

AGENDA ITEM 1(b)

**TOWN OF SAN ANSELMO
STAFF REPORT
October 15, 2002**

For the Meeting of October 22, 2002

TO: Town Council
FROM: Janet Pendoley, Finance & Administrative Services Director
SUBJECT: Report of Warrants Issued, September 2002

RECOMMENDATION

That Council acknowledge and file warrant numbers 43266 to 43564 issued during the month of September 2002 in the amount of \$1,431,177.07. The following warrant numbers were voided: 42752; 43190; 43267-43326; 43418.

BACKGROUND

This report is an itemization of payments made to vendors during the month just ended. It also includes warrants written to Bank of America for the month's two regular payrolls as well as reimbursements to employees for work-related approved expenditures.

Respectfully submitted,

Janet Pendoley
Finance and Administrative Services Director

Attachment 1 - Warrant Registers, September 2002

AGENDA ITEM 1(c) – not available on web page
AGENDA ITEM 1(d)

**TOWN OF SAN ANSELMO
STAFF REPORT
October 10, 2002**

For the Meeting of October 22, 2002

TO: Town Council
FROM: Debra Stutsman, Town Administrator
SUBJECT: Holiday Movies in the Council Chambers

RECOMMENDATION

That Council approve the request of the Film Night organizers for three screenings of holiday movies in the Council Chambers on Saturdays, December 7, 14 and 21 at 7:00 p.m.

BACKGROUND

The attached letter was received from Tom Boss, Film Night Program Director, requesting permission to hold three holiday movie screenings in the Town Hall Council Chambers on three Saturdays in December. The first movie would be on Saturday, December 7, after the holiday lighting ceremony. The other two screenings would be scheduled for Saturdays, December 14 and 21, 2002 at 7:00 p.m. The movies would be open to the public free of charge. The Council Chambers is available on the requested dates.

Respectfully submitted,

Debra Stutsman
Town Administrator
AGENDA ITEM 1(e)

**TOWN OF SAN ANSELMO
STAFF REPORT
October 10, 2002**

For the Meeting of October 22, 2002

TO: Town Council
FROM: Debra Stutsman, Town Administrator
SUBJECT: Status Report – Council Requests

RECOMMENDATION

That Council acknowledge and file the status report on Council requests regarding various ongoing projects.

BACKGROUND

At recent Council meetings, staff was asked to report back to Council on a variety of ongoing projects.

DISCUSSION

Bicycle Task Force – Public Works Director Elias met with Peter Hoch and Bob Snyder of the Bicycle Task to discuss ways in which members can be involved in facilitating the implementation of the Bicycle Task Force report. Other members who wish to be involved include Tom Peacock and Tom Crowell. The group will work together to ensure that efforts are ongoing toward improving bicycle access in San Anselmo.

Ralph Ardito's retaining wall project – Mr. Ardito reports that he has completed the rebuilding of the retaining wall at the creek on Broadmoor Avenue.

Hawthorne Canyon debris removal – Parks Director Nyberg reports that the crew has been actively removing dead brush from the canyon in anticipation of the fire season.

Alderney/Oakland drain debris – The Street Crew has performed maintenance on the subject drain to ensure that it is ready for winter rains.

Plans for Downtown business assistance – Staff attended a meeting of the Town's civic and business leaders and the Chamber of Commerce to discuss business vitality in San Anselmo. Topics of discussion included ease of the permit process, handouts for new businesses outlining Town requirements, development of design standards, the difficulty of large rent increases, solicitation of new businesses to town, attracting customers to town businesses, the possibility of a business development district, advertising programs and the parking dilemma. The meeting was an opportunity for participants to air concerns and strategize about how to remove obstacles and encourage a thriving business community. A second meeting was scheduled for Tuesday, November 19, to continue the discussion and review information gathered.

Holiday Lights on Sir Francis Drake Blvd. - Staff has been working with Peggy Wurtz of Peggity's regarding a joint project to replace the holiday lights on the trees on the 200-300 block of Sir Francis Drake Blvd. Ms Wurtz has an estimate of \$100/tree to place lights on the twenty (20) tree trunks, and is investigating the best type of light to purchase before contacting fellow merchants about contributing to the project. The Town has committed to contributing to the project when firm costs are obtained.

379 Oak Avenue abatement – The Building Official has been successful in obtaining a signed contract from a contractor to remove the steel-frame structure at this location. The work is scheduled to start on Monday, November 4, 2002 and is estimated to take approximately three days. The homeowner has been advised of the date and the Building Official is attempting to organize an on-site meeting so the contractor can see the project up close and plan his work.

