

BOARD MEETING AGENDA

DATE: September 8, 2022
TIME: 10:00 a.m.
PLACE: This meeting will be held remotely, and the public is invited to attend online or via phone. Join via computer on Zoom at:

<https://us02web.zoom.us/j/87513861457>

If your computer does not have a microphone or speakers, you may need to call in. Dial (669) 900-6833 or (346) 248-7799 and enter ID: 87513861457

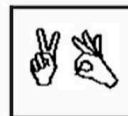
Coronavirus (COVID-19) Advisory Notice

In compliance with local and state shelter-in-place orders, and as allowed by Executive Order N-29-20 (March 17, 2020), the MGSA will not offer an in-person meeting location for the public to attend this meeting. Members of the Board and staff may participate in this meeting via teleconference. Members of the public are encouraged to participate remotely as identified above.

How to Provide Comment

Before the meeting: Email or text your comments to Executive Officer Michael Frank at mfrank@marinipas.org no later than 4:00 P.M. on the Wednesday prior to the meeting, and they will be forwarded to the MGSA Board and included in the public record. Please be sure to indicate the agenda item you are addressing.

During the meeting: Email or text your comments during the meeting to Executive Officer Michael Frank at mfrank@marinipas.org indicating the agenda item in your email subject line. Comments must be received before the President announces that the time for public comment on that agenda item is closed. Email comments submitted during the meeting will be read into the record (not to exceed three minutes).



September 8, 2022 MGSA Board Meeting Agenda

- A. [Discuss and Consider Passing Resolution Continuing Virtual Meetings Pursuant to Assembly Bill 361 \[Ortiz\]](#) (Frank)
- B. **Report from Executive Officer** (Frank)
- C. **Public Comment**
Anyone wishing to address the Board on matters not on the posted agenda may do so. Each speaker is limited to two minutes. As these items are not on the posted agenda, the Executive Officer and members of the Board may only respond briefly but topics may be agendaized and taken up at a future meeting. Public input will be taken as part of each agendaized item.
- D. [Approve Minutes of August 11, 2022 Meeting](#) (All)
- E. [Marin Climate and Energy Partnership \(MCEP\) Electric Vehicle Masterplan Presentation](#) (O'Rourke)
- F. [Budget Adjustment of CATV Program Franchise Fees for FY 21/22](#) (Frank)
- G. **Adjournment**

NEXT SCHEDULED MEETING: November 10, 2022

NOTE: 1) A complete copy of the agenda packet is available on MGSA's website at <http://maringeneralservicesauthority.com>; 2) Subscribe to receive all future meeting agendas at MGSA's website home page.



900 Fifth Avenue, Suite 100
San Rafael, CA 94901
415.446.4428
maringsa.com

MEMORANDUM

DATE: September 08, 2022

TO: MGSA Board of Directors

FROM: Michael Frank, Executive Officer

SUBJECT: Virtual Meeting Authorization Under Assembly Bill 361

Recommendation

Adopt resolution 2022 - 12 authorizing remote teleconference meetings of the MGSA Board of Directors pursuant to Assembly Bill 361.

Discussion

Prior to the COVID-19 pandemic, Government Code Section 54953(b)(3) of the Ralph M. Brown Act ("Brown Act") allowed members of a legislative body to attend a public meeting by teleconference only if each teleconference location was listed on the agenda, the agenda was posted at each teleconference location and each teleconference location was open to the public. Additionally, the Government Code Section 54953(b)(3) required that a quorum of the legislative body must participate from locations within agency's boundaries.

Throughout the pandemic, certain Brown Act provisions have been suspended through a series of California Governor Executive Orders which allowed public agencies to conduct virtual meetings via teleconference platforms. The most recent, Executive Order N-08-21, expired on September 30, 2021 and was replaced by Assembly Bill (AB) 361 which amends Government Code section 54953(e) until January 1, 2024.

