



AGENDA

CORTE MADERA TOWN COUNCIL
AND SANITARY DISTRICT NO. 2 BOARD
TOWN HALL COUNCIL CHAMBERS
300 TAMALPAIS DRIVE
TUESDAY, SEPTEMBER 6, 2016
6:00 P.M.

6:00pm - CLOSED SESSION

I. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Gravel overflow parking lot on Redwood Highway (north of Nordstrom at The Village at Corte Madera) APN 024-032-19
Agency negotiator: David Bracken
Negotiating parties: Macerich (Giancarlo Filartiga and Cecily Barclay)
Under negotiation: Whether, and under what price and terms, the property could potentially be leased to the Village at Corte Madera

II. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Closed Session Pursuant to Cal. Gov't Code Section 54956.9(d)(1)
Name of case: G. Ortiz v. Town of Corte Madera, MCSC Case No. CIV1502264

III. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Closed Session Pursuant to Cal. Gov't Code Section 54956.9(d)(1)
Name of case: Larson v. Town of Corte Madera, et al., MCSC Case No. CIV1602760

1. 7:30pm: OPEN SESSION

- I. CALL TO ORDER, ROLL CALL AND SALUTE TO THE FLAG
- II. REPORT OUT OF CLOSED SESSION

2. 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.

3. PRESENTATIONS

- 3.I. Presentation Of 2016 Volunteer Of The Year Award To David Kunhardt

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. Approve Acquisition Of New Stryker Power Assisted Gurney For Medic Unit

And

Approve a Supplemental Appropriation in the Amount of \$53,300 for Stryker Gurney

(Report from Kenny Prete, Battalion Chief)

Documents:

[5.II STRYKER POWER ASSISTED GURNEY.PDF](#)

- 5.III. Adopt Resolution 31/2016 Endorsing The Corte Madera Beautification Committee's Oktoberfest And Allowing Temporary Signs In The Public Right-Of-Way From September 12, 2016 To October 10, 2016 Advertising The Oktoberfest Celebration And Determining That The Project Is Exempt From The California Environmental Quality Act (CEQA) Pursuant To CEQA Guidelines 15061(B)(3)

(Report from Phil Boyle, Senior Planner)

Documents:

[5.III OKTOBERFEST BANNER REQUEST.PDF](#)

- 5.IV. Approve Town Of Corte Madera Response To Civil Grand Jury Report, "911 First Responder Referral Program"

(Report from David Bracken, Town Manager, and Scott Shurtz, Interim Fire Chief)

Documents:

- 5.V. Approve Town Of Corte Madera Response To Civil Grand Jury Report, "Law Enforcement Citizen Complaint Procedures"
(Report from David Bracken, Town Manager, and Michael Norton, Interim Police Chief)

Documents:

[5.V RESPONSE TO GRAND JURY REPORT LAW ENFORCEMENT CITIZEN COMPLAINT PROCEDURES.PDF](#)

- 5.VI. Approve Town Of Corte Madera Response To Civil Grand Jury Report, "Marin's Hidden Human Sex Trafficking Challenge"
(Report from David Bracken, Town Manager, and Michael Norton, Interim Police Chief)

Documents:

[5.VI RESPONSE TO GRAND JURY REPORT MARINS HIDDEN HUMAN SEX TRAFFICKING CHALLENGE.PDF](#)

- 5.VII. Approve Warrants And Payroll For The Period 8/11/16 Through 8/26/16:
Warrant Check Numbers 214306 through 214382 Payroll Check Numbers 5275 through 5283, Payroll Direct Deposit Numbers 30168 through 30302, Payroll Wire Transfer Numbers 2046 through 2052, and Wire Transfer of 8/22/16.

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

Documents:

[5.VII PAYROLL AND DEMANDS 8.11.16 TO 8.26.16.PDF](#)

- 5.VIII. Approve Warrants And Payroll For The Period 8/27/16 Through 8/31/16:
Warrant Check Numbers 214383 through 214429 Payroll Check Numbers 5284 through 5297, Payroll Direct Deposit Numbers 30303 through 30379, and Payroll Wire Transfer Numbers 2053 through 2057.

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

Documents:

[5.VIII PAYROLL AND DEMANDS 8.27.16 TO 8.31.16.PDF](#)

- 5.IX. Consideration And Possible Action To Approve Payment Of \$12,000 From Centennial Funds For Centennial Snow Day Activity In December
(Report from Mario Fiorentini, Director of Recreation and Leisure Services)

Documents:

[5.IX LET IT SNOW DAY.PDF](#)

6. PUBLIC HEARINGS

- 6.I. 646 Oakdale Avenue – A Public Hearing To Consider An Appeal Of The Planning Director's Action To Conditionally Approve Tree Removal Permit PL-2016-0057 Concerning The Removal Of A 70 Foot Tall Coast Redwood At The Rear Yard At 646 Oakdale Avenue, Adjacent To 60 Presidio Avenue.
(Report from Douglas Bush, Associate Planner)

Documents:

[6.I 646 OAKDALE TC APPEAL.PDF](#)

7. BUSINESS ITEMS

- 7.I. Consideration And Possible Action To Adopt Resolution No. 32/2016 Approving Modifications To The Color Scheme Of The East Elevation Of Building 1 (Facing Nellen Avenue And Highway 101) At Tam Ridge Residences (Aka 'Wincup')
(Report from Adam Wolff, Director of Planning and Building)

Documents:

[7.I COLOR MODIFICATIONS FOR TAM RIDGE RESIDENCES.PDF](#)

- 7.II. Review Of Draft September 20, 2016 Town Council Agenda

Documents:

[7.II 9.20.16 DRAFT AGENDA.PDF](#)

- 7.III. Approval Of Minutes Of The August 16, 2016 Town Council Meeting

Documents:

[7.III 8.16.16 DRAFT CORTE MADERA COUNCIL MINUTES.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.

THIS MATERIAL HAS BEEN REVIEWED
BY THE TOWN MANAGER



CORTE MADERA TOWN COUNCIL
STAFF REPORT

REPORT DATE: August 23, 2016
MEETING DATE: September 6, 2016

TO: TOWN MANAGER, MAYOR, AND TOWN COUNCIL
FROM: KENNY PRETE, BATTALION CHIEF
SUBJECT: APPROVE ACQUISITION OF NEW STRYKER POWER ASSSITED GURNEY
FOR MEDIC UNIT AND APPROVE SUPPLEMENTAL APPROPRIATION OF
\$53,300 FOR STRYKER GURNEY

* * * * *

PURPOSE AND RECOMMENDATION

The purpose of this report is to approve the purchase of a new Stryker power assisted gurney for the medic unit. It is recommended that the Town Council, by motion, approve the purchase as outlined below.

OPTIONS

The Town Council may choose to approve purchase, they may direct staff not to purchase, cut cost, or take whatever action is felt necessary.

TOWN MANAGER'S RECOMMENDATION

Approve the request for acquisition of Stryker Gurney and supplemental appropriation of \$53,300

FISCAL IMPACT

The cost of the unit is \$53,300.00 with installation. We are requesting that the monies come out of the equipment replacement fund. The monies from this fund are from the original budget of \$500,000 for a new fire engine. Since we are purchasing a smaller fire engine than originally anticipated at a cost of \$425,000, the excess funds from that budget are available for the gurney.

COUNCIL POLICY

Maintain high level of emergency medical service to the citizens of the Town.

ADMINISTRATIVE POLICY

This supports the Town of Corte Madera's concern for employee safety as outlined in the Employee Handbook and the Injury and Illness Prevention Program.

BACKGROUND

The current medic unit uses an older style gurney that is 100% dependent on man power to lift. The new Stryker power assisted gurney will take out 100% of man power lifting. It is all power operated from unloading gurney to lowering, raising, and loading into the medic unit. The need for having to lift any patients with man power is would no longer be needed.

With the purchase comes a guarantee from Stryker that current workers comp claims will be cut in half due to back injuries caused from lifting the gurney within the first year. Also, there is a seven year warranty and service agreement on the power gurney and all of its components as well.

This gurney unit has become the new industry standard for these operations. The cost of workers comp claims due to back injuries is on the rise and can cost City, Towns, and Departments more than the cost of the new gurney due to one back injury. San Rafael and Marin County Fire have installed these units on their medic units and are very happy with them. If needed, the unit can be moved to a newer medic unit when purchased.



**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: September 1, 2016
MEETING DATE: September 6, 2016

TO: TOWN MANAGER, MAYOR AND COUNCIL MEMBERS

FROM: PHIL BOYLE, SENIOR PLANNER

SUBJECT: ADOPT RESOLUTION NO. 31/2016 ENDORSING THE CORTE MADERA BEAUTIFICATION COMMITTEE'S OKTOBERFEST AND ALLOWING TEMPORARY SIGNS IN THE PUBLIC RIGHT-OF-WAY FROM SEPTEMBER 12, 2016 TO OCTOBER 10, 2016 ADVERTISING THE OKTOBERFEST CELEBRATION AND DETERMINING THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES 15061(B)(3)

* * * * *

PURPOSE:

This is a request from the Corte Madera Beautification Committee to place banners in the public right-of-way to advertise the Oktoberfest celebration.

STAFF RECOMMENDATION:

Staff recommends that the Town Council adopt a resolution approving the temporary signs.

OPTIONS:

The following options are available to the Council:

1. Deny the request.
2. Refer the request to staff for further study.

TOWN MANAGER'S RECOMMENDATION:

Support staff's recommendation.

CEQA STATUS:

The activity is covered by the general rule that CEQA does not apply where it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment (CEQA, Article 5, Section 15061(b)(3)).

BACKGROUND:

The Zoning Ordinance allows signs, including banners, in the public right-of-way or on public property if:

- (1) they are advertising Town-sponsored or Town-endorsed events; and

(2) they are approved by the Town Council.

DISCUSSION:

The Beautification Committee is requesting Town Council approval to install Oktoberfest banners at various locations in the public right-of-way between September 12, 2016 and October 10, 2016 as described below. All banners will be installed in locations that the Council approved as part of the Banner Location Program in August 2011. The banners with text, graphics and locations are shown in Attachment A and B.

Vertical Banners

There are eight locations where the 18"-wide by 48"-tall vertical banners are proposed to be installed on the permanent standards on light poles per the Banner Location Program:

- 6 on light poles on San Clemente Drive
- 1 on light pole on Tamalpais Dr. in front of Fire Station
- 1 on light pole on Redwood Ave. at Montecito Dr.

The Fire Department will install and remove the vertical banners on light poles for the Beautification Committee. The proposed Oktoberfest vertical banners with text, graphics, and locations are shown in Attachment A and B to the draft resolution.

Horizontal Banners

There are four locations where the 4'-tall by 7'-wide horizontal banners are proposed to be installed per the Banner Location Program:

- 1 on Tamal Vista Blvd. at the end of Wornum Dr.
- 1 on southeast corner of Corte Madera Ave. and Redwood Ave. (September 20, 2016 to October 10, 2016)
- 1 on Madera Blvd., across from Safeway (September 20, 2016 to October 10, 2016)
- 1 on Redwood Hwy at the end of Wornum Dr. (September 12, 2016 to September 19, 2016)

The Public Works Department will install and remove the horizontal Oktoberfest Banners for the Beautification Committee and reinstall the Centennial Banners.

Pursuant to the revised Banner Procedures, these banners will not be displayed at this location for over 50 days in one calendar year.

CONCLUSION:

The proposed banner installations would be an effective way to publicize the Oktoberfest, a fundraiser for the Beautification Committee, to the public. Staff recommends approval of the Beautification Committee's request.

ATTACHMENTS:

1. Draft Town Council Resolution with Attachments A and B

cc: Spring Kraeger (via email)
Scott Schurtz, Fire Dept. (via email)
Kevin Kramer, Public Works Dept. (via email)
subject file copy

RESOLUTION NO. 31/2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA ENDORSING THE CORTE MADERA BEAUTIFICATION COMMITTEE’S OKTOBERFEST AND ALLOWING TEMPORARY SIGNS IN THE PUBLIC RIGHT-OF-WAY FROM SEPTEMBER 12, 2016 TO OCTOBER 10, 2016 ADVERTISING THE OKTOBERFEST CELEBRATION AND DETERMINING THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES 15061(B)(3)

WHEREAS, on August 25, 2016, the Corte Madera Beautification Committee requested permission to install banners in the public right-of-way to advertise the Oktoberfest; and

WHEREAS, the Corte Madera Beautification Committee has requested that the Corte Madera Town Council endorse the Oktoberfest celebration; and,

WHEREAS, Corte Madera Municipal Code Section 18.22.050(10)(A) permits such signs with the approval of the Town Council.

NOW, THEREFORE, BE IT RESOLVED, that the Corte Madera Town Council does hereby approve the Corte Madera Beautification Committee’s request to endorse the Oktoberfest and approves the request to install eight vertical banners and four horizontal banners to be located in the public right-of-way to advertise the Oktoberfest as shown in Attachments A and B, provided that the requirements of Corte Madera Municipal Code Section 18.22.050(10)(A) are fully met and subject to the following conditions:

1. All of the banners shown in Attachment A are permitted to be displayed from September 12, 2016 to October 10, 2016, with the exception of the locations on Madera Blvd. opposite Safeway and on the southeast corner of Corte Madera Ave. at Redwood Ave., when banners will only be displayed from September 20, 2016 to October 10, 2016; and the location on Redwood Hwy. at Wornum Dr., when a banner will only be displayed September 12, 2016 to September 19, 2016.
2. The 18” by 48” vertical banners must be installed onto the permanent standards that are mounted on each of the light pole locations shown on the map in Attachment B.
3. The Fire Department will install and remove the vertical banners on light poles.
4. The 3’ by 7’ horizontal banners will be installed and removed by the Public Works Department utilizing the removable hardware at the locations shown on the map in Attachment B. The Public Works Department will reinstall the Centennial Banners.

CALIFORNIA ENVIRONMENTAL QUALITY ACT(“CEQA”) DETERMINATION

The activity is covered by the general rule that CEQA does not apply where it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment (CEQA, Article 5, Section 15061(b)(3)).

* * * * *

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on September 6, 2016 by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

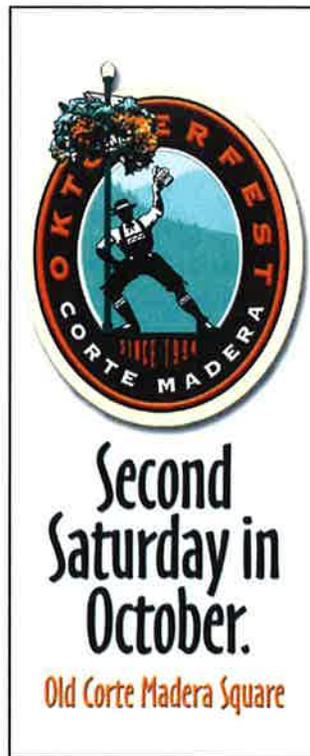
Sloan C. Bailey, Mayor

ATTEST:

Rebecca Vaughn, Town Clerk

O:\Planning Department\SUBJECT FILES\BANNER REQUESTS\2014-2016\Oktoberfest\Oktoberfest 2016\Oktoberfest Signs TC staff report & reso 2016.doc

**ATTACHMENT A
BANNER EXAMPLES**



Proposed 18" x 48" Vertical Banners to be displayed on light poles



Proposed 3' x 7' Horizontal Banners

DO
TOWN MANAGER

**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: August 30, 2016
MEETING DATE: September 6, 2016

TO: TOWN MANAGER, MAYOR AND MEMBERS OF THE COUNCIL

FROM: DAVID BRACKEN, TOWN MANAGER
SCOTT SHURTZ, INTERIM FIRE CHIEF

SUBJECT: RESPONSE TO THE MARIN COUNTY CIVIL GRAND JURY’S REPORT, *911 FIRST RESPONDER REFERRAL PROGRAM: MORE THAN JUST A BAND-AID FOR SENIORS*

* * * * *

STAFF RECOMMENDATION:

Authorize Mayor Bailey to sign 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 June 9, 2016, the 2015-16 Marin County Civil Grand Jury issued a report titled *911 First Responder Referral Program: More Than Just a Band-Aid for Seniors*. In the report, the Grand Jury evaluated a program, first started by San Rafael in 2013, that empowers emergency first responders to refer patients to Marin County’s Aging and Adult Services Information and Assistance Program.

The Grand Jury has requested that the Town respond to two of the recommendations provided in the report. The Town is required to provide a response to the report's recommendations within 90 days of the issue date. The Town's response is due by September 9, 2016. Pursuant to the Ralph M. Brown Act, governing bodies are required to present their comments and responses during a publicly noticed and agendaized open meeting prior to submitting a response to the Grand Jury. Responses are maintained by the Grand Jury, and the Town, as public record. The Town's draft response is included as Attachment 1 to this report.

ATTACHMENTS:

- 1. Draft Letter in Response to the Marin County Civil Grand Jury Report.
- 2. Response Form
- 3. Grand Jury Report Dated June 9, 2016, *911 First Responder Referral Program: More Than Just a Band-Aid for Seniors*

ATTACHMENT 1

**DRAFT LETTER IN RESPONSE TO
THE MARIN COUNTY CIVIL GRAND JURY REPORT**

September 6, 2016

John Mann, Foreperson
Marin County Civil Grand Jury
3501 Civic Center Drive, Room 275
San Rafael, CA 94903

The Honorable Judge Kelly V. Simmons
Marin County Superior Court
P.O. Box 4988
San Rafael, CA 94913-4988

Dear Foreperson Mann:

Thank you for your recent report, *911 First Responder Referral Program: More Than Just a Band-Aid for Seniors*, dated June 9, 2016. Pursuant to Penal Code 933.05, I am writing on behalf of the Town of Corte Madera, to respectfully respond to the report.

The report requests that the Town respond to Recommendations R1 and R2. The Town's response was approved by the Town Council at the September 6, 2016 Town Council meeting, and is included below.

Please accept our appreciation for the service you provide to the residents of Marin County, and for addressing this important issue. Should you have any questions regarding this response, please contact the Town Clerk, Rebecca Vaughn, at 415-927-5085 or rvaughn@tcmmail.org.

Sincerely,

Sloan C. Bailey
Mayor

**TOWN OF CORTE MADERA RESPONSE TO THE MARIN COUNTY CIVIL
GRAND JURY REPORT, *911 First Responder Referral Program: More Than Just a Band-Aid
for Seniors***

RECOMMENDATIONS:

R1. “Marin County fire chiefs should implement the 911 First Responder Referral Program County-wide.”

Response: Recommendation 1 has been implemented by the Corte Madera Fire Department. Furthermore, the Corte Madera Fire Department will support the Marin County Fire Chief’s Association implementation of the program, which will take place January 1, 2017.

R2. “Marin County fire chiefs should create a community outreach campaign for the 911 First Responder Referral Program.”

Response: Recommendation 2 has not yet been implemented but will be implemented in the future by the Marin County Fire Chiefs Association, which will take place January 1, 2017.

ATTACHMENT 2
RESPONSE FORM

RESPONSE TO GRAND JURY REPORT

Report Title: The 911 First Responder Referral Program

Report Date: June 9, 2016

Agenda Date: September 6, 2016

Response by: Sloan C. Bailey Title: Mayor

FINDINGS

- I (we) agree with the findings numbered: N/A
- I (we) disagree *partially* with the findings numbered: N/A
- I (we) disagree *wholly* with the findings numbered: N/A

(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered R1 have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered R2 have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered N/A require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered N/A will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: 9/06/16 Signed: _____

Number of pages attached 1

ATTACHMENT 3

**GRAND JURY REPORT DATED JUNE 9, 2016,
911 FIRST RESPONDER REFERRAL PROGRAM:
MORE THAN JUST A BAND-AID FOR SENIORS**

RECEIVED

JUN 13 2016

2015/2016 MARIN COUNTY CIVIL GRAND JURY

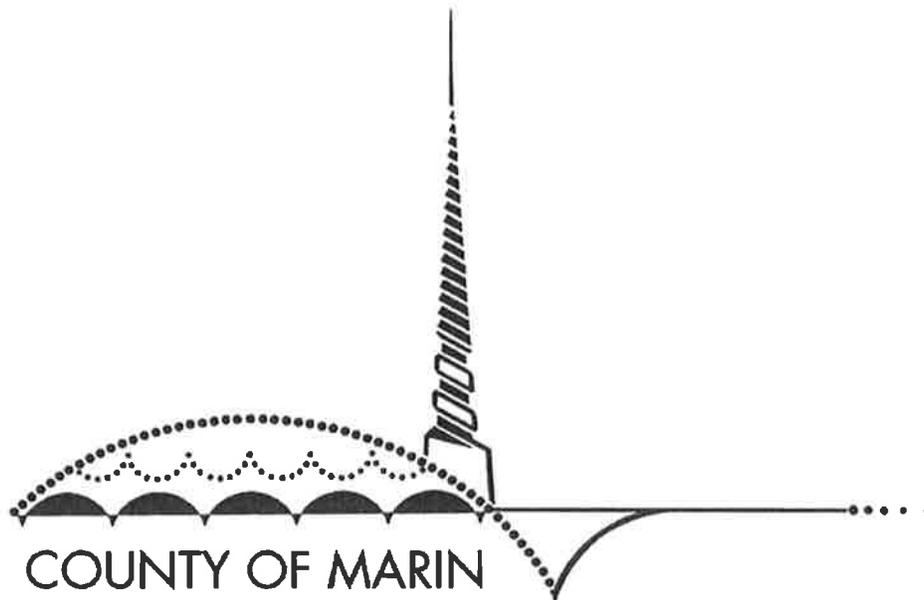
TOWN OF CORTE MADERA

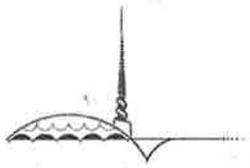
The 911 First Responder Referral Program

More Than a Band-Aid[®] For Seniors

Report Date: June 9, 2016

Public Release Date: June 16, 2016





The 911 First Responder Referral Program *More Than a Band-Aid[®] For Seniors*

SUMMARY

9-1-1: ... Okay, tell me exactly what's happened. [actual call]
Caller: My mother, who's 81, has fallen and kind of collapsed.
9-1-1: Are you with her now?
Caller: She's laying on the floor now and I'm walking towards her now.
9-1-1: Is she awake and breathing?
Caller: Yes, she's awake and breathing.
9-1-1: And when did this happen?
Caller: Moments ago. Maybe five minutes.
9-1-1: And do you know what caused the fall?
Caller: We don't. She was leaning against the wall when my father walked in the room.

Imagine you are a frail senior citizen living alone and finding it difficult to manage your daily chores and stay independent. Suddenly, you find yourself on the floor, a little banged up and unable to get up. What would you do? You would likely call 9-1-1 for help.

Most Marin County citizens have probably never needed to call 9-1-1 to report a medical emergency. But if they did, within a few minutes they would likely see a fire engine and ambulance arriving at their location and know that they would be in good hands.

When an emergency first responder (paramedic, firefighter, or police officer) arrives on scene, after they treat the patient, there are two alternatives: 1) transport the patient to a nearby hospital or 2) leave the patient at the scene. With an aging senior population, responders frequently find themselves returning to the same patients. While they are eager to address the immediate problem, they are unable to address the underlying issue: poor balance, poor diet, dementia, Alzheimer's or other memory-related disease, etc.

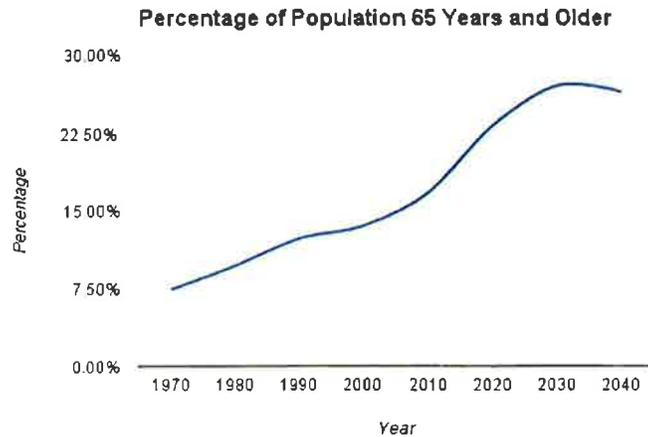
The *911 First Responder Referral Program* was launched by the San Rafael Fire Department in 2014 to empower emergency first responders to provide a referral, with the patient's consent, to Aging and Adult Services *Information and Assistance Program* (part of Marin County's Health & Human Services). If the patient doesn't want the referral at that time, the responder leaves information behind so the patient and caregivers can learn more about available programs and contact *Information and Assistance* when he or she is ready.

This report describes how the *911 First Responder Referral Program* can be a win-win-win for Marin County:

- **Senior citizens'** quality of life may improve by obtaining assistance in helping to manage their long-term issues.
- **Marin County's** Health & Human Services has an opportunity to intervene earlier to improve the client's health and wellness.
- **Emergency first responders** receive fewer 9-1-1 calls.

BACKGROUND

The percentage of Marin County residents who are at least 65 years old (*senior citizens*) has been growing steadily for decades and is estimated to continue to grow for at least another decade¹:



Many chronic health issues afflict senior citizens²: heart disease, hypertension, stroke, emphysema, asthma, chronic bronchitis, cancer, diabetes and arthritis. Having one or more of these health problems increases the chances of falling³. According to the U.S. Centers for Disease Control and Prevention⁴:

- One-third of Americans aged 65+ fall each year.
- Every 13 seconds, an older adult is treated in the emergency room for a fall; every 20 minutes an older adult dies from a fall.
- Falls are the leading cause of fatal injury and the most common cause of nonfatal trauma-related hospital admissions among older adults.
- Falls result in more than 2.5 million injuries treated in emergency departments annually, including over 734,000 hospitalizations and more than 21,700 deaths.
- In 2013, the total cost of fall injuries was \$34 billion.
- The financial toll for older adult falls is expected to increase as the population ages and may reach \$67.7 billion by 2020.

¹ <http://www.bayareacensus.ca.gov/counties/MarinCounty.htm> and California Department of Finance: Report P-1 (Age): State and County Population Projections by Major Age Groups, 2010-2060 (by decade) (<http://www.dof.ca.gov/research/demographic/reports/projections/P-1/>)

² Federal Interagency Forum on Aging-Related Statistics, *Older Americans 2012: Key Indicators of Well-Being* http://agingstats.gov/agingstatsdotnet/Main_Site/Data/2012_Documents/Docs/EntireChartbook.pdf

³ <http://www.healthinaging.org/aging-and-health-a-to-z/topic:falls/info:causes-and-symptoms/>

⁴ <http://www.cdc.gov/homeandrecreationsafety/falls/adultfalls.html> and <https://www.ncoa.org/resources/falls-prevention-fact-sheet/>

Besides the previously mentioned chronic health issues, senior citizens are increasingly affected by Alzheimer's disease⁵:

- One in nine people age 65 and older has Alzheimer's disease.
- It is the fifth leading cause of death for those age 65 and older.
- In 2015, approximately 473,000 people age 65 or older will develop Alzheimer's disease in the United States.
- Between 2000 and 2013, deaths attributed to Alzheimer's disease increased 71 percent.

With the growth of the elderly population emergency medical providers throughout the United States have developed a number of programs that address their common health challenges:

- In 2002, the City of Berkeley (California) launched *The Senior Injury Prevention Program*⁶, a collaboration between Berkeley's Fire Department, Health & Human Services, and the Division of Aging. While Alameda County's *Senior Injury Prevention Project*⁷ actively educates people in senior centers, the City of Berkeley wanted to support their fire departments, who could do more with frequent "elderly lift assist" calls. With over 13,000 senior citizens, emergency first responders currently refer 4-5 seniors/month to the Aging Services Division for follow-up case management services.
- In 2003, Hawaii's State Department of Health, Injury Prevention and Control Section started working with community partners to prevent falls among senior citizens⁸ and developed a *Hawaii Falls Prevention State Plan*⁹. Concerned that the increasing volume of fall-related injuries being treated by emergency healthcare providers will threaten Hawaii's healthcare system, they have convened a number of Hawaii Fall Prevention Conferences.
- In 2007, Satellite Beach¹⁰ (Florida) started offering fall-prevention fairs and providing 90-minute free in-home risk assessments. After conducting approximately 100 home inspections, emergency first responders have seen a 7% drop in falls with injuries and hip fracture-related incidents were reduced by 37%¹¹.
- In 2010, San Diego¹² (California) implemented an electronic system for paramedics to provide medical case manager referrals for "vulnerable patients". Using a combination of 9-1-1 and 2-1-1, these patients are able to access (free or low cost) community services to obtain help for finding food, housing and other senior services. As a result, connecting seniors to services within the community reduced the 9-1-1 system call volume. *2-1-1 San*

⁵ https://www.alz.org/facts/downloads/facts_figures_2015.pdf

⁶ http://www.ci.berkeley.ca.us/Health_Human_Services/Division_on_Aging/Senior_Companion_Caregiver_and_Injury_Prevention_Programs.aspx

⁷ <http://stopfalls.org/advocacy/success-stories/alameda-county-senior-injury-prevention-project/>

⁸ <http://health.hawaii.gov/injuryprevention/files/2013/09/HIPP-2012-2017-Falls-Prevention-671KB.pdf>

⁹ <https://www.hawaiiadrc.org/Portals/AgencySite/2013Falls.pdf>

¹⁰ <http://www.satellitebeachfire.com/#!/fall-prevention/c11m6>

¹¹ Statistics provided by Satellite Beach Fire Rescue (Florida)

¹² <http://www.jems.com/articles/print/volume-41/issue-2/features/how-san-diego-ems-integrated-system-wide-conditional-social-referrals-in-epcrs.html>

Diego¹³ also offers a free *Are You OK?* automated daily phone call as a senior safety check.

- In 2013, Delaware County (Ohio) launched the *First in Response To Seniors*¹⁴ (FIRST) program. Their initial challenge was establishing clear internal communication among the various team members: first responders, service coordinators, directors and legal representatives. A grant from local Area Agency on Aging¹⁵ covers 85% of the cost of the program. Of the 477 referrals in 2015, eight individuals were enrolled in a Community Support Program, and 26 individuals had new services added to their established care plans. Thus, the FIRST program accelerated the establishment and/or addition of much needed services.
- In 2014, Central Mason Fire & EMS^{16,17} (Washington State) joined with the Mason County EMS Council to create a *Falls Prevention Program*, which has since expanded to five surrounding Washington counties. Their baseline data showed that senior citizens comprised 2/3 of hospital admissions for falls, and their initial EMS referral program reduced falls by about 10%. They are hoping to reduce falls to a total of 30% using the *Otago Exercise Programme*¹⁸.
- In 2015, police, fire and EMS agencies in Hamburg (New York)¹⁹ began offering free fall prevention safety checks.

The public might not be aware, but most fire departments and fire protection districts in Marin County offer free home safety inspections upon request. In addition to offering inspections to look at all home hazards (**structure, vegetation, fall-prevention, etc.**), the Novato Fire Protection District offers a *Fall Prevention Program* that addresses several **concerns that contribute to elderly falls**²⁰. Their first responders will soon be distributing a *Tips to Prevent Falls* handout.

Less well known than the emergency 9-1-1 service, the 2-1-1 service offered throughout the United States “connects callers with hundreds of programs to help people find food, housing, health care, senior services, child care, legal aid, volunteer opportunities and much more.”²¹ Accredited by the Alliance of Information and Referral Systems (AIRS)²², the United Way of the Bay Area operates the *Bay Area 211* free helpline for five counties²³. The 2-1-1 service provides resource information from local agencies and it is up to the caller to make contact with any service or agency.

¹³ <http://www.211sandiego.org/>

¹⁴ <http://firehouse-servcoord.org/pages/16>

¹⁵ <http://www.n4a.org/>

¹⁶ Emergency Medical Services (EMS)

¹⁷ <http://www.kitsapsun.com/news/local/mason/>

[first-responders-take-new-approach-with-seniors-prone-to-falls-ep-693524697-355196461.html](http://www.kitsapsun.com/news/local/mason/first-responders-take-new-approach-with-seniors-prone-to-falls-ep-693524697-355196461.html)

¹⁸ http://www.acc.co.nz/PRD_EXT_CSMP/groups/external_providers/documents/publications_promotion/prd_ctrb118334.pdf

¹⁹ <http://www.twcnews.com/nys/buffalo/news/2015/12/15/>

[fire--police-and-ems-personnel-volunteer-to-offer-fall-prevention-services-to-the-elderly.html](http://www.twcnews.com/nys/buffalo/news/2015/12/15/fire--police-and-ems-personnel-volunteer-to-offer-fall-prevention-services-to-the-elderly.html)

²⁰ Developed in partnership with Dominican University of California's Department of Occupational Therapy

²¹ <https://uwba.org/211>

²² <http://www.airs.org/i4a/pages/index.cfm?pageID=3376>

²³ Service also available at <http://211bayarea.org/>

METHODOLOGY

In researching this topic, the Grand Jury:

- Investigated similar programs in other states.
- Interviewed Marin fire chiefs to learn how emergency medical services and the *911 First Responder Referral Program* are deployed in their service area.
- Interviewed staff in Marin County Health & Human Services to understand how the County handles these referrals.
- Interviewed United Way of the Bay Area staff who oversee 2-1-1 implementation.

DISCUSSION

In June 2014, the San Rafael Fire Department launched the *911 First Responder Referral Program*. Although emergency first responders observed recurring senior-related issues, they were limited to treating the immediate problem, but could do nothing to prevent its recurrence. The *911 First Responder Referral Program* developed a simple form that is sent to a referral team. The form is provided to the referral team *only if* the senior citizen or adult agrees that such additional aid or assistance is necessary and desired. However, in the early months they were challenged by the limited capacity of the referral team.

In January 2015, Marin County’s Aging and Adult Services²⁴ established the *Information and Assistance Program (I&A)*, to provide customized client-centered referral support. Before I&A was launched, people wanting information on County programs would have to navigate a complicated automated phone system. The new program was to provide a higher level of service, a single contact point, and a system for follow through.

Early in 2015, San Rafael Fire Department started working with the *Information and Assistance Program* to streamline the referral process and ensure referral tracking. The resulting collaboration allows first responders to initiate a referral and know that help would be available much sooner.

The *911 First Responder Referral Program* does not change what responders do or how they do it—they simply are given “another tool for their toolbox” to help their patients. The program simplifies the responder’s job by using a standardized form and relying on Aging and Adult Services *Information and Assistance Program’s* expertise to find the best solutions for the patient. Since Marin County Aging and Adult Services helps both seniors and adults, the *911 First Responder Referral Program* can also refer adults for help, although the majority of medical 9-1-1 callers are senior citizens.

To date, the Fire Department has trained 60 San Rafael Fire Department first responders and 40 San Rafael Police Department patrol officers to recognize elderly patients with age-related problems and connect them with community resources these patients might not be aware of.

²⁴ <http://aging.livelonglivewellmarin.org/>

The Process

When someone in San Rafael calls 9-1-1 with a medical emergency:

1. 9-1-1 dispatches appropriate emergency medical services.
2. Emergency first responders (usually a fire engine and ambulance) arrive and begin appropriate treatment.
3. The *911 First Responder Referral Program* can begin after the patient is stable. While treating the **patient**, first **responders** are also **trained** to be aware of their surroundings, looking for **obvious indications**²⁵ that the **patient** has some underlying problems, such as: their home in disarray; they are heating their home with an oven; they are at risk for medication interaction complications; they do not have a local support network; they have insufficient or inedible food; their memory is impaired. While a person may appear fine in public, in private it may be clear to the responder that they are at risk.
4. If the responder determines that their patient already has a **social worker** assigned to them (in conversation, looking at their Vial of L.I.F.E.²⁶, or from a **relative**), which is the case for approximately 10% of the 9-1-1 medical callers, the responder contacts the patient's social worker and shares their observations.
5. Based on the indications, the responder may offer to complete a *Request to Phone Me With Help* Form for services (see Appendices A and B). The fear that many patients express is the possibility of a loss of independence and being forced to leave their home. The responder explains that *Request to Phone Me With Help* simply allows a social worker to contact them with help and refer them to appropriate services. If the patient agrees to the referral, the patient signs the form.
6. The responder faxes the signed form to the *Information and Assistance Program* and also logs their referral into a first **responder** referral **database**. Health Insurance Portability and Accountability Act (HIPAA) **regulations**²⁷ are **followed** to ensure that the patient's health information is handled in confidence. If they do not wish to fill out the form, an information sheet (see Appendices C and D) is left behind to educate the patient and their caregivers about County resources.
7. **Marin County's** Aging and Adult Services *Information and Assistance Program* **receives the referral**. They are mandated by the Older American's Act²⁸ to **respond and follow-up** on 100% of all assistance referrals. Sharing the programs and resources that might be a

²⁵ In response to a 9-1-1 call, first responders are allowed to enter a dwelling without a warrant to render emergency aid and assistance to a person whom they reasonably believe to be in distress and in need of that assistance. Once inside on that basis, rendering that assistance could include checking for medications, but also might include looking for other health and welfare hazards that are in plain view.

²⁶ A small plastic vial containing an overview of a patient's medical history stored in the refrigerator. It is available for free from any fire station in Marin County. <http://vialoflife.com/>

²⁷ <http://www.cms.gov/Regulations-and-Guidance/HIPAA-Administrative-Simplification/HIPAAGenInfo/downloads/hipaalaw.pdf>

²⁸ http://www.aoa.gov/AoA_Programs/OAA/Index.aspx

good match for the client's²⁹ needs ("resource counseling") and contacting the client's family caregiver or nearby aide, as appropriate, the social worker helps these people become aware of the client's situation. The social worker can also facilitate program enrollment, including "a soft handoff"—to personally introduce them to an appropriate program representative. At any point the client has the choice to decline service help.

8. First responders follow up with the *Information and Assistance Program* to ensure that patient referrals were contacted, and update the patient's status in the first responder database.

Funding

The San Rafael Fire Department's direct cost to implement the *911 First Responder Referral Program* is under \$5,000/year, which the San Rafael Fire Department considers an investment in their strategy to slow the growth rate of their 9-1-1 call volume.

Program Results

The San Rafael Fire Department's first responders enthusiastically endorse the program³⁰:

"It's an incredible tool to use."

"We're hungry to solve problems that have aggravated us and eager to use our skills."

"It feels good to do this."

Marin County's Aging and Adult Services *Information and Assistance Program* (I&A) now has social workers answering calls, doing program intakes and personally helping callers understand available resources to *Live Long Live Well*³¹. Compared to local 2-1-1 service, I&A provides a much more personalized, comprehensive and up-to-date free service, by phone, email, and website.³² They shared a typical success story:

"A year ago, I reached out to an elderly couple referred by the *911 First Responder Referral Program*, who were confused and disoriented. After speaking to the wife for a while, she gave me the number for her daughter in Sonoma, and I called her to find out more about her parents' situation. The daughter stated that she visits her parents every weekend and prepares food for them. After assessing the parents' situation, I gave the daughter resources for home caregiver agencies, linked her to telephone equipment for the hard of hearing, and gave her information for home-delivered meals. The daughter was very pleased with our outreach in Aging and Adult Services."

In 2015 there were 41 Aging and Adult Services referrals from the San Rafael Fire Department. That might not sound like many referrals for a service area with an estimated senior population³³

²⁹ Health and Human Services staff refer to first responder *patients* as *clients*.

³⁰ Interviews conducted with the San Rafael Fire Department

³¹ <http://aging.livelonglivewellmarin.org/#projects>

³² <https://www.marinhhs.org/aging-adult-services>

³³ http://factfinder.census.gov/bkmk/cf/1.0/en/place/San_Rafael_city,_California/POPULATION/PEP_EST

of 10,038 and 5,936 medical 9-1-1 calls. However, in previous years, these 41 people had been responsible for over 375 calls, 90% of which were fall-related, with some people making up to three fall-related calls a day.³⁴

Next Steps

The Marin County Fire Chiefs Association, inspired by the results of the San Rafael Fire Department program, is working on identifying next steps towards a County-wide emergency first responder program and protocol. They feel that they have “hit a homerun” for fire prevention and response, and now want to “hit a homerun” for healthcare. Many Association members have already been implementing components of the *911 First Responder Referral Program*. The goal now is to create a better referral tracking database, offer trainings, and to develop a consistent community outreach for the program.

Conclusion

Since the publication of the 2014 Grand Jury Report *Aging in Marin: What’s the Plan?*³⁵, the County of Marin’s Aging and Adult Services has streamlined a senior citizen referral strategy with emergency first responders. While the *911 First Responder Referral Program* is still very much in its infancy, the Grand Jury applauds the initiative of the San Rafael Fire Department and Marin County’s Aging and Adult Services *Information and Assistance Program*. Based on similar programs in the United States, the Grand Jury expects that this program, when rolled out County-wide, will not only make a significant difference in the lives of senior citizens, it will make better use of existing local social services, and will likely reduce many preventable 9-1-1 medical calls.

³⁴ Statistics provided by San Rafael Fire Department

³⁵ http://www.marincounty.org/~/-/media/files/departments/gj/reports-responses/2013/aging_in_marin.pdf

FINDINGS

- F1. Marin County's Aging and Adult Services *Information and Assistance Program* is a highly proactive team of caring professionals who have a strong desire to provide personalized assistance for improving lives of adults in the County.
- F2. The San Rafael Fire Department has done an effective job implementing the *911 First Responder Referral Program* and fostering an efficient relationship with the Aging and Adult Services *Information and Assistance Program*.
- F3. The Marin County Fire Chiefs Association has a strong desire to roll out a consistent *911 First Responder Referral Program*, which could be successful in every fire department throughout Marin County.
- F4. As of the publication of this report, the San Rafael Fire Department has the only formal *9-1-1 First Responder Referral* program in Marin County.

RECOMMENDATIONS

- R1. Marin County fire chiefs should implement the *911 First Responder Referral Program* County-wide.
- R2. Marin County fire chiefs should create a community outreach campaign for the *911 First Responder Referral Program*.
- R3. Marin County police chiefs and Sheriff should have their patrol officers/deputies attend the *911 First Responder Referral Program* training.
- R4. Marin County paramedic agencies should have their emergency first responders attend the *911 First Responder Referral Program* training.
- R5. Private ambulance companies serving Marin County should have their emergency first responders attend the *911 First Responder Referral Program* training.

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.

REQUEST FOR RESPONSES

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

From the following governing bodies:

- Bolinas Fire Protection District (R1, R2)
- Central Marin Police Authority (R3)
- City of Belvedere (R3)
- City of Larkspur (R1, R2)
- City of Mill Valley (R1, R2, R3)
- City of Novato (R3)
- City of San Rafael (R1, R2, R3)
- City of Sausalito (R3)
- CSA #28 (West Marin Paramedic) (R4)
- CSA #31 (County Fire) (R1, R2)
- Kentfield Fire Protection District (R1, R2)
- Marinwood Community Service District (R1, R2)
- Novato Fire Protection District (R1, R2)
- Ross Valley Fire Department (R1, R2)
- Southern Marin Emergency Medical-Paramedic System (R4)
- Southern Marin Fire Protection District (R1, R2)
- Stinson Beach Fire Protection District (R1, R2)
- Tiburon Fire Protection District (R1, R2)
- Town of Corte Madera (R1, R2)
- Town of Fairfax (R3)
- Town of Ross (R3)
- Town of Tiburon (R3)

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:

- Sheriff Robert T. Doyle, Marin County Sheriff's Office (R3)

The following individuals are invited to respond:

- Police Chief, Belvedere Police Department (R3)
- Police Chief, Central Marin Police (R3)
- Fire Chief, Corte Madera Fire Department (R1, R2)
- Police Chief, Fairfax Police Department (R3)
- President, Falcon Critical Care Transport (R5)

- President, Falck/verihealth, Inc. (R5)
- Fire Chief, Larkspur Fire Department (R1, R2)
- President, Marin County Fire Chiefs Association (R1, R2)
- Fire Chief, Marin County Fire Department (R1, R2)
- President, Marin County Police Chiefs Association (R3)
- Fire Chief, Mill Valley Fire Department (R1, R2)
- Police Chief, Mill Valley Police Department (R3)
- Chief Executive Officer, NORCAL Ambulance (R5)
- Police Chief, Novato Police Department (R3)
- Police Chief, Ross Police Department (R3)
- Fire Chief, San Rafael Fire Department (R1, R2)
- Police Chief, San Rafael Police Department (R3)
- Police Chief, Sausalito Police Department (R3)
- President, St. Joseph's Ambulance Service (R5)
- Police Chief, Tiburon Police Department (R3)

APPENDIX A: Request to Phone Me with Help Form (English)

Request to Phone Me with Help

First Responder Referral Project
Information and Assistance to Keep You Safe and At Home

Name _____ Phone (415) _____

Address _____

Family Caregiver? No Yes

Name _____ Phone _____

Any other help, such as a neighbor?

Name & relationship _____ Phone _____

Describe Situation _____

By signing below, I invite you to ask Marin County Aging and Adult Services to phone me about my situation, and allow them to contact other help organizations as needed.

I would like help with:

- Transportation to medical appointments. Taking care of my spouse or partner.
 House cleaning and organizing. Food shopping and meals. Reducing trip hazards.
 Having more social activities. Other _____

Signature of Patient or Caregiver

Date

First Responder Name

Station/ Shift

Station Phone or Personal Cell

-If this person was transported to Emergency: KP MGH NCH

First Responder — please fax this completed form to both:

- 1. Marin County Aging & Adult Services:** (415) 473-7042 or (415) 473-6465
phone (415) 457-4636, M-F 8:30-5 www.mainhhs.org/aging-adult-services
- 2. San Rafael Fire Department, Station 51** – (415) 453-1627

The 911 First Responder Referral Project is a cooperative initiative of Senior Access, the City of San Rafael Fire Department and the Marin County Fire Chief's Association.

APPENDIX B: Request to Phone Me with Help Form (Spanish)

**Solicitud para llamarme con Ayuda
Proyecto de Referencia del Departamento de Bomberos
Información y Asistencia para mantenerse seguro en casa**

Nombre _____ Telefono (415) _____

Dirección _____

Tiene cuidado familiar? No Si

Nombre _____ Telefono _____

Recibe otro tipo de ayuda; como de un vecino?

Nombre y Relacion _____ Telefono _____

Describe su Situación

Al firmar a continuación, les permito pedir a el Servicios para Adultos del Condado de Marin que me llame por mi situación, y les permito ponerse en contacto con otras organizaciones de ayuda, según sea necesario.

Me gustaría ayudar con:

- Transporte a las citas médicas. Cuidado de mi cónyuge o pareja.
 Limpieza y organización de la Casa. La compra de alimentos. La reducción de riesgos de tropiezos.
Tener más actividades sociales. Otros _____

Firma del Paciente o Cuidador

Fecha

Nombre del Respondedor

Estacion/grupo

Tel de la estacion o personal

Si Esta persona fue trasladada a Emergencias: KP MGH NCH

Respondedor por favor envíe por fax este formulario completo a ambos:

1. Marin County Aging & Adult Services: (415) 473-7042 o (415) 473-6465
Telefono (415) 457-4636, L-V 8:30-5 www.mainhhs.org/aging-adult-services
2. Departamento de Bomberos de San Rafael, Estacion 51 – (415) 453-1627

El Proyecto de Acceso para Adultos es una iniciativa de cooperación del 911, Departamento de Bomberos de la Ciudad de San Rafael, y la Asociación de Jefes de Bomberos del Condado de Marin.

APPENDIX C: Marin County Aging and Adult Services Info Sheet (English)

Marin County Aging and Adult Services

Information & Assistance,
(415)-457-INFO, (415) 457-4636
457-info@marincounty.org
Monday – Friday, 8:30am – 5pm

Community Resource Guide
MarinHHS.org/Resources
MarinHHS.org/Aging

Do you need equipment or supplies?

ReCARES, provides free gently used health care equipment, such as walkers, wheelchairs, canes and commodes, and unused medical supplies, such as wound dressings and adult diapers, **Wednesdays 11am-2pm**,
3100 Kerner Blvd, San Rafael, **(415) 388-8198**

LIVE Long LIVE Well
www.Livelonglivewellmarin.org

APPENDIX D: *Marin County Aging and Adult Services Info Sheet (Spanish)*

Servicio para Adultos y Envejecimiento del
Condado de Marin

Informacion y Asistencia
(415)-457-INFO, (415) 457-4636
457-info@marincounty.org
Lunes – Viernes, 8:30am – 5pm

Guia de Recursos y Servicios
MarinHHS.org/Resources
MarinHHS.org/Aging

¿Necesita equipos o suministros?

ReCARES, proporciona equipos de atención gratuitos de salud con poco uso, como andadoras, sillas de ruedas, bastones y cómodas. Suministros médicos no usados, tales como vendajes para heridas y pañales para adultos. Los miércoles de 11 a.m.-2 p.m

3100 Kerner Blvd, San Rafael, **(415) 388-8198**

Vive Mas Vive Bien
www.Livelonglivewellmarin.org


TOWN MANAGER

**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: August 30, 2016
MEETING DATE: September 6, 2016

TO: TOWN MANAGER, MAYOR AND MEMBERS OF THE COUNCIL
FROM: DAVID BRACKEN, TOWN MANAGER
INTERIM CHIEF MICHAEL NORTON, CENTRAL MARIN POLICE
AUTHORITY
SUBJECT: RESPONSE TO THE MARIN COUNTY CIVIL GRAND JURY’S REPORT, *LAW
ENFORCEMENT CITIZEN COMPLAINT PROCEDURES: THE GRAND JURY
HAS A FEW COMPLAINTS*

* * * * *

RECOMMENDATION:

Authorize Mayor Bailey to sign 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.

FISCAL IMPACT:

None

BACKGROUND:

On June 16, 2016, the 2015-16 Marin County Civil Grand Jury issued a report titled *Law Enforcement Citizen Complaint Procedures: The Grand Jury Has a Few Complaints*. In the report, the Grand Jury evaluated the complaint procedure process and forms utilized by Marin County law enforcement entities. The report recommends the following:

- That every law enforcement agency in Marin County have a clear and complete description on its website and in its lobby, in both English and Spanish, of the department’s policy,

procedures and forms for filing a citizen complaint.

- That law enforcement personnel should be trained in and able to fully describe the process and forms to any inquiring person and direct that person to the appropriate location of the information.
- That preserving confidentiality and anonymity when requested should be an option (via website and in person) for all complainants.

The Grand Jury has requested that the Town respond to seven findings and fourteen recommendations provided in the report. The Town is required to provide a response to the report's findings and recommendations within 90 days of the issue date. The Town's response is due by September 16, 2016. Pursuant to the Ralph M. Brown Act, governing bodies are required to present their comments and responses during a publicly noticed and agendized open meeting prior to submitting a response to the Grand Jury. Responses are maintained by the Grand Jury, and the Town, as public record.

Town staff worked with the Central Marin Police Authority (CMPA) staff in order to respond to this report. CMPA brought its response before the Police Council at its September 1, 2016 regular meeting. The Town's draft response is included as Attachment 1 to this report.

ATTACHMENTS:

1. Draft Letter in Response to the Marin County Civil Grand Jury Report.
2. Response Form
3. Grand Jury Report Dated June 16, 2016, *Law Enforcement Citizen Complaint Procedures: The Grand Jury Has a Few Complaints*

ATTACHMENT 1

**DRAFT LETTER IN RESPONSE TO
THE MARIN COUNTY CIVIL GRAND JURY REPORT**

September 6, 2016

John Mann, Foreperson
Marin County Civil Grand Jury
3501 Civic Center Drive, Room 275
San Rafael, CA 94903

The Honorable Judge Kelly V. Simmons
Marin County Superior Court
P.O. Box 4988
San Rafael, CA 94913-4988

Dear Foreperson Mann:

Thank you for your recent report, *Law Enforcement Citizen Complaint Procedures: The Grand Jury Has a Few Complaints*, dated June 16, 2016. Pursuant to Penal Code 933.05, I am writing on behalf of the Town of Corte Madera, to respectfully respond to the report.

The report requests that the Town respond to Findings F1-F7 and Recommendations R1-R14. The Town's response to the report's findings and recommendations was approved by the Town Council at the September 6, 2016 Town Council meeting, and is included below.

The Central Marin Police Authority provides police services for the Town of Corte Madera. Please note that all of the recommendations have been implemented by the Central Marin Police Authority.

Please accept our appreciation for the service you provide to the residents of Marin County, and for addressing this important issue. Should you have any questions regarding this response, please contact the Town Clerk, Rebecca Vaughn, at 415-927-5085 or rvaughn@tcmmail.org.

Sincerely,

Sloan C. Bailey
Mayor

**TOWN OF CORTE MADERA RESPONSE TO THE MARIN COUNTY CIVIL
GRAND JURY REPORT, *Law Enforcement Citizen Complaint Procedures***

FINDINGS:

Statement regarding findings, the Town of Corte Madera, through the Central Marin Police Authority (CMPA) provides the following information:

- F1. “Marin County law enforcement agencies have procedures for citizen complaints that could act as deterrents to participation in the complaint process.”**

Response: The respondent agrees with the finding. The Central Marin Police Authority no longer has such issues, but did recently accidentally post “old” versions of its citizen complaint forms in its lobbies and on its website. The “old” forms have since been removed and replaced with the proper forms which do not contain any language or procedures which could act as deterrents to the process.

- F2. “Some Marin County law enforcement agencies employ procedures and admonitions that have been held to be unconstitutional.”**

Response: The respondent agrees with the finding. The Central Marin Police Authority no longer has such admonitions, but did recently accidentally post “old” versions of its citizen complaint forms in its lobbies and on its website that did contain such language. The “old” forms have since been removed and replaced with the proper forms.

- F3. “Some Marin County law enforcement agencies’ complaint procedures require face-to-face contact with law enforcement officers, which may deter citizens from using the Citizen Complaint process.”**

Response: The respondent disagrees partially with the findings. While the Town of Corte Madera is not familiar with the practices of all law enforcement agencies in Marin County, the Central Marin Police Authority has never required face-to-face contact with citizens making complaints.

- F4. “Not all Marin County law enforcement agencies provide written policies, procedure and citizen complaint forms in English and Spanish.”**

Response: The respondent disagrees partially with the findings. While the Town of Corte Madera is not familiar with the practices of all law enforcement agencies in Marin County, the Central Marin Police Authority has always provided forms in both English and Spanish.

F5. “Not all Marin County law enforcement agencies accept and investigate anonymous citizen complaints.”

Response: The respondent disagrees partially with the findings. While the Town of Corte Madera is not familiar with the practices of all law enforcement agencies in Marin County, the Central Marin Police Authority has always investigated anonymous citizen complaints.

F6. “Information about and access to the citizen complaint procedure is difficult to find on Marin County law enforcement agency websites.”

Response: The respondent disagrees partially with the findings. While the Town of Corte Madera is not familiar with the practices of all law enforcement agencies in Marin County, the Central Marin Police Authority’s website is easy to navigate and all information and forms can be easily located by the clicking on the direct link “Forms,” on the homepage.

F7. “Marin County law enforcement agencies do not publish the number, the nature or the disposition of citizen complaints.”

Response: The respondent agrees with the finding. The Central Marin Police Authority did not previously publish the above referenced data, but now posts the data on its website.

RECOMMENDATIONS

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

R1. “Every Marin County law enforcement agency should have a clear and full description of the law enforcement agency’s policy and procedures for handling citizen complaints on its website that is accessible by a direct link from the law enforcement agency’s homepage to a clearly identified “citizen complaints” folder.”

Response: The recommendation has been implemented by the Central Marin Police Authority. The Central Marin Police Authority has updated its website to contain the citizen complaint policy and procedures in both English and Spanish. The policy and procedures are located with the English and Spanish versions of the citizen complaint forms. The Central Marin Police Authority has not created a direct link to a “citizen complaints” folder, as the policy and forms are already easy to locate by clicking on the direct link “Forms.”