Respectfully submitted,

Debra Stutsman
Town Administrator
AGENDA ITEM 1(f)

**TOWN OF SAN ANSELMO
STAFF REPORT
October 16, 2002**

For the Meeting of October 22, 2002

TO: Town Council

FROM: Janet Pendoley, Finance & Administrative Services Director

SUBJECT: Approval of Revision to Sick Leave Donation Policy and Administrative Procedures for Implementing Sick Leave Donation Policy

RECOMMENDATION

That Council approve the revised Sick Leave Donation policy and associated administrative procedures.

DISCUSSION

At its regular meeting on September 24, 2002, the Council approved a three-year Memorandum of Understanding (MOU) between the Town and the Marin Association of Public Employees (MAPE). In the staff report presented at that meeting, MAPE and Town representatives requested as part of the settlement that the Council expand the Catastrophic Leave provisions to include incapacitation of an employee's domestic partner, or minor dependent child.

ANALYSIS

The revision to the policy expands the scenarios under which an employee may request a leave of absence to include not only their own incapacitation but also that of a spouse, domestic partner or minor dependent child. The policy remains unchanged with regards to the Council's review of each request on a case by case basis. In approving an employee's request for catastrophic leave, the Council also authorizes the employee to receive the voluntary donation of sick leave hours from other employees to be used in the event that he/she exhausts all of his/her accrued paid leave.

FISCAL IMPACT

There is no fiscal liability incurred by this revision. An employee on catastrophic leave uses his\her own leave accruals, and then the hours donated by other employees. In the event that there are no pledged hours available, the employee moves to unpaid leave status.

Respectfully submitted,

Janet Pendoley, Finance and Administrative Services Director

Attachments: **Attachment 1** –Sick Leave Donation Policy
 Attachment 2 –Administrative Procedures, Implementing Sick Leave Donation Policy

Town of San Anselmo

SICK LEAVE DONATION POLICY

PURPOSE

The Town Council hereby establishes a sick leave donation policy to enable a catastrophically ill/injured Town employee to focus his/her energy on recovery rather than on financial matters. This donation policy also applies in the event that an employee must be absent from work to care for a similarly incapacitated spouse, domestic partner or dependent minor child. The Town Administrator shall establish procedures for and administer sick leave donations. Such donations will permit the transfer of accrued sick leave credit from one or more Town employees to another Town employee who has exhausted all available sick, vacation, compensatory and in-lieu time.

PROVISIONS

Application for Donation

A Town employee suffering from a serious illness/injury or who has need to care for a similarly incapacitated spouse, domestic partner or dependent minor child shall apply to the Town Council for permission to receive sick leave donations. To apply, the employee

must submit medical documentation of his/her condition and must have exhausted all his/her available paid sick, vacation, compensatory and in-lieu leave time. Council approval of the application will be valid for ninety days. A request for extension of the application shall be made to the Town Administrator, who is authorized to consider and grant extensions. The Administrator's decision shall be final. In the event that a recipient is granted benefits such as a Public Employees' Retirement System disability retirement or Social Security disability, sick leave donation shall end.

Council Consideration

Each application shall be considered based on its individual merit. No Council action with regard to an application should be construed as establishing precedent.

Employee Donation

A Town employee who is not catastrophically ill/injured, as defined in the Town's Administrative Procedure related to Implementing the Sick Leave Donation Policy as revised on October 1, 2002, and who is eligible to accumulate and use sick leave may donate a portion of his/her accrued sick leave to an eligible recipient employee (s) who has been approved by Council. To donate, an employee must agree to administrative conditions of donation and transfer as stipulated by the Town Administrator. If a recipient does not use all of the donated sick leave, the unused portion will be re-credited to the appropriate donor(s).

Donor participation is voluntary and no employee shall be coerced to participate by another employee(s), supervisor (s) or representative(s) of the Town. Sick leave credits cannot be sold bartered or traded to any other employee under any circumstances. Provisions for affording a recipient employee a portion of a donor employee's sick leave credits is allowed only by the conditions of this policy, the Administrative Procedure – Implementing the Sick Leave Donation Policy and by procedures established by the Town Administrator.

Initial Policy approved by the Town Council on July 11, 1995.

Revised Sick Leave Policy approved by Town Council Action in a Regular Meeting on _____.

