure specifying how firearms are to be secured if left in an unattended vehicle.”**

Response: The respondent disagrees wholly with this finding. CMPA does have a clear cut procedure specifying how firearms are to be secured if left in an unattended vehicle. CMPA is not in a position to comment on other Marin County Police and Sheriff’s Departments. CMPA’s current policy states:

*Members of the Central Marin Police Authority are responsible for knowing the location of firearm(s) under their care and control; and ensuring those firearms(s) are secure at all times, whether on or off duty.*

- *Members of the Central Marin Police Authority shall not secure firearms in the glove box or other similar storage compartment within any vehicle.*
- *If a member of the Central Marin Police Authority is faced with a situation or exigent circumstance that requires a firearm to be stored in an unattended vehicle for a short period of time, the firearm shall be secured inside the locked trunk of the vehicle out of public view. Examples of situations where this option is warranted are at Marin County Jail, San Quentin, or Federal Courthouses. In these instances, the vehicle shall also be parked in a secured parking lot when possible.*
- *If the vehicle design does not include a trunk (trucks, SUV, etc.), the firearm shall be secured in a locked metal container affixed to the vehicle in a location within the passenger compartment not visible from the exterior of the vehicle. The firearm is to be placed in the locked metal container out of public view.*
- *If a member of the Central Marin Police Authority is unable to secure a firearm in a vehicle as described above, the member shall not leave a firearm in an unattended vehicle.*
- *Under no circumstance shall any firearm be left unattended in a vehicle overnight.*

**F6. “Neither the general topic of firearm security nor a specific letter from the SF Chief has been discussed at Marin County Police Chief’s Association meetings. The view commonly expressed by the law enforcement executives is that it is a “common sense” responsibility and understood as such by deputies and officers.”**

Response: The respondent agrees with the finding. The topic of firearm security was not discussed at a Marin County Police Chief’s Association meeting until May 12, 2016. CMPA had previously discussed the matter internally after the SFPD letter, and made policy changes accordingly.

**F7. “Concern for public safety has led to proposed State and some recent local legislation (in San Francisco and Oakland) requiring that firearms be secured in all unattended vehicles.**

Response: The respondent agrees with the finding. CMPA acknowledges there have been discussions at the state some local jurisdictions regarding this matter.

- F8. **“Specifically designed lock boxes are readily available for safely securing firearms inside a vehicle, should a gun and vehicle need to be left unattended.**

Response: The respondent agrees with the finding.

## RECOMMENDATIONS

The 2015/2016 Marin County Civil Grand Jury recommends that:

- R1. **“Marin County Sheriff’s Office and Police Departments should track and record all firearms that have been lost or stolen from law enforcement and personal vehicles.”**

Response: The recommendation has been implemented. This recommendation has always been the practice of the Central Marin Police Authority.

- R2. **“Marin County Sheriff’s Office and Police Departments should make public the number and circumstances of all firearms that have been lost or stolen from law enforcement and personal vehicles.**

Response: The recommendation has been implemented. There has never been a firearm stolen from the Central Marin Police Authority, so there is no data to make public.

- R3. **“Marin County Sheriff’s Office and Police Departments should update their policies and procedures regarding firearm security, particularly with regard to firearms left in unattended vehicles (departmental and personal) and if a firearm if a firearm (sic) is left in a vehicle, how it is to be stored.”**

Response: The recommendation has been implemented. Refer to above mentioned recently updated policy language.

- R4. **“The Marin County Sheriff and all Police Chiefs should discuss the issue of firearm security including storage, tracking and reporting of lost or stolen firearms at Marin County Police Chief Association meetings and make a recommendation as to whether there should be a standard county policy for leaving a law enforcement firearm in a vehicle.”**

Response: The recommendation has been implemented. The issue was discussed at the Marin County Police Chief’s Association meeting on May 12, 2016.

- R5 . “Marin County Sheriff’s Office and Police Departments should install lock boxes in all department vehicles and require that in the event it is necessary to leave a firearm in a vehicle, the firearm be secured in the lock box.”**

Response: The recommendation will not be implemented because it is not warranted at our agency with our current policy. All rifles and shotguns stored in CMPA vehicles already have secured locks. There are very limited circumstances where an officer is allowed to store a handgun in a vehicle. In those limited circumstances the threat of theft is minimal if any, due to the rarity of the circumstances allowed, the location of where the handgun is allowed to be stored (trunk, out of public view), the location of the parked vehicle (secured parking if possible), and the period of time the handgun is allowed to be stored in the vehicle.

CORTE MADERA TOWN COUNCIL  
STAFF REPORT

Report Date: June 17, 2016  
Meeting Date: June 21, 2016

TO: TOWN MANAGER, MAYOR AND MEMBERS OF THE TOWN COUNCIL

FROM: REBECCA VAUGHN, TOWN CLERK

SUBJECT: RATIFICATION OF SUBCOMMITTEE RECOMMENDATIONS FOR APPOINTMENT OF ROBERT BUNDY, PHYLLIS METCALFE AND JENNIFER FREEDMAN TO THE PLANNING COMMISSION; FOR APPOINTMENT OF PAMELA FONG, EMILY JANOWSKI, AND SARAH ELSEN TO THE PARKS AND RECREATION COMMISSION; TO WAIVE INTERVIEW PROCESS AND RE-APPOINT FLOOD CONTROL BOARD INCUMBENT STEPHANIE BENNETT, AND CONSIDER APPOINTMENT OF ONE ADDITIONAL MEMBER TO THE FLOOD CONTROL BOARD PENDING SUBCOMMITTEE INTERVIEW

RECOMMENDATION:

That the Town Council ratify the recommendations of the Planning Commission Subcommittee of Vice Mayor Furst and Councilmember Lappert to re-appoint incumbents Robert Bundy and Phyllis Metcalfe and appoint Jennifer Freedman for two-year terms expiring June 30, 2018; ratify the recommendations of the Parks and Recreation Commission Subcommittee of Councilmembers Condon and Lappert to re-appoint Pamela Fong and Emily Janowsky, and appoint Sarah Elsen for two-year terms expiring June 30, 2018; and that the Town Council waive the interview process and re-appoint incumbent Flood Control Board Member Stephanie Bennett to a two-year term expiring June 30, 2018. The Town Council will also be asked to advise staff regarding the re-appointment of incumbent William Carlson, and to ratify the recommendation of the Flood Control Board Subcommittee of Mayor Bailey and Vice Mayor Furst regarding applicant Ramon Garcia pending interview. Mr. Garcia is scheduled to interview with the Subcommittee at 7:00pm on June 21, 2016, just prior to the start of the regular Town Council meeting. The Subcommittee will report their recommendation at the meeting.

BACKGROUND:

At the December 15, 2015 Town Council meeting, Council subcommittees were re-approved with two Councilmembers assigned to each Commission, Board or Committee.

## **PLANNING COMMISSION**

The Planning Commission Subcommittee comprised of Mayor Bailey and Councilmember Lappert, held interviews of the following candidates on March 31, 2016: Marcus Berry, Robert Bundy, Jennifer Freedman and Phyllis Metcalfe.

At the April 5, 2016 Town Council meeting, the Town Council appointed Robert Bundy to fill the final three months of a vacant seat with a term expiring June 30, 2016, and requested that the application period be re-opened for an additional month. Two additional applications were received from Tony Garza and Jennifer Sterling. Applicants were interviewed on June 8, 2016 by Vice Mayor Furst and Councilmember Lappert.

## **PARKS AND RECREATION COMMISSION**

The Parks and Recreation Commission Subcommittee comprised of Councilmembers Condon and Lappert held interviews of the following candidates on June 9, 2016: Sarah Elsen, Pamela Fong, Emily Janowsky, Emily McFarland, Kim Noble-Baez and Charles Schumacher.

## **FLOOD CONTROL BOARD**

The Flood Control Board currently has three seats with terms expiring June 30, 2016, one of which is vacant. One application was received from Ramon Garcia, and incumbent Stephanie Bennett has confirmed that she is interested in being re-appointed to a new two-year term. As of the time of publication of the agenda, incumbent William Carlson has not responded to two emails and a voicemail requesting confirmation of interest in re-appointment.

Flood Control Board meeting records show that Mr. Carlson has only attended two meetings in the past two years, on September 14, 2015 and on January 11, 2016. Given his attendance record and lack of response to staff inquiries, a recommendation for re-appointment cannot be made at this time and staff requests that the Town Council discuss this matter further and provide direction on how to proceed.

Applicant Ramon Garcia will interview with the Flood Control Board Subcommittee at 7:00pm on June 21, 2016, prior to the start of the Council meeting and the Subcommittee will advise the Town Council as to their decision.

## **APPOINTMENT RECOMMENDATIONS**

After careful consideration, the Subcommittees recommend that the Town Council ratify their recommendations, as follows:

Re-appoint incumbents Robert Bundy and Phyllis Metcalfe, and appoint Jennifer Freedman, to the Planning Commission for a two-year term expiring June 30, 2018.

Re-appoint incumbents Pamela Fong and Emily Janowsky, and appoint Sarah Elsen to the Parks & Recreation Commission for a two-year term expiring June 30, 2018.

Waive the interview process and re-appoint incumbent Stephanie Bennett to the Flood Control Board for a two-year term expiring June 30, 2018, and advise the Town Council as to their decision regarding applicant Ramon Garcia and incumbent William Carlson.

Once ratified by the Town Council, the Town Clerk will attend the respective Commission meetings to give the Oath of Office to the appointees.

Attachments:

1. Applications received for Planning Commission
2. Applications received for Parks and Recreation Commission
3. Applications received for Flood Control Board

RECEIVED

MAR 10 2016

TOWN OF CORTE MADERA  
APPLICATION  
FOR APPOINTMENT TO BOARDS, COMMISSIONS AND COMMITTEES

TOWN OF CORTE MADERA

NAME: Jennifer K. Freedman

DATE: March 10, 2016

ADDRESS: (Home) [redacted]  
Corte Madera, CA 94925

PHONE: [redacted]

ADDRESS: (Business) c/o BlackRock  
400 Howard St.  
San Francisco, CA 94105

PHONE: 415-670-4191

EMAIL ADDRESS: jenniferkfreedman@gmail.com

BOARD, COMMITTEE OR COMMISSION DESIRED: Planning Commission

STATEMENT OF INTEREST AND/OR QUALIFICATIONS:

SEE ATTACHED

STATEMENT REGARDING KNOWLEDGE OF CORTE MADERA AND ANY PAST OR PRESENT COMMUNITY INVOLVEMENT:

SEE ATTACHED

PERSONAL INFORMATION (How long have you lived in Corte Madera, family size, etc.)

SEE ATTACHED

If you are not selected at this time, may we keep your application on file for future consideration?

YES:  NO:

MAIL OR DELIVER TO: Rebecca Vaughn, Town Clerk/300 Tamalpais Drive/Corte Madera 94925  
OR EMAIL TO: rvaughn@tcmmail.org

J. Freedman - Planning Commission Application - March 10, 2016

1. STATEMENT OF INTEREST AND/OR QUALIFICATIONS

I moved to Corte Madera because my husband and I fell in love with the people. Corte Madera is a wonderfully small town, and neighbors enjoy knowing each other. Like everywhere in the Bay Area, our town is in a constant state of evolution. The Planning Commission is one of the key ways we determine what kind of evolution we want.

I have a young family and intend to live here and raise my children here. As a mother of two, I have a personal interest in responsible (re)development in the area as well as an interest in improving the community and physical spaces where we spend our time.

I met with Commissioner Dan McCadden several weeks ago to discuss my interest in joining the Corte Madera Planning Commission, and he encouraged me to apply given the upcoming vacancy with Tom McHugh's departure in April.

I have nine years of real estate investment management and development experience at Prudential and Blackrock. I have managed every asset type: office, retail, multi-family, hotels, and industrial. I understand the unique characteristics of each and what economic and design drivers result in successful projects. I also understand the importance of the public hearing and approval process. Conflicts can arise between developers/investors and the public when projects are not appropriately vetted. I understand that the role of the Commission is to actively listen and address the desires and concerns of its residents, while also making judicious decisions about projects that will have a lasting, positive impact on the community.

Additionally, I am very familiar with the LEED certification process, USGBC green building standards, Title 24, and other sustainability measures that can be taken to lessen the negative environmental impacts of developments. I think this knowledge would be very valuable to the Commission as we evaluate major projects like the Corte Madera Inn redevelopment, the Tamal Vista Corridor, The Village at Corte Madera (Restoration Hardware) project, and the need for additional affordable housing development. I have reviewed the Town's General Plan and Housing Element and understand the importance of thoughtful decision making consistent with their intent.

I want to help the Town of Corte Madera evolve carefully, maintaining the character that brought me and my family here. I believe that my familiarity with the public hearing and approval process, my ability to read building and engineering plans, and my development and real estate investment experience would make me a valuable contributor to the Planning Commission.

2. STATEMENT REGARDING KNOWLEDGE OF CORTE MADERA AND ANY PAST OR PRESENT COMMUNITY INVOLVEMENT:

Our family moved to Madera Gardens from San Francisco last October and we intend to be very active community members. We love Corte Madera and for years have been coming here to shop at Town Center and The Village, to bike ride on Paradise Loop, and to take our daughter to play at the Corte Madera Town Park. We spend most weekends biking and hiking in the area and love Corte Madera for its small town charm and accessibility to San Francisco.

I have joined the Southern Marin Mom's Group and have already met many moms in the area. I have never held a public office but I have served on many boards and have been an active community member wherever I have lived.

3. PERSONAL INFORMATION (How long have you lived in Corte Madera, family size, etc.)

- My husband Jason and I moved to Madera Gardens in October 2015 with our 18 month old daughter Alexandra. In February, we welcomed Caroline Ruby to our family.
- I work at Blackrock, a large institutional investment management company in their real estate group. My husband runs a technology start up called 42Floors.
- I am originally from the East Bay (Lafayette) and went to college at the University of Colorado, Boulder. I moved to New York City where I lived for seven years after graduating CU and attended NYU Stern School of Business where I received my MBA, focusing on finance and real estate.
- Jason is originally from Denver, CO and we met in San Francisco in 2010.

RECEIVED

MAY 06 2016

TOWN OF CORTE MADERA  
APPLICATION  
FOR APPOINTMENT TO BOARDS, COMMISSIONS AND COMMITTEES

TOWN OF CORTE MADERA

NAME: Jennifer Sterling, JD DATE: 05/06/16

ADDRESS: (Home) [redacted] PHONE: [redacted]  
Corte Madera, CA 94925

ADDRESS: (Business) \_\_\_\_\_ PHONE: \_\_\_\_\_  
\_\_\_\_\_

EMAIL ADDRESS: \_sterling.jennifer@icloud.com\_

BOARD, COMMITTEE OR COMMISSION DESIRED: \_Corte Madera Planning Commission\_

STATEMENT OF INTEREST AND/OR QUALIFICATIONS:

I have recently graduated from law school, and would appreciate the opportunity to be of service and lend my voice to the Planning Commission. My legal knowledge and experience would be put to good use in this position. I have wanted to be more involved in our local community for some time now, and am excited to finally have the time and space to do so.

STATEMENT REGARDING KNOWLEDGE OF CORTE MADERA AND ANY PAST OR PRESENT COMMUNITY INVOLVEMENT:

My previous occupation as a personal trainer and lifestyle coach in Corte Madera offered insight into some issues that my clients/local residents go through when they or their neighbors wanted to remodel and expand their dwellings. Furthermore, ten years living in Old Town Center has sparked numerous conversations about parking and commercial expansion in the area. I have performed research on conditional use permits in neighboring jurisdictions and have worked with local businesses and Phil Boyle on how best to deal with our shared parking situation. This remains a work in progress, and I can appreciate how difficult these planning changes and conversations can be!