Under AB 361, local agencies can hold public meetings by teleconference without reference to otherwise applicable requirements in Government Code section 54953(b)(3) so long as (1) the legislative body complies with certain requirements, (2) there exists a declared state of emergency, and (3) one of the following circumstances is met:

1. State or local officials have imposed or recommended measures to promote social distancing; or

2. The legislative body is holding the meeting for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
3. The legislative body has determined, by majority vote, pursuant to option 2, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

MGSA desires to continue to hold public meetings by teleconference, and the following conditions have been met consistent with Government Code section 54953(e):

1. The Governor of California proclaimed a state of emergency on March 4, 2020, pursuant to Government Code section 8625, which remains in effect; and
2. Local officials have imposed or recommended measures to promote social distancing (attached to this staff report).

Pursuant to the provisions of AB 361, the attached resolution allows for teleconference meetings for the next 30 days. In the event that the Board desires to continue to hold meetings via teleconference beyond 30 days, the Board of Directors will adopt another resolution authorizing remote teleconference meetings at the beginning of the next Board Meeting.

Attachments

- Attachment A1: Resolution 2022 – 12 titled, “A Resolution of the Marin General Services Authority Authorizing Public Meetings to be Held Via Teleconferencing Pursuant to Government Code Section 54953(e) and Making Findings and Determinations Regarding the Same.”
- Attachment A2: September 22, 2021 Social Distancing Recommendation of Marin County



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**A RESOLUTION OF THE MARIN GENERAL SERVICES AUTHORITY
AUTHORIZING PUBLIC MEETINGS TO BE HELD VIA TELECONFERENCING
PURSUANT TO GOVERNMENT CODE SECTION 54953(e) AND MAKING FINDINGS
AND DETERMINATIONS REGARDING THE SAME**

RESOLUTION 2022 - 12

WHEREAS, the Board (the “Board”) of the Marin General Services Authority (the “Authority”) is committed to public access and participation in its meetings while balancing the need to conduct public meetings in a manner that reduces the likelihood of exposure to COVID-19; and

WHEREAS, all meetings of the Authority are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Board conduct its business; and

WHEREAS, pursuant to Assembly Bill 361, signed by Governor Newsom and effective on September 16, 2021, legislative bodies of local agencies may hold public meetings via teleconferencing pursuant to Government Code Section 54953(e), without complying with the requirements of Government Code Section 54953(b)(3), if the legislative body complies with certain enumerated requirements in any of the following circumstances:

1. The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency in response to the COVID-19 pandemic (the “Emergency”).

WHEREAS, on September 22, 2021, the Director of the Marin County Department of Health and Human Services issued a letter to the President of the County Board of Supervisors to

recommend a continued emphasis on social distancing measures as much as possible to make public meetings as safe as possible.

WHEREAS, the Centers for Disease Control and Prevention continue to advise that COVID-19 spreads more easily indoors than outdoors and that people are more likely to be exposed to COVID-19 when they are closer than 6 feet apart from others for longer periods of time.

WHEREAS, due to the ongoing COVID-19 pandemic and the need to promote social distancing to reduce the likelihood of exposure to COVID-19, the Authority intends to hold public meetings via teleconferencing pursuant to Government Code Section 54953(e).

NOW, THEREFORE, THE BOARD OF THE MARIN GENERAL SERVICES AUTHORITY DOES RESOLVE AS FOLLOWS:

1. The Recitals provided above are true and correct and are hereby incorporated by reference.
2. The Board hereby determines that, as a result of the Emergency, meeting in person presents imminent risks to the health or safety of attendees.
3. The Board of Directors of the Authority shall conduct their meetings pursuant to Government Code section 54953(e).
4. Staff is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
5. This Resolution shall take effect immediately upon its adoption.

Adopted this 8th day of September 2022.

Ayes: Blunk, Chanis, Eilerman, Hade, McGill, Poster, Zadnik

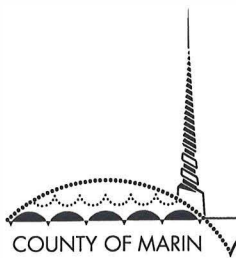
Noes: Blunk, Chanis, Eilerman, Hade, McGill, Poster, Zadnik

Absent: Blunk, Chanis, Eilerman, Hade, McGill, Poster, Zadnik

Greg Chanis
President, MGSA Board of Directors

Attested By:

Michael S. Frank
Executive Officer



DEPARTMENT OF
HEALTH AND HUMAN SERVICES

Promoting and protecting health, well-being, self-sufficiency, and safety of all in Marin County.



