MEETING OF THE
TRANSPORTATION AUTHORITY OF MARIN

THURSDAY, MAY 27TH, 2004

Commissioners Present: Susan Adams, Marin County Board of Supervisors
Amy Belser, Sausalito City Council
Al Boro, San Rafael City Council
Peter Breen, San Anselmo Town Council
Pat Eklund, Novato City Council
Alice Fredericks, Tiburon Town Council
Melissa Gill, Corte Madera Town Council
Steve Kinsey, Marin County Board of Supervisors
Joan Lundstrom, Larkspur City Council
Cynthia Murray, Marin County Board of Supervisors
Annette Rose, Marin County Board of Supervisors
Bruce Sams, Belvedere City Council
Dick Swanson, Mill Valley City Council
Lew Tremaine, Fairfax Town Council

Commissioners Absent: Hal Brown, Marin County Board of Supervisors
Tom Byrnes, Ross Town Council

Staff Members Present: Craig Tackabery, TAM Executive Director
Dean Powell, Principal Transportation Planner, Marin County DPW
Art Brook, Transportation Engineer, Marin County DPW
Tho Do, Associate Civil Engineer, Marin County DPW
Jack Baker, Senior Transportation Engineer, Marin County DPW
Jason Nutt, Traffic Operations Engineer, Marin County DPW
JeriLynne Stewart, Recording Secretary

Chair Kinsey called the TAM Meeting to order at 7:45 p.m.

1) Commissioner Matters Not On The Agenda

Chair Kinsey spoke about the latest developments in the Caltrans/Bay Bridge project, specifically, the scale of the costs of the overrun.

2) Approval of Joint Committee and Congestion Management Agency Minutes of April 29, 2004 and TAM Minutes of May 6, 2004

Commissioner Eklund moved to approve both sets of minutes, with minor verbiage changes on pages 2 and 14 of the April 29, 2004 minutes. Motion was seconded by Commissioner Rose. Commissioners Lundstrom and Swanson abstained from approving the April 29, 2004 minutes; Commissioners Tremaine and Adams abstained from approving the May 6, 2004 minutes. Both sets of minutes were approved 12/0/2/2 and 12/0/2/2.

3) Executive Director's Report

Executive Director Tackabery reported on AB 2001, to create double fines in school zones, which passed the Assembly Floor 73/3 and now moves on to the Senate. With reference to STIP details in the TAM packets, Mr. Tackabery said the schedule indicates a hearing was held May 12, 2004; July 16th the CTC staff will present recommendations, and August 5th will be the adoption of the STIP. One issue, listed on the summary page, is that the totals are overprogrammed. Statewide, the RTIP is overprogrammed by $75M in fiscal year 2004/05; Marin is shown as overprogrammed by $4.6M. We asked for more money than we were allotted per our formula share. There will still be a struggle to keep our funds in the fiscal year requested. We will be working closely with MTC to advocate for our projects.

Mr. Tackabery referred to the Staff Report on the TPLUS Program. A Technical Advisory Committee was formed which will be working on the guidelines for the local TLC program and the "tool kit." Regarding the Governor's budget, he highlighted the TCRP Program, which provides funding to meet all existing TCRP allocations, which was a special concern for SMART. It provides approximately $400M in funds for new allocations, e.g., the completion of the Gap Closure Project. Projects requesting money at this time = $1.9B. The $400M is going to fund only 20% of the projects; it is now known whether the Gap Closure Project will receive funding at this time. The positive is that it was not canceled.

In a memo from Rebecca Long, MTC, property tax funds were highlighted and their impact on BART and AC Transit. They are enterprise districts and are expecting a 45% hit in their funds. The MCTD is a non-enterprise district, and would incur a 25% hit, which would be devastating. The annual property tax revenue is approximately $2M; the cut would represent a $500K reduction, the bulk of which would go toward funding paratransit service, operated by Whistlestop Wheels. MTC knows of our concerns, and we are working together with other agencies to advocate for other means to resolve this budget crisis.

Chair Kinsey said that as a part of the budget deal made between counties, cities, and special districts with the Governor. The transit districts are taking a 25% or 40% impact on their property tax returns. This means the MCTD, which borrowed $500K to be in balance this current year, will lose an additional $500K in revenues next year.

Karen Nygren said the TPLUS Advisory Committee roster included Steve Stein, Tiburon Planning Commissioner, who is no longer a Tiburon Planning Commissioner. Commissioner Fredericks said Steve Stein has been a member of the Last Chance Committee (open space issues) in Tiburon.

