

SPECIAL MEETING OF THE
TRANSPORTATION AUTHORITY OF MARIN
TAM

July 9, 2018
3:30 PM

TAM OFFICE
900 FIFTH AVENUE
SAN RAFAEL, CALIFORNIA

MEETING MINUTES

Members Present:

Stephanie Moulton-Peters, Mill Valley City Council, TAM Chair
Alice Fredericks, Tiburon Town Council
Brian Colbert, San Anselmo Town Council
Damon Connolly, Marin County Board of Supervisors
Dan Hillmer, Larkspur City Council
Dennis Rodoni, Marin County Board of Supervisors
Eric Lucan, Novato City Council
Gary Phillips, San Rafael City Council
James Campbell, Belvedere City Council
Katie Rice, Marin County Board of Supervisors
P. Beach Kuhl, Ross Town Council
Ray Withy, Sausalito City Council
Stephanie Moulton-Peters, Mill Valley City Council, TAM Chair

Members Absent:

Judy Arnold, Marin County Board of Supervisors, TAM Vice Chair
James Andrews, Corte Madera Town Council
John Reed, Fairfax Town Council
Kathrin Sears, Marin County Board of Supervisors
Ray Withy, Sausalito City Council

Staff Members Present

Dianne Steinhauser, Executive Director
Bill Whitney, Principal Project Delivery Manager
Dan Cherrier, Principal Project Delivery Manager
David Chan, Manager of Programming and Legislation
Derek McGill, Planning Manager
Li Zhang, Chief Financial Officer
Nick Nguyen, Deputy Executive Director
Molly Graham, Public Outreach Coordinator
Scott McDonald, Senior Transportation Planner

Chair Moulton-Peters called the meeting to order at 3:30 p.m.

1. Open Time for Public Expression

None.

2. Adopt finding of CEQA Exemption on Adopted Final Sales Tax Renewal Expenditure Plan and authorize Filing/ Posting of Notice of Exemption (Action)

ED Steinhauser presented this report which recommended that the TAM Board adopt the finding that the Adopted Final Sales Tax Renewal Expenditure Plan unanimously approved by the TAM Board April 26th 2018 is exempt from CEQA pursuant to CEQA Guidelines, Title 14 California Code of Regulations, Section 15060, Section 15061, and Section 15378, and once the finding is approved, to file/ post Notice of Exemption (NOE) for required 35 days, per CCR Title 14, Section 15062.

The Executive Director reviewed the process for the sales tax renewal expenditure plan which included adoption of the plan at the TAM Board meeting of April 26. After that meeting, staff went before all 11 local councils to seek approval of the plan. Staff will present to the 12th council in Sausalito on July 17 to seek their approval. She noted that the purpose of today's meeting is to seek the TAM Board's finding of CEQA exemption on the adopted final sales tax renewal expenditure plan and that the Board authorize the filing of the Notice of Exemption in accordance with CEQA guidelines. She commented that staff has been in consultation with County Counsel as well as outside counsel regarding this action and are in concurrence with this action.

She noted that this plan is not a project as defined in CEQA Guidelines Section 15378 and is, therefore, not subject to CEQA requirements. She added that the projects and programs included in the plan will be required to meet all CEQA requirements before proceeding and is indicated so in the Plan. She went on to say that the Plan provides an eligibility framework for projects and programs but does not constitute direct authority to proceed.

Chair Moulton-Peters asked and staff confirmed that CEQA exemption is not applicable because the Plan is not a project under CEQA.

ED Steinhauser added that a copy of the resolution formalizing this finding was provided to the Board/public prior to the start of today's meeting and that the staff recommendation is to approve this resolution.

Commissioner Rice asked and ED Steinhauser confirmed that a similar exemption was filed in 2004 when the original ½-cent transportation sales tax - Measure A - was placed on the ballot.

Commissioner Rice asked and ED Steinhauser confirmed that other transportation agencies have had a similar understanding of the law when they sought a similar tax.

Commissioner Phillips noted that he spoke with his city manager who concurred with information provided by the executive director.

The Chair opened this item to the public for comment.

ED Steinhauser reported that a letter was received in TAM's office earlier today from TRANSDEF and that copies have been made available to the board and the public seated in the audience.

David Schonbrunn of TRANSDEF stated that the expenditure plan lacks any effort which focuses on reducing transportation greenhouse gas emissions which is a tacit denial of the existence of climate change. He stated that the letter that he submitted earlier today provides a legal basis to overturn the expenditure plan's purported eligibility to apply for a CEQA exemption. TRANSDEF alleges that the plan will result in a significant environmental impact by impeding the State's effort to reduce GGE by 40% by 2030. He noted that TRANSDEF wants to see TAM take a leadership role in climate change. He urged the Board to vote against the staff recommendation.

Seeing no other members of the public wishing to speak, the Chair closed this item to public comment.

Commissioner Hillmer stated that while he agrees with the public speaker's goal of GGE reduction, he said that voting in opposition to staff's recommendation would lead to gridlock on Marin's major freeway which would generate even more pollutants. He said he will vote in support of the staff recommendation but will look forward to a discussion by the Board of climate change and adaptation strategies which he feels is very important.

Commissioner Phillips agreed with Mr. Schonbrunn's concern about climate change but stated that the action requested of the Board which is to address the expenditure plan's exemption from CEQA. He added that any projects or programs that may develop as a result of the plan will be examined under CEQA as is appropriate. He finalized his comments by indicating his support of the staff recommendation.

Chair Moulton-Peters said that climate change is important to her and that flexibility has been built into the expenditure plan to allow jurisdictions to move forward with their own greenhouse gas reducing strategies and have provided for those. She stated that she'll be voting in support of the recommendation.

Commissioner Phillips moved to adopt the finding that the Adopted Final Sales Tax Renewal Expenditure Plan unanimously approved by the TAM Board April 26th 2018 is exempt from CEQA pursuant to CEQA Guidelines, Title 14 California Code of Regulations, Section 15060, Section 15061, and Section 15378, and once the finding is approved, to file/ post Notice of Exemption (NOE) for required 35 days, per CCR Title 14, Section 15062. Commissioner Fredericks seconded the motion. It was passed unanimously.

The meeting was adjourned at 3:45.

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