PERSONAL INFORMATION (How long have you lived in Corte Madera, family size, etc.)

I have been a resident of Corte Madera for almost 10 years, and have been employed in both Corte Madera and San Francisco during this time. I am single, and have resided in the beautiful and historic Parkside Hotel at Old Town Center since I moved here.

If you are not selected at this time, may we keep your application on file for future consideration?

YES: \_X\_ NO: \_\_\_\_\_

MAIL OR DELIVER TO: **Rebecca Vaughn, Town Clerk/300 Tamalpais Drive/Corte Madera 94925**  
OR EMAIL TO: **rvaughn@tcmmail.org**

TOWN OF CORTE MADERA  
APPLICATION  
FOR APPOINTMENT TO BOARDS, COMMISSIONS AND COMMITTEES

RECEIVED  
MAR 09 2016  
TOWN OF CORTE MADERA

NAME: ROBERT. BUNNY DATE: 3/9/2016

ADDRESS: (Home) [REDACTED] PHONE: [REDACTED]

ADDRESS: (Business) REBEKAH PHYSICIAN PHONE: \_\_\_\_\_

EMAIL ADDRESS: bundyworld@comcast.net

BOARD, COMMITTEE OR COMMISSION DESIRED: PLANNING

STATEMENT OF INTEREST AND/OR QUALIFICATIONS: I AM FAMILIAR WITH THE GENERAL PLAN AND CURRENT CODES. AVAILABLE TO ATTEND MEETINGS AND MAKE SITE VISITS. UNDERSTAND GENERAL CONSTRUCTION PLANNING AND NEED TO UPDATE RESIDENTIAL AND COMMERCIAL STATEMENT REGARDING KNOWLEDGE OF CORTE MADERA AND ANY PAST OR PRESENT COMMUNITY INVOLVEMENT: PROPERTIES TO MEET ENVIRONMENTAL AND AESTHETIC CONCERNS.

HAVE SERVED AS CORTE MADERA REPRESENTATIVE FOR THE RUPA 87-05 CURRENTLY ON FLOOD BOARD (WHICH I WOULD CONTINUE) PERSONAL INFORMATION (How long have you lived in Corte Madera, family size, etc.) LINDA AND I HAVE LIVED IN CORTE MADERA FOR 38 YEARS. INVOLVED WITH THE LIONS, CENTENNIAL COMMITTEE, CORTE MADERA COMMUNITY FOUNDATION.

If you are not selected at this time, may we keep your application on file for future consideration?  
YES:  NO:

MAIL OR DELIVER TO: Rebecca Vaughn, Town Clerk/300 Tamalpais Drive/Corte Madera 94925  
OR EMAIL TO: rvaughn@tcmmail.org

RECEIVED

MAR 25 2016

TOWN OF CORTE MADERA

**TOWN OF CORTE MADERA  
APPLICATION  
FOR APPOINTMENT TO BOARDS, COMMISSIONS AND COMMITTEES**

NAME: Marcus E. Berry III

DATE: 3/25/16

ADDRESS: (Home)

[REDACTED], Corte Madera, CA 94925

PHONE: [REDACTED]

ADDRESS: (Business)  
Prudential Real Estate Investors  
4 Embarcadero Center  
Suite 2700  
San Francisco CA 94111

PHONE: 415-486-3832

EMAIL ADDRESS: [mepplanning@gmail.com](mailto:mebplanning@gmail.com)

BOARD, COMMITTEE OR COMMISSION DESIRED: Planning Commission

STATEMENT OF INTEREST AND/OR QUALIFICATIONS:

The opportunity to be a steward of growth and preservation within Corte Madera is an honor and a privilege. My education, professional experience, and sincere commitment to the envisioned future of the General Plan uniquely qualify me to serve as Planning Commissioner.

My wife Kim and I moved to Corte Madera over a year ago. Our move to Marin County from Los Angeles was a thoughtful decision to pursue new career opportunities and a specific quality of life which we found in Corte Madera. My wife works for a company based in Corte Madera while I oversee public pension fund client relations for Prudential Real Estate Investors in San Francisco. We love Corte Madera's unique small town and neighborhood character with its access to the outdoors, great schools, walkability to retail, public transportation, and diverse neighbors that made us feel welcome the day we moved into our house. There is no other town in the Bay Area we would rather live and raise a family.

I am a graduate of the University of Colorado and earned an MBA of real estate finance from the University of Southern California with much of my real estate curriculum taught through the School of Public Policy. I have built a career in real estate investment management having acquired, managed, sold, developed and redeveloped real estate investments throughout California. I have worked with local/state governments on real estate related matters, led industry leading sustainability initiatives, and am an active member of the State Association of County Retirement Systems and the California Association of Public Retirement Systems. This education and experience allows me to provide a measured and insightful evaluation of the topics and concerns related to the General Plan and future development of Corte Madera.

**STATEMENT REGARDING KNOWLEDGE OF CORTE MADERA AND ANY PAST OR PRESENT COMMUNITY INVOLVEMENT:**

My wife and I have lived in Corte Madera for over one year. With the realization that this is our ideal community in which to raise a family, I have proactively sought a meaningful way to be involved civically through which I can apply my education and experience for the greater good of our city. I consider non-profit volunteerism a core value and have exhibited a long history of volunteerism, fundraising, and leadership for organizations related to cancer research, cancer survivorship, hospital development, wildlife conservation, public pension oversight, and at-risk-youth sports programs. While continuing some of those efforts, I will primarily be committed to role of planning commissioner during my tenure.

**PERSONAL INFORMATION (How long have you lived in Corte Madera, family size, etc.)**

My wife and I have lived in Corte Madera for over one year after moving to Marin County from Southern California. This is my second time living in the Bay Area and my wife and I feel blessed to have discovered such a warm community. In fact we are lucky enough to live on the the same street as my old college roommate from the University of Colorado and his wife and kids. They have been very gracious and have introduced us to many members of the Corte Madera community. We enjoy walking out our front door to hike, run, bike, shops eat, or, when feeling adventurous, heading into the city or exploring the endless small towns to our north.

If you are not selected at this time, may we keep your application on file for future consideration?

YES: \_\_\_\_\_ NO:  \_\_\_\_\_

**MAIL OR DELIVER TO: Rebecca Vaughn, Town Clerk/300 Tamalpais Drive/Corte Madera 94925**

**OR EMAIL TO: [rvaughn@tcmmail.org](mailto:rvaughn@tcmmail.org)**

RECEIVED

TOWN OF CORTE MADERA  
APPLICATION  
FOR APPOINTMENT TO BOARDS, COMMISSIONS AND COMMITTEES OF CORTE MADERA

MAR 01 2016

NAME Phyllis Metcalfe DATE: 1 March 2016

ADDRESS: (Home) [REDACTED] PHONE [REDACTED]  
Corte Madera, CA 94925

ADDRESS: (Business) \_\_\_\_\_ PHONE \_\_\_\_\_

EMAIL ADDRESS: plmetcalfe@comcast.net

BOARD, COMMITTEE OR COMMISSION DESIRED: Planning Commission

STATEMENT OF INTEREST AND/OR QUALIFICATIONS:

see attached

STATEMENT REGARDING KNOWLEDGE OF CORTE MADERA AND ANY PAST OR PRESENT COMMUNITY INVOLVEMENT:

see attached

PERSONAL INFORMATION (How long have you lived in Corte Madera, family size, etc.)

see attached

If you are not selected at this time, may we keep your application on file for future consideration?

YES:  NO:

MAIL OR DELIVER TO: Rebecca Vaughn, Town Clerk/300 Tamalpais Drive/Corte Madera 94925

OR EMAIL TO: [rvaughn@tcmmail.org](mailto:rvaughn@tcmmail.org)

## APPLICATION FOR RE-APPOINTMENT TO CORTE MADERA PLANNING COMMISSION

### STATEMENT OF INTEREST AND/OR QUALIFICATIONS.

I ask to be re-appointed to the Planning Commission to continue serving and giving back to our unique community.

During my tenure, I've appreciated being part of a hard-working group made up of commissioners who bring a broad diversity of expertise to addressing planning matters in a businesslike way that enhances our environment. This group has worked well with the town's professional staff and with the residents who will live with the results of our decisions that can affect quality of life.

In addition to the knowledge and skills I've gained through my studies of architecture at Pratt Institute and of interior architecture and design at the Academy of Art University, my experience includes working with land use, environmental and traffic issues, knowledge of EIRs, the use of negative declarations in lieu of EIRs and with ADA issues. During my 24-year tenure as a local elected official I have worked with many of the same issues that are seen in Corte Madera. The combination of my knowledge, skills and experience should be an asset on our Planning Commission.

### STATEMENT REGARDING KNOWLEDGE OF CORTE MADERA AND ANY PAST OF PRESENT COMMUNITY INVOLVEMENT:

I live in Corte Madera because of my appreciation of how the town has maintained its small-town ambiance while being close and convenient to an urban center. The great variety of architectural styles that appear in the neighborhoods, which range from upscale to some more affordable sub-divisions and well-designed multifamily units, gives the town much of its charm and uniqueness.

Even though the town is built out from Christmas Tree Hill eastwards towards the Bay, the provision of workforce and affordable housing units is encouraged through in-fill on the few available individual lots and by the creation of second-units in appropriate locations. Elements of good and careful planning are being used to address the upgrading and renewal of commercial properties that contribute in many ways to the quality of our town's environment.

It should be noted Corte Madera has been a pioneer in land preservation using public resources as well as private donations from caring citizens to protect its ridges and wetlands.

While living in Marin County, in addition to being an elected official, my community involvement includes having served on the boards of several non-profit, service and educational organizations. I am grateful for the opportunities that have enabled me to be an active participant in the Marin County community.

### PERSONAL INFORMATION (How long have you lived in Corte Madera, family size, etc.):

I have lived in Marin County since 1967. I have been a resident of Corte Madera since 2001 when, as an empty-nester, I moved to Meadowcreek Station on the eastside of Corte Madera.

Phyllis Metcalfe  
23 Parkview Circle

RECEIVED

APR 11 2016

**TOWN OF CORTE MADERA  
APPLICATION  
FOR APPOINTMENT TO BOARDS, COMMISSIONS AND COMMITTEES**

**TOWN OF CORTE MADERA**

NAME: **Tony Garza**

DATE: **11 April 2016**

ADDRESS: (Home) [REDACTED]

PHONE: [REDACTED]

**Corte Madera, CA 94925-2602**

ADDRESS: (Business) **BRR Architecture**

PHONE: **415.782.4105**

**250 Sutter St., Suite 350 SF 94108**

EMAIL ADDRESS: **tonygarza1@gmail.com**

BOARD, COMMITTEE OR COMMISSION DESIRED: **Planning Commission**

STATEMENT OF INTEREST AND/OR QUALIFICATIONS:

**I am interested in continuing my involvement with the goal of aiding in the enrichment of the built environment and providing depth to my career in architecture. I have been working in the field of commercial architecture with periods of residential architecture since 1994.**

STATEMENT REGARDING KNOWLEDGE OF CORTE MADERA AND ANY PAST OR PRESENT COMMUNITY INVOLVEMENT:

**Active Member/Commissioner: Corte Madera AAC (Accessibility Advisory Commission)**

PERSONAL INFORMATION (How long have you lived in Corte Madera, family size, etc.)

**Resident/Homeowner since Fall 2011. Married with (3) children.**

If you are not selected at this time, may we keep your application on file for future consideration?

YES:  NO:

MAIL OR DELIVER TO: **Rebecca Vaughn, Town Clerk/300 Tamalpais Drive/Corte Madera 94925**

OR EMAIL TO: **rvaughn@tcmmail.org**

TOWN OF CORTE MADERA  
APPLICATION  
FOR APPOINTMENT TO BOARDS, COMMISSIONS AND COMMITTEES

RECEIVED  
OCT 29 2015  
TOWN OF CORTE MADERA

NAME: Sarah Elsen

DATE: Oct. 29, 2015

ADDRESS: (Home) \_\_\_\_\_  
Corte Madera, CA 94925 \_\_\_\_\_

ADDRESS: (Business) 23 Reed Blvd \_\_\_\_\_

Mill Valley, CA 94941 \_\_\_\_\_

EMAIL ADDRESS: sbfullerpt@yahoo.com \_\_\_\_\_

BOARD, COMMITTEE OR COMMISSION DESIRED: \_Parks and Recreation \_\_\_\_\_

STATEMENT OF INTEREST AND/OR QUALIFICATIONS:

I am a mom of three young girls the oldest of which is 4. We live blocks from the Corte Madera Town Park and use the playground almost daily. As our girls get older and begin to attend Neil Cummins I look forward to being able to enjoy the many offerings of the Parks and Recreation Department. Having the opportunity to contribute to this department, which will benefit my family is very exciting to me. I enjoy how Corte Madera is a small town with a close-knit community and feel that this is one way that I can give my time to the town while helping shape the wide range of offerings that the Parks and Recreation Department has for the townspeople.

STATEMENT REGARDING KNOWLEDGE OF CORTE MADERA AND ANY PAST OR PRESENT COMMUNITY INVOLVEMENT:

I have lived in Southern Marin County since 2004 and in Corte Madera since 2009. My three children attend daycare and preschool in Corte Madera and my husband works for Tamalpais Unified High school District. I am also a member of the Corte Madera, Larkspur Mothers Club. I feel very connected to the town and am excited to invest further in the community.

PERSONAL INFORMATION (How long have you lived in Corte Madera, family size, etc.)

I have lived in Corte Madera since 2009 with my husband. Since moving here we have had three children and added an Au Pair from Sweden to our family for the next year.

If you are not selected at this time, may we keep your application on file for future consideration?

YES:  NO:

**MAIL OR DELIVER TO: Rebecca Vaughn, Town Clerk/300 Tamalpais Drive/Corte Madera 94925**  
**OR EMAIL TO: [rvaughn@tcmmail.org](mailto:rvaughn@tcmmail.org)**

RECEIVED

MAR 23 2016

TOWN OF CORTE MADERA  
APPLICATION  
FOR APPOINTMENT TO BOARDS, COMMISSIONS AND COMMITTEES

NAME: Emily H. Janowsky

DATE: March 22, 2016

ADDRESS:

PHONE:

PHONE:

EMAIL ADDRESS: [EHJANOWSKY@YAHOO.COM](mailto:EHJANOWSKY@YAHOO.COM)

BOARD, COMMITTEE OR COMMISSION DESIRED: PARK & REC

STATEMENT OF INTEREST AND/OR QUALIFICATIONS:

I AM A CURRENTLY SERVING IN MY FIRST TERM AS A COMMISSIONER FOR THE PARKS AND RECREATION AND WOULD LIKE TO CONTINUE MY SERVICE. I'VE ENJOYED BEING A COMMISSIONER AND THINK I'VE MADE A POSITIVE CONTRIBUTION. I ALSO SERVE ON THE FACILITIES SUB-COMMITTEE AND HAVE BEEN INVOLVED IN THE PROCESS OF POTENTIALLY ADDING A DOG PARK IN CORTE MADERA. AS THE MOTHER OF TWO BOYS, AGES 11 AND 14, I THINK I REPRESENT AN IMPORTANT SEGMENT OF THE TOWN'S POPULATION, WHICH HASN'T NECESSARILY BEEN REPRESENTED IN THE PAST.

