

MARIN COUNTY COUNCIL OF MAYORS AND COUNCILMEMBERS
Mayors Select Committee
AGENDA

Wednesday, January 25, 2017
Hosted by the Town of Fairfax
Fairfax Community Center
16 Park Road, Fairfax, CA 94930

(Note: Different Location than MCCMC Meeting)

5:30-6:00 PM Mayors Select Committee – Committee consists of Mayors of 11 cities and MCCMC Executive Committee*

1. **Welcome and Purpose of Meeting:** President Sloan C. Bailey
2. Nomination for California Coastal Commission, North Central Coast Representative

Discussion and possible action regarding nominee(s) for appointment to the California Coastal Commission.

Attachments:
 - 2.a Letter from State of California Senate Rules Committee dated 12/19/16
 - 2.b Letters of Interest received from Barbara Coler, Fairfax, and Kevin Haroff, Larkspur.
3. Adjourn

SUPPLEMENTAL INFORMATION:

<u>CALIFORNIA COASTAL COMMISSION (APPOINTED BY SENATE RULES COMMITTEE)</u>	<u>TERM</u>
Marin County Supervisor Steve Kinsey	5/20/11 - 2019
MCCMC & City Selection Committee recommended Supervisor Kinsey (3/23/11)	
Past representatives:	
Sonoma County Supervisor Mike Reilly	5/21/07 - 3/09
San Francisco Supervisor Ross Mirkarimi	3/09 – 5/20/11

Senate Committee on Rules appoints one member and one alternate from North Central Coast Region (Sonoma/Marin/San Francisco). Board of Supervisors and the City Selection Committee in each County nominates one or more supervisors or councilmembers. Terms are for four years at the pleasure of the appointing power.

DESCRIPTION OF CITY SELECTION COMMITTEE:

All City/Town Mayors [San Rafael Mayor is usually elected Chair]

The City Selection Committee of Marin operates under the powers vested in the Committee by Article II (commencing with Section 50270*) of Chapter I, Division I, Title 5 of the California Government Code. Regular meetings are held immediately following the regular meetings of MCCMC. The Committee, annually in April, shall elect a Chair and Vice-Chair.

*50270. In any county in which two or more cities are incorporated there is hereby created a city selection committee the purpose of which shall be to appoint city representatives to boards, commissions, and agencies as required by law. The membership of each such city selection committee shall consist of the mayor of each city within the county.

POLICIES OF THE MAYORS SELECT COMMITTEE – ADOPTED 3/28/2007:

Membership: The currently sitting Mayor of each of the 11 cities represented in MCCMC and the Executive Committee of MCCMC.

Chair: The Chair of the Mayors Select Committee will be the current President of MCCMC.

Quorum: Two-thirds of the current sitting Mayors of the Member cities of MCCMC.

Meetings: Meetings may be called by the President of MCCMC, subject to ability to call a quorum.

Purpose:

- a. to form a consensus on issues immediately and directly affecting the interests of MCCMC member cities for which there is no current forum and to bring a recommended advocacy action to the full MCCMC membership.
- b. to formalize the consensus by a vote of the membership of MCCMC at a meeting called as allowed under the by-laws.
- c. to communicate that formalized consensus to the appropriate local or regional agencies or legislative bodies charged with authority to effectively act in the interest of the cities.

Agenda Criteria: Agenda would be limited to city wide and/or more regional issues directly and immediately affecting Marin Cities for which there is no other MCCMC forum.

Procedure: Upon vote of at least 2/3 of the members of Mayors Select Committee who are current mayors, the proposed advocacy actions will be brought for vote to the full body of MCCMC. If no consensus is developed on the need to bring the issue forward or about the proposed action, MCCMC President will report that finding to MCCMC at the next scheduled meeting.

VICE-CHAIR
ANTHONY CANNELLA
MEMBERS
TOM BERRYHILL
CONNIE M. LEYVA
HOLLY J. MITCHELL

CALIFORNIA LEGISLATURE



DANIEL ALVAREZ
SECRETARY OF THE SENATE
ANNETTE L. FORINI
APPOINTMENTS DIRECTOR
LEONOR EHLING
CHIEF DEPUTY DIRECTOR
LISA MATOCQ
DEPUTY DIRECTOR

SENATE RULES COMMITTEE

KEVIN DE LEÓN
CHAIR

December 19, 2016

Councilmember Sloan Bailey, Chair
Marin County City Selection Committee & MCCMC
c/o Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925

Dear Councilmember Bailey:

This letter is to request nominations by the Marin County City Selection Committee for an appointment to the California Coastal Commission pursuant to Section 30301.2 of the Public Resources Code. This provision requires the Rules Committee to ask for names of one or more supervisors and one or more mayors or city council members from the Counties of Marin, San Francisco, and Sonoma.

Please submit your list of nominees to me at the address listed on the bottom of this letter within 45 days of receipt of this request. If you have any questions concerning the nomination or selection process, please contact Lisa Matocq, Senate Rules Committee Appointments Deputy Director, at the phone number listed below.

Sincerely,

A handwritten signature in cursive script that reads "Kevin de León".

KEVIN DE LEÓN
President pro Tempore
Twenty-Fourth Senate District

KDL:lm

cc: Rebecca Vaughn, Town Clerk

By email to Sloan Bailey at sloancbailey@yahoo.com

January 18, 2017

President Sloan Bailey
Marin County Council of Mayors and Councilmembers (MCCMC)

RE: Letter of interest for the California Coastal Commission (North Central Coast Representative)

Dear President Bailey,

I am writing in response to your request for solicitation for letters of interest for the California Coastal Commission (North Central Coast Representative). I understand that the MCCMC will be submitting a nomination to the California Senate Rules Committee. I respectfully request consideration by the MCCMC for the nomination.

As background, the Coastal Commission, in partnership with coastal cities/counties, plans and regulates the use of land and water in the coastal zone. Two other agencies play an important role, the Bay Conservation and Development Commission (BCDC, who has sole jurisdiction over the San Francisco Bay) and the Coastal Conservancy (purchases, restores, protects, and enhances coastal resources); these three agencies administer the federal Coastal Zone Management Act. The Coastal Commission is committed to protecting the ocean and coast and does so through planning and regulation of environmentally sustainable development, rigorous science, public participation, education and intergovernmental coordination.

My background and experience make me particularly well-suited for the appointment. I am a scientist with decades of experience creating and implementing environmental programs. I have been extremely effective working at and with all levels of government and a multitude of stakeholders (and ensuring meaningful public participation in all programs) to achieve the goals and mission of the respective programs. I created the State's brownfields programs, which were developed to ensure environmentally sustainable reuse/redevelopment of formerly contaminated properties throughout the State of California. Adhering to rigorous scientific principles, employing active public outreach, ensuring projects "fit" the local community's needs, and negotiating amongst public and private stakeholders were critical to our success. Among other things, I also developed the legislation and infrastructure for the State's schools program, the first of its kind in the nation, a program to ensure that public schools are built on environmentally safe properties. Creating the program required legislative hearings, coordinating with school districts, state and local agencies and the public. I have substantial experience coordinating and negotiating with diverse public/private interest groups and all levels of government to resolve controversial and complex technical and policy issues. Over the last four years, I have been a Councilmember and Former Mayor for the Town of Fairfax, and, while it is a small town, I believe we have the most engaged community in Marin County. Decisions I have rendered or proposed for the Council involve the same principles of the Coastal Commission - planning and regulation of

environmentally sustainable development, rigorous science, public participation, education and intergovernmental coordination. I have enclosed my resume for further information.

Thank you, the Mayors and the greater MCCMC for your consideration as the Coastal Commission nominee to the Senate Rules Committee. If you have questions, please contact me at (415) 450- 7860 or at barbaracoler@gmail.com.

Sincerely,

A handwritten signature in blue ink that reads "Barbara Coler". The signature is fluid and cursive, with the first name "Barbara" and last name "Coler" clearly distinguishable.

Barbara Coler
Councilmember
Town of Fairfax

The opinions expressed in this email are those of this individual Council Member and are not representative of the entire Council or Town of Fairfax unless otherwise stated.

cc: Rebecca Vaughn, Secretary MCCMC
By email to mccmcsecretary@gmail.com

BARBARA COLER, 14 Ace Court - Fairfax, California, 94930 - Mobile (415) 450-7860

Email bcoler@townoffairfax.org or barbaracolergmail.com

PROFILE

Local agency service: Councilmember/Former Mayor, Town of Fairfax. Boards – Marin Clean Energy; Marin Telecommunications Agency; Community Media Center of Marin (PEG channels); Countywide Community Development Block Grant. Fairfax Committees – Affordable Housing; Climate Action; Measures A, C & J; Open Space liaison. Member: Marin County Council of Mayors and Councilmembers (MCCMC). Prior service - Fairfax Planning Commission and Fairfax Open Space Committee.

Thirty plus years of experience at all levels in the creation, development and implementation of environmental programs: California's Superfund, Brownfields (redeveloping contaminated properties for productive reuse) and federal/state hazardous waste and air quality/climate change programs. As Division Chief, directed multidisciplinary staff in the development/implementation of diverse and complex regulatory programs.

Extensive experience developing strategic vision(s) for program priorities, effectively communicating objectives, and ensuring that the vision is fully implemented by the management team and staff. Decades of experience in regulatory policy, legislation development, hazardous waste site assessment/remediation, environmental monitoring, air quality enforcement, public outreach and facilitation of meaningful public involvement.

Developed extensive contacts among key external stakeholders such as elected officials, legislative staff, regulatory agencies, industry representatives, lending institutions, community groups, environmental attorneys and environmental consultants. Substantial experience coordinating and negotiating with diverse stakeholder interest groups to resolve contentious and complex technical and policy issues.

EXPERIENCE

COLER ENVIRONMENTAL CONSULTING, LLC

2014 – Current

The firm is a one-person shop which provides solutions on environmental matters. Current: Ms. Coler has been serving as the Administrator of the California Air Pollution Control Officers Association (CAPCOA) Greenhouse Gas Emissions Reduction Exchange (GHG Rx) since September 2014. The GHG Rx is a registry and information exchange for GHG offset credits designed specifically to benefit localities within the State of California.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT (BAAQMD)

Air Quality Program Manager

Compliance & Enforcement Division

February 2009 – October 2013

Manager responsible for enforcement of air quality regulations to meet federal and state air attainment standards for the nine Bay Area counties within the jurisdiction of the Air District. Led strategic initiatives for air quality program development by combining compliance assistance and enforcement approaches. Developed and implemented the first comprehensive mobile source enforcement program for an air district in California. CAPCOA Climate Protection Committee Enforcement Manager representative; served on several AB32 implementation workgroups. Key collaborator for development of CAPCOA – Air Districts' Greenhouse Gas Emission Reduction Exchange. Primary division lead for the District's Wood Smoke Program to reduce fine particulate emissions. Manager responsible for leading, directing, planning, prioritizing and organizing the activities of multidisciplinary staff working in the Division.

CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)

Senior Policy Advisor

Office of Data Evaluation and Environmental Indicators

April 2007 – January 2009

Senior Policy Advisor in DTSC's Office of Data Evaluation and Environmental Indicators. The Office served to identify data gaps and future research needs for performance management, environmental indicators and other emerging issues. As the mission and structure of DTSC evolved from "cradle-to-grave" to "cradle-to-cradle," to use of balanced scorecard/performance measurement, to a focus on green chemistry, among other initiatives, the Office led efforts to transparently communicate scientific information and develop data management tools for

both internal and external stakeholders. Ms. Coler managed primary environmental information management contracts, with major objectives to increase transparency and accessibility of DTSC's actions. Ms. Coler led initiatives on climate change and resource strategy matters, in addition to developing grant proposals to fund key initiatives of the Office and the DTSC Director.