4) Commissioner Reports
   a. SMART – Commissioner Rose

There was a SMART meeting May 19th, at which a straw vote was held on whether to put a ¼-cent sales tax on the ballot, which did not pass. The actual vote will occur June 16th in Petaluma. The draft EIR has been scheduled for distribution and public review in mid to late June; the first chapter of which has been sent to a subcommittee, including Commissioners Peter Breen and Rose, for review. Sonoma SMART Directors felt it extremely important to get the measure on the ballot as soon as possible. Marin SMART Directors felt that a future ballot would be more appropriate.

Commissioner Eklund said representatives from Sonoma were very dissatisfied with Marin County's stance and that she did not express whether the measure should go on the ballot in November.

Commissioner Breen said several SMART members asked the Chair to moved the decision point to the month of June, which would allow the development of an expenditure plan. He said the straw vote was a surprise, and complimented Commissioner Murray for putting Marin's future offer of support for the measure on the table. Commissioner Breen said we do not want to lose the benefit of all of the time and effort that we have expended to get our ½-cent sales tax on the ballot.

Karen Nygren felt it important to agendize a discussion for the TAM 'body' to direct individual SMART representatives.

Commissioner Boro detailed the structure of the SMART board. There are 5 members from Marin on the SMART board; 2 are appointed by the Board of Supervisors, 1 represents the City of Novato, 1 represents the City of San Rafael, and 1 represents the other 9 cities and towns. He said he personally looks at the interests of all of Marin and SMART from his perspective. He does not think the Mayor of Novato would want to be told, by TAM, how she should respond to the SMART board; he certainly would not. Commissioner Boro felt disappointed with the meeting and the back-and-forth exchange between the public and the Board. The measure still needs a lot of work and is not ballot-ready. The EIR needs to be circulated for review and to resolve any issues now, such as bus feeders, or station plans. It is not known what the ¼-cent would actually raise; there is not a ballot statement. He felt it important to support a measure from SMART when it was ready, because we need an alternative to Highway 101.

Commissioner Rose explained that when one sits on a regional board, it is the opinion of County Counsel that that individual represents his/her own opinion at the regional board, and not the opinion of the appointer. When one sits on a regional board, he/she receives an agenda and all written material, and is present at the regional meetings to hear public comment. This is the very reason why we do not take straw votes on individual boards.

Gail Meyers, Novato, asked that if the TAM body is arguing as to who should represent whom on the SMART board, how are the 14 TAM members present tonight going to get along, to support our own sales tax expenditure plan?

b. Marin-Sonoma Narrows Policy Advisory Group (PAG) – Commissioner Murray
   1. Letter of Support, TEA-21 Reauthorization/Highway 101 Funding

The Policy Advisory Group (PAG) did not meet this month, yet there is an item for which Commissioner Murray would like Tam's support. Commissioner Murray was contacted by the Group's lobbyist who told her that a new pot of money in the TEA-21 Reauthorization is available, called "TEA-LU" which is for projects of regional and national significance. The lobbyist felt it important for the Group to get the Marin-Sonoma Narrows project into the mix to receive additional funding. It is not competitive with any other projects in the region. Supervisor Murray would like TAM to consider this project under this new category.

Commissioner Murray motioned to support TAM and the Sonoma County Transportation Authority's request for $100M for the Highway 101 Corridor through the Projects of National and Regional Significance Program. Commissioner Rose seconded the motion. Motion passed 14/0/2.

5) Caltrans Report – Overview of 2004 State Highway Operations and Protection Program (SHOPP) Projects – Yader Bermudez

Mr. Bermudez presented a brief overview of the SHOPP 2004 for Marin County, adopted by the CTC on April 8, 2004, which include the following:

1) Near Sausalito, north of GGB to Route 131, upgrade guardrail, on-going project. Approx. $9M
2) Near Stinson Beach, Slide Ranch, storm damage, on-going project. Approx. $1.6M
3) Mill Valley SB offramp to East Blithedale, safety project. Approx. $3.9M
4) In Sausalito, Marin City and Corte Madera, restore planting and irrigation. Approx. $2M
5) Near Novato, Sears Point and various locations, install traffic operations systems. Approx. $1.5M
6) Various routes, various locations, upgrade traffic barrier and guardrails. Approx. $2.2M

The Marin County Minor A Projects are as follows:

1) Route 101, upgrade pedestrian over-crossings, Strawberry & Greenbrae, ADA compliance
2) Route 1, repair storm damage near Tomales
3) Route 101, methacrylate (coating) bridge deck
4) Route 101, Vista Point, GGB, ADA compliance

Commissioner Eklund questioned traffic operations systems near Novato. Mr. Bermudez explained this project would include installation of overhead changeable message signs, which operate in conjunction with video cams, and are connected to Caltrans' Traffic Center in Oakland. Commissioner Eklund questioned where and when the sign(s) would be installed. She also asked if Caltrans maintains the Park-and-Ride lots, and would that be an eligible expense for the SHOPP. Mr. Bermudez will obtain more information and bring to next TAM meeting.