Benita McLarin, FACHE
DIRECTOR

20 North San Pedro Road
Suite 2002
San Rafael, CA 94903
415 473 6924 T
415 473 3344 TTY
www.marincounty.org/hhs

September 22, 2021

Dennis Rodoni
President, Board of Supervisors
3501 Civic Center Drive, 3rd Floor
San Rafael, CA 94903

Re: Public Meetings/Social Distancing

Dear President Rodoni:

On September 20, 2021, Governor Newsom signed AB 361. The legislation provides that local agencies may continue to hold certain public meetings via video/tele-conference as they have done during the Covid-19 emergency. The legislation allows such meetings to continue during a proclaimed state of emergency if state or local officials have recommended measures to promote social distancing.

Local government meetings are indoor meetings that are sometimes crowded, involve many different and unfamiliar households, and can last many hours. Given those circumstances, I recommend a continued emphasis on social distancing measures as much as possible to make public meetings as safe as possible. These measures can include using video/tele-conferencing when it meets community needs and spacing at in-person meetings so that individuals from different households are not sitting next to each other. I will notify you if this recommendation changes while the Governor's state of emergency for COVID-19 remains in place.

Respectfully,

Benita McLarin
Director, Health & Human Services

cc: Matthew H. Hymel, CAO
Brian E. Washington, County Counsel

BOARD MINUTES FOR MEETING OF AUGUST 11, 2022

As a result of the COVID-19 pandemic, the Board Meeting came to order on-line in compliance with orders, as allowed by Executive Order N-29-20 (March 17, 2020). The meeting started at 10:02 a.m.

MGSA Board Members Attending: President Greg Chanis, Vice President Chris Blunk, and Members Nadine Hade, Andy Poster, and Robert Zadnik were present. Dan Eilerman and Adam McGill were absent.

Program Contractors Attending: Executive Officer Michael Frank and General Counsel Dave Byers.

A. Discuss and Consider Passing Resolution Continuing Virtual Meetings Pursuant to Assembly Bill 361 [Ortiz]

Following a brief introduction by the President and Executive Officer, the Board voted to authorize remote teleconferencing of meeting of the MGSA Board pursuant to Assembly Bill 361. Motion by Zadnik, seconded by Poster to adopt Resolution 2022-08 authorizing teleconference meetings of the MGSA Board of Directors pursuant to Assembly Bill 361. Motion was approved 5 – 0 with Eilerman and McGill absent.

There was no public comment on the item.

B. Report from Executive Officer

The Executive Officer reported on activities since the last meeting. In particular, he mentioned:

- Administration
 - Board Member Zadnik being appointed by the Marin Manager's Association to the Board and Andy Poster being reappointed by the Marin Public Works Directors Association.
 - Crime Insurance Exploration – Frank outlined his and Board Member Hade's efforts to evaluate the pros and cons of purchasing crime and malfeasance insurance. He discussed some the additional efforts that will be undertaken:
 - Provide an invoice register on a quarterly basis to the Board.

MGSA Board Meeting Minutes for August 11, 2022

- Assign Board Member to review annual Comprehensive Annual Financial Report and Internal Control memo.
- Internal Control meeting with Maureen Chapman and Board Member Hade.
- Memo to the file regarding purchase of crime and malfeasance insurance.
- Website challenges the last month.
- FY 2021/22 Annual Financial Audit kickoff
- MarinMap
 - GIS / ESRI Conference with Wayne Bush, Marin County Assistant IT Director Trujillo, and member of the MATRIX team at the County.
- MCEP
 - Electric Vehicle Master Plan Draft on the Street – Presentation to the Board in September.
- CATV
 - Executive Officer attended a NATOA Webinar - Franchise and PEG Fees in a Video Streaming World
- Animal Care and Control Program
 - Start negotiations in September with representatives Christa Johnson, Greg Chanis, and Dan Eilerman
 - Approached by San Rafael HOA's re: information and presentation on coyotes
- Telecommunications
 - Four small cell wireless permits originally submitted by AT&T in Novato have been withdrawn.