Career Executive Assignment II - Division Chief

Permitting and Corrective Action Division

May 1, 2003 – April 2007

Statewide position responsible for the technical, administrative and fiscal management of approximately 130 division staff housed in DTSC's four regional office locations. DTSC is authorized by U.S. EPA to implement the Resource, Conservation and Recovery Act (RCRA) program in California, a primary component of the division's mission. Responsible for leading, directing, planning, prioritizing and organizing the activities of a multidisciplinary staff working within this complex regulatory program. Oversaw managers and staff responsible for permitting facilities to treat, store, dispose and transfer hazardous waste in accordance with federal, state and local laws. Permitting responsibilities included assuring these facilities met requirements for environmental safety, financial assurance, and environmental monitoring. As Division Chief, also responsible for corrective action and closure, including the long-term maintenance for more than 300 closed hazardous waste facilities (and generating revenue of more than \$3 million in cost reimbursement per year to support staff work). Significantly increased productivity (~ 300% increase) and timeliness (reduced from average of about 4.5 years to 2+ years) while ensuring environmentally protective permitting of hazardous waste facilities.

In October 2004, Ms. Coler was awarded a U.S. EPA Leadership Award for Corrective Action Environmental Indicators (EIs). As a result of her leadership, her Division received awards from U.S. EPA for achieving its targets for EIs, permits and corrective action milestones in 2004, 2005 and 2006. Ms. Coler represented Region 9 States on U.S. EPA's RCRA 2020 Corrective Action Initiative national workgroup. As a key member of the group, Ms. Coler was a leader in developing national policy to implement this component of the RCRA 2020 vision. Ms. Coler also represented California and Region 9 States on the Association of State and Territorial Management Officials' (ASTSWMO) Corrective Action and Permitting Task Force.

At request of the then DTSC Director, Ms. Coler acted as the lead negotiator with a responsible party (PRPs) group (of over 25 members) to takeover and assume financial responsibility for operations at a hazardous waste landfill in Southern California. Under Ms. Coler's direction, DTSC was able to affect a voluntary agreement with the parties for monthly payments for operations of the landfill systems resulting in multimillion dollar savings/recovery for DTSC. Under her leadership, a Consent Decree was signed in early 2006, and the PRPs assumed lead on the landfill operations.

Career Executive Assignment II - Division Chief

Statewide Cleanup Operations Division

July 1994 – April 2003

Statewide position responsible for the technical, administrative and fiscal management of approximately 120-150 division staff housed throughout California. Responsible for leading, organizing, planning, directing and prioritizing the activities of multidisciplinary staff and multi-layered management team to develop and implement innovative, diverse and complex regulatory programs and initiatives. Oversaw all activities pertaining to site identification and prioritization; revenue generation through cost recovery; assessment and remediation of most DTSC and Federal Superfund sites; assuring meaningful public involvement; and allocation and expenditure of orphan site funding. Responsible for staff and monetary resource budgeting for the division including several major federal grants.

- Established DTSC's overall Brownfields program providing several tools to encourage and facilitate contaminated site reuse. Broad and substantial experience working with representatives from community groups, environmental organizations and private industry in developing and maintaining the program. Effectively communicated program objectives in non-technical terms to diverse stakeholder

interest groups.

- Led and directed staff in formalizing the Voluntary Cleanup Program to foster environmentally sound redevelopment and/or revitalization of Brownfields and other contaminated properties.
- Led Total Quality Management (TQM) Team to develop DTSC's Prospective Purchaser policies, aimed at fostering Brownfields reuse while protecting human health and the environment.
- Completed DTSC's "site" database validation project, deleting approximately 24,000 invalid listings which resulted in removing the economic devaluation by the environmental stigma for these properties.
- Key DTSC representative regarding State Superfund Statute Reauthorization.
- Developed legislation and infrastructure for DTSC's environmental schools program; the first of its kind in the nation. Involved diverse stakeholder groups to resolve contentious and complex technical and policy issues while developing the program.
- Represented California and the National Governor's Association (NGA) on key legislative debates regarding Federal Superfund Reform; testified on behalf of Governor Wilson and NGA before the U.S. Senate Environment & Public Works Committee.
- Chair of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) Brownfields Task Force for eleven years. Leader on national policy regarding voluntary cleanup, Brownfields redevelopment and Superfund cleanup. Also represented California on ASTSWMO's CERCLA Committee which developed national policy in conjunction with U.S. EPA. Chaired and developed five ASTSWMO Voluntary Cleanup/Brownfields Symposia for all States and U.S. EPA.
- Listed by CA Department of Justice as Expert Witness on the federal National Contingency Plan.

Montrose Site settlements – In partnership with U.S. EPA, with the California Department of Justice, Ms. Coler acted as the lead negotiator for the State of California with the Montrose PRPs (“the DDT dischargers”). Three significant settlements were achieved under her leadership for the Montrose site in Southern California. The first 2002 Consent Decree settled the Natural Resources Damages lawsuit and CERCLA claims against the Montrose entities - the companies paid \$73 million to cleanup DDT contamination and restore the ocean environment off the coast of Palos Verdes. The latter two Consent Decrees settled the liability of the PRPs for the surface water pathway from the Montrose site and the residential neighborhood, resulting in payments of nearly \$2.5 million and a savings of more than \$10 million for the residential cleanup.

Previous Positions

In addition to other DTSC management positions, Ms. Coler served as a project manager responsible for cleanup of regional groundwater sites in Southern California. She was an environmental consultant at the Savannah River Nuclear Production facility in South Carolina. She was a research associate conducting environmental monitoring for the State of Kansas Biological Survey.

EDUCATION

- Master of Arts, Entomology
Emphasis: Environmental Monitoring/Assessment of Water Quality Impacts from Sewage Effluent
University of Kansas, Lawrence, Kansas
- Bachelor of Science, Systematics and Ecology (Honors)
University of Kansas, Lawrence, Kansas

PUBLICATIONS

American Bar Association, “Institutional Controls and the California Department of Toxic Substances Control – Uses of Institutional Controls and Challenges” (Book Chapter, “Implementing Institutional Controls at Brownfields and Other Contaminated Sites,” pages 133 – 148, July 2003).

Golden Gate University Law Review, “Brownfields and the California Department of Toxic Substances Control: Key Programs and Challenges” (Volume 31, Number 4, Spring 2001).

Hydrobiologia, "Emergence of Chironomidae (Diptera) from a Delta-Swamp Receiving Thermal Effluent" (Volume 174, No. 1, 1989, pages 67-77). *Assessed impacts of nuclear production activities on key biological receptors.*

Listed above are peer-reviewed publications; primary author of and collaborator on numerous articles on brownfields and hazardous waste site cleanup, environmental policies, guidances and regulations. Co-author on 2009 BAAQMD Mobile Source Enforcement Compliance Plan.

Speaker on air quality matters including the CAPCOA GHG Rx, BAAQMD's wood smoke program, mobile source enforcement, small business program and other topics. Invited speaker at numerous Superfund, Hazardous Waste and Brownfields redevelopment and land reuse conferences and workshops throughout California and the nation; inception and management of first joint DTSC/U.S. EPA Brownfields Reuse conference, March 1996; credited for bringing diverse stakeholder interests together to discuss and develop land reuse planning strategies at sites throughout California.

REFERENCES

Ken Alex, Esq., Director
Governor's Office of Planning & Research
1400 Tenth Street, Room 100
P.O. Box 3044
Sacramento, California 95812-3044
(916) 322-2318
Also serves as Senior Policy Advisor to Governor Brown and Chair of the Strategic Growth Council

Jim Humes, Presiding Justice
District One
Court of Appeal
First Appellate District
350 McAllister Street
San Francisco, CA 94102-7421
(415) 865-7310

Wayne Nastri, Executive Officer/APCO
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765
(909) 396-3131
*Former Region 9 Administrator,
U.S. EPA over CA, NV, AZ & Pacific Islands
Served 2001 – January 2009*

Jack Broadbent, Executive Officer/APCO
Bay Area Air Quality Management District
375 Beale Street
San Francisco, CA 94105
(415) 749-5052

Additional references available upon request.

January 10, 2017

By Electronic Mail (MCCMCSecretary@gmail.com)

Rebecca Vaughn, Secretary-Treasurer
Marin County Council of Mayors and Councilmembers
300 Tamalpais Drive
Corte Madera, CA 94925

Re: Request for Consideration to Represent the
North Central Coast on the California Coastal Commission

Dear Ms. Vaughn:

I am writing to request that my name be considered as a candidate for nomination to be North Central Coast representative on the California Coastal Commission.

As a thirty-year resident of Marin County and the current Mayor of the City of Larkspur, I have a strong interest in the work of the Commission and its role in preserving the integrity of California's unique coastal environment. I also believe that my personal experience and credentials make me uniquely well suited to serve as the North Central Coast's representative on the Commission.

In addition to my service in local government, I have over thirty years of experience working as an environmental and land use attorney throughout the State of California and around the country. Part of that experience has involved long standing representation of large public agencies, including the Santa Clara Valley Water District, the Metropolitan Water District of Southern California, the San Diego Unified Port District, and the Guam International Airport Authority.

Over the years, I have had substantial responsibility for a range of significant environmental matters involving administrative agencies in both the Federal government and the State of California, including the U.S. Environmental Protection Agency, the U.S. Department of the Interior, the U.S. Department of Commerce, the California Air Resources Board, the State Water Resources Control Board, and the California Coastal Commission.

I am not involved, however, in any matter currently pending before the Commission, and I am not aware of any matter in which I have been involved that would present a conflict of interest with potential service on the Commission.

Rebecca Vaughn, Secretary-Treasurer
Marin County Council of Mayors and Councilmembers
January 10, 2017
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In addition to my undergraduate degree from the Cornell University's College of Arts and Sciences and my law degree from the Cornell Law School, I have a master's degree in business administration (with distinction) from Cornell's Johnson School of Management, with an emphasis on public administration.

California's coastal regions are facing increasing pressures to accommodate development supporting a range of economic, transportation, and housing interests. Our representative to the Commission needs to have the skill and expertise to represent communities in the North Central Coast region in a fair, responsible, and apolitical manner.

I believe my background and demonstrated commitment to public service will go a long way in helping to fulfill that role.

Very truly yours,



Kevin Haroff

cc: Sloan Bailey, President
Marin County Council of Mayors and Councilmembers

CURRICULUM VITAE (ABBR.)

KEVIN HAROFF
Mayor – City of Larkspur

Home Address: Office Address:
40 La Cuesta Drive 555 Montgomery Street, Suite 820
Greenbrae, CA 94904 San Francisco, CA 94111
(415) 860-3356 (415) 684-9359

EDUCATION

- J.D., Cornell Law School (1981)
- M.B.A., with distinction, Cornell University (Johnson Graduate School of Management) (1981)
- B.A, Cornell University (College of Arts & Sciences) (1977)

PUBLIC SERVICE

- City of Larkspur (Mayor – 2017; Vice-Mayor – 2016; City Council Member – 2013-Present; City Planning Commissioner – 2011-2012)
- MCE Clean Energy (Board Member – 2013-Present)

STATE AND FEDERAL BAR ADMISSIONS

- State: California, New York, Oregon, Texas
- Federal: U.S. Supreme Court; Courts of Appeals for the Fifth and Ninth Circuits; District Courts for the Northern and Southern Districts of Texas and for the Northern, Southern, Central and Eastern Districts of California

PROFESSIONAL ACTIVITIES AND HONORS

- American Bar Association
- Bar Associations of San Francisco and Marin County
- Chambers USA, America’s Leading Lawyers
- Northern California Super Lawyers
- Best Lawyers in America

SELECT REPORTED COURT DECISIONS

- Chubb Custom Insurance Company v. Space Systems/Loral, Inc., et al., 710 F.3d 946 (9th Cir. 2013), cert. denied, 82 U.S.L.W. 3241 (U.S. Jan. 13, 2014) (No. 13-412) (CERCLA cost recovery and subrogation)
- California Air Resources Board, et al., v. Association of Irrigated Residents, et al., No. A132165 (1st Dist. Ct. App. 2011) (climate change and cap and trade)