Town of San Anselmo

Administrative Procedure
IMPLEMENTING SICK LEAVE DONATION POLICY

Issued: August 21, 1998

Revised: October 1, 2002

Pursuant to Policy Directive: Town Council Actions: July 11, 1995 and October 22, 2002

Purpose:

The purpose of this administrative procedure is to implement the Sick Leave Donation Policy of the Town of San Anselmo, as adopted on July 11, 1995 and revised effective on October 1, 2002.

Definitions:

Catastrophic Illness/Injury: A medically certifiable condition due to an illness or injury that results in an employee being incapacitated and unable to work for a prolonged period or a medically certifiable condition due to an illness or injury suffered by a spouse, domestic partner or minor dependent child that requires an employee to care for the incapacitated family member.

Catastrophic Leave: Approved leave of absence due to a medically verifiable long-term illness or injury to an employee, his/her spouse, domestic partner or minor dependent child. Initial catastrophic leave approval is granted by the Town Council for up to 90 calendar days. Extensions of such approved leave of up to 90 calendar days may be granted by the Town Administrator. Catastrophic leave must be used on a continuous and uninterrupted basis and a leave recipient may not remain on catastrophic leave for a continuous period exceeding 12 consecutive months.

Used Hours: Pledged sick leave hours, which have been used by a leave recipient employee. Used hours are not recoverable by a donor.

Leave Donor: An employee (regardless of bargaining unit designation) eligible to accrue sick leave, who is not catastrophically ill/injured and who, by voluntary written request, has authorized transfer of a portion of his/her sick leave accrual to be used by an approved leave recipient. The amount of sick leave available for a donor to pledge is based on the donor's current sick leave balance minus the donor's current fiscal year's accrual, and this amount, minus two weeks' of sick leave (defined by the donor's regular work schedule).

Leave Recipient: An employee (regardless of bargaining unit designation) eligible to accrue sick leave, who is suffering from a catastrophic illness or injury and has exhausted or is expected to exhaust all of his/her accrued paid leave (sick leave, vacation, compensatory time, in-lieu time, holiday leave and administrative leave) and who has

received approval from the Town Council to receive sick leave accruals from one or more donor employees.

Pledged Hours: Sick leave hours, which an eligible employee agrees to give to an approved recipient employee to use for catastrophic leave. Pledged hours are not recoverable except under the following conditions: 1. If the leave recipient no longer needs donations or is no longer in an approved leave status, then pledged but unused hours, will be re-credited to donors; or 2. The donor, upon retirement from the Town, requests re-crediting of pledged but unused hours to his/her account.

Procedure for Implementation

An employee wishing to use the sick leave donation policy shall submit a Recipient Employee Request to Use Sick Leave Donation Policy to Personnel. Any medical information and/or records submitted to support such a request shall remain confidential, unless confidentiality is waived by the recipient employee. Personnel will forward the request to the Town Administrator for consideration by the Town Council.

Personnel will verify when the recipient employee has exhausted all of his/her accrued paid leave and is therefore eligible to receive sick leave donations. Personnel will notify all Town departments of such eligibility to accept sick leave pledges, subject to conditions of confidentiality requested by the leave recipient, except that the leave recipient's name must be included in the notification.

Employees electing to pledge sick leave shall submit a Request to Pledge Sick Leave form to Personnel for approval. Upon verification of donor eligibility, all sick leave hours pledged by an approved eligible donor will be deducted by Payroll from the donor's sick leave account and placed into a pledge account specific to the leave recipient.

Hours pledged shall be in minimum increments of one (1) hour. Pledges and crediting of donations shall be hour for hour, and there shall be no conversion to dollar value based on donor or recipient hourly rate. The leave recipient's regular paycheck shall be subject to normal payroll deductions, including any applicable taxes.

Personnel will monitor the total number of pledged sick leave hours in relation to the leave recipient's needs. Hours will be debited from the pledge account and credited on an as needed basis to the recipient's sick leave account each payroll period. If insufficient pledge hours are available to be credited to the recipient's sick leave account, Personnel will notify all employees of the recipient's need for additional pledges.

Employees receiving catastrophic leave will be eligible to integrate such leave with either State Disability Insurance (SDI) payments, according to any applicable SDI rules; or with Workers' Compensation Temporary payments, according to any applicable Labor Code provisions. Catastrophic leave may be used in conjunction with long term disability (LTD) benefits, only to the extent permitted by specific benefit plans as administered by the carrier.