C. Public Comment

None

D. Approve Minutes of May 12, 2022 Regular Meeting

MGSA Board Meeting Minutes for August 11, 2022

Motion by Zadnik, seconded by Middleton to adopt the minutes of the May 12, 2022 MGSA Board Meeting with the correction that on Agenda Item E, the motion was made by Chanis not Poster who was not on the Board at the time. Motion was approved 4 – 1 – 2 with Poster abstaining and Eilerman and McGill absent. There was no public comment on the item.

E. Professional Services Agreement with Sustainable Marin, Resilient Neighborhoods (RN) Program, for Outreach for the Marin Climate and Energy Partnership (MCEP)

Executive Officer Frank presented the Agreement.

Following Board questions and discussion, a motion to approve Resolution 2022 - 09 to authorize the Executive Officer to execute a 3-Year Professional Services Agreement with Sustainable Marin to conduct community outreach and education through its Resilient Neighborhoods (RN) Program for the Marin Climate and Energy Partnership (MCEP) was made by Poster and seconded by Chanis. The Motion to approve Resolution 2022 – 09 was approved 5 – 0 with Eilerman and McGill absent.

No public comment.

The Board went into Closed Session to consider items F, G, and H. General Counsel requested that the minutes show for Item F that the published language of the closed session should have read “Existing Litigation” instead of “Anticipated Litigation.” In addition, that for Items G and H, it should have stated “Labor Negotiations” instead of “Contract Negotiations.”

CLOSED SESSION

- F. CONFERENCE WITH LEGAL COUNSEL –ANTICIPATED LITIGATION**
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9
(MGSA v. Hanne Callaert dba Marin Green Cab)
- G. CONFERENCE WITH LEGAL – Contract Negotiations: MCEP Partnership Coordinator; and Finance and Accounting Coordinator - California Code Section 54957.6**
- H. CONFERENCE WITH LEGAL – Contract Negotiations - MGSA Executive Officer – California Government Code Section 54957.6**

OPEN SESSION

The Board came out of Closed Session and did not have anything to report.

- I. MGSA Program Contractors’ and Executive Officer Professional Services Agreement Changes regarding Christine O’Rourke, Maureen Chapman, and Michael Frank (Frank)**

MGSA Board Meeting Minutes for August 11, 2022

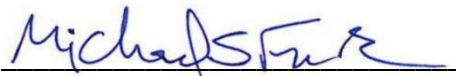
By motion, the Board voted to pass Resolution 2022-10 titled, "Amendment No. 4 to the Professional Services Agreement with Christine O'Rourke and Amendment No. 1 with Maureen Chapman" with a correction in the draft resolution stating that the Chapman rate increase should be monthly and not hourly; and Resolution 2022-11 titled "Amendment No. 4 to the Professional Services Agreement Between MGSA and Michael S. Frank for Executive Officer Services" providing a cost-of-living increase of 8%. Motion by Poster, seconded by Hade and approved 5 – 0 with Eilerman and McGill absent.

Board Member Hade requested that the Executive Officer provide the Board with a ballpark idea of how many hours on average Maureen Chapman was working.

No public comment.

J. Adjournment

The meeting adjourned at 11:15 a.m.

A handwritten signature in blue ink that reads "Michael S. Frank". The signature is written in a cursive style with a horizontal line underneath the name.

Michael S. Frank, Executive Officer



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MEMORANDUM

DATE: September 8, 2022

TO: MGSA Board of Directors

FROM: Christine O'Rourke, Marin Climate and Energy Partnership Coordinator

SUBJECT: Marin Climate Energy Partnership - Electric Vehicle Master Plan

Recommendation

No action requested.

Background

In January 2021, the MGSA Board authorized a funding agreement with the Transportation Authority of Marin for MCEP to complete a Countywide Electric Vehicle Readiness Plan. The goal of the plan is to accelerate EV adoption to meet targets set in each jurisdictions' Climate Action Plan for EV adoption rates and GHG emissions reductions.

In early 2021, MCEP formed a subcommittee to develop the plan with the assistance of MCEP Sustainability Coordinator Christine O'Rourke. During the initial stages of plan development, MCEP interviewed staff from all jurisdictions, as well as subject matter experts and state agencies, to understand challenges and opportunities in the field; conducted a literature review to glean best practices; and researched data that serve as the underpinnings for the recommendations in the plan. The MCEP subcommittee then spent several months developing the draft Countywide Electric Vehicle Acceleration Strategy, which was approved by the MCEP steering committee for public release on August 4, 2022.