Commissioner Swanson asked about the status of the East Blithedale offramp and soundwall project. Caltrans' Project Manager, Jit Pandher, said there is nothing to report yet. Commissioner Rose reported there is a staff meeting next week among the City of Mill Valley, the County of Marin, the Town of Tiburon, and Caltrans to discuss this issue.

TRANSDEF President David Schonbrunn suggested that TAM request a public process in the development of the design, and a preferred alternative, for the soundwall project. It is highly controversial and the process needs to be visible.

Margaret Zegart questioned whether Caltrans could improve/upgrade their pullouts throughout West Marin and Shoreline Highway.

Craig Yates spoke about a safety issue on Highway 37; the middle barrier between the two lanes of opposite traffic. He said there is nothing on top of the barrier to cut the glare of oncoming headlights.

Caltrans' Yader Bermudez will research the requests and concerns made and bring information to the meeting next month.

6) Transportation Sales Tax Expenditure Plan
   a. Review Draft Ballot Measure Language; First Reading of Transactions and Use Tax Ordinance by Title Only and Schedule Merit Hearing for June 24, 2004

Executive Director Tackabery said the ordinance has many legal requirements and the key elements for discussion would be section 4, the period of the tax; section 14, the actual ballot language; section 15, the authority to issue bonds; and section 17, setting an appropriations limit under the Gann Act. He said the poll language did not include a reference to services for seniors and the disabled (Section 14, page 6 of 7) and that it is now added.

Mr. Tackabery explained that TAM is to adopt the Plan, adopt the ordinance, and then the Plan is published in the Voter's Pamphlets (not the ordinance). In addition, the ballot question language in Section 14, page 6 of 7, will be published on the ballot. He said Jim Flageollet, County Counsel of Marin, is TAM's legal representative.

Executive Director Tackabery said this would likely be Measure A on the ballot, and this would be limited to 75 words. (It's at 74 now.) TAM is required to set our appropriations limit in the measure, and to identify if TAM is going to use bond financing; plus, TAM is required to indicate the amount of the tax and the period.

Commissioner Murray reminded TAM that, in addition to the verbiage of Section 14 on the ballot, will be the text of the entire Expenditure Plan. She said we should get a review with Elections staff. It is her recollection that "San Rafael" which is a proper name, is counted as one word, as are hyphenated words. We should have exactly 75 words. Commissioner Murray said to include, "… fully fund and complete (delete the word "*the*") Highway 101 carpool lanes…" and delete "Marin County voters."

A lengthy, detailed discussion of specific verbiage additions and deletions ensued, producing the language below.

Commissioner Boro asked Executive Director Tackabery to explain the $50M annual appropriations limit. Mr. Tackabery said that it is the annual spending limit for tax proceeds and is something that, as a new agency, TAM sets. It is a figure we set and ensure we do not go over without getting voter approval. For instance, Alameda County set theirs at $300M, which seems excessive for Marin. Staff felt $50M was a safe figure. Therefore, it is important to add the word "…annual" to the appropriations limit sentence.

Ron Downing with GGBH&TD, suggested that the wording "the disabled" should be replaced with "…disabled persons" or "…disabled people."

Commissioner Sams said the Citizens' Oversight Committee should not be listed as one of the expenditures. Perhaps it could be inserted into the first sentence; "…overseen by…" as part of the structure, rather than looking like a 5th category of expenditures.

The Plan itself mentions sidewalks; since there are 3 words left to add, we may want to add "sidewalks and pathways" just like the Plan indicates. Staff can play with the wording to make the Oversight Committee piece work. We need to reflect the language of the Plan.

Commissioner Adams read the newly edited content:

> *Shall voters authorize a ½-cent sales tax, issue tax bonds, and set an appropriations limit of $50 million annually, with citizens' committee oversight, to implement a 20-year Transportation Plan to:*
>
> - *Maintain and improve bus service, including special services for seniors and disabled persons;*
> - *Fully fund and complete Highway 101 carpool lanes through San Rafael;*
> - *Maintain and improve roads, bikeways, sidewalks, and pathways;*
> - *Reduce school-related congestion and provide safe access to schools.*

Commissioner Adams motioned to approve a first reading of the ordinance by title only, with the adjustments suggested. Commissioner Murray seconded the motion.