If the leave recipient is granted benefits such as Public Employees' Retirement System disability retirement or Social Security disability, catastrophic leave shall cease. The recipient shall promptly notify Personnel when he/she becomes eligible for such benefits.

Any period of donated leave will be counted as Family Medical Leave and/or California Family Rights act as applicable.

Donated leave shall count toward the application of Town service and benefits in the same manner as when the leave recipient is using his/her own paid leave except that sick, vacation, holiday and administrative leave and compensatory and in-lieu time shall not accrue.

Leave recipients shall remain on catastrophic leave only so long as authorized by the Town Council or through any subsequent extension/s granted by the Town Administrator.

Approved:

Debra Stutsman, Town Administrator

Date

AGENDA ITEM 1(g)

**TOWN OF SAN ANSELMO
STAFF REPORT
October 17, 2002**

For the Meeting of October 22, 2002

TO: Town Council

FROM: Janet Pendoley, Finance and Administrative Services Director

SUBJECT: Approval of Two New Library Positions

RECOMMENDATION

That Council approve the creation of two new positions in the Library called Lead Library Assistant and Library Technician. Salary ranges are recommended at \$2,765 – 3,361 and \$2,931 – 3,563 per month respectively.

BACKGROUND

Very few promotional opportunities exist within the San Anselmo Library personnel structure because it is such a small organization. The proposed positions are similar to positions that exist in larger libraries in Marin County, called Library Assistant II and Paraprofessional Librarian. These new positions provide an opportunity for advancement to long-time staff. One of our long-time Library Assistants is enrolled in Library School and will be eligible to take the Library Technician position and eventually a Librarian I position. Another long-time Library Assistant has expressed interest in being considered for promotion to Lead Library Assistant and taking on its supervisory responsibilities. If these changes are approved, we would then have to recruit to fill one vacant 20-hour Library Assistant position.

ANALYSIS

The proposed new positions fall between the entry level position of Library Assistant and the professional level Librarian I/II positions. They reflect the increasing degree of job responsibilities, work experience, and academic degrees required to qualify at each level. The recommended salary range for the Lead Library Assistant, \$2,765 – 3,361 per month, is 7.5% above that of the Library Assistant to recognize the library experience required as well as the additional training and supervisory responsibilities of the position. The recommended salary range for the Library Technician, \$2,931 – 3,563 per month, is 6% above the Lead Library Assistant to recognize the requirement of a Bachelor's degree as well as the ability to perform library reference work. It is 12.7% below the Librarian I position which is the entry level in the professional librarian series and requires education equivalent to a Master's degree.

FISCAL IMPACT

There is no net fiscal impact for 2002-03 in this proposal. A position for a twenty-hour Reference Librarian I has already been approved as part of the Library Budget for 2002-03. It is currently unfilled. The Library Technician would be filled instead resulting in a cost savings for a one or two year period as the salary is slightly lower than that of the Librarian I. When the Library Technician achieves a Master of Library Science degree, she would then be eligible for promotion to the Librarian I position. The Lead Library Assistant position would be filled by promoting a long-time Library Assistant who is currently working for the Town and would constitute a slight increase in salary for that employee.

CONCLUSION

The San Anselmo Public Library looks forward to rewarding talented and loyal staff by offering these promotional opportunities. The new positions would allow better public desk coverage during recently added open hours.

Respectfully submitted,

Janet Pendoley
Finance & Administrative Services Director

Attachments: **Attachment 1** – Job Description: Lead Library Assistant
 Attachment 2 - Job Description: Library Technician

AGENDA ITEM 2

**TOWN OF SAN ANSELMO
TOWN COUNCIL STAFF REPORT**

For the meeting of 10-22-02

DATE: 10-18-02

TO: Mayor and Council Members

FROM: Rabi Elias, Public Works Director

SUBJECT: Public hearing regarding a public nuisance at 3I Elkhorn Way, A/P No. 177-264-13 to determine if abatement should be ordered; large eucalyptus tree located above the road at the southwest corner of the property has areas of decay and structural weakness; potential targets if the tree should fail are the house and residential street below.

RECOMMENDATION:

Declare that a public nuisance exists and order removal of the tree.

CRONOLOGICAL ORDER OF EVENTS:

4-4-02 Notice of abatement to remove the tree was sent to Mr. Hofman by the superintendent of the streets Mike Hopp.

5-20-02 Letter from Mr. Hofman responding to abatement notice with an arborist report by Mr. Moritz dated 5-15-02 recommending removal of one limb, thinning the crown and cabling.