R2. “All Marin County law enforcement agencies should accept the filing of citizen’s complaints online.”

Response: The recommendation has been implemented by the Central Marin Police Authority. Citizen complaint forms are available for download online and may subsequently be emailed to the Central Marin Police Authority.

- R3. “A clear and full description of the law enforcement agency’s policy and procedures along with forms for filing citizen complaints should be available to the public in the lobby of each law enforcement agency.”**

Response: The recommendation has been implemented by the Central Marin Police Authority. The above mentioned forms are available in the lobbies of the Larkspur and San Anselmo stations.

- R4. “Written policies and procedures, as well as citizen complaint forms, should be available to the public in English, Spanish and other languages appropriate to the community.”**

Response: The recommendation has been implemented by the Central Marin Police Authority. The above mentioned forms are available in English and Spanish.

- R5. “Marin County law enforcement agency personnel should be trained in the agency’s citizen complaint policy and procedures in order to fully describe them to members of the public.”**

Response: The recommendation has been implemented by the Central Marin Police Authority. All personnel are trained in Central Marin Policy # 1020 – Personnel Complaints.

- R6. “All public-facing law enforcement personnel should present an open and welcoming attitude to any inquiry about the citizen complaint process.”**

Response: The recommendation has been implemented by the Central Marin Police Authority. All personnel provide this service to the public.

- R7. “No policy, procedure or form for handling citizen complaints should have any language based in whole or in part on California penal Code Section 148.6 and/or California Civil Code of Procedure Section 47.5, nor should a complainant be required to acknowledge they have read and understood such language.”**

Response: The recommendation has been implemented by the Central Marin Police Authority. The citizen complaint form no longer contains any of this language.

- R8. “A person who initiates a citizen complaint should not be required to verify or certify the contents of the complaint form.”**

Response: The recommendation has been implemented by the Central Marin Police Authority. The citizen complaint form no longer contains any of this language.

R9. “The identification of the complainant on the citizen complaint form should be optional.”

Response: The recommendation has been implemented by the Central Marin Police Authority. Anonymous complaints may be filed and will be investigated if sufficient detail is provided to conduct a meaningful investigation.

R10. “The signature of the complainant should not be required on the form.”

Response: The recommendation has been implemented by the Central Marin Police Authority. The citizen complaint form no longer contains this requirement.

R11. “Anonymous citizen complaints, and complaints initiated by minors, should be accepted and investigated in accordance with the agency’s procedures.”

Response: The recommendation has been implemented by the Central Marin Police Authority. However, it is preferred that a parent or guardian assist a minor under the age of 18 to file a complaint. Anonymous complaints may be filed and will be investigated if sufficient detail is provided to conduct a meaningful investigation.

R12. “Members of the public who desire information regarding a law enforcement agency’s policy, procedures and citizen complaint forms should not be required to discuss their involvement, identity or situation before the materials are provided.”

Response: The recommendation has been implemented by the Central Marin Police Authority. The above mentioned forms are available online and in the lobbies of both the Larkspur and San Anselmo stations. Personnel are also willing to answer any questions regarding policies, procedures, or the forms with anonymous citizens.

R13. “All Marin County law enforcement agencies should incorporate within their policies and procedures an appeal process that allows the complainant to appeal the disposition to an entity outside of the law enforcement agency.”

Response: The recommendation has been implemented by the Central Marin Police Authority. Citizens may discuss the dispositions of their complaints with the Chief of Police, or the respective City Managers of Corte Madera, Larkspur, or San Anselmo. Citizens may also file a complaint with the Marin County Human Rights Commission, the Marin County Civil Grand Jury, or the Federal Bureau of Investigation (which has investigative jurisdiction over all matters relating to violations of civil rights by police officers).

R14. “Marin County law enforcement agencies should publish on their websites and annually update the number, nature and disposition of citizen complaints.”

Response: This recommendation has been implemented by the Central Marin Police Authority. A report form on the Central Marin Police Authority website contains a list of all formal complaints received by the Central Marin Police Authority and their subsequent dispositions.

ATTACHMENT 2
RESPONSE FORM

RESPONSE TO GRAND JURY REPORT

Report Title: Law Enforcement Citizen Complaint Procedures

Report Date: June 16, 2016

Agenda Date: September 6, 2016

Response by: Sloan C. Bailey Title: Mayor

FINDINGS

- I (we) agree with the findings numbered: F1, F2, F7
- I (we) disagree *partially* with the findings numbered: F3, F4, F5, F6
- I (we) disagree *wholly* with the findings numbered: N/A

(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered R1-R14 have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered N/A have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered N/A require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered N/A will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: 9/06/16 Signed: _____

Number of pages attached 5

ATTACHMENT 3

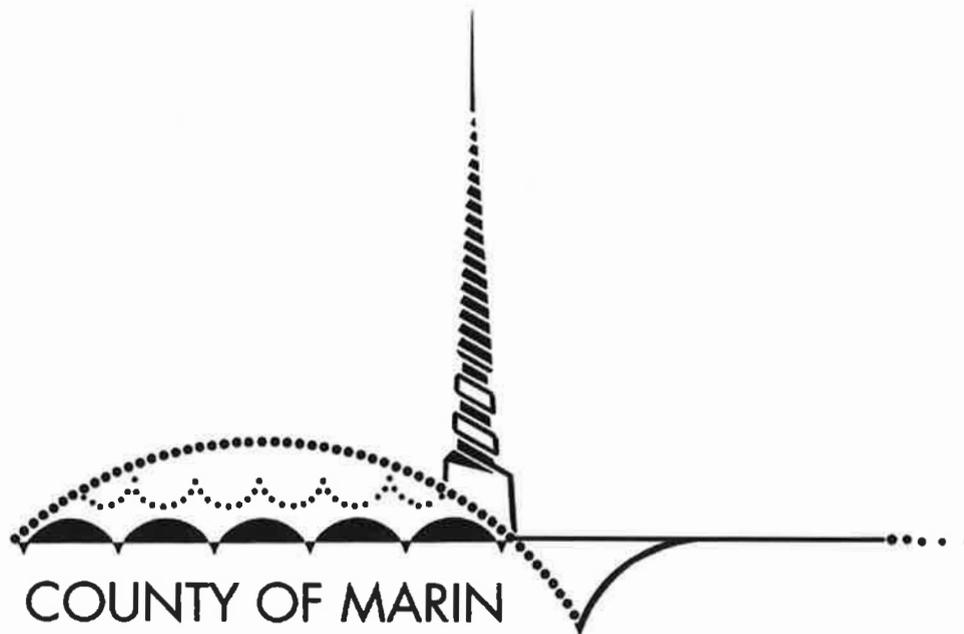
**GRAND JURY REPORT DATED JUNE 16, 2016,
*LAW ENFORCEMENT CITIZEN COMPLAINT PROCEDURES:
THE GRAND JURY HAS A FEW COMPLAINTS***

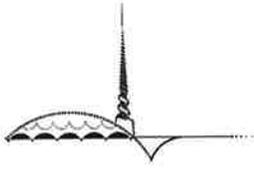
Law Enforcement Citizen Complaint Procedures

The Grand Jury Has A Few Complaints

Report Date: June 16, 2016

Public Release Date: June 23, 2016





Law Enforcement Citizen Complaint Procedures

The Grand Jury Has A Few Complaints

SUMMARY

Marin County's Civil Grand Jury undertook an investigation into the Citizen¹ Complaint procedures that are currently used by Marin's law enforcement agencies. The Grand Jury focused on procedure accessibility, comprehensiveness and clarity.

Questioning authority and its representatives can be intimidating and is made more so by opaque and inaccessible policies and procedures. The Grand Jury learned that lodging a complaint with any of Marin County's ten law enforcement entities can be confusing, time consuming and discouraging.

The California statute (CPC §832.5) that was enacted over forty years ago requires that Citizen Complaint procedures be established by law enforcement agencies. The Grand Jury discovered that Marin County's law enforcement agencies interpret and apply this statute in various and inconsistent ways.

To maintain full public trust, an effective law enforcement complaint process depends on fair and transparent procedures. Through its investigation, the Grand Jury learned that the courts, law enforcement organizations, civil rights advocates and educational institutions all concur that open communication between law enforcement agencies and citizens is essential.

An improved and uniform complaint process would provide greater credibility and effectiveness to the Citizen Complaint process. While demonstrating law enforcement's commitment to protect and respect the community it serves, a clear and consistent set of procedures would build a better foundation for interactions between law enforcement and the public.

The Grand Jury recommends that every law enforcement agency in Marin County have a clear and complete description on its website and in its lobby, in both English and Spanish, of the department's policy, procedures and forms for filing a citizen complaint. Law enforcement personnel should be trained in and be able to fully describe the process and forms to any inquiring person and direct that person to the appropriate location of the information. Preserving confidentiality and anonymity when requested should be an option (via website and in person) for all complainants.

¹ The term "Citizen Complaint" has been questioned insofar as the term implies that non-citizens, e.g. undocumented immigrants, non-residents or visitors, cannot avail themselves of statutory protections against law enforcement misconduct. See for example, 2012-2013 Santa Clara County Civil Grand Jury Report: "Law Enforcement Public Complaint Procedures." It has been suggested that the term "Public Complaint" is more appropriate; however, "Citizen Complaint" has taken on a more common use and meaning in this context and that term will be used throughout this Report.

BACKGROUND

Marin County's Police and Sheriff Departments ensure the safety and security of their citizens and the dedication of these law enforcement agencies and the devotion of their officers cannot be overstated. Yet, there are times when questions arise regarding interactions between law enforcement and the public. While police misconduct in Marin may be infrequent, policies and procedures are necessary and legally required for citizens to be able to raise concerns regarding peace officer conduct.

When law enforcement and citizens interact, they are not in positions of equality. Because of a peace officer's authority, there is a power differential from the moment he or she comes into contact with citizens. While this power difference may be necessary for officers to do their jobs, a citizen should have a way to complain about those instances where, whether intentionally or unintentionally, a peace officer is viewed or is thought to overstep their authority, role, or behaves inappropriately.

Incidents between a peace officer and the public may not rise to the level of illegal conduct, but situations involving hostility, rudeness, intimidation, unfairness, threats and unnecessary verbal or physical force reduce the effectiveness and reputation of law enforcement. A fair and consistent complaint process holds peace officers accountable to legal, ethical and community standards and expectations.

According to David J. Brent, "... the search for a system that will at once be responsive to both the public's need for accountability and the responsibility of the police to regulate themselves is basic to the efficient functioning of the police department as a necessary component within society."²

In the same journal article, Brent's analyses of interactions between law enforcement personnel reveal that: "...citizens feel that the police do not interact with them in a manner that is responsive to the realities of their daily lives, while the police are unwilling to open the process by which their actions are ultimately examined and regulated to the scrutiny and participation of the citizen."³

² David J. Brent, *Redress of Alleged Police Misconduct: A New Approach to Citizen Complaints and Police Disciplinary Procedures*, 11 University of San Francisco Law Review 587 (1977)

³ Ibid.

METHODOLOGY

The Grand Jury used the following sources of information for its report:

California Law

The Grand Jury reviewed statutes pertaining to the Citizen Complaint process under California law. It also reviewed the legislative history of the enactment of those laws.

Literature Review

The Grand Jury performed extensive research into investigations conducted by other California grand juries, as well as other organizations and groups on the topic of Citizen Complaints. The Grand Jury also reviewed the operations of the San Francisco Office of Citizen Complaints.

Law Enforcement Websites

The Grand Jury conducted a review and analysis of the websites of all ten Marin County law enforcement agencies.

Policies and Procedures

The Grand Jury reviewed all Marin County law enforcement agency policy and procedure manuals.⁴ All law enforcement agencies in Marin are required by law to have policies and procedures. Although access is available to citizens, policy and procedures manuals are not generally easy for citizens to find.

Police and Sheriff Department Site Visits

Members of the Grand Jury undertook, as private citizens, multiple in-person visits to each Marin County law enforcement agency to seek out and obtain information regarding that agency's Citizen Complaint procedures. The following law enforcement agencies were visited:

- Belvedere Police Department
- Central Marin Police Authority
- Fairfax Police Department
- Marin County Sheriff's Department
- Mill Valley Police Department
- Novato Police Department
- Ross Police Department
- San Rafael Police Department
- Sausalito Police Department
- Tiburon Police Department

Police Chief and Sheriff Interviews

The Grand Jury interviewed each of the Marin County Police Chiefs⁵ as well as the County Sheriff. During these interviews, no information was requested or obtained regarding the identity of any peace officer who was the subject of a Citizen Complaint.⁶

⁴ Many law enforcement agencies utilize some version of the standard for policies and procedures prepared by Lexipol Law Enforcement that provides customizable, state-specific law enforcement policy content and integrated policy training

⁵ The Acting Chief of the Novato Police Department was interviewed.

⁶ On February 19, 2016, California State Senator Mark Leno introduced SB 1286 amending Section 832.5 to provide for open public inspection of a peace officer's personnel files relating to the full investigation of a Citizen Complaint, findings, discipline or corrective action taken pursuant to the Public Records Act.

DISCUSSION

Legal Requirements regarding Citizen Complaints: California Penal Code §832.5

The California legislature addressed the Citizen Complaint process when, in 1974, it enacted California Penal Code §832.5. This statute requires all law enforcement agencies in the state to develop procedures for dealing with Citizen Complaints about the conduct of peace officers.

Each department or agency in this state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of these departments or agencies, and shall make a written description of the procedure available to the public.

The legislature did not provide detailed procedures for law enforcement agencies. The intent of the legislation was to provide the public with a mechanism by which the behavior of peace officers could be reviewed, evaluated and, when appropriate, corrected. This is to ensure that officers, while acting under the authority of law, do not engage in conduct that would violate the individual rights of the citizenry.

Website Reviews

The Grand Jury reviewed each law enforcement agency's website to determine what information it contained on the topic of Citizen's Complaints. The statutory mandate that each law enforcement agency make available to the public a written description of the procedure it employs is straightforward. This mandate can easily be satisfied by making the explanation of the procedure clear, simple and easily located on the website. To assure the availability of the Citizen Complaint information, an explanation of the complaint procedure should be provided on the law enforcement agency's website. There should be no need to physically come to the law enforcement offices to obtain information on the process or any necessary forms. The website should provide for online initiation of a Citizen Complaint, a complete description of how the complaint will be investigated and a final determination of its disposition.

The Grand Jury reviewed each website for the following:

- Ease in finding the topic of Citizen Complaints
- Availability of the written complaint procedure
- Availability of the Complaint Form
- Versions of both documents in English and Spanish languages
- Ability to file the Complaint Form electronically
- A description of the disposition process
- A description of the appeal process
- A statistical record of past complaints

Although all Marin County law enforcement agencies have a website available to the public, there is wide variance among law enforcement agencies in ease of use, availability of forms, multilingual versions, etc. Some websites are difficult to navigate resulting in time-consuming

frustration. Such websites are not always intuitive or the information is buried and difficult to find. Some websites have no information at all about Citizen Complaint procedures.

The Fairfax Police Department's website, for example, has a general description of the Citizen Complaint procedure, however, the actual complaint form must be obtained by a personal visit to the police station. San Rafael initially had no information on the website regarding a complaint process or how to file a complaint. (Since the Grand Jury's inquiry, the San Rafael Police Department has amended its website.) Some law enforcement websites do have a Citizen Complaint form available, but a full and simple explanation of the complaint investigation process may not be in the same location.

On-Site Visits

Grand Jury members visited all Marin County law enforcement agencies as private citizens to find out how to file a complaint. It became clear during those visits that CPC §832.5 is interpreted by Marin law enforcement agencies in many different ways. There was wide variance not only among law enforcement agencies, but also as to how different Grand Jury members were received by the same law enforcement agencies on different days.

In some cases, staff had to search a file cabinet to find written procedures or forms. Other agencies had a description of the complaint process and complaint forms in both English and Spanish displayed and available in their lobby. A few law enforcement agencies did not know whether or not the information was available on their agency's website. Some law enforcement personnel (officers and staff) were quite knowledgeable and professional regarding Citizen Complaint procedures. In other instances, members of law enforcement were unaware of the details of their own agency's Citizen Complaint process and in some cases inaccurate information was provided.

The Grand Jury believes that statutes such as California Penal Code §823.5 requiring adherence to Citizen Complaint procedures were enacted to reduce those instances where fear and intimidation may result in the underreporting of legitimate criticisms of law enforcement personnel.

For example, in addition to the complexity of the filing procedures, it can be intimidating and a distinct disincentive when a potential complainant is asked by law enforcement officers or staff (actual questions encountered by Grand Jurors during site visits):

- "What's the officer's name?"
- "Do you want to speak to the officer's supervisor?"
- "Only the chief handles complaints."
- "Are you a resident of this community? Only residents can file complaints."
- "Do you want to leave your name and number and someone will get back to you?"
- "What is your name and address?"
- "What's the nature of your complaint?"

Such responses to inquiries as noted above on the part of law enforcement might be understood as an effort to resolve a problem before a complaint is brought. They could also, however, have a

discouraging effect on a member of the public who seeks to know what his or her rights are and what to expect if they bring a complaint. Questions such as those above can result in underreporting of complaints. Fear of reprisal, lack of confidence in the complaint process and difficulty finding out how to complain can also contribute to underreporting.

Interviews with Police Chiefs

During in-person interviews with each police chief, acting chief and the County Sheriff, the Grand Jury members inquired about each law enforcement agency's complaint procedures and about how that information was shared with the public.

The Chiefs were asked the following:

- Are policies, procedures and complaint forms in multilingual versions available on their agency's website? Is the complaint information available in the police department's lobby (or elsewhere accessible to the public) without the individual having to request it?
- Does a Citizen Complaint have to be made in person?
- Does a complainant have to identify himself, place of residence or citizenship?
- Can the complaint be made anonymously? By minors? By third persons? By non-citizens?
- What are complainants advised regarding making false claims?
- When and how do you inform the complainant of the resolution of the complaint?
- Do you keep records of complaints and their resolution? If so, where? How long are they retained?
- Are records of Citizen Complaints available to the public?

The Grand Jury found that there was considerable inconsistency between the chiefs' and Sheriff's understanding of how their own agency deals with the public and what the Grand Jury members actually experienced upon visiting each agency. During interviews, it became evident that chiefs and the Sheriff were often unaware of how Citizen Complaint inquiries were dealt with by the officers and staff in their respective law enforcement agencies. Significant discrepancies between policy and actual practice were commonly found during the Grand Jury's research.

Policies and Procedures

The Grand Jury reviewed each law enforcement agency's policies and procedures manual and found that all ten have information pertaining to Citizen Complaints. With the exception of the Sheriff, all Marin County law enforcement agencies utilize some version of the Lexipol-prepared Policies and Procedures, which provides customized state-specific policy content and integrated training.

Filing a Complaint

All Marin County law enforcement agencies comply with California Penal Code §832.5 in that they have a written Citizen Complaint policy. There is, however, inconsistency in the way in which the procedures are presented to the public. While a law enforcement agency may acknowledge its legal responsibility to have a prompt and unbiased procedure for filing and investigating Citizen Complaints, there is not always a clear explanation of how those procedures actually work. Requiring the potential complainant to journey through a maze of law enforcement officials and management staff may be a deterrent to an individual pursuing a legitimate complaint.

Some examples of inconsistent and confusing policy and procedure instructions are:

The **Mill Valley** Police Department describes its investigation this way:

“The Department member taking your complaint or inquiry will put you in contact with the on-duty Watch Supervisor as soon as possible. If, after talking with the Watch Supervisor, you still feel you have a valid complaint and some action should be taken by the Department, the Watch Supervisor will notify the Division Commander who will then direct an investigation into your complaint and advise findings to the Chief of Police.” The Mill Valley Police Department’s policy also indicates: “If you feel your inquiry is not handled satisfactorily by the Watch Commander, you are encouraged to talk to the Division Commander.”

The **Sausalito** Police Department explains that “Generally, your complaint will be investigated by a command level officer, assigned by the Police Chief” or “assigned to a special investigator”.

The **Tiburon** Police department indicates that the Officer’s supervisor or a special investigator will investigate the complaint.

The **San Rafael** Police Department states that a “Citizen Complaint will be reviewed by the Chief of Police. It will then be assigned to an investigator.”

The **Marin County Sheriff’s** Department states that “Minor complaints may be referred to the officer’s supervisor, however, major complaints will be referred to the on-duty watch commander or bureau commander.”

The **Central Marin** Police Department states its policy as follows:

“Officer complaints require that you sign a statement acknowledging that it is a crime to make a false complaint against an officer. If the inquiry appears to be based on a misunderstanding or a lack of knowledge of acceptable or desired conduct, procedure or practices, the department member taking your complaint may offer an explanation, or he/she will put you in immediate contact with the On-duty Watch Commander. After an explanation is offered, and you believe the Police Authority should still take some action, you will be referred to the supervisor of that unit or employee. If the supervisor is off duty, you will be referred to the On-Duty Watch Commander, who will assist you with your complaint. The supervisor will forward your complaint to his/her Division Commander who will review the complaint and forward it to the Chief of Police for his review and direction to ensure a thorough and objective investigation is done.”

These complaint procedures appear to the Grand Jury to create a number of serious hurdles for a citizen to overcome. In some cases, repeated law enforcement interactions and recounting of the same complaint seem to be required before an investigation is undertaken. Climbing a ladder of authority, such as described above before an investigation is initiated, can be a discouraging process making it less likely that a resident will pursue the filing of a complaint. When information is relayed from one level of authority to another, the effect could be the same as the “telephone game” in which the final account of the complaint could be diluted or altered with each successive description. This process is more complicated when foreign language difficulties, concerns regarding citizenship status and apprehensiveness in dealing with law enforcement are present.

Communication Between the Public and Law Enforcement

Communication between law enforcement and the public regarding Citizen Complaint procedures is an essential step in the effectiveness of any Citizen Complaint program. The unfortunate reality is that many individuals in the community are apprehensive about interacting with law enforcement. News reports, electronic media, casual discussions and past experiences may create founded or unfounded suspicion of the police or Sheriff. This may be the case when the member of the public is an undocumented immigrant or does not use English as his or her primary language. Fear of miscommunication, being misunderstood, or being reported to the Immigration and Naturalization Service (INS) can inhibit a person from complaining about the conduct of law enforcement even if their rights have been compromised. While most citizens understand and believe that law enforcement is dedicated to protecting and serving the community, there is, in some instances, an inescapable public uneasiness with law enforcement and this is as real as life.

The Grand Jury concludes that a written description of the complaint procedure should, at minimum, contain the following elements:

- Where the complaint form can be found
- How the complaint will be investigated
- How the final determination of the complaint will be disseminated
- What appeal process, if any, exists if the complainant is not satisfied with the determination

During their interviews, every Chief and the Sheriff stressed that law enforcement wants to keep lines of communication open with the public and the Grand Jury supports that objective. Therefore, a citizen’s request for information about Citizen Complaints should be responded to by providing the necessary forms and descriptions of the procedures in a clear, informed and respectful way without any defensiveness or attempt to deflect, intimidate or otherwise discourage the potential filing of a Citizen Complaint.

California Penal Code §148.6 and the Complaint Form

California Penal Code §148.6 previously stated that potential complainants acknowledge that they could be criminally prosecuted for bringing a false complaint against a peace officer. CPC §148.6,

however, was determined to be unconstitutional when the United States Supreme Court declined to overturn a United States Court of Appeal (9th Circuit) ruling to that effect. Unfortunately, the Grand Jury found that such warnings remain in some complaint forms and policy information concerning Citizen Complaints used by Marin County law enforcement agencies.

The requirement that a person who brings a Citizen Complaint against a peace officer must acknowledge and sign the information advisory is no longer valid. There should be no language in the complaint form or anywhere else that implies potential penalties for making false claims. Advisories that threaten prosecution or other penalties can be a deterrent to filing a Citizen Complaint. During the legislative session in which discussions for and against the passage of AB 1732 (Section 148.6) were held, the argument in opposition to its passage made this clear:

"...this legislation will have a chilling impact on the filing of police misconduct complaints by members of the public. Many persons are now afraid to speak up and are intimidated from filing legitimate complaints of police abuse, by among other things, threats by the officer to sue the victim for libel. If this bill becomes law, the first thing that will happen to victims of police abuse when they go to a police station to file a citizen complaint is an admonishment that they can be jailed if their allegations are not true. We should encourage the filing of police abuse reports, not impose additional roadblocks to chill the process."⁷

As of this writing, the Citizen Complaint form provided by the **Central Marin** Police Authority still includes the language of Section 148.6 and carries its warning even further by asking the citizen to read, understand and sign off on California Civil Code §47.5. This language alerts the citizen that filing a Citizen Complaint may have civil as well as criminal consequences. To access the Citizen Complaint procedure from the **Sausalito** Police Department website, one is first directed to a screen containing the entire boldface information advisory from Section 148.6, including the threat of prosecution. The Citizen Complaint form itself contains an admonishment, albeit without the sentence threatening prosecution.

The **Mill Valley** Police Department's Citizen Complaint form, for instance, requires that the complainant sign a verification of the complaint's contents. Sworn statements are not required to initiate the Citizen Complaint process. Requiring an oath may discourage honest people who may be reticent regarding how their complaint will be handled by the system as it potentially raises a fear that the citizen could be prosecuted for bringing the complaint, particularly in cases in which a complaint is not sustained.

The Grand Jury concludes that requiring a complainant to sign their name in acknowledgement that they "read and understand" any Penal Code language in connection with their Citizen Complaint may, in itself, create fear about entering into the entire complaint process.

⁷ Assem, Com. on Public Safety, analysis of Assem. Bill No. 1732 (1995-1996 Reg. Sess.)

Anonymity

Anonymity is not the same as being unwilling to participate in the investigation. One can be interviewed and participate in the investigation without revealing his or her name, address or other identifying information. Requiring a complainant to produce or state his or her identification and sign their name to a complaint form in order to file a Citizen Complaint can be intimidating. This requirement could raise the fear that the complainant's identity and residence may be targeted for retaliation because a complaint is brought against a specific peace officer. A complainant may believe that their name and address could subject them to other kinds of law enforcement contact, such as nuisance traffic stops, other ticketing activities or even reluctance on the part of peace officers to respond to a complainant's calls for assistance. An even greater fear for an undocumented complainant might be a concern about their immigration status, which might outweigh their willingness to file a complaint. Those for whom English is not their first language may also be reluctant to file a complaint since their difficulty in communicating the facts may exacerbate their fear and reluctance to report.

In one instance, upon visiting a police station, a Grand Jury member found that Citizen Complaint information was not provided to him because he was not a resident of that law enforcement agency's jurisdiction. Asking a person where they live can be intimidating, may imply that residency is required in order to file a complaint and might be perceived as a loss of anonymity. Another law enforcement agency required that the person asking about the Citizen Complaint process sign into the police log or meet personally with an officer.

To counter these roadblocks to filing a Citizen Complaint, the Grand Jury believes that a citizen should be able to file a Citizen Complaint anonymously, thus helping to reduce any possible reticence in following through. Some Marin County law enforcement agencies acknowledge that they welcome anonymous complaints. They state, however, that such complaints would be very difficult to investigate and make law enforcement's response to the complainant impossible. Personal identification, verifications and signatures thwart anonymity.

The Grand Jury concludes that there is no justifiable reason to require the signature, name and address of the complainant on the Citizen Complaint form. These forms should clearly indicate that the name, address, telephone number and signature of the complainant are "OPTIONAL". Citizens who may be reluctant to complain of a violation of their rights should be able to avail themselves of the Citizen Complaint procedure to focus attention on alleged improper law enforcement conduct. This objective also holds true for third parties who observe police misconduct yet do not want to become embroiled in a process to address another person's rights.

Law enforcement's interaction with minors is somewhat more problematic. While many law enforcement agencies in Marin County indicate that they will accept and investigate complaints from minors, some require that the minor's parent or guardian sign the complaint form or appear in person with the minor to file the complaint.

The Investigation, Disposition and Appeal Process

The Grand Jury reviewed the policy and procedure manuals for every Marin County law enforcement agency regarding the Citizen Complaint investigation, disposition and appeal process.

Investigation

Most law enforcement agencies state in their policy and procedures that the complaint will be assigned to an investigator, but no description is provided as to how an investigation will be conducted. Will the investigator speak to the complainant? Will the investigator interview any witnesses or discuss the matter with the officer involved? If it comes down to a “he said, she said” scenario, will the complainant ever be believed over the officer?

Further review of the policy and procedure manuals indicates that the investigation into a Citizen Complaint should be completed within one year. If that is not possible, the assigned investigator or supervisor must ensure that the delay is warranted and communicate that to the complainant. Finally, the complainant should be provided with written notification of the disposition within 30 days after a determination has been made.

An explanation to the public of what an investigator will investigate, the time frame involved and other potentially complicating issues should be provided to the complainant.

Disposition

There are four potential classifications:

- **Unfounded:** the investigation finds that the alleged act did not occur or involve law enforcement agency officers and/or staff
- **Exonerated:** the investigation finds that the alleged act did occur, but was justified, lawful and/or proper
- **Not sustained:** the investigation finds there is insufficient evidence to sustain the complaint or fully exonerate the member
- **Sustained:** the investigation discloses sufficient evidence that the act occurred and that it constituted misconduct

Once again, the Grand jury found information for the public regarding the disposition of a Citizen Complaint to be lacking in both content and consistency among the various law enforcement agencies.

Appeals

The Grand Jury also concluded that Citizen Complaint procedures should provide some mechanism for the citizen to appeal the results of an investigation. As noted above, a citizen must be notified in writing within 30 days of the disposition of his/her complaint. An appeal process as part of a law enforcement agency’s Citizen Complaint procedure could be helpful in short-

circuiting the need for further legal action. Consequently, the Grand Jury concludes that Citizen Complaint procedures should include some mechanism for the citizen to appeal the result of the investigation if the citizen disagrees with the disposition. Ideally, the appeal should include a review by a body outside of the law enforcement agency. For example, the Novato Police Department allows a complainant to appeal the results to the City Manager. The City Manager, after reviewing the complaint, may forward the complaint to the Police Advisory and Review Board for further review or investigation.⁸

Training, Compliance and Awareness

As noted above, all Marin County law enforcement agencies comply with the requirements of California Penal Code Section 832.5, yet there is inconsistency in how policies and procedures are presented to the public. As a result of the Grand Jury's site visits, website reviews, interviews with police chiefs and Sheriff and reviews of the policy and procedure manuals, it became clear to the Grand Jury that an important component missing in the Citizen Complaint process was consistent training of all law enforcement officers and other personnel. The lack of uniformity in training may explain the inconsistencies. This difference in knowledge of the process may account for some inconsistencies in communicating the policies and procedures to the public.

The Grand Jury believes that law enforcement personnel, staff and volunteers should receive regular training on the Citizen Complaint process. Personnel should know how to quickly locate and access written complaint procedure instructions and be able to provide a citizen with whatever forms are needed at the time of inquiry. In addition, all personnel should be welcoming and open to accepting complaints. Law enforcement agency employees should also be familiar with where such materials are located on the law enforcement agency website. Clear and accessible communication with the public, whether in person, by phone or via website regarding anonymity, investigative procedures, disposition and the appeal process should all be part of law enforcement personnel training programs.

Transparency and Reporting

Complete transparency regarding the number of complaints and their disposition is also essential to maintaining a climate of trust between law enforcement and the public. Even though the number of complaints received by many Marin County law enforcement agencies tends to be few, they should regularly report to their governing bodies the number of complaints received, the general nature and their disposition. At a minimum, this reporting should be on an annual basis and should also be available online.

⁸ Novato City Resolution 43-00

CONCLUSION

In a report entitled *Building Trust Between the Police and the Citizens They Serve*,⁹ The United States Department of Justice, Office of Community Oriented Policing Services wrote:

“It is imperative to not only have procedures in place for fairly and impartially accepting, processing, and investigating complaints concerning allegations of employee misconduct but also to inform all police employees and the public of that process. ... ‘An accessible, fair, and transparent complaint process is the hallmark of police responsiveness to the community’ ... It is incumbent on the police department to make its citizens aware that a complaint process exists, how to file a complaint, and how the agency processes and investigates complaints.”

The Grand Jury believes that the majority of Marin County law enforcement members operate within the rules of their profession, and recognize and respect the rights of citizens. However, the need for a well-defined procedure for addressing those instances when that is not the case has been affirmed by the results of the Grand Jury’s investigation into the Citizen Complaint process. Clear communication between Marin County law enforcement agencies and the citizenry regarding the Citizen Complaint process is essential for it to be successful, beneficial to law enforcement and not intimidating to the public.

FINDINGS

- F1. Marin County law enforcement agencies have procedures for Citizen Complaints that could act as deterrents to participation in the complaint process.
- F2. Some Marin County law enforcement agencies employ procedures and admonitions that have been held to be unconstitutional.
- F3. Some Marin County law enforcement agencies’ complaint procedures require face-to-face contact with law enforcement officers, which may deter citizens from using the Citizen Complaint process.
- F4. Not all Marin County law enforcement agencies provide written policies, procedures and Citizen Complaint forms in English and Spanish.
- F5. Not all Marin County law enforcement agencies accept and investigate anonymous Citizen Complaints.
- F6. Information about and access to the Citizen Complaint procedure is difficult to find on Marin County law enforcement agency websites.
- F7. Marin County law enforcement agencies do not publish the number, the nature or the disposition of Citizen Complaints.

⁹ U.S, Department of Justice Office of Community Oriented Policing Services, Standards and Guidelines for Internal Affairs (2009)

RECOMMENDATIONS

- R1. Every Marin County law enforcement agency should have a clear and full description of the law enforcement agency's policy and procedures for handling Citizen Complaints on its website that is accessible by a direct link from the law enforcement agency's home page to a clearly identified "Citizen Complaints" folder.
- R2. All Marin County law enforcement agencies should accept the filing of Citizen Complaints online.
- R3. A clear and full description of the law enforcement agency's policy and procedures along with forms for filing Citizen Complaints should be available to the public in the lobby of each law enforcement agency.
- R4. Written policies and procedures, as well as Citizen Complaint forms, should be available to the public in English, Spanish and other languages appropriate to the community.
- R5. Marin County law enforcement agency personnel should be trained in the agency's Citizen Complaint policy and procedures in order to fully describe them to members of the public.
- R6. All public-facing law enforcement personnel should present an open and welcoming attitude to any inquiry about the Citizen Complaint process.
- R7. No policy, procedure or form for handling Citizen Complaints should have any language based in whole or in part on California Penal Code Section 148.6 and/or California Civil Code of Civil Procedure Section 47.5, nor should a complainant be required to acknowledge that they have read and understood such language.
- R8. A person who initiates a Citizen Complaint should not be required to verify or certify the contents of the complaint form.
- R9. The identification of the complainant on the Citizen Complaint form should be optional.
- R10. The signature of the complainant should not be required on the form.
- R11. Anonymous Citizen Complaints, and complaints initiated by minors, should be accepted and investigated in accordance with the agency's procedures.
- R12. Members of the public who desire information regarding a law enforcement agency's policy, procedures and Citizen Complaint forms should not be required to discuss their involvement, identity or situation before the materials are provided.
- R13. All Marin County law enforcement agencies should incorporate within their policies and procedures an appeal process that allows the complainant to appeal the disposition to an entity outside of the law enforcement agency.
- R14. Marin County law enforcement agencies should publish on their websites and annually update the number, nature and disposition of Citizen Complaints.

REQUEST FOR RESPONSES

Pursuant to California Penal Code §933.05, the Grand Jury requests responses as follows:

From the following governing bodies:

- The Cities and Towns of **Belvedere, Corte Madera, Fairfax, Larkspur, Mill Valley, Novato, Ross, San Anselmo, San Rafael, Sausalito** and **Tiburon**: F1 – F7 and R1 – R14

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

From the following individual:

- The **Marin County Sheriff**: F1 – F7 and R1 – R14

The Grand Jury invites the following individuals to respond:

- The Police Chiefs of **Belvedere, Fairfax, Mill Valley, Novato, Ross, San Rafael, Sausalito, Tiburon** and **Central Marin** Police Authority: F1 – F7 and R1 – R14

At the time of publication of this report all website information was accurate as published.

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.


TOWN MANAGER

**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: August 30, 2016
MEETING DATE: September 6, 2016

TO: TOWN MANAGER, MAYOR AND MEMBERS OF THE COUNCIL

FROM: DAVID BRACKEN, TOWN MANAGER
INTERIM CHIEF MICHAEL NORTON, CENTRAL MARIN POLICE
AUTHORITY

SUBJECT: RESPONSE TO THE MARIN COUNTY CIVIL GRAND JURY'S REPORT,
*MARIN'S HIDDEN HUMAN SEX TRAFFICKING CHALLENGE: IT'S
HAPPENING IN OUR BACKYARD*

* * * * *

RECOMMENDATION:

Authorize Mayor Bailey to sign 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.

FISCAL IMPACT:

None

BACKGROUND:

On June 16, 2016, the 2015-16 Marin County Civil Grand Jury issued a report titled *Marin's Hidden Human Sex Trafficking Challenge: It's Happening In Our Backyard*. In the report, the Grand Jury notes that human sex trafficking is occurring in Marin County, and is often unrecognized, under-reported and rarely subject to intervention. Specifically referenced are three cases of human sex trafficking with ties to Marin County that occurred between 2014 and 2016. The report calls for increased and more consistent training regarding human sex trafficking for law enforcement, fire,

emergency medical service, teachers, students, parents and civic groups, as well as a database to track victims of human sex trafficking which would use consistent classifications and shared definitions. Finally, it recommends collaboration between public safety, education, and civic groups in order to combat human sex trafficking.

The Grand Jury has requested that the Town respond to thirteen findings and seven recommendations provided in the report. The Town is required to provide a response to the report's findings and recommendations within 90 days of the issue date. The Town's response is due by September 16, 2016. Pursuant to the Ralph M. Brown Act, governing bodies are required to present their comments and responses during a publicly noticed and agendaized open meeting prior to submitting a response to the Grand Jury. Responses are maintained by the Grand Jury, and the Town, as public record.

Town staff worked with the Central Marin Police Authority (CMPA) staff in order to respond to this report. CMPA brought its response before the Police Council at its September 1, 2016 regular meeting. The Town's draft response is included as Attachment 1 to this report.

ATTACHMENTS:

1. Draft Letter in Response to the Marin County Civil Grand Jury Report.
2. Response Form
3. Grand Jury Report Dated June 23, 2016, *Marin's Hidden Human Sex Trafficking Challenge: It's Happening In Our Backyard*

ATTACHMENT 1

**DRAFT LETTER IN RESPONSE TO
THE MARIN COUNTY CIVIL GRAND JURY REPORT**

September 6, 2016

John Mann, Foreperson
Marin County Civil Grand Jury
3501 Civic Center Drive, Room 275
San Rafael, CA 94903

The Honorable Judge Kelly V. Simmons
Marin County Superior Court
P.O. Box 4988
San Rafael, CA 94913-4988

Dear Foreperson Mann:

Thank you for your recent report, *Marin's Hidden Human Sex Trafficking Challenge: It's Happening In Our Backyard*, dated June 16, 2016. Pursuant to Penal Code 933.05, I am writing on behalf of the Town of Corte Madera, to respectfully respond to the report.

The report requests that the Town respond to Findings F1-F13 and Recommendations R1-R7. The Town's response to the report's findings and recommendations was approved by the Town Council at the September 6, 2016 Town Council meeting, and is included below.

The Central Marin Police Authority provides police services for the Town. Please note that some recommendations asked that the Town of Corte Madera call for action by agencies other than the Town of Corte Madera, including the Central Marin Police Authority and the Marin County Office of Education. The Town of Corte Madera has noted where recommendations would require implementation on the part of these entities.

Please accept our appreciation for the service you provide to the residents of Marin County, and for addressing this important issue. Should you have any questions regarding this response, please contact the Town Clerk, Rebecca Vaughn, at 415-927-5085 or rvaughn@tcmmail.org.

Sincerely,

Sloan C. Bailey
Mayor

**TOWN OF CORTE MADERA RESPONSE TO THE MARIN COUNTY CIVIL
GRAND JURY REPORT, *Marin's Hidden Human Sex Trafficking Challenge: It's Happening
In Our Backyard***

FINDINGS:

Statement regarding findings, the Town of Corte Madera, through the Central Marin Police Authority (CMPA) provides the following information:

- F1. "Human Sex Trafficking is mostly unrecognized, under-reported, and rarely subject to intervention in Marin."**

Response: The respondent disagrees partially with the finding. This finding is ambiguous and not based on solid data. Human sex trafficking is recognized by the Central Marin Police Authority and handled appropriately. Whether it is under reported or not is open to interpretation and needs to be substantiated with facts. All known instances of human sex trafficking in the Central Marin Police Authority are subject to intervention and are handled accordingly.

- F2. "A significant number of human sex trafficking victims are from Marin, not just transients imported from other areas."**

Response: The respondent disagrees partially with the finding. This finding is ambiguous and the term "significant number" is vague. We do believe that "some" victims are from Marin, whether they are a significant number is open to interpretation.

- F3. "Reports from two Marin County victim advocate organizations show that approximately 30% of the victims they aid are under the age of 18."**

Response: The respondent agrees with the finding, even though the respondent has no direct knowledge of the reports mentioned or their accuracy.

- F4. "Some Marin County law enforcement officers still believe some human trafficking victims are criminals."**

Response: The respondent disagrees partially with the finding. The Central Marin Police Authority cannot speak on behalf of the other Marin County law enforcement organizations, but can state that its employees understand that human trafficking victims are not criminals.

- F5. "State law mandates that officers receive two hours of training on human trafficking and some Marin agencies may not be complying with this law."**

Response: The respondent disagrees partially with the finding. The Central Marin Police

Authority cannot speak on behalf of the other Marin County law enforcement organizations, but can state that its officers are in compliance with the training required under California State Proposition 35.

- F6. “Training of Marin County law enforcement on the *Marin County Uniform Law Enforcement Protocol for Human Trafficking* has been inconsistent across agencies.”**

Response: The respondent disagrees partially with the finding. The Central Marin Police Authority cannot speak on behalf of the other Marin County law enforcement organizations, but can state that the *Marin County Uniform Law Enforcement Protocol for Human Trafficking* is included in the Central Marin Police Authority policies and procedures and is reviewed by its employees.

- F7. “Law enforcement officers and others who are closest to human trafficking believe the California mandated two-hour POST training video on human trafficking is not sufficient.”**

Response: The respondent disagrees partially with the finding. While the Central Marin Police Authority recognizes that law enforcement officers could always use more training in all of the areas they handle, the POST training video is sufficient to train its officers in the handling of this matter.

- F8. “Marin law enforcement agencies rarely use multidisciplinary training, incorporating collaboration between Children Family Services (CFS), the District Attorney, law enforcement experts, and possibly victims.”**

Response: The respondent agrees with the finding.

- F9. “Training for firefighters and EMS professionals in recognizing human trafficking victims and reporting the crime is inconsistent in Marin.”**

Response: The respondent agrees with the finding, even though the respondent has no direct knowledge regarding training for firefighters and EMS professionals.

- F10. “It is difficult to determine the extent of human trafficking in Marin because of inconsistent classification and definitions of the crime, as well as the lack of a central clearinghouse for this data.”**

Response: The respondent agrees with the finding.

- F11. “The Marin County school districts do not provide education on a systematic basis for students, parents, and teachers in recognizing signs of human trafficking.”**

Response: The respondent agrees with the finding, even though the respondent has no direct knowledge regarding education provided by the Marin County school districts.

F12. “Human trafficking outreach has been fragmented and is currently insufficient in reaching critical audiences.”

Response: The respondent agrees with the finding.

F13. “The Marin County Coalition to End Human Trafficking Coalition (sic) needs dedicated resources to make it more effective.”

Response: The respondent disagrees partially with the finding. While the Central Marin Police Authority recognizes that more dedicated resources and funding could make the Marin County Coalition more effective, the Authority does not agree that it “needs” more dedicated resources to become more effective.

RECOMMENDATIONS

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

R1. “All law enforcement officers should be consistently trained in the *Marin County Uniform Law Enforcement Protocol for Human Trafficking*.”

Response: The recommendation has been implemented by the Central Marin Police Authority.

R2. “All Marin law enforcement agency heads should ensure their officers receive the California mandated two hour human trafficking training.”

Response: The recommendation has been implemented by the Central Marin Police Authority.

R3. “The Board of Supervisors should convene a local group of human trafficking experts (including CFS, law enforcement subject experts, FBI, victim advocates, DA’s, and perhaps a victim) to create a multidisciplinary training presentation. This training should include the unique roles of all County personnel, resources, and processes in addressing human trafficking. Additional resources will be needed to support this training as none are devoted to this task now. This training should include information on the trafficking of females and males, as well as LGBTQ.”

Response: The recommendation requires further analysis by the Board of Supervisors. The Central Marin Police Authority has communicated to the Town that it would be willing to participate in trainings put on by “human trafficking experts” should such training be created.

R4. “Once this multi-disciplinary training package is completed, Marin County law enforcement agencies should ensure that all Marin law enforcement officers be trained.”

Response: The recommendation has not been implemented by the Central Marin Police Authority. The Central Marin Police Authority has communicated to the Town that this recommendation will be implemented in the future if a multi-disciplinary training package is created.

- R5. “Marin County fire departments should ensure that all EMS personnel are trained in recognizing human trafficking and how to report it, and incorporate this in their annual training.”**

Response: This recommendation requires further analysis. The Corte Madera Fire Department will review existing EMS trainings and identify if there are opportunities to incorporate recognizing and reporting human sex trafficking in these trainings by December, 2016. The Corte Madera Fire Department did send staff materials on how to identify and report human sex trafficking in March 2016.

- R6. “The Board of Supervisors should fund the creation of a database that systemically tracks adult and minor victims, using consistent classification and shared definitions to properly identify the victim and the crime, as well as document its prevalence. Data should be gathered from any organization dealing with trafficking victims, including law enforcement agencies, government agencies (e.g. Marin County Health and Human Services), civic organizations, and victim advocate organizations.**

Response: This recommendation requires further analysis by the Board of Supervisors. The Central Marin Police Authority has communicated to the Town that it would be willing to provide data for the database should it be created.

- R7. “Marin County Office of Education should work with the Marin County School/Law Enforcement Partnership to develop educational programs to ensure that students, parents, and teachers are trained in recognizing the signs of human trafficking and where they can find help.”**

Response: This recommendation requires further analysis by the Marin County Office of Education. It will not be implemented by the Town of Corte Madera because the Town does not have the ability or the authority to implement a recommendation that requires the analysis and participation of two government agencies to which it does not belong.

ATTACHMENT 2
RESPONSE FORM

RESPONSE TO GRAND JURY REPORT

Report Title: Marin's Human Sex Trafficking Challenge

Report Date: June 16, 2016

Agenda Date: September 6, 2016

Response by: Sloan C. Bailey Title: Mayor

FINDINGS

- I (we) agree with the findings numbered: F3, F8, F9, F10, F11, F12
- I (we) disagree *partially* with the findings numbered: F1, F2, F4, F5, F6, F7, F13
- I (we) disagree *wholly* with the findings numbered: N/A

(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered R1, R2 have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered N/A have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered R3, R5, R6 require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered R4, R7 will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: 9/06/16 Signed: _____

Number of pages attached 4

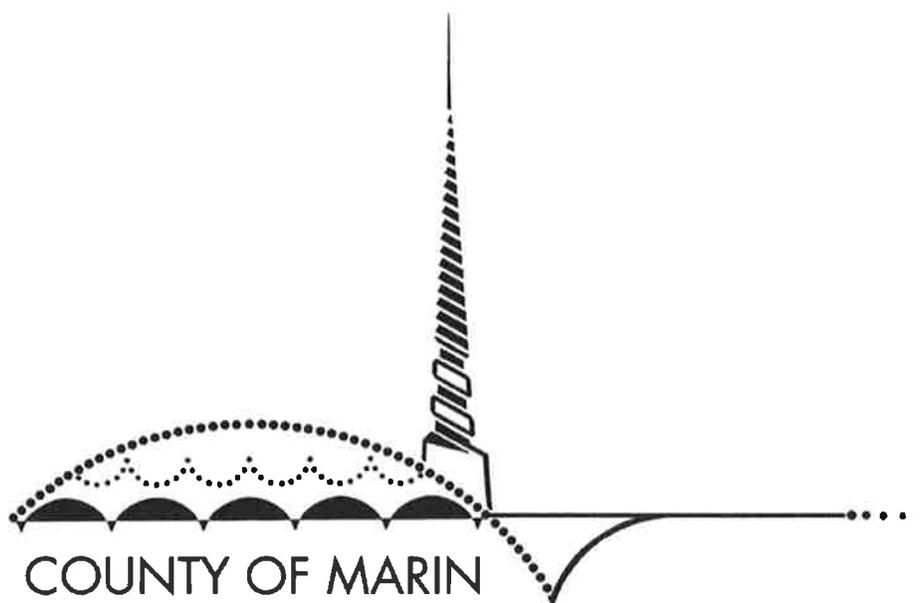
ATTACHMENT 3

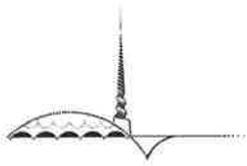
**GRAND JURY REPORT DATED JUNE 16, 2016,
*MARIN'S HIDDEN HUMAN SEX TRAFFICKING CHALLENGE:
IT'S HAPPENING IN OUR BACKYARD***

2015/2016 MARIN COUNTY CIVIL GRAND JURY

Marin's Hidden Human Sex Trafficking Challenge *It's Happening In Our Backyard*

Report Date: June 16, 2016
Public Release Date: June 23, 2016





Marin's Hidden Human Sex Trafficking Challenge

It's Happening In Our Backyard

SUMMARY

“Reading text messages from their 16-year-old daughter as she begged for help, the parents of the young girl could only imagine the nightmare she was living. She was being used as a sex slave and threatened with violence. This wasn't some Third-World nation. It was happening in Marin.”¹

“Armed with a photo of the victim and copies of the text messages provided by the FBI, San Rafael police scoured the Canal Neighborhood, the victim's last known location. Officers eventually found the victim and a female suspect at the San Rafael Transit Center. Police officers arrested Samantha Johns, a 19-year old Vallejo resident, for human trafficking. A second suspect, the male, was not in the area.”²

Federal law defines human sex trafficking as “trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age”.³ It occurs both internationally and domestically. The Grand Jury's investigation into human sex trafficking examined its prevalence in Marin, how effectively law enforcement pursues it, what resources are devoted to it, how victims are helped, and the level of outreach. Based on our investigation, the Grand Jury concluded:

- *Human sex trafficking is thought to be prevalent in Marin, but mostly unrecognized, under-reported, and rarely subject to intervention. Statistics are hard to come by because of the hidden nature of the crime, the lack of resources to pursue cases, the highly labor intensive investigations required, and the absence of a county-wide database to track it. **The Board of Supervisors should fund the creation of a database that systematically tracks victims using consistent classifications and shared definitions, to properly identify the victim and the crime, as well as document its prevalence. Data should be collected from government agencies, law enforcement agencies, and civic organizations that deal with sex trafficking victims.***
- *Some law enforcement officers have not been effectively trained in the Marin County Uniform Law Enforcement Protocol for Human Trafficking. **Law enforcement agencies should ensure that all officers are consistently trained in these protocols.***
- *State law mandates two hours of training on human trafficking and some Marin law enforcement agencies may not be complying with this law, as not all agency heads could*

¹Derek Wilson, “Authorities Hit Brakes on Human Trafficking”, January 14, 2015, Marinscope Newspapers, http://www.marinscope.com/news_pointer/news/authorities-hit-brakes-on-human-trafficking/article_fa439662-9c32-11e4-a6da-2f35f8589b41.html

² Ibid

³ Kamala Harris, Attorney General, “The State of Human Trafficking in California”, 2012

confirm that their officers received this training. **All Marin law enforcement agency heads should make sure their officers receive this state mandated training.**

- *An effective consistent training package for law enforcement that incorporates the roles of all County resources/processes in addressing human trafficking does not exist. **The Board of Supervisors should provide resources for and convene a local multidisciplinary team to create supplemental training on human trafficking to all law enforcement agencies. This training might also include that mandated by the state, as well as the Marin County Uniform Law Enforcement Protocol for Human Trafficking to provide a seamless experience.***
- *Human trafficking training for medical and fire department EMS professionals is inconsistent - some have been trained, some have not, and some who have been trained have not been trained recently. Healthcare providers and EMS professionals are in a unique position to recognize the signs of human trafficking since 88% of domestic victims have contact with these workers while being trafficked.⁴ **Marin County fire departments should ensure that all EMS personnel are trained in recognizing human trafficking and where victims can find help.***
- *Human trafficking training of students, teachers, and parents by Marin school districts is inconsistent, although the Marin County Office of Education has hosted several educational efforts for some educators and the public. This training is particularly important as the average age of solicitation is 12-14 years of age.⁵ According to Marin County District Attorney Nicole Panteleo, half of the victims with whom she works are from Marin County.⁶ Students must recognize the signs of a peer being recruited, parents must understand how to monitor their child's activities, and teachers need to report suspicious activities. **The Marin County School/Law Enforcement Partnership should develop and implement programs to educate students, parents, and teachers to recognize the signs of human trafficking and where to find help.***
- *Public outreach campaigns are insufficient and do not reach all critical audiences. A number of well-regarded groups are conducting outreach, but budgets are small, resources scarce and communications fragmented. **The Board of Supervisors should provide the Marin County Coalition to End Human Trafficking with the resources needed to support the organization and expand its community outreach.***

⁴ Dan Gorenstein, "Healthcare Takes on the Fight Against Trafficking", March 2, 2016, <http://www.marketplace.org>

⁵ Heather Clausen, et al, "Human Trafficking Into and within the United States", 2009

⁶ Danielle Chemtob, "Marin's Hidden Trafficking Industry", October 20, 2015, <http://www.redwoodbark.org>

BACKGROUND

Marin's informal Human Trafficking Task Force received a tip that a juvenile was offering sex through a website for escorts in December 2014. Investigators arranged a sting to meet the minor at a motel and determined that she was an 18 year-old runaway who was being trafficked by Shawn Buckley of Novato and his fiancé, Jazmin Moniq Khayami of San Anselmo. The couple took the victim's money and gave her only what was necessary to keep her working for sex clients, such as food and clothing.⁷ Both have accepted a plea deal, with Shawn Buckley receiving a prison sentence of nine years, four months in March 2016.⁸

This 18-year-old girl was one of the lucky ones. Many other victims don't escape and are trafficked until they are no longer of value to their traffickers. Identifying these victims, assisting them in leaving their traffickers and finding on-going help has proved to be a challenge for communities and governments alike.

Human sex trafficking has become a widespread scourge of our time with around 4.5 million victims worldwide.⁹ Two million are children with 100,000 minors in the commercial sex trade in the US alone.¹⁰ And California has three of the FBI's 13 highest human sex trafficking areas in the nation: Los Angeles, San Francisco, and San Diego.¹¹

Because of our proximity to San Francisco, the Marin County Civil Grand Jury initiated this investigation about human trafficking in Marin to answer the following questions:

- Do we know how pervasive it is?
- Does Marin law enforcement have enough resources and training to effectively pursue traffickers and are they doing so?
- Once victims are identified, are they receiving the social services necessary to survive and turn their lives around?
- Are we taking steps to educate the public and professionals on how to identify and help victims?