- *Monsanto v. Geertson Seed Farms*, 130 S. Ct. 2743, 561 U.S. ___ 139, 177 L. Ed. 461 (2010), rev'g *Geertson Seed Farms v. Johanns*, 541 F.3d 938 (9th Cir. 2008) (NEPA)
- *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings*, 43 Cal. 4th 1143; 184 P.3d 709 (Cal. 2008), (CEQA, water quality, and water rights)
- *State Water Resources Control Bd. Cases*, No. C044714, 136 Cal. App. 4th 674; 39 Cal. Rptr. 3d 189; 36 ELR 20038 (3d Dist. Ct. App. 2006) (land use and water rights)
- *City of Barstow v. Mojave Water Agency*, 23 Cal. 4th 1224; 5 P.3d 853; 99 Cal. Rptr. 2d 294; 31 ELR 20023 (Cal. 2000) (water rights)
- *County of San Joaquin v. State Water Res. Control Bd.*, No. C023548, 54 Cal. App. 4th 1144; 63 Cal. Rptr. 2d 277; 1997 Cal. App. LEXIS 356; (3d Dist. Ct. App. 1997) (water rights)
- *Chevron U.S.A., Inc. v. Le Resche*, Nos. 6396, 6648, 663 P.2d 923 (Alaska 1983) (administrative law and regulation)

SELECT PUBLICATIONS

- Kevin Haroff and Zachary Kearns, *CERCLA Liability for Air Emissions? Ninth Circuit Says No, Denies Petition for En Banc Rehearing*, Marten Law Publications (November 7, 2016)
- Kevin Haroff and Marina Cassio, *Not Ready for Roundup™ — The Regulation of Glyphosate Under California's Proposition 65*, Marten Law Publications (March 8, 2016)
- Kevin T. Haroff, *The California Drought and Its Impact on State Water Law and Policy*, Marten Law Publications (July 28, 2015)
- Kevin Haroff and Zachary Kearns, *New Groundwater Legislation Will Have Dramatic Impacts on California Agriculture*, Marten Law Publications (January 22, 2015)
- Kevin Haroff, *CEQA: New Rules Narrow Scope of Environmental Review in California*, Marten Law Publications (July 1, 2014)
- Kevin T. Haroff, *On Thin Air: Standing, Climate Change, and the National Environmental Policy Act*, 46 Val. U. L. Rev. 411 (2012)
- Kevin T. Haroff & Katherine K. Moore, *Global Climate Change and the National Environmental Policy Act*, 42 U.S.F. L. Rev. 155 (2007)
- Kevin T. Haroff, *With Diminished Prospects Overall for a Comprehensive Strategy on Climate Change in the United States, the State of California Moves Forward on Its Own*, International Environmental Law Committee Newsletter (ABA Section of International Law, January – April 2012)
- Kevin T. Haroff, *California's Climate Change Program Comes Together in 2012 – Or Does It?*, Climate Change, Sustainable Development, and Ecosystems Committee Newsletter (ABA Section of Environment, Energy and Resources, April 2012)
- Kevin T. Haroff, *Prospects for International Engagement on Climate Change by the Obama Administration*, The International Environmental Law News (ABA Section of International Law, March 2009)

- Kevin T. Haroff & Jacqueline Hartis, Climate Change and the Courts: Litigating the Causes and Consequences of Global Warming, Natural Resources and the Environment (American Bar Association Section on Environment, Energy and Resources, Winter 2008)

SELECT SPEECHES AND PRESENTATIONS

- “Developing Offset Projects for Compliance,” Moderator, American Carbon Registry Conference on California’s Cap and Trade – Strategies for Effective Market Participation; Sacramento, California (July 2013)
- “Coalition for Responsible Regulation v. EPA – A Key New Decision for Climate Change Regulation,” Moderator, LSI TeleBriefing (August 2012)
- “Rolling the Dice: Using Science-Based Risk Assessment in Making Decisions on Energy Policy,” Cornell Environmental Law Society 2011 Energy Conference at Cornell Law School: Ithaca, New York (April 2011)
- “Water Supply Planning Considerations For Land Use and Development Projects,” Association of Environmental Professionals 2011 Annual State Conference: Monterey, California (March 2011)
- “Overview of California Water Law and Regulation,” LSI Conference on California Water Quality and Its Impact on Water Supply; San Francisco, California (July 2010)
- “Environmental and Regulatory Challenges to Developing Energy Alternatives – A Case Study,” Law, Science and Sustainability Seminar at Cornell Law School; Ithaca, New York (March 2010)
- “Cap and Trade Fundamentals - An Introduction to Market-Based Regulation of Greenhouse Gas Emissions,” CLE 2008 International Climate Change Conference; San Francisco, California (updated and expanded – September 2009)
- “Waxman-Markey – A Brief Overview of the American Clean Energy and Security Act of 2009,” Bay Area Council Energy Committee, San Francisco, California (July 2009)

OTHER ACTIVITIES AND HONORS

- Cornell Law School Alumni Association - Executive Board Member
- Voluntary Legal Services Program of the Bar Association of San Francisco – Board and Executive Committee Member
- San Francisco Bar Association Foundation – Member of the Board of Directors; Board Secretary; Chair, Lawyers Campaign for VLSP and Diversity
- United Way of the Bay Area – Member, Campaign Cabinet; Recipient of the Silverback Award for Extraordinary Personal Leadership
- World Affairs Council of Northern California – Trustee
- California Asia Business Council – Member of the Board of Directors

**MARIN COUNTY COUNCIL OF MAYORS AND COUNCILMEMBERS
AGENDA**

Wednesday, January 25, 2017
Hosted by the Town of Fairfax
Fairfax Women's Club ~ 46 Park Road, Fairfax, CA 94930

- 6:00 PM Social Hour (No-Host Bar)**
- 6:50 PM Welcome and Introductions**
1. **Call to Order:** President Sloan Bailey
 2. **Public Comment** (Limit 3 minutes per person)
 3. **Welcome and Introduction of Guests:** Mayor John Reed
- 7:00 PM Dinner Service**
- 7:15 PM 4. Presentation:**
- 4.a. SB 1193, Human Trafficking Poster Project
(Presentation by Police Chief Tricia Seyler, Belvedere Police Department and Members of the Marin County Coalition to End Human Trafficking)
- 5. Committee Reports (3 minutes per person)**
- 5.a. Association of Bay Area Governments
(Verbal and written report from Pat Eklund, Novato)
 - 5.b. Golden Gate Bridge & Highway Transportation District
(Verbal report by Alice Fredericks, Tiburon)
 - 5.c. Transportation Authority of Marin
(Verbal report by Alice Fredericks, Tiburon)
 - 5.d. MCCMC Legislative Committee
(Verbal report by Alice Fredericks, Tiburon)
 - 5.e. Local Agency Formation Commission
(Verbal report by Carla Condon, Corte Madera)
- 7:45 PM 6. Guest Speaker: Dr. Grant Colfax, Director of Health & Human Services, Marin County**
Program: Priorities and Partnerships for 2017 and Beyond
- 8:15 PM 7. Business Meeting**
- 7.1 Appointments to Fill MCCMC Committee Vacancies**
- 7.1.a. **Marin Major Crimes Task Force Oversight Committee (Alternate)**
(Letters of Interest from Catherine Way, Larkspur, and Barbara Coler, Fairfax, are attached. Motion for Appointment was continued to the January 25, 2017 MCCMC meetings so that representatives from Larkspur and Tiburon could participate in the vote)
 - 7.1.b. **Marin Transit Board of Directors (Director)**
(Letters of Interest from Kate Colin, San Rafael, and Ford Greene, San Anselmo, are attached. Motion for Appointment was continued to the January 25, 2017 MCCMC meetings so that representatives from Larkspur and Tiburon could participate in the vote)

7.1.c. Marin Transit Board of Directors (Alternate)

(Letters of Interest from Eric Lucan, Novato, and Ford Greene, San Anselmo, are attached. Motion for Appointment was continued to the January 25, 2017 MCCMC meetings so that representatives from Larkspur and Tiburon could participate in the vote)

7.1.d. Marin County School Board Association

(A Letter of Interest, received from Renee Goddard, Fairfax, is attached. Nominations will be accepted from the floor and a vote by the membership will be taken at this meeting)

7.2 Nomination for California Coastal Commission, North Central Coast Representative

(Discussion and possible action regarding nominee(s) for appointment to the California Coastal Commission.

Attachments:

7.2.a. Letter from State of California Senate Rules Committee dated 12/19/16

7.2.b. Letters of Interest received from Barbara Coler, Fairfax, and Kevin Haroff, Larkspur.

7.3 Announcement of Upcoming Vacancy and Call for Letters of Interest

7.3.a Representative to Sonoma-Marin Area Rail Transit Commission

(A regional transportation district established pursuant to AB 2224 (in 2003) to oversee development and implementation of passenger rail service in Sonoma and Marin Counties. Novato and San Rafael each have one seat on the board; MCCMC appoints one at-large member from a city other than Novato or San Rafael, who is also a member of the Transportation Authority of Marin.

Letter of Resignation from Stephanie Moulton-Peters, Mill Valley, is attached. Notice of vacancy will be announced and Letters of Interest will be solicited. Appointment to fill the remainder of the term expiring January 2019 will be made at the February 22, 2017 MCCMC Meeting.

7.4 Review of Draft of February 22, 2017 MCCMC Meeting Hosted by the City of Larkspur

7.5 Approval of Minutes of January 25, 2017 MCCMC Meeting hosted by the Town of Fairfax

8:30 PM

ADJOURN: to the February 22, 2017 meeting hosted by the City of Larkspur
Deadline for Agenda Items – February 16, 2017 (Please send to Rebecca Vaughn: MCCMCSecretary@gmail.com)

Report on ABAG to MCCMC

January 25, 2017

REMINDER – ABAG SPECIAL General Assembly is on Monday, JANUARY 30, 2017. Please register today at: <https://store.abag.ca.gov/authorizenet/ga-special17.html>. The meeting is at: 375 Beale St. San Francisco and starts at 10:00 to 3:00 pm. The topic will focus on ABAG/MTC Merger (see attached agenda)

PLAN BAY AREA 2040: ABAG and MTC conducted scoping sessions to assist in the development of the alternatives to the preferred scenario. The four alternatives that will be evaluated in the Environmental Impact Report (EIR) are:

- 1) No Project Alternative
- 2) Main Streets Alternative
- 3) Big Cities Alternative
- 4) Equity, Environment and Jobs (EEJ) Alternative

These alternatives are defined by unique land use development patterns and transportation investment strategies. Each of the alternatives will maintain the same growth forecast, and forecast of reasonably available transportation revenues. The above alternatives will be briefly described and undergo a more detailed analysis that will be compared to the preferred scenario in all CEQA topic areas. The selected alternatives will undergo a comparative analysis to the proposed plan to determine whether implementing an alternative could lessen any identified significant unavoidable impacts of the proposed plan, while also meeting the project objectives. The findings of this analysis will be summarized in the Draft EIR anticipated to be released in spring 2017.

After the release of the Draft EIR, each county will have public engagement. In Marin County, we will have a public workshop and open house jointly sponsored by the Marin ABAG delegates/alternates and the Transportation Authority of Marin. We will be working together to develop an outreach plan and draft agenda for the public workshop. In addition, there will be:

- Two public hearings, one of which will be in the evening, on the Draft Plan and the DEIR.
- Pursuant to SB 375, the MPO will present the Draft Plan in each county at informational meetings that include county Board of Supervisors and city council members (probably will be TAM).
- MTC has contracted with five community-based organizations in low-income areas and communities of color to assist in engaging their residents and/or clients in development of the Plan. The groups will host focus groups or conduct surveys, at times and locations convenient to their residents, to discuss the Draft Plan.
- An online survey about the Draft Plan will be promoted on social and traditional media outlets, in order to reach out to residents who do not attend the public workshop and open houses.

ABAG MTC MERGER IMPLEMENTATION ACTION PLAN: ABAG/MTC have completed the due diligence review which surfaced the fact that there will be an increase of personnel expenses by \$2.6M/year when the ABAG staff move to MTC; and other issues associated with salaries, benefits, etc.. are being explored for possible solutions. The outstanding issue remaining is that ABAG staff are represented by SEIU and MTC staff are not. ABAG President Pierce formed an Ad Hoc Committee to provide feedback on the draft “Contract for Services” which will be the governing document on how ABAG and MTC work together to ensure ABAG’s mission and obligations are met with its members, grantors, partners, and ABAG entities; and, the MOU which will deal with the governance issues. I am one of the members of the ad hoc committee. MTC has extended ABAG’s Funding Agreement through March 2017.