STATEMENT REGARDING KNOWLEDGE OF CORTE MADERA AND ANY PAST OR PRESENT COMMUNITY INVOLVEMENT:

I AM AN ACTIVELY INVOLVED RESIDENT OF CORTE MADERA. IN ADDITION TO MY SERVICE ON THE PARKS AND RECREATION COMMISSION, I AM ACTIVE IN THE LCM SCHOOL DISTRICT. I AM ON THE HALL MIDDLE SCHOOL PTA EXECUTIVE BOARD (2013- PRESENT). I SERVE ON THE DISTRICT'S LCAP COMMITTEE, WHICH IS AN OVERSIGHT COMMITTEE RE FUNDING FOR THE SCHOOLS. I HAVE BEEN AN ACTIVE VOLUNTEER FOR SPARK, THE SCHOOL FOUNDATION, FOR MANY YEARS, SINCE OUR FIRST CHILD STARTED KINDERGARTEN IN 2007.

PERSONAL INFORMATION (How long have you lived in Corte Madera, family size, etc.)

I'VE LIVED IN CORTE MADERA WITH MY FAMILY SINCE 2004. MY HUSBAND, STEVE, IS ALSO AN ACTIVE MEMBER IN THE COMMUNITY. MY TWO SONS ARE CURRENTLY 11 AND 14, AND ARE AT THE LOCAL PUBLIC SCHOOLS.

If you are not selected at this time, may we keep your application on file for future consideration?

YES:  NO:

MAIL OR DELIVER TO: Rebecca Vaughn, Town Clerk/300 Tamalpais Drive/Corte Madera 94925  
OR EMAIL TO: [rvaughn@tcmmail.org](mailto:rvaughn@tcmmail.org)

**TOWN OF CORTE MADERA  
APPLICATION  
FOR APPOINTMENT TO BOARDS, COMMISSIONS AND COMMITTEES**

**RECEIVED**  
OCT 30 2015

TOWN OF CORTE MADERA

NAME: Charles B. Schumacher

DATE: 10/27/15

ADDRESS: (Home) [REDACTED]  
Corte Madera, CA 94925

PHONE: [REDACTED]

ADDRESS: (Business) \_\_\_\_\_  
\_\_\_\_\_

PHONE: \_\_\_\_\_

EMAIL ADDRESS: cschumacher66@gmail.com

BOARD, COMMITTEE OR COMMISSION DESIRED: Parks and Recreation Commission

**STATEMENT OF INTEREST AND/OR QUALIFICATIONS:**

I have seen as a more diversified population has grown in the area, so have the demands on public land use. It's a tricky business to manage at best, but one I believe that should be as inclusive as possible. That said, after living in a diverse collection of cities (San Francisco, Seattle, Pittsburgh, PA, and Dallas), I have found that citizens must be held accountable to use restrictions, and self-enforcement is not a viable management tool.

My immediate qualifications are a year spent as the Building and Grounds Chair of our school's PTA in Dallas. I was called upon to lead coordination between the school faculty, parents, and community government services, related to establishing a recycling program at the school.

Before taking a long-term leave from working, in order to support our children, I have a twenty five plus year background in specialty and big box retail management.

**STATEMENT REGARDING KNOWLEDGE OF CORTE MADERA AND ANY PAST OR PRESENT COMMUNITY INVOLVEMENT:**

We are new to Corte Madera, and until our move here, my knowledge was limited to The Village shopping center, as it related to various past employers (Macy's, Gap, and Nordstrom). I have extended family in San Anselmo, so we are quickly learning the area's interconnectivity.

**PERSONAL INFORMATION (How long have you lived in Corte Madera, family size, etc.)**

Our family of five, and two dogs, recently moved to the area from Dallas, TX. As a California native, this is a homecoming for sorts for me, at a time when I am able to contribute time and energy towards making my community a better place for all. My children attend Neil Cummins Elementary, and we all enjoy time spent in our area parks and urban trails.

If you are not selected at this time, may we keep your application on file for future consideration?

YES:  NO:

**MAIL OR DELIVER TO: Rebecca Vaughn, Town Clerk/300 Tamalpais Drive/Corte Madera 94925**

**OR EMAIL TO: rvaughn@tcmmail.org**

**TOWN OF CORTE MADERA  
APPLICATION  
FOR APPOINTMENT TO BOARDS, COMMISSIONS AND COMMITTEES**

RECEIVED  
OCT 30 2015  
TOWN OF CORTE MADERA

NAME: Kim Noble Baez

DATE: 10/30/15

ADDRESS: (Home) [REDACTED], Corte Madera, CA  
94925

PHONE: [REDACTED]

Home ([REDACTED]) Office and Fax ([REDACTED])

ADDRESS: (Business) [REDACTED] Corte Madera, CA  
94925 Office and Fax [REDACTED]

PHONE: [REDACTED]

EMAIL ADDRESS: noblequail@comcast.net

BOARD, COMMITTEE OR COMMISSION DESIRED: \_Parks and Rec

STATEMENT OF INTEREST AND/OR QUALIFICATIONS: See letter attached

STATEMENT REGARDING KNOWLEDGE OF CORTE MADERA AND ANY PAST OR PRESENT COMMUNITY INVOLVEMENT:

PERSONAL INFORMATION (How long have you lived in Corte Madera, family size, etc.)

If you are not selected at this time, may we keep your application on file for future consideration?

YES: X NO: \_\_\_\_\_

MAIL OR DELIVER TO: Rebecca Vaughn, Town Clerk/300 Tamalpais Drive/Corte Madera 94925  
OR EMAIL TO: rvaughn@tcmmail.org

RECEIVED

OCT 30 2015

TOWN OF CORTE MADERA

Kim Noble Baez  
233 Prince Royal Drive, Corte Madera, CA 94925  
Home (415) 924-6222 Office and Fax (415) 927-7667

10/28/15

I was a teenager when my Mom and I moved to Corte Madera in 1975. My Wife and I bought a home here in 2003. Our company has been doing business here since 1990.

I am or have been involved with:

The Town Park Master Plan Commission 2007

8 Years on the Parks and Recreation Commission including two years as chair-

Recruited three Youth Commissioners

Reconstruction of the Community Center Patio- with knowledge of all work performed

11 years driven a float in the 4<sup>th</sup> of July Parade

Oktoberfest- My Wife and I are significant volunteers

Corte Madera Beautification Committee-family involvement

Community Emergency Response Team CERT,

Marin Medical Reserve Corps-Logistics

Corte Madera Chamber of Commerce

Build it Green- promoting healthy, energy- and resource-efficient building practices

PEP Jobs- Helping persons with epilepsy and brain trauma find meaningful employment

-Through CPMC & Sutter Health-

As a Licensed General Contractor of 25 years, I bring an insight and knowledge of construction that has repeatedly been of value on the commission. I've reviewed construction plans and proposals then provided value engineering that has benefited the town. I also have a working knowledge of ADA requirements.

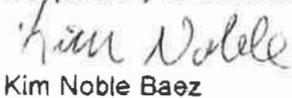
I have a copy of the plans and am familiar with the problems and potential of Higgins Landing. At a meeting last winter when it was briefly discussed most commissioners didn't even know the location, let alone its' history or amenities.

If Commissioner Fong is not able to make a meeting, there is no one on the commission that has more than three years experience. I have eight. My value to this commission has been repeatedly proven and is unsurpassed.

The history of the commission is that there have been senior members such as Kitty Prosser, 34 years, Joanie Vaughn 18 years, Mrs. Kreiger 28 years. The town has always valued experience on the commission. I would be the senior member. No one else who has applied is more qualified than I for this position. I look forward to serving again.

It's clear to me, that my last application was denied due to political interests related to Skunk Hollow Park. Not for the reasons given in the previous letter. I am requesting that My application and interview be reviewed by the entire Town Council.

Respectfully Submitted,

  
Kim Noble Baez



RECEIVED

MAR 24 2016

TOWN OF CORTE MADERA  
APPLICATION  
FOR APPOINTMENT TO BOARDS, COMMISSIONS AND COMMITTEES OF CORTE MADERA

NAME: Pamela Fong DATE: 3-23-16

ADDRESS: (Home) [REDACTED] PHONE: [REDACTED]  
Corte Madera, CA 94925

ADDRESS: (Business) 1 Market St, Stewart Tower, 23rd Fl PHONE: [REDACTED]  
San Francisco, CA 94105

EMAIL ADDRESS: pamela.fong12@gmail.com

BOARD, COMMITTEE OR COMMISSION DESIRED: Parks & Recreation

STATEMENT OF INTEREST AND/OR QUALIFICATIONS: I would like to continue to be part of this Commission. I think being involved in the community where you live is vital. I enjoy speaking with my fellow citizens and hearing what's important to them.

STATEMENT REGARDING KNOWLEDGE OF CORTE MADERA AND ANY PAST OR PRESENT COMMUNITY INVOLVEMENT: I have been on this Commission for many years. I love being part of the Corte Madera community. I am a good listener and am eager to hear others' opinions. Furthermore, I have the best interest of my community in mind.

PERSONAL INFORMATION (How long have you lived in Corte Madera, family size, etc.)  
We have been in Corte Madera since 2000. My husband, Curtis, and I have 2 children. Harper (12) at Hall Middle School and Jameson (8) at The Coe. We love this community!

If you are not selected at this time, may we keep your application on file for future consideration?  
YES:  NO:

MAIL OR DELIVER TO: Rebecca Vaughn, Town Clerk/300 Tamalpais Drive/Corte Madera 94925  
OR EMAIL TO: [rvaughn@tcmmail.org](mailto:rvaughn@tcmmail.org)

RECEIVED

MAR 30 2016

TOWN OF CORTE MADERA  
APPLICATION  
FOR APPOINTMENT TO BOARDS, COMMISSIONS AND COMMITTEES

TOWN OF CORTE MADERA

NAME: Emily McFarland

DATE: 3/25/16

ADDRESS: (Home) [Redacted]

PHONE: [Redacted]

Corte Madera

ADDRESS: (Business) \_\_\_\_\_

PHONE: \_\_\_\_\_

EMAIL ADDRESS: emilymcf@mac.com

BOARD, COMMITTEE OR COMMISSION DESIRED: Park and Rec

STATEMENT OF INTEREST AND/OR QUALIFICATIONS:

STATEMENT REGARDING KNOWLEDGE OF CORTE MADERA AND ANY PAST OR PRESENT COMMUNITY INVOLVEMENT:

PERSONAL INFORMATION (How long have you lived in Corte Madera, family size, etc.)

If you are not selected at this time, may we keep your application on file for future consideration?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

MAIL OR DELIVER TO: Rebecca Vaughn, Town Clerk/300 Tamalpais Drive/Corte Madera 94925  
OR EMAIL TO: rvaughn@tcmmail.org

## Park and Rec Commission Application

Emily McFarland

### STATEMENT OF INTEREST AND/OR QUALIFICATIONS:

Having served on the commission for 2 terms now, I have gained the foundation necessary to really be of use to the town in this capacity. It takes a fair amount of time to understand all the working parts of the town government and be able to know how the commission can be most productive and helpful.

Also, I am active in the subcommittee that is researching the feasibility of a dog park in Corte Madera and am very excited about this project. I would like to continue working on this effort as a commission member.

### STATEMENT REGARDING KNOWLEDGE OF CORTE MADERA AND ANY PAST OR PRESENT COMMUNITY INVOLVEMENT:

As a resident for 6 years I have gained insight into the Corte Madera community and what priorities they have for the Park and Recreation Department. I have been active in the Madera Garden disaster preparedness efforts.

### PERSONAL INFORMATION (How long have you lived in Corte Madera, family size, etc.)

I have lived with my husband Doug and our 8 year old son Nathan in Corte Madera for 6 years.

Yes please do keep my application on file if I am not selected.

**TOWN OF CORTE MADERA  
APPLICATION  
FOR APPOINTMENT TO BOARDS, COMMISSIONS AND COMMITTEES**

NAME: Ramon Garcia, P.E. DATE: 3/25/2016

ADDRESS: (Home) \_\_\_\_\_ PHONE: \_\_\_\_\_  
Corte Madera, CA 94925

ADDRESS: (Business) 525 Golden Gate Avenue PHONE: 415-554-3469  
San Francisco, CA 94102

EMAIL ADDRESS: ramon.garcianavarro@gmail.com

BOARD, COMMITTEE OR COMMISSION DESIRED: Flood Control Board

**STATEMENT OF INTEREST AND/OR QUALIFICATIONS:**

I am interested in serving at the Town of Corte Madera's Flood Control Board, where I can put my expertise to work for my neighbors. I am a licensed Civil Engineer registered in the State of California, with 20 years of diverse experience in the water industry, the last 10 of which as a public servant at the San Francisco Public Utilities Commission ([www.sfwater.org](http://www.sfwater.org)), working on implementation of large water and sewer projects part of the 90%-complete, \$4.8 billion Water System Improvement Program and the new \$6.9 billion Sewer System Improvement Program. The latter includes evaluation of impacts and prioritization of efforts related to Capital Improvement Projects affected by Sea Level Rise.

**STATEMENT REGARDING KNOWLEDGE OF CORTE MADERA AND ANY PAST OR PRESENT COMMUNITY INVOLVEMENT:**

My knowledge of Corte Madera is currently limited. During my search for a home in Corte Madera, I became familiar with the Flood Insurance Rate Maps of the area, as well as with Chapter 16.10 of Town's Code of Ordinances. Unrelated, I have been long fascinated with the geology of Ring Mountain.

This would be my first opportunity to formally engage with, and serve to, the Community in which I live.

**PERSONAL INFORMATION (How long have you lived in Corte Madera, family size, etc.)**

I have been a Marin County resident for the last 17 years, and have lived in Corte Madera for the last two years, with my wife, Brooke, and my two children, Ramon (7), currently attending The Cove School, and Julia (4), currently attending The Mountain School.

If you are not selected at this time, may we keep your application on file for future consideration?