Definition of Human Trafficking

Under California Penal Code 236.1 PC, the crime of "human trafficking" in California is defined as:

1. Depriving someone of their personal liberty with the intent to obtain forced labor or services from them,
2. Depriving someone of their personal liberty with the intent to violate California's pimping and pandering laws, California's child pornography laws, California laws against extortion and blackmail, or certain other California laws concerning commercial sexual activity and the sexual exploitation of children, or

⁷ Gary Klein, "Trial Ordered for Couple in Pimping Case", August 25, 2015, Marin IJ

⁸ Gary Klein, "Novato Man Sentenced to Prison for Pimping Runaway", March 18, 2016, Marin IJ

⁹ Kamala Harris, Attorney General, "The State of Human Trafficking in California", 2012

¹⁰ Polaris Project, "Human Trafficking Statistics", 2010

¹¹ California Against Slavery. "What is Human Trafficking?", February 25, 2014

3. Persuading or trying to persuade a minor to engage in a commercial sex act, with the intent to violate one of those same laws.¹²

The International Labor Organization estimates that for every one victim of sex trafficking there are nine victims of labor trafficking worldwide. However, sexual exploitation is by far the most *commonly identified* form of trafficking in persons:

- Identified sex trafficking victims: 79%
- Identified labor trafficking victims: 18%
- Identified other trafficking victims: $\frac{3\%}{100\%}$ ¹³

Thus, this investigation will focus primarily on human sex trafficking.

Any individual under the age of 18 induced into commercial sex is automatically a victim of sex trafficking. For juveniles, the law does not require force, fraud, or coercion. Under CA law, a minor cannot consent to sex with an adult. These children are not prostitutes, but rather, victims of rape.¹⁴

Many people believe human trafficking is the smuggling of victims from other countries, but according to the 2012 California Attorney General report, 72% of California’s victims are American.¹⁵ Human trafficking is about modern day slavery without regard to country of origin. Domestic women and girls – even girls from Marin – are trafficked and coerced into the sex industry.¹⁶

Not all sex workers are trafficking victims in the sense that they have been explicitly coerced into prostitution. However, a huge percentage of prostituted women and girls are subject to constant physical and psychological abuse.

Scope of the Human Sex Trafficking Problem

Human sex trafficking is widespread in America – victims are sold in all 50 states. Yet there is limited public awareness of its scope. According to the US Department of Health and Human Services, human trafficking is the fastest growing criminal enterprise in the world, making it second only to drug trafficking.¹⁷ Yet, it is difficult to estimate the total number of victims in the US due to the hidden nature and control the exploiter has over the victims. Experts indicated in 2010 that there were at least 100,000 child victims of sex trafficking in the US, while upwards of 325,000 remain at risk.¹⁸ Adding in adult victims makes this number even greater.

Prostitution is so profitable that urban gangs are switching from drug trafficking to sex trafficking. Drugs can be sold only once, while a sex trafficking victim can be “used” over and

¹² California Penal Code 236.1 PC: See Appendix for full description

¹³ International Labour Office, “ILO Global Estimate of Forced Labor: Results and Methodologies, 2012

¹⁴ California Penal Code 236.1 PC: See Appendix for full description

¹⁵ Kamala Harris, “The State of Human Trafficking in California”, 2012

¹⁶ Grand Jury interviews with Marin County law enforcement agencies

¹⁷ http://www.socialworkers.org/diversity/affirmative_action/humanTraffic1206.PDF

¹⁸ Kotrla, K., “Domestic Minor Sex Trafficking in The United States”, 2010

over again. Trafficking sex victims can be less risky than selling drugs. When caught with drugs, there is an obvious commitment of a crime. When caught with a victim, the secrecy and psychological abuse of the victim can make conviction of the pimp far less probable. A pimp can make \$150,000-200,000 per child each year and exploits an average of 4-6 girls per year.¹⁹ And according to the 2014 Urban Institute study on the commercial sex economy in eight US cities, pimps in one city studied earned an average of \$32,822 per week.²⁰

Who are the victims?

Sex trafficking victims come from rural, urban, and suburban communities throughout the US. They have diverse socioeconomic backgrounds and varied levels of education. Victims can even come from stable, two-parent upper income homes. She can even be the girl next door. With access to the Internet, where recruitment is rampant, a naive child can easily become seduced by the slick, enticing trafficker's postings. The average age of solicitation is 12-14 years of age and the vast majority (70-90%) were sexually abused prior to being trafficked.²¹

Despite the fact that all children can be targets, among the most vulnerable victims are:

- Victims of abuse and neglect²²
- Homeless youth²³
- Undocumented migrants²⁴
- Children from impoverished and broken homes²⁵
- Runaways²⁶
- Drug users²⁷
- Lack of stability in home²⁸
- Mentally-challenged individuals²⁹

According to one study, 30% of shelter minors and 70% of street minors are victims of commercial sexual exploitation.³⁰

Lesbian, bisexual, gay, transgender, questioning (LBGTQ) children are particularly vulnerable to becoming sex trafficking victims. According to the Family and Youth Services Bureau within the Administration of Children and Families at US Health and Human Services, LBGTQ youth

¹⁹ NPR, "Trafficked Teen Girls Describe Life in the Game", 2010

²⁰ Meredith Dank, et al, "Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major US Cities", March, 2014.

²¹ Heather Clausen, et al, "Human Trafficking Into and within the United States", 2009

²² Kamala Harris, "The State of Human Trafficking in California", 2012

²³ Ibid.

²⁴ Ibid.

²⁵ Heather J. Clawson, Ph.D. and Nicole Dutch, B.A., "Identifying Victims of Human Trafficking", January 20, 2008, part of study for US. Department of Health & Human Services

²⁶ National Human Trafficking Resource Center, <https://traffickingresourcecenter.org/what-human-trafficking/human-trafficking/victims>

²⁷ H.E.A.T. Watch, Alameda District Attorney's Office, http://www.heatwatch.org/human_trafficking

²⁸ Ibid.

²⁹ Ibid.

³⁰ Estes and Weiner, "Commercial Sexual Exploitation of Children in the US, Canada, and Mexico", 2001, University of Pennsylvania.

account for up to 40 percent of the runaway and homeless youth population.³¹ Once living on the street, the vulnerability to sex trafficking increases significantly and the National Center for Missing & Exploited Children reports that most runaways in the US will be approached by sex traffickers within 48 hours.³²

Methods of Recruitment

Carl Orlando Washington was arrested for pimping a San Rafael girl at a San Jose gambling event, reported police on May 29, 2016. The suspect met the girl at a bus stop in Richmond and showed romantic interest in her. According to the Marin IJ, “Then he began cultivating her as a prostitute, buying her provocative clothing, furnishing her with drugs, and taking her to watch other prostitutes at work, said San Rafael police Sgt. Scott Eberle.”³³

Washington then “took her to the San Jose gambling event to sell sex to men there, telling her what services to offer and how much to charge. When she failed to earn enough money, the man had the girl beaten, Eberle said.”³⁴

Romancing potential victims is just one way pimps recruit their quarry.

Traffickers often identify and play on their victims’ vulnerabilities, thus creating a dependent relationship between victim and trafficker. They utilize a number of ways to recruit their victims. Traffickers may:

- Pretend to romance victims, then force or manipulate them into prostitution (“Romeo pimps”).³⁵
- Kidnap and beat them into submission until they agree to have sex with strangers. These “Gorilla pimps” are the most violent and brutal traffickers.³⁶
- Lure victims with false promises of a job, such as modeling or dancing.³⁷
- Befriend victims, introducing them to drugs and/or alcohol, then force them into prostitution.³⁸
- Send another trafficking victim to recruit others.³⁹

Romeo pimps are by far the most common. They offer love and support to gain their victim’s trust. Many victims are trafficked out of foster homes. Imagine how easy this must be when a

³¹ Lonnie James Bean, “LGBTQ Youth at High Risk of Becoming Human Trafficking Victims”, June 26, 2013, <http://www.acf.hhs.gov/blog/2013/06/lgbtq-youth-at-high-risk-of-becoming-human-trafficking-victims>

³² The National Runaway Switchboard

³³ Gary Klien, “Suspect Accused of Pimping Underage Girl”, May 30, 2016, Marin IJ

³⁴ Ibid.

³⁵ Michelle Lillie, “How Street Traffickers Recruit Young Girls, Human Trafficking Search, March 17, 2014, <http://humantraffickingsearch.net/wp/how-street-traffickers-recruit-young-girls>

³⁶ Ibid.

³⁷ Polaris, Sex Trafficking in the U.S.: A Closer Look at U.S. Citizen Victims, May 2015, <http://polarisproject.org/resources/sex-trafficking-us-closer-look-us-citizen-victims>

³⁸ Michelle Lillie, “How Street Traffickers Recruit Young Girls, Human Trafficking Search, March 17, 2014, <http://humantraffickingsearch.net/wp/how-street-traffickers-recruit-young-girls>

³⁹ Ibid.

foster child is unloved by parents, bounced from foster home to foster home and meets a pimp who shows them the first love and respect they have ever received.

How Exploiters Control Their Victims

Pimps break their victims down psychologically and develop control over them through a combination of feigned affection, intense manipulation, withholding addictive substances, cruel violence, and emotional abuse. As a result, victims become *trauma-bonded* to their traffickers. They become robbed of free choice. These victims may fear leaving for a number of reasons, including⁴⁰:

- Emotional attachment to the pimp
- Fear of physical violence to self and/or children from the pimp
- Shame
- Feelings of isolation and low self esteem
- Drug addiction
- Psychological trauma as a result of chronic abuse and manipulation.
- Traffickers often convince victims that they are outside the law and can never seek protection from the police

Victims are treated as property, with some pimps claiming their ownership by branding them with tattoos or symbols of the pimp's name. In fact, one hospital discovered an RFID⁴¹ chip embedded in a victim – like she was somebody's pet.⁴²

Pimps often move their victims from town to town on a circuit. This constant movement through a region helps them control their victims, while keeping “fresh inventory” available to “johns”.⁴³

Role of the Internet in Sex Trafficking

The Internet plays a significant role in both the recruitment of victims and “johns”. Traffickers use online classifieds, social media, and dating websites to contact both. They also may use postings on social media sites, such as Facebook, to monitor their victims' locations and activities.

Pimps advertise the sexual services of victims anonymously and cost effectively on websites such as Backpage.com. In fact, 75% of underage sex trafficking victims said they had been advertised or sold online.⁴⁴ Even “johns” make use of the Internet, employing online forums to review their experiences and provide information about how to avoid law enforcement detection.

⁴⁰ Grand jury interviews with law enforcement and social agencies

⁴¹ RFID (radio frequency identification) is a technology that incorporates the use of electromagnetic or electrostatic coupling in the radio frequency (RF) portion of the electromagnetic spectrum to uniquely identify an object, animal, or person.

⁴² Dan Gorestein, “Healthcare Takes on the Fight Against Trafficking”, <http://www.marketplace.org/2016/03/02/health-care/health-care-takes-fight-against-trafficking>

⁴³ Grand Jury interviews with law enforcement.

⁴⁴ Thorn, Report on the Use of Technology to Recruit, Groom, and Sell domestic Minor Sex Trafficking Victims”, 2015.

Helping the Victim Escape

The nature of human sex trafficking presents significant obstacles to those who seek to protect and assist the victims. As law enforcement receives more training on human sex trafficking and recognizes that they are victims rather than criminals, many agencies have stopped arresting them. Instead, law enforcement seeks to identify them, help them, and refer them to social services, as well as arrest their exploiters.

However, often these victims don't cooperate. They may:

- Be experiencing an emotional attachment to a captor formed as a result of continuous stress, dependence, and a need to cooperate for survival.
- Be afraid and intimidated by the traffickers
- Be unaware of their rights and might not consider themselves victims
- Have language barriers
- Fear deportation
- Distrust outsiders, particularly law enforcement
- Be isolated due to repeated moves from location to location and kept away from others - repeatedly moved to different locations

Thus, the job of helping victims and gaining testimony against the trafficker is very difficult. Police especially need to be aware of the link between human sex trafficking and domestic violence. A call to a domestic violence situation may be represented as a fight between intimates, when, in fact a pimp is beating his victim.

Treating the Victim

Once victims have escaped their exploiters, victims often require comprehensive services, starting with immediate safety, health and shelter needs. Physical medical needs may include treatment for injuries from beatings, STDs, or substance abuse. Victims' mental health needs may include specialized counseling and recovery services. Additional help can include legal services, witness protection, interpreters, education, and life skills training.

Finding shelter for minor victims is more complex than for adults. Since many jurisdictions no longer arrest minors for prostitution, emergency shelter may not be available during police detention and minors are released, having no place to go except to their exploiters. For longer-term victim shelters, foster homes are deemed far more effective than most group homes. In group homes, girls are at risk of being recruited back into prostitution by other girls in the facility. Ideally, foster parents should be certified in dealing with a traumatized child and some experts believe only one child should reside in a foster home if that child is a victim.⁴⁵

Victim advocates and Health and Human Services professionals say foster homes should be culturally competent – African-Americans should be placed with African-Americans, Native Americans with Native Americans, where possible. LGBTQ children need specially tailored services.⁴⁶

Importantly, human sex trafficking victims, both minors and adults, are often severely traumatized and require both immediate and long-term intensive trauma-informed treatment. These services are often in short supply, especially bi-lingual ones.

⁴⁵ Interviews with victim advocates and Marin Health & Human Services.

⁴⁶ Interviews with victim advocates and Marin Health & Human Services.

METHODOLOGY

The Grand Jury interviewed representatives from the following entities:

- Alameda District Attorney's office
- Belvedere Police Department
- Center for Domestic Peace
- Central Marin Police Authority
- Community Violence Solutions
- Fairfax Police Department
- FBI
- Marin County Children & Family Services
- Marin County Coalition to End Human Trafficking
- Marin County District Attorney's office
- Marin County Probation Department
- Marin County Public Defender's office
- Marin County Sheriff's Office
- Mill Valley Police Department
- Novato Police Department
- Oakland Vice Squad Unit
- Ross Police Department
- San Anselmo Police Department
- San Rafael Police Department
- Sausalito Police Department
- Tiburon Police Department
- West Marin Advocacy

The Grand Jury conducted a survey with the following Marin fire departments:

- Bolinas Fire Department
- Corte Madera Fire Department
- CSA #31 (Marin County Fire Department)
- Kentfield Fire Department
- Larkspur Fire Department
- Marinwood Fire Department
- Mill Valley Fire Department
- Novato Fire Department
- Ross Valley Fire Department
- San Rafael Fire Department
- Southern Marin Fire Department
- Tiburon Fire Department

The Grand Jury attended the following presentations on Human Trafficking:

- First 5 Marin Children & Families Commission workshop on "Youth Safety: Human Trafficking in Marin", November 9, 2015
- Marin Child Abuse Prevention Council Presentation by Shared Hope International, January 21, 2016

The Grand Jury conducted online research and reviewed documents listed in the Bibliography.

DISCUSSION

The Prevalence of Human Sex Trafficking in Marin

DeAnna Schlau from Community Violence Solutions, a nonprofit organization that helps victims of trafficking is reported to have stated that “Marin has had an attitude for a long time that it doesn’t really happen here and we’re just getting on board with the fact that it really does happen here.”⁴⁷

Human sex trafficking is hidden, but thriving in Marin because it is.⁴⁸

- Next door to San Francisco, one of the nation’s top hubs for human sex trafficking, making it an easy stop on the “circuit” of victims transported around the Bay area and region.
- Home to many wealthy “johns” able to pay with cash, thus enabling traffickers to charge more.
- Geographically desirable to traffickers since it is near a major highway (101).

Some Marin gangs have incorporated sex trafficking in their criminal repertoire, though, according to Marin law enforcement, not to the same degree as in San Francisco and the East Bay where gang involvement in sex trafficking is rampant.

Traffickers move their victims on a circuit around the Bay Area and the region. Pimps, including those from Oakland, Vallejo, Sacramento, and San Francisco, bring victims to Marin because of demand. According to the Marin IJ, “Around the bay, there’s a quiet group of captives – mostly 12- to 17-year old girls – who are living a revolving-door existence. They’re swapped to a handful of Bay Area brothels every few weeks as the victims of human trafficking, Marin officials say.”⁴⁹

“These girls stay about two weeks in every brothel, and then they’re changed to a different city”, said Rosie Alvarez, deputy probation officer.⁵⁰

Comprehensive statistics on human trafficking in Marin are hard to come by, just as they are nationally. First, the hidden nature of the crime makes it difficult to pursue cases.

Second, the crime itself is under-reported because Marin has no comprehensive database for human trafficking. Common categories and shared definitions do not exist. Potential cases of human trafficking are often investigated and prosecuted under related offenses such as pimping, pandering, and prostitution, rather than trafficking, as specified under the California Penal Code §236.1.⁵¹

⁴⁷ Danielle Chemtob, “Marin’s Hidden Trafficking Industry”, October 20, 2015,

<http://redwoodbark.org/2015/04/isolation-fear-manipulation-marins-hidden-human-trafficking-industry/>

⁴⁸ Grand Jury interviews with law enforcement

⁴⁹ Stephanie Weldy, “San Rafael Forum Highlights Wide Devastation of Human Trafficking, Marin IJ, November 11, 2015.

⁵⁰ Stephanie Weldy, “San Rafael Forum Highlights Wide Devastation of Human Trafficking, Marin IJ, November 11, 2015.

⁵¹ Kamala Harris, “The State of Human Trafficking in California”, 2012

San Francisco has a robust system for collecting human trafficking data.⁵² Not only have they created a common definition for all organizations to use, but they compile data from 19 organizations that deal with human trafficking: law enforcement agencies, other government agencies (e.g. Health & Human Services), and victim advocate and other community-based organizations.

The Board of Supervisors should consider providing resources to the Marin County Coalition to End Human Trafficking to collect and analyze this data. Another option might be using the newly approved health clinic data hub to compile this information once it's launched.⁵³ Pimps, "johns", and locations should be included.

Lastly, Marin County lacks the resources needed to pursue more cases. Investigations into human trafficking cases are labor intensive as they involve highly detailed forensics around social media, the Internet, and cell phones. Thousands of messages and postings must be reviewed and code words deciphered. This hard evidence is particularly important as many potential victim witnesses fail to testify because they fear for their lives.

Unlike San Francisco and Alameda County, Marin does not have a formal law enforcement human trafficking task force and has limited resources devoted to human trafficking. Without the means to fully pursue traffickers and conduct forensics, the number of prosecution cases is low.

Despite the lack of firm statistics, two major Marin County anti-trafficking efforts address the scope of the problem:

- The Marin County Uniform Law Enforcement Protocol for Human Trafficking: On April 9, 2015, the Marin District Attorney's office released protocols to ensure that Marin County law enforcement agencies consistently identify the unique dynamics of human trafficking to serve victims and effectively respond to and investigate cases based on the best recommended practices. Police chiefs of all Marin cities and towns approved the protocols.⁵⁴
- Marin County Coalition to End Human Trafficking: A partnership was formed in 2014 by various agencies, nonprofits, civic groups, county government and law enforcement with a goal to educate the community and stop human trafficking in Marin County. This coalition is co-chaired by the Marin District Attorney and a victim advocate from Community Violence Solutions.⁵⁵

The Grand Jury lauds the Marin District Attorney's Office for both creating the protocols and its major role in creating the coalition. Officers working on sex trafficking cases report that the protocols seem to be complete and that the DA's office is very responsive.

⁵² Mayor's Task Force On Anti-Human Trafficking, "Human Trafficking Report in San Francisco in 2015", August 2015.

⁵³ Richard Halstead, "Marin Supervisors Authorize Funds for Health Clinic Data Hub", May 29, 2016, Marin IJ

⁵⁴ The Marin County Uniform Law Enforcement Protocol for Human Trafficking, April 9, 2015

⁵⁵ Grand Jury interviews

Who Are the Victims in Marin?

Marin law enforcement notes that sex trafficking victims in Marin represent all socioeconomic groups; include domestic and international victims; are comprised of Marin residents and non-residents; and include minor victims.

Wide socioeconomic spectrum: According to the Marin IJ, deputy probation officer Rosie Alvarez said, “We’ve seen cases in Novato and in affluent communities in San Rafael – it’s across the board.”⁵⁶ Children in higher income bracket families are vulnerable as they often spend more time alone and generally live in households with fewer family members. As a result, access to unmonitored computer use often increases, bringing with it the risk of unsafe communications.⁵⁷

Domestic and international victims: Sex trafficking victims range from refugees smuggled into the country to US or local girls from highly educated two parent families. According to the Marin IJ, “Refugees often from Mexico, Honduras, El Salvador, and Guatemala are seeking more opportunity in the country are also often preyed upon,” said Tom Wilson, Executive Director of Canal Alliance.

Marin residents and non-residents: According to (former) Marin County Deputy District Attorney Chuck Cacciatore, “Generally we are seeing Marin residents who are human trafficking victims, but we also see victims from out of the area. Pimps have sex workers on a circuit.”⁵⁸ Marin County Deputy District Attorney Nicole Pantaleo points out about half of the victims with whom she works are from Marin County.⁵⁹

Minor and adult victims: According to a report from Community Violence Solutions, a victim advocate nonprofit, approximately one third of the victims it aided in Marin between March 2015 and March 2016 were under the age of 18.⁶⁰ An article in The Redwood Bark pointed out that in 2014 West Marin Advocacy, another victim advocate nonprofit, worked with 30 survivors of sex or labor trafficking. Again, one third were under the age of 18 and some were high school students from Tam High and Novato.⁶¹

Where Are The Victims in Marin?

According to County law enforcement interviewed, human sex trafficking is most often found in San Rafael, Novato and Marin City. It takes place in almost all, if not all Marin hotels, including some of the more respected chains. Hotels and motels are the most common venues since they

⁵⁶ Stephanie Weldy, “San Rafael Forum Highlights Wide Devastation of Human Trafficking, Marin IJ, November 11, 2015.

⁵⁷ Emily Dominique Sims, “Law Enforcement and Social Service Responses To Human Trafficking in Marin County, October 17, 2014, Sonoma State University

⁵⁸ Derek Wilson, “Authorities Hit Brakes on Human Trafficking”, January 14, 2015, Marinscope Newspapers, http://www.marinscope.com/news_pointer/news/authorities-hit-brakes-on-human-trafficking/article_fa439662-9c32-11e4-a6da-2f35f8589b41.html

⁵⁹ Danielle Chemtob, “Marin’s Hidden Trafficking Industry”, October 20, 2015, www.redwoodbark.org

⁶⁰ Report to Soroptimist International of Marin from Community Violence Solutions outlining results of Soroptimist’s grant of \$25,000 to aid victims of human trafficking.

⁶¹ Danielle Chemtob, “Marin’s Hidden Trafficking Industry”, October 20, 2015, www.redwoodbark.org

provide confidentiality for the “john”. “Johns” can enter and exit these buildings without it being obvious they are there seeking sex. Sex trafficking victims can also be found in Marin massage parlors.

Within San Rafael’s Canal district, human sex trafficking is common, and few residents of San Rafael are aware of it. The Canal has a large population of migratory and often seasonal workers who have cash on hand. The availability of cash, paired with a large male population, has lured traffickers to set up apartments in the Canal where young girls are trafficked.⁶²

One law enforcement official told the Grand Jury that prostitutes in the hotels make \$200 per encounter and the ones in the Canal area make \$40-\$60. He said both types make the same amount of money in a night – it’s just that the Canal prostitutes must work harder.

How Marin Law Enforcement Finds and Prosecutes Traffickers

Unlike some large metropolitan areas, Marin does not have a law enforcement task force focusing full-time on human trafficking. Instead, an informal part-time Human Trafficking Task Force has coalesced, consisting of a Street Crimes Unit officer from San Rafael, two County Sheriff’s deputies, and a probation officer. Members of this ad hoc task force, passionate about human trafficking, conduct investigations as a “collateral” assignment to regular duty and sometimes volunteer their time while off duty. When regular patrols happen upon a potential human trafficking case, they refer the case to the task force for investigation.

Marin’s Human Trafficking Task Force often works with other law enforcement agencies, such as the FBI, and multiple county police departments in conducting stings. “Operation Cross Country”, an on-going series of stings led by the FBI and Marin’s task force, is frequently conducted in our county in concert with Central Marin and Novato police departments, as well as the Sheriff’s Office and Probation Department. The goal of these stings is to help victims escape their captors and arrest traffickers and “johns”.⁶³

Several Marin agencies are also members of a regional task force, which consists of the FBI, Homeland Security, the California Department of Justice, as well as sheriff’s offices, district attorneys, probation departments, and police departments of over 25 jurisdictions within the Bay Area.⁶⁴ Collaboration among these agencies is critical due to the nature of the circulation of human sex trafficking victims around the region. The task force meets once a month to share information.

Investigating and prosecuting cases can be difficult. According to Marin County Deputy District Attorney Chuck Cacciatore, “We find people who are victims and don’t even realize it. I once investigated what was reported as a domestic violence case, but was really sex trafficking.”⁶⁵

⁶² Sierra Marie Tomsy, “Human Trafficking and Sexual Slavery: A Local Epidemic”, May 2014, Dominican University of California <http://scholar.dominican.edu/cgi/viewcontent.cgi?article=1017&context=senior-theses>

⁶³ Grand Jury interviews with law enforcement.

⁶⁴ San Rafael Police Department, Marin Sheriff’s Office, Novato Police Department, Marin District Attorney’s Office, Marin Probation,

⁶⁵ Derek Wilson, “Authorities Hit Brakes on Human Trafficking”, January 14, 2015, Marinscope Newspapers, http://www.marinscope.com/news_pointer/news/authorities-hit-brakes-on-human-trafficking/article_fa439662-9c32-11e4-a6da-2f35f8589b41.html

“Almost 100 percent of the time, they are always going to say that they are independent, they’re not victims, they’re doing this out of their own free will,” Eberle said. “These girls have been brainwashed.”⁶⁶ He also told the Redwood Bark, “Another major challenge in prosecuting trafficking cases is getting victims to testify against traffickers. Once you even get past that hump of convincing the victim that we are there to help them out, it’s scary to testify in court, to give a statement, to know that you are ‘snitching’ on someone who has a gun.”⁶⁷

Hence, there’s a need for dedicated resources to conduct time intensive investigations to prove exploitation with or without the victim’s cooperation. Law enforcement must review thousands of messages on cell phones, in social media, and other modes of communication. Bank statements must be analyzed and code words must be deciphered.

Though the Grand Jury lauds the work of Marin’s informal *Human Trafficking Task Force*, the task force currently does not have adequate means to pursue more than just a few cases. It’s a chicken and egg dilemma...the number of documented cases is not high due to lack of a dedicated resources; but, support for providing more resources is not shared by all Marin law enforcement because of the lower numbers of cases.⁶⁸

Although quantifiable results are not available for established task forces in other jurisdictions, the Grand Jury believes one solution to documenting more cases and increasing prosecutions would be the creation of a dedicated full-time human trafficking task force. This would enable law enforcement to conduct the time intensive forensics necessary to get more convictions; document the extent of the problem in Marin; and provide the focus that is currently lacking to a very important problem – both publicly and among Marin law enforcement.

A task force might also enable Marin to gain government grants for combating human trafficking. Such a task force might be partially financed from asset forfeitures of real estate, automobiles, cash, and jewelry, just as Marin’s Major Crimes Task Force is currently supported.

However, there is widespread disagreement about the need for this task force in Marin. The Grand Jury interviewed over 35 key law enforcement officers, victim advocates, DAs, and other key players in combating human trafficking. About half agreed Marin should devote specialized resources to this crime and half disagreed.

Those who believed a dedicated human trafficking task force should not be created cited a number of reasons:

1. All Marin law enforcement agencies would need to form a Joint Powers Agreement (JPA) to provide the funds or manpower needed for the task force. A JPA can be difficult to maintain as resources for agencies, especially small town police forces, can be scarce. In fact, the Marin County Major Crimes Task Force, created as a JPA in 1977, has experienced periodic withdrawals and additions of various towns and cities in the partnership. A number of Marin’s towns believe human trafficking is not a problem for their jurisdictions and, hence, may not choose to devote resources to the crime. They

⁶⁶ Danielle Chemtob, “Marin’s Hidden Trafficking Industry”, October 20, 2015, www.redwoodbark.org

⁶⁷ Ibid

⁶⁸ Grand Jury interviews with law enforcement agencies and district attorneys

believe it's a problem for San Rafael and Novato to solve. Creating and maintaining a JPA may prove challenging.

2. Should such a JPA be feasible, some pointed out that this would reduce manpower devoted to other tasks and crimes, such as patrolling for burglaries and they could not support this trade-off.
3. Some will not support a task force unless they can see clear documentation of cases. As mentioned previously, this is not possible without dedicated resources.
4. A few felt that there was no need for local anti-human trafficking efforts as the crime is transient. They believe a regional approach to be more prudent as victims are constantly being cycled through various Bay Area locales, including Marin.

The Grand Jury considered recommending the creation of a dedicated human trafficking task force and believes the number of documented cases would increase dramatically should such a team be formed. Other counties in the Bay Area, such as Alameda and San Francisco, have had such success with their task forces. However, we are not recommending this step at this time as citizen awareness is low and, hence, the political will to fund a task force is low.

As Marin citizen awareness of the prevalence and horror of human trafficking increases and more precise data is captured, Marin should consider creating a formal dedicated full-time or part-time human trafficking task force.

In conclusion, human sex trafficking may be most prevalent in San Rafael, Novato and Marin City, but "johns" come from all parts of Marin.⁶⁹ It exists everywhere. Marin should come together to see human sex trafficking as a problem for the entire county to solve.

Training Law Enforcement in Human Trafficking

In November 2012, voters passed Proposition 35, that requires a minimum of two hours of training in handling complaints of human trafficking for every law enforcement officer assigned to field or investigative duties. This training is often delivered via a two-hour Police Officer Standards and Training (POST) video. Training among Marin agencies at this time seems inconsistent and possibly not conforming with the law as not all law enforcement agency heads could confirm this training of their officers and/or which officers had received it.

In April 2015 the Marin District Attorney released the Marin County Uniform Law Enforcement Protocol for Human Trafficking, which was signed by each Marin police chief. All law enforcement should be trained in using these protocols. The Grand Jury interviewed representatives from all Marin County law enforcement agencies, including every police chief and the County Sheriff, and found that their officers have not been consistently trained in these protocols.

⁶⁹ Grand Jury interviews with law enforcement.

According to the protocols⁷⁰, the goals of the training are to inform officers of:

- Human trafficking laws
- Marin County trafficking protocols
- The department's human trafficking policy and procedures
- The signs and dynamics of human trafficking and its effects on victims
- Therapeutically appropriate investigative techniques
- District Attorney policies
- Victim advocacy organizations working in their jurisdictions and resources available
- Policy and procedures of other state and federal organizations collaborating with the department
- Human trafficking issues specific to various cultures and lifestyles
- Civil and immigration remedies and community resources
- Protection of victims

Unfortunately, our interviews revealed that some officers still believe that human sex trafficking victims are criminals and act accordingly. Additionally, many of our respondents pointed out that awareness of the victimhood and dynamics of human sex trafficking among law enforcement is similar to that of domestic violence situations thirty years ago, when it was not taken seriously nor prosecuted vigorously, and victim blaming was rampant.

Most of our law enforcement and victim advocate respondents who work frequently with Marin sex trafficking cases feel that more training is needed among the rank and file. Some Marin law enforcement officers not working with human trafficking cases feel the current state of training is adequate.⁷¹

The Grand Jury recommends a multidisciplinary group to train law enforcement. This group might consist of Child and Family Services, a DA, victim's advocate, law enforcement human trafficking specialists, etc. This approach enables the group to better understand each other's roles and facilitate a seamless approach to trafficking.

How Marin Aids Its Victims

Before the county started recognizing that "prostitutes" were very often "victims" of trafficking, almost all sex trafficking victims were arrested for prostitution. Today, Marin officers do not arrest individuals they perceive to be trafficking victims. After stings occur in Marin, young victims are detained and offered a number of resources to help them get their lives back on track, including shelter and counseling. However, they often choose to go back to their life with their exploiter out of fear for their lives.

According to Marin law enforcement and victim advocates, it takes a number of contacts with the trafficking victim to move her (it is usually, but not always a she) on to recovery. Once the victim makes that move, she likely needs therapy immediately (and in the long-term) because most are found to be severely traumatized. Ideally, everyone in relevant social service agencies and law enforcement should be trained in a trauma-informed approach to deal with victims. In Marin some have received this training and others have not.

⁷⁰ Marin County Uniform Law Enforcement Protocol for Human Trafficking, April 2015

⁷¹ Grand Jury interviews with all police chiefs and some officers, the County Sheriff's office, and victim advocates.

In addition, Marin County and victim advocate groups do not fund enough therapists to meet victim needs. And few, if any, are bilingual. And, at the “Youth Safety/Human Trafficking in Marin” workshop, November 2015, Laurel Freeman from the Center for Domestic Peace, pointed out that these victims often receive the services of the least experienced therapists – interns.

Marin County’s Children & Family Services (CFS) take charge of minor victims, providing emergency care for all victims and long-term care for Marin residents. Foster homes are the shelter of choice, but unfortunately, Marin has a severe shortage of foster care and victims are often placed outside of Marin. This shortage will only grow worse as an administrative bill, California AB 403: “Foster Youth: Continuum of Care Reform”, is proposing the elimination of many long-term group homes, shifting more children to foster homes.⁷² Counties will be charged with recruiting a large number of foster homes quickly and some fear the quality of homes recruited may decline to meet their goals. Compounding the shortage of foster homes for sex trafficking victims is the fact that many foster parents fear serving this population.⁷³

Marin County’s CFS received a grant from the state and recently developed comprehensive interagency protocols for helping Commercially Sexually Exploited Children (CSEC), providing a seamless multi-disciplinary approach helping to eliminate duplication and fragmentation of services. These protocols were completed in February 2016 and CFS is currently in the process of implementing them.

Several nonprofits aid adult victims in Marin, including:

- **Community Violence Solutions (CVS)**: a crisis intervention agency, providing victims of sexual or labor exploitation support, referral, and services in Contra Costa and Marin. Marin law enforcement, the FBI and social agencies often work with CVS, referring victims to the organization.⁷⁴
- **West Marin Advocacy**: Serves San Geronimo Valley, Nicasio and Coastal Marin, providing assistance to sexual trafficking victims. Programs include court accompaniment, referrals to social service and legal service organizations, and expert training to nonprofit, governmental, and law enforcement.⁷⁵
- **Center for Domestic Peace**: provides holistic services to sex trafficking victims, including shelter, life skills, counseling, safety planning, legal services and more.⁷⁶

⁷² https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB403

⁷³ Grand jury interviews

⁷⁴ <http://www.cvsolutions.org>

⁷⁵ <http://westmarinadvocacy.org>

⁷⁶ <http://www.centerfordomesticpeace.org>

Outreach to Victims and the Public

Two populations must be reached via communications campaigns:

- *Victims of human sex trafficking*, who need information on how to get help.
- *The public*, which needs to understand the problem and be educated in how to identify trafficking and whom they should contact.

A number of organizations are conducting or have conducted outreach to both victims and the public, including:

- Center for Domestic Peace
- Community Violence Solutions
- League of Women Voters
- Marin Organizing Committee
- Shared Hope International
- Soroptomist International of Marin
- West Marin Advocacy

Communication media typically include presentations to groups, billboards, posters, leaflets, websites, and bus advertising, depending on who is being targeted to receive the information. Some of the aforementioned groups pay particular attention to high-risk areas such as Canal Street because of the trafficking activity there. Spanish language communications are critical in this area.

Despite the number of enthusiastic and well-regarded groups conducting outreach, their budgets are small and resources are too scarce to create the awareness and education needed, particularly in educating the public. Additionally, with seven or more organizations trying to get the word out, communications can be fragmented and possibly contradictory.

The Grand Jury believes customized education campaigns on recognizing the signs of trafficking and reporting it should be provided to a number of different groups, including, but not limited to:

- *Students* who need to recognize trafficking when it happens to a friend and understand how anyone can be recruited and endangered in social media.
- *Parents and teachers* who can monitor and help youth.
- *Healthcare professionals* who have special access to patients.
- *EMT and other emergency services* who have access to environments closed to law enforcement.
- *Hospitality industry* staff at lodgings who are exposed to trafficking as much of this crime takes place at hotels and motels in Marin.
- *Golden Gate transit and Marin Transit staff*, especially bus drivers, who come in contact with victims.

Education is particularly important for students, parents, and teachers. With the average age of recruitment being 12-14 (middle school age), a student who has received education can perhaps keep a friend from falling for a false pitch from a Romeo pimp, a parent can monitor their child's social media activities, and teachers can report suspicious activities.

The Marin County Office of Education (MCOE) has hosted a number of educational efforts for various school officials and the public, sponsored by community partners such as the Center for Missing and Exploited Children, the FBI, Voces de Marin, the Center for Domestic Peace, the Marin Organizing Committee, the Marin Child Abuse Prevention Council and more. Some efforts at the local middle school and high school levels have been implemented, though there is no evidence of a consistent systemic county-wide program to ensure education of students, teachers, and parents.

The most effective way to provide this school training might be through the Marin County School/Law Enforcement Partnership, a collaboration of schools, law enforcement and community agencies. Their goal is to encourage and support a countywide effort to keep Marin schools and communities as safe and healthy environments for all students and families.

Outreach to these audiences is critical and free resources are available online. For example, the National Human Trafficking Resource Center (NHTRC) has a number of tools for training and public outreach campaigns. According to this group, when a public outreach campaign is launched, NHTRC hotline sees a 30-60% increase in calls.⁷⁷

Neighboring Alameda County has produced a number of campaigns and the Grand Jury recommends that the Marin County Coalition to End Human Trafficking use them where possible. In fact, the Alameda DA's office held Oakland focus groups with victims to learn to speak their language and craft the most effective appeals in their campaigns.

The Role of The Marin County Coalition to End Human Trafficking

The Marin County Coalition to End Human Trafficking (The Coalition) is a partnership of numerous social agencies, county government, civic groups, nonprofits and law enforcement agencies, with the goal of ending human trafficking via education, outreach, and advocacy. This coalition resides under the auspices of the Marin County DA office, co-chaired by the Marin District Attorney and a victim advocate from Community Violence Solutions.

The Coalition was formed in 2014 to create a forum and to harness the resources of numerous agencies to achieve the group's goals. The coalition is not meant to replace the activities of its members, but to provide a platform for synergies around each organization's work. Outreach is one of the major functions of the organization and its objective is to reach the following audiences:

- *Potential and actual victims* to warn them and tell them how to get help.
- *Potential and actual victim's family and friends* to alert them on how to recognize the signs of trafficking and what to do.
- *General public* to increase awareness of the crime and its victims.

The Grand Jury applauds the DA office and others who founded this coalition.

The group meets approximately every three months and most participants are essentially volunteers, having full-time jobs – so most of the work is performed outside their normal jobs. There is no dedicated staff. Little funding is provided, although recently The Coalition received

⁷⁷ <http://www.traffickingresourcecenter.org>

\$5,000 from the Board of Supervisors Community Fund (~0.001% of County budget) to create a website.

While many coalition members believe the organization is making strong progress, some members feel the group is moving too slowly, is too fragmented, is too unwieldy, and committees aren't communicating well. Although the Grand Jury believes that The Coalition is moving as quickly as it can, it believes that much better progress can be made with dedicated resources, such as a full or part-time position handling outreach and coordination. The Coalition might be able to qualify for a grant for a dedicated position, as did the South Bay Coalition to End Human Trafficking.⁷⁸

Additionally, our Marin coalition might consider filing for nonprofit status so that they can conduct fundraising to strengthen their resources.

Training for Healthcare Professionals and EMS First Responders

According to a 2014 Loyola University Chicago School of Law Report, 88% of domestic human trafficking victims reported having contact with a healthcare professional while being trafficked, and these professionals are often the only ones to interact with them while in captivity.⁷⁹ These interactions were especially common for survivors who caught STD's, became pregnant while in their trafficking situation, or were hospitalized after physical and sexual assault.

In 2012, the California Attorney General's comprehensive report, "The State of Human Trafficking in California", recommended that First Responders and healthcare professionals be trained in identifying victims, determining their medical and mental health needs, and providing access to available resources.⁸⁰

A number of hospitals and health systems around the country have launched training programs for their staff. Some states, including Florida and Michigan, require healthcare workers to receive some type of human trafficking training as part of their regular licensing process.⁸¹

But according to Dr. Jeff Barrows, director of US training at the anti-trafficking group Hope for Justice, "...most healthcare providers know little to nothing about trafficking and receive no training on how to identify and help victims. The vast majority is absolutely clueless. Only a handful is looking at it seriously."⁸²

All health systems, large and small, need the tools and education to help thwart trafficking. Though the Grand Jury has no authority to make recommendations to non-governmental Marin County health systems, it encourages all healthcare venues in Marin to train staff on recognizing the signs of human trafficking and connecting victims with available services. There are a

⁷⁸ Grand Jury interviews

⁷⁹ Laura J Lederer and Christopher A. Wetzel, "The Health Consequences of Sex Trafficking and Their Implications for Identifying Victims in Healthcare Facilities", 2014, <http://www.luc.edu/law/centers/healthlaw/annals/archive/volume232014>

⁸⁰ Kamala Harris, "The State of Human Trafficking in California", 2012

⁸¹ Maureen McKinney, "Hospitals Train Staff to Spot Victims of Human Trafficking," *Modern Healthcare*, June 20, 2015

⁸² *Ibid*

number of free online courses tailored specifically for healthcare professionals, especially ER workers, available from various universities and the National Human Trafficking Resource Center (NHTRC).⁸³

Correspondingly, firefighters and EMS professionals are in a unique position to encounter, identify, and report victims of human trafficking. In emergencies, first responders may be given access to victims and locations inaccessible to law enforcement. It is critical that these professionals be trained to recognize and report human trafficking. Training these first responders in scanning the emergency environment for signs of human trafficking and how to report it could result in more victim rescues and trafficker apprehensions. Training and tools are available for free online.⁸⁴

Although some Marin fire departments have had training in human trafficking, many have not, and some who have been trained, have not been trained recently. Several departments use Blue Campaign training provided by the Department of Homeland Security.

Also Learned: Labor Trafficking is Happening in Marin

Marin Law enforcement has focused on sex trafficking because it is the more commonly identifiable form of human trafficking. However, the Grand Jury found that many law enforcement officers and victim advocates believe labor trafficking is taking place in Marin as well. Representatives from two victim advocate organizations interviewed said that they had received reports of labor trafficking for nursing homes, ranching, and farming, with one citing a victim rescued from forced labor as a nanny. Both organizations have come to the aid of labor trafficking victims. However, there are no recent arrests for labor trafficking, likely due to:

- The far more under-investigated and under-reported nature of labor trafficking (versus sex trafficking),
- The higher visibility of sex trafficking,
- A lack of law enforcement resources to pursue it.

CONCLUSION

Despite the fact that the Bay Area is one of the largest human trafficking markets in the US, many Marin County citizens have little or no awareness that it exists in our community. Though trafficking victims bear the brunt of the human costs of being trafficked, the community must bear immense social costs, such as truancy, homelessness, the rising need for medical and mental health services, and expanding law enforcement efforts.

It is time for Marin to wake up and recognize the prevalence of human trafficking in our communities. The Grand Jury urges the County and its cities and towns to devote more resources to combating this scourge, rescuing its victims, and helping these victims return to society.

⁸³ National Human Trafficking Resources Center: <https://traffickingresourcecenter.org/material-type/online-trainings>

⁸⁴ www.dhs.gov/blue-campaign/awareness-training

FINDINGS

- F1. Human sex trafficking is mostly unrecognized, under-reported, and rarely subject to intervention in Marin.
- F2. A significant number of human sex trafficking victims are from Marin, not just transients imported from other areas.
- F3. Reports from two Marin County victim advocate organizations show that approximately 30% of the victims they aid are under the age of 18.
- F4. Some Marin County law enforcement officers still believe some human trafficking victims are criminals.
- F5. State law mandates that officers receive two hours of training on human trafficking and some Marin agencies may not be complying with this law.
- F6. Training of Marin County law enforcement on the *Marin County Uniform Law Enforcement Protocol for Human Trafficking* has been inconsistent across agencies.
- F7. Law enforcement officers and others who are closest to human trafficking believe the California mandated two-hour POST training video on human trafficking is not sufficient.
- F8. Marin law enforcement agencies rarely use multidisciplinary training, incorporating collaboration between Children Family Services (CFS), the District Attorney, law enforcement experts, and possibly victims.
- F9. Training for firefighters and EMS professionals in recognizing human trafficking victims and reporting the crime is inconsistent in Marin.
- F10. It is difficult to determine the extent of human trafficking in Marin because of inconsistent classification and definitions of the crime, as well as the lack of a central clearinghouse for this data.
- F11. The Marin County school districts do not provide education on a systematic basis for students, parents and teachers in recognizing signs of human trafficking.
- F12. Human trafficking outreach has been fragmented and is currently insufficient in reaching critical audiences.
- F13. The Marin County Coalition to End Human Trafficking Coalition needs dedicated resources to make it more effective.

RECOMMENDATIONS

- R1. All law enforcement officers should be consistently trained in the *Marin County Uniform Law Enforcement Protocol for Human Trafficking*.
- R2. All Marin law enforcement agency heads should ensure their officers receive the California mandated two hour human trafficking training.
- R3. The Board of Supervisors should convene a local group of human trafficking experts (including CFS, law enforcement subject experts, FBI, victim advocates, DA's, and perhaps a victim) to create a multidisciplinary training presentation. This training should include the unique roles of all County personnel, resources, and processes in addressing human trafficking. Additional resources will be needed to support this training as none are devoted to this task now. This training should include information on the trafficking of females and males, as well as LGBTQ.
- R4. Once this multi-disciplinary training package is completed, Marin County law enforcement agencies should ensure that all Marin law enforcement officers be trained.
- R5. Marin County fire departments should ensure that all EMS personnel are trained in recognizing human trafficking and how to report it, and incorporate this in their annual training.
- R6. The Board of Supervisors should fund the creation of a database that systematically tracks adult and minor victims, using consistent classification and shared definitions to properly identify the victim and the crime, as well as document its prevalence. Data should be gathered from any organization dealing with trafficking victims, including law enforcement agencies, government agencies (e.g. Marin County Health & Human Services), civic organizations, and victim advocate organizations.
- R7. Marin County Office of Education should work with the Marin County School/Law Enforcement Partnership to develop educational programs to ensure that students, parents, and teachers are trained in recognizing the signs of human trafficking and where they can find help.
- R8. The Board of Supervisors should provide the Marin County Human Trafficking Coalition resources necessary to expand community outreach to schools, faith communities and the public. The Coalition should explore a grant for a dedicated position that supports coalition logistics and outreach campaigns.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the Grand Jury requests responses as follows:

From the following governing bodies:

- Bolinas Fire Protection District: F1-F13, R5
- Bolinas-Stinson Union School District: F1-F13, R7
- Central Marin Police Authority: F1-F13, R1-R7
- City of Belvedere: F1-F13, R1-R7
- City of Larkspur: F1-F13, R1-R7
- City of Mill Valley: F1-F13, R1-R7
- City of Novato: F1-F13, R1-R7
- City of San Rafael: F1-F13, R1-R7
- City of Sausalito: F1-F13, R1-R7
- CSA #28 (West Marin Paramedic): F1-F13, R5
- CSA #31 (County Fire): F1-F13, R5
- Dixie School District: F1-F13, R7
- Kentfield Fire Protection District: F1-F13, R5
- Kentfield School District: F1-F13, R7
- Lagunitas School District: F1-F13, R7
- Larkspur-Corte Madera School District: F1-F13, R7
- Marin County Board of Supervisors: F1-F13, R1- R8
- Marin County Office of Education: F1-F13, R7
- Marinwood Community Service District: F1-F13, R5
- Mill Valley School District: F1-F13, R7
- Nicasio School District: F1-F13, R7
- Novato Fire Protection District: F1-F13, R5
- Novato Unified School District: F1-F13, R7
- Reed Union School District: F1-F13, R7
- Ross School District: F1-F13, R7
- Ross Valley Fire Department: F1-F13, R5
- Ross Valley School District: F1-F13, R7
- San Rafael School District: F1-F13, R7
- Sausalito Marin City School District: F1-F13, R7
- Shoreline Unified School District: F1-F13, R7
- Southern Marin Emergency Medical-Paramedic System: F1-F13, R5
- Southern Marin Fire Protection District: F1-F13, R5
- Stinson Beach Fire Protection District: F1-F13, R5
- Tamalpais Union High School District: F2-F23, R7
- Tiburon Fire Protection District: F1-F13, R5
- Town of Corte Madera: F1-F13, R1-R7
- Town of Fairfax: F1-F13, R1-R7
- Town of Ross: F1-F13, R1-R7
- Town of San Anselmo: F1-F13, R1-R7
- Town of Tiburon: F1-F13, R1-R7

The governing bodies indicated above should be aware 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-F13, R1-R4, R6-R7
- The District Attorney: F1-F13, R1-R4, R6, R8
- Marin County Superintendent of Schools: F1-F13, R7

The Grand Jury invites the following individuals to respond:

- Police Chief, Belvedere Police Department: F1-F13, R1-R4, R6-R7
- Police Chief, Central Marin Police: F1-F13, R1-R4, R6-R7
- Fire Chief, Corte Madera Fire Department: F1-F13, R5
- Police Chief, Fairfax Police Department: F1-F13, R1-R4, R6-R7
- President, Falcon Critical Care Transport: F1-F13, R5
- President, Falck/verihealth, Inc.: F1-F13, R5
- Fire Chief, Larkspur Fire Department: F1-F13, R5
- President, Marin County Fire Chiefs Association: F1-F13, R5
- President, Marin County Police Chiefs Association: F1-F13, R1-R4, R6-R7
- Fire Chief, Mill Valley Fire Department: F1-F13, R5
- Police Chief, Mill Valley Police Department: F1-F13, R1-R4, R6-R7
- Chief Executive Officer, NORCAL Ambulance: F1-F13, R5
- Police Chief, Novato Police Department: F1-F13, R1-R4, R6-R7
- Police Chief, Ross Police Department: F1-F13, R1-R4, R6-R7
- Fire Chief, San Rafael Fire Department: F1-F13, R5
- Police Chief, San Rafael Police Department: F1-F13, R1-R4, R6-R7
- Police Chief, Sausalito Police Department: F1-F13, R1-R4, R6-R7
- President, St. Joseph's Ambulance Service: F1-F13, R5
- Police Chief, Tiburon Police Department: F1-F13, R1-R4, R6-R7

At the time of publication of this report all website information was accurate as published.

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.

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Appendix A: Penal Code Section 236.1 PC

236.1. (a) Any person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services, is guilty of human trafficking and shall be punished by imprisonment in the state prison for 5, 8, or 12 years and a fine of not more than five hundred thousand dollars (\$500,000).

(b) Any person who deprives or violates the personal liberty of another with the intent to effect or maintain a violation of Section 266, 266h, 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, or 518 is guilty of human trafficking and shall be punished by imprisonment in the state prison for 8, 14, or 20 years and a fine of not more than five hundred thousand dollars (\$500,000).

(c) Any person who causes, induces, or persuades, or attempts to cause, induce, or persuade, a person who is a minor at the time of commission of the offense to engage in a commercial sex act, with the intent to effect or maintain a violation of Section 266, 266h, 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, or 518 is guilty of human trafficking. A violation of this subdivision is punishable by imprisonment in the state prison as follows:

(1) Five, 8, or 12 years and a fine of not more than five hundred thousand dollars (\$500,000).

(2) Fifteen years to life and a fine of not more than five hundred thousand dollars (\$500,000) when the offense involves force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person.

(d) In determining whether a minor was caused, induced, or persuaded to engage in a commercial sex act, the totality of the circumstances, including the age of the victim, his or her relationship to the trafficker or agents of the trafficker, and any handicap or disability of the victim, shall be considered.

(e) Consent by a victim of human trafficking who is a minor at the time of the commission of the offense is not a defense to a criminal prosecution under this section.

(f) Mistake of fact as to the age of a victim of human trafficking who is a minor at the time of the commission of the offense is not a defense to a criminal prosecution under this section.

(g) The Legislature finds that the definition of human trafficking in this section is equivalent to the federal definition of a severe form of trafficking found in Section 7102(8) of Title 22 of the United States Code.

(h) For purposes of this chapter, the following definitions apply:

(1) "Coercion" includes any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; the abuse or threatened abuse of the legal process; debt bondage; or providing and facilitating the possession of any controlled substance to a person with the intent to impair the person's judgment.

(2) "Commercial sex act" means sexual conduct on account of which anything of value is given or received by any person.

(3) "Deprivation or violation of the personal liberty of another" includes substantial and sustained restriction of another's liberty accomplished through force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person, under circumstances where the person receiving or apprehending the threat reasonably believes that it is likely that the person making the threat would carry it out.

(4) "Duress" includes a direct or implied threat of force, violence, danger, hardship, or retribution sufficient to cause a reasonable person to acquiesce in or perform an act which he or she would otherwise not have submitted to or performed; a direct or implied threat to destroy, conceal, remove, confiscate, or possess any actual or purported passport or immigration

document of the victim; or knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or immigration document of the victim.

(5) "Forced labor or services" means labor or services that are performed or provided by a person and are obtained or maintained through force, fraud, duress, or coercion, or equivalent conduct that would reasonably overbear the will of the person.

(6) "Great bodily injury" means a significant or substantial physical injury.

(7) "Minor" means a person less than 18 years of age.

(8) "Serious harm" includes any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor, services, or commercial sexual acts in order to avoid incurring that harm.

(i) The total circumstances, including the age of the victim, the relationship between the victim and the trafficker or agents of the trafficker, and any handicap or disability of the victim, shall be factors to consider in determining the presence of "deprivation or violation of the personal liberty of another," "duress," and "coercion" as described in this section.

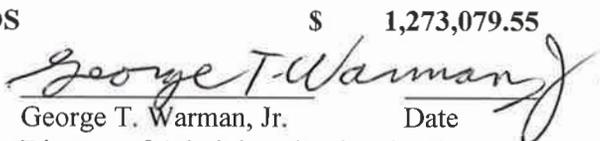
TOWN OF CORTE MADERA
RATIFICATION AND APPROVAL OF
PAYROLL AND DEMANDS (ACCOUNTS PAYABLE)
PERIOD 08/11/16 – 08/26/16

Submitted herewith are the Payroll and Demands (Accounts Payable) paid during the period of 08/11/16 through and including 08/26/16 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 (08/01/16 – 08/14/16)			
Payroll Check Numbers	5275 - 5282	\$	20,462.73
Payroll Direct Deposit Numbers	30168 - 30254		218,136.04
Payroll Wire Transfer Numbers	2046 - 2049		<u>111,817.84</u>
	<u>Total Payroll</u>	\$	350,416.61
Payroll (Council-August)			
Payroll Check Numbers	5283 - 5283	\$	273.00
Payroll Direct Deposit Numbers	30255 - 30258		729.76
Payroll Wire Transfer Numbers	2050 - 2052		<u>328.73</u>
	<u>Total Payroll</u>	\$	1,331.49
Payroll (08/01/16 – 08/31/16)			
Retiree Vested Rights Health Insurance Reimbursement			
Payroll Direct Deposit Numbers	30259 - 30302	\$	<u>27,003.72</u>
	<u>Total Payroll</u>	\$	27,003.72
Warrant Check Numbers	214306 - 214382	\$	892,377.73
Wire – Central Marin Police Monthly Payment (00/00/00)		\$	0.00
Wire – Semi-Annual Debt Park Madera Ctr (00/00/00)		\$	0.00
Wire – CalPERS GASB68 Payment (08/22/16)		\$	<u>1,950.00</u>
	<u>Total Demands(Accounts Payable)</u>		894,327.73

TOTAL PAYROLL AND DEMANDS \$ **1,273,079.55**


 David James Bracken Date 9/1/16
 Town Manager

 - 08/30/16
 George T. Warman, Jr. Date
 Director of Administrative Services/
 Town Treasurer

APPROVED AT MEETING OF 09/06/16

 SLOAN C. BAILEY, MAYOR

 DIANE FURST, VICE MAYOR

 JAMES ANDREWS, COUNCIL MEMBER

 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 concerning the check register should be directed to George Warman at 927-5055. In his absence, contact Jonna Intoschi or Lina Azevedo.

