



MEETING OF THE
TRANSPORTATION AUTHORITY OF MARIN
TAM

JULY 10, 2017
2:30 PM

MARIN COUNTY CIVIC CENTER, ROOM 330
3501 CIVIC CENTER DRIVE
SAN RAFAEL, CALIFORNIA

MEETING MINUTES

Members Present:

Stephanie Moulton-Peters, City of Mill Valley, TAM Chair
Judy Arnold, Marin County Board of Supervisors, TAM Vice Chair
James Campbell, Belvedere City Council
Damon Connolly, Marin County Board of Supervisors
Alice Fredericks, Tiburon Town Council
Diane Furst, Corte Madera Town Council
Dan Hillmer, Larkspur City Council
Eric Lucan, Novato City Council
Gary Phillips, San Rafael City Council
Kathrin Sears, Marin County Board of Supervisors
John Reed, Fairfax Town Council
Katie Rice, Marin County Board of Supervisors
Ray Withy, Sausalito City Council

Members Absent:

P. Beach Kuhl, Ross Town Council
Tom McInerney, San Anselmo Town Council
Dennis Rodoni, Marin County Board of Supervisors

Staff Members Present

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

Chair Moulton-Peters called the meeting to order at 2:30 p.m.

1. Convene in Open Session

2. Adjourn to Closed Session

Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation
There is significant exposure to litigation against the Agency pursuant to Government Code section 54956.9(d)(2)
Number of Cases: 1

3. Reconvene in Open Session – Announcement

Chair Moulton-Peters reported that a Closed Session was held, with nothing to report out at this time.

4. Chair's Report (Discussion)

In the interest of time, Chair Moulton-Peters indicated she would waive her regular report.

5. Commissioner Matters Not on the Agenda (Discussion)

There were none.

Chair Moulton-Peters asked whether the Commission would consider tabling their usual monthly reports on Marin Transit, SMART and the Metropolitan Transportation (MTC).

Commissioner Fredericks moved to table the usual Commissioner reports on MTC, Marin Transit, and SMART. Commissioner Arnold seconded the motion, which was unanimously approved.

6. Executive Director's Report (Discussion)

Executive Director (ED) Dianne Steinhauser reported on TAM's recent participation at the county fair, Regional Measure 3's proposed toll increase embodied in SB 595 and its upcoming public hearing as well as efforts to get the bill before the governor during this session, a briefing hosted by Senator Mike McGuire regarding HOV (high occupancy vehicle) lane hours, and the upcoming meeting of TAM's Expenditure Plan Advisory Committee.

a. Richmond – San Rafael Bridge Third Lane and Multi-Use Path Report

ED Steinhauser also reported on the status of the San Rafael Bridge projects noting that the third lane is scheduled to open in December.

There was no public comment on the Executive Director report.

7. Commissioner Reports (Discussion)

As previously noted, the Commission voted to table the normal monthly Commissioner reports.

a. Metropolitan Transportation Commission (MTC) Report

Item tabled.

- b. Marin Transit Report

Item tabled.

- c. SMART

Item tabled.

8. Open Time for Public Expression

Cindy Winters discussed the future of driverless cars and the overall impacts on commute traffic.

Commissioner Sears left the meeting.

9. CONSENT CALENDAR (Action)

- a. Approve TAM Board Minutes of June 1, 2017
- b. Authorize San Rafael to exchange Transportation Sales Tax (Measure A) Funds from the Grand Avenue Bridge Project with One Bay Area Grant (OBAG) Funds from the Francisco Boulevard West Multi-Use Path
- c. Allocate Transportation Sales Tax (Measure A) to Marin County for the Sir Francis Drake Rehabilitation Project in West Marin
- d. Update Revenue Projections for the Transportation Sales Tax (Measure A) Strategic Plan

There was no public comment on the Consent Calendar.

Vice Chair Arnold moved to approve the Consent Calendar. Commissioner Hillmer seconded the motion, which was approved unanimously.

10. First Steps Toward Becoming CalPERS Employer (Action)

Renee Brewer and Brian Case, members of the County of Marin's County Counsel office who serve as General Counsel to TAM presented this item which recommended to the TAM Board to:

- a. Adopt the Resolution of Intention for TAM to enter into a contract with CalPERS for retirement benefits (Action)
- b. Authorize Board President to Execute Reallocation Agreement and Instruct the Office of the County Counsel to present the Signed CalPERS Reallocation Agreement to Local Government Services (LGS) Executive Director Richard Averett and to set a 14-day (July 24, 2017) deadline for response (Action)
- c. Authorize the Office of the County Counsel to hire outside human resources consultant for retirement issues (Action)
- d. Direct the Office of the County Counsel to seek to renegotiate contractual relationship with LGS and RGS to provide for changes to CalPERS contracting advances (Action)

Mr. Case presented the staff report, discussing the current contract with Local Government Services (LGS), originally for Executive Director position and then expanded to include others as the agency grew. He noted that a CalPERS audit of LGS occurred and the final report issued in April 2017 which determined that LGS is not and never was eligible to enroll employees in CalPERS and, therefore, none of TAM staff should have been enrolled or are eligible for CalPERS membership. He reported that CalPERS notified staff that their service credit was at risk but could be preserved through a reallocation agreement whereby an employee's service earned while at LGS would be transferred to TAM, a new CalPERS member agency. Mr. Case reviewed a number of recommended actions as indicated in the staff report.