The draft Contract for Services will be distributed to the ABAG Executive Board and MTC Commission prior to the February 10, 2017 meeting of the joint ABAG Administrative and MTC Planning Committees. It is anticipated that the Contract for Services and MOU will be acted upon by the ABAG Executive Board and MTC Commission in March/April 2017 after which the ABAG staff would move to MTC. ABAG will still serve as the region's Council of Governments (COG), while MTC will continue to serve as the region's Metropolitan Planning Organization (MPO). ABAG's Executive Board and its committees will still convene their regular meetings, as will MTC's Commission and its standing committees.

BAY AREA ECONOMIC DEVELOPMENT DISTRICT (EDD): As reported to MCCMC in September 2016, the ABAG Executive Board approved formation of a subcommittee of the Regional Planning Committee to develop a Draft *Comprehensive Economic Development Strategy* (CEDS) which could lead us to establishing a regional EDD, as defined by the US Economic Development Administration, provided that five of the nine counties approve a regional EDD via their Board of Supervisors.

The potential benefits include: a) jurisdictions and public/private organizations could compete for grants or other financial assistance from a variety of public (US Department of Labor, US Department of Agriculture, US Economic Development Administration, etc..) and private sources. b) Infrastructure funding for cities including increasing broadband capacity. c) Pre-disaster technical and funding assistance to implement resilience actions.

The subcommittee has begun their work and is developing a Draft Comprehensive Economic Development Strategy for the SF Bay Area that will undergo review by the Regional Planning Committee and the ABAG Executive Board. The initial vision statement is: "A resilient economy, spurred by a culture of innovation, providing opportunities, shared prosperity, and a sustainable quality of life." A series of strategies and objectives for each of the goals will be developed. ABAG has agreed to provide a briefing on the Draft Strategy to the public and Marin ABAG delegates/alternates.

In conversations with ABAG staff, the strategy will be very similar to Marin County's Comprehensive Economic Development Strategy (CEDS) developed by the Marin Economic Forum in September 2015. This document appears to strike a balance between growth and retaining local quality of life, while acknowledging local conditions and control. The goals for Marin include:

- ✓ Support and grow jobs in key industries (e.g. Tourism expansion, but in a sustainable fashion)
- ✓ Broadband expansion (particularly in West Marin)
- ✓ Preservation of natural resources and open space
- ✓ Education and workforce development, and expanding the social safety net
- ✓ Housing and Transportation Planning and improved connections

To achieve these goals the report highlights among other things: 1) Infrastructure is needed for all of the above (including water); 2) Forming partnerships and working with local communities, residents and businesses is absolutely essential; and, 3) Local jurisdictions must agree to, and should be responsible for, setting policy goals that align with local needs.

UPCOMING MEETINGS:

- **January 25, 2017** - MTC meeting
- **January 30, 2017** – ABAG General Assembly
- **February 1, 2017** – ABAG Regional Planning Committee
- **February 10, 2017** – Joint ABAG Administrative and MTC Planning Committee meeting
- **February 16, 2017** – ABAG Executive Board
- **February 22, 2017** – MTC meeting
- **May 11, 2017** – ABAG General Assembly vote on the ABAG workplan and budget

Please direct questions to Pat Eklund, Council Member, City of Novato (phone: 415-883-9116; email: peklund@novato.org or pateklund@comcast.net)

ABAG Special General Assembly

Shaping the Future of ABAG:

What Does the Bay Area Need From Its Council of Governments?

January 30, 2017 – 9:30 a.m. to 3 p.m.

375 Beale Street, Yerba Buena Room

Draft Agenda

9:30 a.m.

Registration Opens

*Informational displays in atrium.
Continental breakfast will be served.*

10 a.m. to 10:10 a.m.

Welcome Remarks

Julie Pierce, ABAG President
Mayor Ed Lee, City of San Francisco
(Invited)

10:10 a.m. to 10:30 a.m.

Building Regional Collaboration

Coming together as a region to face national economic and environmental challenges.

Delaine Eastin, Former California State Superintendent of Public Instruction

10:30 a.m. to 11:30 a.m.

Regional Challenges and Opportunities

Collaborating across cities for a healthy, sustainable, and equitable Bay Area.

Moderator: **Carlos Romero**, East Palo Alto Councilmember

Ann Markusen, Markusen Economic Research Services

Amie Fishman, Executive Director, Non-Profit Housing Association of Northern California

Ray Bonilla, Senior Business Continuity and Crisis Management Leader, Kaiser

11:30 a.m. to 12:15 p.m.

Understanding the Consolidation

Consolidating staff, the Contract for Services, critical issues, and next steps.

Moderator: **Mark Luce**, Former ABAG President (Invited)

Julie Pierce, ABAG President

Brad Paul, ABAG Acting Executive Director

12:30 p.m. to 2:00 p.m.

Breakout Sessions

Represent your city or county's interests as we discuss the future of ABAG in small groups. Lunch will be served during the Breakout Sessions.

Moderated by ABAG Ad-Hoc Committee members:

Julie Pierce, ABAG President

David Rabbit, ABAG Vice President

Pat Eklund, Novato Councilmember

Pradeep Gupta, South San Francisco Councilmember

Raul Peralez, San Jose Councilmember

Greg Schaaf, Palo Alto Councilmember

2:15 p.m. to 2:45 p.m.

What We Learned

Sharing highlights from group discussions.

Led by ABAG Ad-Hoc Committee members

2:45 p.m. to 3:00 p.m.

Closing Remarks

Julie Pierce, ABAG President



Rebecca Vaughn <mccmcsecretary@gmail.com>

Letter of Interest - Major Crimes Task Force (alternate)

barbara coler <barbaracolier@gmail.com>
To: Sloan Bailey <sloancbailey@yahoo.com>
Cc: Rebecca Vaughn <mccmcsecretary@gmail.com>

Thu, Oct 27, 2016 at 2:25 PM

Dear MCCMC President Bailey,

I am writing to express my interest in the alternate member position for the Marin Major Crimes Task Force Oversight Committee. As a Councilmember in Fairfax, we have experienced major crimes including the tragic murder just outside City limits a year ago; our police force actively pursues criminal activity and has been very successful in solving these crimes. I would like to participate as an alternate for the oversight committee, and feel my background in enforcement (air quality) would also provide a good perspective.

Thank you for the membership of MCCMC's consideration of my request.

Barbara

Barbara Coler, Councilmember
Town of Fairfax

The opinions expressed in this email are those of this individual Council Member and are not representative of the entire Council or Town of Fairfax unless otherwise stated.

January 17, 2017

TO:
Sloan Bailey
Mayor – Town of Corte Madera
President – MCCMC

FROM:
Catherine Way
Councilmember- City of Larkspur
cway@cityoflarkspur.org

RE: Major Crimes Task Force Oversight Committee (Alternate)

Dear MCCMC Colleagues:

I am writing to express my interest in serving as the MCCMC alternate representative to the Marin County Major Crimes Task Force (MCTF).

The MCTF is a countywide, multi-agency, investigative law enforcement unit that has the authority to investigate and pursue highly-mobile narcotic offenders and criminal narcotic enterprises operating in and around Marin County. It provides expertise and knowledge into long-term, complex investigations which may be out of the capacity of our local agencies to conduct independently.

The MCCMC participates with a member on the JPA's Oversight Committee, which also includes 2 City Managers, a member of the Board of Supervisors, 2 local heads of law enforcement, and 2 Marin County citizens. Our current representative is Pat Eklund from the City of Novato.

I have discussed my interest in serving as an alternate with the Central Marin Police Chief Michael Norton. We had a lengthy discussion of the opportunities and challenges that the MCTF faces and what contribution a representative familiar with the Ross Valley could provide. I have also spoken with Lieutenant Doug Pittman of the Marin County Sheriff about my interest. I feel confident that I have an understanding of the role and will be able to represent the MCCMC member's interests.

Lastly, in December I was appointed to the League of California Cities Public Safety Policy Committee as a delegate from the League's Womens Caucus. I think that this appointment further supports my expressed interest in public safety and law enforcement issues that we encounter in Marin as well as the entire state.

Thank you for your consideration.

Catherine Way
Councilmember – City of Larkspur

Kate Colin
Vice Mayor
San Rafael City Council

Dear Members of the MCCMC,

I respectfully request to be considered as the MCCMC appointment to the Marin Transit District.

Two years ago I was the alternate member which provided a good foundation for me to understand the changing and complex needs of our local transit. Since then SR Councilmember Bushey has been the MCCMC representative but she's recently had to step down due to work commitments. I have stayed involved in transit-related issues. After my previous tenure on Marin Transit, I participated on a Marin Transit adhoc committee that addressed marketing and community outreach. I am also the San Rafael alternate to TAM and recently participated on an adhoc committee that examined the "last mile" associated with the SMART train.

With the arrival of the SMART train and the relocation of the San Rafael Bettini Transit Center, the next years are crucial for local transportation decisions. I understand the importance of having a strong public transportation infrastructure and would work hard so that Marin Transit can continue to provide effective and efficient service.

Thank you for your consideration.

Kate Colin
San Rafael City Council

Kay Coleman
Mayor

Tom McInerney
Vice Mayor



Ford Greene
Councilmember

John Wright
Councilmember

Matt Brown
Councilmember

525 San Anselmo Avenue, San Anselmo, CA 94960-2682
www.townofsananselmo.org
(415) 258-4600 | Fax (415) 459-2477

Thursday, January 19, 2017

Sloan Bailey, President
MARIN COUNTY COUNCIL OF MAYORS AND COUNCIL MEMBERS
300 Tamalpais Drive
Corte Madera, California 94925

RE: *Letter of Interest re Appointment to Marin County Transit Board of
Directors as Director or Alternate*

Dear Sloan:

This letter will memorialize my interest in the positions and the floor nominations made at the November 16, 2016 meeting as indicated above.

I submit that based on my experience and record of integrity I am sufficiently qualified and able to competently discharge the duties of a Director of Marin Transit.

For six (6) years commencing January 2010 through January 2016 I sat as a Board Member of the Transportation Authority of Marin whose monthly meetings I regularly attended as a prepared, engaged and active participant.

In addition, for the last three (3) years on TAM I sat on its Executive Committee whose monthly meetings I also regularly attended as a prepared, engaged and active participant.

During my time on TAM I developed warm and respectful relationships with staff, particularly Diane Steinhauser, its Executive Director. My style was not necessarily to capitulate to staff recommendations. When I challenged such recommendations, I did so in an open and well-reasoned manner that often would shed additional light upon and contribute to a better understanding of the decision's implications under consideration.

Sincerely Yours:

By

Ford Greene, Esq.

cc: Debra Stutsman, San Anselmo Town Manager -

Kay Coleman
Mayor

Tom McInerney
Vice Mayor



Ford Greene
Councilmember

John Wright
Councilmember

Matt Brown
Councilmember

525 San Anselmo Avenue, San Anselmo, CA 94960-2682
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Sincerely Yours:

By

Ford Greene, Esq.

cc: Debra Stutsman, San Anselmo Town Manager -



Rebecca Vaughn <mccmcsecretary@gmail.com>

Fwd: Marin Transit - Alternate

Sloan Bailey <sloancbailey@yahoo.com>

Mon, Nov 7, 2016 at 8:26 PM

To: Rebecca Vaughn <mccmcsecretary@gmail.com>, "eric@ericlucan.com" <eric@ericlucan.com>

Sent from my iPhone

Begin forwarded message:

From: Sloan Bailey <sloancbailey@yahoo.com>

Date: November 7, 2016 at 8:25:49 PM PST

To: Eric Lucan <elucan@novato.org>

Subject: Re: Marin Transit - Alternate

Got it - thank you Eric. I am copying Tebecca Vaughn on this to make sure you are included.

Have a good rest of your week

- Sloan -

Sent from my iPhone

On Nov 7, 2016, at 7:21 PM, Eric Lucan <elucan@novato.org> wrote:

Sloan-

Trying to send this again. My first email bounced back.

Eric Lucan
Councilmember
City of Novato
[415-272-3265](tel:415-272-3265)

----- Forwarded message -----

From: Eric Lucan <elucan@novato.org>

Date: Mon, Nov 7, 2016 at 6:01 PM

Subject: Marin Transit - Alternate

To: Sloan Bailey <sloancbailey@yahoo.com>

Sloan-

Just wanted to confirm with you that I would like to continue serving as the alternate on Marin Transit. Unfortunately, I won't be at the next MCCMC meeting though as I will be out of town.

Can you confirm that you received this email?

