

AGENDA ITEM 1(b)

**TOWN OF SAN ANSELMO
STAFF REPORT
December 1, 2003**

For the Meeting of December 9, 2003

TO: Town Council
FROM: Janet Pendoley, Finance & Administrative Services Director
SUBJECT: Report of Warrants Issued, November 2003

RECOMMENDATION

That Council acknowledge and file warrant numbers 47256 to 47469 issued during the month of November 2003 in the amount of \$1,583,253.61. The following warrant number was voided or cancelled: 47312.

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, November 2003

AGENDA ITEM 1(c)

**TOWN OF SAN ANSELMO
STAFF REPORT
December 3, 2003**

For the Meeting of December 9, 2003

TO: Town Council

FROM: Janet Pendoley, Finance & Administrative Services Director

SUBJECT: Revenue and Expenditure Report, November 2003

RECOMMENDATION

That Council approve the Revenue and Expenditure Report for the period ending November 30, 2003.

BACKGROUND

The Revenue and Expenditure report is a year-to-date summary report of revenues and expenditures that is presented to the Town Council on a monthly basis. The General Fund is included in the monthly report. The purpose of these reports is to present financial information for review and discussion.

ANALYSIS

The revenue and expenditure data as of November 30th reflects financial activity transacted during 42% of the budget year. **Revenue received, at 14%, is at the same level as revenue for this period last fiscal year. In reality, the loss of Motor Vehicle License Fee revenue has simply been “masked” in this report by the early receipt of the third quarter Sleepy Hollow Fire District contribution.** In other regards, revenue reflects the normal lag in receipt of periodic payments including the following:

- Property tax distributions, which occur in December and April, are becoming an ever larger portion of the Town’s revenue. Thus, this lag will become greater also.
- Annual business license fees are collected in large part in the early months of the calendar year and their seasonality also contributes to the lag in revenue collections during this period.
- Sales Tax revenue at 32% reflects the fact that in October 2003 the State Board of Equalization returned to its usual level for the monthly “advances” of sales tax distributions. Since receipt of sales tax revenue lags one month, this 32% is only off the budget target by 1%. To the extent that the Town’s actual sales tax does not decline in the coming months, revenue from this source appears to be fairly stable.
- **As noted in previous reports, the impact of the State Budget’s “trigger gap” of the Motor Vehicle License Fees, estimated at \$146,540, has been implemented by a reduction in the allocation for the first four months of the fiscal year. In addition, MVLF fees from October vehicle sales were down approximately 50% of normal, presumably due to a desire by consumers to wait for the new governor’s actions. Finally, the governor has already acted to reverse the “trigger” and has publicly indicated his intention to backfill this revenue from another source. However, as of this report date, no legislation exists to authorize the release of these dollars to local governments. If the 03-04 MVLF revenue is**

in fact not backfilled, it would represent an additional loss to the Town of approximately \$300,000. For fiscal year 04-05, it would mean a loss of approximately \$500,000.

- LAIF interest earnings for the quarter ending September 30th were very disappointing. The quarterly apportionment rate, 1.63%, has continued to decline for the third consecutive year.

Expenditures, at 41%, appear to be stable level across major categories presented on page 1 of the report with the exception of the Building, Vehicle and Equipment Maintenance category, at 45%, includes annual police RIMS and computer maintenance contract costs paid at the beginning of the contract year. Expenditures also appear to be at a stable level across departments presented on page 2 of the report with only a few exceptions:

- Legal Services expenditures (at 42%) reflect payment for litigation services incurred during the first 4 months (33%) of the fiscal year only.
- Recreation department expenditures (at 44%) reflect the final salary and leave pay out costs for the department director.

BUDGET REVISIONS:

The following budget revisions were made during this report period:

- \$304 budget increase in the General Fund revenue and expenditure budgets to recognize receipt of donations to the Library department. This revision has no impact on the General Fund's reserve.
- \$868 budget increase in the Insurance Fund revenue and claims reserve budgets to recognize receipt of refunds from prior years' memberships in the Marin Cities Liability Management Authority (MCLMA) and Workers Compensation JPA. To the extent that current year claims do not require the use of these funds, this revision will increase the Insurance Fund's year end reserve in the amount of \$868.

CONCLUSION

In reviewing the financial data particularly as it compares to the prior year, the Town's revenue collections and spending levels appear to be within normal ranges for this report period.

In comparison to the previous fiscal year, however, total revenue continues to lag behind due primarily to the uncertain MVLF situation and expenditures continue to be slightly ahead. These numbers signal that at best the current year budget is very tight and may not result in the excess carryover revenue available in past years for funding capital and equipment items. At worst, loss of the MVLF revenue may reduce the Town's General Fund ending balance significantly.