YES:  NO:

**MAIL OR DELIVER TO: Rebecca Vaughn, Town Clerk/300 Tamalpais Drive/Corte Madera 94925  
OR EMAIL TO: [rvaughn@tcmmail.org](mailto:rvaughn@tcmmail.org)**

Placing an item on the agenda: An item may be placed on the agenda by submitting a request to the Town Clerk or the Town Manager, or their designee, by Tuesday at 5p.m. 21 days prior to the Council meeting during which the item is sought to be considered. If such item requires staff investigation or if it will be considered at a future date in the normal course of business (e.g., planning and budget matters), it may be deferred to a later date with concurrence of the person submitting the item. Staff will accommodate submissions after the deadline whenever practical. (Town Council Rules and Procedures, Section 7.5)



THE TOWN OF  
CORTE MADERA  
MARIN COUNTY CALIFORNIA

www.townofcortemadera.org

## **DRAFT AGENDA**

**PROPOSED ITEMS, AND ORDER, ARE SUBJECT TO CHANGE**

### **CORTE MADERA TOWN COUNCIL AND SANITARY DISTRICT NO. 2 BOARD TOWN HALL COUNCIL CHAMBERS 300 TAMALPAIS DRIVE**

**TUESDAY, JULY 19, 2016**

**7:30 P.M.**

- 1. CALL TO ORDER, SALUTE TO THE FLAG, ROLL CALL**
- 2. PRESENTATION: NONE**
- 3. OPEN TIME FOR PUBLIC DISCUSSION**

*Please confine your comments during this portion of the agenda to matters not already on this agenda. Speakers will be limited to three (3) minutes unless otherwise specified by the Mayor or the Presiding Officer.*

*The public will be given an opportunity to speak on each agenda item at the time it is called. The Council may discuss and/or take action regarding any or all of the items listed below. Once the public comment portion of any item on this agenda has been closed by the Council, no further comment from the public will be permitted unless authorized by the Mayor or the council and if so authorized, said additional public comment shall be limited to the provision of information not previously provided to the Council or as otherwise limited by order of the Mayor or Council.*

#### **4. COUNCIL AND TOWN MANAGER REPORTS**

- Town Manager Report
- Director of Planning & Building Report on Tamal Vista East Corridor Study
- Council Reports

#### **5. CONSENT CALENDAR**

*The purpose of the Consent Calendar is to group items together which are routine or have been discussed previously and do not require further discussion. They will be approved by a single motion. Any member of the Town Council, Town Staff, or the Public may request removal of an item for discussion. Rescheduling of the item(s) will be at the discretion of the Mayor and Town Council*

- 5.I Waive Further Reading and Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only. (Standard procedural action – no backup information provided)
- 5.II Notice of Award for the Marina Village / Mariner Cove Storm Drain Improvements  
(Report from Kelly Crowe, Associate Civil Engineer)
- 5.III Approve Warrants and Payroll for the Period / /16 through / /16:  
Warrant Check Numbers \_\_\_\_\_ through \_\_\_\_\_, Payroll Check Numbers \_\_\_\_\_ through \_\_\_\_\_, Payroll Direct Deposit Numbers \_\_\_\_\_ through \_\_\_\_\_, Payroll Wire Transfer Numbers \_\_\_\_\_ through \_\_\_\_\_, and Wire Transfer of / / .  
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

**6. PUBLIC HEARINGS:**

**7. BUSINESS ITEMS:**

7.I *SANITARY DISTRICT ITEMS:*

- 7.I.i Consideration and Possible Action to Approve a Supplemental Appropriation of Funds to the Adopted Sanitary District 2 FY 2015-2016 Budget for Flow Meter and Isolation Valve Replacement  
(Report from Nisha Patel, Senior Civil Engineer)
- 7.I.ii Consideration and Possible Action to Approve a Supplemental Appropriation of Funds to the Adopted Sanitary District 2 FY 2015-2016 Budget for Trinidad II Pump Station Rehabilitation  
(Report from Nisha Patel, Senior Civil Engineer)

7.II *TOWN ITEMS:*

- 7.II.i Consideration and Possible Action to Adopt Resolution 17/2016 Approving a Complete Streets Policy, in Accordance with Requirements from the Metropolitan Transportation Commission (MTC)  
(Report from Nisha Patel, Senior Civil Engineer)
- 7.II.ii Review of Draft August 2, 2016 Town Council Agenda
- 7.II.iii Approval of Minutes of June 21, 2016 Town Council Meeting

## 8. ADJOURNMENT

TOWN COUNCIL STAFF REPORTS ARE USUALLY AVAILABLE BY 5:00 P.M., FRIDAY PRIOR TO THE COUNCIL MEETING, AND MAY BE OBTAINED AT THE CORTE MADERA TOWN HALL, OR BY CALLING 927-5050. AGENDA ITEMS ARE AVAILABLE FOR REVIEW AT CORTE MADERA LIBRARY, FIRE STATION 13 (5600 PARADISE DRIVE) AND THE TOWN HALL. IF YOU CHALLENGE THE ACTION OF THE TOWN COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS AGENDA, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE TOWN CLERK, AT OR PRIOR TO THE PUBLIC HEARING.

Any member of the public may request placement of an item on the agenda by submitting a request to the Town Clerk. The public is encouraged to contact the Town Manager at 415-927-5050 for assistance on any item between Council meetings.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at 415-927-5086. For auxiliary aids or services or other reasonable accommodations to be provided by the Town at or before the meeting please notify the Town Clerk at least 3 business days (the Thursday before the meeting) in advance of the meeting date. If the town does not receive timely notification of your reasonable request, the town may not be able to make the necessary arrangements by the time of the meeting.

1 DRAFT

2  
3 MINUTES OF JUNE 6, 2016

4  
5 REGULAR MEETING  
6 OF THE  
7 CORTE MADERA TOWN COUNCIL  
8

9 Mayor Bailey called the Regular Meeting to order at Town Hall Council Chambers, 300  
10 Tamalpais Drive, Corte Madera, CA on June 6, 2016 at 6:30 p.m.

11  
12 **1. ROLL CALL**

13  
14 Councilmembers Present: Mayor Bailey, Vice Mayor Furst and Councilmembers Andrews,  
15 Condon and Lappert

16  
17 Councilmembers Absent: None

18  
19 Staff Present: Town Manager/Town Engineer David Bracken  
20 Director of Administrative Services/Town Treasurer George T.  
21 Warman, Jr.  
22 Director of Planning and Building Adam Wolff  
23 Town Attorney Randy Riddle  
24 Senior Civil Engineer Nisha Patel  
25 Associate Civil Engineer Kelly Crowe  
26 Senior Planner Phil Boyle  
27 Interim Fire Chief Scott Shurtz  
28 Town Clerk/Assistant to the Town Manager Rebecca Vaughn

29 **CLOSED SESSION**

30  
31 The Town Council adjourned to Closed Session to discuss the following matters:

32  
33 **I. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

34 Closed Session Pursuant to Cal. Gov't Code Section 54956.9(d)(1)

35 Name of case: Ortiz v. Town of Corte Madera  
36

37 **II. PUBLIC EMPLOYEE APPOINTMENT**

38 Closed Session Pursuant to Cal. Gov't Code Section 54957

39 Title: Town Manager  
40

41 **III. CONFERENCE WITH LABOR NEGOTIATORS**

42 Agency designated representatives: (Sloan Bailey and James Andrews.)

43 Unrepresented employee: (Town Manager candidate)  
44

45 **IV. Report Out of Closed Session**  
46  
47

1 **OPEN SESSION**

2  
3 The Town Council reconvened the regular meeting at 7:30 p.m. Mayor Bailey reported on  
4 the Closed Session, stating there was no reportable action taken on Items I and III.  
5 Regarding Item II, he reported that the Council has a tentative agreement to appoint Todd  
6 Cusimano as the Town Manager subject to a final approval of his employment agreement at  
7 a future Council meeting.

8  
9 **SALUTE TO THE FLAG:** Mayor Bailey led in the Pledge of Allegiance.

10  
11 Mayor Bailey announced that the published agenda identified Council and Town Manager  
12 Reports being heard ahead of Open Time for Public Discussion and he asked for a motion to  
13 re-arrange the agenda to switch the items.

14  
15 MOTION: Moved by Condon, seconded by Furst, and approved unanimously by the  
16 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:  
17 None)

18  
19 To re-arrange the agenda

20  
21 **2. PRESENTATION - None**

22  
23 **3. OPEN TIME FOR PUBLIC DISCUSSION - None**

24  
25 **4. COUNCIL AND TOWN MANAGER REPORTS**

26  
27 - Town Manager Report

- 28  
29 • The Town did not receive a request for a garbage rate increase for this year  
30 • Staff has tentatively agendized the following items for discussion by the  
31 Town Council:
- 32 ○ Discussion regarding changing the election year - July 19, 2016
  - 33 ○ The Airbnb issue -August 1, 2016
  - 34 ○ Junior Second Units will first be discussed by the Planning  
35 Commission on September 13, 2016
  - 36 ○ Filming ordinance will first be discussed by the Parks & Recreation  
37 Commission on August 22, 2016 and by the Town Council on  
38 September 6, 2016
  - 39 ○ Encroachment permits will first be discussed by the Planning  
40 Commission on June 28, 2016, as staffed by the Town Manager
  - 41 ○ Long-term Financial Update - July 19, 2016

42  
43 - Council Reports

44

1 Councilmember Andrews gave the following report:

- 2  
3 • He attended an ABAG/MTC Open House meeting and discussed was Plan Bay  
4 Area 2040. There are 3 scenarios and projected is a significant increase in  
5 population in the entire Bay Area, which will likely result in a fair amount of  
6 housing allocation to Marin.  
7

8 Councilmember Condon gave the following report:

- 9 • She attended a LAFCO session regarding legislation being proposed:  
10 ○ SB 1266 was introduced by Mike McGuire on the request of Marin LAFCO.  
11 This asks that every JPA in a County register with LAFCO and the bill has  
12 been well received.  
13 • This weekend is Weekend 100 which starts Friday evening and she urged  
14 everybody to enjoy the following events:  
15 ○ Games, trivia and dinner will be served at the Community Center on  
16 Friday night.  
17 ○ Starting Saturday at 10AM there will be old time games for everyone,  
18 with yoga in the park, a bike ride around town, a hot dog lunch, and a  
19 cherry picker where an aerial photo will be taken of the community. Hall  
20 Middle School Band and the Corte Madera Town Band will perform. A  
21 ceremony with proclamations and dignitaries attending and cake will be  
22 served in the afternoon. At 7PM in the Village parking lot the Band Jimmy  
23 Z and the Great Times Band will perform. Fireworks will start around  
24 9:17PM to finish off Saturday.  
25 ○ On Sunday, a chili cook-off will be held with many entries, judged by  
26 Mayor Bailey and Chef Tyler Florence. A softball game will follow with  
27 Fire vs. Police, along with additional activities.  
28

29 Councilmember Lappert had no report.

30  
31 Vice Mayor Furst gave the following report:

- 32  
33 • She attended the ABAG/MTC Open House and the 3 proposed scenarios were  
34 distributed which relates to how dispersed the housing will likely be under these  
35 different scenarios. Corte Madera's numbers were not as bad as the 2007-2014  
36 numbers. She would like to understand what the underlying assumptions were  
37 and said the scenarios do not feed into the calculations for RHNA which is the  
38 housing quota. Plan Bay Area will be updated every 4 years and will affect  
39 transportation and how housing is dispersed to help determine allocation of  
40 transportation funds.  
41 • She attended the TAM Board meeting and shared that TAM, due to regional and  
42 state requirements, is developing a new computer travel model which helps  
43 track and forecast how traffic moves in communities. The model will include  
44 cyclists and pedestrian counts, will be available for the Town to use at a cost  
45 which may be helpful for Vehicle Miles Traveled (VMT) modeling in future CEQA

1 EIR processes. It is now required under SB 743 which changed the way traffic is  
2 analyzed under CEQA. It went from a Level of Service (LOS) which measures  
3 delays and backups to VMT.

- 4 • She attended and reported on a TAM Safe Routes to School meeting:
  - 5 ○ Corte Madera has put forth a project for OBAG 2 funding and is one of
  - 6 eight applicants. The amount requested by Corte Madera is \$689,000 for
  - 7 a multi-use pathway along Paradise Drive between San Clemente and Sea
  - 8 Wolf, and the total amount requested by all applicants is close to \$3
  - 9 million.
  - 10 ○ She also learned at the Safe Routes to School meeting that other cities
  - 11 have required private schools to create transportation plans as part of an
  - 12 approval process during permitting for construction or expansion.

13  
14 Mayor Bailey gave the following report:

- 15 • The Town received a proclamation from Lieutenant Governor Gavin Newsom and  
16 read a portion of it, which reads, “Whereas, during their 100 years as an  
17 incorporated town, Corte Madera has served as an example of excellence for the  
18 State of California; and Now, Therefore, I Gavin Newsom, do hereby congratulate the  
19 Town of Corte Madera on their Centennial Celebration of 2016.”  
20  
21 - Director of Planning & Building Report on Tamal Vista East Corridor Study  
22  
23 • The Town posted notice on Friday regarding the Draft Report on the Tamal Vista  
24 East Corridor Study. Recommendations will be discussed at the Planning  
25 Commission’s June 14<sup>th</sup> meeting and staff expects to bring the report to the  
26 Town Council in July. Subsequent to the Final Report implementation of  
27 ordinance amendments are scheduled to be considered in August and  
28 September.  
29  
30

31 Councilmember Andrews stated the Army Corps of Engineers published notification and a  
32 permit application behind the hotel and he asked for the Town’s involvement in the  
33 permitting process. Director of Planning and Building Adam Wolff clarified that this is  
34 between the Army Corps of Engineers and the applicant. Town Manager Bracken added  
35 that the Town will be commenting on the application.  
36  
37

1  
2 **5. CONSENT CALENDAR**  
3

4 5.I Waive Further Reading and Authorize Introduction and/or Adoption of  
5 Resolutions and Ordinances by Title Only. (Standard procedural action – no  
6 backup information provided)  
7

8 5.II Adopt Resolution 20/2016, Authorizing Submittal of Application for Payment  
9 Program Funding and Related Authorizations with the Department of  
10 Resources Recycling and Recovery (CalRecycle), as Required Prior to  
11 Submittal of Funding Requests  
12 (Report from Kelly Crowe, Associate Civil Engineer)  
13

14 5.III Adopt Resolution 21/2016, Endorsing the Summer Concert Series Run By the  
15 Corte Madera Community Foundation and Approving Temporary Banner  
16 Signs in the Public Right-of-Way From June 21, 2016 through July 26, 2016.  
17 (Report from Adam Wolff, Director of Planning and Building)  
18

19 5.IV Adopt Resolution 22/2016, Determining the Public Convenience or Necessity  
20 to Sell Beer Within the Outdoor Enclosed Dining Area of Stang’s Hot Dogs and  
21 Sausages Food Kiosk Within the Common Area of the Village at Corte Madera  
22 Center, 1618 Redwood Highway, APN 024-032-030  
23 (Report from Phil Boyle, Senior Planner)  
24

25 5.V Adopt Resolution No. 23/2016, Authorizing the Town Manager to Execute a  
26 New 10-Year Joint Powers Agreement Among Marin Cities, Towns Fire  
27 Departments and Fire Districts for Hazardous Materials Spills Management,  
28 Governed by the Marin County Fire Chief’s Association  
29 (Report from Scott Shurtz, Interim Fire Chief)  
30

31 5.VI Approve Warrants and Payroll for the Period 5/11/16 through 5/31/16:  
32 Warrant Check Numbers 213631 through 213777, Payroll Check Numbers  
33 5207 through 5220, Payroll Direct Deposit Numbers 29516 through  
34 29638, and Payroll Wire Transfer Numbers 2010 through 2017.  
35 (Report from George T. Warman, Jr., Director of Administrative  
36 Services/Town)  
37

38 MOTION: Moved by Condon, seconded by Furst, and approved unanimously by the  
39 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:  
40 None)  
41

42 To approve the Town Consent Calendar Items 5.I, 5.II, 5.III, 5.IV, 5.V and 5.VI  
43

44 **6. PUBLIC HEARINGS**

1  
2 The Town Council convened as the Sanitary District Board of Directors.  
3

4 **6.I SANITARY DISTRICT ITEMS:**  
5

6 6.I.i Consideration and Possible Action to Approve Proposed Resolution  
7 No. 01/2016 Establishing the Sanitary District Appropriation Limit  
8 For 2016-2017

9 (Report from George T. Warman, Jr., Director of Administrative  
10 Services/District Treasurer)  
11

12 Director of Administrative Services/District Treasurer George Warman stated this is an  
13 annual requirement and sets the appropriation limit for the Sanitary District is  
14 \$10,117,647 for FY 2016-2016. The reason why the District is required to have an  
15 appropriation limit is because it has a property tax levy. If it had no levy, it would be funded  
16 by the sewer service charge and by other service charges, federal and state grants.  
17

18 Mr. Warman stated a reason why the sewer service charges remained fixed for the last  
19 several years was because of the increase in the assessed valuation which drives property  
20 taxes. The Central Marin Sanitation Agency (CMSA) has a projection that their costs will be  
21 increased to member agencies, and it is possible that because of increases, it may not  
22 require an increase in the District's sewer service charge.  
23

24 The estimated proceeds of taxes for the Sanitary District is just over \$3 million and the  
25 appropriation limit is over \$7 million below the limit, so the effect is that the GAN limit has  
26 no fiscal impact on the District this year or for the foreseeable future. Therefore, the  
27 recommendation would be for the District to adopt Resolution No. 01/2016 setting the  
28 appropriation limit for the Sanitary District at \$10,117,647 for FY 2016-2017.  
29

30 President Bailey opened the public comment period and there were no speakers.  
31

32 MOTION: Moved by Furst, seconded by Lappert, and approved unanimously by the  
33 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:  
34 None).  
35

36 To adopt Resolution No. 01.2016 Establishing the Sanitary District  
37 Appropriation Limit for 2016-2017  
38

39 The Sanitary District Board convened as the Town Council.  
40

41 **6.II TOWN ITEMS:**

42 6.II.i Consideration and Possible Action to Approve Proposed Resolution  
43 No. 18/2016 Establishing the Town Appropriation Limit For 2016-  
44 2017

1 (Report from George T. Warman, Jr., Director of Administrative  
2 Services/Town Treasurer)  
3

4 Director of Administrative Services/District Treasurer George Warman stated this is an  
5 annual requirement and sets the appropriation limit for the Town which is \$13,540,628 for  
6 FY 2016-2016. He said this only applies to the general unrestricted proceeds of taxes. The  
7 available unrestricted general purpose tax revenue is \$15,550,000 and this number is  
8 about \$18,991,000 below the allowable limit and it includes the sales tax override which is  
9 about \$2.6 million. The Council can see that the GAN limit has no fiscal impact on the Town  
10 in FY 2016-2017 nor does it appear it will for the foreseeable future.