Executive Director Tackabery read the Ordinance Title, and it stands as: "An ordinance of the Transportation Authority of Marin adopting the Marin County Transportation Sales Tax Expenditure Plan, imposing a one-half of one percent retail transactions and use tax, and authorizing the issuance of limited tax bonds to finance transportation improvements of the Plan."

Motion passed 14/0/2.

b. Distribute "Baseline" Poll Report and Review "Tracking" Poll Objectives

Executive Director Tackabery explained the objective of the baseline and tracking polls, allowing TAM to test other ballot measures that it is not aware of, which might be on the ballot. It would also allow TAM to test arguments in support or against, if new arguments against – heard about in the media – which were not tested last time, it may give TAM a better idea of what it needs to know prior to putting this on the

ballot. It provides a chance to test new ballot language. This item gives TAM the opportunity to give staff any directions on arguments for or against, which may have been missed.

Chair Kinsey stated that nothing we gain from a poll would be able to influence any specific aspect of our Plan, because our Plan is complete. The only decision left is whether to adopt the ordinance and put the Plan on the ballot. The purpose of the next poll would be to show TAM if Marin is still at a 69% approval rate for the measure, to assist with the decision of putting the measure on the ballot.

The tracking poll will cost $19,765. The contract had a time-line on when to utilize the tracking poll. Executive Director Tackabery said we could adjust the time-line if TAM desired.

Commissioner Murray said we haven't done a lot of work in reaching out to people who weren't already paying attention to this issue. Therefore, the value of conducting a tracking poll is questionable. If we could use the cost of the tracking poll later, we might receive information that is more valuable after we have had a chance to conduct community outreach.

Next month, Mr. Tackabery said the only action for TAM would be to adopt the Ordinance and then forward it to the Board of Supervisors to place on the November ballot. Therefore, to receive information after that point may not be helpful to TAM. Staff will continue to produce informational presentations throughout the community, yet Mr. Tackabery said it wouldn't be as valuable as the TAM making the decision to place the measure on the ballot. The first poll helped TAM decide what to put into the Plan; the Tracking Poll may warrant validation for TAM's decision to place the measure on the ballot.

Commissioners' comments included the following: At some point, the polling needs to stop, unless we become an advocacy group for the measure. The point at which we vote on it and then pass it on to the Board of Supervisors, is that the demarcation point between information vs. advocacy? Mr. Tackabery said that is a legal question he could not answer. It would be surprising if we found anything radically different now from what was conducted in March. Further polling could be useful for the advocates in the 'campaign mode.' There may be some reason why the tracking poll needs to follow the baseline poll by so much time. If it drags on, maybe some of the validity would change. Would it make much difference if we postponed the poll by a month or so? Chair Kinsey explained the Godbe team unfortunately had prior commitments and therefore could not attend tonight.

Executive Director Tackabery reminded the Commissioners that the contract TAM approved in February included a Scope of Work and had a calendar listing the two polls in it.

Commissioner Adams said the last time we had the poll, we didn't have wording for the initiative, we've tweaked the allocations based on the poll results; roads became more important in the discussion and now we have a larger percentage going to roads; and, all of the media pertaining to the rail issue going on at the same time. There have been some changes that have happened that could affect this. A second strong poll could show us it's really worth the investment to get this on the ballot in November.

Chair Kinsey responded by saying that if the results came back less than the last one, would we use that information to retreat, because if not, we don't want to know.

Executive Director Tackabery said the polling timeline was based on the TAM's schedule. Godbe knew TAM would be making its decision in late June as to whether to put the measure on the ballot. They were attempting to get the information to TAM prior to their decision. Dave Hyams with Solem & Associates said that they, too, conduct similar polling for other efforts. Tracking polls really simply show change over time. There is not a particular set time. Technically, there is no difference when the tracking poll is conducted.

Additional Commissioners' comments included the following: The polling might now be negative, and constituents may just want to get on with their vote. We do not need to move this tracking poll at this point. The negative impact of a poll would hurt us at this point. People would feel as though they have already been asked. If we've just chased SMART off the November ballot, we would look really bad if we began to waffle and question our course. If we look at our scarce resources there are many ways in which we could invest this money and get a better return for it. If we could look at some other materials that will help us reach out and communicate what a winner of a ballot measure we have, that would be a better way to spend the money. This is our last opportunity prior to placing something on the ballot; there is some question about whether legally we could do it, and then we have to then talk about the perception issues related to it.