ACCTS PAYABLE
JUNE

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Voucher List
TOWN OF CORTE MADERA

AUGUST CHECK RUN

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount	
214306	8/11/2016	am035c AMY SKEWES-COX, AICP	160/1		MARIN COUNTRY DAY SCHOOL INI MARIN COUNTRY DAY SCHOOL INI	4,785.00 4,785.00	
					Total :	4,785.00	
214307	8/11/2016	co008c COASTLAND CIVIL ENG., INC.	39534		FY 2015-16 PAVEMENT REHABILITA		
			39750	1866	ENGINEERING DESIGN SERVICES-	2,787.50	
				1866	FY 2015-16 PAVEMENT REHABILITA ENGINEERING DESIGN SERVICES-	7,920.00	
					Total :	10,707.50	
2 Vouchers for bank code : bom						Bank total :	15,492.50
2 Vouchers in this report						Total vouchers :	15,492.50

ACCTS PAYABLE
JUNE

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08/17/2016 8:41:06AM

Voucher List
TOWN OF CORTE MADERA

AUGUST CHECK RUN

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount	
214308	8/17/2016	co136c CODE SOURCE	8708		16 MEADOW RIDGE DR - SLOWE R		
			8735		16 MEADOW RIDGE DR - SLOWE R	1,545.00	
			8737		545 CHAPMAN DR - EXTERIOR IMP	530.00	
			8744		11 COUNCIL CREST - PV SYSTEM	150.00	
			8746		11 COUNCIL CREST - PV SYSTEM		
			8747		116 GROVE AVE - PV SYSTEM	75.00	
			8751		116 GROVE AVE - PV SYSTEM		
			8756		474 CHAPMAN DR - REVISIONS TO	150.00	
			8758		474 CHAPMAN DR - REVISIONS TO		
					21 TAMAL VISTA BLVD - EQUIPMEN	150.00	
					21 TAMAL VISTA BLVD - EQUIPMEN		
					309 OAKDALE DR - ADDITION AND	1,685.00	
					309 OAKDALE DR - ADDITION AND		
					433 TAMALPAIS DR - PV SYSTEM	150.00	
					433 TAMALPAIS DR - PV SYSTEM		
					100 CORTE MADER AVE - REVISIOI	150.00	
					100 CORTE MADER AVE - REVISIOI		
					Total :	4,585.00	
214309	8/17/2016	cr066c CROPPER ACCOUNTANCY CORP.	1211		FOURTH AND FINAL PROGRESS BI		
					FOURTH AND FINAL PROGRESS BI	1,500.00	
					Total :	1,500.00	
214310	8/17/2016	la325c LARKS.-CORTE MADERA SCH'L DIST	67		LARKSPUR-SCHOOL DISTRICT MAI		
					LARKSPUR-SCHOOL DISTRICT MAI	4,466.74	
					Total :	4,466.74	
214311	8/17/2016	mo095c MOORE IACOFANO, GOLTSMAN, INC.	0045086		PROFESSIONAL SERVICES FROM		
					PROFESSIONAL SERVICES FROM	2,680.00	
					Total :	2,680.00	
4 Vouchers for bank code : bom						Bank total :	13,231.74
4 Vouchers in this report						Total vouchers :	13,231.74

AGOST

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Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214312	8/17/2016	an106c A N WEST INC., CONSULTING ENGINEEF	INV 593704-1		STORM DRAINAGE IMPROV. MARIN STORM DRAINAGE IMPROV. MARIN	12,010.00
					Total :	12,010.00
214313	8/17/2016	al048c ALHAMBRA AND SIERRA SPRINGS, 28756	5135078 080316		WATER WATER	235.23
					Total :	235.23
214314	8/17/2016	al050c ALHAMBRA AND SIERRA SPRINGS, 28779	5139740 080716		WATER WATER	94.42
					Total :	94.42
214315	8/17/2016	al047c ALHAMBRA AND SIERRA SPRINGS, 32748	6037959 080716		MEETING MEETING MEETING MEETING MEETING	7.95 7.95 7.95 7.95 7.96
					Total :	39.76
214316	8/17/2016	al046c ALHAMBRA, 28776025139045 (PW-342)	5139045 080316		WATER WATER	89.53
					Total :	89.53
214317	8/17/2016	am035c AMY SKEWES-COX, AICP	143/28		CORTE MADERA INN REBUILD EIR CORTE MADERA INN REBUILD EIR	555.00
					Total :	555.00
214318	8/17/2016	ar125c ARAMARK UNIFORM SERVICES'	07/31/2016 STMT		ARAMARK UNIFORMS BLDG. MAINT. BLDG. MAINT. BLDG. MAINT. MISC. SUPPLIES CLOTHING, UNIFORMS CLOTHING, UNIFORMS	183.96 266.88 116.04 252.00 242.70 257.86

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214318	8/17/2016	ar125c ARAMARK UNIFORM SERVICES'	(Continued)		CLOTHING, UNIFORMS	252.32
					CLOTHING, UNIFORMS	252.00
					JANITOIARL SUPPLIES	252.96
					Total :	2,076.72
214319	8/17/2016	ar051c ARCHIOLOGIX	16-1079		ADMISSIONS LODGING & TRAVEL	
					ADMISSIONS LODGING & TRAVEL	445.00
					Total :	445.00
214320	8/17/2016	ba600c B & G GLASS	7749		12- SOLAR SCREENS - BLDG MAIN	
					12- SOLAR SCREENS - BLDG MAIN	1,197.56
					Total :	1,197.56
214321	8/17/2016	ba550c BAY AREA BARRICADE SERVICE,INC	0338330-IN		PLASTIC STENCIL 6" LTRS.	
					PLASTIC STENCIL 6" LTRS.	136.26
					Total :	136.26
214322	8/17/2016	be050c BENEFITS STORE, INC., THE	JULY-16		ADMINISTRATION	
					ADMINISTRATION	8.17
					FINANCE	24.51
					FIRE	16.34
					FIREFIGHTERS	24.51
					FIREFIGHTERS	65.26
					PLANNING	8.17
					BUILDING	8.17
					PUBLIC WORKS-CORP.	8.17
					PUBLIC WORKS	16.34
					PUBLIC WORKS	40.85
					PUBLIC WORKS	8.17
					RECREATION	16.34
					Total :	245.00
214323	8/17/2016	bo023c BONARDI, FRANK	07/28/2016STMT		SERVICES FOR 400 HOURS - CONT	
					SERVICES FOR 400 HOURS - CONT	8,000.00

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214323	8/17/2016	bo023c bo023c BONARDI, FRANK	(Continued)			Total : 8,000.00
214324	8/17/2016	cl106c CLICKTIME.COM	201472		CLICK TIME TRACKING SYSTEM CLICK TIME TRACKING SYSTEM	216.00 Total : 216.00
214325	8/17/2016	su103c DANIEL MUTISO MUIHYA	1536		JANITORIAL SVCS. JANITORIAL SVCS.	2,200.00 Total : 2,200.00
214326	8/17/2016	dc115c DC ELECTRIC GROUP, INC.	26372		M5005-SL ROUTING M5005-SL ROUTING	1,115.92 Total : 1,115.92
214327	8/17/2016	di026c DISCOVERY OFFICE SYSTEMS-REC	55E1304066 55E1333671		PHOTOCOPY EQUIPT. MAINT. PHOTOCOPY EQUIPT. MAINT. PHOTOCOPY EQUIP. MAINT. PHOTOCOPY EQUIP. MAINT.	1.89 10.07 Total : 11.96
214328	8/17/2016	fe075c FEDERAL EXPRESS CORPORATION	5-511-61184		OFFICE SUPPLIES OFFICE SUPPLIES	24.38 Total : 24.38
214329	8/17/2016	fi075c FIRE KING FIRE PROTECTION, INC	WO-4339 WO-4639		SEMI-ANNUAL FIRE SUPPRESSION SEMI-ANNUAL FIRE SUPPRESSION ANNUAL INSPECTION ANNUAL INSPECTION	451.88 222.47 Total : 674.35
214330	8/17/2016	fi046c FISHMAN SUPPLY CO. (REC-7856)	1045202		JANITORIAL SUPPLIES JANITORIAL SUPPLIES	201.85 Total : 201.85
214331	8/17/2016	go410c GOLDEN STATE CHEMICAL & SUPPLY	888912 888913		DOWN DETERGENT/TOILET TISSU DOWN DETERGENT/TOILET TISSU DOG LINERS	1,502.32

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214331	8/17/2016	go410c GOLDEN STATE CHEMICAL & SUPPLY	(Continued)		DOG LINERS	749.34
					DOG LINERS	749.34
					Total :	3,001.00
214332	8/17/2016	he027c HERNANDEZ, ROBERT	R-34931		SWIM DAY CANCELLED - REFUND	
					SWIM DAY CANCELLED - REFUND	5.00
					Total :	5.00
214333	8/17/2016	kb100c KBA DOCUSYS	INV459128		BLACK TONER	
			INV461817		BLACK TONER	12.95
					COPIE SERVICE	276.51
					COPIE SERVICE	276.51
					Total :	565.97
214334	8/17/2016	ma550c MARIN MUNICIPAL WATER DISTRICT	08/11/2016STMT		WATER	
					WATER	186.50
					WATER	8,475.79
					WATER	494.50
			08/11/2016STMTA		WATER	
					WATER	2,244.26
					WATER	46.45
					Total :	11,447.50
214335	8/17/2016	mc040c MCDANIEL, CRYSTAL	R-34932		PICNIC DEPOSIT REFUND	
					PICNIC DEPOSIT REFUND	200.00
					Total :	200.00
214336	8/17/2016	ne040c NELSON PERSONNEL SERVICES	6132741		PART TIME HELP - LISA HARPER	
					PART TIME HELP - LISA HARPER	486.42
					PART TIME HELP - LISA HARPER - /	1.10
					Total :	487.52
214337	8/17/2016	ne100c NERVIANI PAVING, INC.	4838		MEADOWSWEET RD - PAVING	
					MEADOWSWEET RD - PAVING	5,275.00

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214337	8/17/2016	ne100c ne100c NERVIANI PAVING, INC.	(Continued)			Total : 5,275.00
214338	8/17/2016	pe140c PEROZZI, CARLO	JULY-MAINT.		JULY MAINTENANCE JULY MAINTENANCE JULY MAINTENANCE	400.00 200.00 Total : 600.00
214339	8/17/2016	re141c RENNE SLOAN HOLTZMAN SAKAI	31983 31996 31997		GENERAL PLANNING GENERAL PLANNING NON-LITIGATION NON-LITIGATION RESTORATION HARDWARE RESTORATION HARDWARE	3,650.00 3,150.00 487.50 Total : 7,287.50
214340	8/17/2016	ri041c RICOH USA, INC. - CORP YARD, 89846-10	97336999		PHOTOCOPYING EQUIP. MAINT. PHOTOCOPYING EQUIP. MAINT.	205.67 Total : 205.67
214341	8/17/2016	st025c STEVE ZAPPETINI & SON, INC.	8914270		BLACK KETTLE P.S. BLACK KETTLE P.S.	762.55 Total : 762.55
214342	8/17/2016	ti124c TIFCO INDUSTRIES	71177462		HAND TOOLS & MINOR EQUIPMEN HAND TOOLS & MINOR EQUIPMEN	506.31 Total : 506.31
214343	8/17/2016	us126c U.S. POSTMASTER	R-35071		BULK MAILING PERMIT #17 BULK MAILING PERMIT #17	600.00 Total : 600.00
214344	8/17/2016	ve023c VERIZON WIRELESS-6707227710001	9769812902		TELEPHONE - CORP. YARD TELEPHONE - CORP. YARD TELEPHONE - ENG	950.80 53.11 Total : 1,003.91
214345	8/17/2016	ze025c ZEE MEDICAL SERVICE	723701736		SAFETY & PROTECTIVE ITEMS	

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>
214345	8/17/2016	ze025c	ZEE MEDICAL SERVICE		(Continued)	
					SAFETY & PROTECTIVE ITEMS	300.96
					Total :	300.96
					Bank total :	61,817.83
					Total vouchers :	61,817.83

34 Vouchers for bank code : bom

34 Vouchers in this report

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Voucher List
TOWN OF CORTE MADERA

*ACCTS PAYABLE
JUNE
AUGUST CHECK RUN*

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214346	8/23/2016	co195c CORPORATE PAYMENT SYSTEMS	STMT: 08/14/2016		RECYCLING CONTAINER RECYCLING CONTAINER	1,496.55
					Total :	1,496.55
214347	8/23/2016	pu030c PUMP REPAIR SERVICE CO.	037705		HIGH CANAL-BLACK KETTLE STATI HIGH CANAL-BLACK KETTLE STATI	1,990.00
					Total :	1,990.00
2 Vouchers for bank code : bom						Bank total : 3,486.55
2 Vouchers in this report						Total vouchers : 3,486.55

Voucher List
TOWN OF CORTE MADERA

August

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214348	8/24/2016	at095c AT & T U-VERSE, #117724553	07/10/16-08/09/16		INTERNET SERVICES INTERNET SERVICES	85.00
					Total :	85.00
214349	8/24/2016	ai560c AIRGAS	9938340426		GASES & CHEMICALS CHEMICALS, GASES	237.38
					Total :	237.38
214350	8/24/2016	an126c ANC	13337		FLAG POLE REPAIRS 08/21/16 FLAG POLE REPAIRS 08/21/16	438.33
					Total :	438.33
214351	8/24/2016	as101c ASTRO JUMP OF NORTHBAY	53121/53038		SUMMER PLAYGROUND RENTALS SUMMER PLAYGROUND RENTALS	1,927.00
					Total :	1,927.00
214352	8/24/2016	ba545c BAY ALARM COMPANY-243028	243028160815M		FIRE MONITORING - 09/1/16-12/01/16 FIRE MONITORING - 09/1/16-12/01/16	861.00
					Total :	861.00
214353	8/24/2016	ba170c BAY ALARM-1788928	1788928160815M		BURGLAR MONITORING - 09/1/16-12/01/16 BURGLAR MONITORING - 09/1/16-12/01/16	233.64
					Total :	233.64
214354	8/24/2016	bo105c BOUND TREE MEDICAL, LLC	82223447 82234276		MEDICAL SUPPLIES MEDICAL SUPPLIES MEDICAL SUPPLIES MEDICAL SUPPLIES	9.30 935.90
					Total :	945.20
214355	8/24/2016	co195c CORPORATE PAYMENT SYSTEMS	STMT: 08/14/16		VISA CHARGES BRACKEN: MEETING EXPENSE BRACKEN: TOWN HALL MOVING DAVIS: BRIDGE TOLL (FASTRACK) DAVIS: FUEL	195.45 13.27 25.00 30.00

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214355	8/24/2016	co195c	CORPORATE PAYMENT SYSTEMS	(Continued)		
					FIorentini: OFFICE SUPPLIES	994.11
					FIorentini: MARKETING	49.99
					FIorentini: TOWN HALL SUPPLIE	240.95
					FIorentini: PHONE CHARGES	345.40
					HERNANDEZ: MARKETING	59.98
					HERNANDEZ: RECREATION SUPPI	331.59
					HERNANDEZ: PROFESSIONAL SEF	1,175.00
					HERNANDEZ: RECREATION SUPPI	75.00
					RAVINA: MISC. SUPPLIES	188.87
					RAVINA: MISC. SUPPLIES	192.42
					RAVINA: MISC. SUPPLIES	197.51
					RAVINA: CHEMICALS & GASES	175.41
					RAVINA: BLDG. MAINT.	164.81
					RAVINA: VEHICLE PARTS/MAINT.	25.60
					RAVINA: VEHICLE PARTS/MAINT.	402.30
					RAVINA: TOOLS & MINOR EQUIPM	406.05
					PALMER: MEETING EXPENSE	53.06
					MCGOVERN: SENIOR PROGRAM S	651.20
					SOFER: MISC. SUPPLIES	47.40
					SOFER: EDUCATION	780.00
					SOFER: MISC. SUPPLIES	54.75
					KRAMER: MEETING EXPENSE	42.19
					KRAMER: SUPPLIES	86.29
					KRAMER: MEETING EXPENSE	375.64
					KRAMER: MISC. SUPPLIES	17.30
					KRAMER: MISC. SUPPLIES	182.12
					WETTEROTH: SUPPLIES	14.16
					WETTEROTH: SUPPLIES	21.35
					REESE: DISASTER SUPPLIES	13.45
					REESE: MEDICAL SUPPLIES	114.20
					REESE: MEMBERSHIP DUES	150.00
					REESE: GASOLINE	55.49
					REESE: MEETING EXPENSE	212.64

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214355	8/24/2016	co195c	CORPORATE PAYMENT SYSTEMS	(Continued)		
					RUSSELL: BLDG MAINT. SUPPLIES	111.70
					RUSSELL: VEHICLE PARTS	1,293.07
					RUSSELL: MISC. SUPPLIES	35.92
					RUSSELL: TOOLS & MINOR EQUIP	29.97
					WARMAN: MEETING EXPENSE	160.00
					WARMAN: SERVICES	49.00
					MARTING: RECREATION SUPPLIES	270.91
					WOLFF: REFERENCE MATERIALS	95.00
					WOLFF: OFFICE SUPPLIES	34.36
					WOLFF: MISC.	34.50
					PANG: MEMBERSHIP DUES	51.75
					PANG: MISC. SUPPLIES	29.38
					FIEDLER: SENIOR PROGRAM SUP	688.85
					HEGARTY: POSTAGE	13.25
					HEGARTY: 187-7862	135.69
					PRETE: REFERENCE MATERIALS	465.81
					CARMICHAEL: MARKETING	124.99
					WETTEROTH: GASOLINE	15.05
					BISSIRI: RECREATION SUPPLIES	2,192.52
					BISSIRI: MARKETING	74.78
					BISSIRI: RECREATION SUPPLIES	450.00
					VAUGHN: OFFICE SUPPLIES	29.97
					VAUGHN: RECRUITMENT (BLDG. C	27.76
					TRUONG: RECREATION SUPPLIES	75.00
					TRUONG: TRANSPORTATION/TRIP	3,488.62
					TRUONG: RECREATION SUPPLIES	3,830.82
					PRETE: FOOD	84.19
					Total :	22,052.81
214356	8/24/2016	cp120c	CPR ETC.	CMFD 06/15/16		
					TRAINING MATERIALS	
					TRAINING MATERIALS	295.36
					Total :	295.36

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214357	8/24/2016	cr071c CROWE, KELLY	R-39357		REIMBURSEMENT-GYM MEMBERS REIMBURSEMENT-GYM MEMBERS	275.00
					Total :	275.00
214358	8/24/2016	da025c D & K AUTO SERVICES	51566		B-14 - ROUTINE MAINTENANCE B-14 - ROUTINE MAINTENANCE	137.23
					Total :	137.23
214359	8/24/2016	di045c DIEGO TRUCK REPAIR, INC.	49612		VEHICLE MAINT/REPAIRS VEHICLE MAINT/REPAIRS	458.45
					Total :	458.45
214360	8/24/2016	go057c GOODYEAR TIRE & RUBBER CO.	43472148		TIRE REPLACEMENT/REPAIRS TIRE REPLACEMENT/REPAIRS	1,260.49
					Total :	1,260.49
214361	8/24/2016	go055c GOPHER-IT TRENCHLESS-	G1259		SEWER REPAIRS @ CHICKASAW SEWER REPAIRS @ CHICKASAW	7,200.00
					Total :	7,200.00
214362	8/24/2016	in065c INTOSCHI, JONNA - FLEX BENEFITS	FLEX: 08/19/16		REIMBURSEMENT - FLEX 125 FLEX BENEFITS	148.00
					Total :	148.00
214363	8/24/2016	ma070c MAGGIORA & GHILOTTI, INC.	10616	1872	PARADISE WEST SEWER PROJEC PROJECT NO. 13-201~	614,743.41
					Total :	614,743.41
214364	8/24/2016	ma550c MARIN MUNICIPAL WATER DISTRICT	VARIOUS: 08/12/16		WATER USAGE WATER WATER WATER	2,248.75 207.95 255.90
					Total :	2,712.60
214365	8/24/2016	me069c MENDOZA, MONICA	0044595		FALL 2016 PARKS & RECREATION FALL 2016 PARKS & RECREATION	1,260.00

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214365	8/24/2016	me069c me069c MENDOZA, MONICA	(Continued)			Total : 1,260.00
214366	8/24/2016	mi040c MILLER PACIFIC ENGINEERING GRP	16304	1874	PARADISE WEST SEWER IMPROVI CONSTRUCTION OBSERVATION, G	8,567.20 Total : 8,567.20
214367	8/24/2016	pe105c PETRINI AND SONS PLUMBING	913498		TOWN HALL MAINTENANCE TOWN HALL MAINTENANCE	390.00 Total : 390.00
214368	8/24/2016	ph115c PHILLIPS, MATTHEW-FLEX BENEFITS	FLEX: 08/23/16		REIMBURSEMENT-FLEX BENEFITS REIMBURSEMENT-FLEX BENEFITS	3,269.10 Total : 3,269.10
214369	8/24/2016	po145c POLSKY PERLSTEIN ARCHITECTS	12737		JULY 2016-PROFESSIONAL SERVIC JULY 2016-PROFESSIONAL SERVIC	362.50 Total : 362.50
214370	8/24/2016	pu108c PURE POTENTIAL SOCCER	2016-0816		SOCCER CAMPS/TRAINING, ETC. SOCCER CAMPS/TRAINING, ETC.	5,288.00 Total : 5,288.00
214371	8/24/2016	re216c REDHILL TOWING & AUTO BODY INC	192967		TOWING SERVICES TOWING SERVICES	825.00 Total : 825.00
214372	8/24/2016	ro005c ROUND STAR WEST, LLC	11481		KICK & PLAY CLASSES - SUMMER : KICK & PLAY CLASSES - SUMMER :	722.18 Total : 722.18
214373	8/24/2016	sp109c SPARK	AUGUST-2016		BAILEY-DONATION OF STIPEND BAILEY-DONATION OF STIPEND	350.00 Total : 350.00
214374	8/24/2016	va036c VAUGHN, REBECCA - FLEX BENEFITS	FLEX: 08/19/16 FLEX: 08/23/16		REIMBURSEMENT-FLEX BENEFITS REIMBURSEMENT-FLEX BENEFITS REIMBURSEMENT-FLEX BENEFITS	350.00

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214374	8/24/2016	va036c VAUGHN, REBECCA - FLEX BENEFITS	(Continued)		REIMBURSEMENT-FLEX BENEFITS	1,699.10
					Total :	2,049.10
214375	8/24/2016	ve125c VERIZON WIRELESS 670722771-2	9769812903		CELLULAR SERVICES	305.51
					CELLULAR SERVICES	305.51
					Total :	611.02
214376	8/24/2016	we127c WESCO GRAPHICS, INC.	42027		FALL 2016-CORTE MADERA P & R E	
					FALL 2016-CORTE MADERA P & R E	5,231.34
					Total :	5,231.34
214377	8/24/2016	wo153c WOLFF, ADAM - FLEX BENEFITS	FLEX: 08/19/16		REIMBURSEMENT-FLEX BENEFITS	320.00
					REIMBURSEMENT-FLEX BENEFITS	320.00
					Total :	320.00
214378	8/24/2016	za106c ZANETICH, BARBARA	187-7832		REFUND: DAMAGE DEPOSIT	1,000.00
					REFUND: DAMAGE DEPOSIT	1,000.00
					Total :	1,000.00
31 Vouchers for bank code : bom						Bank total : 684,256.34
31 Vouchers in this report						Total vouchers : 684,256.34

*ACCTS PAYABLE
JUNE
AUGUST CHECK RUN*

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214379	8/25/2016	do135c DOWNTOWN FORD SALES	300218		2016-FORD F-250 4X2 SUPER CAB	
				1865	2016 FORD F-250 4X2 SUPER CAB-	33,764.85
			300219		2016-FORD F-250 4X2 SUPER CAB	
				1863	2016 FORD F-250 4X2 SUPER CAB-	33,140.28
					Total :	66,905.13

1 Vouchers for bank code : bom

Bank total : 66,905.13

1 Vouchers in this report

Total vouchers : 66,905.13

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>
214380	8/25/2016	ti050c TIBURON, TOWN OF	R-33978		ENCROACHMENT PERMIT ENCROACHMENT PERMIT	290.00
					Total :	290.00
					1 Vouchers for bank code : bom	Bank total : 290.00
					1 Vouchers in this report	Total vouchers : 290.00

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Voucher List
TOWN OF CORTE MADERA

Page: 1

*ACCTS PAYABLE
JUNE
AUGUST CHECK RUN*

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214381	8/26/2016	cr066c CROPPER ACCOUNTANCY CORP.	1214		FRANCHISE AUDIT @ JUNE 30, 201	
					FRANCHISE AUDIT @ JUNE 30, 201	500.00
					Total :	500.00
214382	8/26/2016	el125c ELK GROVE FORD	116096		2017 FORD EXPLORERER	
				1871	2017 FORD EXPLORER - R-39355, C	46,397.64
					Total :	46,397.64
2 Vouchers for bank code : bom						Bank total : 46,897.64
2 Vouchers in this report						Total vouchers : 46,897.64

TOWN OF CORTE MADERA
RATIFICATION AND APPROVAL OF
PAYROLL AND DEMANDS (ACCOUNTS PAYABLE)
PERIOD 08/27/16 – 08/31/16

Submitted herewith are the Payroll and Demands (Accounts Payable) paid during the period of 08/27/16 through and including 08/31/16 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 (08/15/16-08/28/16)		
Payroll Check Numbers	5284 – 5297	\$ 28,035.78
Payroll Direct Deposit Numbers	30303 – 30379	222,968.24
Payroll Wire Transfer Numbers	2053 – 2057	<u>189,808.81</u>
<u>Total Payroll</u>		\$ 440,812.83
Warrant Check Numbers	214383 – 214429	\$ 226,930.13
Wire- Central Marin Police Monthly Payment (00/00/00)		0.00
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- CalPERS Misc. PEPR 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>
<u>Total Demands (Accounts Payable)</u>		\$ 226,930.13
TOTAL PAYROLL AND DEMANDS		\$ 667,742.96


 David James Bracken
 Town Manager

Date 9/1/16


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

Date 08/31/16

APPROVED AT MEETING OF 09/06/16

 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

ACCTS PAYABLE
JUNE

ACOUNT CHECK RUN

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214383	8/31/2016	ar051c ARCHILOGIX	16-1043		PROFESSIONAL SERVICES RENDE PROFESSIONAL SERVICES RENDE	1,080.00
					Total :	1,080.00
214385	8/31/2016	co136c CODE SOURCE	8763		CODE SOURCE	
			8764		163 GOLDEN HIND PSG CODE SOURCE	150.00
			8765		337 SUMMIT DR CODE SOURCE	1,200.00
			8766		30 PRINCE ROYAL DR CODE SOURCE	1,590.00
			8772		422 REDWOOD AVE CODE SOURCE	410.00
			8773		73 LAKESIDE DR CODE SOURCE	150.00
			8774		1516 REDWOOD HWY SPC C033 CODE SOURCE	855.00
			8777		412 TAMAL PLAZA CODE SOURCE	1,870.00
			8778		422 REDWOOD AVE CODE SOURCE	1,330.00
			8781		325 OAKDALE AVE CODE SOURCE	755.00
			8782		15 ROCKLY CT CODE SOURCE	880.00
			8783		1820 REDWOOD HWY CODE SOURCE	1,357.50
			8785		127 GROVE AVE CODE SOURCE	150.00
			8786		13 ARROWHEAD LN CODE SOURCE	150.00
			8790		1604 REDWOOD HWY CODE SOURCE	260.00
					100 CMTC	2,365.00

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214385	8/31/2016	co136c	CODE SOURCE			
			(Continued)			
			8791		CODE SOURCE 3 COUNCIL CREST	1,615.00
			8792		CODE SOURCE 66 BIRCH AVE	150.00
			8793		CODE SOURCE 16 FAIRVIEW	1,560.00
			8796		CODE SOURCE 100 TAMAL PLAZA, STE 125	785.00
			8811		CODE SOURCE 431 MANZANITA AVE	150.00
			8814		CODE SOURCE 770 TAMALPAIS DR	350.00
			8815		CODE SOURCE 37 PACIFIC QUEEN PSG	150.00
			8816		CODE SOURCE 4 WILLOW AVE	1,760.00
			8817		CODE SOURCE 122 CORTE MADERA AVE	240.00
			8819		CODE SOURCE 30 MADERA DEL PRESIDIO	1,720.00
			8821		CODE SOURCE 76 SUMMIT DR	1,845.00
			8827		CODE SOURCE 1822 REDWOOD HWY	865.00
			8828		CODE SOURCE 34 WINDWARD DR	150.00
			8829		CODE SOURCE 208 CMTC	1,270.00
			8831		CODE SOURCE 438 OAKDALE AVE	260.00
			8833		CODE SOURCE 136 SUMMIT DR	1,705.00
			8835		CODE SOURCE 181 BIRCH AVE	150.00

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214385	8/31/2016	co136c	CODE SOURCE			
			(Continued)			
			8836		CODE SOURCE 16 MEADOWRIDGE DR	150.00
			8837		CODE SOURCE 13 AAROWHEAD LN	75.00
			8838		CODE SOURCE 416 MANZANITA AVE	1,520.00
			8842		CODE SOURCE 38 BIRCH AVE	470.00
			8846		CODE SOURCE 350 ROBIN DR	592.50
			8850		CODE SOURCE 255 SAUSALITO ST	1,407.50
			8851		CODE SOURCE 195-205 TAMAL VISTA BLVD BLDG 1	550.00
			8852		CODE SOURCE T/I 300 TAMALPAIS DR	1,150.00
			8853		CODE SOURCE 195-205 TAMAL VISTA BLVD BLD 2	450.00
					Total :	34,562.50
					Bank total :	35,642.50
					Total vouchers :	35,642.50

2 Vouchers for bank code : bom

2 Vouchers in this report

August

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Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214386	8/31/2016	af020c AFLAC, REMITTANCE PROCESSING	678759		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
					Total :	679.58
214387	8/31/2016	as107c ASCAP	08/20/2016STMT		MEMBERSHP, DUES & SUBSCRIPT	
					MEMBERSHP, DUES & SUBSCRIPT	336.67
					Total :	336.67
214388	8/31/2016	at110c AT & T MOBILITY-287016673845	287245897656X081716		MDT MAINTENANCE	
					MDT MAINTENANCE	39.16
					Total :	39.16
214389	8/31/2016	at114c AT & T MOBILITY-876700579	876700579X08232016		UTILITIES - TELEPHONE	
					UTILITIES - TELEPHONE	75.38
					UTILITIES - TELEPHONE	75.00
					UTILITIES - TELEPHONE	75.00
					UTILITIES - TELEPHONE	75.00
					UTILITIES - TELEPHONE	75.00
					Total :	375.38
214390	8/31/2016	at079c AT&T - 119112770-7	07/16/16-08/15/16		PROGRAMMING SERVICES	

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214390	8/31/2016	at079c AT&T - 119112770-7	(Continued)		PROGRAMMING SERVICES	95.00
					Total :	95.00
214391	8/31/2016	ca027c CABLE COM, LLC	08/26/2016STMT		DAMAGE DEPOSIT REFUND - 5784	
					DAMAGE DEPOSIT REFUND - 5784	2,000.00
					Total :	2,000.00
214392	8/31/2016	ce075c CENTRAL MARIN SANITATION AGEN.	17-8009		JULY INVOICE FOR CMSA	
					JULY INVOICE FOR CMSA	22,517.84
					Total :	22,517.84
214393	8/31/2016	ce076c CENTRAL MARIN SANITATION AGENC	08/26/2016STMT		502 CHAPMAN - 1 UNIT	
					502 CHAPMAN - 1 UNIT	5,863.20
					Total :	5,863.20
214394	8/31/2016	ch250c CHEVRON & TEXACO BUSINESS CARD	TEMPLATE		FUEL & GREASES	
					FUEL - GASOLINE	51.75
					FUEL - GASOLINE	566.61
					FUEL - GASOLINE	27.68
					FUEL - GASOLINE	501.24
					FUEL - GASOLINE	964.85
					FUEL - GASOLINE	513.29
					FUEL - GASOLINE	697.19
					FUEL - DIESEL	521.46
					FUEL - DIESEL	225.61
					OFFICE SUPPLIES	40.98
					FUEL - GASOLINE	28.65
					Total :	4,139.31
214395	8/31/2016	ci115c CIT - CUSTOMER #2000304630	29035236		CANON COPIER SERVICE	
					CANON COPIER SERVICE	301.46
					CANON COPIER SERVICE	301.46
					CANON COPIER SERVICE	150.10
					CANON COPIER SERVICE	433.29
					CANON COPIER SERVICE	622.08

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214395	8/31/2016	ci115c	ci115c CIT - CUSTOMER #2000304630	(Continued)		Total : 1,808.39
214396	8/31/2016	co136c	CODE SOURCE		STATEMENTS	
			8866		255 SAUSALITO ST	1,565.00
			8868		STATEMENTS	
			8870		502 OAKDALE AVE	775.00
			8871		STATEMENTS	
			8872		20 ESTRADA LN	260.00
			8874		STATEMENTS	
			8875		5221 PARADISE DR	400.00
			8887		STATEMENTS	
			8892		34 FAIRVIEW AVE	1,720.00
			8894		STATEMENTS	
			8896		14 ENTERPRISE DR	375.00
			8903		STATEMENTS	
			8905		100 EDISON WAY	150.00
			8906		STATEMENTS	
			8913		550 ROBIN DR	525.00
					STATEMENTS	
					109 CMTC	700.00
					STATEMENTS	
					1500 REDWOOD HWY SPC K001	1,100.00
					STATEMENTS	
					203 TAMAL VISTA BLVD	300.00
					STATEMENTS	
					6 CHICKASAW CT	150.00
					STATEMENTS	
					29 KEY LARGO CRS	550.00
					STATEMENTS	
					10 DIAMOND HEAD PSG	150.00
					STATEMENTS	
					38 MADERA DEL PRESIDIO DR	150.00
					STATEMENTS	
					76 SUMMIT DR	877.50
					Total :	9,747.50

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214397	8/31/2016	co183c COLLINGS, RONALD W.	08/15/16STMT		MISC. REPAIR AT 14 LAKESIDE DR MISC. REPAIR AT 14 LAKESIDE DR	6,678.00
					Total :	6,678.00
214398	8/31/2016	co121c COMCAST- 028617, 0208847, 5594, 0010	08/19/16-09/18/16 09/01/16-09/30/16		REC. CTR. "DSL" LINE REC. CTR. "DSL" LINE CABLE TV CABLE TV	141.20 136.80
					Total :	278.00
214399	8/31/2016	co017c COMMUNITY MEDIA CENTER OF	08/29/2016STMT		CORTE MADERA 4TH JULY PARADE CORTE MADERA 4TH JULY PARADE	618.75
					Total :	618.75
214400	8/31/2016	co755c CORTE MADERA CHAMBER OF COMM.,	JULY 2016		CONTRIBUTIN & SUBSIDIES CONTRIBUTIN & SUBSIDIES FINANCE DEPT. COST RECOVERY ADMIN	21,303.63 -172.00 172.00
					Total :	21,303.63
214401	8/31/2016	pe176c CORTE MADERA-PERS HEALTH BENEF	TEMP		PERS HEALTH BENEFITS SERVCIE CHARGE RETIRED LAPPERT, MICHAEL PRETE QUADORS	346.83 5,625.00 746.47 -133.53 -133.53
					Total :	6,451.24
214402	8/31/2016	ma120c COUNTY OF MARIN	JULY 2016		MARIN TOURISM IMPROVE DISTRICT MARIN TOURISM IMPROVE DISTRICT ADMIN FINANCE DEPT. COST RECOVERY	21,303.63 172.00 -172.00
					Total :	21,303.63
214403	8/31/2016	da025c D & K AUTO SERVICES	51218		STATEMENTS STROBE LIGHT BRACKET	114.40

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214403	8/31/2016	da025c D & K AUTO SERVICES	(Continued) 51280		STATEMENTS BATTERY	172.02
			51549		STATEMENTS ACC. BLET TENSIONER	83.73
			51598		STATEMENTS BAR/CHAIN LUBE/GREASE PYROPI	272.59
			51609		STATEMENTS 2003 CEVROLET SERVICE - S50	661.99
			51630		STATEMENTS 2014 HONDA RIDGELINE - SERVICE	120.89
			51671		STATEMENTS 30H GEL CELL BATTERY	365.14
			51675		STATEMENTS OIL FILTER	39.40
					Total :	1,830.16
214404	8/31/2016	su103c DANIEL MUTISO MUIHYA	1537		JANITORIAL SVCS. JANITORIAL SVCS.	2,200.00
					Total :	2,200.00
214405	8/31/2016	de305c DELTA DENTAL OF CALIFORNIA	SEPTEMBER 2016-PREM		BENEFITS FOR RETIRED EMPLOYE BENEFITS FOR RETIRED EMPLOYE	1,581.54
					Total :	1,581.54
214406	8/31/2016	du105c DUNCAN PRINTING CO.	1422		HOLIDAY SIGNS HOLIDAY SIGNS HOLIDAY SIGNS HOLIDAY SIGNS HOLIDAY SIGNS HOLIDAY SIGNS	74.04 74.04 74.04 74.04 74.04 74.06
					Total :	370.22
214407	8/31/2016	ev109c EVERBANK COMMERCIAL FINANCE	3910633		PHOTOCOPY EQUIPMENT MAINT. PHOTOCOPY EQUIPMENT MAINT.	799.23

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214407	8/31/2016	ev109c	ev109c EVERBANK COMMERCIAL FINANCE (Continued)			Total : 799.23
214408	8/31/2016	fi075c	FIRE KING FIRE PROTECTION, INC	WO-4793	SEMI-ANNUAL FIRE SUPPRESSION : SEMI-ANNUAL FIRE SUPPRESSION :	450.00 Total : 450.00
214409	8/31/2016	ho018c	HOCHLER, MAUREEN	08/14/2016STMT	FUND ON DISATER PREPAREDNES FUND ON DISATER PREPAREDNES	370.00 Total : 370.00
214410	8/31/2016	ho175c	HORIZON	1Q070920	IRRIGATION SUPPLIES IRRIGATION SUPPLIES	297.02 Total : 297.02
214411	8/31/2016	ho016c	HOUSE PROPERTIES, LP	08/26/2016STMT	DAMAGE DEPOSIT REFUND - 801 M DAMAGE DEPOSIT REFUND - 801 M	4,000.00 Total : 4,000.00
214412	8/31/2016	ir102c	IRISH CONSTRUCTION	08/26/2016STMT	TAMAL VISTAWORNUM TAMAL VISTAWORNUM	1,000.00 Total : 1,000.00
214413	8/31/2016	jo124c	JOHNSON, ROBERT B.	6603	STORAGE BUILDING REC-CENTER STORAGE BUILDING REC-CENTER	300.00 Total : 300.00
214414	8/31/2016	kb100c	KBA DOCUSYS	INV463918	CYAN TONER - PLANNING CYAN TONER - PLANNING	12.95 Total : 12.95
214415	8/31/2016	ln075c	L.N. CURTIS & SONS	INV46522	CLOTHING, UNIFORMS CLOTHING, UNIFORMS	714.39 Total : 714.39
214416	8/31/2016	li117c	LINCOLN NAT'L LIFE INS CO, THE	SEPTEMBER 2016	PREMIUM PREMIUM PREMIUM	1.59 4.63

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214416	8/31/2016	li117c LINCOLN NAT'L LIFE INS CO, THE	(Continued)		PREMIUM	1.15
					PREMIUM	18.11
					PREMIUM	3.13
					PREMIUM	7.43
					PREMIUM	1.41
					PREMIUM	3.12
					PREMIUM	5.58
					PREMIUM	1.04
					PREMIUM	1.39
					PREMIUM	1.36
					Total :	49.94
214417	8/31/2016	ma168c MARIN COUNTY HAZARDOUS, MATERIA 164			COST OF JPA HAZ MAT	
					COST OF JPA HAZ MAT	3,060.00
					Total :	3,060.00
214418	8/31/2016	ne040c NELSON PERSONNEL SERVICES	6134687		PART TIME HELP - LISA HARPER	
					PART TIME HELP - LISA HARPER	287.43
					PART TIME HELP - LISA HARPER -A	0.65
					Total :	288.08
214419	8/31/2016	oh100c O'HEHIR, JOANNE	INV NO. 18		5124 PAIRADE DR - MINUTES	
					5124 PAIRADE DR - MINUTES	427.70
					21 ENDEAVOR COVE - MINUTES	195.00
					ATTENDING OF REMAINDER OF TH	65.00
					Total :	687.70
214420	8/31/2016	pa175c PACIFIC GAS & ELECTRIC	STATEMENT 08/22/16		ELECTRICITY BILL	
					UTILITIES-ELECTRICITY	775.98
					UTILITIES-ELECTRICITY	691.00
					UTILITIES-ELECTRICITY	333.13
					UTILITIES-ELECTRICITY	1,874.13
					UTILITIES-ELECTRICITY	217.79
					UTILITIES-ELECTRICITY	481.50

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214420	8/31/2016	pa175c	PACIFIC GAS & ELECTRIC	(Continued)		
					UTILITIES-ELECTRICTY	694.74
					UTILITIES-ELECTRICITY	2,416.34
					UTILITIES-ELECTRICITY	4,060.81
					UTILITIES-ELECTRICITY	944.71
					NATURAL GAS	20.18
					NATURAL GAS	69.51
					NATURAL GAS	47.67
					NATURAL GAS	74.65
					NATURAL GAS	27.38
					NATURAL GAS	100.64
					MARIN CLEAN ENERGY	2,109.86
					MARIN CLEAN ENERGY	1,946.33
					MARIN CLEAN ENERGY	213.81
					MARIN CLEAN ENERGY	1,137.60
					MARIN CLEAN ENERGY	101.53
					MARIN CLEAN ENERGY	1,110.78
					MARIN CLEAN ENERGY	317.98
					MARIN CLEAN ENERGY	2,170.00
					MARIN CLEAN ENERGY	6,253.75
					MARIN CLEAN ENERGY	811.35
					MARIN CLEAN ENERGY	-1,382.70
					MARIN CLEAN ENERGY	-1,302.18
					MARIN CLEAN ENERGY	-727.62
					MARIN CLEAN ENERGY	-3,618.46
					Total :	21,972.19
214421	8/31/2016	pr111c	PROTECTION ONE ALARM MON., INC	111409714		
					UTILITIES - WIRE SYSTEMS	
					UTILITIES - WIRE SYSTEMS	41.81
					Total :	41.81
214422	8/31/2016	pu108c	PURE POTENTIAL SOCCER	20166-0816		
					TEAM CAMP TRIANING 8/8-9/19/16	
					TEAM CAMP TRIANING 8/8-9/19/16	3,150.00
					Total :	3,150.00

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214423	8/31/2016	ri042c RICOH USA, INC., (FIRE)	97386295		CANNON NP6551 LEASE CANNON NP6551 LEASE	322.89
					Total :	322.89
214424	8/31/2016	su135c SUNSHINE HOME MAINTENANCE	2682		STEAM CLEAN CARPETS STEAM CLEAN CARPETS	680.00
					Total :	680.00
214425	8/31/2016	jo135c VICTOR M. ROJAS, DBA JON'S BUILDING	08/29/2016-ENG AUGUST 2016-TH		JANITORIAL SERIVCE FOR ENG - A JANITORIAL SERIVCE FOR ENG - A JANITOIRAL SERVICE - TOWN HAL JANITOIRAL SERVICE - TOWN HAL	750.00 1,600.00
					Total :	2,350.00
214426	8/31/2016	vi100c VSP (CA) #00 114728 0001 MAPE, ATTN: /	SEPTEMBER 2016		PREMIUM MEJIA, GUILLERMO RAVINA, JAMES SANTOS, VERNON VELAZQUEZ, ODILON DOWNING, GARY PAYES, EDWIN MITCHELL, MATTHEW	17.01 17.01 17.01 17.01 17.01 17.01 17.01
					Total :	119.07
214427	8/31/2016	vi099c VSP (CA) ACCT: 12 220077 0001, ATTN: A	08/29/2016STMT		BENEFTIS FOR RETIREEED EMPLOY BENEFTIS FOR RETIREEED EMPLOY BENEFITS FOR RETIREEED EMPLOY	222.65 6.63
					Total :	229.28
214428	8/31/2016	we275c WEST END NURSERY, INC.	07/31/2016STMT		PLANTING SUPPLIES PLANTING SUPPLIES	469.34
					Total :	469.34
214429	8/31/2016	zi101c ZIONS BANK	08/22/2016STMT		PRINCIPAL RETIREMENT PRINCIPAL RETIREMENT INTEREST EXPENSE	19,988.46 19,718.08

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>
214429	8/31/2016	zi101c	zi101c ZIONS BANK		(Continued)	Total : 39,706.54
44 Vouchers for bank code : bom						Bank total : 191,287.63
44 Vouchers in this report						Total vouchers : 191,287.63

This material has been reviewed
by the Town Manager



**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

Report Date: August 30, 2016
Meeting Date: September 6, 2016

TO: TOWN MANAGER, MAYOR, AND COUNCIL MEMBERS
FROM: MARIO FIORENTINI, DIRECTOR OF RECREATION AND LEISURE SERVICES
SUBJECT: PARKS AND RECREATION CENTENNIAL EVENT
“LET IT SNOW DAY IN CORTE MADERA”

* * * * *

STAFF RECOMMENDATION:

By motion, approve expenditures for the “LET IT SNOW DAY IN CORTE MADERA” event

OPTIONS:

- 1. Approve the expenditures for the event
- 2. Make modifications to the recommendations
- 3. Take no action and request staff to bring back information or other alternatives to address the recommendations presented in this report.

TOWN MANAGER’S RECOMMENDATION:

Supports staff’s recommendation.

FISCAL IMPACT:

Budget Estimate:

Snow and Hay Bales	\$7,500 - \$10,000
Santa	\$500
Kids Art and Games	\$1,000
Carolers	\$1,500
Commemorative Ornament (500)	\$1,000

Tree Lighting Contingency	NO CHARGE <u>\$1,000</u>
Requested total event expenditures	\$15,000

BACKGROUND:

The Parks and Recreation Department requested funds to be budgeted for the 2016 Centennial Activities. \$105,000 was approved in the 2016 – 2017 Capital Projects Budget for this purpose, and \$800 has been spent to date from that budget. This \$105,000 budget is separate from money that was budgeted for use by Centennial Committee.

DISCUSSION:

The Parks and Recreation Department has many offerings for the community. Community events are something we pride ourselves in. We are able to bring the community together to experience the park and community center throughout the year with unique events that everyone can enjoy.

This year being the Corte Madera Centennial, staff would like to offer an extra holiday event on top of our yearly Breakfast with Santa (December 10th), that we are calling “Let It Snow Day in Corte Madera”. The proposed date for Let It Snow Day would be on December 3rd. We will have a company come in and make a snow play area and sled run in Menke Park for all to enjoy throughout the day. The day will include treats, hot chocolate, carriage rides, carolers, a commemorative holiday ornament for the first 500 people and conclude with a holiday tree lighting ceremony with a visit from St. Nicklaus himself. We feel that this will be a great conclusion to our yearlong centennial celebration and provide lasting memories for all.

At their August 2016 meeting the Parks and Recreation Commission voted unanimously to recommend the event to the Town Council.

This material has been reviewed
by the Town Manager



**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

Report Date: August 30, 2016
Meeting Date: September 6, 2016

TO: TOWN MANAGER, MAYOR, AND TOWN COUNCIL
FROM: DOUGLAS BUSH, ASSISTANT PLANNER
REVIEWED BY: ADAM WOLFF, PLANNING AND BUILDING DIRECTOR

SUBJECT: 646 OAKDALE AVENUE – A PUBLIC HEARING TO CONSIDER AN APPEAL OF THE PLANNING DIRECTOR’S ACTION TO CONDITIONALLY APPROVE TREE REMOVAL PERMIT PL-2016-0057 CONCERNING THE REMOVAL OF A 70 FOOT TALL, COAST REDWOOD AT THE REAR YARD OF 646 OAKDALE AVENUE

* * * * *

PURPOSE:

Pursuant to Chapter 15.50.070 of the Municipal Code regarding appeals, this item has been referred to the Town Council for an appeal hearing.

STAFF RECOMMENDATION:

Staff recommends that the Town Council adopt the attached Resolution No. 30/2016 (Attachment 1) upholding and affirming the Planning Director’s action to conditionally approve tree removal Permit PL-2016-0057, thereby allowing the removal of a 70 foot tall, coast redwood in the rear yard at 646 Oakdale Avenue.

TOWN MANAGER’S RECOMMENDATION:

Support Staff’s recommendation.

OPTIONS:

The following options are available to the Council:

1. Deny the appeal and uphold the Planning Director’s action by approving the attached resolution.

2. Modify the Planning Director's action, by changing the conditions of the approval and associated findings for the Tree Removal Permit Application; direct staff to return to the Town Council with a modified Resolution.
3. Approve the appeal; thereby, overturning the Planning Director's action approving the Tree Removal Permit, direct staff to prepare a Resolution with the required findings denying the application; and direct staff to return to the Town Council with a Resolution.

FISCAL IMPACTS:

Not applicable.

CEQA STATUS:

The Planning Department Staff determined that the project is exempt from the California Environmental Quality Act (CEQA) under Categorical Exemption Class 4 (Article 19, Section 15304).

BACKGROUND:

On June 1, 2016, the owner of 646 Oakdale Avenue filed an application for Tree Permit with the Planning Department and the required \$100 permit fee was paid. The application was for the removal of one Coast Redwood, 109 inches in circumference at 4.5 feet above ground and approximately 65-70 feet tall. The request was made based upon concern for hazards related to potential tree or branch failure (Attachment 3).

On June 6, 2016, Public Notice of the Planning Department's receipt of a tree permit application was mailed to all property owners within 300 feet of the subject property.

On June 13, 2016 Staff received feedback from neighbors at 60 Presidio Avenue and 57 Presidio Avenue relaying concerns of potential negative impacts from the tree's removal (Attachment 5).

On June 29, 2016, due in part to feedback received from the public notice period, Staff responded to the applicant with an incompleteness letter, stating that the Department was unable to approve the permit without the presentation of more conclusive evidence supporting its removal, including an arborist report provided by an independent, consulting arborist, not associated with a tree removal service (Attachment 6).

On July 21, 2016 the applicant provided additional materials in response to Staff's June 29 letter. These materials included an arborist report, personal statement, letters of support from four neighbors, photographs of the rear yard and an article relating to redwoods in urban environments (Attachment 3).

On August 9, 2016, the Planning Director conditionally approved the tree removal application and mailed notice of approval to the applicant as well as 57 and 60 Presidio Avenue based on their prior responses to public notice (see Attachment 4). In summary, the approval was based upon the following factors:

1. Risk of tree or limb failure
2. Current Damage to Property
3. Impact on Neighboring Vegetation
4. Provision of sunlight

On August 19, a timely appeal was jointly filed by Karin Loscalzo (57 Presidio Avenue) and Michael Weir (60 Presidio Avenue) to the Town Council (Attachment 2) on the following grounds.

1. "The redwood tree measures 118 inch circumference at 4.5 feet and is estimated to be over 100 years old, which means that the tree is exempt from 15.50.100 right to view and sunlight."
2. "The arborist reports mention the tree is in good health and the risk of failure is low and the damage has been minor."
3. "The coast Redwood has a distinctive presence at one end of Presidio Avenue for over 25 years. It helps define the character of the street that is also planted with a tall cedar, white birches, and other large, mature trees including heritage oaks."
4. "Removal of the tree will create a gaping hole in that vista, creating an imbalance in the streetscape and unwanted exposure to the unattractive roof and backyard fence at 646 Oakdale Avenue."
5. "Replanting the area to restore it to its original character and views will take decades."
6. "Such elements have the potential to affect property values in the neighborhood now and in the future."

On August 26, 2016, Notice of Appeal was mailed to all properties within 300 feet of the subject property. (Attachment 6)

On September 6, 2016, the Corte Madera Town Council will be conducting the public hearing on the Appeal.

GENERAL PLAN:

Policy RCS- 7.4 of the General Plan is for the protection of woodland and tree resources. Implementation Program RCS-7.4.a is established to "protect large native trees, trees with historical importance, oak woodlands, and forest habitats, and prevent the untimely removal of trees through implementation of standards in the Town's Municipal Code."

Coast Redwoods are a native species of historical and environmental significance and are subject to the Town's Tree Ordinance, Chapter 15.50 of the Corte Madera Municipal Code.

TREE ORDINANCE

Corte Madera Municipal Code Chapter 15.50 Article II establishes the process for tree permits. A permit is required for any person desiring to remove one or more trees on their property in the town, except for those explicitly exempted in the code. Exemptions include trees below fifty inches in circumference (measured at 4.5 feet above grade) or removal of “undesirable species” as they are defined in the code. The applicant was required to apply for a tree permit application to remove one coast redwood because the tree is over 50 inches in circumferences (109 inches), is not considered an “undesirable species” and is not otherwise exempted from permit requirements.

The Planning Director is authorized to grant or deny requests for tree permits and his/her decision is required to be based on specific criteria established in Section 15.50.060. Some criteria provide justification for tree removal; others provide justification for retaining a tree or trees, and in practice approving or denying a requested permit requires weighing and balancing various factors and criteria. The stated criteria are listed in the Discussion section below and Attachment 6 includes Section 15.50 Article II in its entirety.

DISCUSSION:

This is a public hearing on an appeal from the Planning Director’s decision to conditionally approve Tree Removal Permit Application PL-2016-0057 for the removal of one Coast Redwood, approximately 109” in circumference and 65 feet tall in the rear yard of the applicant’s property at 646 Oakdale Avenue. An appeal hearing is considered to be a new proceeding before the Town Council. The Town Council is to consider not only the record of the Planning Director’s decision, but also any additional evidence that may be submitted at or before the appeal hearing.

646 Oakdale Avenue, owned by the applicant, Adam Sachs, is located east of Chapman Park, an area characterized by sloping lots with many split level, two to three-story single-family homes. The homes in this upper section of Oakdale Avenue and others within the immediate vicinity are generally oriented toward the primary view corridor to the north. The subject property fronts on Oakdale Avenue and slopes up steeply toward Presidio Avenue, the end of which is adjacent to the applicant’s rear yard. The appellants live at 57 and 60 Presidio Avenue at the end of Presidio Avenue as indicated in Figure 1.



Figure 1 – Vicinity Map

The tree is within the applicant’s property boundaries, but is located to the south of their wood fence. The tree is visible from both Oakdale Avenue and Presidio Avenue, but the tree’s presence is most notable from Presidio Avenue. The canopy begins at approximately 10 feet from grade. The tree has been “windowed” or selectively pruned by the Weirs at 60 Presidio Avenue to create an approximately 10 foot tall area free of branches as shown in Figure 2.