Chair Moulton-Peters discussed a letter she received from Dick Tait, a resident of Mill Valley, and she indicated copies were provided to the full Board prior to the start of this meeting.

For the record, Commissioner Furst disclosed that she is on the board for the Central Marin Police Authority and that the Authority contracts with Regional Government Services (RGS) for certain human resources services but that her role does not represent a conflict of interest in this issue. Chair Moulton-Peters disclosed that the City of Mill Valley also contracts with RGS for certain human resources services. Commissioners Phillips disclosed that the City of San Rafael contracts with RGS for certain human resources services. Commissioner Reed disclosed that the Town of Fairfax contracts with RGS for certain human resources services.

In response to further remarks by Commissioner Phillips regarding costs involved with the recommendation to hire a human resources consultant as well as other costs associated with this matter and if TAM could seek reimbursement from LGS, Mr. Case said that County Counsel's office would consider this and would consult with the TAM Board in a closed session setting to discuss that.

Vice Chair Arnold moved to approve the four recommendations, and Commissioner Fredericks seconded the motion.

Commissioner Furst expressed appreciation to the County Counsel for their work on this issue, especially given the importance and complexities of the matter. She explained how much clearer her understanding of the decision made by CalPERS and the Attorney General's office that TAM's employees should have been TAM employees all along. She noted that the clarity she received helped to inform her regarding how to look at the issue. She added that by becoming a CalPERS agency all employees become CalPERS members under TAM's umbrella which is how the agency should have been structured from the beginning. She finalized her comments by stating that her vote is based on how this- the agency can rectify what should have occurred many years ago and that she views this as a "housekeeping" action with little flexibility on the Board's part to handle it differently.

Mr. Case added the key factor for the determination was that TAM controls the manner and methods of the work done by the employees who sought employment through LGS.

Commissioner Phillips expressed, first, that he would be voting in support of the four recommendations but suggested that a letter crafted by the Chair to the staff to express the Board's appreciation for their good work as well as the Board's intention to abate the uncomfortable situation regarding staff's potential loss of service credit. Secondly, he stated he would like the Board to consider, at a future date, the possibility of the payoff of unfunded liabilities.

Commissioner Fredericks supported comments made by Commissioner Furst and added that, as a long-standing member of this Board, she confirmed that it was always the intention of TAM to find the most cost-efficient way to provide CalPERS benefits and that there is no change as to the intention or impact by approving the recommended actions.

Chair Moulton-Peters commended County Counsel as well, expressing confidence that County Counsel will work through the next steps in the process together with TAM's HR Ad Hoc Committee.

The motion for approval carried unanimously.

11. Release Strategic Vision Plan Draft for Public Review (Discussion)

ED Steinhauser introduced the item, noting that Planning Manager Derek McGill would present the staff report.

Mr. McGill noted that the Strategic Vision Plan Draft had been received and printed by TAM earlier this day, acknowledging there are some typos in the report that will be corrected before being distributed to a wider audience. He reviewed the different components contained in the draft, the length of the public review and comment period, and the broad distribution of the draft. He also highlighted especially Chapter 5 – Moving Forward, which includes up-to-date information on SB 1.

In response to a question from Commissioner Withy regarding the start date of the 60-day comment period, Mr. McGill stated that staff intended to release the draft document for comment later in the week with September 22 being the deadline for submitting comments. Commissioner Campbell asked for the data source for the information on congestion contained in Table 7 on page 28, questioning the validity that there is no congestion in the afternoon from the Golden Gate Bridge to San Rafael Avenue. Mr. McGill indicated that was one of the areas that needs to be reviewed and corrected before it is released.

ED Steinhauser confirmed that staff will pore through the document carefully before it is released. Commissioner Rice asked, and staff also confirmed the draft will come back to the Board for further review after the public comment period is over.

Commissioner Hillmer asked if staff would place a label of his jurisdiction, the City of Larkspur, on the map.

Chair Moulton-Peters thanked the Board and staff for their hard work for this meeting.

The meeting was adjourned at 4:15 p.m.