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BOARD MINUTES FOR SPECIAL MEETING OF OCTOBER 14, 2019

The meeting came to order in the San Rafael Council Chambers, 1400 5th Street, San Rafael at 3:00 p.m.

MGSA Board Members Attending: President Angela Nicholson, Vice President Craig Middleton, and Board Members Greg Chanis, Sean Condry, Andy Poster, and Jim Schutz. Board Member Adam McGill was absent.

Program Contractors Attending: Executive Officer Michael Frank, General Counsel David Byers, and Consultant Bob Brown.

A. Public Comment

None.

B. Board Meeting Minutes of July 11, 2019

A motion by Condry with a second by Chanis to approve the minutes was put forward. The motion was adopted 6 to 0 with McGill absent.

C. Report from Executive Officer

The Executive Officer reported on various meetings, activities, and items of interest including:

- Meeting with Scott McDonald from the Transportation Authority of Marin regarding agency collaboration models.
- Ongoing development of a new website.
- Ongoing meetings with the Marin Telecommunications Authority regarding the future of the agency and possible options for future efficiencies and restructuring.
- Kicked off FY 18/19 Audit.
- Pursuing options for office space at end of existing lease.

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- Telecommunications meeting with PG&E and DC Electric regarding application process and clarification of options for process steps.

The Board went into Closed Session at 3:07pm.

D. Closed Session – Real Property Negotiations - Government Code Section 54956.8.

Property: MGSA Owned Streetlights
Agency Negotiators: Michael Frank, Executive Officer
Dave Byers, Esq., Byers/Richardson Law Offices
Negotiating Party: Crown Castle Fiber LLC
Under Negotiation: Price and Terms

The Board came out of closed session and took no action.

E. Closed Session – Real Property Negotiations - Government Code Section 54956.8.

Property: MGSA Owned Streetlights
Agency Negotiators: Michael Frank, Executive Officer
Dave Byers, Esq., Byers/Richardson Law Offices
Negotiating Party: AT&T NEW CINGULAR WIRELESS PCS, LLC, a Delaware limited liability company (“AT&T”), LLC
Under Negotiation: Price and Terms

The Board came out of closed session and took no action.

F. Closed Session – Real Property Negotiations - Government Code Section 54956.8.

Property: MGSA Owned Streetlights
Agency Negotiators: Michael Frank, Executive Officer
Dave Byers, Esq., Byers/Richardson Law Offices
Negotiating Party: ExteNet Systems (California) LLC
Under Negotiation: Price and Terms

The Board came out of closed session and took no action.

The Board continued the Special Meeting at 3:14pm.

G. Approval of Resolution Authorizing the Executive Officer to Execute a Streetlight Master License Agreement for Use of MGSA-Controlled Space on Streetlight Poles with

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Crown Castle Fiber LLC, a Limited Liability Company for a 5 Year Initial and Potential Extension Terms (Brown)

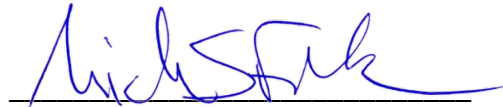
Following a brief presentation by Frank and Brown, the Board opened Public Comment. The following individuals spoke:

- Andy Perry from 5G Free Marin
- Vicki Severs from EMF Safety Network
- Ruth Weizman – also submitted written comments for the public record (attached)
- Carolyn Lenert

A motion by Chanis with a second by Middleton to approve Resolution 2019-05 was put forward. The motion was adopted 6 to 0 with McGill absent.

H. Adjournment

The meeting adjourned at 4:00 p.m.



Michael S. Frank, Executive Officer

ATTACHMENT – Comments submitted for public record by Ruth Weizman

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10/14/2019

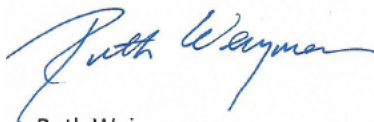
To: Michael Frank, Executive Officer, & the
Board of Directors of the Marin General Services Authority:

I strongly recommend rejecting the proposed Streetlight Master License Agreement that is under review today. MGSA has been entrusted by municipalities here in Marin as a managerial expediency. You act on behalf of the municipalities, who are sworn to act in the interests of the public. This agreement neglects this fundamental fact. It does not protect or safeguard the health, welfare or safety of Marin residents which is your most basic responsibility as public servants. Instead, it puts all of us at risk and in harm's way. This contract ignores Public Utilities Code Section #2902 which cautions municipalities (and those who are tasked with management responsibilities) to not surrender "their powers of control to supervise and regulate the relationship between a public utility and the general public in matters affecting the health, convenience, and safety of the public, including matters such as the use and repair of public streets by any public utility, the location of the poles, wires, mains, or conduits of any public utility, on, under, or above any public streets..."

This contract, if approved, will strip our local government (and the public's interests, which it is sworn to protect) of our power and authority to fully regulate Marin's public rights-of-way and our telecommunications systems. It allows for the transformation of streetlights for lighting the road at night to streetlights that will emit electromagnetic radiation 24/7 near our homes and anywhere streetlights are located. It will forfeit the Marin public's rights and needs for local control in the communities in which we work and live. These streetlights are owned by MGSA (given to MGSA as caretaker) and they are an asset that must benefit the residents of the County. What is written here is a blanket authorization (with not even the number of streetlights specified) for a Texas-based international company to control our streetlights. Think about that. We live here, and a multi-national for-profit company will be deciding what and how many telecommunications facilities will be attached to these light poles. Yes, our local jurisdictions will determine permits, but why put this valuable asset in the hands of this deep-pocketed multi-national corporation whose projected revenue in 2019 is close to \$5 billion dollars? Their interests are not the same as ours, but we will have to live, and suffer, the consequences.

Michael Frank and Board of Directors do not surrender your authority and control to Crown Castle. Do not abdicate your responsibility to act in a manner that shows you care about Marin. Keep local control over our public rights-of-way and our telecommunications systems. Signing this agreement would be a serious breach of the public's trust and possibly illegal. This license agreement is a profound betrayal of the residents of Marin and the communities we treasure. It must not be approved. It must be rejected completely. Do you want to be known as the directors who sold the County of Marin down the river for \$10,000? Because that will be your legacy.

Thank you,



Ruth Weizman
rmweizman@yahoo.com



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CODE TEXT

PUBLIC UTILITIES CODE - PUC

DIVISION 1. REGULATION OF PUBLIC UTILITIES [201 - 3297]

(Division 1 enacted by Stats. 1951, Ch. 764.)

PART 3. SURRENDER OF MUNICIPAL CONTROL [2901 - 2976]

(Part 3 enacted by Stats. 1951, Ch. 764.)

CHAPTER 1. Surrender of Control by Municipal Corporations [2901 - 2976]

(Chapter 1 enacted by Stats. 1951, Ch. 764.)

ARTICLE 1. General Provisions and Definitions [2901 - 2907]

(Article 1 enacted by Stats. 1951, Ch. 764.)

2902.

This chapter shall not be construed to authorize any municipal corporation to surrender to the commission its powers of control to supervise and regulate the relationship between a public utility and the general public in matters affecting the health, convenience, and safety of the general public, including matters such as the use and repair of public streets by any public utility, the location of the poles, wires, mains, or conduits of any public utility, on, under, or above any public streets, and the speed of common carriers operating within the limits of the municipal corporation.

(Enacted by Stats. 1951, Ch. 764.)

From:

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PUC§ionNum=2902