The applicant’s request for Tree Removal Permit is based upon the following factors as articulated in the application and expanded upon in supplemental materials included in Attachment 3:

- Potential for damage to life and property due to toppling or limb failure
- Growth related damage to fencing, neighbor’s driveway, brick retaining wall
- The trees impact on available sunlight within their home and the impact of shading on their desired vegetation

Chapter 15.50.060 states that the determination of the Planning Director in granting or denying a tree permit application shall be based upon 24 different factors which include:

1. *The condition of the tree with respect to:*



- a) *Disease*
 - b) *General health*
 - c) *Root or other damage*
 - d) *Public nuisance*
 - e) *Fire hazard*
 - f) *Danger of falling*
 - g) *Proximity to existing or proposed structures and interferences with utility services*
 - h) *Whether or not the tree acts as a host for a plant is parasitic to another species of tree which is in danger of being exterminated by the parasite*
2. *The number of existing trees in the area*
- a) *The number of healthy trees that a given parcel of land will support*
 - b) *The current effects of the tree(s) and their removal on neighboring vegetation*
3. *The extent to which the trees provide:*
- a) *Privacy*
 - b) *Energy conservation and/or climate control*
 - c) *Soil stability, as measured by soil structure, degree of slope and extent of tree root system(s)*
4. *Other tree related factors, including but not limited to:*
- a) *Species*
 - b) *Size*
 - c) *Growth maintenance requirements*
 - d) *Aesthetic form*
 - e) *Vigor*
 - f) *Location*
 - g) *Screening*
 - h) *Potential for replacement of removed trees*
 - i) *Historic value*
 - j) *The effect of tree removal or alteration upon the public health, safety, prosperity, beauty and general welfare of the area*
5. *Preservation/restoration of views and/or sunlight on an applicant's property*

On August 9, after consideration of the required criteria, the Planning Director approved the applicant's request for a tree permit based on risk of tree or limb failure, current damage to property, impact on neighboring vegetation, and provision of sunlight. (Attachment 4)

On August 19, 2016, the Loscalzo's and Weir's submitted a timely appeal of the Planning Director's decision to conditionally approve the tree removal permit, based on points summarized below.

ANALYSIS:

The following analysis responds to each of the points on appeal.

Point on Appeal 1

"Said Redwood tree measures 118 inch circumference at 4.5 feet and is estimated to be over 100 years old meeting both A and B requirements [of Corte Madera Municipal Code (CMMC) Section 15.50.010, as they relate to Section 15.50.100 CMMC]

Response:

Three arborist reports were provided that measure the tree at approximately 110 inches in circumference at chest height. One arborist report speaks to the age of the tree and estimates the age at 70 years old.

- The applicant provided two arborist reports. The first report is dated June 1, 2016 and was written by Tad Jacobs of Tree Masters. This report states that the tree is 109" in circumference at breast height and 65 feet tall. No age estimate was provided.
- The second arborist report provided by consulting arborist Kent Julin and dated July 14, 2016, states that the tree is 35" in diameter at breast height or approximately 110" in circumference. The report estimates the tree at 70 years old.
- The appellant provided an arborist report from November 3, 2014 conducted by Marin Tree Service conducted at the request of 60 Presidio Avenue. The report estimated the tree at 35" or approximately 110" in circumference in diameter at that time. No age estimate was provided.

At over 50 years of age and over 100 inches in circumference, the tree is considered a "heritage tree" under the following definition from 15.50.020 (12a) CMMC:

"Heritage tree" means any tree, excluding an undesirable species, (A) of no less than fifty years old with a single trunk circumference equal to or more than one hundred inches (or multi-stemmed trees having an aggregate circumference of equal to or more than one hundred inches) measured 4.5 feet above grade; or (B) which is no less than one hundred years old."

While the tree is considered a heritage tree, it does not fall under section 15.50.100 "Right to View and Sunlight." Section 15.50.100 states that,

"no right to a view or sunlight may be established under this article as to any heritage tree, and heritage trees may not be altered, destroyed or removed on the basis of any provision of this article."

However, it can be inferred that this section does not apply to situations where a tree owner wishes to ameliorate view or sunlight obstructions caused by a tree *on their own property*. Section 15.50.100 was established to set forth a process for conflict resolution between a *complainant and tree owner* when the complainant wishes to assert their right to view or sunlight in order to have action taken on a tree that the owner does not wish to modify (remove, prune, etc.) Section 15.50.060, which does apply to this

application, establishes the applicable considerations for evaluation of tree removal permit applications when an owner of a tree wishes to remove said tree. One of these factors is "preservation/restoration of views and/or sunlight on an applicant's property." This further supports the fact that view and sunlight claims may be considered in evaluation of tree removal permits for heritage trees when those claims to view and sunlight are made by the owner of the tree.

Point on Appeal 2

"In addition, the arborist reports mention the tree is in good health and the risk of failure is low and the damage has been minor."

Response:

As stated in the approval letter dated August 9, 2016, Staff recognizes that the tree is generally in good health and form. The applicant provided two arborist reports from different arborists selected by and paid for by the applicant. One of the arborists is an arborist with no monetary interest in the removal of the tree. While both arborist reports cite limited risk of complete tree failure, there remains a risk of large limb failure. Due to the location of the tree, upslope from the applicant's property, failure of the whole tree or of a significant branch could result in significant damage to life or property. Furthermore, the precarious position of the tree in relation to the applicant's home is a cause for concern to the applicant which impacts their feeling of safety in their home and in their backyard, especially during times of inclement weather.

In regards to the tree's health and potential risk of failure, the arborist report dated June 1, 2016 by Tad Jacobs of Tree Masters states that,

- The tree is causing damage to the fence and retaining wall
- The Coast Redwood species have a history of shedding limbs and this tree is located in close proximity to high voltage wires making it a potential hazard
- This tree also shows signs of root excavation; root excavation is the number one cause of failure in Redwoods. If this tree failed it targets the two structures.

The second arborist report provided by consulting arborist Kent Julin and dated July 14, 2016, states that,

- The subject coast redwood is a healthy tree
- This tree has no visible defects such as damaged roots, trunk hollows, stem deformities, or multiple leaders that indicate a hazardous condition that will lead to whole-tree failure
- Like most established redwoods, large branches on this isolated tree may be cracked by strong winds and fall
- Overall this tree presents a low failure risk to both nearby homes and attendant gardens
- A low failure risk is indicated for the subject tree. The ground area immediately surrounding the tree is undisturbed so its roots are likely intact and strong. Its main trunk has good form and is defect free. Large branch failure during winter storms is the most likely failure mechanism for this tree. The crown shows no indications of tree decline.

The appellant provided an arborist report from November 3, 2014 conducted by Marin Tree Service at the request of 60 Presidio Avenue. The report states that,

- [The tree] is of normal vitality and structural integrity. It is well balanced with a normal tapered trunk. The tree has been thinned to reduce wind resistant by almost 50% of the foliage. The root crown was examined by soundings. No decay was detected. This is a young vigorous tree in a stable environment. No treatments or further pruning are recommended at this time.

Point on Appeal 3, 4, 5

"The Coast Redwood approved for removal has been a distinctive presence at one end of Presidio Avenue for over 25 years. It helps define the character of the street that is also planted with a tall cedar, white birches, and other large, mature tree including heritage oaks. Removal of the tree will destroy the significant vista now enjoyed by the four families on Presidio Avenue. Removal of the tree will create a gaping hole in that vista, creating an imbalance in the streetscape and unwanted exposure to the unattractive roof and backyard fence at 646 Oakdale Avenue. Replanting the area to restore its original character and views will take decades.

Response:

Among the factors of consideration articulated in Section 15.50.060 are aesthetic form, historic value and the effect of tree removal or alteration upon prosperity, beauty and general welfare of the area. Many of these factors are subjective and may be best determined by those who live within closest proximity of the tree. Feedback received from neighboring residents in conjunction with observations made by Staff on numerous site visits indicate that the tree is a notable feature along Presidio Avenue and one that is clearly of special value to certain homeowners. At the same time, Staff must consider these factors in addition to a number of other factors established by the code. While the code does not differentiate or prioritize certain factors over others, Staff does place consideration of risk and hazard ahead of other factors.

Staff acknowledges that the tree is of substantial size and presence and is both aesthetically and environmentally valuable. While these factors were outweighed by consideration of hazard, sunlight, privacy and other factors, Staff has required the planting of two replacement trees in the area of the Redwood to help mitigate its removal. Staff reached out to the Weirs to better understand the significance of the tree from their vantage point with the hope that proper replacement trees would help mitigate the loss of the Redwood. Concerns were conveyed regarding the possibility of fruit trees due to their propensity to attract unwanted animals and people. A condition of approval was added to respond to concerns about loss of views stemming from unmanaged vegetation.

The Council may wish to consider the extent and application of this mitigation measure (Condition of Approval 3,4,5) in light of the concerns highlighted by the appeal.

Point on Appeal 6

"Such elements have the potential to affect property values in the neighborhood now and in the future."

Response:

See Response #3-5 above, concerning the multiple factors considered and weighed by Staff in the process of evaluating the application for tree removal.

The applicant, Adam Sachs, also provided a response to the filed appeal which was received by staff on September 1, 2016 and is attached to this staff report (Attachment 7).

CONCLUSION:

The Planning Director made a decision to approve the application for tree removal based on evidence provided by the applicant including two arborist reports provided by two different arborists, both providing factors supporting removal of the tree. Staff also considered feedback provided by neighbors in support and against the removal of the tree in ultimately making its decision. The Town Council has discretion to consider and weigh all potential factors based on all available evidence.

Staff recommends that the Town Council deny the appeal, and adopt Resolution No. 30/2016, upholding the Planning Directors approval.

ATTACHMENTS:

1. Resolution
2. Appeal Form
3. Tree Removal Permit Application and Applicant's Supporting Materials
4. Public Notice Tree Permit Application, Incompleteness Letter, Approval Letter
5. Weir Correspondence and Photographs
6. Town of Corte Madera Municipal Code Section 15.50 Trees
7. Additional Information and Response to Appeal Provided by Adam Sachs, property owner, on September 1, 2016.

cc: Project File: 646 Oakdale Avenue

Attachment 1

Resolution

RESOLUTION NO. 30/2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA AFFIRMING THE PLANNING DIRECTOR'S APPROVAL OF TREE PERMIT PL-2016-0057, THEREBY ALLOWING THE REMOVAL OF A 70 FOOT TALL, COAST REDWOOD AT THE REAR YARD OF 646 OAKDALE AVENUE.

WHEREAS, On June 1, 2016 an application was filed for Tree Permit with the Planning Department and the required \$100 fee was paid. The application filed by the property owner at 646 Oakdale requested the removal of one Coast Redwood, 109 inches in circumference at 4.5 feet above ground and approximately 65-70 feet tall. The request was made based upon concern for hazards related to potential tree or branch failure; and

WHEREAS, On June 6, 2016, Public Notice of the Planning Department's receipt of a tree permit application was mailed to all property owners within 300 feet of the subject property; and

WHEREAS, On June 13, 2016 Staff received feedback from neighbors at 60 Presidio Avenue and 57 Presidio Avenue relaying concerns of potential negative impacts from the tree's removal; and

WHEREAS, On June 29, 2016, due in part to feedback received from the public notice period, Staff responded to the applicant with an incompleteness letter, stating that the Department was unable to approve the permit without the presentation of more conclusive evidence supporting its removal, including an arborist report provided by an independent, consulting arborist, not associated with a tree removal service; and

WHEREAS, On July 21, 2016 the applicant provided additional materials in response to Staff's June 29 letter. These materials included an arborist report, personal statement, letters of support from four neighbors, photographs of the rear yard and an article relating to redwoods in urban environments; and

WHEREAS, On August 9, 2016, based on the materials provided by the property owner, the Planning Director conditionally approved the tree removal application and mailed notice of approval to the applicant as well as 57 and 60 Presidio Avenue based on their prior responses to public notice. In summary, the approval was based upon the following factors:

1. Risk of tree or limb failure
2. Current Damage to Property
3. Impact on Neighboring Vegetation
4. Provision of sunlight; and

WHEREAS, On August 19, a timely appeal was jointly filed by Karin Loscalzo (57 Presidio Avenue) and Michael Weir (60 Presidio Avenue) to the Town Council on the following points:

1. "The redwood tree measures 118 inch circumference at 4.5 feet and is estimated to be over 100 years old, which means that the tree is exempt from 15.50.100 right to view and sunlight."
2. "The arborist reports mention the tree is in good health and the risk of failure is low and the damage has been minor."

3. "The coast Redwood has a distinctive presence at one end of Presidio Avenue for over 25 years. It helps define the character of the street that is also planted with a tall cedar, white birches, and other large, mature trees including heritage oaks."
4. "Removal of the tree will create a gaping hole in that vista, creating an imbalance in the streetscape and unwanted exposure to the unattractive roof and backyard fence at 646 Oakdale Avenue."
5. "Replanting the area to restore it to its original character and views will take decades."
6. "Such elements have the potential to affect property values in the neighborhood now and in the future."; and

WHEREAS, On August 26, 2016, Notice of Appeal was mailed to all properties within 300 feet of the subject property; and

WHEREAS, the approval of this resolution is exempt from the California Environmental Quality Act under CEQA guidelines Article 19, Section 15304, Class 4; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Corte Madera does hereby find that based on review of the whole record, including, but not limited to, application and appeal materials, staff reports, written comments, and public testimony, the subject appeal is denied based on the reasoning and criteria described in the Planning Director's August 9, 2016 approval letter, including evidence that the subject tree is at risk of limb failure, it has caused damage to a fence and retaining wall, it has prevented reasonable use of the applicant's rear yard and it limits the availability of sunlight on the applicant's property

I hereby certify that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on the 6th day of September, 2016 by the following vote, to wit:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSENT:	Councilmembers:

Sloan Bailey, Mayor

ATTEST:

Rebecca Vaughn, Town Clerk

O:\Planning Department_02 PLANNING APPLICATIONS AND PROPERTY FILES\K-O\OAKDALE AVE\646 Oakdale Ave TP PL-2016-0057\Appeal\Oakdale Ave 646 TC Appeal Resolution.doc

Attachment 2

Appeal Form



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

PLANNING AND BUILDING DEPARTMENT
300 TAMALPAIS DRIVE
CORTE MADERA, CA 94925

Application for APPEAL

For Staff Use	
Date:	_____
Rec. by:	_____
Fee:	_____
App. #:	_____

Name: Michael Weir, Karen Loscalzo Daytime Phone: 415 730 3111

Mailing Address: 60 PRESIDIO AVENUE, CORTE MADERA, CA 94925

I hereby appeal the decision made on 8/17/2016 (date) by the

Planning Director Zoning Administrator Planning Commission

in the matter of: Tree Permit No. PL-2016-0057

I request the Planning Commission Town Council to:

Approve the application

Deny the application

Amend the Conditions of Approval

Other (explain) _____

The Corte Madera Municipal Code requires appellants to state the **specific reason(s)** upon which the appeal is based, including but not limited to:

The determination, decision, or interpretation was not consistent with the Municipal Code in the following respect(s): _____

Please see attached for view and Habitat trees

The determination, decision, or interpretation was in error or was an abuse of discretion for the following reason(s): _____

The determination, decision, or interpretation was not supported by the record or facts presented in the following respect(s): _____

Other: _____

An explanation of the specific reasons for this appeal is attached.

I hereby certify that the information given is true and correct to the best of my knowledge and belief.

Signature: [Signature] Date: 8/18/16

Karin B Loscalzo

8/18/16

Per the Municipal Code:

15.50.010

- (12a)

"Heritage tree" means any tree, excluding an undesirable species, (A) of no less than fifty years old with a single trunk circumference equal to or more than one hundred inches (or multi-stemmed trees having an aggregate circumference of equal to or more than one hundred inches) measured 4.5 feet above grade; or (B) which is no less than one hundred years old

- **15.50.100 - Right to view and sunlight.**

Subject to the other provisions of this article, it is recognized that every person owning real property in the town has the right to have a reasonable amount of the view and sunlight benefitting his/her real property which existed at any time during the period beginning on the date that the complainant purchased the property and ending twelve months immediately following thereafter.

(1)

Notwithstanding the above, no right to a view or sunlight may be established under this article as to any tree located in the public right-of-way; provided, however, that such rights may be established in accordance with this article as to trees located on property in which the town enjoys a fee interest, easement or any other interest, excluding trees located in the public right-of-way.

(2)

Notwithstanding the above, no right to a view or sunlight may be established under this article as to any heritage tree, and heritage trees may not be altered, destroyed or removed on the basis of any provision of this article.

(3)

Notwithstanding the above, a view or sunlight right may only be established based on the later of: (A) facts or conditions which occurred or existed no more than twenty years prior to the date the complainant first notifies the tree owner under [Section 15.50.110\(1\)](#); or (B) facts or conditions which occurred or existed during the one-year period specified in the first paragraph of this section.

(4)

Notwithstanding the above, no view or sunlight right may be based upon and no view or sunlight right may be exercised with respect to any tree located more than three hundred feet from any boundary of complainant's real property.

Said Redwood tree measures 118 inch circumference at 4.5 feet and is estimated to be over 100 years old meeting both A and B requirements. In addition, the arborist reports mention the tree is in good health and the risk of failure is low and the damage has been minor. The Coast Redwood approved for removal has been a distinctive presence at one end of Presidio Avenue for over 25 years. It helps define the character of the street that is also planted with a tall cedar, white birches, and other large, mature trees including heritage oaks. Removal of the tree will destroy the significant vista now enjoyed by the four families on Presidio Avenue. Removal of the tree will create a gaping hole in that vista, creating an imbalance in the streetscape and unwanted exposure to the unattractive roof and backyard fence at 646 Oakdale Avenue. Replanting the area to restore it to its original character and views will take decades. Such elements have the potential to affect property values in the neighborhood now and in the future.

Attachment 3

Tree Permit Application and Applicant's Supporting Materials



Town of Corte Madera
1997

Application for Tree Permit

PLANNING AND BUILDING DEPARTMENT
300 Tamalpais Drive
Corte Madera, CA 94925-1418

For Staff Use	
Date:	6/1/16
Rec. by:	DK
Fee:	\$100.00 PEET # 00000429
App. #:	PL-2016-0057

Address of Property: 646 OAKdale Ave
 Owner of Property: Adam Sachs
 Mailing Address: 646 OAKdale Ave Corte Madera CA
 Daytime Telephone: 415-625-1059
 Applicant (other than owner): Treemasters
 Mailing Address: 3175 Kerner Blvd San Rafael CA 94901
 Daytime Telephone: 415-455-9933
 Zoning: R-1

SUBMITTAL REQUIREMENTS
Please check all the items being submitted: Treemasters @ Treemasters.com @ Randy @ Treemasters.com

- 1. A Site Plan, drawn to scale, showing property lines, existing structures, and the location of the proposed tree(s) to be removed.
- 2. A photo of the proposed tree(s) to be removed.
- 3. An Arborist Report that includes an assessment and recommendation signed by a Certified Arborist.

TREES TO BE ALTERED OR REMOVED

	Species	Circumference at 4' 6" above grade	Reason for Alteration or Removal*
1	Coast Redwood	109"	Damage Hazard
2			See Arborist Report
3			
4			
5			
6			

* Pursuant to Corte Madera Municipal Code §15.50.060.

RECEIVED

(OVER)
1 of 2

JUN 01 2016

TOWN OF CORTE MADERA

Tree Permit §15.50.060 – Factors for Decision on a Permit.

The determination of the Planning Director in granting or denying a Tree Permit application shall be based upon the following factors:

1. The condition of the tree with respect to disease, general health, root or other damage, public nuisance, fire hazard, danger of falling, proximity to existing or proposed structures and interferences with utility service, and whether or not the tree acts as a host for a plant which is parasitic to another species of tree which is in danger of being exterminated by the parasite;
2. The number of existing trees in the area, the number of healthy trees that a given parcel of land will support, and the current effects of the tree(s) and their removal on neighboring vegetation;
3. The extent to which the tree(s) provide:
 - a. Privacy,
 - b. Energy conservation and/or climate control,
 - c. Soil stability, as measured by soil structure, degree of slope and extent of tree root system(s);
4. Other tree-related factors, including but not limited to, species, size, growth maintenance requirements, aesthetic form, vigor, location, screening, potential for replacement of removed trees, historic value, and the effect of tree removal or alteration upon the public health, safety, prosperity, beauty and general welfare of the area;
5. Preservation/restoration of views and/or sunlight on an applicant's property.

Tree Permit §15.50.050 – Exemptions to permit requirements.

The following activities may be performed without first securing a tree permit (see Corte Madera Municipal Code §15.50.050 for complete details):

1. **Trees Below Permit Size.** Trees with a single trunk circumference less than fifty inches (or multistemmed trees having an aggregate circumference of less than one hundred twenty inches), measured four and one-half feet above grade;
2. **Undesirable Species.** Undesirable species of any size may be altered, removed or destroyed without a tree permit. However, inspection of the tree and its confirmation as being an undesirable species by an Arborist are required prior to removal. Undesirable species means any of the following species: Blue gum eucalyptus (*Eucalyptus globulus*), Sugar gum eucalyptus (*Eucalyptus cladocalyx*), Manna gum eucalyptus (*Eucalyptus viminalis*), Black acacia (*Acacia melanoxylon*), Green wattle acacia (*Acacia decurrens*), Monterey pine (*Pinus radiata*), Juniper (all species - *Juniperus* spp.), Lombardy poplar (*Populus nigra* "Italica")
3. **Emergencies.** In case of emergency, a tree may be removed without a permit upon a determination by the town manager, or his/her designee, that removal of the tree is necessary for the immediate protection of life or property. An Arborist Report must be submitted to the Planning Department to verify the condition of the tree(s).

I, the authorized owner; or authorized agent of owner with a letter of approval from property owner stating that said agent may act on owner's behalf, hereby agree to be bound by the conditions of approval of this application, subject only to the right to object at the hearing or during the appeal period. I further testify that information and exhibits submitted are true and correct.

Signature: _____

Date: _____

TREEMASTERS

3175 Kerner Boulevard
San Rafael, CA 94901
(415) 455-9933 Main
(415) 455-9934 Fax
(415) 755-3657 Text



WWW.TREEMASTERS.COM
treemasters@treemasters.com



June 1, 2016

Adam Sachs
646 Oakdale Ave
Corte Madera, CA 94925

ARBORIST REPORT

I have inspected one tree at 646 Oakdale Ave in Corte Madera and have found the following:

Tree: Coast Redwood *Sequoia sempervirens*

- Tree is located on the back side of property.
- Tree has a CBH of 109" and a height of approx 65'.
- The tree is 25' upslope of the residence.
- Tree is 25' down slope of the neighbor.
- The tree is located in close proximity to high voltage wires.
- Tree is causing damage to the fence & retaining wall.
- Tree is planted in a well.
- Tree has signs of tip decline likely caused by root excavation to make room for the neighbors new driveway.

Observations: The Coast Redwood species have a history of shedding limbs & this tree is located in close proximity to high voltage wires making it a potential hazard. This tree also shows signs of root excavation, root excavation is the number one cause of failure in Redwoods. If this tree failed it targets the two structures.

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JUN 01 2016

TOWN OF CORTE MADERA



"Providing great care and attention
to the **ONE TREE** we are working on at that moment."

Discussion: Coast Redwood *Sequoia sempervirens* are a grove tree and being a stand alone tree this Redwood is not suited for the area. Being a young growth tree and already causing property damage, this tree has the potential to cause severe damage to the property and surrounding area due to its potential to grow to 6'+ diameter.

Conclusion: This tree is ultimately planted in the wrong location and will continue to outgrow the tree well its planted in.

Recommendation: Remove and replant a more desirable tree that will grow to around 25' tall and provide screen between the two neighbors.

Limitations

The health and hazard assessments in this report are limited by the visual nature of the assessment. No trees were climb to obtain an up-close examination of the exact nature of branch or trunk leader attachments. Aerial defects maybe obscured by foliage, branches or other trees. No trees were examined using invasive techniques. Structurally sound, healthy trees are wind thrown during severe storm events. Consequently, a conclusion that a tree that does/does not require corrective surgery or removal is not a guarantee of risk, hazard or sound health.

Note: I only inspected the tree(s) on this report

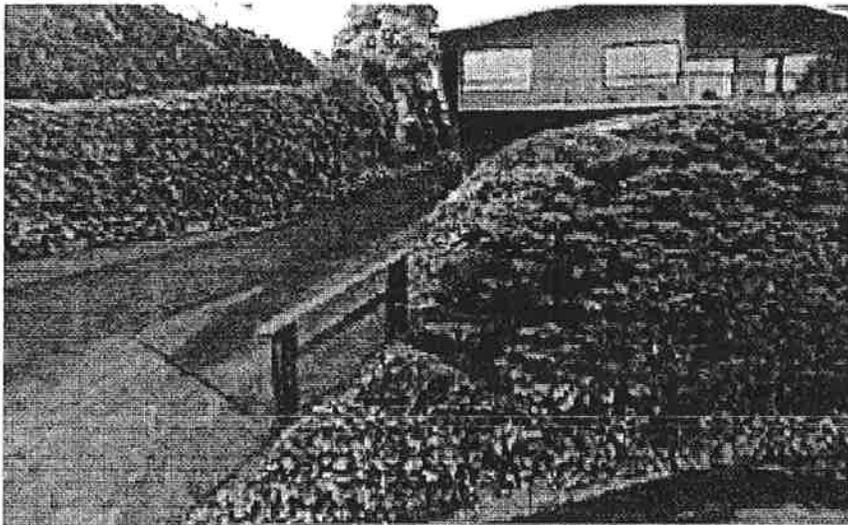
Sincerely,



Tad Jacobs
ISA Certified Arborist WE-8281A



Google Maps 646 Oakdale Ave



646 Oakdale Ave
 Corte Madera, CA 94925

RECEIVED
 JUN 01 2016
 TOWN OF CORTE MADERA

ARBORIST REPORT

**Coast Redwood
646 Oakdale Avenue
Corte Madera, California
(APN: 025-121-29)**

Prepared for:
**Adam Sachs
646 Oakdale Avenue
Corte Madera, CA 95925
sachs.adam@gmail.com**

Prepared by:
**Dr. Kent Julin
ISA Certified Arborist
California Professional Forester
ARBORSCIENCE**

July 14, 2016



P.O. Box 111 • Woodacre, CA 94973-0111
Office: 415.419.5197 • Field: 415.419.6960 • PayPal: kent.julin@gmail.com
Web: <http://arborscientist.com>

ASSIGNMENT

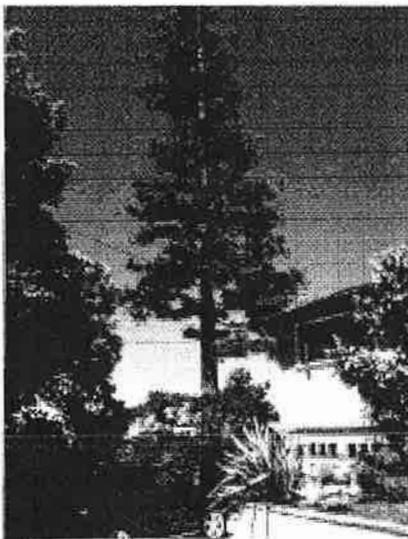
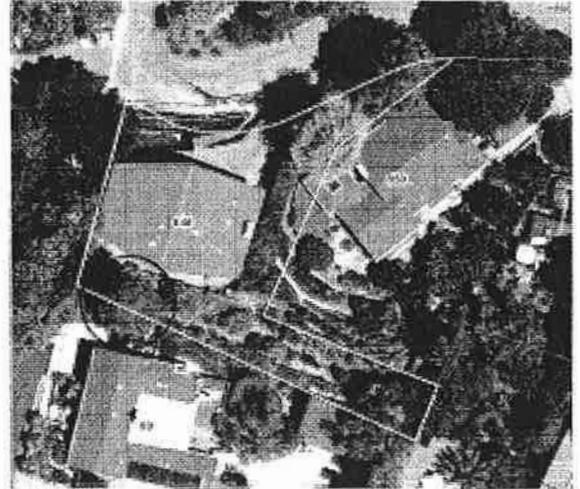
Adam Sachs hired **ARBORSCIENCE** to conduct a hazard assessment of a coast redwood (*Sequoia sempervirens*) growing behind his Corte Madera home. Of specific concern is the safety of this tall, lone tree perched on an highly exposed slope. I conducted my inspection on July 7, 2016.

SCOPE OF WORK AND LIMITATIONS

Information regarding property boundaries, land and tree ownership was obtained from Marin County Assessor Parcel records. I have neither personal nor monetary interest in the outcome of this matter. All determinations reflected in this report are objective and to the best of my ability. I made observations and conclusions regarding the subject tree and site conditions, independently, based on my education, experience, and inspection of the site. Unless expressed otherwise, information contained in this report covers only those items examined and reflects the condition of those items at the time of inspection. My inspection was limited to visual examination of accessible tree components from the ground without trunk dissection, coring, or root crown excavation. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the tree in question may not arise in the future.

SITE DESCRIPTION AND CONTEXT

The Sachs home at 646 Oakdale Avenue in Corte Madera (APN: 025-121-29) was constructed in 1964 on a steep 0.195-acre lot. The subject coast redwood grows along the property line, outside the fence near 60 Presidio Avenue (red circle).



SUBJECT TREE DESCRIPTION

The subject coast redwood is a healthy tree that is about 70 years old. Its single, well-tapered main trunk measures 35" in diameter at breast height and supports a balanced crown of dense foliage. This tree has no visible defects—damaged roots, trunk hollows, stem deformities, or multiple leaders—that indicate a hazardous condition that will lead to whole-tree failure. Like most established redwoods, large branches on this isolated tree may be cracked by strong winds and fall. Overall this tree presents a low failure risk to both nearby homes and attendant gardens.

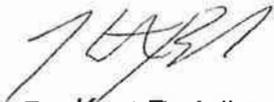
CONCLUSIONS AND RECOMMENDATIONS

A low failure risk is indicated for the subject tree. The ground area immediately surrounding the tree is undisturbed so its roots are likely intact and strong. Its main trunk has good form and is defect free. Large branch failure during winter storms is the most likely failure mechanism for this tree. The crown shows no indications of tree decline.

The subject tree casts needles and I understand that they create an undesirable maintenance burden for the tree owner. In addition, this tree competes with desired mature camellia bushes nearby and given this tree's expansive, aggressive root system, the camellia bushes are being severely limited in their growth potential. This tree's root structure in and canopy over the yard make it difficult to plant and sustain a large portion of the garden area of the yard. While the subject tree does not provide privacy screening (as it appears to have been windowed to preserve the view from 60 Presidio), other native tree alternatives—including Pacific madrone, toyon and coast live oak—could be planted to create a privacy barrier between properties. The tree is damaging the existing fence, and given the tree's growth pattern, the fence will need to be replaced.

Sincerely,

ARBORSCIENCE



Dr. Kent R. Julin
ISA Certified Arborist #WE-8733A
ISA Tree Risk Assessor Qualified
California Registered Professional Forester #2648





<http://www.marinij.com/article/ZZ/20100305/NEWS/100309723>

Master Gardener: Redwoods can be challenging obstacle to plant around them

By Marie Narlock

POSTED: 03/05/10, 12:01 AM PST |

0 COMMENTS

They were here before the time of Christ. Their ancient relatives grew during the Dinosaur Age. They laugh at disease and floods, and the elders can even be impervious to fire.

Redwood trees are horticultural and historical marvels.

Sequoia sempervirens is the tallest living thing in the world, growing speedily to 300-plus feet in cool, rainy, foggy locations. The key to their success is moisture - lots of it. Winter rains are good and summer fog is even better. When fog isn't present, a grove of redwoods will make its own: a single large tree can transpire up to 500 gallons of water a day. The fog condenses on tree crowns and drips to the earth below to keep roots cool and happy. A redwood's ability to perpetually move this water hundreds of feet straight up from ground to crown is a feat unmatched by even the craftiest of engineers.

Equally amazing is the bark, a spongy epidermis that can be more than a foot thick and that provides fire protection for mature trees. This bark also protects the heartwood, which thanks to its high tannin content, we enjoy for our decks and benches because of its remarkable resistance to fungi, diseases, rot and insect infestations.

This incredible resistance, combined with their love of water, seems to give redwoods an uncanny will to live. Redwoods are one of the few coniferous trees that can actually be buried and survive. Even fallen trees may keep growing. **And branches that crack off during torrential winter storms may sail hundreds of feet to the ground, impale the earth, root and sprout a new tree.**

Perhaps this will to live is also because of a redwood's affinity to grow in groves. Like people, they're stronger in groups. Redwoods' shallow roots spread out - way out - beyond the width of the branch tips. **A single redwood may topple in the wind, but the roots of multiple shoulder-to-shoulder redwoods intertwine, creating a formidably steadfast family of trees.**

Unlike people, redwoods do not fear the tick tock of the reproduction clock. The minimum age for seed-bearing trees is 20 years, but the most fertile seeds come from trees that are 60 to hundreds of years old. (Some redwoods do not generate cones, instead putting all their energy into growing tall.)

If anything negative can be said about these magnificent trees, it's that they don't play well with others. They overtop every other species. They compete with their neighbors for sunlight, and they don't lose. This creates a situation in which only shade-tolerant species thrive underneath - until a tree falls and creates a sunny opening. Some would characterize their constant shedding as "messy," but this, of course, is the environment they love and require.

A walk in the woods

Anyone who has ever strolled through Muir Woods knows all about the shady redwood understory environment. The ground is cool and covered with a thick layer of duff, or redwood needles, that acidifies the soil and allows a host of understory plants to thrive. Ferns, huckleberries and rhododendrons love the acidic loamy soil that is created from the constant dropping and decomposition of redwood needles. Larger trees such as Douglas fir and tanbark oaks thrive in the sky-high understory of redwoods, too.

Then there are the intangibles that only a mature grove of redwoods can provide. The squawk of stellar jays, blur of hummingbirds and slimy trail of banana slugs. The fresh scent of new needles juxtaposed against the earthy aroma of rich humus. Sunbeams blinking through the cathedral. Footprints soft and damp. Silence.

Despite their unmatched beauty, it's hard to recommend planting a redwood in your garden. No matter how "cute" those little baby redwoods look at the nursery, their ultimate height and girth make them difficult garden bedfellows, unsuitable for the average suburban plot. If you have a large clearing, or absolutely have your heart set on a redwood, consider one of several cultivated varieties such as Aptos Blue or Soquel that are slower growing. But be careful. A single redwood is not as steady as a grove, and you may be creating an unwelcomed overly shady situation for yourself or a neighbor. And remember, duff doesn't just fall onto the earth. Needles constantly drop on rooftops, patios, neighbor's houses, sidewalks and streets.

Making peace

For those who already are surrounded by redwoods, here are some tips for gardening at their feet.

- Not too close. Give them room or they'll take what they need anyway.
- Water, water, water. If you live in a hot or nonfoggy area, you will probably have to irrigate until established. They're survivors, but they do not appreciate dry summers or drought.
- Leave the duff. The pile of needles that stacks up beneath redwoods is a natural mulch and soil amendment. Do not rake.
- Do not feed. If you leave the duff, your redwoods will get all the nutrients they need.
- Know your plants. Everything under a redwood must like water, acid soil and part- to full shade.

Here are a few plants worth considering:

- Ferns: Western sword fern (*Polystichum munitum*) is a natural under redwoods; other good choices include the Western fivefinger fern (*Adiantum aleuticum*), California maidenhair fern (*Adiantum jordani*) and giant chain fern (*Woodwardia fimbriata*).
- Huckleberry (*Vaccinium ovatum*): an evergreen beauty; slow growing, but worth the wait.
- Inside-out flower (*Vancouveria planipetala*): delicate, fresh green groundcover.
- Western azalea (*Rhododendron occidentale*): beautiful white springtime flowers, deciduous.
- Thimbleberry (*Rubus parviflorus*): woody berry, perennial.
- Salmonberry (*Rubus spectabilis*): large thornless bramble.
- Redwood sorrel (*Oxalis oregano*): Use with caution. Although this is a common understory plant, it can take over. Use only if you want or need a spreader.
- Wild ginger (*Asarum caudatum*): evergreen, heart-shaped leaves, groundcover, leaves have spicy aroma when crushed.
- California wild grape (*Vitis californica*): for groundcover or to climb a fence or other structure, brilliant fall color.
- Spicebush (*Calycanthus occidentalis*): 5- to 8-foot deciduous shrub, fragrant flowers and leaves.
- Grasslike plants: sedges (*Carex* spp.), rushes (*Juncus* spp.) and greater wood rush (*Luzula sylvatica*).
- Iris (*Iris douglasii*): native California bulb for a springtime surprise.

The University of California Marin Master Gardeners are sponsored by UC Cooperative Extension. For questions about gardening, plant pests or diseases, call 499-4204 from 9 a.m. to noon, and 1 to 4 p.m. weekdays, or bring in samples or pictures to 1682 Novato Blvd., Suite 150B, Novato.

Douglas Bush
Assistant Town Planner
Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925

July 21, 2016

Dear Mr. Bush,

I received a notice from the Town of Corte Madera that our neighbors at 646 Oakdale Avenue, Adam and Joanna, had applied for a Tree Removal Permit for the coastal redwood in their backyard. I did not call you in response to that notice because I assumed that the permit would be granted. I understand that the permit has not been granted yet.

I have discussed the removal of the redwood tree with Adam and Joanna, and want you to know that I am in favor of that permit for removal being granted.

Thank you for your consideration.

Sincerely,

Patricia S. Starbuck
650 Oakdale Ave.
Corte Madera, CA 94925

Douglas Bush
Assistant Town Planner
Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925

Dear Mr. Bush,

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I have discussed the removal of the redwood tree with Adam and Joanna, and want you to know that I am in favor of that permit for removal being granted.

Thank you for your consideration.

Sincerely,



Phillip Borghuis
640 Oakdale Ave
415-717-9155

Douglas Bush
Assistant Planner
Town of Corte Madera
300 Tamalpais Avenue
Corte Madera, CA 94925

Dear Mr. Bush,

A few weeks ago I received a notice from the Town of Corte Madera, informing me that my neighbors, Adam Sachs and Joanna DeLong at 646 Oakdale Avenue had applied for a Tree Removal Permit of a coastal redwood tree in their backyard. The notice offered me an opportunity to raise objections against the removal. Since I had no objections I did not respond to the letter and assumed that the permit would be naturally granted. Learning recently from my neighbor that the permitting process has become delayed I am sending this email to you in support of my neighbors' application.

I have discussed their reasoning and concerns for a removal with them and I like you to know that I agree with their wishes and concerns and that I am in favor of the permit being granted.

Thank you for your consideration.

Sincerely


George Mueller
623 Oakdale Ave
Corte Madera

July 20, 2016

Douglas Bush
Assistant Town Planner
Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925

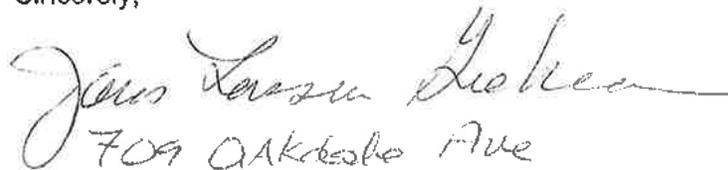
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I have discussed the removal of the redwood tree with Adam and Joanna, and want you to know that I am in favor of that permit for removal being granted.

Thank you for your consideration.

Sincerely,


709 OAKDALE AVE

Doug Bush

From: A Sachs <sachs.adam@gmail.com>
Sent: Wednesday, June 15, 2016 1:02 PM
To: Doug Bush
Subject: 646 Oakdale Tree Permit Application

Follow Up Flag: Follow up
Flag Status: Completed

Dear Doug,

I wanted to follow up on our conversations about the redwood. I appreciate the time you've spent thinking about our request for a permit and wanted to give you a better sense of how the tree affects our enjoyment of our house in a very real and daily way, as I realize that, while the report from Treemasters talks about the tree itself, it doesn't really speak to how the redwood affects us.

As I mentioned, our biggest concern is that the tree, or a branch from the tree, will fall and kill someone. Twigs from the tree fall pretty regularly in our yard, and I'm tasked with cleaning the roof gutters. Each year I find more small branches from the tree. I suspect some of the increase in the fallen bits is the result of the drought, but some of it may just be that, as the tree gets bigger, it drops more. None of the fallen twigs and branches have broken anything (although they have damaged some of the smaller trees and the plants), but we get some very strong winds and it's just a matter of time before a larger branch will come down or the tree will fail. If we're lucky, no one will get hurt. In the winter, when the rains are going and the wind is blowing, we literally lose sleep from concern that a branch is about to come down or the tree is going to crush our house. And when we go out in the next morning and see bits of redwood everywhere, it's an awful feeling. If that tree were standing alone in your yard, just uphill from your house, you'd know what I mean. While we've been told that the tree probably won't fall on any given day, we also know that healthy redwoods do fall. We're out on Mount Tam every weekend, and we see new fallen redwoods all the time. That said, we'd feel less terrified of the redwood if it were in its natural ecosystem, in a redwood grove, where the redwoods are protecting each other from the wind and their roots are intertwined (although, as I mentioned, our friends off of Baltimore Canyon had a redwood come down just over their house, and we see healthy redwoods that fall on the mountain all the time). The thing is, it's not in its natural habitat or ecosystem, it's a tree that someone planted about fifty years ago, not realizing that redwoods shouldn't be planted as solo trees.

We do a lot of gardening. When you come by to look at the house, please take a look at all the planting we've done in the front of the house (including five apple and two cherry trees so far) and the back of the house (including four fig and one apple tree so far). Every time I go to plant some herbs or flowers or veggies, as I'm digging even shallow spots to plant, I run into redwood roots, even in the spit of land that's over fifty feet from the tree. The redwood roots make gardening a challenge, and the redwood has, over the years, grown to overhang and shade camellia, rhododendron and other trees, and the amount of foliage it drops (which basically rains over the backyard and also drifts into the front yard) and its root structure makes it very difficult to plant in about half the area of our back yard and is affecting the health of those trees. As the redwood grows, the

backyard is becoming less hospitable to other plants. Over time, not much can grow under a redwood. When the redwood was first planted—probably at the same time as many of the other trees in the yard—I don't think anyone thought about how it would make the garden difficult to work, but in the long run, the redwood is doing damage to the other plants and trees they don't grow as fast as it does, and as time goes on, it shades them and drops more and more foliage on them.

The shade from the redwood also makes it a challenge for us to join many of our neighbors who have installed solar panels on their roofs, as it shades our roof in the afternoon. The effect is less of a problem in the summer as the sun is much higher in the sky, but in the winter, when the sun is lower and more southerly in the sky, the rooftop gets almost no afternoon sun. If the tree weren't there or if the tree were to the north of our house, the shading wouldn't be a problem. With the redwood, solar panels become a much less viable option.

I think the town does recognize that stand alone redwoods can be a genuine nuisance. In 2014, I called the town and asked whether someone in public works could look at a very similar redwood on city property, just to the west of the house. I just called to express my concern about whether that redwood might be dangerous and ask whether someone could look at it. The day I called, someone from the town came out and looked at the redwood, and determined the redwood should be removed. That redwood was removed by the town within a week. You can see the stump and you can tell that it was about the same size as the redwood in the backyard. I think that the person from the town reached the same conclusion that I reached about the redwood in the backyard, that it might hurt someone, that it's out of place, and that it is best to have it removed. You can still see the stump of that redwood and you'll see that it was as big a tree as the redwood that we seek to remove.

We do care about having good healthy trees in our yard. We want to plant some trees to replace the redwood, and we let Michael and Tina (our neighbors at 60 Presidio) know that when we applied for the permit. We would like to plant trees that are more suitable for a backyard and give us some privacy. Our guess is that Michael and Tina would prefer trees that aren't too tall, as trees over about 15 feet will likely block their view. Again, as you'll see when you come to look at the tree, they windowed the redwood to open their view, so I think they'll want to preserve that view. (Because they're uphill from us, the redwood doesn't give them any privacy.) I'd suggested some citrus trees, which would be evergreen, and Michael told me that he thought that would be good.

The refrain that we've heard from three arborists (one who the town hired to remove the redwood to the west of the house) is that the question isn't whether the redwood will cause severe damage, the question is when it will cause the damage and what the damage will be. That's a scary thing to hear, and as we realize that the redwood will eventually fall, cause significant damage or need to be removed for other reasons, we think about what trees would be planted in its place and think it would be better to plant those trees sooner, so we can all enjoy them longer. I enjoy planting, I enjoy gardening, and I would like to see a healthy tree that is in its proper habitat, that isn't keeping us from planting in the garden, that isn't killing other trees in the yard, that's enabling us to install solar, that's letting us enjoy our backyard, and that we can enjoy rather than fear.

Please let me know if I can provide any other information for your consideration. Thank you.

Adam

646 Oakdale Avenue
Corte Madera, CA 94925

July 21, 2016

Douglas Bush
Assistant Town Planner
Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925

Dear Mr. Bush,

I writing to respond to your letter of June 29. You asked for more conclusive evidence supporting the removal of the redwood. I enclose two documents: an independent arborist report (from Arborscience, by Kent Julin, an ISA Certified Arborist; Arborscience does not perform tree removal services), and an article from the Marin IJ by their master gardener.

I had expected to receive the permit, in large part because I thought the reason a redwood is a tree for which a removal permit may be required is to protect historic redwood groves, and that an application for a permit to remove a young stand alone redwood that was planted by a homeowner (rather than a redwood growing in its native habitat, in a redwood grove) would not present any issues. As I mentioned to you when we spoke Monday, many of our neighbors on Oakdale asked me about the permit and each one of them told me—unsolicited—that they were surprised that the permit has not yet been granted and were supportive of the permit being granted. I have letters from those neighbors supporting the grant of the permit, and enclose them with this letter.

After I received your letter asking for more information supporting the removal of the tree, one of my law partners asked me whether I had actually read the code sections regarding tree removal. I hadn't, so I took the time to read through the code section that describe the factors to be considered in granting a tree removal permit. The municipal code sets forth five factors to be considered. All the factors support the removal of the redwood.

The first factor is the "condition of the tree with respect to disease, general health, root or other damage, public nuisance, fire hazard, danger of falling, proximity to existing or proposed structures and interferences with utility services, and whether or not the tree acts as a host for a plant which is parasitic to another species of tree which is in danger of being exterminated by the parasite." In other words, is the tree a nuisance? In this regard, the tree is problematic in three significant respects. *First*, there is a risk that large branches will crack off in strong winds and fall. (As the arborist report notes, "Large branch failure during winter storms is the most likely failure mechanism for this tree." As the Marin IJ article says, "branches that crack off during torrential winter storms may sail hundreds of feet to the ground, impale the earth, root and sprout a new tree." If you walk into the town's right of way about forty feet to the west of our backyard, you will see a tree—which looks like a redwood—that appears to have fallen over a decade ago, and that is now mostly covered with ivy.) It's not possible for me to overstate how much we worry about the tree; even though a large branch may snap off only every ten or

fifteen years, the thought that a branch could kill us or our neighbors is just unacceptable when the tree can be removed and the risk removed. *Second*, it is an active nuisance in that the tree's growth will soon require us to replace a fence that it and its roots are pressing against (you probably saw that when you came to see the tree, and the arborist report also notes that point). *Third*, it is very close to two houses. The tree is also a nuisance in other ways that are annoying and intrusive, though less destructive: its leaves blanket the back yard, and blow into the front yard and other neighbors' yards. The leaves cling to other plants and are much more difficult than other leaves to clear. Its roots make it difficult to plant around, even at significant distances from the tree, and the roots will cause damage to plumbing or structures (in fact, the roots may already have caused undiscovered damage).

The second factor is the "number of existing trees in the area, the number of healthy trees a given parcel of land will support, and the current effects of the tree(s) and their removal on neighboring vegetation." The redwood is killing other trees, preventing us from planting in its place trees that would be more appropriate for a backyard, and preventing us from gardening. There are four mature camellia trees under the redwood (which may be just as old as the redwood); the root system and the canopy of the redwood are killing them. To give you a sense of the effect of the redwood on the camellias, I've attached two photos, one of one of the camellia trees under the redwood which are becoming unsightly and are almost dead, and another of a camellia about fifty feet from the redwood, which is healthy; both were pruned about two years ago, and both are otherwise cared for in the same way. (As you can see in the photo, the camellia under the redwood is leggy and has little foliage, a sharp contrast to the healthy camellia that isn't under the redwood.) With the redwood's root system (and its canopy), it is almost impossible for us to plant anything in nearly half of our main backyard area. If the redwood were removed, we could plant more appropriate trees and bushes (which would be healthy and in the correct ecosystem). If the redwood remains, over time its root system and canopy are likely to completely overtake our back yard. The removal of the redwood would increase the health of all the other trees and vegetation in its reach. These points are all supported by the arborist report. As the Marin IJ article notes, redwoods "don't play well with others. They overtop every other species. They compete with their neighbors for sunlight until they don't lose." The redwoods are fine in groves, where they all have the ability to grow together and are only competing with each other. But in our yard, the solo redwood reduces the number of healthy trees that may grow, and in the long run, no other species of tree will survive in our back yard with the redwood present.

The third factor is the "extent to which the tree(s) provide (A) Privacy, (B) Energy conservation and/or climate control and (C) Soil stability, as measured by soil structure, degree of slope, and extent of existing tree root system(s)." The redwood tree does not provide any neighbors with privacy (as they're uphill from us) and the redwood also prevents us from planting trees that would restore our privacy—the large north facing window in our neighbor's house looks down into our den, but if we tried to plant trees there, those trees would be under the redwood's canopy and competing with its roots and would not thrive. If the redwood were removed, we could plant shorter trees that both would not block the neighbor's view and that would give us privacy. The redwood does not provide any energy conservation or climate control (in fact, during much of the year, it blocks sunlight from the area of the roof where solar panels would ideally be installed). The ground slope around the tree is slight, and even though it does not need support, the other trees' roots provide more than adequate soil support.

The fourth factor is "other tree related factors, including but not limited to, species, size, growth maintenance requirements, aesthetic form, vigor, location, screening, potential for replacement of removed trees, historic value, and the effect of tree removal or alteration upon the public

health, safety, prosperity, beauty and general welfare of the area. We recognize that we are most directly affected by the tree. (I understand that our neighbors at 60 Presidio who object to the removal of the tree because they like the tree aren't affected by the tree as we are: the tree is to the north of their property and doesn't shade it; they paved over the section of the front of their side yard by the redwood tree where its roots were intrusive; they windowed the tree to open their view, and the tree is on the side of their house, in a thin strip of land that's pavement, hard unplanted dirt or thick ivy, a strip that they neither use nor garden.) As we look up at the tree from our house, we see a windowed trunk of a tree, and it is obtrusive, looming and unattractive to us. From farther away, it towers over other trees, and seems out of place and out of proportion. The tree has no historic significance, it is a stand alone tree someone planted in an area that didn't have redwood groves (Chapman Park was mostly grasslands), not thinking about how it would overtake other trees and how it would dominate. As the Marin IJ article notes, "it's hard to recommend planting a redwood in your garden. No matter how "cute" those little baby redwoods look at the nursery, their ultimate height and girth make them difficult garden bedfellows, unsuitable for the average suburban plot." The tree does not in any way promote public health, prosperity, beauty and general welfare; in fact its branches and its fallen leaves may be injurious. The tree also requires maintenance in three regards. *First*, every time we garden, we must spend a fair amount of time removing the fallen leaves from the redwood (which are far more harmful to underlying vegetation than the bay leaves that also fall and which are difficult to remove given their leaf structure). *Second*, the tree requires trimming every other year, and the cost of that trimming adds up quickly. *Third*, as I mentioned before, the tree is about to press a fence over, and after the fence is replaced, it's likely another fence or the retaining wall will need to be repaired or replaced. As the arborist reports, there are many trees that would be more suitable that could be planted to replace the redwood.

The fifth factor is "preservation/restoration of views and/or sunlight on an applicant's property". The redwood tree blocks light to our garden, and to our house. The tree is a fast growing tree and the amount of light it blocks has been increasing quickly. From late summer to late spring, the redwood shades a majority of the back yard, makes interior rooms dark, and interferes with our ability to install solar panels. Removing the redwood would restore the natural sunlight that the property should receive.

All the factors weigh strongly in favor of the removal of the tree. We ask that the permit to remove be granted.

Sincerely,



Adam Sachs

Attachment 4

Public Notice of Tree Permit Application, Incompleteness Letter, Approval Letter



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

PUBLIC NOTICE TREE PERMIT APPLICATION

Town Hall
300 Tamalpais Drive
Corte Madera, CA 94925-1418

DATE: June 6, 2016
SUBJECT: TREE PERMIT APPLICATION NO. PL-2016-0057
OWNER: Adam Sachs
SITE: 646 Oakdale Ave.
ZONE: R-1 (Medium-Density Residential District)

NOTICE IS HEREBY GIVEN that the Corte Madera Planning Department has received a request for Tree Permit approval by the Planning Director. The tree that is proposed to be removed is located at the back of the property and can be described as follows:

Common Name	Circumference	Reason for Removal
1 x Coast Redwood	109"	The arborist's report confirms that the tree is located in close proximity to high voltage wires, is causing damage to a fence and retaining wall, and has signs of tip decline likely caused by root excavation which is a precursor to failure in Redwoods. For these reasons, a request has been made to remove the tree.

A finding has been made that this project is categorically exempt from the California Environmental Quality Act under Categorical Exemption Class 1; Section 15301 (h).

Under the provisions of the Corte Madera Municipal Code, no formal hearing need be held on this application. However, items may be referred to the Town Council if there is a significant policy question or substantial public opposition.

Unless this item is referred to the Town Council, the Planning Director will make a decision on this application **no earlier than June 16, 2016**. Anyone wishing to comment on the application or desiring further information should contact the Corte Madera Planning Department prior to that date. If you have any questions or comments about this application or would like to be notified of the decision, please call Doug Bush, Associate Planner, at 415-927-5791, or come by Town Hall before **June 16, 2016**. The Planning Department is located at 300 Tamalpais Drive, Corte Madera, and is open from 8:00 a.m. to 11:30 a.m., and 1:00 p.m. to 3:00 p.m., Monday through Thursday. All written responses will become part of the public record.

The Planning Director's decision may be appealed to the Town Council within ten calendar days following the date of the decision by filing an appeal form, accompanied by a \$100 fee, with the Planning Department, 300 Tamalpais Drive, Corte Madera, CA 94925. No trees may be trimmed or removed until the expiration of the appeal period.

I do hereby certify that the foregoing Public Notice was duly processed according to the California Government Code and the Corte Madera Municipal Code.