11  
12 Each year in the report filed with the State Controller's Office, a reconciliation report is  
13 prepared showing the actual proceeds of taxes at the end of each year. For the last 15 to 20  
14 years the Town has been way below the limit. The recommendation is to adopt Resolution  
15 No. 18/2016 which would set the 2016-2017 appropriation limit for the Town of Corte  
16 Madera at \$13,540,628.

17  
18 Mayor Bailey opened the public comment period and there were no speakers.

19  
20 MOTION: Moved by Furst, seconded by Andrews, and approved unanimously by the  
21 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:  
22 None).

23  
24 To adopt Resolution No. 18/2016 Establishing the Town Appropriation Limit  
25 for 2016-2017

26  
27 6.II.ii Consideration and Possible Action to Introduce an Ordinance to  
28 Amend Chapter 16.10 of the Municipal Code, "Flood Damage  
29 Prevention"

30 (Report from Kelly Crowe, Associate Civil Engineer)  
31

32 Associate Civil Engineer Kelly Crowe stated the change proposed is to Chapter 16 of the  
33 Municipal Code; Flood Damage Prevention. As background, the Town is a participant of the  
34 National Flood Insurance Program and as required, the Town had to adopt an ordinance,  
35 enforce an ordinance and maintain an ordinance.

36  
37 Maintaining the ordinance requires updating the Municipal Code. A key reason is derived  
38 from FEMA rate maps which became effective March 16, 2016 and per new FEMA maps,  
39 the base flood elevation increased by 1 foot. As a result, the elevation shown in the  
40 Municipal Code is inconsistent with that elevation and the Town must update it to be  
41 consistent with federal law and participating in the National Flood Insurance Program  
42 (NFIP). He requested the amendments be adopted by the Council and that the Town be  
43 consistent with FEMA flood insurance rate maps and federal law in participating with the  
44 NFIP.

1  
2 Vice Mayor Furst stated the changes included adding something about “all new  
3 construction or substantial improvements.” She asked if the Town should define  
4 “substantial improvements” or she asked if it was defined elsewhere.

5  
6 Mr. Crowe stated this is defined in the Municipal Code and a “substantial improvement” is  
7 considered an improvement greater than 50% of the market value of the structure.

8  
9 Mayor Bailey opened the public comment period and there were no speakers.

10  
11 MOTION: Moved by Condon, seconded by Furst, and approved unanimously by the  
12 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:  
13 None).

14  
15 To introduce an ordinance to amend Chapter 16.10 of the Municipal Code,  
16 “Flood Damage Prevention”

17  
18 **7. BUSINESS ITEMS**

19  
20 The Town Council convened as the Sanitary District Board of Directors.

21  
22 **7.I SANITARY DISTRICT ITEMS:**

23  
24 7.I.i Consideration and Possible Action to Approve Response from Sanitary  
25 District No. 2 to the Marin County Civil Grand Jury Report Entitled  
26 2015-16 Web Transparency Report Card: Bringing Marin County’s Local  
27 Government to Light  
28 (Report from Rebecca Vaughn, District Clerk)

29  
30 District Clerk Rebecca Vaughn stated the District received review of the Grand Jury’s report  
31 which awarded the District a B- grade. She brought up the Town’s website to be easily  
32 navigate-able to the general public and the District is being asked to approve the response.  
33 In order to do this, a form is required to be completed and submitted stating the District  
34 agrees or disagrees, or agrees/disagrees in part, with the recommendations made in the  
35 report.

36  
37 Ms. Vaughn stated she reviewed their best practices and made what she thought was a  
38 complete recommendation. The Grand Jury disagreed on several parts and she asked for an  
39 early grading of the District’s website in order to make adjustments. She learned early on  
40 that the District received a B- grade and one requirement was to increase the previous  
41 grade or to exceed a B- level. She is working on several improvements which should be  
42 enacted by July 1<sup>st</sup> in which case the Grand Jury would most likely re-grade. Therefore, she  
43 indicated that the District was in agreement with the Grand Jury’s recommendations; that  
44 parts have been enacted in part, and those which have not would be enacted on July 1<sup>st</sup>.

1  
2 Boardmember Condon thanked the District Clerk on her response. She referred to Finding  
3 4 where the Grand Jury reports that “the County of Marin does not currently publish a  
4 definitive list of all of its dependent special districts and JPAs.” This relates to Senator  
5 McGuire’s legislation which hopefully will be enacted.  
6

7 Ms. Vaughn noted that this was particularly a difficult set of suggestions to enact because  
8 the Sanitary District, unlike other districts in the county, does not have a self-standing  
9 website. It is subsidiary to the Town and it exists on the Town’s website as a page on the  
10 Town’s website. Much of what the Grand Jury requested was duplication of efforts where  
11 she was tasked to recreate many pages and change names from “Town” to “District” and  
12 “Councilmember” to “Boardmember”. However, she did this and it was well-received by the  
13 Grand Jury.  
14

15 President Bailey opened the public comment period.  
16

17 GEORGE WARMAN stated the County of Marin refuses to recognize that Sanitary District  
18 No. 2 is the only subsidiary district in the County. It is not a self-standing special district  
19 and the County is treating it as such. He noted that when Proposition 13 passed there were  
20 75 remaining subsidiary districts, almost all of which were in Los Angeles County. One in  
21 Marin County has since been dissolved, which was the Belmont Fire District. Pursuant to  
22 the Municipal Reorganization Act, which Ms. Vaughn cited as the authority for Sanitary  
23 District No. 2, again, the Grand Jury simply refuses to recognize this fact, and he  
24 commended her for her work in satisfying their requirements.  
25

26 Boardmember Lappert said the District has always been the focus of other agencies  
27 wanting to merge with the District, and he wanted to ensure that the Town was not giving  
28 up its ownership and oversight of Sanitary District No. 2.  
29

30 Boardmember Condon agreed this had been the case as one city has been pushing to merge  
31 with the District and use Corte Madera’s funds as an emergency fund to upgrade their  
32 systems, which have not been maintained over time. This would cause eventual  
33 degradation of the Sanitary District No. 2.  
34

35 Boardmember Lappert suggested discussion to keep the Sanitary District No. 2 as a website  
36 page, given it is Corte Madera’s district. Ms. Vaughn commented that she did request that  
37 the IT Manager create a domain name which takes viewers to the page on the Town’s  
38 website and this was submitted to the Grand Jury.  
39

40 Vice President Furst asked staff to provide her with the differences between a subsidiary  
41 district and a JPA. She believes a JPA is a separate agency. Boardmember Condon directed  
42 her to the LAFCO website.  
43

44 Vice President Furst suggested adding a second paragraph in the cover letter stating that

1 Sanitary District No. 2 is a subsidiary district of the Town of Corte Madera and is not a  
2 separate agency such as a JPA; that it is the only subsidiary district in Marin and its  
3 responsibility falls wholly within the purview of the Town of Corte Madera. Also, regardless  
4 of this, the Town has still implemented the suggestions to improve the website for the  
5 Sanitary District, as the District recognizes the differences between a district and the JPA  
6 which the general public may not be aware of.

7  
8 Ms. Vaughn asked if she should disengage the URL for the district or maintain it.

9  
10 Boardmember Lappert suggested not providing this to the Grand Jury.

11  
12 Vice President Furst stated that LAFCO is currently studying sanitary districts and CMSA as  
13 the water treatment plant and potential consolidation with Ross Valley Sanitary District  
14 and San Rafael Sanitary District. She thinks it is incredibly important that the District  
15 ensure that its interests of ratepayers are protected. She proposed the additional wording  
16 to the letter and disengaging the alternative URL.

17  
18 President Bailey thinks the statutory authority is clear with enabling legislation, but he said  
19 he was amenable to disengage the alternative URL.

20  
21 Vice President Furst suggested adding one sentence on the website about why Sanitary  
22 District No. 2 was incorporated as a subsidiary district to the Town of Corte Madera, such  
23 as "this was done to improve efficiency." Ms. Vaughn stated this is already included on the  
24 website.

25  
26 MOTION: Moved by Furst, seconded by Condon, and approved unanimously by the  
27 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:  
28 None).

29  
30 To approve the Response from Sanitary District No. 2 to the Marin County  
31 Civil Grand Jury Report Entitled *2015-16 Web Transparency Report Card:  
32 Bringing Marin County's Local Government to Light*, with the additional  
33 proposed language to be included in the cover letter

34  
35 **7.II TOWN ITEMS:**

36  
37 7.II.i Refinance of 30-Year 2006 Park Madera Center Certificates of  
38 Participation (Bonds Dated September 28, 2006) for Remaining 20  
39 Years of Certificates (Bonds) With Maturity (Final Payment)  
40 Remaining February 1, 2037

- 41  
42 1. Adopt Resolution 15/2016, A Resolution of the Town Council of  
43 the Town of Corte Madera Authorizing Delivery and Sale of  
44 Refunding Certificates of Participation to Refinance Outstanding

1                           2006 Certificates of Participation, and Approving Related  
2                           Documents and Actions

3  
4                           And

5                           2. Approve a Supplemental Appropriation of Both the Revenues and  
6                           Expenditures of the Refinancing Transaction

7                           (Report from George T. Warman, Jr., Director of Administrative  
8                           Services/Town Treasurer)

9  
10 Director of Administrative Services/District Treasurer George Warman stated this is a  
11 continuation of an item the Town Council considered on May 17, 2016. Based on  
12 discussions at the last meeting, Mr. Craig Hill from NHA Advisors and James Wawrzyniak of  
13 Jones Hall incorporated wording into the legal documents on the proposed refinance. Mr.  
14 Hill has prepared a memorandum explaining the make-whole redemption provision which  
15 is attached to his staff report, and Mr. Hill could respond to any question of the Council.  
16

17 The other item not included in his staff report relates to Vice Mayor Furst's question on the  
18 redemption schedule. Rob Schmidt, Vice President, NHS Advisors, prepared a redemption  
19 schedule based on assumptions they believe are valid at this time and this can be displayed  
20 on the overhead. He said savings based on assumptions at this point in the refinance over  
21 the remaining 20 year period would be \$1,135,000. This is an estimate and the Town will  
22 not know the exact amount if the Council approves the refinance and when it hits the  
23 market. This is why the preliminary official statement does not have the redemption  
24 schedule in it, as it will not be known at this time.  
25

26 Vice Mayor Furst said considering the appraisal value came in over the outstanding current  
27 principle and the amount the Town is seeking to refinance, she asked why the other  
28 properties are needed as collateral, such as Town Hall and the Fire Station.  
29

30 Additionally, she said Councilmember Andrews had brought this to her attention and she  
31 asked why the Town would not consider putting up as collateral only Town properties that  
32 are used as Town properties so bonds could be tax-free and the Town could receive a much  
33 more favorable rate. She asked if both of these options have been considered.  
34

35 Craig Hill, NHA Advisors, said with regards to assets that are securing the financing, the  
36 way rating agencies looks at this is because it is a COP or a lease, there is an appropriation.  
37 Every year, the Council, as part of their budget process, appropriates a certain amount to  
38 pay debt service which is an annual obligation and not one large 20 year obligation.  
39

40 He said if the Town were to get into a financial bind and the only leased asset was the Park  
41 Madera Center, there is a higher probability that if the Town does not make a debt service  
42 payment for one year the rating agencies believe that the likelihood of an essential asset

1 not being available is much lower, and it therefore has a rating impact.

2  
3 Mr. Hill explained that it is possible that they could just commit the Park Madera Center  
4 because they have an appraisal that shows the center has a value in excess of what the  
5 financing amount would be. Under state law, they will meet lease rules, but it also  
6 potentially could negatively impact the rating they would receive, which would mean a  
7 higher interest rate. Their recommendation would be to keep the same asset pool together  
8 because the Town is receiving the benefit of improving the credit with these other essential  
9 assets.

10  
11 Vice Mayor Furst said if the Town was able to create a pool of properties to put up as  
12 collateral such as the Town Center or Fire Station that would meet the requirements or \$9  
13 million, she asked if the Town would qualify for tax free bonding and would it provide a  
14 favorable rate.

15  
16 Mr. Hill said the Town could pool together any other set of assets and it does not have to be  
17 Park Madera Center. They must simply come up with a basket of properties that have  
18 sufficient value of \$9-\$10 million to meet the lease or rental rules of the State. This does not  
19 necessarily remove the taxable versus tax-exempt nature because of what the original use  
20 of the proceeds were in 2006. The Town used the proceeds to acquire a property that is  
21 used for private use. The IRS does not provide the benefit of allowing it to be tax-exempt.  
22 The only way the Town could get to a tax-exempt state is to repurpose the property as a  
23 Town or public use.

24  
25 Councilmember Condon said if the gas station were to decide it wanted to close, she asked  
26 if there were non-profits that wanted to partner with the Town, she asked if it would be  
27 considered tax-exempt to qualify a public use tied into the Community Center. Mr. Hill said  
28 from a business perspective, the Town's revenue stream it receives from the Center helps  
29 offset the operations as well as the debt service of the COP. If the Town were to convert it  
30 to an all-public use, the question is whether the differential in rental income would be  
31 greater or less than the interest savings the Town will receive from a tax-exempt rate. The  
32 Town would need to look at whether realistically it would be worth making it a public use  
33 facility versus a for-profit operation like it is now.

34  
35 James Wawrzyniak, Jones Hall, concurred with Mr. Hill's responses relating to the fact it is  
36 the use of proceeds that determines whether the Town would have a tax-exempt or a  
37 taxable financing.

38  
39 To Councilmember Condon's question if the Town began using part of the space for public  
40 purposes, the Town could refinance the bonds in the future. If the Town moves forward  
41 with this proposed transaction, it is a taxable transaction and it could not be converted but  
42 the Town could refinance it in the future where part of it was still private and part of it was  
43 still public.