Commissioner Adams spoke to Pat Faulkner, County Counsel, about doing a poll, and if we are using taxpayer money for polling in an appropriate way. She said he said that until we have put it on the ballot, if the polling is used for information to help TAM decide how to shape the initiative and to give TAM an indication as to whether there's enough support for the initiative, it's fine to pay for a poll. Once TAM's made the decision to go on to the ballot, then it becomes a campaign issue.

The 70,000 piece mailer cost approximately $33,000, of which $25,000 was provided by MTC. Commissioner Boro asked if it would be better to spend the money publicizing the final Plan as we have adopted it.

Dave Schonbrunn noted the extraordinary frustration of the voters with transportation now, who want to see action taken. It is the same effect as what Santa Clara County experienced in 2000. Without testing ¾-cent by the TAM, we may not have the confidence to feel that another agency can take an action that would potentially harm this tax.

Commissioner Belser responded by saying it is not a ¾-cent tax we are working toward. Mr. Schonbrunn raised a different issue, in her view. If we are not thinking about changing our behavior, to just test the waters to see what happens is not worth the money.

Additional public comment included the following:

Gail Meyers, Novato: How many cities, having this plan on their council agendas for approval, had residents who stood up and talked about being against the plan, yet, the city went ahead and approved it? She said it is a farce. She questioned what getting support from Marin's senior population had to do with reducing congestion on Highway 101?

Ron Downing, Novato: There is confusion pertaining to the new TAM. His neighbors have asked, "What's going on with this?" "I've never heard of TAM." "Is this a new bureaucracy that's going to add another layer of government?" The informational pamphlet does not answer these questions. If we do further polling, we need to clarify what TAM is all about.

Hobart Bartshire, Fairfax: Commented on the *Monthly Schedule of Tasks*, June's *Conduct a Tracking Poll 6/1-6/7)*. On the Voter Tracking Survey Objectives from Godbe, mid-June is the tracking poll time frame. If we conduct the poll after school gets out, we will have a widely skewed reaction. Voters will say, "There's no problem!" He urged TAM to conduct the poll while school was still in session.

Chair Kinsey said that as the issue relates specifically to a tracking poll, there is not significant will to conduct the poll now. Staff needs to consider this. We need to think about community outreach and the clarification issues surrounding TAM. He addressed the speaker who commented about SMART, stating the reason many people are not supporting SMART is because they want it to succeed, and they do not feel it is ready to go ballot at this time. There is no information about the stations; no information about

the bus links; the EIR is not completed; there is no expenditure plan; there is no ballot statement. Therefore, we will not go forward with a tracking poll at this time.

c. Report on Outreach and Education Activities

Dean Powell has received numerous e-mail and phone calls since the mailers went out. 70,000 households were contacted. Responses keep trickling in. He felt many new faces are now involved that were not previously; the mailer sparked interest in transportation issues. Mr. Powell said he received approximately 30 inquiries; the initial inquiries were negative. Some were outraged that rail wasn't included in the measure, not realizing that other rail activities are happening. Some were confused by the mailer, and queried whether we are creating a brand new bus system that was redundant to the GGBH&TD bus system. The comments coming in now, however, are all positive; some are asking for a few clarifications, and are supportive and very excited. People like the Safe Routes to Schools program, they like the idea that we're controlling our transportation future and our own destiny from local funds. Others like the fact that rail is not included in the Plan. Overall, the positive and negative comments are about 50/50.

1. Ballot Measure Schedule Update

Dean Powell reported on the success of the approval of the Plan at the city and town council meetings. Last week, staff went to the cities of San Rafael, Sausalito, and Town of Tiburon, and received unanimous votes of approval. This week, staff went to the Board of Supervisors and the City of Novato and received 2 unanimous votes; Novato was 3/0/1/1. Technically, we have met the State Law requirement for the population minimum of 50% plus 1 for the incorporated population, and with 2 more approvals from the cities, we should meet the minimum requirements to ask the BOS to place the measure on the ballot. The next two meetings are Larkspur, June 2, 2004, and Belvedere, June 7, 2004.

2. Media Clip List

Commissioner Rose commented that sometimes when a group's worked together for so long on something, like the mailer, the group may not realize how far back it's got to step in order to tell people where you're going. She regrets we may have sent out something that has caused some confusion. She suggested that Staff may want to consider, as we finalize the ballot language and yet not conduct a tracking poll, sending out an information/clarification piece.