The EV Acceleration Strategy provides background information on existing conditions, identifies barriers to widespread EV adoption, and then sets forth a suite of 35 recommended actions in four areas:

- Conduct Robust Community Outreach and Education
- Accelerate Public Charging Infrastructure

- Increase Municipal Fleet Electrification
- Support and Advocate for Policy and Funding that Accelerates EV Adoption

The intent is for cities, towns, and the County to select the actions that are relevant to their jurisdiction and then use the Workplan template provided in the appendix to prioritize actions and assign responsibilities.

During the fall, MCEP will be making presentations to sustainability/climate action commissions and committees, interested community groups, and the TAM Board, and collecting public comments. The Strategy will then be revised and a final draft will be brought forward for council/board consideration and acceptance in early 2023.

The Strategy is available on the MCEP website marinclimate.org and at this direct link:
<https://marinclimate.org/wp-content/uploads/2022/08/Marin-Countywide-EV-Acceleration-Strategy-Pubic-Review-Draft-08-04-22.pdf>



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MEMORANDUM

DATE: September 8, 2022

TO: MGSA Board of Directors

FROM: Michael Frank, Executive Officer

SUBJECT: CATV Program Franchise Fees Budget Adjustment for Fiscal Year 21/22

Recommendation

By motion, pass Resolution 2022-13 adjusting the revenue and expenditure budgets for the CATV Program by an offsetting \$20,000.

Discussion

On May 13, 2021, the MGSA Board of Directors adopted the MGSA FY 2021-22 Annual Budget, including the CATV Program and the receipt and distribution of franchise fees to member agencies. Decisions about estimated revenues and year end fund balances are made many months prior to the closing of that year's financials.

Due to the amount of franchise fee receipts in FY 21/22 and level of prior year fund balance, there is not enough budget authority to distribute all fees to member agencies. This budget adjustment amends the FY 2021-22 Budget wherein the budget for the Franchise Fee Revenue line item is proposed to be increased by \$20,000 and an offsetting expense Contributions line item is also proposed to be increased by \$20,000.

Attachments

1. Resolution 2022-13 titled, "Budget Amendment to the FY 2021-22 MGSA CATV Program Franchise Fee Fund Adopted Budget."

**BUDGET AMENDMENT TO FY 2021-22 MGSA CATV PROGRAM
FRANCHISE FEE FUND ADOPTED BUDGET**

RESOLUTION 2022-13

WHEREAS, on May 13, 2021, the MGSA Board of Directors adopted the FY 2021-22 CATV Annual Budget, including receipt and distribution of franchise fees to member agencies; and

WHEREAS, there needs to be enough budget authority to distribute available franchise fees to member agencies; and

WHEREAS, on September 8, 2022 the MGSA Board of Directors considered an amendment to the FY 2021-22 Budget wherein the budget for Franchise Fee Revenue line item was proposed to be increased by \$20,000 and an offsetting expense Contributions line item was also proposed to be increased by \$20,000.

NOW THEREFORE, BE IT RESOLVED, that the Marin General Services Authority hereby adopts an amendment to its General Fund Budget for Fiscal Year 2021 – 22 as shown in the attached Exhibit A.

Adopted this 8th day of September 2022.

Ayes: Blunk, Chanis, Eilerman, Hade, McGill, Poster, Zadnik

Noes: Blunk, Chanis, Eilerman, Hade, McGill, Poster, Zadnik

Absent: Blunk, Chanis, Eilerman, Hade, McGill, Poster, Zadnik

Greg Chanis, MGSA Board President

Attested By:

Michael S. Frank, Executive Officer

Resolution 2022-13**Exhibit A**

MGSA CATV Fund – Munis Organization Code: 80178581

		FY 2021/22 Adopted Budget	Change	FY 2021/22 Revised Budget
421610	Franchise Fees	(\$3,300,000)	(\$20,000)	(\$3,320,000)
524710	Contributions – Non-County Gov't Agency	\$3,135,671	+ \$20,000	\$3,155,671

DRAFT