44

1 Vice Mayor Furst asked if the Town was still assuming an 8 year call and she asked for  
2 estimated costs.

3  
4 Mr. Hill said they discussed this with the underwriters and, given the nature of this 20 year  
5 taxable COPs, they do not have to have a fixed non-call period. The protection does not  
6 need to be built into documents and the documents drafted before the Council tonight has  
7 removed that provision. In lieu of that, there is a make-whole redemption clause and the  
8 investor agrees that the Town at any time could ask to pay off the debt. They would ask  
9 that it could be done without any penalties or cost after the 8 years; however, in the  
10 beginning, the make-whole clause is a formula whereby an investor, in the event the  
11 market goes down or interest rates go lower than they are today, their reinvestment risk  
12 increases. If the market goes from 4% to 5%, the investor would be happy to get their  
13 money back because they can re-invest it at the higher percentage rate.

14  
15 Therefore, the make-whole clause provides the Town with full flexibility to pay off all or a  
16 portion of the debt with proceeds of a sale. The only potential cost would be the differential  
17 between what the interest rate market is today and the interest rate at the time the Town  
18 notifies they can be paid off over 8 years and the odds of owing a premium are  
19 insignificant.

20  
21 Mayor Bailey asked what the cost would have been under the traditional no-call provision  
22 if the Town sold the bonds after their issuance. Mr. Hill said at the last meeting, they looked  
23 at what would occur at year 3 of an 8 year call which would create a 5 year escrow. The  
24 effective cost of that on what they considered to be \$10.5 million was the outstanding  
25 principle which would be approximately \$200,000. This assumes today's reinvestment  
26 market.

27  
28 Vice Mayor Furst referred to the staff report which states that a high estimate would be  
29 \$500,000 but in NHA Advisor's report it states "delivery date expense of \$377,259." Mr.  
30 Hill confirmed and stated that \$350,000 to \$375,000 was their working budget right now.

31  
32 Mayor Bailey opened the public comment period and there were no speakers.

33  
34 Vice Mayor Furst said she understand the COPs and she looks as this as a loan. She put  
35 together an amortization schedule for the existing loan and a refinance loan which she  
36 provided. She referred to page 3 and said in looking at a home loan and considering 30  
37 years and how much will go towards interest and principle and what it does to the  
38 principle balance. Unfortunately, when starting out with a loan, most of the payment is  
39 going towards interest.

40  
41 She pointed to the first 10 years of the Town's existing loan of \$10,575,000 and the  
42 payment. Over 10 years, the Town has made \$7,698,000 in payments. Almost \$6 million of  
43 this has gone to interest with approximately \$1.7 million to pay down the principle. Below  
44 those calculations are similar calculations over 20 and 30 year totals.

1  
2 The next page is an amortization schedule under the new loan amount and the new rate  
3 which is close to what is identified in the staff report. Over the next 4 years, if the Town  
4 refinances, it will pay \$2.8 million in order to pay down about \$1.3 million in principle. \$1.5  
5 million would go straight to interest and while there is not the 8 year payback unless  
6 interest rates go lower.

7  
8 She then referred to page 1 of her document which identifies scenarios:

- 9
- 10 • Scenario 1 is that the Town does not refinance and holds the property. Annual  
11 cash outlay is about \$770,000. Over 30 years, in order to pay off the entire loan,  
12 the interest is \$12,519,000.  
13
  - 14 • Scenario 2 is that if the Town sells now, she thinks if the Town would receive \$9  
15 million and would be able to pay off the existing balance, it would still be at a  
16 loss of \$6 million from interest.  
17
  - 18 • Scenario 3 is that if the Town does not refinance and sells the property in 4  
19 years, the Town would need to make over the next 4 years another \$3 million in  
20 payments which would provide more equity. If the Town were able to sell the  
21 property for \$9.5 million, the balance is \$7.8 million, with \$8 million in interest  
22 paid, with a net gain and loss of over \$6 million.  
23
  - 24 • Scenarios 4 relates to refinancing. If the Town refinances and holds the property,  
25 the total interest over 30 years is \$10,741,000.  
26
  - 27 • Scenario 5 would need to be re-calculated a bit because there is not the 8 year  
28 call.  
29
  - 30 • Scenario 6 is that if the Town refinanced and sold the property in 8 years, over  
31 the next 8 years, the Town would need to make \$5.7 million in payments of  
32 which \$2.8 million of that will go straight to interest. Assuming the Town can sell  
33 the property for \$10 million, the bond principle at that point is \$6.7 million and  
34 net gain/loss is about \$5.5 million.  
35

36 She said the Town is not gaining a lot as compared to Scenario 2 or if the Town sells the  
37 property now. The difference is only about \$470,000. While she does not think the Town  
38 needs to sell the property right away, the numbers in the various scenarios are large with  
39 very large interest amounts. Therefore, she did not believe the Town needed to rush into  
40 refinancing without considering what the Town might want to do with the property. She  
41 said possibly the Council would want to subdivide the parcel and sell part of it, rezone it to  
42 precisely what they want to see there. She suggested possibly taking the back half of the  
43 property and rezoning it for senior housing. At the front of the property there is an  
44 incredibly popular Café Verde, an attractive local serving bank and a gas station that has a

1 long lease.

2  
3 The Town could also potentially take the small building behind Café Verde and part of the  
4 parking lot and keep that for the Town and build some flexible space which Café Verde or  
5 the Town could use if they have special events and activities, classes, etc.

6  
7 While these things are not going to be decided tonight, she thinks it is something that the  
8 Town should start thinking about and considering before jumping into refinancing. She  
9 noted that right away, the cost of the refinance will be \$350,000 to \$375,000. Mr. Hill had  
10 indicated in his email that if the Town decided to sell within a few years it does not make  
11 sense to refinance and this is what she thinks the Town should be concentrating on now.

12  
13 Councilmember Lappert said he did not see this as some sort of financial scheme or cost  
14 benefit analysis. The Town has a piece of property and it will never have that opportunity  
15 again. The Council decided at the time that it was based on the notion of thinking well  
16 ahead into the future, and the Town will be thankful it had the foresight to ensure the  
17 integrity of the park remain whole because it is the one thing in town which is the focal  
18 point of the town. The town does not have a true Town Center except for the park and the  
19 Council thought about the fact that this property could be sold at some time in the future  
20 and use the proceeds to either pay it down or make the park a Town Center. He said he did  
21 not want to muddy the water with the Community Center as part of the discussion. This is  
22 purely land banking or an investment for children not born yet. When the population soars  
23 to double of what it is now, there will still be a large green patch in the community that  
24 cannot be changed. Therefore, this is philosophical and has nothing to do with interest  
25 payments or the costs to refinance.

26  
27 Councilmember Condon concurred with Councilmember Lappert and agreed that a lot is  
28 paid in principle over a 30 year period. If the Town sells this property it will never get  
29 another chance at it again. They depend on it for community use and she was in agreement  
30 that the Town paid too much for it, but the value to the Town and its uses still remain. To  
31 be able to guarantee \$90,000, if the Town refinances it is certainly better than zero. She  
32 thinks that the Town will not sell the property very soon and it seems logical to refinance it.  
33 She feels very protective of the property because regardless of rezoning, the Town may not  
34 get a chance to have any say in zoning. The property is an asset and there are many  
35 opportunities for community use, and she feels the Town needs to be patient as the  
36 property is valuable to keep.

37  
38 Councilmember Andrews said when he looks at the original purpose and how it was  
39 handled, he is flabbergasted. He said his company sold a building on the east coast and  
40 letters were received from the purchaser in advance with lease terms and while the Town  
41 overpaid for the property, it still owes the money. A way to minimize the cost is to  
42 refinance, but he also thinks the Council should have a discussion of whether the property  
43 needs to be disposed. One way to do this is an outright sale and secondly, a long term land  
44 lease. This way, over time the land would revert to the Town. He said the University of

1 California San Diego has developed housing near their campus and the leases will expire in  
2 2050 and this is something the Town could consider doing.

3  
4 He said the Town also leases out the center and they expire anywhere between 4 and 7  
5 years, except for the gas station, and this should also be considered. They also need to think  
6 through what sort of restrictions to put on the land. To sell it outright, he could see a  
7 developer asking for similar zoning as the WinCup site right next to the Town's park.  
8 Therefore, he would like a separate discussion of disposing the Park Madera Center from  
9 this underwriting.

10  
11 Mayor Bailey asked and confirmed that Councilmember Andrews was in favor of the  
12 refinance and having a separate discussion about disposal of the property which will take a  
13 while.

14  
15 Councilmember Condon said so everybody is aware, it has been passed in the State of  
16 California that if affordable housing units are built, it requires no parking and this has been  
17 signed by Governor Brown. Councilmember Andrews stated if the Town leases the land, it  
18 would have control over it.

19  
20 Mayor Bailey said the immediate issue is whether or not to refinance and he thinks there is  
21 concurrence to do this. He said Vice Mayor Furst makes smart comments about options  
22 available to the Town. The only thing that the options presented tonight is somewhat  
23 speculative. What the Town knows it gets by refinancing immediately rather than holding  
24 off the decision is that the Town will save approximately \$90,000 a year. While he respects  
25 the scenarios presented, he is not sure how they would play out. While the Town saves  
26 money refinancing, it is still a loss but mitigating damages.

27  
28 Mayor Bailey said he was sympathetic to Councilmember Lappert's long-term argument.  
29 He believes the Council's role is to set up things for children and their children. If there is  
30 an opportunity to set this up in a way so they have an opportunity to do something with the  
31 property that benefits the town by expanding the park or developing a public building,  
32 there is a tangible benefit to that if it can be done without sacrificing the Town's finances in  
33 the interim and he would think it can be done.

34  
35 He agrees that the Town is not about to resell the property and since this will not occur in  
36 the short term, there is no downside to saving the money with the refinancing immediately,  
37 and he was in favor of knowing what is going to happen while leaving options open. He  
38 agrees with Councilmember Andrews' comments, but disagrees the Council should revisit  
39 how it got there which is not helpful to dwell on. He agrees that the Town should consider a  
40 long-term lease or sale as options and be mindful that current leases are coming due,  
41 except for the gas station. They should also seriously consider restrictions on land and  
42 Town staff can comment on this. He therefore believes the Council should move forward  
43 with refinancing as proposed.

44

1 Vice Mayor Furst asked if the Town could enter into a long term lease with this COP with  
2 leases in place.

3  
4 Mr. Hill said no; these would be assets pledged for the security of the bondholders so the  
5 Town would not be able to further encumber them with a lease.

6  
7 Vice Mayor Furst said the Town could lease individual properties to tenants for a particular  
8 period of time, as is currently done. Mr. Hill said yes and this will be disclosed to  
9 bondholders.

10  
11 Vice Mayor Furst pointed out that if the Town were to refinance, it would not be able to  
12 enter into a long term lease unless it refinanced again. She also said the Town is assuming  
13 \$377,000 in cost. If saving \$90,000 a year, this is a 4.18 year break-even point. Mayor  
14 Bailey said absent of that, the Town is losing money every minute.

15  
16 Vice Mayor Furst asked if the Town would look at solving this in a couple of years and  
17 needing flexibility or was the Town willing to accept a certain amount of commitment here  
18 to stick this out for a bit to make it worthwhile.

19  
20 Mayor Bailey said this is the sort of thing the Council is being asked to commit to and he  
21 was willing to commit to it.

22  
23 Vice Mayor Furst said she thinks she is as well, but does not want to lose out about the  
24 conversation about what the plan is for the site. She thinks this discussion is really needed.

25  
26 The public comment period was re-opened.

27  
28 Councilmember Andrews said if the Town leases the land for 99 years for a lump sum  
29 payment, someone could put up whatever the zoning allows for.

30  
31 Mr. Hill said as Mr. Wawrzyniak stated, any investor who is buying the bonds understands  
32 this is a private use retail center that has tenants. They are not doing a credit review on  
33 those tenants and they understand the Town is the obligor. If there are new tenants that  
34 come into the space under new terms, this is completely under the control of the Town.

35  
36 The second question is if there is going to be reuse of the property. The Town would  
37 negotiate with a developer to do a ground lease for 50 years and this is going to be a  
38 material. They are going to want a security interest in that lease so they can do all  
39 improvements and receive construction financing. He said he would expect that the Town  
40 would develop a financing plan around this property and evaluate whether a lump sum will  
41 be given upfront as part of the 50 year lease, in which case the proceeds of which would  
42 pay down all or a portion of the obligation, therefore removing the lien from the property.  
43 The Town may have residual obligations on the Fire Stations and Town Hall, but the lien  
44 obligation would be removed on Park Madera Center. This will be written into the

1 documents to preserve that right in the future; that there can be a partial redemption of the  
2 debt from proceeds of a sale, lease interest or whatever it is.

3  
4 If the Town were to enter into an agreement whereby a developer was going to pay the  
5 Town \$2 million a year but nothing up front, that could be a problem and they would have  
6 to look at that. They would have to look at substituting another piece of property in so they  
7 could remove Park Madera Center from the leasehold interest for the financing. He  
8 suggested that as the Town's advisor, the Town should look at this holistically. If is not just  
9 about debt but what the business plan is with a third party developer.

10  
11 Councilmember Andrews likened this to a homeowner underwater on their mortgage and  
12 wants to pay it off and cannot close the transaction because they do not have the cash  
13 available for the unfunded principle. Mr. Hill said this is not accurate because right now, the  
14 aggregate appraised value of the assets of 2 Fire Stations, Town Hall and Park Madera  
15 Center add up to approximately \$15 million of which they will have an obligation at \$10.5  
16 million. Therefore, if the Council were to choose to have a third party come in and develop  
17 something on the site and they only wanted to offer the Town \$2 million, this would be a  
18 problem. They will want it unencumbered and the Town does not have the resources to  
19 pay down the debt with only \$2 million on lease proceeds they would get from that third  
20 party. Therefore, this would be an impediment.

21  
22 Vice Mayor Furst asked if it was okay if the Town were to rezone the property during the  
23 life of the COPs and restrict the types of use as long as they were not affecting existing  
24 operations. Mr. Hill said yes because the rating agencies are not looking at this as a revenue  
25 property. They are not evaluating the use of Park Madera Center for purposes of a revenue  
26 stream. If the Town were to convert it to community space, this would have no negative  
27 impact on the credit, the investors or the requirement to do anything different. It may have  
28 a financial hardship on the Town because it is not receiving rent on that particular portion  
29 of the center, but it would not affect the back side or financing side.

30  
31 Mr. Wawrzyniak clarified that the documents contemplate that if the Town were to  
32 condemn the site, this would be a mandatory pre-payment to bondholders. Otherwise,  
33 rezoning is not contemplated by the documents.

34  
35 Vice Mayor Furst said if the Town was to rezone for moderate mixed use and it would be  
36 difficult to quantify the value of the property at that time, she asked if it would require  
37 analysis. Mr. Wawrzyniak said he thinks this would be fine for the legal documents.

38  
39 Mr. Warman noted that the guarantee on the loan is the Town's General Fund.

40  
41 PATI STOLIAR, Casa Buena Drive, referred to the idea about the use of the center for  
42 community purposes, she spoke to Marin Space about having outposts of places like  
43 Whistlestop and the Jewish Family Service who pay rent for a position to be in Corte  
44 Madera and provide services. If there were a place the Town could provide, there could be

1 those tenants.