Doug Bush, Associate Planner



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

300 Tamalpais Drive
Corte Madera, CA 94925-1492

Owner	Owner2	OwnerAddress	MailCity	MailState	MailZipCode	Prop ID
LUEHRSEN/BARON LIVING TRUST ETAL	LUEHRSEN THOMAS C /TR/ & ETAL	244 SAUSALITO ST	CORTE MADERA	CA	94925	025-066-01
CASE BARBARA S /TR/		614 OAKDALE AVE	CORTE MADERA	CA	94925	025-066-10
YOUNG HOWARD Y &	YOUNG MARIE G	615 OAKDALE AVE	CORTE MADERA	CA	94925	025-066-11
TOLSON MICHAEL &	SCHENK DORIS	11 MANZANITA CT	CORTE MADERA	CA	94925	025-066-14
CHAPPELL LEE A /TR/		10 MANZANITA CT	CORTE MADERA	CA	94925	025-066-15
OBERLIN SUZANNE MW & WULFRIN 2004 REVOC TR ETAL	OBERLIN SUZANNE M W TR & ETAL	641 MANZANITA AVE	CORTE MADERA	CA	94925	025-066-17
OGDEN MICHAEL D /TR/	OGDEN PATRICIA A /TR/	626 OAKDALE AVE	CORTE MADERA	CA	94925	025-066-44
MOLLAND FAMILY REVOC TRUST ETAL	MOLLAND BENJAMIN M /TR/ & ETAL	622 OAKDALE AVE	CORTE MADERA	CA	949251611	025-066-45
NOSS DAVID & ELIZABETH		1928 E BEST AVE	COEUR D ALENE	ID	838146263	025-113-01
Current Resident		248 SAUSALITO ST	CORTE MADERA	CA	94925	025-113-01
BRIGGS DONNA P /TR/		617 OAKDALE AVE	CORTE MADERA	CA	94925	025-113-04
FOLEY MICHAEL T TR		621 OAKDALE AVE	CORTE MADERA	CA	94925	025-113-05
ALIKHANOVA LILLY &	MUELLER GEORGE	623 OAKDALE AVE	CORTE MADERA	CA	94925	025-113-06
BANEY POLLY M /TR/		625 OAKDALE AVE	CORTE MADERA	CA	94925	025-113-07
LOSCALZO JOSEPH /TR/ &	LOSCALZO KARIN B /TR/	57 PRESIDIO AVE	CORTE MADERA	CA	94925	025-113-08
DUNN LINDA E 2007 SEPARATE PROPERTY TRUST	DUNN LINDA E /TR/	61 PRESIDIO AVE	CORTE MADERA	CA	949251616	025-113-09
ARMSTRONG KATHARINE		122 BUENA VISTA AVE	CORTE MADERA	CA	94925	025-113-10
CORTEVILLE FAMILY SEPARATE PROPERTY TRUST ETAL	CORTEVILLE RICHARD M /TR/ & ETAL	118 BUENA VISTA AVE	CORTE MADERA	CA	94925	025-113-11
Current Resident		118 BUENA VISTA AVE	CORTE MADERA	CA	94925	025-113-11
ATWELL FAMILY 2016 REVOC TRUST ETAL	C/O SETH & KAREN ATWELL	110 BUENA VISTA AVE	CORTE MADERA	CA	94925	025-113-14
GRANT BRUCE A		106 BUENA VISTA AVE	CORTE MADERA	CA	94925	025-113-15
PAGNILLO PATRICK S		276 SAUSALITO ST	CORTE MADERA	CA	94925	025-113-18
LOY LISA & GARETH H FAMILY TRUST ETAL	LOY GARETH /TR/ & ETAL	274 SAUSALITO ST	CORTE MADERA	CA	94925	025-113-19
VARONIN JOHN A TR &	VARONIN LINDA M TR	268 SAUSALITO ST	CORTE MADERA	CA	94925	025-113-20
COHEN MAXINE TR		266 SAUSALITO ST	CORTE MADERA	CA	94925	025-113-21
ROBBINS REVOC INTERVIVOS TR ETAL	ROBBINS BARRY A /TR/ & ETAL	262 SAUSALITO ST	CORTE MADERA	CA	94925	025-113-22
CHEONG AMILY F		256 SAUSALITO ST	CORTE MADERA	CA	94925	025-113-23
WAGNER DENNIS /TR/ &	FINAN-WAGNER JANE /TR/	252 SAUSALITO ST	CORTE MADERA	CA	94925	025-113-24
WELSH GARY T REVOC TRUST	WELSH GARY T /TR/	615 OAKDALE AVE	CORTE MADERA	CA	94925	025-113-25
REYES TIM TR &	REYES NANCY C TR	278 SAUSALITO ST	CORTE MADERA	CA	94925	025-113-27
CHUHARSKI JOHN E &	PEREIRA JULIE	145 GROVE AVE	CORTE MADERA	CA	94925	025-113-28
Current Resident		114 BUENA VISTA AVE	CORTE MADERA	CA	94925	025-113-28
WHITRIDGE DAVID P &	WHITRIDGE BARBARA A	140 BUENA VISTA AVE	CORTE MADERA	CA	94925	025-121-03
ELLIOTT MARITAL TRUST ETAL	KLEMM MARY E /STR/ ETAL	40 CAMINO ALTO, THE REDWOOD	MILL VALLEY	CA	94941	025-121-05
Current Resident		128 BUENA VISTA AVE	CORTE MADERA	CA	94925	025-121-05
ZAGARIS NINA V ETAL	SUNTZEFF NICHOLAS B TR ETAL, C/O MARSHALL &	2175 FRANCISCO BLVD E STE A	SAN RAFAEL	CA	949015524	025-121-06
Current Resident		64 PRESIDIO AVE	CORTE MADERA	CA	94925	025-121-06
WEIR MICHAEL J /TR/ &	WEIR CRISTINA A /TR/	60 PRESIDIO AVE	CORTE MADERA	CA	94925	025-121-07
BORGHUIS PHILLIP	POWELL CHRISTIN	640 OAKDALE AVE	CORTE MADERA	CA	94925	025-121-09
SAMPATH LAKS M /TR/ &	SAMPATH VANITHA /TR/	700 OAKDALE AVE	CORTE MADERA	CA	94925	025-121-14
GREBENSTEIN KENNETH & JANIS TRUST ETAL	GREBENSTEIN KENNETH E /TR/ & ETAL	709 OAKDALE AVE	CORTE MADERA	CA	94925	025-121-15
IRVIN JENNIFER		654 OAKDALE AVE	CORTE MADERA	CA	94925	025-121-17
ARNOWITZ DEBBIE S & DAVID REVOC TRUST ETAL	ARNOWITZ DEBBIE S /TR/ & ETAL	5 GRACE CT	CORTE MADERA	CA	94925	025-121-24
SACHS ADAM		646 OAKDALE AVE	CORTE MADERA	CA	94925	025-121-29
ELVEBAK PATRICIA S 2011 TRUST	ELVEBAK PATRICIA S /TR/	650 OAKDALE AVE	CORTE MADERA	CA	94925	025-121-30
GRANT FAMILY TRUST ETAL	GRANT JEFFREY /TR/ & ETAL	14 GRACE CT	CORTE MADERA	CA	94925	025-121-32
ARNOWITZ DAVID L &	ARNOWITZ DEBRA S	5 GRACE CT	CORTE MADERA	CA	94925	025-121-35
HIELFOND NICHOLAS /TR/	DINNER PATRICIA S /TR/	134 BUENA VISTA AVE	CORTE MADERA	CA	94925	025-121-40
RATTO JUDI &	LOZANO JEAN M	138 BUENA VISTA AVE	CORTE MADERA	CA	949251637	025-121-41
RYAN THOMAS G &	RYAN KATHERINE A	18 GRACE CT	CORTE MADERA	CA	94925	025-121-44
O CONNOR ROBERT &	O CONNOR JODIE	7 GRACE CT	CORTE MADERA	CA	94925	025-121-48
OPPENHEIMER WALTER REVOC TRUST	OPPENHEIMER WALTER /TR/	135 BUENA VISTA AVE	CORTE MADERA	CA	949251601	025-172-07
RUBIN TODD B REVOC TRUST	RUBIN TODD B /TR/	139 BUENA VISTA AVE	CORTE MADERA	CA	94925	025-172-08
BURNS TRUST DENNIS M & JUDITH A ETAL	BURNS DENNIS M /TR/ & ETAL	143 BUENA VISTA AVE	CORTE MADERA	CA	94925	025-172-09
WOLLISH WENDY S TR		147 BUENA VISTA AVE	CORTE MADERA	CA	94925	025-172-10
CACCIATORE JAMES A & JOCELYN M KNIGHT REVOC TR ET	CACCIATORE JAMES A /TR/ & ETAL	105 SUNNYSIDE AVE	CORTE MADERA	CA	94925	025-172-11
RABE MARK K &	RABE AMY M	123 BUENA VISTA AVE	CORTE MADERA	CA	94925	025-172-17

646 Oakdale Ave. Tree Permit Public Notice/Appeal Public Notice PL-2016-00057

VAN DER HOEVEN AGNES J /TR/		131 BUENA VISTA AVE	CORTE MADERA	CA	94925	025-172-18
SEARLE DAN H III &	SEARLE CAROLINE	14 PROSPECT LN	CORTE MADERA	CA	949251617	025-175-06
LINKWITZ SIEGFRIED H TR &	LINKWITZ EIKE TR	15 PROSPECT LN	CORTE MADERA	CA	94925	025-175-07



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

TREE REMOVAL PERMIT
PERMIT # PL-2016-0057

646 OAKDALE AVENUE

June 29, 2016

Adam Sachs
646 Oakdale Avenue
Corte Madera CA 94925

Mr. Sachs,

I am contacting you in regards to the Tree Removal Permit filed on June 6, 2016 to remove one Coast Redwood (109" circumference) on your property, between 646 Oakdale Ave and 60 Presidio Ave. The arborist report provided with this application suggests that the tree "has the potential to cause severe damage... due to its potential to grow to 6' in diameter." Given the current size and condition of the tree it is unclear whether a risk is present at this time.

It is acknowledged that the tree provides unwanted shading and leaf litter in your rear yard and that there is a perceived risk of hazard if the tree were to fall. It is unclear however whether the tree is at risk of failure in its present state of health and growth. Furthermore there is limited evidence that this tree is in poor health, that any significant damage has occurred due to the presence of the tree, or that the tree is at significant risk of damaging the power lines as suggested in the application.

For these reasons, the Department is unable to approve this permit without the presentation of more conclusive evidence supporting its removal. Should you wish to resubmit this application; the Department will require a Tree Risk Assessment report provided by an unbiased, certified arborist such as Urban Forestry Associates which does not provide removal services.

Kind regards,

Douglas Bush, Assistant Planner

cc: Joseph Loscalzo, 57 Presidio Ave
Christina and Michael Weir, 60 Presidio Ave



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

TREE PERMIT APPROVAL
by PLANNING DIRECTOR'S ACTION

646 Oakdale Ave

August 9, 2016

On August 9, 2016, the Planning Director **approved** Tree Permit No. PL-2016-0057 for removal of one Coast Redwood at 646 Oakdale Avenue, Corte Madera. Please read all the information herein. It is very important that you understand all of the following Conditions of Approval attached to your project. Failure to comply with the Conditions of Approval shall make Tree Permit No. PL-2016-0057 null and void.

Conditions of Approval

1. The following tree, which is located at the rear yard of 646 Oakdale Avenue adjacent to the side yard of 60 Presidio Drive, may be removed as described in the Application for Tree Permit submitted on June 6, subject to the Conditions of Approval herein:

Common Name	Circumference	Reason for Removal
<p>1 x Coast Redwood</p>	<p>109"</p>	<p><u>RISK</u></p> <p>The applicant provided two arborist reports from different arborists, one of whom is an independent arborist with no monetary interest in the removal of the tree. While both arborist reports cite limited risk of complete tree failure, there remains a risk of large limb failure. Due to the location of the tree, upslope from the applicant's property, failure of the whole tree or of a significant branch could result in significant damage to life or property. The precarious position of the tree in relation to the applicant's home is a cause for concern to the applicant which impacts their feeling of safety in their home and in their backyard.</p> <p><u>DAMAGE TO PROPERTY</u></p> <p>Photographs provided by the applicant and later site visits by staff confirm that the roots of the tree have caused some minor damage to a fence and small retaining wall. Damage is expected to increase with further growth of the tree.</p> <p><u>IMPACT ON NEIGHBORING VEGETATION</u></p> <p>The tree casts a significant shadow over the applicant's home and yard throughout much of the day. In addition, the tree sheds a large amount of leaf litter and creates a soil condition which is uncondusive to the growth of other plants. These conditions negatively impact the utility of the applicant's yard space and provide unwanted shading to the interior of the home.</p>

2. Town of Corte Madera assumes no liability for damage to persons or property caused during or after the removal of said tree.
3. The applicant shall plant two trees in the rear setback within 60 days of the removal of the specified Coast Redwood. The species selected by the applicant should provide screening between the subject property and the rear neighbor without impeding distant views of said neighbor.
4. The applicant shall install a deep root watering device and a root barrier to encourage roots to grow downward and thereby avoid future potential damage to surrounding hardscapes within 60 days of tree removal. The applicant shall contact the Planning Department to schedule a staff inspection of the replacement trees and deep root watering devices after installation is completed.
5. The applicant is responsible for maintenance of replacement trees to prevent obstruction of northern views for the rear neighbor at 60 Presidio Drive consistent with Section 15.50.180 Corte Madera Municipal Code.
6. The applicant is responsible for replacement of fencing that is required to be removed or is damaged during the tree removal process at the applicant's cost.
7. The stump resulting from tree removal shall remain in place to support slope stability. The stump may be removed only with the approval of the Planning Department.
8. Per Municipal Code Section 12.04.040, an **Encroachment Permit** from the Public Works Department will be required for any activities within the public right-of-way such as repairing the sidewalk, placement of debris boxes, staging of equipment in the street, traffic control activities, or street closures.
9. If for any reason the street needs to be closed due to removal or trimming of a tree, prior written approval shall be obtained from the Director of Public Works. Twenty-four hours notice shall be provided to residents above the construction site, to the Fire Department and to the Central Marin Police Department if the street is to be closed due to tree trimming or removal.
10. Hours of tree work shall be limited to 7:00 am to 5:00 pm, Monday-Friday, and 10:00 am to 5:00 pm on Saturday, provided that if any work-related complaints are received about work on a weekend, no further work shall be conducted on Saturday. No workers shall be on the site except during these hours. No work shall be performed on a legal holiday.
11. The Tree Permit 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, the tree is removed as permitted above. The Tree Permit approval may be renewed as prescribed in Section 15.50.070 of the Corte Madera Municipal Code.

Factors on the Decision of a Tree Permit

The determination of the Planning Director in granting this tree permit application is based upon

the factors listed in Section 15.50.060 of the Corte Madera Municipal Code.

- (1) The tree is in fair health and is generally well formed with no signs of disease or parasites. As stated in the arborist report dated 7/14/16, "like most established redwoods, large branches on this isolated tree may be cracked by strong winds and fall." Despite the health of the tree and low risk, even healthy trees do fail. If failure does occur, the location of the tree upslope from the applicant's property elevates the risk of more significant damage to life or property.

The tree has caused damage to an adjacent wood fence and small brick retaining wall. While these features may be relocated to accommodate further growth of the tree, the health and size of the existing tree suggests potential for growth which would not be feasibly accommodated in the narrow area between the driveway at 60 Presidio Avenue and the rear yard of 646 Oakdale Avenue. Furthermore, while both arborist reports differ in their assessment of the tree's root structure, this species generally has a shallow root system which is not compatible with the tree's narrow planting area.

- (2) The tree is planted in a neighborhood characterized in part by significant vegetation and tree cover. The tree is surrounded by a high concentration of vegetation around the base of the tree. Removal of the tree will increase the availability of sunlight to surrounding vegetation including mature camellia bushes present along the fence line and improve the diversity of potential plantings.
- (3) Removal of the tree will increase sunlight to the applicant's property and will potentially improve growing conditions for a variety of other vegetation on this and the adjoining site. Sunlight will also increase to the interior of the applicant's house, improving the availability of natural light. The applicant will plant two replacement trees within the area of the removal to improve screening and privacy between the applicant's property and the rear neighbor. The arborist reports do not speak to the role of the tree in providing stability to the slope.
- (4) Given the fair health of the tree, its contribution to air quality and energy conservation, its role as potential habitat for birds and other wildlife, and the historical significance of the species in Corte Madera, the tree must be replaced at a 2:1 ratio to help mitigate the impacts of its removal.
- (5) The tree blocks sunlight from reaching the applicant's rear yard and into their home. Removal of the tree will result in greater availability of sunlight on the applicant's property. The tree does not block views for the applicant and has been "windowed" to facilitate distant views for the rear neighbor at 60 Presidio Avenue. Replacement trees will be maintained by the applicant to avoid obstruction of the neighbor's northern views.

This project is categorically exempt from the California Environmental Quality Act under Categorical Exemption Class 1 (h).

The Planning Director's decision may be appealed to the Town Council within ten calendar days from the above date by filing an appeal form, accompanied by a \$100 fee, with the Planning Department, 300 Tamalpais Drive, Corte Madera, CA 94925.

No tree may be removed until the expiration of the appeal period. The appeal period extends ten calendar days from the date of decision by the Planning Director. The time within which judicial review must be sought is governed by California Code of Civil Procedures Section 1094.6.

Adam Wolff, Director of Planning and Building

Attachment: Encroachment Permit application

cc: Adam Sachs, 646 Oakdale Ave., Corte Madera, CA 94925
60 Presidio Drive, Corte Madera, CA 94925
57 Presidio Drive, Corte Madera, CA 94925
Public Works Department
Address File: 646 Oakdale Ave

Attachment 5

Weir Correspondence and Photographs

Doug Bush

From: Michael Weir (SFO) <mweir@microsoft.com>
Sent: Saturday, June 25, 2016 8:53 AM
To: Doug Bush; Cristina Weir
Subject: RE: 646 Oakdale - Tree Removal Application

Follow Up Flag: Follow up
Flag Status: Completed

Doug,

This is disappointing news but it seems final. Regarding a replacement tree, I think something like a maple tree would be better. While the redwood tree is on their property it is on our side of the fence, unless the fence is moved, which there are no plans to do, a citrus tree may create a situation where they are constantly coming up the hill onto our property to pick fruit. We have kids and think most people would agree that limiting strangers is a good idea. What happens if there are new owners as well. Basically we don't need or want a replacement tree to create new or more problems than the last one. Also you mention shallow root depth and the slope, what do you recommend to limit erosion once the root system is removed or dies? It would be sad and ironic if taking out the tree caused more problems than it solved. Again we don't want a replacement to cause new problems.

Thanks,

From: Doug Bush [<mailto:dbush@tcmmail.org>]
Sent: Thursday, June 23, 2016 2:55 PM
To: Cristina Weir <cweir@salesforce.com>; Michael Weir (SFO) <mweir@microsoft.com>
Subject: 646 Oakdale - Tree Removal Application

Michael and Cristina,

As you both know, your neighbor at 646 Oakdale has applied for a tree removal permit to remove one Coast Redwood at the rear of their property. I understand that while this tree is on the neighbor's property, it is quite close to your home and you would prefer that the tree remain. In addition to the information presented by the applicant and surrounding neighbors, Staff spoke further with a certified arborist to confirm that the tree should be removed. The town's decision to approve this tree removal permit is based on a number of factors such as shallow root depth, limited growth area and angle of slope which result in a risk of hazard that necessitates removal.

While the town finds that the tree should be removed, it is also acknowledged that the tree is a significant feature of the neighborhood and the Town, because it provides aesthetic benefits, buffers between residences, contributes to climate stabilization and clean air, provides habitat for wildlife and has special significance to the town's history as a species endemic to the region. To help mitigate the effects of removal, Staff will require the applicant to plant replacements.

I am reaching out to you this afternoon to request any feedback you may have regarding preferred replacement species for this location. The applicant has suggested citrus or other fruit trees which would provide greenery throughout the year but would not grow to a height which would threaten your view or present a risk to surrounding properties. If you'd like to provide feedback on replacement plantings, please do so by Tuesday, June 28. Thank you for your consideration.

Kind regards,

Douglas Bush

Assistant Planner
Town of Corte Madera
dbush@tcmmail.org
415-927-5791

Doug Bush

From: Cristina Weir <cweir@salesforce.com>
Sent: Saturday, June 25, 2016 2:57 PM
To: Michael Weir (SFO)
Cc: Doug Bush
Subject: Re: 646 Oakdale - Tree Removal Application

Follow Up Flag: Follow up
Flag Status: Completed

Doug,

This is extremely disappointing and seems the town of Corte Madera is more interested in mitigating risk than saving trees. Even with the pictures and the certified arborists that we submitted I'm surprised that wasn't enough to, at the very least, give the tree a longer life and grant the permit in later years.

I am 100% in agreement with Michael. Last thing we want is to have a fruit tree that will attract random people and potential predators by our house. We have already had an attack occur on one of our Au pairs on our street (do you also need the police report to believe this claim?).

I want it on the record that, due to the city of Corte Madera approving this heritage redwood tree to be cut down that BOTH Adam Sachs and City of Corte Madera will pay for all damages incurred either:

1) During the process of cutting down the tree (tree debris left on our property or on the roof, wires fall, fence damage, house damage, rock retaining wall damage, driveway damage, etc)

Or

2) Over the course of the next 5 years due to the death of the roots and/or extracting the roots (water erosion, cracks on our driveway, cracks/problems with our retaining wall, pipe/sewage issues, problems with the fence nearest to the tree)

Do we need a legal agreement drafted to ensure Adam Sachs and the City of Corte Madera pays for any damages related to cutting down this tree?

I assume tree access will be via their property and not ours?

Cristina A Weir
VP, Solution Engineers
Sent from my iPhone

On Jun 25, 2016, at 8:52 AM, Michael Weir (SFO) <mweir@microsoft.com> wrote:

Doug,

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Sent: Thursday, June 23, 2016 2:55 PM

To: Cristina Weir <cweir@salesforce.com>; Michael Weir (SFO) <mweir@microsoft.com>

Subject: 646 Oakdale - Tree Removal Application

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Kind regards,

Douglas Bush
Assistant Planner
Town of Corte Madera
dbush@tcmmail.org
415-927-5791

Doug Bush

From: Cristina Weir <cweir@salesforce.com>
Sent: Friday, August 19, 2016 7:30 PM
To: Doug Bush
Cc: kbreuer@famsf.org; Michael Weir
Subject: Heritage Tree Appeal of 646 Oakdale Ave, Corte Madera
Attachments: ATT00003.txt; image1.JPG; image2.JPG; ATT00004.txt

Follow Up Flag: Follow up
Flag Status: Completed

Hi Doug,

Thank you for speaking with my husband, Michael Weir, today and receiving our office appeal.

Could you please include these pictures with the appeal. It demonstrates how cutting down this tree would negatively effect the landscape of Corte Madera. I would also like for you to include all pictures I have previously sent regarding this tree. If you need it sent again for our appeal, happy to send again.

Thank you,

Cristina A Weir
VP, Solution Engineers
Sent from my iPhone



Scope and Limitations

On November 3, 2014 I inspected the Redwood (*Sequoia sempervirens*) at 60 Presidio Avenue in Corte Madera. The inspection of the tree was made from the ground and involved inspection of the external features only. No invasive, diagnostic or laboratory testing was carried out. The identification of these trees was based on broad features visible at the time of inspection.

Arborists are specialists who use their education, knowledge, experience, and training to provide proper care and professional evaluations and diagnosis of individual trees. Arborists attempt to minimize the risk of living near trees while enhancing and maintaining the overall beauty and health of the trees.

Recommendations by the arborist may be accepted or disregarded by the client.

Trees inherently pose a certain degree of hazard and risk from breakage, failure, or other causes and conditions. Marin Tree Service makes recommendations, to minimize or reduce these hazardous conditions but cannot guarantee to eliminate them, especially in the event of a storm or other act of nature. While a detailed inspection normally results in the detection of hazardous conditions, there can be no guarantee or certainty that all hazardous conditions will be detected.

There always will be some risk involved with all trees. With proper monitoring and care, trees can be managed. The only way to eliminate all risks is to remove the trees.

Observations and Recommendation

The Redwood tree is approximately 35" DBH (Diameter at breast height) located on the north side of the property. It is of normal vitality and structural integrity. It is well balanced with a normal tapered trunk (main stem). The tree has been thinned to reduce wind resistance by almost 50% of the foliage. The root crown was examined by soundings. No decay was detected. This is a young, vigorous tree in a stable environment. No treatments or further pruning are recommended at this time.

If you have any questions, please do not hesitate to contact Marin Tree Service.

Landscape Tree Inspection Report

60 Presidio Avenue
Corte Madera, CA

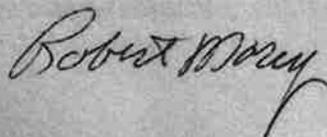
Prepared for:

Michael and Christina Weir

Prepared on:

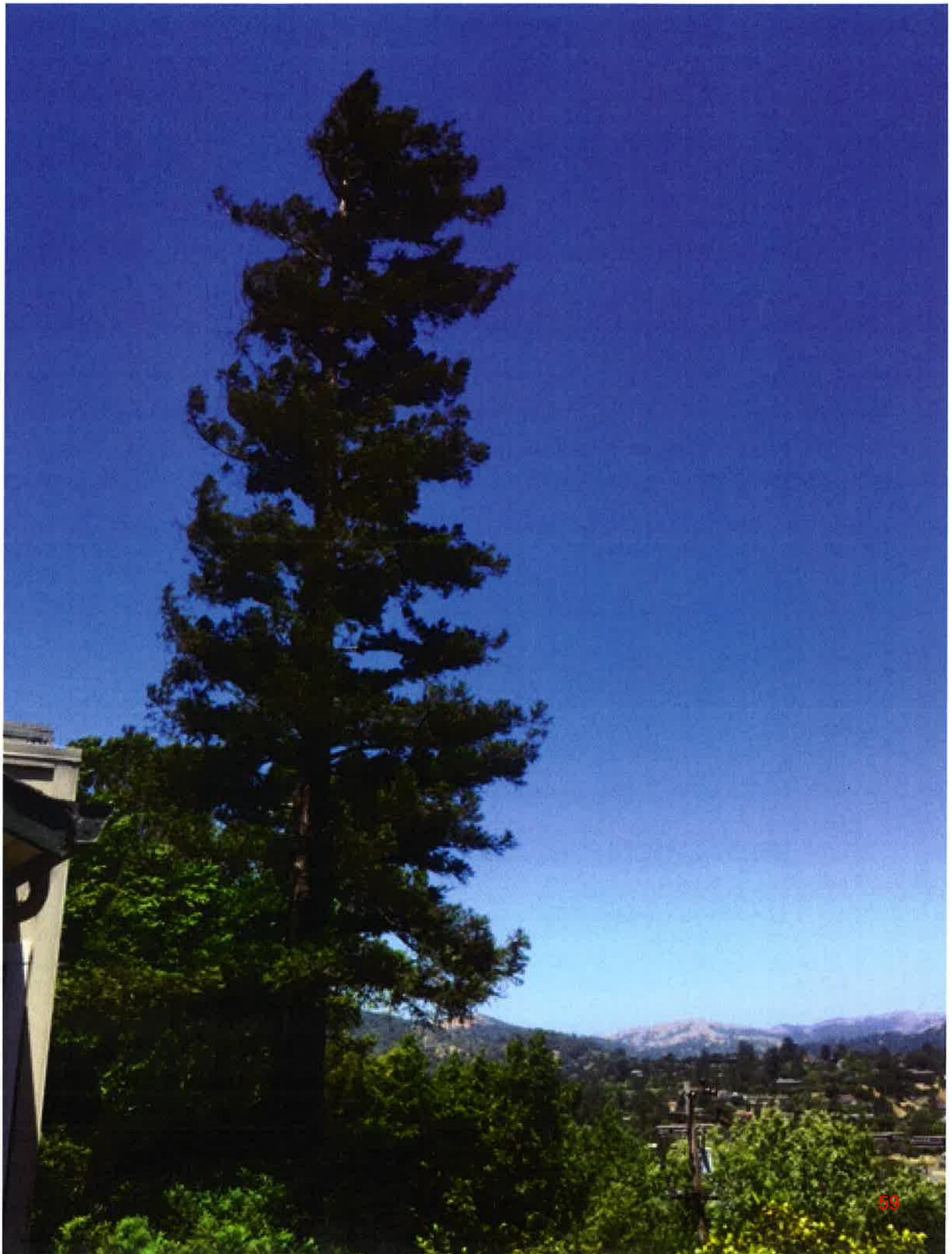
November 9, 2014

Prepared by:

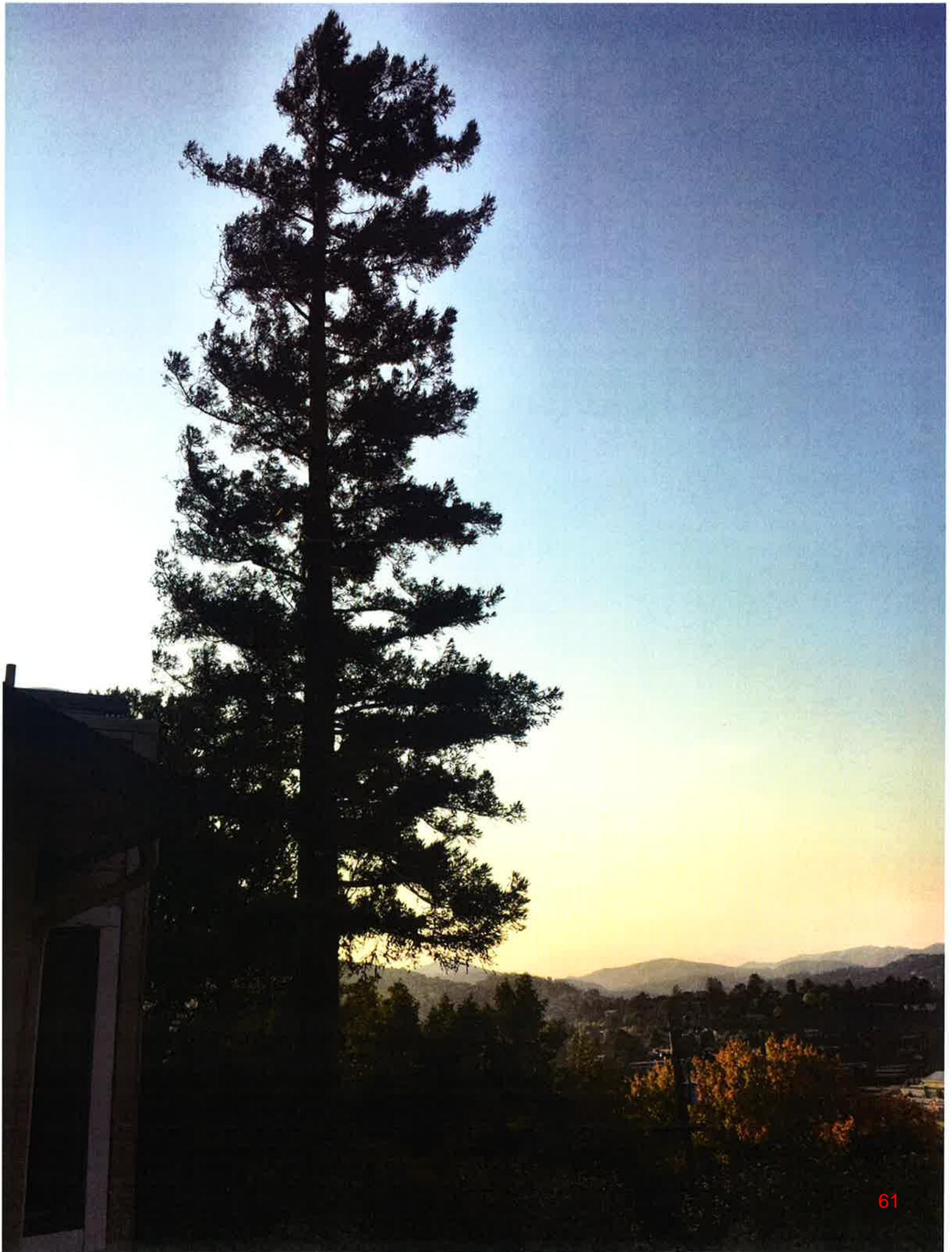


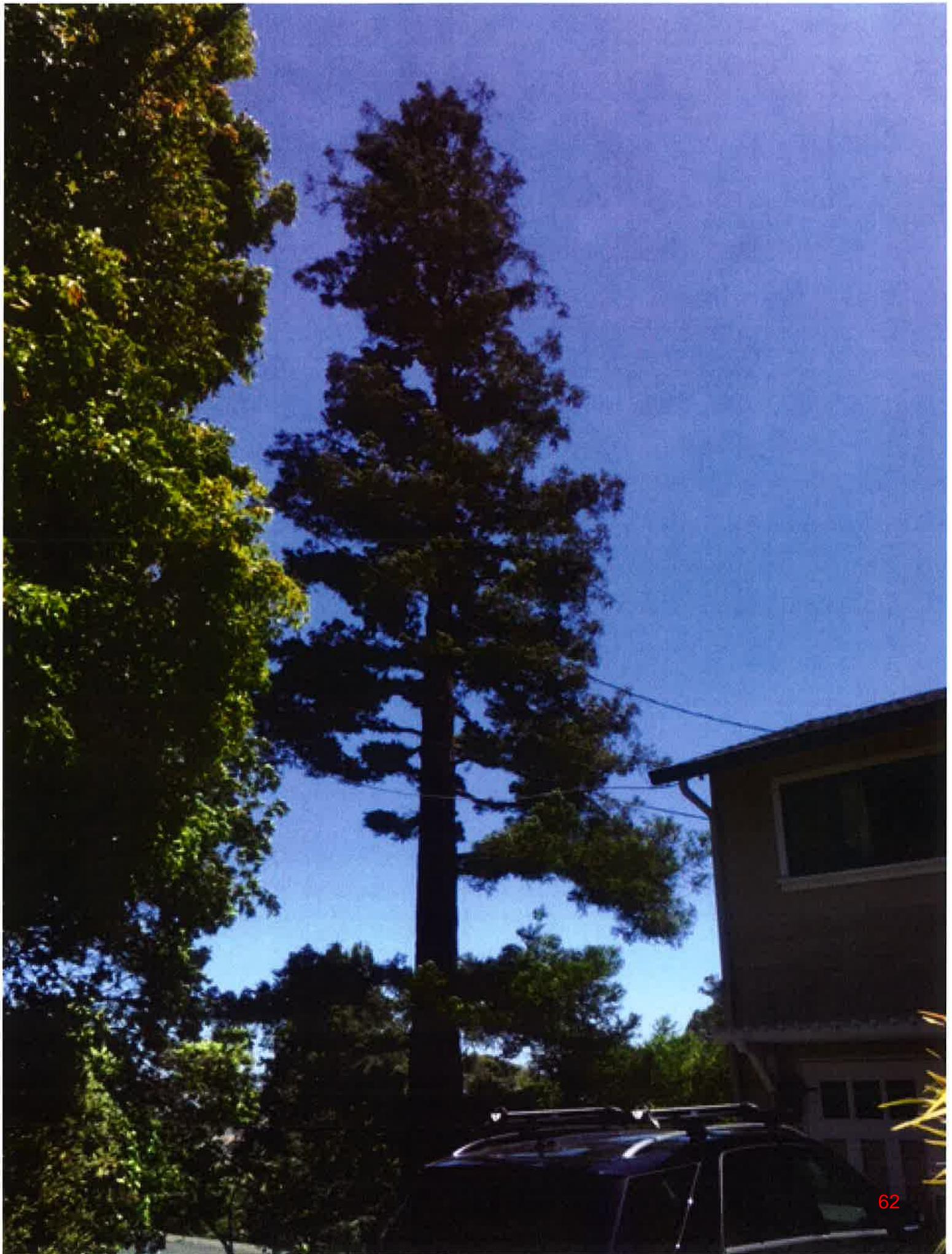
Robert Morey
ISA Certified Arborist
WC-0167

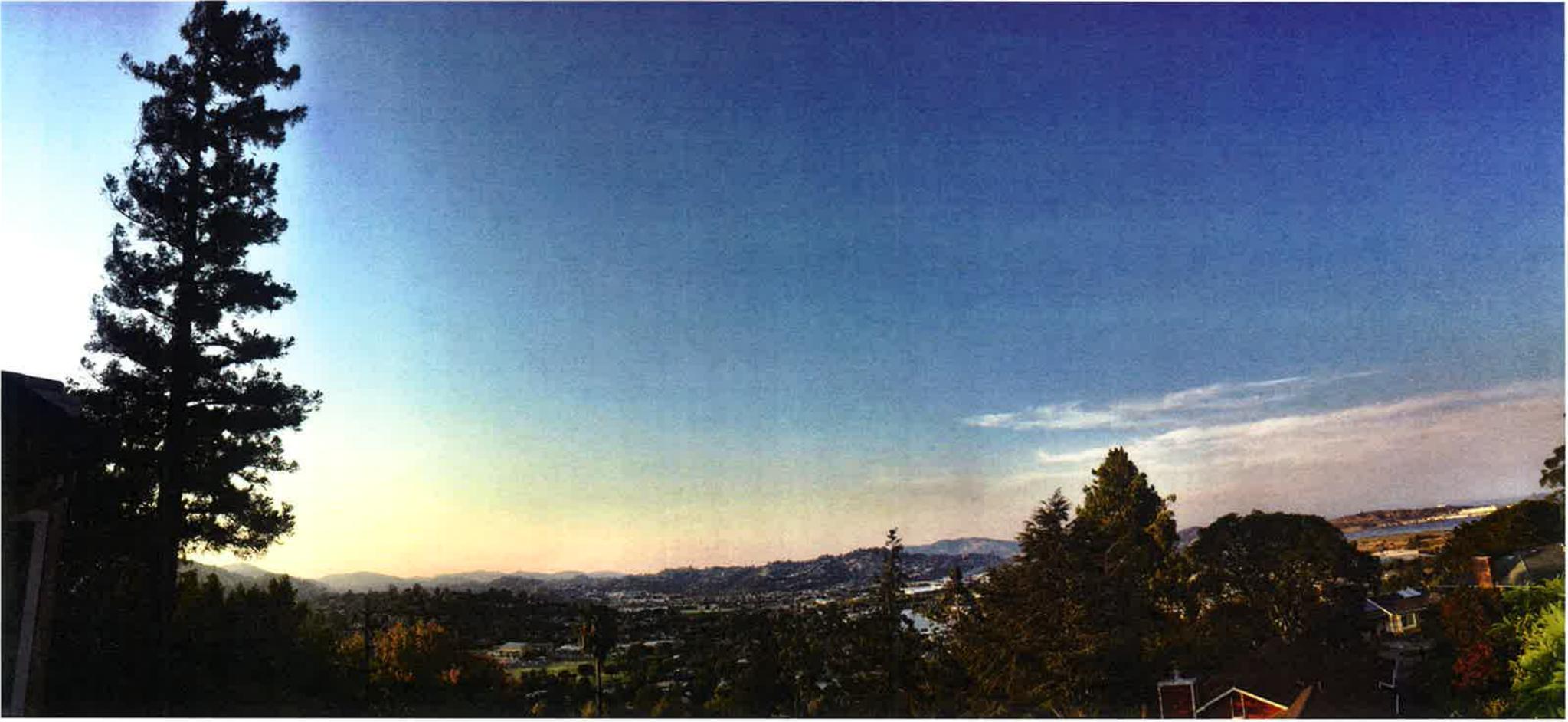
Marin Tree Service, Inc.
34 DeLuca Place, Suite M
San Rafael, CA 94901











Attachment 6

Town of Corte Madera Municipal Code Section 15.50 Trees

Chapter 15.50 - TREES

Sections:

I. - General Provisions

15.50.010 - Purposes and principles.

- (a) Trees and views contribute to the attractiveness and quality of life in the town.
- (b) Trees produce a wide variety of benefits. Trees modify temperatures and winds, replenish oxygen to the atmosphere and maintain soil moisture, control soil erosion, and provide wildlife habitat. Trees contribute to the visual environment of the town by providing scale, color, silhouette and mass, and by creating visual screens and buffers to separate land uses, and promote privacy. Trees may enhance property values, stabilize slopes, reduce the need for surface drainage systems, and can conserve energy. Trees also function as living landmarks of the town's history and provide a welcome element of nature in the midst of settlement.
- (c) Views, whether of San Francisco Bay, Mount Tamalpais, the surrounding hills, or other natural and man-made landmarks, also produce a variety of significant and tangible benefits for both residents and visitors to the town. Views contribute to the visual environment of the town by providing inspiring panoramic vistas, and by acting as distinctive supplements to architectural design. Similarly, sunlight contributes to people's health and well-being, enhances property values and provides solar energy and other economic benefits.
- (d) Owners and residents should maintain trees on their property in accordance with Section 12.40.030, in a healthy condition for both safety reasons and for preservation of sunlight and outward views. Before planting trees, owners and residents should consider view and sunlight blockage potential, and avoid planting trees defined in this chapter as "undesirable."
- (e) Trees, views, privacy, sunlight, and the benefits derived from each may come into conflict. The continued growth of trees, and their planting locations and species selected, may produce intended beneficial effects and unintended deleterious effects both on the property on which they are planted and on neighboring properties. The public health, welfare and safety are served by establishing standards which will protect and preserve trees while creating a procedure to resolve view and sunlight obstruction claims, so as to provide a reasonable balance between tree, view, privacy and sunlight-related values.
- (f) Whenever possible, tree work shall adhere to the standards set forth in the International Society of Arboriculture (ISA) Standards for Pruning and the American National Standard Institute (ANSI) Standard A300.

(Ord. 796 § 2 (part), 1995)

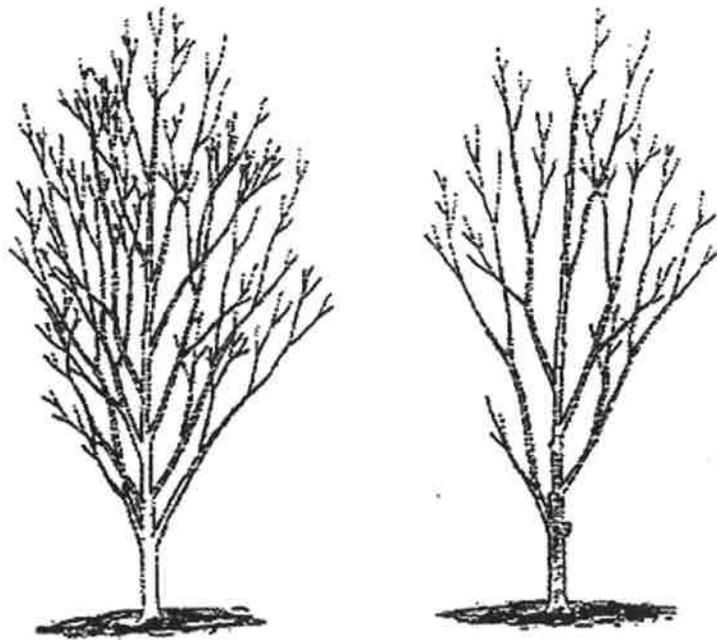
15.50.020 - Definitions.

For the purpose of this chapter, the meaning and construction of words and phrases hereinafter set forth shall apply:

- (1) "Active use area" means the most frequently actively used portion or portions of a residential building or site, or nonresidential building, from which views and/or sunlight are available.
- (2) "Alter" means to take action that could foreseeably endanger the health of a tree, including but not limited to, pruning of more than thirty-three percent of the canopy area, cutting, girdling,

interfering with the water supply, applying chemicals, or regrading around the feeder root zone of the tree.

- (3) "Arbitration" means a legal procedure as set forth in California Civil Procedure Code Section 1280, et seq.
- (4) "Arbitrator" means a neutral party who will conduct a process similar to a trial, and who will hear testimony, consider evidence, and make a binding decision for the disputing parties.
- (5) "Arborist" means anyone who possesses the technical competence through experience and related training to provide for or supervise the management of trees and other woody plants. A certified arborist is a person who has passed a series of tests by the International Society of Arboriculture (ISA) and is governed by ISA's professional code of ethics.
- (6) "Canopy" means the leaves and branches of a tree, from the lowest branch on the trunk to the top of the tree.
- (7) "Complainant" means any property owner (or legal occupant with written permission of the property owner) who alleges that, in violation of this chapter, trees located on the property of another person are causing unreasonable obstruction of the view and/or sunlight benefitting his/her real property, or the property on which the complainant resides.
- (8) "Crown" shall have the same meaning as "canopy".
- (9) "Crown cleaning" means the removal of dead, dying, diseased, crowded, weakly attached, low-vigor branches and watersprouts from a tree's crown.
- (10) "Crown raising" (or limbing up) means the removal of the lower branches of a tree, up to thirty-three percent of the total canopy area, or whatever height is necessary to provide clearance for pedestrians and fire safety vehicles.
- (11) "Crown reduction" (crown shaping) means comprehensive pruning to reduce a tree's height and/or spread. Crown reduction entails the reduction of the top, sides or individual limbs, by the means of removal of the leader or longest portion of limb to a lateral large enough to assume the terminal, provided, however, in no event shall crown reduction result in the removal of more than thirty-three percent of the tree's canopy. The diagram which follows is illustrative of a proper crown reduction within the meaning of this chapter.



Crown reduction

- (12) "Destroy" means to kill or to take action that endangers the health or vigor of a tree, including, but not limited to, cutting, girdling, interfering with the water supply, applying chemicals, or regrading around the base of the trunk.
- (12a) "Heritage tree" means any tree, excluding an undesirable species, (A) of no less than fifty years old with a single trunk circumference equal to or more than one hundred inches (or multi-stemmed trees having an aggregate circumference of equal to or more than one hundred inches) measured 4.5 feet above grade; or (B) which is no less than one hundred years old.
- (13) "Maintenance pruning" means pruning with the primary objective of maintaining or improving tree health and structure, and includes "crown cleaning," "crown reduction" and "crown raising."
- (14) "Mediator" means a neutral, objective, third person who helps disputing parties to reach a mutually satisfactory solution.
- (15) "Obstruction" means the blocking or diminishment of a view and/or sunlight attributable to the growth, maintenance or location of trees.
- (16) "Person" means any individual, individuals, corporation, partnership, firm, or other legal entity.
- (17) "Planning director" means the director of environmental services.
- (18) "Pruning" means the general removal of plant material from a tree in order to modify that tree.
- (19) "Public right-of-way" for purposes of this chapter means the paved portion of public street and the area extending five feet beyond the edge of the pavement, measured perpendicularly from the centerline of the roadway where there is no sidewalk, or, where there is a sidewalk, the area between the sidewalk and the roadway.
- (20) "Restoration action" means any specific steps taken affecting a tree (or trees) that would result in the restoration of a view or sunlight.
- (21) "Stand thinning" means the selective removal of a small percentage of trees from a grove of trees.
- (22) "Sunlight" means the availability of direct or indirect sunlight to the active use area of a building and/or property.
- (23) "Topping" means eliminating the upper portion of a tree's trunk or main leader.
- (24) "Town" means the town of Corte Madera.
- (25) "Tree" means any woody plant.
- (26) "Tree owner" means any person owning real property in the town whereon a tree or trees are located.
- (27) "Undesirable species" means any of the following species which possess any or all of the following characteristics: fast growth, large size, extreme flammability, poor structure, invasive roots, introduced species and relatively short life-span.

Common Name	Genus Name
Blue gum eucalyptus	Eucalyptus globulus
Sugar gum eucalyptus	Eucalyptus cladocalyx
Manna gum eucalyptus	Eucalyptus viminalis

Black acacia	Acacia melanoxylon
Green wattle acacia	Acacia decurrens
Monterey pine	Pinus radiata
Juniper (all species)	Juniperus spp.
Lombardy poplar	Populus nigra "Italica"

- (28) "View" means a vista, from an active use area, of features including, but not limited to, skylines, bridges, landmarks, cities, distinctive geologic features, hillside terrains, wooded canyons, ridges and bodies of water.
- (29) "View/sunlight claim" means the basis upon which a complainant seeks the taking of action to restore the complainant's sunlight or view rights as granted in this chapter (see subsection (7) of this section).
- (30) "Vista pruning" means the selective thinning of framework limbs or specific areas of the crown of a tree to allow a view from a specific point. Topping should not be used to accomplish vista pruning.

(Ord. 797 § 1, 1995; Ord. 796 § 2 (part), 1995)

15.50.030 - Enforcement.

- (a) It is unlawful for any person to remove, destroy, alter, or cause to be removed, destroyed, or altered, any tree growing within the town limits on any property without a permit, as required by this chapter, unless such work is specifically exempted from tree permit requirements by this chapter. Consistent with Chapter 1.04 of this code, any person violating any of the provisions or failing to comply with any of the requirements of this chapter shall be guilty of a misdemeanor. Each tree removed, destroyed, altered or maintained in violation of this chapter shall be deemed a separate offense.
- (b) Penalties. Penalties for a misdemeanor shall be as set forth in California Government Code, and include fines of up to one thousand dollars, jail sentencing of up to six months, or both fine and imprisonment.

All fees, fines, levies, or other town-imposed costs associated with this chapter shall be used exclusively for town tree-related matters in implementation of this chapter.

(Ord. 796 § 2 (part), 1995)

II. - Tree Permit

15.50.040 - Application for permit.

- (a) **Permit Required.** Any person desiring to remove, destroy or alter one or more trees on his or her property in the town, except those exempted from permit requirements in Section 15.50.050, shall apply in writing to the planning director for a permit to do so ("tree permit").
- (b) **Application.** The application for a tree permit shall contain the precise number, species, size and location of the tree or trees to be removed, destroyed or altered, a detailed description of the work proposed, and a brief statement of the reason for removal or alteration, as well as any other pertinent information the planning director may require.
- (c) **Fee.** No fee is required for a tree permit application. The fee for an appeal of a tree permit decision shall be one hundred dollars.
- (d) **Town Trees Require Tree Permit.** If the town desires to remove, alter or destroy any tree located on property in which the town has a fee, easement or any other interest, it may do so only after applying for and securing a tree permit; provided, however, that no such tree permit is required for the town's maintenance pruning of such trees and no such tree permit is required to remove a tree in emergency situations pursuant to Section 15.50.050(7).

(Ord. 840 § 1, 1999; Ord. 796 § 2 (part), 1995)

15.50.050 - Exemptions to permit requirements.

Notwithstanding anything to the contrary stated in this chapter, the following activities may be performed without first securing a tree permit:

- (1) **Trees Below Permit Size.** On private property, the removal, destruction or alteration of trees with a single trunk circumference less than fifty inches (or multistemmed trees having an aggregate circumference of less than one hundred twenty inches), measured four and one-half feet above grade;
- (2) **Maintenance Pruning.** Maintenance pruning, as defined in Section 15.50.020, of a tree by the tree owner;
- (3) **Topping of Special Tree(s).** Topping of trees specifically planted and maintained as a hedge, espalier, bonsai or in pollard form;
- (4) **Trees in the Public Right-of-way.** Trees in the public right-of-way do not require a tree permit for maintenance pruning by the town or the owner of the property (i) immediately adjacent to the public right-of-way or (ii) on which the public right-of-way is located;
- (5) **Undesirable Species.** Undesirable species of any size may be altered, removed or destroyed without a tree permit. However, inspection of the tree and its confirmation as being an undesirable species by the town arborist are required prior to the removal, destruction or alteration of any undesirable species with a trunk circumference of fifty inches or more (or multistemmed tree having an aggregate circumference of one hundred twenty inches or more), measured four and one-half feet above grade. This procedure is for species identification only and does not require a permit;
- (6) **Public Utilities.** Public utility companies subject to the jurisdiction of the California Public Utilities Commission may perform such pruning as is necessary to comply with the safety regulations of said commission and to maintain a safe operation of their facilities without a permit. However, they should notify the planning department at least three working days (except in emergencies) prior to taking any action. The planning director shall cause such pruning work to be inspected, when appropriate, to ensure that good pruning practices previously referenced are followed. The planning director shall have the authority to stop any tree pruning performed by a utility company if such practices are not being followed;
- (7) **Emergencies.** In case of emergency, a tree located on private property or on property in which the town has a fee, easement or any other interest, may be removed without the necessity of a

permit application as required by this chapter upon a determination by the town manager, or his/her designee, that removal of the tree is necessary for the immediate protection of life or property;

- (8) **View and Sunlight Claim.** Any removal or alteration of a tree permitted or required under any order, award or agreement issued or entered into, respectively, pursuant to Article III of this chapter by which the right to a view and/or sunlight is established.

(Ord. 840 §§ 2, 3, 1999; Ord. 796 § 2 (part), 1995)

15.50.060 - Factors for decision on permit.

The determination of the planning director in granting or denying a tree permit application shall be based upon the following factors:

- (1) The condition of the tree with respect to disease, general health, root or other damage, public nuisance, fire hazard, danger of falling, proximity to existing or proposed structures and interferences with utility service, and whether or not the tree acts as a host for a plant which is parasitic to another species of tree which is in danger of being exterminated by the parasite;
- (2) The number of existing trees in the area, the number of healthy trees that a given parcel of land will support, and the current effects of the tree(s) and their removal on neighboring vegetation;
- (3) The extent to which the tree(s) provide:
 - (A) Privacy,
 - (B) Energy conservation and/or climate control,
 - (C) Soil stability, as measured by soil structure, degree of slope and extent of tree root system(s);
- (4) Other tree-related factors, including but not limited to, species, size, growth maintenance requirements, aesthetic form, vigor, location, screening, potential for replacement of removed trees, historic value, and the effect of tree removal or alteration upon the public health, safety, prosperity, beauty and general welfare of the area;
- (5) Preservation/restoration of views and/or sunlight on an applicant's property.

(Ord. 796 § 2 (part), 1995)

15.50.070 - Permit processing.

- (a) **Review of Application.** The planning director may refer the application to another department, committee or person for report and recommendation. Where appropriate, the planning director may also consider a written report from an independent tree expert at the applicant's expense, if agreed to by the applicant.

In granting a permit, the planning director may attach reasonable conditions to ensure compliance with the provisions of this chapter. When a permit is denied, the planning director shall state the reasons for said denial based on the factors specified in Section 15.50.060.

- (b) **Notice and Time Frame.** When the planning director receives an application for a tree permit, notice of said application shall be mailed to the owners of all properties within three hundred feet of the property on which the tree(s) is (are) located, at least ten days prior to a decision by the planning director.

- (c) Decision. The planning director may approve, conditionally approve or deny the application, and notice of the planning director's decision shall be mailed to the applicant and any other person requesting such notification.
- (d) Appeal. Any interested party may appeal the planning director's decision. Such appeal must be submitted in writing to the planning department, with appeal fee, within ten days from the date of the planning director's decision, briefly stating the facts and grounds of the appeal. The planning director shall set the matter on the next available town council agenda and shall notify the appellant, applicant and all property owners within three hundred feet of the site in writing of such meeting. After a public hearing, the council may affirm, modify or reverse the planning director's decision.

If no appeal is received by the town, the permit shall become effective ten days after the date of the planning director's decision. It shall be the responsibility of the person actually removing or altering any tree under this chapter to have on his or her person the permit or a copy of the permit at the time of such removal or alteration.

- (e) Lapse of Approval. A permit for removal or alteration of a tree shall lapse and become null and void one year following the date on which the approval became effective, unless, prior to the expiration of one year, work is commenced and diligently pursued toward completion on the site which was the subject of the application.

A tree permit may be renewed for an additional period of one year beyond its initial expiration date; provided that, prior to the expiration of the date when the original permit expires, an application for renewal of the tree permit is filed with the planning department. A renewal application involving any requested change to the tree work originally granted in the permit shall be treated as a new application, subject to all the provisions of this chapter.

(Ord. 796 § 2 (part), 1995)

15.50.080 - Applicability with Title 18.

- (a) Zoning Decisions. Except for the first ten years after the zoning approval, the rights granted by this chapter may be asserted and established against any trees which are required to be maintained and/or planted pursuant to any approval granted pursuant to Title 18 of this code.
- (b) Protection During Construction. When proposed developments may impact any tree, special construction techniques to protect the tree and roots may be required, as determined by the planning director, such as:
 - (1) The existing ground surface within the drip line of any tree shall not be cut, filled or compacted unless otherwise approved by the planning director. Welded wire fencing and hay bales may be required around the drip line. Tree wells may be used when approved by the planning director.
 - (2) Excavation adjacent to any tree, when permitted, shall be in such a manner that will minimize root damage. Inspection shall be required prior to backfilling. Pruning may be required by the town to compensate for root damage and/or removal, at the expense of the applicant or owner.
 - (3) No oil, gas, chemicals, heavy construction machinery, parking of vehicles, or other construction materials shall be stored or allowed to stand within the feeder root zone of trees protected by this chapter. Solvents, oils, or other liquid or solid waste shall not be, or be allowed to be, dumped within the feeder root zone.
 - (4) No signs, or wires, except those needed for support of the tree, shall be attached to any trees.

(Ord. 796 § 2 (part), 1995)

III. - View and Sunlight Preservation

15.50.090 - Specific purposes.