Thanks,

Eric Lucan
Councilmember
City of Novato
[415-272-3265](tel:415-272-3265)



Rebecca Vaughn <mccmcsecretary@gmail.com>

MCCMC liaison to School Board

Renee G <si22ng@gmail.com>

Wed, Jan 18, 2017 at 11:45 AM

To: sloancbailey@yahoo.com, MCCMCSecretary@gmail.com

Hi Sloan and Rebecca and happy rainy day,

This is my 'email of intent' to serve as the MCCMC liaison to the Marin County School Board.

I have served as the Fairfax Town Council rep to the Ross Valley School Board for the past 3.5 years and have become educated regarding many of the biggest challenges our Schools and School Boards face in Marin County. I believe that my experience and participation at the school and board levels, and as a parent of 2 Tam Union High School district students qualifies me to fill this position.

Thank you so much, and I look forward to seeing you next week.

Renee Goddard

Council Member, Town of Fairfax

***The opinions expressed in this email are those of this individual Council Member and are not representative of the entire Council or Town of Fairfax unless otherwise stated.*

VICE-CHAIR
ANTHONY CANNELLA
MEMBERS
TOM BERRYHILL
CONNIE M. LEYVA
HOLLY J. MITCHELL

CALIFORNIA LEGISLATURE



DANIEL ALVAREZ
SECRETARY OF THE SENATE
ANNETTE L. FORINI
APPOINTMENTS DIRECTOR
LEONOR EHLING
CHIEF DEPUTY DIRECTOR
LISA MATOCQ
DEPUTY DIRECTOR

SENATE RULES COMMITTEE

KEVIN DE LEÓN
CHAIR

December 19, 2016

Councilmember Sloan Bailey, Chair
Marin County City Selection Committee & MCCMC
c/o Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925

Dear Councilmember Bailey:

This letter is to request nominations by the Marin County City Selection Committee for an appointment to the California Coastal Commission pursuant to Section 30301.2 of the Public Resources Code. This provision requires the Rules Committee to ask for names of one or more supervisors and one or more mayors or city council members from the Counties of Marin, San Francisco, and Sonoma.

Please submit your list of nominees to me at the address listed on the bottom of this letter within 45 days of receipt of this request. If you have any questions concerning the nomination or selection process, please contact Lisa Matocq, Senate Rules Committee Appointments Deputy Director, at the phone number listed below.

Sincerely,

A handwritten signature in black ink that reads "Kevin de León".

KEVIN DE LEÓN
President pro Tempore
Twenty-Fourth Senate District

KDL:lm

cc: Rebecca Vaughn, Town Clerk

By email to Sloan Bailey at sloancbailey@yahoo.com

January 18, 2017

President Sloan Bailey
Marin County Council of Mayors and Councilmembers (MCCMC)

RE: Letter of interest for the California Coastal Commission (North Central Coast Representative)

Dear President Bailey,

I am writing in response to your request for solicitation for letters of interest for the California Coastal Commission (North Central Coast Representative). I understand that the MCCMC will be submitting a nomination to the California Senate Rules Committee. I respectfully request consideration by the MCCMC for the nomination.

As background, the Coastal Commission, in partnership with coastal cities/counties, plans and regulates the use of land and water in the coastal zone. Two other agencies play an important role, the Bay Conservation and Development Commission (BCDC, who has sole jurisdiction over the San Francisco Bay) and the Coastal Conservancy (purchases, restores, protects, and enhances coastal resources); these three agencies administer the federal Coastal Zone Management Act. The Coastal Commission is committed to protecting the ocean and coast and does so through planning and regulation of environmentally sustainable development, rigorous science, public participation, education and intergovernmental coordination.

My background and experience make me particularly well-suited for the appointment. I am a scientist with decades of experience creating and implementing environmental programs. I have been extremely effective working at and with all levels of government and a multitude of stakeholders (and ensuring meaningful public participation in all programs) to achieve the goals and mission of the respective programs. I created the State's brownfields programs, which were developed to ensure environmentally sustainable reuse/redevelopment of formerly contaminated properties throughout the State of California. Adhering to rigorous scientific principles, employing active public outreach, ensuring projects "fit" the local community's needs, and negotiating amongst public and private stakeholders were critical to our success. Among other things, I also developed the legislation and infrastructure for the State's schools program, the first of its kind in the nation, a program to ensure that public schools are built on environmentally safe properties. Creating the program required legislative hearings, coordinating with school districts, state and local agencies and the public. I have substantial experience coordinating and negotiating with diverse public/private interest groups and all levels of government to resolve controversial and complex technical and policy issues. Over the last four years, I have been a Councilmember and Former Mayor for the Town of Fairfax, and, while it is a small town, I believe we have the most engaged community in Marin County. Decisions I have rendered or proposed for the Council involve the same principles of the Coastal Commission - planning and regulation of

environmentally sustainable development, rigorous science, public participation, education and intergovernmental coordination. I have enclosed my resume for further information.

Thank you, the Mayors and the greater MCCMC for your consideration as the Coastal Commission nominee to the Senate Rules Committee. If you have questions, please contact me at (415) 450- 7860 or at barbaracoler@gmail.com.

Sincerely,

A handwritten signature in blue ink that reads "Barbara Coler". The signature is fluid and cursive, with the first name "Barbara" and last name "Coler" clearly distinguishable.

Barbara Coler
Councilmember
Town of Fairfax

The opinions expressed in this email are those of this individual Council Member and are not representative of the entire Council or Town of Fairfax unless otherwise stated.

cc: Rebecca Vaughn, Secretary MCCMC
By email to mccmcsecretary@gmail.com

BARBARA COLER, 14 Ace Court - Fairfax, California, 94930 - Mobile (415) 450-7860

Email bcoler@townoffairfax.org or barbaracolergmail.com

PROFILE

Local agency service: Councilmember/Former Mayor, Town of Fairfax. Boards – Marin Clean Energy; Marin Telecommunications Agency; Community Media Center of Marin (PEG channels); Countywide Community Development Block Grant. Fairfax Committees – Affordable Housing; Climate Action; Measures A, C & J; Open Space liaison. Member: Marin County Council of Mayors and Councilmembers (MCCMC). Prior service - Fairfax Planning Commission and Fairfax Open Space Committee.

Thirty plus years of experience at all levels in the creation, development and implementation of environmental programs: California's Superfund, Brownfields (redeveloping contaminated properties for productive reuse) and federal/state hazardous waste and air quality/climate change programs. As Division Chief, directed multidisciplinary staff in the development/implementation of diverse and complex regulatory programs.

Extensive experience developing strategic vision(s) for program priorities, effectively communicating objectives, and ensuring that the vision is fully implemented by the management team and staff. Decades of experience in regulatory policy, legislation development, hazardous waste site assessment/remediation, environmental monitoring, air quality enforcement, public outreach and facilitation of meaningful public involvement.

Developed extensive contacts among key external stakeholders such as elected officials, legislative staff, regulatory agencies, industry representatives, lending institutions, community groups, environmental attorneys and environmental consultants. Substantial experience coordinating and negotiating with diverse stakeholder interest groups to resolve contentious and complex technical and policy issues.

EXPERIENCE

COLER ENVIRONMENTAL CONSULTING, LLC

2014 – Current

The firm is a one-person shop which provides solutions on environmental matters. Current: Ms. Coler has been serving as the Administrator of the California Air Pollution Control Officers Association (CAPCOA) Greenhouse Gas Emissions Reduction Exchange (GHG Rx) since September 2014. The GHG Rx is a registry and information exchange for GHG offset credits designed specifically to benefit localities within the State of California.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT (BAAQMD)

Air Quality Program Manager

Compliance & Enforcement Division

February 2009 – October 2013

Manager responsible for enforcement of air quality regulations to meet federal and state air attainment standards for the nine Bay Area counties within the jurisdiction of the Air District. Led strategic initiatives for air quality program development by combining compliance assistance and enforcement approaches. Developed and implemented the first comprehensive mobile source enforcement program for an air district in California. CAPCOA Climate Protection Committee Enforcement Manager representative; served on several AB32 implementation workgroups. Key collaborator for development of CAPCOA – Air Districts' Greenhouse Gas Emission Reduction Exchange. Primary division lead for the District's Wood Smoke Program to reduce fine particulate emissions. Manager responsible for leading, directing, planning, prioritizing and organizing the activities of multidisciplinary staff working in the Division.

CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)

Senior Policy Advisor

Office of Data Evaluation and Environmental Indicators

April 2007 – January 2009

Senior Policy Advisor in DTSC's Office of Data Evaluation and Environmental Indicators. The Office served to identify data gaps and future research needs for performance management, environmental indicators and other emerging issues. As the mission and structure of DTSC evolved from "cradle-to-grave" to "cradle-to-cradle," to use of balanced scorecard/performance measurement, to a focus on green chemistry, among other initiatives, the Office led efforts to transparently communicate scientific information and develop data management tools for

both internal and external stakeholders. Ms. Coler managed primary environmental information management contracts, with major objectives to increase transparency and accessibility of DTSC's actions. Ms. Coler led initiatives on climate change and resource strategy matters, in addition to developing grant proposals to fund key initiatives of the Office and the DTSC Director.

Career Executive Assignment II - Division Chief

Permitting and Corrective Action Division

May 1, 2003 – April 2007

Statewide position responsible for the technical, administrative and fiscal management of approximately 130 division staff housed in DTSC's four regional office locations. DTSC is authorized by U.S. EPA to implement the Resource, Conservation and Recovery Act (RCRA) program in California, a primary component of the division's mission. Responsible for leading, directing, planning, prioritizing and organizing the activities of a multidisciplinary staff working within this complex regulatory program. Oversaw managers and staff responsible for permitting facilities to treat, store, dispose and transfer hazardous waste in accordance with federal, state and local laws. Permitting responsibilities included assuring these facilities met requirements for environmental safety, financial assurance, and environmental monitoring. As Division Chief, also responsible for corrective action and closure, including the long-term maintenance for more than 300 closed hazardous waste facilities (and generating revenue of more than \$3 million in cost reimbursement per year to support staff work). Significantly increased productivity (~ 300% increase) and timeliness (reduced from average of about 4.5 years to 2+ years) while ensuring environmentally protective permitting of hazardous waste facilities.

In October 2004, Ms. Coler was awarded a U.S. EPA Leadership Award for Corrective Action Environmental Indicators (EIs). As a result of her leadership, her Division received awards from U.S. EPA for achieving its targets for EIs, permits and corrective action milestones in 2004, 2005 and 2006. Ms. Coler represented Region 9 States on U.S. EPA's RCRA 2020 Corrective Action Initiative national workgroup. As a key member of the group, Ms. Coler was a leader in developing national policy to implement this component of the RCRA 2020 vision. Ms. Coler also represented California and Region 9 States on the Association of State and Territorial Management Officials' (ASTSWMO) Corrective Action and Permitting Task Force.

At request of the then DTSC Director, Ms. Coler acted as the lead negotiator with a responsible party (PRPs) group (of over 25 members) to takeover and assume financial responsibility for operations at a hazardous waste landfill in Southern California. Under Ms. Coler's direction, DTSC was able to affect a voluntary agreement with the parties for monthly payments for operations of the landfill systems resulting in multimillion dollar savings/recovery for DTSC. Under her leadership, a Consent Decree was signed in early 2006, and the PRPs assumed lead on the landfill operations.

Career Executive Assignment II - Division Chief

Statewide Cleanup Operations Division

July 1994 – April 2003

Statewide position responsible for the technical, administrative and fiscal management of approximately 120-150 division staff housed throughout California. Responsible for leading, organizing, planning, directing and prioritizing the activities of multidisciplinary staff and multi-layered management team to develop and implement innovative, diverse and complex regulatory programs and initiatives. Oversaw all activities pertaining to site identification and prioritization; revenue generation through cost recovery; assessment and remediation of most DTSC and Federal Superfund sites; assuring meaningful public involvement; and allocation and expenditure of orphan site funding. Responsible for staff and monetary resource budgeting for the division including several major federal grants.

- Established DTSC's overall Brownfields program providing several tools to encourage and facilitate contaminated site reuse. Broad and substantial experience working with representatives from community groups, environmental organizations and private industry in developing and maintaining the program. Effectively communicated program objectives in non-technical terms to diverse stakeholder

interest groups.