7) Review Draft Administrative Code (AC) Policy Issues: First Reading of Administrative Code Ordinance by Title only and Schedule Merit Hearing for June 24, 2004

Chair Kinsey asked for an understanding of any time or legal constraints as to when we adopt the Administrative Code (AC) as it relates to the timing of the election. Executive Director Tackabery explained the Public Utilities (PU) Code says *"The Authority shall have an Administrative Code…"* yet it doesn't have a time frame, and TAM has adopted interim regulations. Therefore, the AC can be adopted when TAM is ready to adopt it. Dean Powell said staff has been advised by County Counsel that we should adopt the AC within the first few meetings of TAM. The only immediate requirement listed by the PU Code is to elect the Chair and Vice Chair and determine the staggered terms of service, which TAM did May 6, 2004.

Chair Kinsey said we could go through a discussion of this at this time; yet reserve action/the first reading until next month's meeting. He did not want TAM Commissioners to feel pressured into action.

As Chair of the Governance Committee, Joan Lundstrom discussed the Committee's basis for drafting bylaws, by utilizing other operating agencies' bylaws. They came to agreement where they could, and outlined some outstanding policy issues to consider. The Committee met twice, and Commissioner

Lundstrom thanked everyone for their hard work. She would like enough time given to this process, as the structure is very important.

Dean Powell explained the primary example used in developing the draft AC was Contra Costa County Transportation Authority, plus Solano, Alameda and Sonoma County Authorities examples were referenced.

An Article-to-Article review of the draft AC was conducted with the following comments:

Article I: None

Article II: Item #26 needs more discussion, page 5. Dean Powell explained that it was the consensus of the Governance Committee that some of the gross revenue be set aside as a reserve for program overruns. First question: Should we do this or not? Commissioner Swanson commented that on the surface, this is a good idea. However, we are funding programs here on a 'pay-as-you-go' basis; we are funding transit operations, safe routes to schools, streets, etc., to the extent that, if the voters adopt the expenditure plan, it will become an ordinance that specifies how much and when these allocations of money go. There isn't the kind of situation in our expenditure plan that is going to generate project overruns because we're funding it to the degree that we can. Does it mean a one-time set-aside; is it continuous, is it repetitive? What constitutes a program overrun? If we took 10% of this money and set it aside, that'll put a significant dent in some of these allocations. He was not sure that we're willing to suffer the consequences, of say, $500K, being taken out of transit.

Commissioner Adams said that having some contingency set aside may be worthy, in the event issues for funding occur, like currently occurring in Paratransit. I don't know that 10% of the annual amount is justified. A little reserve is prudent.

Chair Kinsey said we might not even have the ability to have this reserve. Is a reserve a possibility, given the way we've structured our plan, to assign maximum percentages to have a reserve requirement for overruns?

Commissioner Gill asked where's the operative provision? Is this just a definition issue?

Commissioner Eklund stated that she likes the idea of not including the specifics in the Code; it is restrictive. Putting aside a reserve or contingency may violate some of the expenditures in a different category. Take it out of the Code; deal with it when we do the budget.

Commissioner Sams stated that if it could shift the allocations we've spent so much time setting appropriately, it brings into question whether it's a wise thing for us to do. It doesn't sound as though it'll be necessary.

Item #19, "Ex Officio Member" needs definition. Regarding Page 4, Commissioner Lundstrom's City Council also had concern about item #19, in that Ex Officio members should not be elected officials. Larkspur City Council suggested TAM have 2 Ex Officio members, non-elected: 1 from GGBH&TD, and 1 from Caltrans. Commissioner Swanson said it wouldn't be consistent with the notion of having elected officials in this capacity and agreed that they not be elected officials.

Mr. Schonbrunn proposed a protocol for board members wearing different hats because we do not have separately elected operator boards (refer to his e-mail to Executive Director Tackabery, date April 14, 2004, in the packet). Commissioner Swanson explained the purpose of an Ex Officio member is not to comment or weigh in on policy-related issues; they typically respond to more technical, liaison issues. They're a source of information to policy makers.

Barbara Heller, Marin County Transit District, said that if TAM does have an Ex Officio member from the Transit District, it is beneficial to have the dual role. She questioned whether there will be a duplication of seats, e.g., Dick Swanson's role as Transit and TAM member. She asked for clarification as to whether TAM wants the Transit District to sit as an Ex Officio, thereby she feels it would have to be an elected city official.

Chair Kinsey said we have the ability to be flexible for ourselves if we choose to; we do not have to limit the Ex Officio to a technical role. He explained that the Ex Officio role has a parallel opportunity for our Transit District to that of Larkspur City Council's suggestion, to also serve in an Ex Officio capacity, at a staff level. We have 5/7 of the Transit District automatically guaranteed on this body; currently, as we sit, we have 6/7 with Commissioner Swanson's seat.