The purposes of this article, based on the purposes and principles listed in Section 15.50.010, are to:

- (1) Recognize and establish the right of persons to preserve views, sunlight, trees or privacy on their property;
- (2) Recognize and establish parity in the right of persons to preserve views, sunlight, trees or privacy on their property;
- (3) Establish a process by which persons may seek restoration of such views or sunlight when unreasonably obstructed by the growth of trees.

(Ord. 797 § 2 (part), 1995; Ord. 796 § 2 (part), 1995)

15.50.100 - Right to view and sunlight.

Subject to the other provisions of this article, it is recognized that every person owning real property in the town has the right to have a reasonable amount of the view and sunlight benefitting his/her real property which existed at any time during the period beginning on the date that the complainant purchased the property and ending twelve months immediately following thereafter.

- (1) Notwithstanding the above, no right to a view or sunlight may be established under this article as to any tree located in the public right-of-way; provided, however, that such rights may be established in accordance with this article as to trees located on property in which the town enjoys a fee interest, easement or any other interest, excluding trees located in the public right-of-way.
- (2) Notwithstanding the above, no right to a view or sunlight may be established under this article as to any heritage tree, and heritage trees may not be altered, destroyed or removed on the basis of any provision of this article.
- (3) Notwithstanding the above, a view or sunlight right may only be established based on the later of: (A) facts or conditions which occurred or existed no more than twenty years prior to the date the complainant first notifies the tree owner under Section 15.50.110(1); or (B) facts or conditions which occurred or existed during the one-year period specified in the first paragraph of this section.
- (4) Notwithstanding the above, no view or sunlight right may be based upon and no view or sunlight right may be exercised with respect to any tree located more than three hundred feet from any boundary of complainant's real property.

(Ord. 797 § 2 (part), 1995; Ord. 796 § 2 (part), 1995)

15.50.110 - Process for resolution of claims.

To establish view and sunlight rights recognized and established herein, the complainant must follow the process established by this article. First, the complainant must complete the "initial discussion" process described below. Second, if that process does not yield a result mutually satisfactory to the complainant and the tree owner, then the complainant must seek to mediate his/her view/sunlight claim in accordance with this article. If the tree owner refuses to mediate or if the mediation is unsuccessful in resolving their differences, then the complainant must attempt to initiate arbitration as set forth hereinafter. If arbitration is not accepted by the tree owner, and the initial discussion and mediation have proved unsuccessful in resolving the view/sunlight claim, the complainant may then initiate litigation to determine his/her view/sunlight claim rights. Except for view claims brought under the second part of

Section 15.50.100(1), no town action or decisions are required to establish or exercise a complainant's view and/or sunlight rights.

- (1) **Initial Discussion.** A complainant who believes that tree growth on another person's property has caused unreasonable obstruction of views or sunlight from the complainant's active use area shall first notify the tree owner of such concerns.

The notification should, if possible, consist of personal discussion to enable the complainant and tree owner to attempt to reach a mutually agreeable solution.

- (2) **If Parties Agree.** Following the initial discussion, if agreement is reached between the parties as to the existence and nature of complainant's rights and on what restoration action is to be taken on the tree(s) in question, that agreement shall be reduced to writing and executed by all parties concerned. Said agreement must set forth all of the matters described in Section 15.50.150; otherwise, it shall not be enforceable and grant no view or sunlight rights hereunder.
- (3) **If Parties Do Not Agree.** If the parties do not agree as to the rights in question and what action should be taken regarding the tree(s) in question, the complainant must prepare and provide to the tree owner a view/sunlight claim (and provide a copy of the view/sunlight claim to the town).

(Ord. 797 § 2 (part), 1995; Ord. 796 § 2 (part), 1995)

15.50.120 - View/sunlight claim.

A view/sunlight claim shall consist of all of the following:

- (1) For the relevant period, a description of the nature and extent of the alleged obstruction, including pertinent and corroborating evidence. Evidence may include, but is not limited to, photographic prints, negatives or slides, and written testimony from residents living in the area. Such evidence must show absence of the obstruction at or during the relevant period of time. Evidence to show the date of property acquisition or occupancy by the complainant must be included;
- (2) The exact location of all trees alleged to cause the obstruction, the address of the property upon which the tree(s) are located, and the present tree owner's name and address;
- (3) Evidence of the failure of initial discussion as described in Section 15.50.110(1) to resolve the dispute. The complainant must provide evidence that written attempts at reconciliation under Section 15.50.110(1) have been made and have failed. Evidence may include, but is not limited to, copies of and receipts for certified or registered mail correspondence;
- (4) Specific view or sunlight restoration actions proposed by the complainant to resolve the unreasonable obstruction.

(Ord. 797 § 2 (part), 1995; Ord. 796 § 2 (part), 1995)

15.50.130 - View/sunlight claim process.

- (a) **Mediation.** If the initial discussion fails to achieve agreement between the tree owner and complainant, the complainant shall prepare and deliver to the tree owner a written view/sunlight claim and propose mediation as a timely means to settle the obstruction dispute.

Acceptance of mediation by the tree owner shall be voluntary, but the tree owner shall have no more than thirty days from service of notice either to accept or to reject the offer of mediation. If mediation is accepted, the parties shall mutually agree upon a mediator within thirty days, and should commence mediation within sixty days.

The mediator shall consider and be governed by the purposes and provisions set forth in this chapter in attempting to help resolve the dispute. The mediator shall not have the power to issue

binding orders for view restoration action, but shall strive to enable the parties to resolve their dispute by written agreement in order to eliminate the need for arbitration or litigation. Any agreement reached as a result of the mediation process described in this section must be reduced to writing and executed by all parties concerned. Said agreement must set forth all of the matters described in Section 15.50.150; otherwise, it shall not be enforceable and grant no view or sunlight rights hereunder.

- (b) **Arbitration.** In those cases where the initial discussion process fails and where mediation is declined by the tree owner or has failed, the complainant shall offer in writing to submit the dispute to binding arbitration.

The tree owner shall have thirty days from service of notice to accept or reject arbitration. If accepted, the parties shall agree on a specific arbitrator within thirty days, and shall indicate such agreement in writing. If the parties do not agree on a specific arbitrator within thirty days, either party may petition the court to appoint an arbitrator.

The arbitrator shall be governed by the provisions of this chapter in deciding the view/sunlight claim and shall submit a complete written decision to the complainant and the tree owner. This decision shall decide all of the matters described in Section 15.50.150, and if the complainant prevails, shall include a pertinent list of all required view or sunlight restoration actions with any appropriate conditions concerning such actions, and a schedule by which the actions must be completed; otherwise, it shall not be enforceable and grant no view or sunlight rights hereunder. A copy of the arbitrator's decision shall be submitted by the complainant to the town planning director immediately after it is rendered. Any decision of the arbitrator shall be enforceable pursuant to the provisions of California Code of Civil Procedure § 1285, et seq.

(Ord. 796 § 2 (part), 1995)

15.50.140 - Litigation.

If a complainant has unsuccessfully attempted to obtain agreement under Sections 15.50.110 and 15.50.130(a) and the tree owner has declined binding arbitration under Section 15.50.130(b), the complainant has the right to initiate civil action for resolution of his/her view/sunlight claim and the view or sunlight obstruction dispute under the provisions of this article.

The litigating complainant shall file a copy of the lawsuit with the town planning director.

(Ord. 796 § 2 (part), 1995)

15.50.150 - Specificity required to enjoy view/sunlight rights.

Any person (the "complainant") desiring to remove, destroy or alter one or more trees on property owned or controlled by another person (the "tree owner") may do so only if the complainant:

- (1) Establishes a right to do so under Section 15.50.100;
- (2) Establishes said right and the nature thereof in accordance with the procedures specified in Sections 15.50.110 through 15.50.140; and
- (3) Either enters into an agreement with the tree owner or obtains an arbitration or judicial decision:
 - (A) Establishing said right,
 - (B) Specifying, in detail, the nature of said right, and
 - (C) Specifying the nature and timing of the restoration action and the parties responsible for performing said action required to effectuate the said rights so established.

(Ord. 796 § 2 (part), 1995)

15.50.160 - Standards for evaluation of claims.

In determining the extent to which the complainant may exercise his/her view and/or sunlight rights otherwise established hereunder, the following factors shall be considered:

- (1) The vantage point(s) from which the view is obtained;
- (2) The extent of the alleged view or sunlight obstruction;
- (3) The quality of the views which existed at or during the relevant time including existence of landmarks or other unique view features, and/or the extent to which the tree(s) blocks their view;
- (4) The extent to which the view or sunlight is diminished by factors other than the tree(s) involved in the claim;
- (5) The extent to which the tree(s) have grown to obscure the enjoyment of sunlight in the active use area of the complainant's property;
- (6) The condition of the tree with respect to disease, general health, root or other damage, public nuisance, fire hazard, danger of falling, proximity to existing or proposed structures and interferences with utility service, and whether or not the tree acts as a host for a plant which is parasitic to another species of tree which is in danger of being exterminated by the parasite;
- (7) The number of existing trees in the area, the number of healthy trees that a given parcel of land will support, and the current effects of the tree(s) and their removal on neighboring vegetation;
- (8) The extent to which the tree(s) provide:
 - (A) Privacy,
 - (B) Energy conservation and/or climate control,
 - (C) Soil stability, as measured by soil structure, degree of slope and extent of tree(s) root system;
- (9) Other tree-related factors, including but not limited to, species, size, growth maintenance requirements, aesthetic form, vigor, location, screening, potential for replacement of removed trees, historic value, and the effect of tree removal or alteration upon the public health, safety, prosperity, beauty and general welfare of the area.

The above factors shall not preclude reasonable restoration of view and/or sunlight.

(Ord. 797 § 2 (part), 1995; Ord. 796 § 2 (part), 1995)

15.50.170 - Hierarchy of restoration actions.

View and/or sunlight restoration actions must be consistent with all other provisions of this chapter, except that no tree permit as provided in Article II of this chapter, need be obtained. It is recommended that all tree work authorized by Article III of this chapter be performed or supervised by a certified arborist. Restoration action shall be limited to the following, in order of preference:

- (1) Vista Pruning. Restorative actions shall be limited to the vista pruning of branches where possible.
- (2) Crown Reduction. When vista pruning of branches is not a feasible solution, crown reduction shall be preferable to tree removal if it is determined that the impact of crown reduction does not destroy the visual proportions of the tree, adversely affect the tree's growth pattern or health, or otherwise constitute a detriment to the tree(s) in question.

- (3) **Stand Thinning.** The removal of a small percentage of the total number of trees from a grove of trees, without any replacement plantings.
- (4) **Topping.** Eliminating the upper portion of a tree's trunk or main leader.
- (5) **Tree Removal, with Replacement Plantings.** Tree removal, which may be considered when the above-mentioned restoration actions are judged to be ineffective and may be accompanied by replacement plantings of appropriate plant materials to restore the maximum level of benefits lost due to tree removal. Replacement plantings at an appropriate ratio can be required on the tree owner's or the complainant's property. Such trees shall be maintained so as not to cause a view obstruction. Under no circumstances shall restorative action include the replanting of undesirable species.

(Ord. 796 § 2 (part), 1995)

15.50.180 - Responsibility for ongoing maintenance.

The complainant shall have the responsibility for paying for initial restoration actions. After this initial action, the cost of subsequent restoration actions shall be shared as determined by agreement between the tree owner and the complainant, or as ordered by arbitration decision or court order.

For "undesirable species" (see definition), initial restoration action shall be the responsibility of the complainant. Thereafter, however, the tree owner shall pay for the cost of restoration actions, other than removal, applied to undesirable species, unless otherwise agreed through mediation or ordered by arbitration decision or court order.

(Ord. 797 § 3, 1995; Ord. 796 § 2 (part), 1995)

15.50.190 - Liability.

- (a) The town shall not be liable for any damages, injury, costs or expenses which are the result of any decision made by the town or any other person (e.g., mediator, arbitrator or judge) concerning a view/sunlight claim or a complainant's assertions pertaining to views or sunlight rights granted or conferred in this chapter.
- (b) Under no circumstances shall the town have any responsibility or liability to enforce or seek any legal redress, civil or criminal, for any decision it or any other person (except in a case where the town is a named party and is subject to a lawful order of a court of competent jurisdiction) makes concerning a view/sunlight claim.

(Ord. 796 § 2 (part), 1995)

15.50.200 - Apportionment of costs.

Costs of the mediator or arbitrator shall be apportioned between the complainant and tree owner according to the following schedule:

Mediation:	First three hours: complainant, thereafter fifty-fifty or as determined by parties
Arbitration:	First three hours: complainant, thereafter fifty-fifty or as determined by arbitrator.

(Ord. 796 § 2 (part), 1995)

Attachment 7

Additional Information and Response to Appeal Provided by Adam Sachs,
property owner, on September 1, 2016.

Adam Wolff

From: Tracy Hegarty
Sent: Thursday, September 01, 2016 11:16 AM
To: Adam Wolff; Phil Boyle
Cc: Rebecca Vaughn
Subject: FW: 646 Oakdale
Attachments: 646 Oaksale Ave Report.pdf; Appendix - Sequoia.sempervirens.pdf

FYI

From: A Sachs [mailto:sachs.adam@gmail.com]
Sent: Thursday, September 1, 2016 10:37 AM
To: Doug Bush; PL Counter
Subject: 646 Oakdale

Doug,

I've attached a copy of the Tree Hazard Report from Urban Forestry Associates, the company that, in your June 24 letter, you suggested I engage to perform the assessment. I should have hired Urban Forestry initially—they both were considerably more thoughtful and careful in looking at the tree, and they considered not only the health of the tree itself and nearby vegetation (which was the focus of the Arborscience report), but also the redwood's impact on the nearby structures. As you'll see from the report, the health of the tree is not good, there's significant stress at the top of the tree (likely as a result of the parking pad the Weirs installed around 2006), our house is the "target" of the tree, the tree is compromising both the small retaining wall next to the tree and the critical large concrete retaining wall that's five feet from our house, and the risk of branch failure is moderate to high.

I also wanted to share some thoughts about the permit appeal.

The permit appeal does not dispute any of the findings of the Tree Permit Approval. It basically says that Michael Weir and Karen Loscalzo believe the tree hasn't done much damage yet, and they think the tree enhances the value of their houses. The appeal also makes some factual errors.

The permit appeal says the tree "is estimated to be over 100 years old." The appeal doesn't say who made that estimate. The arborist report that the Weirs provided says it's a "young" tree. The arborist report from Arborscience indicates an age closer to 70 years. The report from Urban Forestry completely puts the question to rest: "It was obviously planted at the time of development of one of the two homes." That's consistent with Corte Madera history. Chapman Park was grasslands until it was first developed in 1912, and most of the early plantings were fruit and shade trees. (See History of Corte Madera at page 86: "east of the train station were only meadows and hayfields" and at page 135, "Mr. Frank Tainter created many amenities [in Chapman Park], such as the planting of 2,200 shade and fruit trees, including plums, pears and apples, in 1913.") Redwood trees don't grow outside redwood groves on their own, they have to be planted as seedlings. Our property was developed in the mid-60s, and that's likely when the tree was planted, and in any event, it is clear that the redwood is much younger than 100.

The permit appeal says the removal of the tree will “destroy the significant vista” now enjoyed by the four families on Presidio Avenue. When you walk down Presidio, the tree isn’t visible until you almost reach the Weirs’ house, at the end of the street. When visible, just before you reach the Weirs’ house, the tree appears to be behind the Weirs’ house, and until you are standing in front of the Weirs’ house, you cannot see the lower portion of the redwood. The redwood is not in scale with the other trees on Presidio, and is not part of any grove nor a tree whose silhouette creates any continuity. In fact, given how the Weirs windowed one side of the redwood to give themselves a view to the north, when you can see the full tree, the lower half of it looks odd and asymmetric.

The permit appeal says the removal of the tree will create a “gaping hole” in the vista, creating an imbalance. There is a gap in foliage between the Weirs’ house and the paper street to the northwest of their house, but that gap was created when the Weirs removed an old oak tree, at some time between 2004 and 2006. The Weirs removed the oak after they remodeled their outdoor parking area, which formerly was a carport with a roof that protected their cars from dropping foliage and acorns. The oak tree had a diameter in excess of 50 inches, so I think a permit would have been required to remove the oak. I read through the files for the Weirs at the Planning Department and did not find a permit for the removal of the oak. They previously told me that they removed the oak tree and implied that they obtained a permit to remove the oak, so I was surprised not to find the permit or permit application, so I sent an email on August 24 to Michael Weir asking whether they had a permit to remove the oak, and he has not responded. The Weirs have not planted any trees in the space where the oak stood, and if they had planted trees, the gap they object to, between their house and the paper street, would be now be planted with mature trees.

The permit appeal says removing the tree will create “unwanted exposure to the unattractive roof and backyard fence at 646 Oakdale Avenue.” Neither the fence nor the rooftop are visible until you are standing at 60 Presidio, and even then, the redwood only screens a narrow portion of the rooftop and fence. If the redwood were removed, the camellia trees in our yard would fill out and screen the Weirs’ view of our roof. The Weirs are the only people on Presidio who have a view of our fence and roof that’s in any way screened by the redwood, and they have never before complained about the backyard fence or the roof. The roof is an ordinary composit shingle roof, like the others in the neighborhood. The fence is quite similar to one that the Weirs and we jointly installed in 2013. It’s just an old redwood fence that blends with the landscape. When we installed a fence, they asked for us to cut out a section of the fence so they could have a view to the north, which gave them views of other similar roofs. At that time, they seemed not to mind having a roof in the lower part of their view.

The permit appeal says that replanting the area to restore it to its original character and views will take decades. That’s just overstatement, pure and simple. There are plenty of fast growing trees that would work well in a residential setting. It’s ironic that, had the Weirs had planted trees when they removed the oak, there would now be mature trees in the gap they now object to. And I even offered, in an email to Michael Weir, to plant some fairly sizable cherry trees that are now in the front of our property—those trees are about twelve feet tall already, and are likely to be fifteen to twenty feet tall next year. The Weirs declined that offer.

The permit appeal says “such elements have the potential to affect property values.” Again, that’s purely speculative. The hazards the redwood presents likely decrease the value of 60 Presidio and certainly affect how we enjoy our home. In addition, if the tree were removed, it would likely increase the value of 60 Presidio, as it would open more broadly the Weirs’ northern view, and open views command a premium in Corte Madera.

In short, the permit appeal expresses Michael Weir and Karen Loscalzo's personal feelings about the tree, but those feelings are not the basis for a valid appeal of a permit grant. The appeal seems neither to care about nor acknowledge the very real damage the tree is doing, the Weirs' role in the decline of the health of the tree, the effects of their actions in removing the oak, or any of the factors that were carefully considered in granting the permit.

Best regards,

Adam

Adam Sachs
415-305-3885
sachs.adam@gmail.com



URBAN FORESTRY ASSOCIATES, INC.

8 Willow Street San Rafael, CA 94901
(415) 454-4212 info@urbanforestryassociates.com

SACHS ARBORIST REPORT For Coast Redwood 646 Oakdale Ave, Corte Madera, CA 94925

PURPOSE

Urban Forestry Associates (UFA) was asked/hired by Adam Sachs to conduct a tree health and risk assessment on a Coast Redwood located at 646 Oakdale Ave in Corte Madera. I inspected the site and tree on August 24th, 2016.

SCOPE OF WORK AND LIMITATIONS

Urban Forestry Associates has no personal or monetary interest in the outcome of this investigation. All observations regarding trees in this report were made by UFA, independently, based on our education and experience. All determinations of health condition, structural condition, or hazard potential of a tree or trees at issue are based on our best professional judgment. The health and hazard assessments in this report are limited by the visual nature of the assessment. Defects may be obscured by soil, brush, vines, aerial foliage, branches, multiple trunks or other trees. Even structurally sound, healthy trees are wind thrown during severe storms. Consequently, a conclusion that a tree does not require corrective surgery or removal is not a guarantee of no risk, hazard, or sound health.

OBSERVATION

Species	Coast Redwood (<i>Sequoia sempervirens</i>)
Size	33.6 DBH ¹ The height of the tree is 76', measured with a hypsometer.
Location	The location of the subject Redwood is in the backyard near the south boundary of the property. It is between a small retaining wall and the common fence at the top of a steep north-facing slope. It is 15.5 feet from a retaining wall at the base of the slope just five feet from the Sachs' home (See Figure 1a & 1b).



Figure 1a

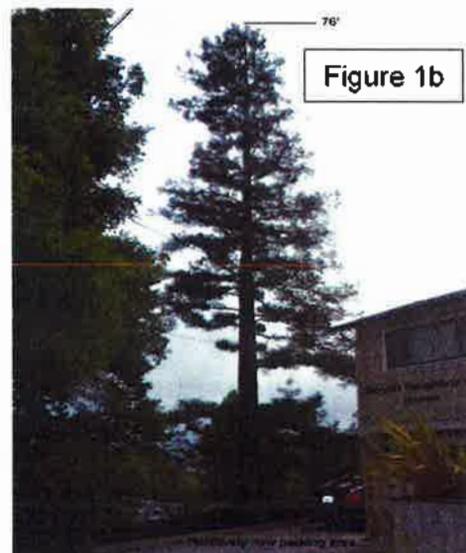


Figure 1b

¹ DBH is Diameter at Breast Height, measured 4.5' above grade on the upslope side of a tree.

Observations:

The tree is pushing the fence out of alignment. There is a small retaining wall immediately upslope or South of the tree that has a curve in it where the wall goes around the subject tree. The trees base is 1.8' from the wall at the center of the tree, the extreme South point of the tree is 1.6' from the South East quadrant of the tree and it is 1.9' from the South West quadrant of the tree. The subject tree is 6" from the fence but the butt flair and buttress roots have displaced the fence.

The tree is 6' from a second retaining wall/curb and parking area. The curb is 17.4' from the South neighbors home. Thus, the tree 23.4' from the South neighbors home foundation. The driveway and parking area appear to be relatively new as does the retaining curbed of the parking area.



Figure 2 – The fence, the lower retaining wall and the parking area are within the structural root zone of the tree. Redwood has the shallowest root system of its associate species (USDA Forest Service) and have been observed to do significant infrastructure damage more than 60 feet from the tree base.

Conclusion: The tree will damage the fence and require replacement. The tree will sooner-rather-than-later destroy the short retaining wall within 2 feet of the tree base. Redwood has extremely shallow and wide-spreading roots (See Species Characteristics in Appendix). It will damage the concrete parking area on the south neighbor's property (See Figure 2).

2) The tree base is 15' from a retaining wall to the North of the tree down a 25% slope. The horizontal distance is 13.4' from the fence to the downslope retaining wall. The retaining wall, below the tree, is 5.6' tall it is 5.2' from the house. The area between the house and the retaining wall is paved with concrete. There has been drainage problems in the back of the Sachs' home that have been mitigated with the installation of slot drains. The 5.6 foot retaining wall is cracked in two places one in alignment with the tree toward wall and the wall is out of plumb 1' to 1.5" lean toward the house. Redwoods are infamous for causing drainage problems by blocking pipes with a thatch of fine roots.

Conclusions:

The tree is currently, or is very likely to become a nuisance due to its growth habits and its location relative to two homes and infrastructure.



Figure 3 – The subject tree is 18.6 feet, horizontal distance, from the Sachs' home.

3) It is my understanding that there is a concern about slope stability if the tree is removed. Certainly the massive, aggressive root systems redwoods can have a big effect on soil cohesion and slope stability. However, the slope below the tree is heavily vegetated with other trees and shrubs which provide redundant root systems. Also the retaining wall supports the toe of the slope.

Conclusion: The removal of the tree would not have a significant effect on soil cohesion and slope stability. The tree is 76 feet tall. Therefore, were it to fall, it would hit the house with massive wood.

4) This tree is highly exposed toward the top of the ridge. The only tree anywhere near its height was another redwood on City land about 20 feet from the subject tree, which began to lean and was removed.

Condition 2 – Fair . The tree is fair in a Rating System of: 1- Poor, 2 - Fair, 3 - Good, 4 - Very Good, and 5 – Excellent. The Tree is quite drought stressed. Particularly on the south aspect of the tree, toward the neighbor's upslope home (See Figure 3). This is likely due to its position toward the top of a droughty ridge, the fact that there is a retaining wall just 1.8' away, pavement just 6 feet up slope and a steep slope below the tree. The neighbor's parking slab and home are impermeable surfaces that do not allow ground water recharge and the steep slope causes water to run off rapidly rather than percolate down into the soil.

5) The tree health is only 2 – Fair. It is quite drought stressed due to the years of drought, its location near the ridge top, the root limitations, the ground water recharge limitations and the high exposure to desiccating sun and winds. This Tree does not have access to Irrigation except the irrigation provided by the Sachs to their Rhododendrons and Camellias on the North Slope below the Tree. The foliage is sparse and appressed. There is dieback of the south upper canopy (See Figure 4 below).

Conclusions: Redwood has relatively weak, brash (across grain) failure prone wood. Water stress further weakens the wood and increases the likely hood of branch failure.

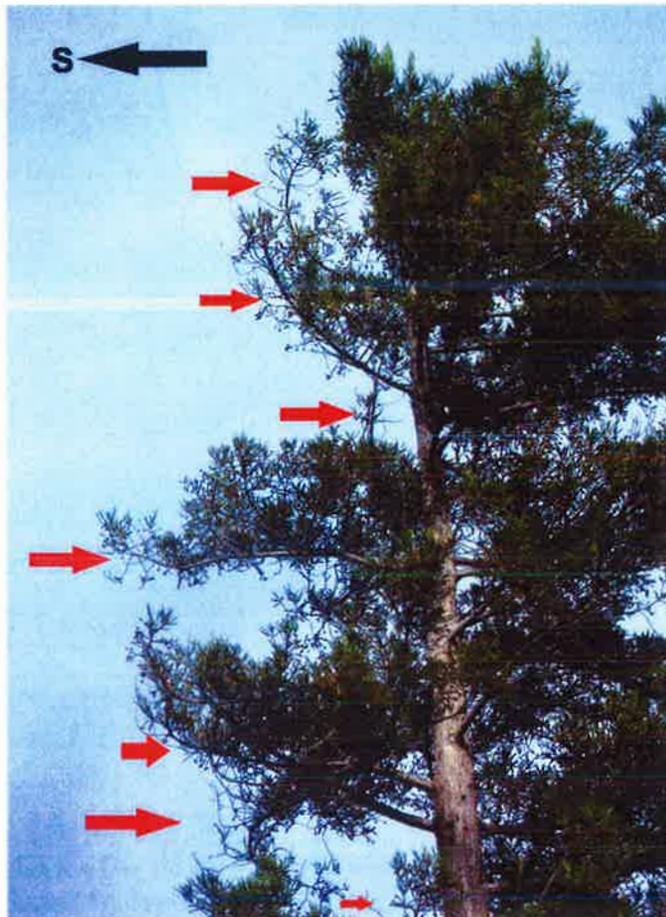


Figure 4 – Dieback of the south canopy may be due to loss of ground water recharge or driveway construction root damage.

Risk Assessment:

Target: Given the tree's exposure and the most powerful storm track out of the southwest ("The Pineapple Express") and the slope together with tension root limitations due to the parking slab and house foundation to the south, the most like failure is to the north toward the Sachs' home. Therefore the Target is a high value target that cannot be moved (the home and residents).

Impact: The size of the part most likely to fail is the branches which would only do minor to moderate damage. While there is no evidence that a whole tree failure is imminent, the exposure of the tree and site conditions do threaten whole tree stability. Although the likelihood of a branch hitting a resident has a low probability, that could be very serious damage.

Likelihood of Failure: The likely hood of branch failure is moderate to high due to the species characteristics ("Redwood is naturally deciduous of its branches. – Silvics of North America, USDA Forest Service Handbook 654), the tree's high wind exposure and the drought stress.

The likelihood of whole tree failure is low but guarded because we don't know whether the south canopy decline is to some extent due to root cutting when the south neighbor's parking facility was installed and may have disrupted tension roots.

Note: It is my understanding that the neighbor believes that the tree is an Ancient Native Tree. This is incorrect. A Redwood tree would not have occurred at this location naturally. It grows 3 to 5 feet per year and can grow 70' to 90' tall in 25 years (Western Garden Book, page 602). It was obviously planted at the time of development of one of the two homes. The size of the tree is similar to other trees that were planted just 40 to 50 years ago.



Ray Moritz, Urban Forester SAF Cert #241
ISA Qualified Tree Risk Assessor

APPENDIX

SPECIES CHARACTERISTICS

Coast Redwood (*Sequoia sempervirens*) is an extremely adaptive species. Its native range in the fog zone of the Pacific coastal strand subjects it to a wide variety of punishing environmental conditions including: fierce storm sea-blast, flooding, erosion, landslide, river scouring and sedimentation of its root system, drought and wildland fire. With adequate water it can do well on inland sites. **WCISA group #4 class coast #1, inland #2**

Species Biology

Coast Redwood, *Sequoia sempervirens*, has few enemies that affect tree stability other than fire, Brown Cubicle Rot, *Poria sequoiae*, white ring rot, *P. albipellucida*, and logging / edge effects (trees newly exposed to winds due to clear cutting or extensive thinning). Redwood does not have tap roots but where it develops large, wide-spreading lateral roots, it is considered to have "better than average windfirmness".

In the heart of its range redwood is an extremely fast growing species, particularly coppice (second growth) stems which have a well established root system from the start. Even first growth seedlings may grow 18 inches in the first year and saplings commonly grow 2 to 6.5 feet per year. Coast Redwood does its best on deep alluvial flats (along rivers and streams) where soils are well developed and soil nutrients replenished by sediment deposits from successive floods.

This species is well adapted to sedimentation fill. Repeated floods may deposit as much as 30 inches of silt, sand and gravel from a single flood around old growth trees. The trees are not harmed by this. They quickly develop new and higher root systems in the new deposits (USDA FS Handbook 271, page 664). It can tolerate the loss of major portions (30 to 50%) of its root system through stream cutting, sedimentation or mechanical removal, yet suffer no significant threat to the over-all health of the tree.

Redwoods have no tap roots but lateral roots are large, very shallow and wide spreading. It can tolerate the loss of major portions (30 to 50%) of its root system through stream cutting, sedimentation or mechanical removal and suffer no significant threat to the over-all health of the tree. It sprouts a new system quickly from adventitious buds. The same is true of the crown of this species. It can lose most or even all of its crown (a "fire column") and suffer no permanent damage. It quickly forms a new crown from dormant buds.

Redwoods can sprout along the entire length of its trunk. If the tree is damaged by fire, logging or wind, dormant buds under the bark are stimulated and produce new foliage. "Eventually normal crowns develop again." (USDA FS Handbook 271, page 666).

Multiple-stemmed and multiple topped trees are more subject to wind breakage than single stem/leader trees. However, old growth seldom has a single leader. Over time most trees dieback due to drought, rodent damage or wind breakage, and form a new leader or leaders from dormant buds or small branches.

Coast Redwood is extremely shade tolerant due to very efficient photosynthesis. It is extremely tolerant of fire. It can lose most or all of its branches and yet recover quickly (fire column), with branch regrowth of 18 to 24 inches per year or more. It will quickly reproduce a natural crown. Annual shoot growth of Redwoods is 18-36 inches in an unirrigated forested setting. It is very tolerant of thinning.

Arboricultural Characteristics:

Height: 70 to 90 feet at 25 years (*Sunset Western Garden Book*)

Width: 25 to 30 feet

Growth Rate: Rapid growth rate; long lived

Habit: Columnar; pyramidal; moderate density; symmetrical; fine texture

Light Requirements: Dense shade to full sun

Soil Tolerances: All textures; slightly alkaline to acidic; drought

Pest Problems: Resistant

Pruning Requirements: Needs little or no pruning to develop strong structure

Other requirements: Outside the fog zone it may need deep watering every 20 to 30 days during the dry season. Occasional feeding may be required when trees are growing on poor soils. However, most trees require no fertilization.

Limb Breakage: naturally deciduous of lower branches, particularly in dense stands

Redwood is not recommended for most residential properties. Its extremely rapid growth, great height and girth, and its voracious invasive roots have caused it to be classified as an "undesirable tree" in most tree ordinances.

Conformation: Height: 100 to 340 ft. Spread: 20 to 40 ft. It can attain 70-90ft in 25 years. Leaves are ½ to ¾ inch long. They persist for three or four years, clinging to the tree one to two years after they have died. Sunset states that this tree can attain 70-90ft in 25 years.

Rate of Growth: Very Rapid where soils, climate, and available water are favorable.

Root System: Very wide-spreading, shallow and aggressive. Highly tolerant of disturbance. Rapidly regenerates after exposure or filling.

Natural Requirements: **Climate:** Tolerates cold and some heat. Grows best in a moist, humid areas.

Soil: Prefers a deep, rich, well-drained soil with plenty of moisture.

Exposure: Sun or partial shade. Tolerates seacoast conditions but not salt aerosols or salty groundwater. Cannot tolerate dry air. Protect from prevailing winds.

Arboricultural Care: **Pruning:** Avoid pruning unless absolutely necessary. Prune only to train as a hedge by topping and regular trimming. Crown reduction pruning, other than branch thinning, is very difficult without creating "witch's brooms" at the branch ends and deforming the tree.

Feeding: No special feeding necessary unless grown on very poor or limited soils, both volume and extent.

Watering: Provide plenty of moisture.

Pests and Diseases: Remarkably pest and disease resistant.

Faults: Its extremely fast growth, enormous size and aggressive shallow and extensive roots make it unsuitable for most residential properties. It is deciduous of lower branches. Tends to form poorly attached multiple codominant leaders. Extremely aggressive roots damage buildings and infrastructure. Suckers may prove a nuisance in lawn of specimen plantings.

Inland Coast Redwood (*Sequoia sempervirens*) - Urban Settings like residential properties, parks, roadsides, shopping centers and golf courses typically use the varieties 'Aptos Blue', "Woodside", "Filoli" or "Soquel". These varieties are said to be more drought and heat tolerant than the standard coast redwood. However, I am not impressed with the performance of 'Aptos Blue' in many situations. The standard exhibited growth rates of 3 to 4 feet per year where there is soaker or bubbler irrigation, or where the tree is adjacent to a lawn or other irrigated area is often not exhibited by this variety. Thus, I recommend the standard, the 'Filoli' or the 'Woodside' and adequate regular irrigation for at least the first five years.

DB

**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: SEPTEMBER 1, 2016
MEETING DATE: SEPTEMBER 6, 2016

TO: TOWN MANAGER, MAYOR AND COUNCIL MEMBERS
FROM: ADAM WOLFF, DIRECTOR OF PLANNING AND BUILDING
SUBJECT: REVIEW AND POSSIBLE ADOPTION OF RESOLUTION APPROVING MODIFICATIONS TO THE COLOR SCHEME OF THE EAST ELEVATION OF BUILDING 1 (FACING NELLEN AVENUE AND HIGHWAY 101) AT TAM RIDGE RESIDENCES (AKA 'WINCUP').

PURPOSE AND PROCEDURE:

The Corte Madera Town Council is conducting a public hearing to consider and possibly approve modifications to the color scheme of the east elevation of Building 1 at Tam Ridge Residences, which faces Nellen Avenue and Highway 101. This hearing is a continuation of prior discussions on this item from the April 19, 2016 joint Town Council/Planning Commission meeting, and the August 23, 2016 Planning Commission meeting, where the Planning Commission unanimously recommended approving one of the color options (Option 3).

STAFF RECOMMENDATION:

Staff recommends that the Town Council review the applicant's presentation and materials, the Planning Commission recommendation, receive public comment, and approve modifications to the Building 1 east elevation colors by adopting attached draft Resolution 32/2016 (Attachment 5).

TOWN MANAGER'S RECOMMENDATION:

Support staff recommendations.

FISCAL IMPACT:

Not applicable

BACKGROUND:

Pursuant to an agreement between MacFarlane Development Company (DBA 195-205 Tamal Vista Boulevard, LLC) and the Town in March 2016, MacFarlane agreed to present revised color options for the east facing façade of Building 1 in response to concerns that were raised by the public and Town Council after the original colors were first applied to the structure.

On April 19, 2016, MacFarlane presented four color scheme options at a joint Town of Corte Madera Planning Commission and Town Council meeting, and received direction from both bodies to return with revised options after considering the comments received.

At the August 23, 2016 Planning Commission meeting, the applicant presented five revised color scheme options to the Planning Commission. After receiving the applicant's presentation and comments from the public (three oral and two written public comments were received), the Commission unanimously approved, by motion, a recommendation to the Town Council to modify the existing building colors with Option 3.

Minutes from the April 19, 2016 joint Town Council/Planning Commission meeting and draft minutes of the August 23, 2016 Planning Commission meeting are included in Attachment 1.

PROPOSED MODIFICATIONS

The applicant has provided five modified color options for consideration (Attachment 2). All color options would remove the pale green color and consist of varying applications of the dark grey ("Ponderosa") and beige ("Salsify") colors that currently exist on the building. Additionally, the applicant has constructed "mock-ups" of a portion of Color Option 1 and Color Option 4. The areas of the "mock-ups" are shown in the photos in Attachment 3. Additionally, material and color samples are available for review at Town Hall and will be presented at the public hearing.

Option 3 includes replacement of the lighter "prodema" wood paneling with the darker "prodema" material and utilizes "Salsify" as the predominant color. Option 3 also includes a band of "Ponderosa" at the upper portions of the façade, near the roof.

NOTICE

Staff mailed notices of the Planning Commission hearing to all property owners and residential tenants within 500 feet of the property and mailed additional notices to those residents located within the Casa Madera subdivision not within 500 feet of the property. Additionally, staff posted information about the hearing on the Town's website, sent an email with information about the hearing to all those signed up for "News Flash" e-notifications from the Planning and Building Department and the Weekly Newsletter, those signed up for Planning Commission agendas, and posted information about the hearing on Nextdoor.com for all users in Corte Madera. Staff has received two written public comments since the Planning Commission public notice was published (Attachment 4).

Notice of the Town Council hearing was posted on the Town's website, an email with information about the hearing was sent to all those signed up for "News Flash" e-notifications from the Town Council and Weekly Newsletter, those signed up for the Town Council agenda, and was posted on Nextdoor.com for all users in Corte Madera. The notice was also posted at Town Hall, the Post Office, Library, and both Fire Stations.

ENVIRONMENTAL ASSESSMENT

The Planning Department has determined that Planning Commission action on this item is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

OPTIONS

1. Approve Resolution 32/2016 modifying the Building 1 east elevation with the color scheme proposed in Option 3, consistent with the recommendation of the Planning Commission;
2. Approve another Option proposed by the applicant;
3. Request the applicant provide another variant of the color scheme options presented;
4. Recommend no changes to existing color scheme

ATTACHMENTS

1. APRIL 19, 2016 MEETING MINUTES FROM JOINT PLANNING COMMISSION/TOWN COUNCIL MEETING and DRAFT MEETING MINUTES FROM THE AUGUST 23, 2016 PLANNING COMMISSION MEETING
2. MODIFIED COLOR SCHEMES PROPOSED BY APPLICANT
3. PHOTOS SHOWING LOCATION OF "MOCK UPS" ON EAST ELEVATION OF BUILDING 1
4. PUBLIC COMMENT RECEIVED BY SEPTEMBER 1, 2016
5. DRAFT RESOLUTION 32/2016

ATTACHMENT 1

**MEETING MINUTES FROM APRIL 19, 2016 JOINT PLANNING COMMISSION/TOWN
COUNCIL MEETING AND DRAFT MEETING MINUTES FROM AUGUST 23, 2016
PLANNING COMMISSION MEETING**

junior second units and received and forwarded to the Planning Department a copy of the City of Novato's ordinance. She said the process is underway to create the C-5 zone for hotels and she thinks it is important the zoning cover all hotels to remove the requirements for variances.

Mayor Bailey summarized consensus among the Council and Commission:

- Tamal Vista Corridor Study and project
- Junior second units
- The bicycle, pedestrian and traffic concerns
- Zoning issues and the need to incorporate and amend language to regulate hotels, B&Bs and multi-unit structures
- Heritage tree ordinance
- Priority for housing when retail or other use is contemplated
- Preservation of older multi-family and anti-displacement policies which is consistent in the Housing Element

Chair Chase asked Vice Mayor Furst if the discussion about transportation is tied to approval of housing units, as well as whether the town receives funding points for mixed use development as it relates to providing low income or employee housing.

Vice Chair Furst said unfortunately the Town would need to develop significant amounts of housing similar to the Tamal Vista Residences to be eligible for certain available funding, and she did not believe this would occur again in Corte Madera.

Vice Chair Metcalfe said when talking about affordable housing, Napa County has a program to help low income residents to buy a home by assisting with the down payment. When the house is sold, the assistance is returned to the County and residents can work close to where they work.

Mayor Bailey thanked and said the Town Council appreciates the work of the Planning Commission. At times the work can feel thankless and it outlives everybody and improves the community.

3.II Discussion of aesthetic improvements (color options) to the east elevation of building No. 1 at 195-205 Tamal Vista Boulevard (Tam Ridge Residences/WinCup)

(The Town Council and the Planning Commission will discuss the item and provide input to Staff)

Town Manager Bracken stated there has been concern regarding the colors of the building facing the freeway and the Town requested the developer to look at different paint color options for the east side along the freeway. They presented 4 options to the Town which the architect would like to present. He hoped to come to some consensus as to the color and clarified that there is an item on the regular Town Council agenda tonight for action by the Council. At this joint meeting the architect will present what they have to offer, and comments can be received from the Town Council and Commission, and the public.

ERIC OLSEN, Partner at TCA Architects, representing property owner McFarlane Partners, said from the approved color scheme, there is a color called, and Herbaceous that sometimes appears a bit yellow and a bit yellow/green depending on the color chip, presentation or natural light.

Their design team reviewed this color and found that when immediately adjacent to the warm wood color, Prodema, the two do not work together as well. He presented color chips and 4 options as to how to replace the Herbaceous yellow/green color so there is more continuity in the project, as this building turns the corner and wraps around and also reinforces the breaking down of the scale which is rather long on this east elevation.

Mr. Olsen presented color option #1 of Salsify and Ponderosa. Ponderosa is the original color which was part of the entitled approved design as well as the Prodema. The Salsify is the one replacing the Herbaceous color. This option is the one they recommend mainly because as these colors turn the corner and wrap on the building there is a continuity and coherence to the building architecturally.

Mr. Olsen presented color option #2 and said they reduce the repetition of the colors, reducing their reinforcement of this town home idea so there is more of the same color in a row. He pointed to the Salsify which happens 3 ½ bays, then the middle original color of the Ponderosa and it shifts back, which calms it down a bit.

Mr. Olsen presented color option #3 which includes those same colors but inverts them. It has the darker Ponderosa color and uses the Salsify in the middle.

He presented the last option #4 which is to try to improve on what is out there now. They looked at a new color called Beeswax which is a lighter crème color which is adjacent to the Prodema color. They feel those two work together a bit better than the Herbaceous color introduced earlier.

He thanked the Council and Planning Commission for the opportunity to present these options.

Mayor Bailey asked for clarifying questions.

Commissioner Metcalfe asked if they are limited to the 4 options or could they make recommendations.

Mr. Olsen said they were instructed to use the colors on site right now and find a solution that works to tie everything together and he suggested using the colors on site now. If not, then he would like to hear reasons why the colors do not work.

Councilmember Condon asked Mr. Wolff if there was a color board of examples, given the colors most likely are not accurate given in a PowerPoint presentation, nor are the small sample chips, noting this was the problem when the colors were originally approved.

Director of Planning and Building Adam Wolff said the Ponderosa and the Salsify are fully scaled on the building today. He said they will look different at different times of the day and night. The Beeswax color is new, which is option #4 and the paint chip is provided. There is also a sample of the Prodema.

Councilmember Condon asked if the Town has any latitude in changing the Prodema color. Mr. Olsen said this is more difficult to do, as it involves replacing that and the sub-straight and rebuilding the part. Their first attempt was to work with the existing Prodema mostly because when turning the corner on the south façade, that same Prodema is used there. So architecturally it would be good to tie the building together and maintain that color. He personally believes that when the Herbaceous color is next to the Prodema, they fight against each other, so when the Herbaceous color is removed, the warm Prodema color can work better.

Councilmember Condon commented that she thinks the portion of the building facing Tamal Vista closest to Gold's Gym was very appealing and had somewhat of a calming effect. While there was still the contrast, it did not have so many colors added into it.

Mr. Olsen said he has photographs with the new proposed colors and he displayed them which provide another glimpse of what the color chips look like when they are on the building.

Vice Mayor Furst asked if Mr. Olsen could display the new proposed colors and asked if the same Prodeema color was on the original boards submitted. She echoed Councilmember Condon's comments, stating what is on the building right now does not look like what the renderings were. The color of the siding on those original illustrations looked like a weathered teak. It was a grayish wood product and not the orange color on the sample displayed.

Vice Mayor Furst also referred to the Herbaceous color and said Mr. Olsen indicated this color looked green at times. She asked if it was the Herbaceous on the east side and the Salsify is elsewhere in the project, and this would be brought to the east side. Mr. Olsen confirmed and said it would not be as green as the Herbaceous currently there. Mr. Wolff noted staff is retrieving the original approved design entitlement renderings. Mr. Olsen noted there will always be some difference in what is ultimately built and the renderings, given they are subjective.

Councilmember Andrews requested the pictures of the buildings as they are now displayed on the screen, as well, and Mr. Olsen stated he did not have these.

Mayor Bailey opened the public comment period.

Public Comments:

JANE LEVINSOHN, Tamal Vista, asked Mr. Olsen to express colors in regular color choices, asked to describe the Salsify color, suggested covering the entire back of the building in a nice tree green so it blends in with the trees, asked what the yellow colors in the building were, and asked to turn off the bright lights at night.

JEANNE GREENBAUM said she thinks the presentation leaves much to be desired and asked to see actual photographs of what is there now and what the developer is proposing the building will look like. All 4 options look the same to her and she did not think the presentation was sufficient to make a determination.

Councilmember Lappert stated the photographs being circulated to Councilmembers were much more telling and he suggested they be distributed to the audience members. He agrees that what is seen on a computer-generated image does not reflect accurate coloring.

PHYLLIS GALANIS, Prince Royal Drive, asked if the dark grey option is being retained, said she hopes the developer will re-do all of the colors and blend the building into its setting and said the fake wood is most objectionable colors to her. She also would like to see what the entire building will look like prior to re-finishing the colors.

PATI STOLIAR, Casa Buena Drive, said she would like to see a picture of what is there now and to see what it looks like against the various options to compare and contrast.

Mayor Bailey closed the public comment period and asked for responses from Mr. Olsen.

Mr. Olsen said what they have today is a photograph on the screen of what currently exists and the 4 renderings that have been distributed as options using that photograph and enhanced.

Councilmember Andrews asked to scroll through the slides, stating that some of the photos were taken in the afternoon but one picture was taken in the morning or in direct sunlight. Mr. Olsen said the idea is to change the Herbaceous color, eliminate some of the spotty nature and let the 2 grays that exist on the other side of the building turn the corner and bring in that continuity and calm things down a bit.

Mayor Bailey asked for Commission comments.

Vice Chair Metcalfe said if Salsify is replaced with a Taupe which would be warmer, fit in better, and then left the dark grey, this would comment the warmth of the Taupe rather than the coolness of the grey and would make the Herbaceous less obnoxious. She also noticed that framing around some of the windows is done in a dark color. She suggested painting the trim in the dark color rather than the white, this would work even better. She also asked that new paint colors be purchased because it does not work. Going from one bad choice to another bad choice will not help the appearance of this building.

Planning Commissioner Bundy asked if the light grey is Salsify, and Mr. Olsen said yes. Commissioner said if he had to choose an option, he would choose Option #2 because it is a calming influence on the building; that it unifies it a bit and he noticed when he looked at the Preserve off of Paradise Drive that also has some orange panels, it has more of a Taupe color on it and it is a uniform color on the remainder of the buildings which downplays the orange a bit. Therefore, he would choose Option #2 and use the Salsify to calm things and unify the building.

One other point he said that will help over time is that plantings will do well and trees will do a lot to blend the environment. He would also like to see if the Town could get something done on the mound or the part Corte Madera has control over of just thinning some of the small eucalyptus trees that are there now. If those are fast growing, this will also blunt the appearance of the building and allow it to blend in.

Chair Chase concurred and said he thinks the 2 colors in Option #1 or #2 are the best. He thinks the upper story colors which are painted in the renderings as a darker color should be closer to the roof color. It would appear then the darker Ponderosa would seem to reflect closer the roof color so the balconies and roof color would be together instead of a flat roof and a brighter color.

Chair Chase said he would also wonder that since the yellow is there and it appears there is patching going on in every panel that if the Herbaceous could be painted over with something quickly because it looks as though there is waterproofing repair along the entire length of the building.

He understands that the orange material is difficult to replace and it would be a significant cost impact because it is embedded into the building. Therefore, he would ask that a mockup be done, remove the Herbaceous by painting it over with one of the two greys to present a sample of what might take place, and secondly speak to the concerns people have about the orange wood material.

Mayor Bailey asked Mr. Olsen to respond to the question of whether they can change the orange treatment. Mr. Olsen said while it is difficult, it can be done.

Planning Commissioner Caldera said he cannot add much to what Chair Chase has stated and he concurs. Among the 4 choices, he also would like to see Option #2. However, he asked if new colors could be discussed and considered instead of just the 4 options.

Town Manager Bracken said at this time the Council and Planning Commission can discuss any colors. This is for discussion right now and he is sure the developer and architect would like to hear any and all comments.

Commissioner Caldera said he thinks everybody needs to understand whether they are going back and starting from scratch and vote for colors or do they work from what is currently there. He said many people are proposing new colors and the discussion is going back and forth. He thinks it is important to decide right now as to whether or not to introduce new colors or move forward with choosing one of the 4 options.

Councilmember Lappert said he knows nothing about color and is not an architect or designer. The biggest complaint he has heard about this project that overrides all

comments is the faux wood. He appreciates the fact that McFarlane and their architect is before the Council again. He also understands that they have no obligation to change the color or material so he appreciates they are here listening. If the Council decides it wants to completely redo the colors and materials, he would ask that the Council have a very narrow focus group and those people's contact is put out to the public so they can talk directly to them about color choices.

Vice Mayor Furst reiterated that what the Council and Commission are looking at was not what they were supposed to have. What was approved was much more muted and what the architect is returning is much more muted. She does not like the okra color, thinks it is bright and she pointed out that the color of this wood product is not unlike the color of the wood siding at the Preserve, and she did not believe one single complaint was received about that color scheme. She thinks it is because the developer made much more of an effort to incorporate muted colors so the bright color did not stand out.

In the Preserve project, the developer also used a crème color which she was unsure would be appropriate for this project; however, if these are the only options before the Council and Commission, she would vote for Option #1. She likes the fact there is a differentiation in color between most of the building side and a difference on the top which pulls the building down a bit and grounds it a bit. She also likes the fact that every townhome is not the same color which is how Option #2 is represented.

She said she is still not convinced these are the perfect colors and was a bit torn. While she does not want the issue to continue on, she thinks picking colors by committee is a very dangerous endeavor. She is almost tempted to table the item and get a qualified color consultant to discuss 2 choices, but if she had to pick one now it would be Option #1.

Councilmember Condon said she was looking forward to having a choice that would offer the Town an entire new fascia and finds it a bit insulting that the colors are simply shuffled around, stating the Town has undergone fury from people in the community.

She said she has no problem with the Ponderosa color, but did not like the Prodema color and did not think they are appropriate for the building. She would hope that the matter be sent back or get a professional color consultant to arrive at a palette that is attractive to the building. She liked Vice Chair Metcalfe's suggestions for changes to window trim, as well, but did not concur with any of the options and asked to go back to the drawing board.

Councilmember Andrews registered an objection that it was not until 3:30 p.m. that he received the actual specifications of the proposed colors. He asked at the last Council meeting that the Council be given the manufacturer's name, color and ID number. This was so he could go to the paint store, get samples, and see what they look like in daylight. Right now they are being asked to look at colors in artificial light so they do not have the information to make the determination. In terms of colors, South Grey on the southeast corner appeared to be the best. He said the dark grey is very bright and when he discussed this at the paint store, they told him it had a trace of purple in it so it is not calming. The lime green color needs to be replaced. On the other side of the building on Tamal Vista, he suggested not changing colors on each floor. Therefore, he suggested the developer go back and work on it a bit.

Mayor Bailey reopened the public comment period and asked if the representative from McFarlane could comment.

DERK HOLLAMEYER, McFarlane Partners, stated their intent is that once a choice is made to conduct a field mock-up before they repaint the entire building. He is not a color expert but can say there was quite a bit of work done in considering what the façade of the building would look like if the pale Prodema today was changed to darker colors, and the reaction from the design professionals was not good. He said they are willing to do what is right for the building, and they would invite the Town to look at the mock-up once choices

are chosen and then confirm whatever choices are made.

Councilmember Lappert asked for Mr. Hollameyer's viewpoint about the wood material. Mr. Hollameyer said he does not have a negative reaction to the wood as many speakers have expressed. He thinks the warmer expression of the façade is better than with the new colors versus what he saw with the darker expressions on those wood columns.

Councilmember Lappert said he loves wood and this is faux. He asked if McFarlane Partners would be willing to make that a real wood color. Mr. Hollameyer said this color is all over the project as well and they cannot replace it all.

Vice Mayor Furst said she was looking at the original documentation and the website for Prodema. The top color is the Pale and the bottom color is Mocha which is found elsewhere in the project. Rather than introducing a third color Prodema she asked if a different color scheme be considered that related to the Mocha which is much darker, would recede and not be so glaringly bright to everybody passing by on Highway 101.

Mr. Hollameyer said they could consider this but it was previously indicated that the design team has considered and studied this and this is why the proposed options were presented.

Councilmember Lappert said in talking about the east elevation only, he asked if it was possible to decide that the developer can change that side of the Prodema to the darker one. Mr. Hollameyer said yes, it is possible if once it is rendered, people are happy with it.

Councilmember Lappert thanked Mr. Hollameyer and said he appreciates this. He noted that this is the main objection because it is the main color as seen from the freeway by many people.

Vice Chair Metcalfe referred to the original book of colors and pointed to the original rendering of building colors for Building One and it does not come close to what is presently on the building. The brown color does not bear any resemblance from what got painted on the building or what is being shown now and these are McFarlane Partners' original material and colors. She asked why the building was not made as what was approved originally.

Mr. Hollameyer said the material boards are accurate and he could not speak to the renderings as he did not render them at the time.

Vice Chair Metcalfe presented the color Prodema, the Taupe and dark grey color. She pointed out that the warmth of the Taupe makes the building less bright, less obnoxious and it calms down the building. This is why she is suggesting this color be used.

Mayor Bailey asked if there was general consensus among the Commission and the Council that they would like to see a full mockup incorporating some of the comments. He would like to see a larger presentation that accurately describes and depicts the contrast between a couple of options incorporating the new comments and colors as well as what is currently there. Mr. Hollameyer agreed to do this.

Councilmember Lappert asked if they will put a paint swatch on the building itself. Mr. Hollameyer said will do this once there is a consensus.

Mayor Bailey thanked Mr. Hollameyer and asked that representatives attend the meetings given there has been some consternation in the Town over years.

Vice Chair Metcalfe asked if the windows have wood trim or were they vinyl trim. Mr. Hollameyer said this is vinyl and cannot be painted. He thinks there is a different window product and color on the Tamal Vista side or possibly the storefronts for the retail portion.

Mayor Bailey asked for further comments prior to moving onto the next item.