- Led and directed staff in formalizing the Voluntary Cleanup Program to foster environmentally sound redevelopment and/or revitalization of Brownfields and other contaminated properties.
- Led Total Quality Management (TQM) Team to develop DTSC's Prospective Purchaser policies, aimed at fostering Brownfields reuse while protecting human health and the environment.
- Completed DTSC's "site" database validation project, deleting approximately 24,000 invalid listings which resulted in removing the economic devaluation by the environmental stigma for these properties.
- Key DTSC representative regarding State Superfund Statute Reauthorization.
- Developed legislation and infrastructure for DTSC's environmental schools program; the first of its kind in the nation. Involved diverse stakeholder groups to resolve contentious and complex technical and policy issues while developing the program.
- Represented California and the National Governor's Association (NGA) on key legislative debates regarding Federal Superfund Reform; testified on behalf of Governor Wilson and NGA before the U.S. Senate Environment & Public Works Committee.
- Chair of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) Brownfields Task Force for eleven years. Leader on national policy regarding voluntary cleanup, Brownfields redevelopment and Superfund cleanup. Also represented California on ASTSWMO's CERCLA Committee which developed national policy in conjunction with U.S. EPA. Chaired and developed five ASTSWMO Voluntary Cleanup/Brownfields Symposia for all States and U.S. EPA.
- Listed by CA Department of Justice as Expert Witness on the federal National Contingency Plan.

Montrose Site settlements – In partnership with U.S. EPA, with the California Department of Justice, Ms. Coler acted as the lead negotiator for the State of California with the Montrose PRPs (“the DDT dischargers”). Three significant settlements were achieved under her leadership for the Montrose site in Southern California. The first 2002 Consent Decree settled the Natural Resources Damages lawsuit and CERCLA claims against the Montrose entities - the companies paid \$73 million to cleanup DDT contamination and restore the ocean environment off the coast of Palos Verdes. The latter two Consent Decrees settled the liability of the PRPs for the surface water pathway from the Montrose site and the residential neighborhood, resulting in payments of nearly \$2.5 million and a savings of more than \$10 million for the residential cleanup.

Previous Positions

In addition to other DTSC management positions, Ms. Coler served as a project manager responsible for cleanup of regional groundwater sites in Southern California. She was an environmental consultant at the Savannah River Nuclear Production facility in South Carolina. She was a research associate conducting environmental monitoring for the State of Kansas Biological Survey.

EDUCATION

- Master of Arts, Entomology
Emphasis: Environmental Monitoring/Assessment of Water Quality Impacts from Sewage Effluent
University of Kansas, Lawrence, Kansas
- Bachelor of Science, Systematics and Ecology (Honors)
University of Kansas, Lawrence, Kansas

PUBLICATIONS

American Bar Association, “Institutional Controls and the California Department of Toxic Substances Control – Uses of Institutional Controls and Challenges” (Book Chapter, “Implementing Institutional Controls at Brownfields and Other Contaminated Sites,” pages 133 – 148, July 2003).

Golden Gate University Law Review, “Brownfields and the California Department of Toxic Substances Control: Key Programs and Challenges” (Volume 31, Number 4, Spring 2001).

Hydrobiologia, "Emergence of Chironomidae (Diptera) from a Delta-Swamp Receiving Thermal Effluent" (Volume 174, No. 1, 1989, pages 67-77). *Assessed impacts of nuclear production activities on key biological receptors.*

Listed above are peer-reviewed publications; primary author of and collaborator on numerous articles on brownfields and hazardous waste site cleanup, environmental policies, guidances and regulations. Co-author on 2009 BAAQMD Mobile Source Enforcement Compliance Plan.

Speaker on air quality matters including the CAPCOA GHG Rx, BAAQMD's wood smoke program, mobile source enforcement, small business program and other topics. Invited speaker at numerous Superfund, Hazardous Waste and Brownfields redevelopment and land reuse conferences and workshops throughout California and the nation; inception and management of first joint DTSC/U.S. EPA Brownfields Reuse conference, March 1996; credited for bringing diverse stakeholder interests together to discuss and develop land reuse planning strategies at sites throughout California.

REFERENCES

Ken Alex, Esq., Director
Governor's Office of Planning & Research
1400 Tenth Street, Room 100
P.O. Box 3044
Sacramento, California 95812-3044
(916) 322-2318
Also serves as Senior Policy Advisor to Governor Brown and Chair of the Strategic Growth Council

Jim Humes, Presiding Justice
District One
Court of Appeal
First Appellate District
350 McAllister Street
San Francisco, CA 94102-7421
(415) 865-7310

Wayne Nastri, Executive Officer/APCO
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765
(909) 396-3131
*Former Region 9 Administrator,
U.S. EPA over CA, NV, AZ & Pacific Islands
Served 2001 – January 2009*

Jack Broadbent, Executive Officer/APCO
Bay Area Air Quality Management District
375 Beale Street
San Francisco, CA 94105
(415) 749-5052

Additional references available upon request.

January 10, 2017

By Electronic Mail (MCCMCSecretary@gmail.com)

Rebecca Vaughn, Secretary-Treasurer
Marin County Council of Mayors and Councilmembers
300 Tamalpais Drive
Corte Madera, CA 94925

Re: Request for Consideration to Represent the
North Central Coast on the California Coastal Commission

Dear Ms. Vaughn:

I am writing to request that my name be considered as a candidate for nomination to be North Central Coast representative on the California Coastal Commission.

As a thirty-year resident of Marin County and the current Mayor of the City of Larkspur, I have a strong interest in the work of the Commission and its role in preserving the integrity of California's unique coastal environment. I also believe that my personal experience and credentials make me uniquely well suited to serve as the North Central Coast's representative on the Commission.

In addition to my service in local government, I have over thirty years of experience working as an environmental and land use attorney throughout the State of California and around the country. Part of that experience has involved long standing representation of large public agencies, including the Santa Clara Valley Water District, the Metropolitan Water District of Southern California, the San Diego Unified Port District, and the Guam International Airport Authority.

Over the years, I have had substantial responsibility for a range of significant environmental matters involving administrative agencies in both the Federal government and the State of California, including the U.S. Environmental Protection Agency, the U.S. Department of the Interior, the U.S. Department of Commerce, the California Air Resources Board, the State Water Resources Control Board, and the California Coastal Commission.

I am not involved, however, in any matter currently pending before the Commission, and I am not aware of any matter in which I have been involved that would present a conflict of interest with potential service on the Commission.

Rebecca Vaughn, Secretary-Treasurer
Marin County Council of Mayors and Councilmembers
January 10, 2017
Page 2

In addition to my undergraduate degree from the Cornell University's College of Arts and Sciences and my law degree from the Cornell Law School, I have a master's degree in business administration (with distinction) from Cornell's Johnson School of Management, with an emphasis on public administration.

California's coastal regions are facing increasing pressures to accommodate development supporting a range of economic, transportation, and housing interests. Our representative to the Commission needs to have the skill and expertise to represent communities in the North Central Coast region in a fair, responsible, and apolitical manner.

I believe my background and demonstrated commitment to public service will go a long way in helping to fulfill that role.

Very truly yours,



Kevin Haroff

cc: Sloan Bailey, President
Marin County Council of Mayors and Councilmembers

CURRICULUM VITAE (ABBR.)

KEVIN HAROFF
Mayor – City of Larkspur

Home Address: Office Address:
40 La Cuesta Drive 555 Montgomery Street, Suite 820
Greenbrae, CA 94904 San Francisco, CA 94111
(415) 860-3356 (415) 684-9359

EDUCATION

- J.D., Cornell Law School (1981)
- M.B.A., with distinction, Cornell University (Johnson Graduate School of Management) (1981)
- B.A, Cornell University (College of Arts & Sciences) (1977)

PUBLIC SERVICE

- City of Larkspur (Mayor – 2017; Vice-Mayor – 2016; City Council Member – 2013-Present; City Planning Commissioner – 2011-2012)
- MCE Clean Energy (Board Member – 2013-Present)

STATE AND FEDERAL BAR ADMISSIONS

- State: California, New York, Oregon, Texas
- Federal: U.S. Supreme Court; Courts of Appeals for the Fifth and Ninth Circuits; District Courts for the Northern and Southern Districts of Texas and for the Northern, Southern, Central and Eastern Districts of California

PROFESSIONAL ACTIVITIES AND HONORS

- American Bar Association
- Bar Associations of San Francisco and Marin County
- Chambers USA, America’s Leading Lawyers
- Northern California Super Lawyers
- Best Lawyers in America

SELECT REPORTED COURT DECISIONS

- Chubb Custom Insurance Company v. Space Systems/Loral, Inc., et al., 710 F.3d 946 (9th Cir. 2013), cert. denied, 82 U.S.L.W. 3241 (U.S. Jan. 13, 2014) (No. 13-412) (CERCLA cost recovery and subrogation)
- California Air Resources Board, et al., v. Association of Irrigated Residents, et al., No. A132165 (1st Dist. Ct. App. 2011) (climate change and cap and trade)

- *Monsanto v. Geertson Seed Farms*, 130 S. Ct. 2743, 561 U.S. ___ 139, 177 L. Ed. 461 (2010), rev'g *Geertson Seed Farms v. Johanns*, 541 F.3d 938 (9th Cir. 2008) (NEPA)
- *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings*, 43 Cal. 4th 1143; 184 P.3d 709 (Cal. 2008), (CEQA, water quality, and water rights)
- *State Water Resources Control Bd. Cases*, No. C044714, 136 Cal. App. 4th 674; 39 Cal. Rptr. 3d 189; 36 ELR 20038 (3d Dist. Ct. App. 2006) (land use and water rights)
- *City of Barstow v. Mojave Water Agency*, 23 Cal. 4th 1224; 5 P.3d 853; 99 Cal. Rptr. 2d 294; 31 ELR 20023 (Cal. 2000) (water rights)
- *County of San Joaquin v. State Water Res. Control Bd.*, No. C023548, 54 Cal. App. 4th 1144; 63 Cal. Rptr. 2d 277; 1997 Cal. App. LEXIS 356; (3d Dist. Ct. App. 1997) (water rights)
- *Chevron U.S.A., Inc. v. Le Resche*, Nos. 6396, 6648, 663 P.2d 923 (Alaska 1983) (administrative law and regulation)

SELECT PUBLICATIONS

- Kevin Haroff and Zachary Kearns, *CERCLA Liability for Air Emissions? Ninth Circuit Says No, Denies Petition for En Banc Rehearing*, Marten Law Publications (November 7, 2016)
- Kevin Haroff and Marina Cassio, *Not Ready for Roundup™ — The Regulation of Glyphosate Under California's Proposition 65*, Marten Law Publications (March 8, 2016)
- Kevin T. Haroff, *The California Drought and Its Impact on State Water Law and Policy*, Marten Law Publications (July 28, 2015)
- Kevin Haroff and Zachary Kearns, *New Groundwater Legislation Will Have Dramatic Impacts on California Agriculture*, Marten Law Publications (January 22, 2015)
- Kevin Haroff, *CEQA: New Rules Narrow Scope of Environmental Review in California*, Marten Law Publications (July 1, 2014)
- Kevin T. Haroff, *On Thin Air: Standing, Climate Change, and the National Environmental Policy Act*, 46 Val. U. L. Rev. 411 (2012)
- Kevin T. Haroff & Katherine K. Moore, *Global Climate Change and the National Environmental Policy Act*, 42 U.S.F. L. Rev. 155 (2007)
- Kevin T. Haroff, *With Diminished Prospects Overall for a Comprehensive Strategy on Climate Change in the United States, the State of California Moves Forward on Its Own*, International Environmental Law Committee Newsletter (ABA Section of International Law, January – April 2012)
- Kevin T. Haroff, *California's Climate Change Program Comes Together in 2012 – Or Does It?*, Climate Change, Sustainable Development, and Ecosystems Committee Newsletter (ABA Section of Environment, Energy and Resources, April 2012)
- Kevin T. Haroff, *Prospects for International Engagement on Climate Change by the Obama Administration*, The International Environmental Law News (ABA Section of International Law, March 2009)

- Kevin T. Haroff & Jacqueline Hartis, Climate Change and the Courts: Litigating the Causes and Consequences of Global Warming, Natural Resources and the Environment (American Bar Association Section on Environment, Energy and Resources, Winter 2008)