Commissioner Eklund said there's value to having non-elected members, such as Caltrans and GGBH&TD. She asked Mr. Swanson what other agencies do. Mr. Swanson said rather than work out the actual composition of the Ex Officio members, let's have a language be such that they should be included; whether they're elected, technical or both, that should be left up to further discussion.

Commissioner Adams asked whether we have to define whom each Ex Officio member is in the beginning, or as we're moving through the 20 years, may we add others? Craig Tackabery said that 104.6a indicates the Authority can do this by resolution, and 104.6b indicates it is for a one-year term.

Commissioner Murray reminded the Authority that is has a Technical Advisory Committee to rely upon for technical assistance. If we're looking for technical assistance, we put the right technical people on; if we're looking for policy-makers, we put the right policy people on as Ex Officio members.

Karen Nygren said to look to the future. Will there still be a GGBH&TD to deal with? She said to leave the numbers open, and the flexibility of time.

Chair Kinsey said in summary, we've left it up to further clarify for the next meeting; however, we want Ex Officio members, we want them identified in the code, we want the flexibility for whether they be policy or staff; yet, there's a strong inclination they be staff, possibly from Caltrans and/or GGBH&TD. Our staff will come back with modified language for next meeting.

Article III: Item #103.5 – Dean Powell said staff revisited this issue with County Counsel, whose advice was there is no provision in the governing laws that would allow the Authority to alter the voting requirements. *Section 180102 of the PU Code establishes that a majority of the Authority Commissioners constitutes a quorum, and that all official acts of the Authority require an affirmative vote of the majority of the Authority Commissioners.* Staff and County Counsel recommend to not change the voting requirements to be proportional. It takes (a minimum of) 9 votes to pass any action; that's State Law. Member Alternates will also be available.

Commissioner Eklund reported the Novato City Council was unanimous in saying each jurisdiction should get one vote, and not each member. How does County Counsel's guidance affect this? Dean Powell explained there is nothing in the Governing Code sections that would allow us to change these voting requirements under Section 180102. County Counsel advised us not to make any changes.

Commissioner Eklund said this Board formed the Authority with 5 Supervisors and 11 representatives from the cities, and we were going to talk about whether each jurisdiction gets a vote or each member of the Board gets one vote and each member of a city gets a vote. She said she needs to go back to her city council with this information.

Commissioner Adams says it's okay to have each member have a vote. We're all one body working on regional County issues; if cities decided all 5 supervisors were going awry, the 11 cities could have a

power play and make another decision with a majority vote. You still could have a quorum with all of the cities present, and none of the Supervisors present. West Marin does not really have a city.

Commissioner Boro responded to Commissioner Adams by saying she represents geographical areas that include cities, and she represents people in those geographical areas, which we in the cities do not represent. He said it's important that each of you as elected County Supervisors have a voice in this to represent people in your districts which you represent, just as city representatives represent the people in their cities and towns. We would disenfranchise those people who live in the County who would not be represented here, by their representatives if only a 'jurisdiction' were allowed one vote.

Regarding the Ross Valley Supervisorial District, Commissioner Lundstrom said the unincorporated areas of Kentfield, Greenbrae, and Sleepy Hollow have 16,000 residents; more than any city or town in Ross Valley. To disenfranchise that number of people by not having representation from the Supervisor, is unacceptable.

Commissioner Eklund said the Governance Committee had been meeting since March/April, when it first started talking about this issue. This was an outstanding issue since then. As to whether each of the 5 Board of Supervisors would have their own vote, or, each jurisdiction would get one vote. If the opinion of the County Counsel had been raised earlier, this would not still be an outstanding issue for the Governance Committee.

In summary, Chair Kinsey said 103.5 would indicate that Board of Supervisors each will have one vote, and that the quorum will be 9, by State Law.

Article IV: Items 104.1a (we'll come back to at another meeting), 104.5, 104.1, 104.6 (Commissioner Fredericks said we must be consistent with this, and Item #19, Article II), and Section 104.3 needs more discussion.

104.2b(1) An Executive Committee is appropriate. There are opportunities to create other committees, as well. Novato City Council voted 5/0 to not have an Executive Committee, and instead have other standing committees, such as financial and planning. Commissioner Eklund said an Executive Committee has extreme power, and she has seen where the Executive Committee has made decisions that are not brought to the full board.