2  
3 Vice Mayor Furst said she thinks the Town's hands are going to be tied regardless; whether  
4 it holds onto the existing financial arrangement or if it refinances. She said there is a large  
5 outstanding balance that needs to be paid down as well as creditors, and she noted her  
6 analysis was strictly about financing. She did not take into consideration rental revenue  
7 which offsets costs. She does not think the Council will have an answer in the next 4 years  
8 so she thinks it is probably worthwhile to refinance and is glad the 8 year call is removed.  
9 She was comfortable with being on the hook with paying the differential between the  
10 current and future interest rate, recognizing that reduced interest rates are extremely slim.  
11 She can support the recommendation but thinks the Town should figure out what it wants  
12 to do with this site and she thinks it is time to consider what to do to ease the financial  
13 burden.

14  
15  
16 MOTION: Moved by Lappert, seconded by Condon, and approved unanimously by the  
17 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:  
18 None).

19  
20 To Adopt Resolution 15/2016, A Resolution of the Town Council of the Town  
21 of Corte Madera Authorizing Delivery and Sale of Refunding Certificates of  
22 Participation to Refinance Outstanding 2006 Certificates of Participation, and  
23 Approving Related Documents and Actions

24  
25 MOTION: Moved by Lappert, seconded by Condon, and approved unanimously by the  
26 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:  
27 None).

28 To Approve a Supplemental Appropriation of Both the Revenues and  
29 Expenditures of the Refinancing Transaction

30 7.II.ii Consideration and Possible Action to Approve Response from the  
31 Town of Corte Madera to the Marin County Civil Grand Jury Report  
32 Entitled 2015-16 Web Transparency Report Card: Bringing Marin  
33 County's Local Government to Light  
34 (Report from Rebecca Vaughn, Town Clerk)

35  
36 Town Clerk Vaughn said the Marin Grand Jury awarded the Town an A+ on its efforts  
37 relating to web transparency. She said Recommendation No. 2 states that the "Agency  
38 should file and keep updated its Statement of Facts with the California Secretary of State  
39 and the Marin County Clerk as required by California Code 53051. What other towns in  
40 Marin are saying is this code does not apply to state and towns but to special districts and  
41 JPAs.

42

1 Given the Town is both a Sanitary District and Town and in responding to two separate  
2 reports as such, Ms. Vaughn said she recommends the Town indicate it will file the  
3 Statement of Facts. The Town is not required to file any other recommendations because it  
4 exceeded the expectations of the Grand Jury in all other aspects.

5  
6 Mayor Bailey opened the public comment period and there were no speakers.

7  
8 Councilmembers commended Ms. Vaughn on the preparation of the response to the Grand  
9 Jury.

10  
11 MOTION: Moved by Lappert, seconded by Condon, and approved unanimously by the  
12 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:  
13 None).

14  
15 To Approve Response from the Town of Corte Madera to the Marin County  
16 Civil Grand Jury Report Entitled *2015-16 Web Transparency Report Card:  
17 Bringing Marin County's Local Government to Light*

18  
19 7.II.iii Review of Draft June 21, 2016 Town Council Agenda

20  
21 Mayor Bailey asked the Town Manager to include proposed Council meeting dates in the  
22 information.

23  
24 Ms. Vaughn noted the dates are included in the Future Draft Agenda list which is posted on  
25 the website.

26  
27 7.II.iv Approval of Minutes of May 17, 2016 Town Council Meeting

28  
29 MOTION: Moved by Lappert, seconded by Condon, and approved unanimously by the  
30 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:  
31 None)

32  
33 To approve the Minutes of May 17, 2016 Regular Meeting of the Town  
34 Council

35  
36 **8. ADJOURNMENT**

37  
38 The meeting was adjourned at 9:22 p.m. to the next regular Town Council meeting on June  
39 21, 2016 at Town Hall Council Chambers.

  
DISTRICT MANAGER

**SANITARY DISTRICT NO. 2 OF MARIN COUNTY  
STAFF REPORT**

REPORT DATE: June 14, 2016  
MEETING DATE: June 21, 2016

**TO:** DISTRICT MANAGER, BOARD PRESIDENT, AND BOARD OF DIRECTORS  
**FROM:** NISHA PATEL, SENIOR CIVIL ENGINEER  
**SUBJECT:** CONSIDERATION AND ADOPTION OF RESOLUTION NO. 24/2016 TO AWARD A CONTRACT, AUTHORIZE EXPENDITURES, REDUCE APPROVED FY 2015-16 BUDGET FOR PROJECT BY \$<2,074,000> AND INCREASE APPROVED FY 2016-17 BUDGET FOR PROJECT BY \$979,000 FOR CONSTRUCTION OF PARADISE WEST SEWER IMPROVEMENT PROJECT NO. 13-201

\* \* \* \* \*

**PURPOSE:**

This project will improve sanitary sewer main lines that were identified as the highest in priority in the District's most current approved Sewer Master Plan (2013 update).

Approval of the attached resolution will authorize award of construction contract for the referenced project to the lowest bidder, Maggiora and Ghilotti.

**STAFF RECOMMENDATION:**

Staff recommends that the Board adopt the Resolution No. 24/2016, A RESOLUTION OF THE BOARD OF DIRECTORS OF SANITARY DISTRICT NO. 2 OF MARIN COUNTY AWARDED A PUBLIC WORKS CONTRACT, AUTHORIZING EXPENDITURES FOR CONSTRUCTION, REDUCING APPROVED FY 2015-16 BUDGET FOR PROJECT BY \$<2,074,000> AND INCREASING APPROVED FY 2016-17 BUDGET FOR PROJECT BY \$979,000 FOR CONSTRUCTION OF PARADISE WEST SEWER IMPROVEMENT PROJECT NO. 13-201

**OPTIONS:**

The Board may either award the contract to the lowest responsible bidder or reject all of the bids.

**DISTRICT MANAGER'S RECOMMENDATION:**

Support staff's recommendation.

**GOVERNING POLICIES:**

Action on this item is consistent with the implementing policies found in Section 2.9, "Public Utilities", of the General Plan.

**ENVIRONMENTAL IMPACT:**

Pursuant to Section 15302 of the California Environmental Quality Act, this project is categorically exempt from the provisions of that Act.

**FISCAL IMPACT:**

Estimated Expenditures:

Project Design and Administration, Contract Administration, and Construction Management Services	370,000
Construction	2,410,000
15% Contingency	<u>370,000</u>
<b>Total Estimated Expenditures</b>	<b>\$3,150,000</b>

Budgeted Funds:

FY 2013-14 (Actual)	72,159*
FY 2014-15 (Actual)	30,679*
FY 2015-16 (Estimated)	47,000*
FY 2015-16 Present revised budget	2,121,000
FY 2015-16 Recommended adjusted (2,121,000 <2,071,000>)	47,000
FY 2016-17 Present Budget	2,021,000
FY 2016-17 Recommended Adjusted Budget (2,021,000 + 979,000)	3,000,000*
<b>Total Project Budget</b> (sum of the amounts marked with an asterisk)	<b>\$3,149,838*</b>

**RECOMMENDED BUDGET ADJUSTMENT ACTIONS:**

1. Reduce existing approved FY 2015-16 budget by \$<2,074,000>

2. Increase existing approved FY 2016-17 budget by \$979,000

**BACKGROUND:**

The Paradise West Sewer Improvements consists of improvements of segments of Fiscal Year 2014-15 projects as recommended in the District’s Sewer Master Plan 2013 Update. The project is a continuation of the sewer rehabilitation project on Paradise Drive which was constructed in 2013. The project will replace and/or rehabilitate existing gravity sewers on Paradise Drive, Westward Drive, Prince Royal Drive, Paradise Shopping Center Easement, and Paradise Drive across Hwy 101 to Casa Buena Dr.

The Town received 2 bid for the project on June 10, 2016. The bids received were as follows:

	Base Bid	Alternate 1	Alternate 2
Maggiora & Ghilotti	\$2,187,871	\$88,000	\$128,000
Ranger Pipelines	\$2,290,682	\$120,000	\$175,000

The project was bid with two alternates, Alternate 1 to include 80,000 SF of slurry seal and Alternate 2 to include 500 tons of asphalt overlay. Town staff recommends issuing the construction contract including both alternates. This will allow repaving from centerline to edge pavement along Line A (open trench along Paradise Drive) and or repairing, repaving, or slurry sealing damaged pavement elsewhere due to construction.

The engineer’s estimate including Alternates 1 and 2 was \$1,992,500. The lowest bid was received from Maggiora & Ghilotti in the amount of \$2,187,871. With Alternates 1 and 2 their total cost is \$2,403,071. The bids were checked with the attached bid tabulation document (Attachment II). There was one multiplication error, but it is not significant because the specifications state that the unit prices prevail when there is a math error. Both bids were responsive. Maggiora & Ghilotti was found to be the lowest responsive bidder.

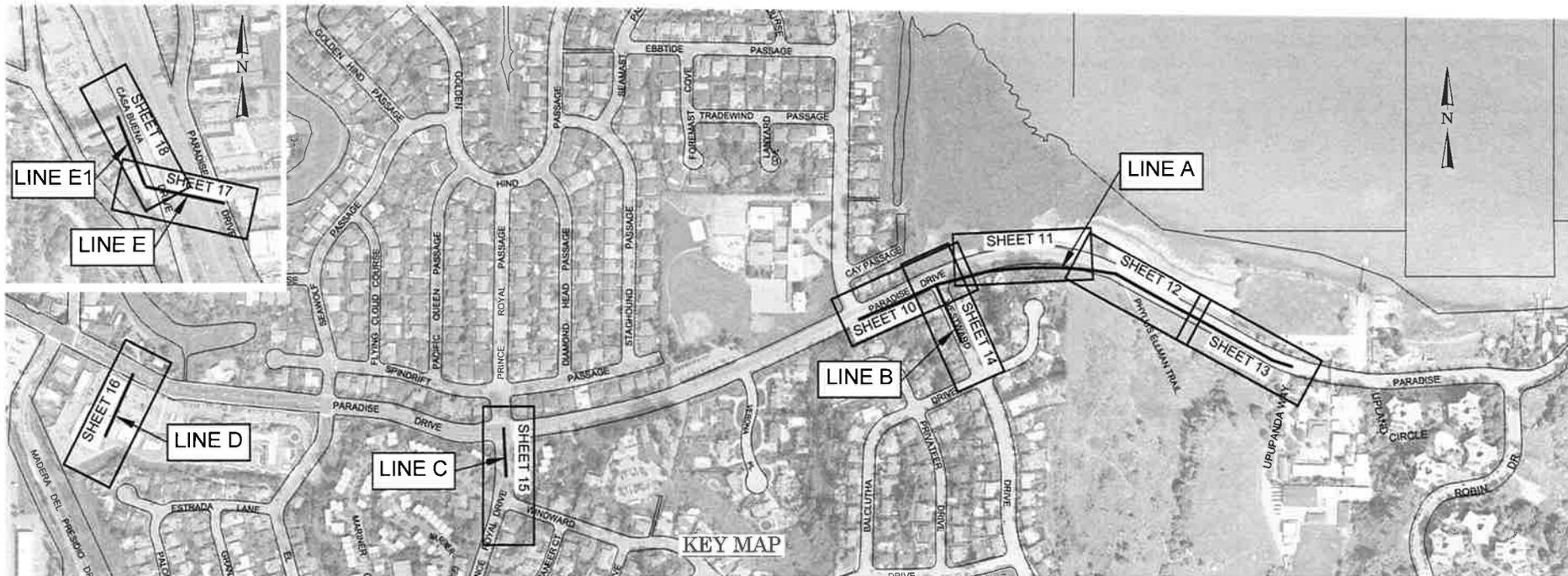
The construction administration and management including survey and geotechnical investigation, and ADA design will amount to approximately \$220,000, and \$150,000 was already spent to date on project design and administration. A 15% construction contingency is recommended because there is a lot unknown with the site conditions. The total cost of the project will be \$3,150,000. District staff recommends approving the adjustments to both the adopted FY 2015-16 and FY 2016-17 budgets as noted above.

**ATTACHMENTS:**

- I. Location Map
- II. Bid Analysis
- III. Draft Resolution

**ATTACHMENT I**

**LOCATION MAP**



**NOTES APPLYING TO ALL PLAN SHEETS:**

- SECTIONS OF THE EXISTING SEWER LINE ON PARADISE DRIVE IS KNOWN TO BE SUPPORTED ON AN 18" GRADE BEAM ABOVE TIMBER PILES AND MAY BE ENCASED IN CONCRETE.
- UNDERGROUND SERVICE LINES TO BUILDINGS INCLUDING WATER, GAS, ELECTRIC, TELEPHONE, CABLE ETC ARE NOT ALL SHOWN. THE CONTRACTOR SHALL ASSUME THAT ALL BUILDINGS HAVE UNDERGROUND SERVICE LINES. CALL USA FOR MARKING AND POT-HOLE PRIOR TO TRENCHING. BID ITEM FOR POT-HOLING COVERS POT-HOLING FOR UTILITY MAINS ONLY.
- WHERE A NEW SEWER IS TO FOLLOW THE ALIGNMENT OF THE EXISTING SEWER THE CONTRACTOR SHALL LOCATE THE ALIGNMENT OF THE EXISTING SEWER BY ELECTRONIC METHODS OR BY POT-HOLING IF NECESSARY PRIOR TO SAW CUTTING PAVEMENT.
- THE CONTRACTOR SHALL USE SHORING METHODS THAT WILL PREVENT MOVEMENT OF ADJACENT GROUND.
- NOT MORE THAN 50' OF OPEN TRENCH MAY BE OPENED WITHOUT COMPACTED BACKFILL.
- AT THE END OF THE DAYS WORK PERIOD NOT MORE THAN 20' OF TRENCH MAY BE LEFT WITHOUT COMPACTED BACKFILL TO THE GROUND SURFACE.
- WHERE A WATER MAIN IS CLOSE TO THE SEWER ALIGNMENT THE CONTRACTOR SHALL COORDINATE HIS WORK WITH MMWD. IT IS THE CONTRACTORS RESPONSIBILITY TO SUPPORT THE WATER MAIN AT ALL TIMES.
- USE EXTREME CARE WHEN EXCAVATING NEAR BENDS OR TEES ON WATER MAINS SO AS NOT TO DISTURB ANY THRUST BLOCKS. IF A THRUST BLOCK IS DISPLACED OR DISTURBED IT SHALL BE REPLACED BEFORE THE END OF THAT DAYS WORK PERIOD.

**INITIAL CLEANING AND TELEVISIONING OF SEWER MAINS:**

- AS A FIRST ITEM OF WORK THE CONTRACTOR SHALL CLEAN AND TELEVISION THE EXISTING A LINE SEWER MAIN ON PARADISE DRIVE BETWEEN ALL SEWERS FOR THE PURPOSE OF VERIFYING THE PIPE CONDITIONS, PIPE LENGTHS, DIAMETERS, AND LOCATING LATERALS FOR THE CIPP LINING.