Respectfully submitted,

Janet Pendoley, Finance and Administrative Services Director

Attachment #1: Revenue and Expenditure Report, November 2003

AGENDA ITEM 1(d)

TOWN OF SAN ANSELMO
Staff Report
December 3, 2003

For the meeting of December 9, 2003

TO: Town Council

FROM: Dennis Smith, Interim Recreation Director

SUBJECT: FINANCIAL REPORT ON RECREATION FUND

RECOMMENDATION

That Council approve the Recreation Fund Revenue and Expenditure Report for the period ending November 30, 2003.

BACKGROUND

As stated in the October Financial Report, the Recreation Department offers a wide array of programs throughout the fiscal year. Most of the programs are seasonal in nature and revenue is collected in advance, with expenditures following after a time lag. This is the second monthly financial analysis on the Recreation Fund.

DISCUSSION

As reflected in the attached Revenue and Expenditure Report Summary for the Recreation Fund, both the actual revenues and expenditures through November 30 fall within the same range as the four-month actual figures for the past two fiscal years. This is consistent with last month's report.

In all of our program categories, revenues have exceeded expenditures at this point in the fiscal year. We are continuing to make good progress in capturing our contributions to covering the administrative costs. This month's actual amount is \$30,000 over the October figure. Administrative cost levels still look very good. With about 42% of the Fiscal Year over, the salaries and benefits are consistent.

I will continue to submit a Revenue and Expenditure Report on the Recreation Fund on a monthly basis.

Respectfully submitted,

Dennis Smith
Interim Recreation Director

AGENDA ITEM 1(e)

**TOWN OF SAN ANSELMO
STAFF REPORT**

December 1, 2003

For the Meeting of December 9, 2003

TO: Town Council
FROM: Lisa Wight, Senior Planner
SUBJECT: **Zoning Ordinance Amendment to the Merger of Parcels Ordinance,
SAMC Title 10, Chapter 3, Article 27**

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RECOMMENDATION

That the Town Council adopts an Ordinance amending Sections 10-3.2703(b)(4), 10-3.2703(c), and 10-3.2712(a)(4) of the Municipal Code.

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Background

November 25, 2003: Town Council introduced an Ordinance amending Sections 10-3.2703(b)(4), 10-3.2703(c), and 10-3.2712(a)(4) of the Municipal Code, waived the reading and continued to December 9, 2003 for final adoption.

November 3, 2003: Planning Commission heard the item and recommended to the Town Council to adopt an Ordinance amending Sections 10-3.2703(b)(4), 10-3.2703(c), and 10-3.2712(a)(4) of the Municipal Code.

Staff Comments

As directed in the April 30, 2003 letter from Town Attorney Hadden Roth, in order to conform to the state statute, the following amendments are required:

1. SAMC Section 10-3.2703(b)(4): change the word “density” to “stability” to read, “Does not meet the slope stability standards.”
2. SAMC Section 10-3.2703(c): repealed.
3. SAMC Section 10-3.2712(a)(4): change the word “density” to “stability” to read, “Meets the slope stability standards.”

Recommended Action

- To adopt an Ordinance amending Sections 10-3.2703(b)(4), 10-3.2703(c), and 10-3.2712(a)(4) of the Municipal Code.

Attachments: Ordinance

Town Council minutes of November 25, 2003

AGENDA ITEM 1(f)

TOWN OF SAN ANSELMO STAFF REPORT December 1, 2003

For the Meeting of December 9, 2003

TO: Town Council

FROM: Janet Pendoley, Finance & Administrative Services Director

SUBJECT: Approval of Resolutions Reaffirming the Town’s Accounts with Financial Institutions and Designating Town Officers as Authorized Signers

RECOMMENDATION

That Council approve the attached Resolutions:

- reaffirming investment of Town monies in the Local Agency Investment Fund (LAIF) and designating Town Officers as authorized signers; and
- reaffirming accounts with Bank of America and Wells Fargo Bank and designating Town Officers as authorized signers.

BACKGROUND

The Town's financial operations are currently transacted via a checking account at Wells Fargo Bank, an imprest payroll account at Bank of America, and LAIF accounts for the investment of idle funds. As required by law, the Town's general funds are held in one LAIF account, and the proceeds from each Measure G bond issue are held in separate LAIF accounts.

The Bank of America and Wells Fargo Bank accounts require one signature for checks written for less than \$2,000 and two signatures for checks of \$2,000 or more. Deposit and withdrawal transfers (telephone) in the LAIF and Wells Fargo accounts are accomplished by one officer. Each completed transfer is then confirmed in writing by the institution with a second officer.

DISCUSSION

With the recent election of a new Town Treasurer, it is an appropriate time to reaffirm the use of these existing financial institutions as well as to update the designation of Town Officers who are authorized to sign financial transactions.

The Town Officers recommended as authorized signers for all accounts are:

Town Administrator
Finance & Administrative Services Director
Police Chief
Town Treasurer

CONCLUSION

It is recommended that the Town Council approve the attached Resolutions.

Respectfully submitted,

Janet Pendoley
Finance and Administrative Services Director

Attachments: **Attachment 1:** Resolution of the San Anselmo Town Council Reaffirming Investment of Monies in the Local Agency Investment Fund and Designating Town Officers as Authorized Signers.