Commissioner Lundstrom said TAM staff is limited, and the more committees we set up, the more staff hours will be expended. We would need to define various committees' purview; this is difficult. An Executive Committee is needed and useful. Later down the line, we can add or subtract committees.

Commissioner Fredericks said an Executive Committee operates to focus issues. We have an opportunity to bring all of issues on the table before the largest group. If we begin fractionating into multiple standing committees, we're not going to have as much input. The bylaws allow us to revisit standing committees anytime.

Commissioner Breen said historically, Executive Committee meetings work well. The public's invited to participate and they do. Keep the Executive Committee in place.

Commissioner Tremaine said the Executive Committee's geared to having 2 members of the Board of Supervisors on it; he wondered why that is. Selecting from the cities is a concern.

Chair Kinsey said how to get geographic representation for West Marin is to have a Supervisor because there are no cities or towns in the West. Unless you were to just dedicate the Chair to always be from West Marin, you are going to have to leave some opportunity for West Marin to get represented.

Commissioner Swanson urged the Authority to hold Executive Committee meetings at times more accessible to the Committee members. The Board of Supervisors work full time; many of the people who work on city councils have full time jobs, and cannot attend during the day. You may run the risk of setting up a surrogate board.

Commissioner Boro suggested the Executive Committee should decide when all members can attend. Calling for geographic balance is important, rather than being explicit about Supervisorial representation.

Commissioner Murray stated that the tone of the conversation was saddening. We have always had a consensus-based operation and it has not been cities vs. County, we've tried to work together. It seems as though we are trying to do worse case scenario, setting up a level of lack of cooperation and collaboration that has always been the values that we have operated under. This is disturbing to see us to move in the direction where we are putting all these fences up to prevent something that has never happened in our history. We are a small County; we have to work together. We do not have a choice about this. Let's not try to divide ourselves; let's look for ways to unify ourselves.

Chair Kinsey surmised by saying although it's not unanimous, we want an Executive Committee, and we want to have geographic representation. He felt an Executive Committee is appropriate and necessary. The provisions that we have here allow for us to create additional standing committees. It does not diminish the points made about the value of the other committees suggested.

Paul Albritton said that with a $50 million annual budget, this group is going to change. And, whereas an Executive Committee has worked well, this group will need to have a great deal of transparency in that there will be expertise that's developed, such as in the Senate and the House of Representatives. He said we should move to committees of expertise. He would argue against the idea of an Executive Committee.

Commissioner Eklund wished to go on record as opposing the Executive Committee formation.

Commissioner Belser said Paul Albritton's idea was not raised at the Sausalito City Council, and yet it is a valid view. However, we have been working under this design for some time now with great success. To disturb this on a new venture would be a mistake; it does not exclude additional committees at any time.

Article V: None

Article VI: None

Article VII: Commissioner Boro questioned, under Conflict of Interest, the document referring to the Political Reform Act and the documents the TAM Board is required to fill out. Commissioner Boro asked if this is in addition to what is already there. Commissioner Lundstrom said the Committee took this piece verbatim from another entity. Dean Powell explained this was the one specific section drafted entirely by the Marin County Counsel, drawn from the Contra Costa County model.

Commissioner Adams commented as per FPPC regulations, if you are only governing on city council types of issues, you only have to report on those issues within your city wherein you might have conflict of interest. On the regional boards she participates on, Commissioner Adams said she has to report on a second form, a more expanded report that would include any investments, or partnerships that she may have in other areas where she may be making decisions at the regional body. She suggests Commissioner Boro file the broader form that would cover his most expansive regional relationship and then have it apply to all other local restricted bodies that he's working on.

Dean Powell explained that it may be redundant, yet it has to appear in the AC. As long as board members fill out their disclosure forms for whatever agencies they sit on, that meets the requirements for this agency. Staff will clarify the question with counsel.

Article VIII: None

Article IX: None

Chair Kinsey asked that we not pursue a first reading motion this evening. We will come back to it next month.

8) Review Preliminary FY 2004-05 Proposed Budget

Executive Director Craig Tackabery briefly went over the budget discussion he had with the Marin Managers this morning. The budget is very tight. The attached memo gives the formula for city/town/county contributions. For a consulting pool for the next year, we have approximately $20,000. We won't have a lot of opportunity to hire planning consultants. We have a more formal process now that we are an Authority. It requires a Notice of Public Hearing, and the budget must be available 15 days in advance. We will comply with all of the requirements and schedule the budget for action at the June meeting.

9) Open Time for Items Not On the Agenda

None.

Chair Kinsey adjourned the TAM meeting at 10:45 p.m.