**TEMPORARY BYPASS PUMPING REQUIREMENTS:**

- THE CONTRACTOR SHALL BE RESPONSIBLE IN PROVIDING AND MAINTAINING TEMPORARY PUMPS OR BYPASS PIPING TO PROVIDE ADEQUATE SEWAGE FLOW THROUGH THE WORK AREA DURING CONSTRUCTION OF THIS PROJECT. FAILURE TO PROVIDE TEMPORARY BYPASS PUMPING WHERE REQUIRED, AND AS OUTLINED HEREIN, PRIOR TO START OF WORK SHALL CAUSE THE DISTRICT TO ASSESS \$1,000 PER INCIDENT FOR FAILURE TO CONTINUOUSLY MONITOR THE TEMPORARY BYPASS PUMPING SYSTEM.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PROPERTY DAMAGE, SPILLS, CLEANUP, ETC., INCLUDING FINES AS MAY BE IMPOSED BY REGULATORY AGENCIES AS A RESULT OF NOT PROVIDING OR PROPERLY MAINTAINING AN APPROPRIATE BYPASS PUMPING SYSTEM, AND/OR FAILURE TO RESPOND TO ALARMS OR OVERFLOWS. IN ADDITION, THE DISTRICT WILL CHARGE THE CONTRACTOR AN EXTRA \$10 PER GALLON OF SEWAGE SPILLED DURING CONSTRUCTION.
- THE CONTRACTOR SHALL SUBMIT A BYPASS PUMPING PLAN FOR REVIEW AND APPROVAL BY THE DISTRICT PRIOR TO START OF CONSTRUCTION.
- THE CONTRACTOR SHALL PROVIDE TWO (2) PUMPS (ONE STANDBY), EACH WITH SUFFICIENT PUMPING CAPACITY TO CONVEY THE PEAK DAILY FLOW OF THE SEWER LINE BYPASSED.
- THE CONTRACTOR SHALL PROVIDE A MINIMUM OF TWO GENERATORS (ONE STANDBY), EACH CAPABLE OF RUNNING BOTH PUMPS SIMULTANEOUSLY FOR LINES LARGER THAN 8 INCHES.
- BYPASS LINES SHALL BE CONTINUOUS LEAK-PROOF HOPE, OR EQUIVALENT. CONTRACTOR SHALL FLUSH THE BYPASS LINES WITH POTABLE WATER DISCHARGED INTO EXISTING SANITARY SEWER SYSTEM BEFORE REMOVAL.
- PROTECT DOWNSTREAM SEWER FROM ENTRANCE OF ROCKS AND DEBRIS.
- TEMPORARILY RECONNECT EXISTING SEWER TO NEWLY LAID SEWER DURING NONWORKING HOURS. IF MAN-HOLE CONCRETE REPAIRS OR COATING PRODUCTS ARE NOT YET CURED ACCORDING TO MANUFACTURERS RECOMMENDATION FOR EXPOSURE TO SEWAGE, BYPASS PUMPING MUST REMAIN IN PLACE OVER NIGHT. PUMP(S) MUST BE STAFFED 24 HOURS PER DAY UNTIL PRODUCTS ARE CURED.

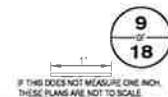
- DISCHARGE OF SEWAGE TO WATERWAYS IS STRICTLY PROHIBITED.
- IF TEMPORARY PUMPS ARE OUT OF SERVICE, OR FAIL DURING THE COURSE OF BYPASS PUMPING OPERATION, CONTRACTOR SHALL IMMEDIATELY PROVIDE OR COORDINATE A MINIMUM OF TWO 5,000 GALLON TANK TRUCKS (OR AS MANY ARE REQUIRED, IF TWO TRUCKS IS NOT ADEQUATE) AND ADDITIONAL PUMPS AS REQUIRED TO PUMP OUT SEWAGE AND TRANSPORT IT TO A LOCATION DESIGNATED BY THE DISTRICT FOR DUMPING. CONTRACTOR SHALL IMMEDIATELY NOTIFY THE DISTRICT ON-CALL OPERATOR IN THE EVENT OF A PUMP FAILURE.

**PROJECT JURISDICTION:**

- SEWER LINES A, B, C, D, AND E-1 ARE TOWN OF CORTE MADERA. LINE E IS CALTRANS AND TOWN OF CORTE MADERA.

**ORDER OF WORK:**

- WORK ON LINE A AND LINE B MAY NOT START BEFORE JUNE 10TH 2016 WITHOUT PRIOR APPROVAL FROM THE DISTRICT



<b>SANITARY DISTRICT NO. 2</b> Marin County, California			
<b>PARADISE WEST SEWER IMPROVEMENTS</b>			
<b>KEY MAP AND NOTES</b>			
NUTE ENGINEERING 907 MISSION AVE., SAN RAFAEL, CALIFORNIA TEL 415-453-4480			
Drawn by: BED	Job No.: 8336	Scale: AS SHOWN	Checked by: PC
		Date: MARCH 2016	

Printed: March 10, 2016 9:52 AM  
 C:\Users\jgabriels\Documents\Paradise Drive West\8336 Paradise Drive Improvements Layout 9 Key Map and Notes Project.dwg  
 User: jgabriels  
 Plot: 3/10/2016 9:52 AM  
 Scale: 1/8"=1'-0"

**ATTACHMENT II**

**BID ANALYSIS**

SANITARY DISTRICT NO. 2  
 MARIN COUNTY, CALIFORNIA  
 PARADISE WEST SEWER IMPROVEMENT PROJECT  
 PROJECT NO. 13-201

Bid Opening: 2:00 pm  
 10-Jun-16  
 Job No: 8336  
 Engineer's Est: \$1,850,000  
 Alt 1 Est : \$ 68,000  
 Alt 2 Est : \$142,500

ENGR Total Base + Alt 2: **\$1,992,500**

BID RESULTS			Ranger Pipelines San Francisco		Maggiora & Ghilotti San Rafael	
Item No.	Total Quantity	Description	1		2	
			Unit Price	Total Amount	Unit Price	Total Amount
1.	1 LS	MOBILIZATION, DEMOBILIZATION & SWPPP	\$ 85,000	\$85,000	\$100,000	\$100,000
2.	3225 LF	INITIAL CLEANING AND TELEVISIONING OF SEWER MAINS	\$ 4	\$12,900	\$ 15	\$48,375
3.	7 EA	INITIAL CCTV AND FIELD LOCATE SEWER LATERALS	\$ 500	\$3,500	\$ 1,000	\$7,000
4.	1903 LF	LINE A-18" PVC C-905 SEWER MAIN PARADISE DRIVE TO GOLDEN HIND PASSAGE TO UPLAND CIRCLE (OPEN CUT)	\$ 515	\$980,045	\$ 465	\$884,895
5.	108 LF	LINE B-8" PVC C-905 SEWER MAIN (OPEN CUT)	\$ 430	\$46,440	\$ 300	\$32,400
6.	255 LF	LINE C-10" PVC C-905 SEWER MAIN (OPEN CUT)	\$ 430	\$109,650	\$ 310	\$79,050
7.	145 LF	LINE D-12" PVC C-905 SEWER MAIN (OPEN CUT)	\$ 445	\$64,525	\$ 325	\$47,125
8.	135 LF	LINE D-12" CIPP LINER INSTALLATION	\$ 130	\$17,550	\$ 325	\$43,875
9.	30 LF	LINE E-18" PVC C-905 SEWER MAIN PARADISE HWY 101 (OPEN CUT)	\$ 485	\$14,550	\$ 500	\$15,000
10.	265 LF	LINE E-18" CIPP LINER INSTALLATION HWY 101 CROSSING	\$ 310	\$82,150	\$ 170	\$45,050
11.	25 LF	LINE E-1-18" PVC C-905 SEWER CASA B (OPEN CUT)	\$ 485	\$12,125	\$ 500	\$12,500
12.	231 LF	LINE E-1 - 18" CIPP C-905 SEWER MAIN CASA BUENA DRIVE	\$ 310	\$71,610	\$ 145	\$33,495
13.	9 EA	REMOVE EXISTING MANHOLE	\$ 3,000	\$27,000	\$ 2,000	\$18,000
14.	4 EA	CONSTRUCT 4' DIAMETER MANHOLES	\$ 13,500	\$54,000	\$ 12,000	\$48,000
15.	5 EA	CONSTRUCT 5' DIAMETER MANHOLES	\$ 15,500	\$77,500	\$ 18,000	\$90,000
16.	12 EA	CONNECT TO EXISTING MANHOLES - RE-BUILD CHANNELS	\$ 1,800	\$21,600	\$ 2,000	\$24,000
17.	3 EA	ABANDON EXISTING MANHOLES	\$ 3,000	\$9,000	\$ 3,000	\$9,000
18.	98 LF	ABANDON EXISTING SEWER E-1 LINE - FILL WITH GROUT	\$ 100	\$9,800	\$ 150	\$14,700
19.	1 EA	PLUG 12 in LINE	\$ 10,000	\$10,000	\$ 3,000	\$3,000
20.	1 EA	8" PVC INTERNAL DROP CONNECTION	\$ 3,000	\$3,000	\$ 4,500	\$4,500
21.	3 EA	6" PVC INTERNAL DROP CONNECTION	\$ 3,000	\$9,000	\$ 4,500	\$13,500
22.	3 EA	5' LF PVC STUB	\$ 3,000	\$9,000	\$ 4,500	\$13,500
23.	103 VF	REHABILITATE EXISTING MANHOLES	\$ 400	\$41,200	\$ 600	\$61,800
24.	2 EA	STRUCTURAL WALL REPAIR	\$ 4,000	\$8,000	\$ 3,500	\$7,000
25.	2 EA	MANHOLE BENCH RECONSTRUCTION	\$ 3,000	\$6,000	\$ 4,000	\$8,000
26.	3 EA	REPLACE MANHOLE FRAME AND COVER	\$ 1,950	\$5,850	\$ 2,500	\$7,500
27.	5 EA	6" PVC LATERALS	\$ 6,000	\$30,000	\$ 4,500	\$22,500
28.	1 EA	4" PVC LATERALS	\$ 5,100	\$5,100	\$ 4,800	\$4,800
29.	1 EA	REINSTATE LATERAL	\$ 250	\$250	\$ 1,000	\$1,000
30.	7 EA	LATERAL CLEANOUT, CAP AND BOX	\$ 1,500	\$10,500	\$ 1,500	\$10,500
31.	1 EA	REMOVE AND REPLACE SHED	\$ 5,000	\$5,000	\$ 4,000	\$4,000
32.	600 LF	CURB AND GUTTER REPLACEMENT	\$ 45	\$27,000	\$ 35	\$21,000
33.	920 SF	CONCRETE SIDEWALK AND FLATWORK REPLACEMENT	\$ 15	\$13,800	\$ 20	\$18,400
34.	475 TON	AC TRENCH RESTORATION	\$ 115	\$54,625	\$ 260	\$123,500
35.	1 LS	REMOVAL AND REPLACEMENT OF PAVEMENT MARKINGS AND	\$ 5,000	\$5,000	\$ 36,000	\$36,000
36.	20 EA	POTHOLE UTILITY MAINS	\$ 1,000	\$20,000	\$ 1,200	\$24,000
37.	1 LS	SHORING FOR ALL EXCAVATIONS	\$ 75,000	\$75,000	\$ 10,000	\$10,000
38.	1 LS	INSTALL PROJECT SIGNS AND DOOR HANGERS	\$ 2,000	\$2,000	\$ 6,500	\$6,500
39.	1 LS	TRAFFIC CONTROL AND NOTIFICATIONS	\$ 50,000	\$50,000	\$ 31,732	\$31,732
40.	1 LS	BYPASS PUMPING	\$ 70,000	\$70,000	\$ 21,000	\$21,000
41.	3117 LF	CLEAN AND TELEVISION NEW SEWER MAINS	\$ 4	\$12,468	\$ 7	\$21,819
42.	7 LF	CCTV LATERALS, AND CLEAN	\$ 500	\$3,500	\$ 800	\$5,600
43.	0 EA	REMOVE AND REINSTALL MONUMENT		\$0		\$0
44.	110 LF	REMOVE AND REPLACE STORM DRAIN	\$ 380	\$41,800	\$ 300	\$33,000
45.	1 EA	REMOVE AND REPLACE STORM DRAIN MANHOLE	\$ 7,300	\$7,300	\$ 9,000	\$9,000
46.	1793 LF	REMOVAL AND DISPOSAL OF ACP (ASBESTOS CEMENT PIPE)	\$ 8	\$14,344	\$ 35	\$62,755
47.	1 LS	SURVEY MONUMENT RESTORATION	\$ 2,000	\$2,000	\$ 3,500	\$3,500
48.	1 LS	PERMITS AND LICENSES	\$ 5,000	\$5,000	\$ 1,000	\$1,000
49.	1 LS	AS-BUILTS	\$ 5,000	\$5,000	\$ 5,000	\$5,000
50.	1 LS	CHANGED CONDITION ALLOWANCE	\$ 40,000	\$40,000	\$ 40,000	\$40,000
<b>TOTAL</b>				<b>\$2,290,682</b>		<b>\$2,187,871</b>
Check Percentage Bid Item 1 to Total Project (5% max)				3.7%		4.6%
<b>ADDITIVE ALTERNATIVE 1</b>						
1.	80000 SF	SLURRY SEAL AND STRIPING	1.5	\$120,000	1.1	\$88,000
<b>TOTAL</b>				<b>\$120,000</b>		<b>\$88,000</b>
<b>ADDITIVE ALTERNATIVE 2</b>						
1.	500 TON	GRIND AND OVERLAY AND STRIPING	350	\$175,000	256	\$128,000
<b>TOTAL</b>				<b>\$175,000</b>		<b>\$128,000</b>
<b>Base Bid + Alt 2 TOTAL</b>				<b>\$2,585,682</b>		<b>\$2,403,871</b>

\$40 math err-Total ok

**ATTACHMENT III**  
**DRAFT RESOLUTION**

RESOLUTION NO. 24/2016

A RESOLUTION OF THE BOARD OF DIRECTORS OF SANITARY DISTRICT NO. 2 OF MARIN COUNTY AWARDING A PUBLIC WORKS CONTRACT, AUTHORIZING EXPENDITURES, REDUCING APPROVED FY 2015-16 BUDGET FOR PROJECT BY \$<2,074,000> AND INCREASING APPROVED FY 2016-17 BUDGET FOR PROJECT BY \$979,000 FOR CONSTRUCTION OF PARADISE WEST SEWER IMPROVEMENT PROJECT NO. 13-201



WHEREAS, Sanitary District No. 2 has caused to be prepared plans and specifications for the construction of a public project entitled "Paradise West Sewer Improvements Project", No. 13-201 (hereinafter "Project"); and

WHEREAS, the District has called for bid proposals to construct the Project and has provided notice thereof as is required by law;

WHEREAS, the District has received bid proposals from various bidders, and District Staff and Consultants have conducted the necessary examination to determine whether one of those bidders is the lowest, responsible bidder and has made a recommendation to the District Board that it award the contract for the construction of the Project to the entity/person whose name is described below;

WHEREAS, based on the information supplied by the bidder named below and the examination conducted by the District Staff and Consultants, the District Board finds the said bidder to be the lowest, responsible bidder for construction of the Project.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF SANITARY DISTRICT NO. 2 RESOLVES AS FOLLOWS:

1. The recitals stated above are found to be true and correct and constitute the findings of the District Board.
3. The contract for the construction of the Project is awarded to Maggiora & Ghilotti, Inc. for the base bid price plus Alternates 1 and 2 of \$2,403,071.
4. The Sanitary District No. 2 is authorized to expend the sums necessary to complete said contract, in accordance with the provisions of said contract, and to draw said sums and the supplemental appropriation from the District's Sewer Fund.

5. The Board President or District Manager is authorized and directed to execute the contract with Maggiora & Ghilotti, Inc. in a form approved by the District Board and to take all other action necessary to consummate said transaction, including above stated budget adjustments.



I, the undersigned, hereby certify that the foregoing is a full, true and complete copy of a resolution duly passed and adopted by the Board of Directors of Sanitary District No. 2 at a meeting thereof held on the 21st day of June 2016, by the following vote:

Ayes, and in favor thereof, Board Members:

Noes, Board Members:

Abstain, Board Members:

Absent, Board Members:

Dated: June, 21 2016

ATTEST:

Rebecca Vaughn, District Clerk

Approved: Sloan C. Bailey, Board President