SELECT SPEECHES AND PRESENTATIONS

- “Developing Offset Projects for Compliance,” Moderator, American Carbon Registry Conference on California’s Cap and Trade – Strategies for Effective Market Participation; Sacramento, California (July 2013)
- “Coalition for Responsible Regulation v. EPA – A Key New Decision for Climate Change Regulation,” Moderator, LSI TeleBriefing (August 2012)
- “Rolling the Dice: Using Science-Based Risk Assessment in Making Decisions on Energy Policy,” Cornell Environmental Law Society 2011 Energy Conference at Cornell Law School: Ithaca, New York (April 2011)
- “Water Supply Planning Considerations For Land Use and Development Projects,” Association of Environmental Professionals 2011 Annual State Conference: Monterey, California (March 2011)
- “Overview of California Water Law and Regulation,” LSI Conference on California Water Quality and Its Impact on Water Supply; San Francisco, California (July 2010)
- “Environmental and Regulatory Challenges to Developing Energy Alternatives – A Case Study,” Law, Science and Sustainability Seminar at Cornell Law School; Ithaca, New York (March 2010)
- “Cap and Trade Fundamentals - An Introduction to Market-Based Regulation of Greenhouse Gas Emissions,” CLE 2008 International Climate Change Conference; San Francisco, California (updated and expanded – September 2009)
- “Waxman-Markey – A Brief Overview of the American Clean Energy and Security Act of 2009,” Bay Area Council Energy Committee, San Francisco, California (July 2009)

OTHER ACTIVITIES AND HONORS

- Cornell Law School Alumni Association - Executive Board Member
- Voluntary Legal Services Program of the Bar Association of San Francisco – Board and Executive Committee Member
- San Francisco Bar Association Foundation – Member of the Board of Directors; Board Secretary; Chair, Lawyers Campaign for VLSP and Diversity
- United Way of the Bay Area – Member, Campaign Cabinet; Recipient of the Silverback Award for Extraordinary Personal Leadership
- World Affairs Council of Northern California – Trustee
- California Asia Business Council – Member of the Board of Directors

Stephanie Moulton-Peters
75 King Street
Mill Valley, CA 94941
smoultonpeters@comcast.net

January 20, 2017

Mr. Sloan Bailey
President, Marin County Council of Mayors and Council Members

Dear President Bailey:

This letter conveys my intention to step down from the MCCMC appointment to the SMART Board, effective the end of February 2017. It has been a privilege to represent MCCMC on SMART since June 2011, replacing outgoing Larkspur Council Member Joan Lundstrom.

For the past five and a half years, I have worked hard with my dedicated Marin and Sonoma County Board colleagues and the SMART General Manager to make significant progress, addressing myriad planning and start up issues including: rail system design and construction; development and testing of the Positive Train Control system, now required by federal regulators; station design and amenities; hiring of operating, maintenance, police and administrative staff; community education and information, establishing fare systems and fare setting policies, and developing last mile connections with transit and transportation partners.

I have been committed to see the SMART train through to the start of service. This would have occurred in December 2016, but for the unforeseen problems which occurred with the train engines and are the responsibility of the engine manufacturer. These issues are being resolved now, and I am excited that passenger rail service will begin in 2017. I know it will provide a much needed Marin-Sonoma commute alternative to our over-congested Highway 101.

Over the several months, with the planned SMART Extension to Larkspur from San Rafael on the horizon, I have felt increasingly that the City of Larkspur should once again have a the seat on the SMART Board, to participate directly in the Board discussions of the plans for the Extension. For this reason, effective the end of February, I will step down from my position.

I sincerely thank you and the elected officials of MCCMC for the opportunity to represent MCCMC on the SMART Board.

Sincerely,

Stephanie Moulton-Peters

Council Member, City of Mill Valley

cc. Deborah Fudge, Chair SMART Board; Kate Sears, Vice Chair, SMART; Farhad Mansourian, General Manager, SMART

MARIN COUNTY COUNCIL OF MAYORS AND COUNCILMEMBERS
DRAFT AGENDA

Wednesday, February 22, 2017
Hosted by the City of Larkspur

6:00 PM Social Hour (No-Host Bar)

6:50 PM Welcome and Introductions

1. **Call to Order:** President Sloan Bailey
2. **Public Comment** (Limit 3 minutes per person)
3. **Welcome and Introduction of Guests:** Mayor Kevin Haroff

7:00 PM Dinner Service

7:15 PM 4. Presentation:

- 4.a. Report on **County-wide Vulnerability Assessment, aka BayWave**
(Presentation by Marin County Community Development Agency)

5. Tentative Committee Reports (3 minutes per person)

(Please inform Secretary Rebecca Vaughn if you will be submitting or delivering a report, and this this will be updated for the final agenda)

- 5.a. Metropolitan Transportation Commission – Supervisor Connolly
- 5.b. Association of Bay Area Governments
- 5.c. Marin Major Crimes Task Force Oversight Committee
- 5.d. Marin County School Board Association
- 5.e. Homeless Committee
- 5.f. Marin County Disaster Council Citizen Corps
- 5.g. Marin Transit
- 5.h. Sonoma/Marin Area Rail Transit Commission
- 5.i. Golden Gate Bridge & Highway Transportation District
- 5.j. Transportation Authority of Marin
- 5.k. MCCMC Legislative Committee
- 5.l. Local Agency Formation Commission

7:45 PM 6. Program / Guest Speaker

8:15 PM 7. Business Meeting

7.1 Representative to Sonoma-Marin Area Rail Transit Commission

Notice of vacancy will be announced and Letters of Interest will be solicited. Appointment to fill the remainder of the term expiring January 2019 will be made at the February 22, 2017 MCCMC Meeting.

7.2 Review of Draft of March 22, 2017 MCCMC Meeting Hosted by the City of Mill Valley

7.3 Approval of Minutes of January 25, 2017 MCCMC Meeting hosted by the Town of Fairfax

8:30 PM

ADJOURN: to the March 22, 2017 meeting hosted by the City of Mill Valley

Deadline for Agenda Items – March 16, 2017 (Please send to Rebecca Vaughn: MCCMCSecretary@gmail.com)

DRAFT

MARIN COUNTY COUNCIL OF MAYORS AND COUNCILMEMBERS

DRAFT
MINUTES

Wednesday, November 16, 2016
Hosted by the Town of Corte Madera
The Corte Madera Community Center
498 Tamalpais Drive, Corte Madera, CA

Members Present

Belvedere: Jim Campbell, Claire McCauliffe
Corte Madera: Jim Andrews, Sloan Bailey, Carla Condon
Fairfax: Barbara Coler, John Reed, David Weinsoff
Larkspur: None
Mill Valley: John McCauley, Sashi McEntee, Stephanie Moulton-Peters, Jim Wickham
Novato: Denise Athas, Pam Drew, Pat Eklund
Ross: Elizabeth Brekhus, P. Beach Kuhl, Elizabeth Robbins, R. Rupert Russell
San Anselmo: Matt Brown, Kay Coleman, Ford Greene, Tom McInerny
San Rafael: Kate Colin, Maribeth Bushey, Andrew McCullough, Gary Phillips
Sausalito: Ray Withy
Tiburon: None

Ex Officio: Belvedere City Manager Mary Neilan; Fairfax Town Manager Garret Toy; Mill Valley City Manager Jim McCann; Novato City Manager Reagan Candelario; San Anselmo Town Manager Debra Stutsman; San Rafael City Manager Jim Schutz and Corte Madera Town Clerk/MCCMC Secretary, Rebecca Vaughn.

Guests were: Honorable Judge Alex Kozinski; Clerk to Judge Connor Clark, Damon Connolly – Marin County Board of Supervisors District 1, David Yoshihara – Tam Union Superintendent, Keene Simonds – LAFCO Executive Director, Monty Stephens – General Manager, Town Center.

Call to Order

President Bailey called the meeting to order at 6:55 p.m.

Welcome and Introduction of Guests

President Bailey welcomed everyone to the Marin County Council of Mayors and Councilmembers for November 16, 2016, and introduced Corte Madera Town Council members present: James Andrews and Carla Condon and Town Staff: Town Manager Todd Cusimano, Director of Public Works David Bracken, Director of Administrative Services/Town Treasurer George Warman, Director of Planning and Building Adam Wolff, Director of Recreation and Leisure Services Mario Fiorentini, Interim Fire Chief Scott Shurtz, Interim Police Chief Michael Norton, Police Captain Jim Shirk, Town Attorney Randy Riddle, Town Clerk Rebecca Vaughn.

Public Comment

There was no public comment.

MCCMC Committee Reports

ABAG. Mayor Eklund of Novato referenced the written report distributed with the packet for the full report. She stated that she sent an email out to ABAG delegates and alternates inviting them to the December 12 briefing to hear about MTC's model. She also discussed her concern that Plan Bay Area is only looking at putting 10% of funding toward expansion of freeways, highways and improvements to our roadway system. There will be some discussion of this at the upcoming

MTC/ABAG Board Meeting. The consolidation continues, and she highlighted that the consolidation will end up costing MTC more money than if the two agencies stayed separate. It is projected to cost \$2.6 million more each year primarily because MTC staff are paid higher than ABAG staff, and also the pensions are higher at MTC. MTC is projecting a \$15 million deficit by 2022 with the consolidation, which will require a cut in staffing. This will be discussed at the general meeting that will take place on January 30, 2017. Please read her report for additional details.

LAFCO: Councilmember Condon, Corte Madera, acknowledged Executive Director Keene Simonds, thanks Gary Phillips for his service to LAFCO, and welcomed new committee member Sashi McEntee, Mill Valley. She explained that LAFCO oversees boundaries of special districts, safety services, sanitary districts, etc., and that LAFCO has been doing a stellar job of running more efficiently with a small staff. They got together and carried legislation that has been approved, whereby all JPA's will have to report to their local LAFCO, and this will help keep agencies accountable. This database will be a good go-to reference. LAFCO also did an incredible water study on water supply throughout Marin County, which won the top award at the statewide LAFCO convention. Go to marinlafco.org to get more information on any of their projects.

Homeless Committee. Vice Mayor Colin, San Rafael, reported that the first meeting will be Monday, Nov 28th from 7-8:30pm at San Rafael City Hall. Representatives will be receiving reminder information shortly. If you are not a representative but are interested in attending, you are more than welcome.

Speaker: Honorable Judge Alex Kozinski, United States Court of Appeals for the Ninth Circuit
Program: Challenges Facing Our Court Systems: A View From the Bench

President Bailey introduced the Guest Speaker, Judge Alex Kozinski. Judge Kozinski was born in Romania, speaks German, French, Romanian, Spanish and English. He attended UCLA undergrad and Law School, where he was first in his class. He had a superb legal training, having clerked for Chief Justice of the Supreme Court Warren Berger, and later, Justice Anthony Kennedy. In addition to time in private practice, he also served in the Office of Counsel to President Ronald Reagan, and he was Chief Judge of the U.S. Claims Court. In 1985, he was appointed to the 9th Circuit Court of Appeals, where, at the age of 35, he was the youngest judge appointed in its history. He served as Chief Judge of the 9th Circuit from 2007-2014. His name has been repeatedly mentioned as a potential nominee for the U.S. Supreme Court.

Judge Kozinski is known as a theater judge, meaning that his clerks are sought after by sitting Supreme Court Justices. This demonstrates that he knows how to instill values of hard work and discipline. Secondly, his written opinions are acknowledged as brilliant legal work, and models of clarity and conciseness. President Bailey stated that he believes our own local ordinances and resolutions could be improved to be more easily understood.

President Bailey then led a guided conversation with Judge Kozinski.

1) Why did you first get involved in public service?

Judge Kozinski stated that when he graduated from law school, he was going to be a bankruptcy lawyer. Clerking wasn't as big of a deal as it is now. At the end of his third year, a classmate told him a new judge was appointed, Tony Kennedy, said that he thought that he was going to be someone someday, and that he should consider clerking for him. So he took that suggestion, applied, and was selected to clerk at the Supreme Court. He explained that he likes the process of judging and being an advocate. He knew that if he ever got the chance to be a judge, he would love to try it. When Ronald Reagan was elected, Judge Kozinski was in the right place at the right time to be appointed. He was only 32 years old when he was appointed for the first time.