Chair Chase encouraged the selection of one of the two colors of either the Salsify or the Ponderosa to paint over the yellow color and remove it completely. He also asked that McFarlane Partners provide a reasonable mock-up of one or two of those colors. One panel can be painted one color and the other panel the other color in order to be able to see what it looks like. Then they can determine whether the darker wood would come into play which is an expensive proposition, but he asked to put 2 or 3 boards of this on the side of the building. He thinks this would cover that offensive yellow paint color.

Mayor Bailey asked what the sequence would be to follow to reach an end to the color questions.

Chair Chase suggested that Ponderosa be painted over the yellow on one patch of the building and paint the other color; Salsify on the other offensive yellow patch. Therefore, the Town would have both colors to view as possible options on the building.

Councilmember Condon said what might be simpler is looking at the northern side on Tamal Vista where it appears to look like Ponderosa and then there are two other neutral colors with it, and not the green or gold. These colors are much calmer along with the Espresso color which is very good looking, and this would be kept consistent with the rest of the project.

Mayor Bailey closed the matter and said the Council will take this item up at the regular portion of their meeting.

Mr. Olsen commented that the first thing they did look at was the dark Prodeema color and through those darker greys and taupe on there and it gets very dark. The danger with dark and residential buildings is it feels foreboding. However, his job is to synthesize things and he thinks that marrying the lighter colors of Salsify and a light taupe or maybe the Ponderosa with that darker Prodeema would substantially calm things down. He has seen it on the computer screen and would like to work with McFarlane and create a mockup. If there is positive feedback from this, he could take it to the next step and shown the Town what it would look like in totality.

Mayor Bailey thanked Mr. Olsen and said they would very much appreciate this.

3.III Tamal Vista Corridor Study: Discussion of Draft Planning Principles,
Community Feedback and Policy Direction

(The Town Council and the Planning Commission will discuss the item and provide input and/or direction to Staff)

Director of Planning and Building Adam Wolff said this matter is an opportunity for staff and Dave Javid from the Metropolitan Planning Group (M-Group) to provide an overview with the Town Council and Planning Commission of where they are in the Tamal Vista Corridor Study, provide some background, provide feedback from comments heard at the community meetings and receive thoughts on policy direction, planning principles and planning themes they want to take forward in finalizing a report.

Mr. Wolff said there are two main goals which is getting some concrete community support and policy recommendations that will address new potential development along the Tamal Vista Corridor, or the east side of Tamal Vista Boulevard between Wornum and Madera to the south. These recommendations will inform new zoning or other land use regulations and create consistent between the General Plan and Zoning Ordinance.

In addition, while it may not be addressed through actual zoning regulations, they are learning about the identification of specific improvements to the corridor that could

enhance its functionality, utility and value to surrounding residents and businesses as a whole.

Thirdly, they are investing resources into this particular area and they are hoping to identify recommendations that might be applicable to other areas of town that have similar land use designations in the General Plan and similar zoning designations.

They want to provide an opportunity for residents and other stakeholders in the community to engage and inform dialogue about development in this corridor, provide an educational opportunity in this process about what the land use process is, what zoning means, what the General Plan means in terms of its land use goals, regulations and policies and also have an opportunity for the Town to lead a discussion about development which has been more reactionary in the recent past as development proposals have come forward.

Mr. Wolff presented the original timeline when they began in the fall of last year. In the past they have conducted a lot of outreach, behind the scenes work of developing analytical tools and they are at a point of ramping up and would like to produce a draft report which will return to the Planning Commission for approval and ultimately to the Town Council over the next couple of months.

The Town has held 2 workshops in the Community Center in November and April and they have met with various stakeholders in town to receive input and feedback. By July they expect to have a report that outlines recommendations for zoning or other land use regulations for the corridor and in parallel, develop new language that would implement the recommendations by October which is the end of the moratorium.

The report will include a summary of the process, the area studied as included in the moratorium, and implementing new and consistent General Plan policies which will consider new land use designations for development. He noted much of the commercial areas in town were designated as mixed use commercial areas and the intention was to move from a strictly commercial designation to one that allowed for a mix of uses, including residential. This was put into place in 2009 as a General Plan policy and exactly how that was implemented was left up to these studies and plans.

Mr. Wolff said the study also provides an opportunity to evaluate the 2009 General Plan policies, keep or make new land use policy recommendations and implementation of recommendations will fulfill not only the objectives of the 2009 General Plan but also the 2014 moratorium and the reasons that was put in place.

The corridor is fully developed with a wide range of commercial structures which is unique to this area of town. There is a range of commercial uses and development intensity that do not necessarily reflect the existing C-3 zoning there. Much of it was built prior to the C-3 zoning district. There are varying setbacks and building form and several of the sites have large parking lots with buildings set back toward the highway.

Another interesting part is that the area directly north of Town Center is surrounded by a wide variety of uses, such as single family homes, Madera Gardens to the west, multi-family residential at Sandpiper Circle, Tamal Vista Boulevard to the west, light industrial zoning, an office, Tam Ridge; a higher density mixed use development to the north, and the highway directly to the east. With exception of the shopping centers, the corridor does not have a frontage road adjacent to the highway so the property starts at Tamal Vista and extend all the way to the highway.

He presented the current zoning which was written in the early 1970's, and he read the current C-3 regulations. There are other commercial uses allowed such as office and furniture stores, gyms, but bookstores are not allowed even though there is one there, toy and ice cream stores or uses one might find in a neighborhood serving area. The existing C-

**DRAFT MINUTES
REGULAR PLANNING COMMISSION MEETING
AUGUST 23, 2016
CORTE MADERA TOWN HALL
CORTE MADERA**

COMMISSIONERS PRESENT: Chair Peter Chase
Vice-Chair Phyllis Metcalfe
Commissioner Jennifer Freedman
Commissioner Bob Bundy
Commissioner Nicola Caldera

STAFF PRESENT: Adam Wolff, Planning Director
Joanne O’Hehir, Minutes Recorder

1. OPENING:

- A. Call to Order** – The meeting was called to order at 7:35 p.m.
- B. Pledge of Allegiance** – Chair Chase led in the Pledge of Allegiance.
- C. Roll Call** – All the commissioners were present.

2. PUBLIC COMMENT – NONE

3. CONSENT CALENDAR –

A. 21 ENDEAVOR COVE – ADOPTION OF RESOLUTION 16-024, PREPARED AS DIRECTED BY THE PLANNING COMMISSION AT THE AUGUST 9, 2016 MEETING, FOR THE APPROVAL OF MAJOR DESIGN REVIEW PL-2016-0013 AND MAJOR VARIANCE PL-2016-0015 FOR A COMPLETE REMODEL INCLUDING A 550 SQUARE FOOT ADDITION TO THE SECOND STORY AND A 130 SQUARE FOOT ADDITION TO THE ENTRYWAY OF THE LOWER LEVEL OF AN EXISTING SINGLE FAMILY HOME WITH A REQUEST FOR A 9 FOOT ENCROACHMENT INTO THE REQUIRED 20 FOOT FRONT SETBACK.

MOTION: Motioned by Vice-Chair Metcalfe, seconded by Commissioner Bundy and unanimously approved to adopt Resolution 16-024, Design Review PL-2016-0013 and Major Variance PL-2016-0015 for a complete remodel including a 550 square foot addition to the second story and a 130 square foot addition to the entryway of the lower level of an existing single family home with a request for a 9 foot encroachment into the required 20 foot front setback at 21 Endeavor Cove:

AYES: Metcalfe, Bundy, Chase, Freedman, Caldera
NOES: None

Planning Director Wolff read the appeal rights.

4. CONTINUED HEARINGS - NONE

5. NEW HEARINGS – NONE

6. BUSINESS ITEMS

A. TAM RIDGE RESIDENCES – REVIEW AND POSSIBLE RECOMMENDATION TO APPROVE MODIFICATIONS TO THE COLORS OF THE EAST ELEVATION OF BUILDING 1 (FACING NELLEN AVENUE AND HIGHWAY 101). (Planning Director Adam Wolff)

Planning Director Wolff presented the staff report. He discussed the color options, including a new fifth option that was not included in the Commissioners' packets. Mr. Wolff discussed the meeting notice, which included residences within a 500 square foot radius and the Casa Madera subdivision, and receipt of public comments. Mr. Wolff said the purpose of the discussions is for the Planning Commission to make a recommendation to the Town Council for the most suitable color scheme on the east elevation of building 1.

Eric Olsen, TCA Architects, discussed the five color schemes, noting that the new option presented this evening includes different color combinations. Mr. Olsen said all the color combinations are consistent with the colors on the other sides of the buildings and he discussed the reasons he would recommend option 3.

Vice-Chair Metcalfe discussed the reasons she does not favor the white color trim on options 3 and 5.

In response to Commissioner Bundy, Mr. Olsen confirmed the color changes affect the freeway side of the building.

In response to Commissioner Caldera, Mr. Olsen discussed the reasons he believes a lighter color pallet would better suit the darker wood Prodema.

Chair Chase opened the public comment period.

Stephanie Acree, San Rafael resident, said she favors option 3 for reasons she discussed and that she dislikes the orange color in other options.

Michael Harlock, 533 Redwood Avenue, said the architect has made a good case for option 3, which he prefers to the darker color options.

Becky Reed, 15 Counsel Crest, said she likes the darker color combinations.

Chair Chase closed the public comment period.

Vice-Chair Metcalfe suggested eliminating the color options with the pale Prodema and confirmed she prefers option 3 without the white trim.

Chair Chase announced that the commissioners viewed the colors at the site in pairs or singly, where they met the buildings' owners.

Commissioner Bundy said he has visited the site several times and that he prefers the paler Prodema, although he could support option 3.

Commissioner Caldera expressed a preference for option 5, which he said simplifies and brings together the architectural elements and is consistent. However, he said he would be satisfied if option 3 is chosen and agrees with Vice-Chair Metcalfe that the white trim should be removed.

Commissioner Freedman said she prefers option 3 as presented and that she likes the accent color, which she said breaks up the monotony of the building color. Chair Chase expressed similar sentiments, noting that the design is similar to other sides of the buildings.

MOTION: Motioned by Commissioner Bundy, seconded by Commissioner Freedman, and unanimously approved to recommend that the Town Council choose option 3 color modifications for the east elevation of Building 1:

AYES: Metcalfe, Bundy, Chase, Freedman, Caldera

NOES: None

7. ROUTINE AND OTHER MATTERS

A. REPORTS, ANNOUNCEMENTS AND REQUESTS

i. Commissioners

Vice-Chair Metcalfe commented on the proposed Senate Bill that would remove certain zoning laws relating to the provision of affordable housing.

Chair Chase reported on the August 16th Town Council meeting where Town Manager Bracken discussed items that included the reopening of negotiations with Macy's on the gravel lot opposite The Village and the Tamal Vista Corridor Study. Chair Chase confirmed that the amendments to the Planning Commission Rules and Procedures were adopted, and that discussions will take place on changing the election year.

ii. Planning Director

Planning Director Wolff provided an update on the Zoning Ordinance Amendment relating to the Tamal Vista Corridor.

Mr. Wolff reported that the Town is in the process of hiring a new Building Official, noting that the current Building Official is retiring in October.

Mr. Wolff provided an update on the 1421 Casa Buena project. He confirmed that monitoring controls are in place per the CEQA process and that the project will have a designated building inspector.

iii. Tentative Agenda Items for September 13, 2016 Planning Commission Meeting

A. NEW MIXED USE ZONING DISTRICT – REVIEW, CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION RECOMMENDING ADOPTION OF PROPOSED ZONING ORDINANCE AMENDMENT CREATING A NEW MIXED-USE ZONING DISTRICT AND A ZONING MAP AMENDMENT REZONING SEVEN PROPERTIES ALONG THE EAST SIDE OF TAMAL VISTA BOULEVARD BETWEEN MADERA BOULEVARD AND WORNUM DRIVE FROM C-3 AND PUBLIC/SEMI PUBLIC FACILITIES TO MIXED USE.

B. 159 PRINCE ROYAL DRIVE – DESIGN REVIEW APPLICATION NO. PL-2016-0007 FOR A COMPLETE REMODEL AND THIRD FLOOR ADDITION TO AN EXISTING TWO STORY SINGLE FAMILY DWELLING AT 159 PRINCE ROYAL DRIVE.

C. 122 GROVE AVENUE – DESIGN REVIEW AND VARIANCE APPLICATION FOR A NEW SINGLE FAMILY RESIDENCE TO REPLACE THE EXISTING. A VARIANCE IS REQUESTED TO ALLOW TANDEM PARKING WHERE ONE SPACE WOULD PARTIALLY ENCROACH INTO THE FRONT SETBACK.

B. MINUTES

i. Planning Commission Meeting Minutes of July 12, 2016

MOTION: Motioned by Vice-Chair Metcalfe, seconded by Commissioner Bundy, to approve the minutes of July 12, 2016:

AYES: Metcalfe, Bundy, Chase, Freedman, Caldera

NOES: None

ii. Planning Commission Meeting Minutes of July 26, 2016

MOTION: Motioned by Commissioner Caldera, seconded by Vice-Chair Metcalfe, to approve the minutes of July 26, 2016:

AYES: Metcalfe, Bundy, Chase, Freedman, Caldera

NOES: None

iii. Planning Commission Meeting Minutes of August 9, 2016

Page 2, paragraph 5: “.....U.S. Army Corps of Engineers”, amended to read “....U.S. Army Corps of Engineers”.

Page 3, paragraph 6: “Carla Condon.....with the conclusions of the Native Declaration”, amended to read “Carla Condon.....with the conclusions of the Negative Declaration”.

Page 4, paragraph 6, “.....He suggested the pier is moved towards the west of the property and portion constructed parallel to the house...”, amended to read “.....He suggested the takeoff for the pier is moved to the west next to the deck off the bedroom”.

MOTION: Motioned by Vice-Chair Metcalfe, seconded by Commissioner Bundy, to approve the minutes of August 9, 2016 as amended:

AYES: Metcalfe, Bundy, Chase, Freedman, Caldera
NOES: None

8. ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 8:20 pm.

ATTACHMENT 2

MODIFIED COLOR OPTIONS PROPOSED BY APPLICANT



COLOR 1 (HERBACEOUS)
COLOR 2 (PONDEROSA)
PRODEMA (PALE)

ORIGINAL APPROVED COLORS

TOWN PRESENTATION

08/23/2016



COLOR OPTION 1



COLOR OPTION 2



COLOR OPTION 3



COLOR OPTION 4

PREVIOUS OPTIONS

TOWN PRESENTATION

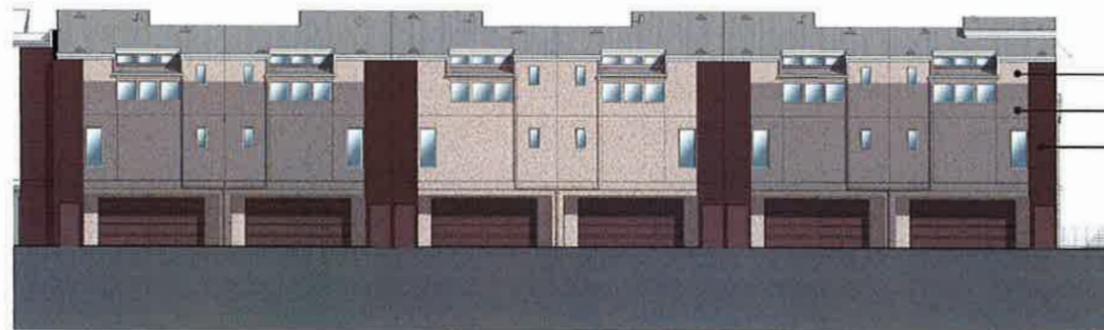
04/19/2016



ON - SITE MOCK - UP



EAST - SEGMENT A



EAST - SEGMENT B

- COLOR 1 (SALSIFY)
- COLOR 2 (PONDEROSA)
- PRODEMA (MOCCA)

OPTION 1

TOWN PRESENTATION

08/23/2016



EAST - SEGMENT A



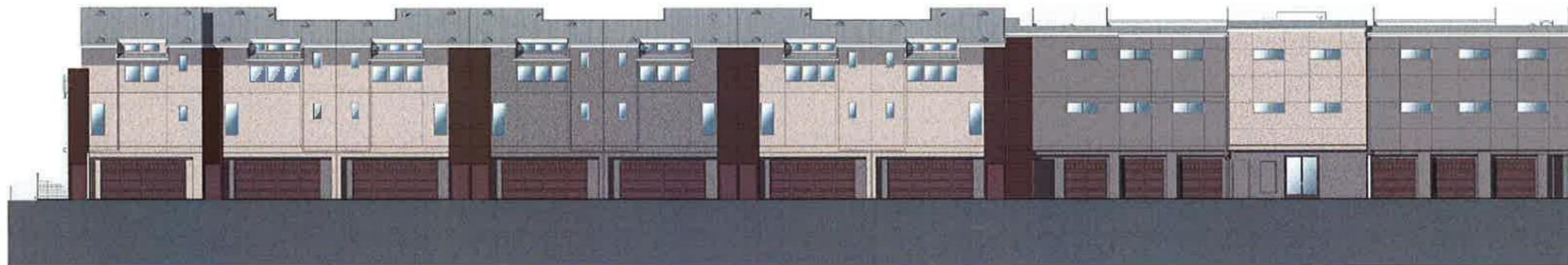
EAST - SEGMENT B

- COLOR 1 (SALSIFY)
- COLOR 2 (PONDEROSA)
- PRODEMA (PALE)

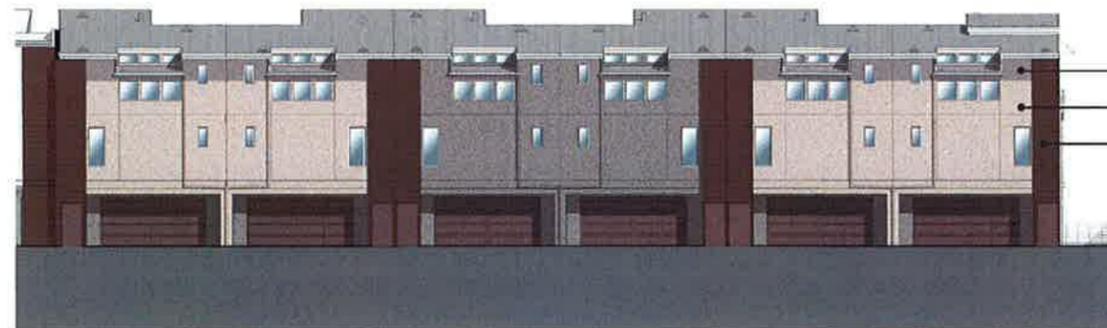
OPTION 2

TOWN PRESENTATION

08/23/2016



EAST - SEGMENT A



EAST - SEGMENT B

- COLOR 1 (PONDEROSA)
- COLOR 2 (SALSIFY)
- PRODEMA (MOCCA)

OPTION 3

TOWN PRESENTATION

08/23/2016



ON - SITE MOCK - UP



EAST - SEGMENT A

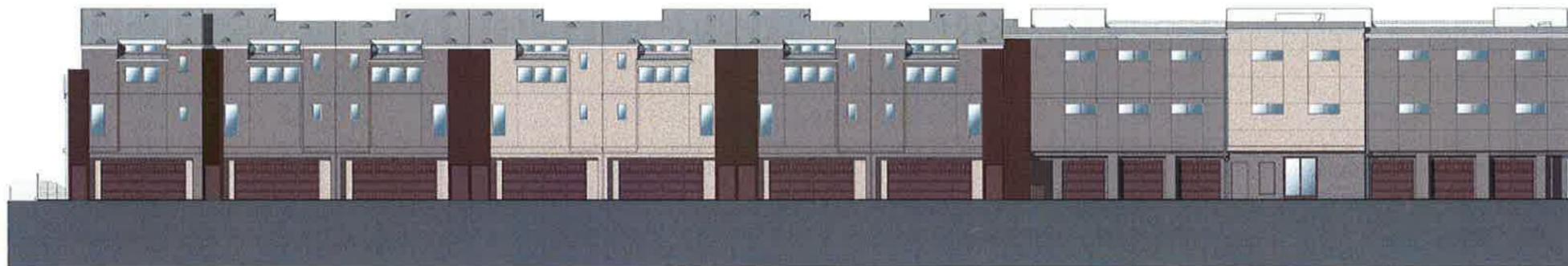


EAST - SEGMENT B

- COLOR 1 (PONDEROSA)
- COLOR 2 (SALSIFY)
- PRODEMA (PALE)

OPTION 4

TOWN PRESENTATION
08/23/2016



EAST - SEGMENT A



EAST - SEGMENT B

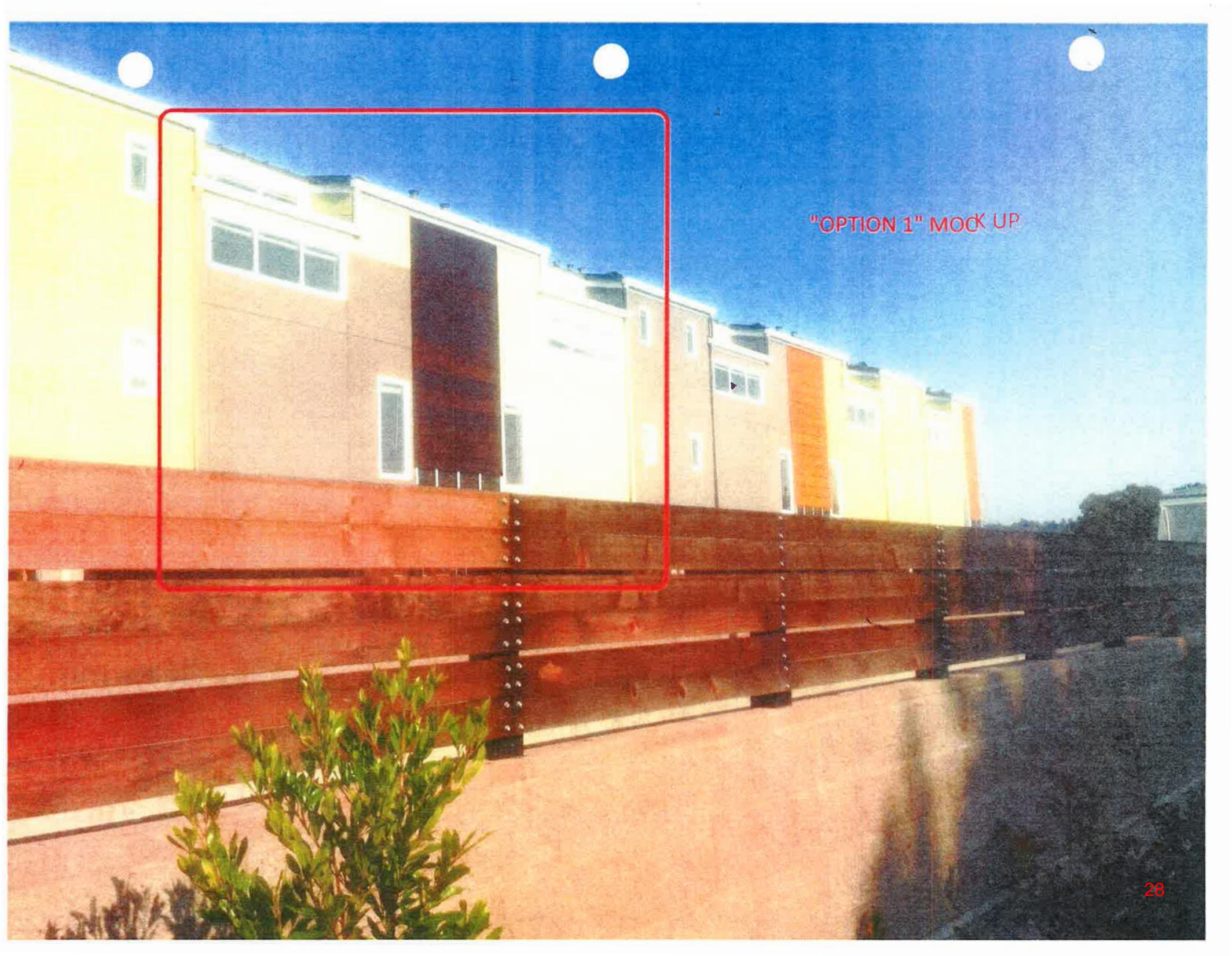
- COLOR 1 (PONDEROSA)
- COLOR 2 (SALSIFY)
- PRODEMA (MOCCA)

OPTION 5

TOWN PRESENTATION
08/23/2016

ATTACHMENT 3

PHOTOS SHOWING LOCATION OF "MOCK UPS" ON EAST ELEVATION OF BUILDING 1



"OPTION 1" MOCK UP

"OPTION 4" MOCK UP



ATTACHMENT 4

PUBIC COMMENT RECEIVED BY AUGUST 19, 2016

Adam Wolff

From: Helen Jenkins <helen.jenkins@icloud.com>
Sent: Friday, August 19, 2016 11:14 AM
To: Adam Wolff
Subject: Tam Ridge color scheme

Dear Adam

Re: Support for Tam Ridge color scheme

I am a resident of Corte Madera living in close proximity to Tam Ridge but cannot make the Tuesday meeting.

I would like to voice my support for keeping the original color scheme as it currently stands on the East elevation, orange and yellow. Failing that, I agree to the grey and brown in order to move these discussions along swiftly.

Frankly, it is sad that this discussion has reached this far. While I appreciate there's a history for muted colored buildings in the area, there are bigger problems to agree on in our town than for locals to get caught up with the simple color of a wall. Let's let the professional contractors & designers suggest the color scheme and get on with their job.

I am pleased the original colors will be kept on the remaining sides of the building. The yellow and orange hues - how refreshing! What a beautiful contrast with the bright blue skies we have! The colors are bright and make me smile. Grey & brown are pretty depressing to come home to.

Fingers crossed for a speedy resolution on Tuesday so the building can move on and be completed without these petty side distractions.

Yours sincerely

Helen Jenkins

Adam Wolff

To: Julie Allecta
Subject: RE: WinCup/Tam Ridge color scheme

From: Julie Allecta [<mailto:jallecta@allecta.com>]
Sent: Sunday, August 21, 2016 6:50 PM
To: Adam Wolff
Subject: Re: WinCup/Tam Ridge color scheme

Thank you, Adam. I am hardly a qualified person to be the “color” arbiter here. But I liked Option 1 the best...more dark shades; building outline broken up with design elements so it doesn’t look so much like a factory; distinct segments to help make the massiveness of the structure look a little bit like a “village.”

I will circulate your email to my neighborhood group, and you may get some more input. I know people care about what the Planning Commission can do to improve a bad situation. There just hasn’t been much information out there about the WinCup color options. Also, I think some of us are exhausted in our efforts to make “residential” sense of Tamal Vista...the proposed Best Western expansion distracted us from Wincup.

Best, Julie

Julie Allecta
jallecta@allecta.com
10 Woodhue Lane
Corte Madera, CA 94925
415-924-7622
mobile/text 415-307-3030

ATTACHMENT 5

DRAFT RESOLUTION 32/2016

RESOLUTION NO. 32/2016

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
MODIFYING THE COLORS AND MATERIALS APPLIED TO THE EAST
ELEVATION OF BUILDING 1 (FACING NELLEN AVENUE AND HIGHWAY 101) OF
TAM RIDGE RESIDENCES**

WHEREAS, on February 7, 2012 the Town Council of the Town of Corte Madera approved Resolution Nos. 3689 and 3690 denying an appeal filed by the Transportation Authority of Marin, thereby approving Design Review application No. 11-031, for the Tam Ridge Residences project; and

WHEREAS, the Tam Ridge Residences project received building permits in 2013 and construction has been ongoing since; and

WHEREAS, the east elevation of Building 1 was constructed with materials and colors consistent with building permits and Design Review application No. 11-031; and

WHEREAS, pursuant to an agreement between the Town and MacFarlane Development Company (DBA 195-205 Tamal Vista Boulevard, LLC) in March, 2016, MacFarlane Development Company (“MacFarlane”) agreed to present revised color options for the east facing façade of Building 1 in response to public concerns that were raised after the original colors were first applied to the structure; and

WHEREAS, on April 19, 2016, MacFarlane presented four revised color options at a joint Town Council/Planning Commission public meeting and direction was given to return to the Town with revised options based on the comments provided; and

WHEREAS, on August 12, 2016, notices of the Planning Commission hearing regarding revised color options were mailed to all property owners and residential tenants within 500 feet of the property and to those residents located within the Casa Madera subdivision not within 500 feet of the property. Additionally, information about the hearing was posted on the Town’s website, an email with information about the hearing was sent to all those signed up for “News Flash” e-notifications from the Planning and Building Department and the Weekly Newsletter, those signed up for Planning Commission agendas, was posted on Nextdoor.com for all users in Corte Madera, and posted at Town Hall, the Post Office, Library, and both Corte Madera Fire Stations; and

WHEREAS, on August 23, 2016, MacFarlane presented five revised color and material options to the Planning Commission at its regularly-scheduled public meeting and the Planning Commission, after receiving public comment, recommended, by motion, to the Town Council approval of Option 3, including the dark wood paneling; and

WHEREAS, on August 26, 2016, notice of the Town Council public hearing was posted on the Town’s website, an email with information about the hearing was sent to all those signed up for “News Flash” e-notifications from the Town Council and Weekly Newsletter, those signed up for the Town Council agenda, was posted on Nextdoor.com for all users in Corte Madera, and posted at Town Hall, the Post Office, Library, and both Fire Stations; and

WHEREAS, on September 6, 2016, the Town Council of the Town of Corte Madera held a public hearing to review the revised color and material options, the Planning Commission’s recommendation, and receive public comment; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Corte Madera does hereby find and resolve that the east elevation of Building 1 at Tam Ridge Residences shall be modified in conformance with “Option 3” presented in the materials titled “Town Presentation 8/23/2016” and stamped with a received by date of August 23, 2016, and in conformance with the material samples presented at the September 6, 2016 public hearing marked with an “Official Exhibit” stamp:

The Town Council further finds that “Option 3” will respond to concerns that have been raised by members of the public regarding the bright “orange” paneling and green colors that attract attention when viewed from the highway, by replacing such colors and materials with those that are more muted and visually cohesive. The approval of a new color scheme for the east elevation of Building 1 is approved pursuant to Condition of Approval No. 2 of Town Council Resolution 3690 and the Town Council finds that the changes to the colors do not affect prior findings made in conjunction with approval of Design Review application No. 11-031:

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on the 6th day of September, 2016, by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSTAIN: Councilmembers:

ABSENT: Councilmembers:

Sloan Bailey, Mayor

ATTEST:

Rebecca Vaughn, Town Clerk

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, SEPTEMBER 20, 2016

7:30 P.M.

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

2. PRESENTATIONS:

- 2.I Service to Planning Commission – Dan McCadden
- 2.II Service to Planning Commission – Tom McHugh

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 TOWN ITEMS:

- 5.I.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.I.ii Approval of Plans and Specifications and Authorization to Bid Tamalpais Drive Pedestrian Crossing Improvements Projects
(Report from Nisha Patel, Senior Civil Engineer)
- 5.I.iii A Resolution Requesting MTC Allocate FY 16-17 Transportation Development Act Article 3 Pedestrian/ Bicycle Project Funding to the Redwood Highway Multi-Use Pathway Repaving Project.
(Report from Nisha Patel, Senior Civil Engineer)
- 5.I.iv Approve a Supplemental Appropriation for Purchase of EMTRAC and Consultant Services for Signal Synchronization
(Report from Nisha Patel, Senior Civil Engineer)
- 5.I.v Consideration of Approval of the Final Map for 1421 Casa Buena Drive “Enclave Townhomes” Project
(Report from David Keane, Engineering Consultant)
- 5.I.vi Approve Reallocation of Funds in the Amount of \$15,000 from Pixley Lagoon Project to Skate Park Ramp Project
(Report from Mario Fiorentini, Director of Recreation and Leisure Services)
- 5.I.vii Receive and File Investment Transactions Monthly Report
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)
- 5.I.viii 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)

5.II SANITARY DISTRICT ITEMS:

- 5.II.i Consideration and Possible Action to Approve a Supplemental Appropriation of Funds to the Adopted Sanitary District 2 FY 2016-2017 Budget for Flow Meter and Isolation Valve Replacement
(Report from Nisha Patel, Senior Civil Engineer)
- 5.II.ii Consideration and Possible Action to Approve a Supplemental Appropriation of Funds to the Adopted Sanitary District 2 FY 2016-2017 Budget for Trinidad II Pump Station Rehabilitation
(Report from Nisha Patel, Senior Civil Engineer)

6. PUBLIC HEARINGS:

- 6.I Appeal of Planning Commission Approval of Design Review for 220 Granada
(Report from Adam Wolff, Director of Planning and Building)
- 6.II Consideration and Possible Action to Introduce Ordinance Changing Election Date from November of Odd-Numbered Years to June of Even-Numbered Years
(Report from Rebecca Vaughn, Town Clerk)

7. BUSINESS ITEMS:

- 7.I Consideration, Discussion and Possible Direction to Staff Regarding an Amendment to Resolution 2214, "No Parking" Areas located on the 900, 1000 and 1100 Blocks of Meadowsweet Drive
(Report from Kelly Crowe, Associate Civil Engineer)
- 7.II Consideration, Discussion and Possible Direction to Staff Regarding Encroachments on Railroad Right of Way Between Willow Avenue and Montecito Avenue
(Report from David Bracken, Town Manager)
- 7.III Adoption of a Resolution Declaring October 1, 2016, to be Bay Day in the Town of Corte Madera
(Report from Rebecca Vaughn, Town Clerk)
- 7.IV Consideration and Possible Action to Approve an Appointment to the Sales Tax Citizens Oversight Committee to Fill Vacant Seat
(Report from Rebecca Vaughn, Town Clerk)
- 7.V Review of Draft October 4, 2016 Town Council Agenda
- 7.VI Approval of Minutes of September 6, 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.

DRAFT

1 MINUTES OF AUGUST 16, 2016

2
3 REGULAR MEETING
4 OF THE
5 CORTE MADERA TOWN COUNCIL
6

7 Vice Mayor Furst called the Regular Meeting to order at Town Hall Council Chambers, 300
8 Tamalpais Drive, Corte Madera, CA on August 16, 2016 at 7:30 p.m.

9
10 **1. ROLL CALL**

11
12 Councilmembers Present: Mayor Bailey and Councilmembers Andrews, Condon and
13 Lappert

14
15 Councilmembers Absent: Vice Mayor Furst

16
17 Staff Present: Town Manager/Town Engineer David Bracken
18 Town Attorney Randy Riddle
19 Associate Civil Engineer Kelly Crowe
20 Corporal Kevin McGoon, CMPA
21 Town Clerk/Assistant to the Town Manager Rebecca Vaughn
22

23 **SALUTE TO THE FLAG:** Mayor Bailey led in the Pledge of Allegiance.
24

25 **2. PRESENTATIONS - None**

26
27 **3. OPEN TIME FOR PUBLIC DISCUSSION**

28
29 SUSAN WINDMAN referred to 555 Paradise Drive, an assisted living facility and applauded
30 the Town for the development plans, but said before the facility was built building plans
31 were not in complete compliance with the land and negotiations were done. Corte Madera
32 decided to ask that there be a certain number of affordable units included in exchange for
33 approval. This is unusual for assisted living units and she applauded the Town for doing
34 this, but she would like the matter to be agendized in September as an action item.
35

36 Ms. Windman stated for those who meet the criteria for low income they should have
37 reduced rents, but given the facility is an assisted living operation, there are payments for
38 additional needs. What Aegis did not tell the Town was that they charge an entrance fee for
39 everybody, including the low income people. Her mother, who is low income, paid a
40 \$20,000 entrance fee there and she questioned if this was right and should have been
41 disclosed. The State also wants to know more about this and she hoped the Council could
42 look into this further.
43

1 JANE LEVINSOHN, Tamal Vista, referred to the Marin IJ article this morning, "Chance of Big
2 Marin Fire Remains High" and on the second page is "fire safety tips" and the first tip is
3 clean gutter of flammable debris. She said her neighbors have pine tree needles in theirs
4 gutters and she spoke with the fire marshal who will send two notices and if nothing is
5 done the homeowner is billed after the work is done and she wanted to let the Council
6 know of this.

7
8 **4. COUNCIL AND TOWN MANAGER REPORTS**

9
10 - Town Manager Report

11
12 Town Manager Bracken gave the following report:

- 13 • Town staff met with Macerich last week regarding negotiations with the
14 gravel lot and they will meet again next week and agendize a Closed Session
15 for the next Council meeting.
- 16 • The Town Hall Remodel project has begun but there are some slight delays
17 with the project.
- 18 • He attended a pre-construction meeting for 1421 Casa Buena, a 16-unit
19 condominium subdivision.
- 20 • Mr. Wolff wanted him to mention that staff and the Town Attorney are
21 working on the ordinance revision for the Tamal Vista Corridor and they
22 expect it to go to the Planning Commission in September and to the Town
23 Council in October.
- 24 • Fire Marshal Kenny Prete gave him a report that they have a total of 6
25 personnel out of county on 2 separate wild fires. They responded on Sunday
26 morning and 5 are in Lake County. As of this morning, this fire is 4,000 acres
27 and only 20% contained. An engineer is at the Mineral Fire outside of Fresno
28 who is serving as a line medic. This fire is 95% contained and has burned
29 7,000 acres.
- 30 • For the record, he formally thanked Rebecca Smallbock who will be a senior
31 at Redwood High School and was serving as an Intern helping several
32 departments. She was a joy to be with and he thanked her for her assistance.

33
34 - Council Reports

35
36 Councilmember Andrews had no report.

37
38 Councilmember Condon gave the following report:

- 39 • On August 24th at 1:00 p.m. at the CMPA facility on Doherty Drive, the Age-Friendly
40 Corte Madera and Parks and Recreation have partnered and are putting on a
41 presentation about Marin Villages. The Village concept is nation-wide, organized for
42 those who are age 60 and over. An annual fee provides a multitude of services such
43 as doctor appointment transportation, shopping services and rides to shows, etc.,

1 and small household repairs which provides and ensures socialization for seniors.
2 They are working with police cadets for transportation as well as with volunteers.

- 3 • On August 28th will be the second annual Age-Friendly celebration of those people
4 who are 90 and over. She invited everybody to participate and celebrate their lives.
5 It will be held from 2:30 p.m. to 4:30 p.m. at the Community Center.
- 6 • SB 239 has been adopted which requires LAFCO to approve agreements before they
7 are ratified in relationship with consolidations of fire services. She said there is a
8 chance that Corte Madera will be the first jurisdiction involved and their agreements
9 will be reviewed to ensure they produce cost savings, fiscal analysis and efficiencies.

10
11 Councilmember Lappert had no report.

12
13 Mayor Bailey had no report.

14
15 **5. CONSENT CALENDAR**

16
17 5.I Waive Further Reading and Authorize Introduction and/or Adoption of
18 Resolutions and Ordinances by Title Only.
19 (Standard procedural action – no backup information provided)

20
21 5.II Adopt Resolution 29/2016 Of The Town Council Of The Town Of Corte
22 Madera Awarding A Public Works Contract, Authorizing Expenditures,
23 Requesting A Carryover Of \$471,000 Of Unspent Funds From FY 20152016
24 To FY 20162017, And Requesting A Supplemental Appropriation Of
25 \$220,000 For Construction Of Project #15005, "20152016 Pavement
26 Rehabilitation Project"
27 (Report from Kelly Crowe, Associate Civil Engineer)

28
29 5.III Approve Amendments to the Planning Commission Rules and Procedures
30 (Report from Adam Wolff, Director of Planning and Building)

31
32 Councilmember Condon commended the Planning Commission and Director
33 for updating their rules and procedures.

34
35 5.IV Receive and File Investment Transactions Monthly Report for June, 2016
36 (Report from George T. Warman, Jr., Director of Administrative
37 Services/Town Treasurer)

38
39 5.V Approve Warrants and Payroll for the Period 7/29/16 through 8/10/16:
40 Warrant Check Numbers 214196 through 214305 Payroll Check Numbers
41 5267 through 5274, Payroll Direct Deposit Numbers 30082 through 30167,
42 and Payroll Wire Transfer Numbers 2042 through 2045
43 (Report from George T. Warman, Jr., Director of Administrative

1 Services/Town Treasurer)
2

3 MOTION: Moved by Lappert, seconded by Condon, and approved unanimously by the
4 following vote: 4-0-1 (Ayes: Andrews, Condon, Lappert and Bailey; Noes:
5 None; Absent: Furst).
6

7 To approve the Town Consent Calendar Items 5.I, 5.II, 5.III, 5.IV and 5.V
8

9 **6. PUBLIC HEARINGS - None**

10
11 **7. BUSINESS ITEMS**

12
13 7.I Discussion and Possible Action to Consider Change of Election Date from
14 November of Odd Years to June or November of Even Years
15 (Report from Rebecca Vaughn, Town Clerk/Assistant to the Town Manager)
16

17 Town Clerk/Assistant to the Town Manager Rebecca Vaughn said this evening is a
18 continuation of discussion that began on April 19th. Unfortunately, staff was not aware of
19 SB 415 which she wrote about in her staff report. This came up when her Intern conducted
20 research on how other agencies handled the challenge of changing their election dates. She
21 found that numerous Southern California cities were writing letters of support or in
22 opposition to the Senate Bill. When she dug further and conducted some analysis, this could
23 easily pertain to Corte Madera and its low voter turnout.
24

25 In September 2015, California adopted SB 415 which requires cities with especially low
26 voter turnout which is defined as 25% less than the average voter turnout for the last 4
27 state elections to consolidate their contests with state elections, and their options for that
28 consolidation is either June or November of even years. The law takes effect next January
29 and under this law, a plan must be in place to be on an even year track by November 2022.
30

31 Ms. Vaughn explained that the Town's differential of the average of their 2014, 2012 and
32 2010 elections and the 2015 elections was 42% which is significantly greater than 25%.
33 The average of their previous year elections was 74.43% and 2015 election turnout was
34 32.09%.
35

36 Therefore, during discussions at the April 19th Council meeting, Council asked staff to do
37 some research on cost and potential for voter fatigue. Staff was unable to determine and
38 hard and fast rule as to whether costs would be decreased, but the general sense is the cost
39 is decreased based on the more jurisdictions one consolidates with. When on a state
40 election term, the ballot is shared with numerous agencies. The Town's contests are shared
41 with the school district.
42

43 The other item staff was asked to look into was the potential for voter fatigue with too

1 many items being on a state or federal election and a municipal contest being further down
2 the ballot and whether or not people had a tendency to vote the top of the ticket but not
3 necessarily vote all the way down.
4

5 Ms. Vaughn said she asked Dan Miller at Marin County who is in charge of filing services
6 and he said the City of Sausalito holds their municipal elections in November of even years.
7 She asked if she could receive an estimate of the voter turnout for Sausalito's items as
8 opposed to how Sausalito voted for the entire ticket. He indicated that in the 2012
9 Presidential election, Sausalito Councilmembers were voted on 87%. In that same election,
10 the total ticket was 87.37%. This is a difference from .37% which is insignificant in terms of
11 whether or not there was voter fatigue. In 2014 the total votes in Sausalito were 62.37%
12 and the Sausalito contest was 60.10% or about 2.1% differential.
13

14 Therefore, this might alleviate some concerns about voter fatigue, but this is just one
15 municipality's experience. The Town's contest varies each year and they never know what
16 will happen with any election.
17

18 Given research, Ms. Vaughn stated she has three potential options for the Council to
19 consider:
20

- 21 1. Based on precedent set by the Town in 1982 when the Town wanted to move from
22 April of even years to November of odd years, this change came about because the
23 Council wanted to find a way to save costs in the wake of Proposition 13 and tax
24 revenue reductions, and they wanted to still maintain a sense of non-partisanship.
25 To phase this in, they kept elections in 1982 and 1984 but elected Councilmembers
26 to 3 year terms. Following the second election in 1984, they were on an odd year
27 track.
28

29 Therefore, with this option, the Council would direct staff to draft an ordinance
30 changing the date of the municipal elections to November of even years
31 commencing in November 2020 and phase in the shift by electing office holders in
32 2017 and 2019 to serve 3 year terms, expiring in 2020 and 2022.
33

34 The financial impact of this is that the Town would have back to back elections in
35 2019 and 2020.
36

- 37 2. Direct staff to draft an ordinance to change the date of municipal elections to
38 November of even years commencing in November 2018 requiring the cancellation
39 of the November 2017 Municipal Election and extending terms of existing
40 Councilmembers for an additional year.
41

42 Financially, the Town would save the cost of holding an election next November
43 which cost almost \$13,000.

- 1
2 3. To draft an ordinance to change the date of municipal elections to June of even years
3 commencing June 2018, requiring the cancellation of the November 2017 municipal
4 elections and extending the terms of current Councilmembers for an additional 6
5 months. Again, this would cancel the June 2017 elections and saving costs for one
6 year. She said it may be more palatable to extend Councilmember terms for 6
7 months, but the potential for increased voter turnout might not be as great as in
8 terms of even years versus what it is for November of even years.
9

10 Mayor Bailey asked if there is any data between the differences between the turnouts in
11 June versus November voting.
12

13 Ms. Vaughn said she does not, but she asked the Towns of Ross and Belvedere for their
14 perceptions of the turnout in their June elections, and they indicated their elections were
15 around the low to mid 60% range.
16

17 Mayor Bailey said he knows Sausalito holds elections in even years in November and he
18 asked what other towns in Marin have even year elections. Ms. Vaughn stated Ross and
19 Belvedere have June of even years. Sausalito is the only city with November of even year
20 elections. The other 8 towns are November of odd years. She noted that she did bring up
21 the subject when she had their last Quarterly Clerks' meeting and all other clerks were
22 similarly surprised and will be discussing it with their management and Council as well.
23

24 Mayor Bailey asked if there are any legal prohibitions related to shortening or lengthening
25 Town Councilmembers' terms.
26

27 Mr. Riddle stated the only legal restriction is that they cannot lengthen or shorten a term by
28 more than 12 months.
29

30 Ms. Vaughn said she saw this as well and took it to mean 365 days; however, when looking
31 at the dates of the November 2017 election and the potential 2018 election, there was a
32 difference of between 361 days, so the Council would be under the 365 days if they chose
33 to extend by one year.
34

35 Mayor Bailey opened the public comment period.
36

37 PHYLLIS METCALFE, Parkview Circle, said since 2011 the law changed and all propositions
38 go on the November ballot. There is one qualification that a Constitutional Amendment can
39 go on the June ballot. The difference is that a citizen's initiative must be done by April. The
40 legislature only has to do something 31 days before and they can place constitutional
41 amendments, rejection of a statute, a bond measure, different levies and appropriations.
42

43 This year, she said there will be 17 statewide propositions on the ballot and a possibility of

1 3 more referendums, 2 bond measures and reclassification of some property crimes as
2 felonies. In addition, there is 1 countywide measure for a sales tax for low income
3 preschoolers, and 16 other local measures in jurisdictions. For example, Kentfield has 3
4 measures on the ballot. She added that senators, assembly members, local judges and
5 county supervisors and MMWD boardmembers and healthcare districts are on the ballot
6 when people apply and they are not on the ballot this year.

7
8 She suggested going with the June even year ballot because there is fatigue. Sausalito is not
9 a good example in the sense that it is a split Council and voters try to get a majority and so
10 people get wound up in it, but Corte Madera does not have that. There are not big issues
11 where people are trying to have Councilmembers recalled, etc., so the Council will go
12 through all of the state and national positions, all measures, and finally at the end of the
13 ballot. If they change the election to June, there is the turnout for the primary election and
14 what is seen in Ross and Belvedere. It is a healthy turnout and she thinks if there is a
15 measure in Corte Madera, it will get more attention yet they will be attached to the state
16 and national primaries. Therefore, she suggested changing elections to June of even years
17 versus November of even years.

18
19 DAVID KUNHARDT, Hill Path, said he was in favor of squaring up Corte Madera elections
20 with larger elections, whether June or November and thinks even years is the critical piece.
21 He said the difference between the number of votes at the top of a national ballot and the
22 number of votes in the bottom of the ballot is insignificant in comparison to the number of
23 votes received in an even year June or November versus an odd year. The Town is
24 depriving itself of having the consent of the governed if they continue with the odd year
25 elections. On June 7, 2016, Marin County had the second highest voter turnout of any
26 county in California with 67%, and Corte Madera also has good turnout. June would be a
27 good time to have local contests as well. Therefore, he personally feels they should be
28 bigger in their hope of what citizens can take on in the length of a ballot than concerned
29 about maintaining the preciousness of a tiny non-partisan local election which is more
30 expensive.

31
32 JENNIFER LARSON, Willow Avenue, thinks June and November sound like good ideas. She
33 does not think it would be good to extend any Councilmember term for any length of time,
34 which does not seem fair for those who voted in the last election and it does not seem fair
35 to anyone planning to run for Council in a certain time period to potentially have to extend
36 another 6 months to one year, especially when there is the option to hold it in the 2022
37 timeframe.

38
39 Mayor Bailey asked for Ms. Larson's comments regarding the shortening of terms.

40
41 Ms. Larson said anything that changes what people voted for and is retroactive should not
42 be done since there are other options.

43

1 Mayor Bailey confirmed that the item was not an action item but something for discussion.
2 Ms. Vaughn said she hoped that the Council would like something in the 3 options or create
3 a hybrid of their own and direct staff to bring it back at a later date with a draft ordinance
4 to introduce, and she thinks the timeframe would be at the second meeting in September.
5

6 Councilmember Lappert said what is surprising is the Senate Bill so the Town has no
7 choice. What he is against it is that he was raised in a country where everyone was
8 required to vote. This allows activism, a more concentrated effort for advertising dollars,
9 and if people know they can pull all of their information pertinent for Corte Madera, it will
10 affect them. He stated this is another attempt to manage the lives of the smaller cities. 15%
11 to 20% of the electorate knows what they are voting for and this is the way it will always
12 be.
13

14 He said he is proud of the over 300 votes were those people who were informed. If they
15 were to have 1,000 voters, they would have voted for the last thing that came in on
16 *NextDoor.com*. Therefore, he voted for June in even years over November.
17

18 Mayor Bailey asked what he thought about term lengths. Councilmember Lappert said he
19 would leave that to the mechanics of how they function here so the next election can be a
20 six month extension to 2017.
21

22 Ms. Vaughn stated if the Town phased it in, the Council would be looking at terms of 2 ½
23 years, but they could do an option 1 with ending up with a June election for 3 ½ years.
24

25 Councilmember Andrews said if there is a choice between extending current Council terms
26 or modifying the length of future Council terms, he would support modifying future Council
27 terms. In terms of the date of the election, he believes June would be preferable for reasons
28 given, but also on the odd-numbered years, this is when the Town reviews its two year
29 budgets. If there was a June of odd numbered years, the person would take office in July
30 and have a whole year to get up to speed to address the budget.
31

32 In terms of what is done for modifying future Council terms, they could do a stub term of 3
33 years or do an extended term which is 5 years, and he did not have strong feelings between
34 those two.
35

36 Councilmember Condon said she was not comfortable at all with extending anyone's term
37 for an extra year. She said given this is now a mandate with the Senate Bill, she thinks the
38 option of a June election and extending it 6 months would be the best alternative and she
39 was opposed to voting herself an extra year. She asked to change the election to June.
40

41 Ms. Vaughn said she was re-writing Option 1 to end up with June of even years and make
42 them 3 ½ year terms, the unfortunate part of that would be that there would be back to
43 back elections. They would have an election of 2017 and November 2019 and those office

1 holders would have terms that would expire in June of 2020 and 2022. Finally, the Council
2 would be on the even year as of 2020.

3
4 Town Manager Bracken noted that Councilmember Condon wanted to change Option 3 to
5 June 2018, and then they would have 4 year elections after that every June of an even year.

6
7 MOTION: Moved by Andrews, seconded by Condon, and approved unanimously by the
8 following vote: 3-0-1 (Ayes: Andrews, Condon, Lappert and Bailey; Noes:
9 None; Absent: Furst).

10
11 To re-open public comment

12
13 PHYLLIS METCALFE asked to keep it simple and Option 3 is the easiest to do for staff and
14 for people to understand. It is an extension of 6 months on a term. If someone does not
15 want to serve for 6 months more, they could retire and their seat could be appointed. She
16 said when changes are made there have been additions onto terms and not shortening
17 terms. She suggested extending the period until June 2018 and then the Council will be in
18 line with 2022 with terms.

19
20 Mayor Bailey said he does not think the Council ought to do anything that affects their
21 current terms for better or for worse. He had been in favor of truncating or shortening his
22 term to get them on track and then those elected next would be on track. It is not realistic
23 for the next cycle to be shortened, but he would be willing to shorten his. When working
24 through it, it is like abandonment of duty which is not much different than giving some
25 extra time. Therefore, he suggested sticking with the existing term, but beginning with the
26 next election, anybody elected in that election should be the amount to get the council on
27 an even-year election cycle. If that is 2 ½ years or 3 1/2 years, it would be reduced. His term
28 therefore would expire in June 2017 instead of November 2017, and he is saying anyone
29 elected in that term should be elected for 3 ½ years instead of 4 years, which means their
30 term would end in June 2020 instead of November 2020. From June 2020 forward, another
31 councilmembers' cycle is forever on a term of even years.

32
33 Ms. Vaughn said this is correct, but it would lead the Council to having an election in
34 November 2019 and June of 2020. City Attorney Riddle said he thinks this would end up
35 making Councilmembers have 2 ½ year terms which cannot be done. Regulations state
36 terms cannot be shortened for more than one year. State law requires 4 year terms.

37
38 Mayor Bailey asked if they could get an exception for one election year, and Mr. Riddle said
39 not unless they go to the legislature.

40
41 Mayor Bailey said he was not supportive of increasing Councilmembers' terms.
42 Councilmember Lappert said the Council could always appoint someone and the
43 Councilmember could step down if they want to.

1
2 Mayor Bailey asked Ms. Vaughn to provide the Council with an alternate Option 3 which
3 begins when the Council's current cycle concludes and whether there is any way to set it up
4 for the Council to get on board as quickly as possible without extending terms, and to have
5 a 4 ½ year term so those running next are running for a long term. It would be subject to
6 voter participation.

7
8 Ms. Vaughn asked and confirmed it would be for one term where Option 1 currently affects
9 two terms.

10
11 City Attorney Riddle said he will look at this and said those elected in 2017 would serve
12 until June 2022 and there will be an election in 2019 would serve until 2024.

13
14 Ms. Vaughn stated the Council is potentially talking about electing office holders for terms
15 of 4 ½ years expiring in June of 2022.

16
17 Councilmember Andrews said in 2017, 3 people will be elected to terms that will end in
18 June of 2022 or 4 ½ years. In June 2019, 2 people would be elected to terms until June of
19 2024.

20
21 Ms. Vaughn asked if the Council would like an ordinance to review at the next meeting, and
22 Councilmembers confirmed. Ms. Vaughn said an option 2 could be for what is listed as
23 Option 3 and this could be revisited at the same time.

24
25 7.II Review of Draft September 6, 2016 Town Council Agenda

26
27 There were no comments regarding the agenda.

28
29 7.III Approval of Minutes of August 2, 2016 Town Council Meeting

30
31 Councilmember Condon requested the following revision:
32 • Page 10, line 35, change date to "August 28th" for Age-Friendly Corte Madera to
33 sponsor the party.

34
35 MOTION: Moved by Lappert, seconded by Condon, and approved unanimously by the
36 following vote: 3-0-1-1 (Ayes: Andrews, Condon and Lappert; Noes: None;
37 Absent: Furst; Abstain: Bailey).

38
39 To approve the Minutes of the August 2, 2016 Town Council Meeting, as
40 amended

41
42 **8. ADJOURNMENT**

43

- 1 The meeting was adjourned at 8:35 p.m. to the next regular Town Council meeting on
- 2 September 6, 2016 at Town Hall Council Chambers.