7-17-02 Town arborist Wayne Woodberry and Town consultant arborist Becky Duckles reviewed the tree and both recommended removal.

8-6-02 Letter from the Public Works Director stating that after reviewing all arborists' reports his administrative decision was to remove the tree.

11-7-02 Notice of public nuisance was mailed to Mr. Hofman and posted on the site.

Copies of letters and reports are attached.

AGENDA ITEM 3

**TOWN OF SAN ANSELMO
TOWN COUNCIL STAFF REPORT
October 22, 2002**

TO: Mayor and Members of Town Council

FROM: Tom Bell, Planning Director

SUBJECT: Appeal of Planning Commission Interpretation of SAMC 10-3.607 & 10-3.1701 regarding alterations and improvements to an existing non-conforming use by Keith Marsh, 32 Sir Francis Drake Boulevard, in conjunction with request to improve an existing building with a non-conforming second unit on the second story; and request to repeal SAMC 10-3.607 & 10-3.1701

RECOMMENDATION

Town Council consider the attached request and determine whether the proposed modifications are permitted; and give staff direction to revise subject code sections if determined appropriate.

Appellant and Location

Keith Marsh, 32 Sir Francis Drake Boulevard, APN 006-191-17

Background

September 16, 2002: Planning Commission denied request for modifications to a non-conforming use based on its interpretation of SAMC Sections 10-3.607 and 10-3.1701

DISCUSSION OF APPEAL

The appellant recently applied for a building permit to partially reconstruct and structurally alter his building located at 32 Sir Francis Drake Blvd. The proposed alterations were intended to cure an unhealthy living condition, and improve the structural integrity/appearance of the building. Since the building is occupied by an existing legal non-conforming use (Second Unit), staff denied the permit based upon SAMC 10-3.607, which prevents the reconstruction/structural alteration of buildings devoted to non-conforming uses. The applicant challenged the intent of this section of the code, as well as the definition of “structural alteration” as defined in SAMC 10-3.1701. Since no change in the size or function of the non-conforming use is proposed, he felt the ordinance should not be applicable to his request.

SAMC10-3.607 Nonconforming uses and improvements

Section 10-3.607© provides that no existing building “intended for or devoted to a use not permitted under the regulations of this chapter for the district in which such building or premises is located shall be enlarged, extended, **reconstructed, or structurally altered** unless such use is changed to a use permitted under the regulations specified by this chapter...”. Since the proposed plans included reconstruction of various elements and structural alterations, both the staff and Planning Commission denied the request.

SAMC 10-3.1701 Definitions

Section 10-3.1701 defines Structural Alteration as “any change in the supporting members of a building, including but not limited to, bearing walls, shear walls, retaining walls, columns, beams, girders, floor joists, ceiling joists, or roof rafters.” Both the Commission and staff believed that structural alterations were proposed on the plans.

The Second Unit Ordinance was adopted by the Town Council in 1976. Units that had been in existence were permitted to remain as legal non-conforming uses and were not subject to the conditions placed on units approved by Use Permit after the Ordinance was adopted. The intent at that time was to permit limited maintenance but not allow reconstruction or structural alterations of structures that housed the non-conforming uses so that, in time, such uses would be required to conform to code requirements. For second units, those requirements include use permits, owner occupancy, adequate parking on-site, and rent control. Non-conforming second units are not subject to these restrictions.

This interpretation was recently re-affirmed by the Planning Commission by its denial of a similar request to add a covered entry to a non-conforming second unit at 76 Tamalpais Avenue.

As stated above, the Code does permit limited maintenance, but that maintenance can not exceed a total amount, during a period of five years, of twenty-five percent of the full market value, as determined by the County Assessor. This requirement potentially discourages owners from maintaining and/or upgrading their properties.

Although some Commissioners suggested that the Code should be changed to accommodate structural alterations and reconstruction, they believed this is a policy matter that should be better addressed by the Town Council.

In a separate letter to the Mayor on September 23, 2002, Mr. Marsh requests that the Council repeal those portions of the code (SAMC 10-3.607 and 10-3.1701) regarding reconstruction and structural alterations.

RECOMMENDATION

Should the Town Council uphold the appeal, staff would like direction on future interpretation and possible modification to the Ordinance.

cc: Keith Marsh, 32 Sir Francis Drake

Attachments: Appeal
9/23/02 Letter to Mayor Hodgens
Planning Commisison staff report and minutes dated 9/3/02 and 9/16/02
9/6/02 Letter to Keith Marsh from staff
Plans