He was actually not the youngest ever appointed, just the youngest judge appointed in the 20th century. Taft was younger, but that was in the 1890's.

2) In Marin County, we currently have a hotly contested election for Superior Court Judge where we had a large group of local lawyers all running for this position. What do you think about the relative difference in caliber of appointed judges versus elected judges. Do you think there is a place for elected judges or should they all be appointed?

Judge Kozinski stated that he thought appointed is good. It is difficult to be in a position where every four years you have to worry about raising money to run for re-election. In Los Angeles, for example, the worst thing you can have happen to you is to have a prosecutor running against you. They tend to field candidates against judges that they disapprove of.

President Bailey asked Judge Kozinski to elaborate on a statement that he made at one of his movie nights, "There's a value to a judge having a sense of the community about him or her, and not to be so isolated that there is an artificial siloing of the judges ability to be informed about the world around him or her". So how do you reconcile always selecting and appointing a judge with the consequence that sometimes they might be more removed from the world about them than if they had to go through the rough and tumble elections process that we have all had to go through? Judge Kozinski responded that you must work at being accessible. And President Bailey stated that he thought that was something that the Judge had been very successful at doing, especially with the movie nights that he regularly hosts.

Judge Kozinski started hosting movie nights 25 years ago. Now we get 200-300 people at a time, in San Francisco and in Pasadena. He show movies and then has special guests talk about the movie. The last movie he screened, A Town Without Pity, about a court martial in post war Germany, the defense lawyer was Kirk Douglas. Interestingly, the director was Gottfried Reinhardt, the father of his colleague, Stephen Reinhardt. The principal writer was Sylvia Reinhardt, his mother. The group talked about the movie, what it meant, how rape trials have changed over the years.

President Bailey explained that the reason why he appreciates these gatherings is because, in a cordial way, it brings to a broader consciousness some deeper issues. Serious issues are approached through the shared experience of watching a movie, and maybe our communities can benefit from an approach like this.

Judge Kozinski explained that the 9th Circuit territory extends from Montana to Guam, Alaska to Arizona, and includes 60 million plus people. Judges are appointed from every one of the nine states. They are appointed by the sitting President when the vacancy occurs. The group has very sharp disagreements on the law, but in cases where law is unclear and judicial philosophy plays a factor, we have very sharp disagreements but the disagreements end on the page. In the end, we wind up being quite cordial with each other.

3) One of the things that you have done very well over many years is train people. Can you give advice to us about what we can be doing in our municipalities to instill loyalty and hard work ethic that you have done with your own staff?

Judge Kozinski stated that he has a staff of 5 to 7 people. You have to lead by example, you can't ask people to work hard if you don't work hard yourself. He believes he should be able to do anything his staff does, so that he has an understanding and appreciation for what each job is and what the challenges are. He explained that he gets new law clerks every year and that you have to understand the shortcomings they have going straight from school into the workplace. Law school is great, but there are things you can only learn on the job.

The one thing that he teaches his law clerks when they begin to draft opinions is to put themselves in the shoes of the person who will be looking at your work. And if you're the boss, you have got to put yourself in the position of those who will be doing your work so that you can be clear in your expectations. This also allows you to anticipate the ways in which someone could misunderstand you or not carry out what you're saying. Sometimes we talk or communicate and we think that we are being clear, but it's only clear because we're talking to ourselves or someone who has the same assumptions that we do. So we sometimes give directions, or make arguments, that don't address the point of view of the people we are speaking to. Looking at the world from the perspective of the other person is very important.

All of us have a touch of seeing the world just from our own perspective and forgetting other people, other experiences, other points of view. This is why he appreciates diversity on the bench. You can't do your job as a judge if you don't have compassion and understand the point of view of others.

4) All of us in this room have to hire municipal attorneys to represent us to the courts. From a judge's perspective, what should we look for in effective advocates?

Judge Kozinski stated that he thought President Bailey asked the wrong question. We have gotten to the point where we think of lawyers as advocates. There was an earlier time where, as a lawyer, your first job was to be a counselor, because they were advisors. Justice Brandeis was an advisor; people would ask his view of a problem. You need people who are going to help you solve a problem, not just fight a fight. Not being able to solve the problem is what is getting in the way of you being able to do what is best for your community.

Getting someone who is going to fight a battle harder might not be the best solution. Sometimes you want someone who has a good track record of settling cases, resolving disputes and keeping their client out of court. Thinking of lawyers as counselors instead of advocates is a good idea. You should think of litigation as a problem that needs to be solved.

5) We, as bodies, always have to write or amend ordinances. How can we improve the laws that we pass or amend on a regular basis?

Judge Kozinski recommended getting professionals to draft the laws. The money you spend getting a profession to help draft or edit will pay for itself in the long run by helping your laws remain free of loopholes or potential lawsuits.

People want shortcuts, to get something passed quickly. And when problems arise, you may not even be in office any more. That's why it is important to have a professional look at your draft ordinances.

QUESTIONS FROM THE AUDIENCE

Ford Greene, San Anselmo:

When you said the reason you became a judge was for power, what are some of the things that inform the way that you exercise power, some of the values that go into how you assess a particular situation?

Response: Most of the time, we have precedence, we have statutes that we apply. In 75-80% of cases, we always agree. There are a small number of cases where we disagree, either because the precedence isn't clear, the language is ambiguous or there is a gap in the law. When there's no firmer guidance, you fall back on your own experiences, your perception of what is just. There is no formula for that. That is why it's good for Senate to look at life experiences and record of judges before appointing.

Sashi McEntee, Mill Valley:

She stated that she appreciated when Justice Scalia passed and Justice Ginsburg commented that she could bounce ideas off of him and that his own perspective enriched hers and made her arguments stronger. You touched on having that kind of perspective of people that you disagree with. How can we cultivate more of an atmosphere of respect and civility?

Response: A lot of times it has to do with how compassionate, empathetic people are. It's a constellation of qualities, and he does not think that what his court does is any different from what city councils do. It's a same kind of political process, trying to achieve the goals of our organization in a way that's expedient, fair and efficient, and that we don't cause such a rift between ourselves that we can no longer work together. If you keep grudges, you're only going to hurt yourself. It poisons the entire situation. You win some, you lose some, and then you move on, keeping in mind the importance of long term relationships.

Pam Drew, Novato:

The practice of plea bargaining tends to cut off portion of population which does not have money to spend on litigation, jury trials and representation. This is undermining our judiciary because it cuts you off from the common people. What is your opinion of this?

Response: Alaska did away with plea bargaining many years ago and it has seemed to work out okay for them. In our current system, he doesn't think we could handle not having plea bargains. If every case went to trial, it would be a costly enterprise and really bog down our system. In the United States, we have 2.2 million prisoners, which is more than any other country on Earth. In the long run, we're better off with plea bargaining. All we would get is a lot more time in court and more people doing prison time.

BUSINESS MEETING (continued) – 8:25 p.m.

President Bailey continued to the Business Meeting portion of the meeting. He stated that representatives from the City of Larkspur and the Town of Tiburon could not attend this meeting due to the fact that the date selected coincided with their regularly scheduled Council meetings. As a result, a conflict has developed about whether voting on committee appointments should take place without this representation. A letter was received from Tiburon Mayor Erin Tollini, requesting consideration for the Town/Cities whose Council members could not be present due to the MCCMC meeting's conflict with their jurisdictions' regularly scheduled Council meetings. He stated that he conducted research and spoke with representatives from each of the affected jurisdictions and came up with the following compromise: for any committee appointments where there is more than one person nominated for consideration, that the vote be postponed until the January 25th meeting so that all members have the opportunity to cast a vote. Regarding all positions for which there is only one candidate, it does not make sense to delay the vote. Regarding the agenda item requesting a submission of a list of candidates to forward to the Board of Supervisors for appointment to the Metropolitan Transportation Commission, if no more than three candidates are nominated this evening, it would make sense to move forward with the recommendation to the Board of Supervisors. It makes sense to get that appointment made by the Board of Supervisors as quickly as possible our chosen representative would then have slightly more seniority on the Commission than any members that follow after from competitive jurisdictions.

5.a. MCCMC Representatives to League of California Cities, North Bay Division Executive Board – Three positions available.

2nd Representative: There was a motion and second (Athas/Coleman) to appoint Ray Withy, Sausalito to serve as the 2nd Representative to the League of California Cities, North Bay Division Executive Board. The motion was approved by acclamation.

Representative: There was a motion and second (Athas/Withy) to nominate Kay Coleman. No other nominations were received. There was a motion and second (Athas/Moulton-Peters) to appoint Kay Coleman, , to serve as the Representative to the League of California Cities, North Bay Division Executive Board. The motion was approved by acclamation.

Alternate Representative: There was a motion and second (Athas/Moulton-Peters) to nominate Sashi McEntee, Mill Valley. No other nominations were made. There was a motion and second (Athas/Colin) to appoint Sashi McEntee, Mill Valley, to serve as the Alternate Representative to the League of California Cities, North Bay Division Executive Board. The motion was approved by acclamation.

5.b. Local Agency Formation Commission (LAFCO) Alternate Representative

A single Letter of Interest was received from Matt Brown, San Anselmo. No nominations were received from the floor. There was a motion and second (Eklund/Condon) to appoint Matt Brown, San Anselmo, to serve as the Alternate Representative to LAFCO. The motion was approved by acclamation.

5.c. Marin Major Crimes Task Force Oversight Committee (Alternate)

Letters of Interest were received from Barbara Coler, Fairfax, and Catherine Way, Larkspur. No additional nominations were received from the floor. There was a motion and a second (Coler/Eklund) to postpone the vote until January 25, 2017 MCCMC meeting when representatives from the Towns of Larkspur and Tiburon can be present to participate in the vote. The motion was approved by acclamation.

5.d. Cal-ID Remote Access Network

A single Letter of Interest was received from Ann Morrison, Larkspur. No nominations were received from the floor. There was a motion and second (Eklund/McCullough) to appoint Ann Morrison, Larkspur, to serve as the representative to the Cal-ID Remote Access Network. The motion was approved by acclamation.

5.e. Marin Transit Board of Directors - Two seats available, Director and Alternate

Director: A single Letter of Interest was received from Kate Colin, San Rafael. Matt Brown, San Anselmo, nominated Ford Green, San Anselmo, from the floor. No additional nominations were received from the floor. There was a motion and a second (Moulton-Peters/Eklund) to postpone the vote until January 25, 2017 MCCMC meeting when representatives from the Towns of Larkspur and Tiburon can be present to participate in the vote. The motion was approved by acclamation.

Alternate: A single Letter of Interest was received from Eric Lucan, Novato. Matt Brown, San Anselmo, nominated Ford Green, San Anselmo, from the floor. No additional nominations were

received from the floor. There was a motion and a second (Andrews/Eklund) to postpone the vote until January 25, 2017 MCCMC meeting when representatives from the Towns of Larkspur and Tiburon can be present to participate in the vote. The motion was approved by acclamation.

5.f. Nomination of up to Three Candidates to the Board of Supervisors for Marin Commissioner to the Metropolitan Transportation Commission

No nominations were received from the floor.

There was a motion and a second (Condon/Athas) to provide the names of three candidates, Damon Connolly, Pat Eklund and Kevin Haroff, to the Marin County Board of Supervisors for determination of appointment. The motion was approved by acclamation.

6. Announcement of Upcoming Vacancy and Call for Letters of Interest

6.a. Marin County School Board Association

President Bailey announced the vacancy and requested that Letters of Interest be sent to him in advance of the January 25, 2017 MCCMC meeting.

7. Review and Discussion of Draft of January 25, 2017 MCCMC Meeting Hosted by the Town of Fairfax. Secretary Vaughn stated that she would update this agenda to include the votes on the appointments that were postponed.

8. Approval of Minutes of October 26, 2016 MCCMC Meeting hosted by the Town of Tiburon

There was a motion and a second (Weinsoff/Moulton-Peters) to approve the minutes of the the October 26, 2016 meeting. The motion was approved by acclamation.

Adjournment

President Bailey thanked everyone for attending and adjourned the meeting at 8:45p.m. to the next regular meeting scheduled for January 25, 2017 hosted by the Town of Fairfax.