Attachment 2: Resolution of the San Anselmo Town Council Reaffirming Accounts with Bank of America and Wells Fargo Bank and Designating Town Officers as Authorized Signers

TOWN OF SAN ANSELMO

TOWN COUNCIL RESOLUTION NO. _____

RESOLUTION OF THE SAN ANSELMO TOWN COUNCIL REAFFIRMING ACCOUNTS WITH BANK OF AMERICA AND WELLS FARGO BANK AND DESIGNATING TOWN OFFICERS AS AUTHORIZED SIGNERS

WHEREAS, Town Council authorization is required for entry into agreements with financial institutions; and

WHEREAS, the Town of San Anselmo utilizes banking services at Bank of America and Wells Fargo Bank; and

WHEREAS, the Town Officers whose titles are listed below are authorized to establish accounts for the Town and are designated as authorized signers on the accounts:

Town Administrator
Finance & Administrative Services Director
Police Chief
Town Treasurer

NOW THEREFORE BE IT RESOLVED, that the San Anselmo Town Council does hereby authorize the Town Officers listed above to execute banking transactions with Wells Fargo Bank and Bank of America.

PASSED AND ADOPTED by the San Anselmo Town Council at a regularly scheduled meeting on December 9, 2003 by the following vote:

AYES:

NOES:

ABSENT:

Paul Chignell,

Mayor

ATTEST:

Barbara Chambers, Town Clerk

TOWN OF SAN ANSELMO

TOWN COUNCIL RESOLUTION NO. _____

A RESOLUTION OF THE SAN ANSELMO TOWN COUNCIL REAFFIRMING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND AND DESIGNATING TOWN OFFICERS AS AUTHORIZED SIGNERS

WHEREAS, pursuant to Chapter 730 of the statutes of 1976 Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the San Anselmo Town Council does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the government for the purpose of investment as stated therein is in the best interests of the Town of San Anselmo;

NOW THEREFORE BE IT RESOLVED, that the San Anselmo Town Council does hereby authorize the deposit and withdrawal of the Town of San Anselmo monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and verification by the State Treasurer’s Office of all banking information provided in that regard.

BE IT FURTHER RESOLVED, that the following Town of San Anselmo officers or their successors in office shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund:

Debra Stutsman

Town Administrator

Janet Pendoley

Fin & Admin Services Director

Charles Maynard Police Chief

Roberta Robinson Town Treasurer

PASSED AND ADOPTED by the San Anselmo Town Council at a regularly scheduled meeting on December 9, 2003 by the following vote:

AYES:

NOES:

ABSENT:

Mayor

Paul Chignell,

ATTEST:

Barbara Chambers, Town Clerk

AGENDA ITEM 1(g)

**TOWN OF SAN ANSELMO
STAFF REPORT**

December 1, 2003

TO: Town Council

FROM: Dean Nyberg, Parks Director

RE: John A. Walters Memorial

Recommendation

That Council approve the dedication of the redwood grove at Sorich Ranch Open Space Park to John A. Walters and the placement of a plaque in or near the grove he planted.

Background

Over the years staff has relied heavily on the expertise and knowledge provided by John Walters for the development of the Sorich Ranch Master Plan. For the past ten years his dedication and volunteer spirit encouraged many other town and county residents to join him in the monthly work parties at Sorich Park. As a result of his obtaining private grant funds, a drip irrigation system has been installed

throughout the entire lower portion of the park. The grant funds will also provide native plants for the completion of the landscape planting plan outlined in the Sorich Ranch Park Master Plan.

John Walters was a conservationist who belonged to most of the bay area's environmental organizations and worked on numerous restoration and preservation projects throughout Marin County. The San Anselmo Open Space Committee has provided a letter outlining some of John Walters' many accomplishments for San Anselmo, the Ross Valley, and Marin County. (See attachment)

Conclusion

The Open Space Committee recommends a plaque be installed in the redwood grove at Sorich Ranch Park dedicating the grove to the memory of John A. Walters. (See attached suggested wording of the plaque)

**AGENDA ITEM 1(h) – Continued to the meeting of January 13, 2004
AGENDA ITEM 2**

**TOWN OF SAN ANSELMO
STAFF REPORT
December 2, 2003**

For the Meeting of December 9, 2003

TO: Town Council
FROM: Debra Stutsman, Town Administrator
SUBJECT: Appointments: Parks & Recreation Commission

RECOMMENDATION

That Council appoint members to the Parks & Recreation Commission.

BACKGROUND

The Parks & Recreation Commission has two openings to terms set to expire in July, 2007 and three applicants, as follows:

Ann Adams, incumbent
Louis Brouillet
Jack Martel

The applications are attached. Also attached is a current status report of Board/Commission/Committee openings.

Respectfully submitted,

Debra Stutsman,
Town Administrator

Attachments

AGENDA ITEM 3

TOWN OF SAN ANSELMO

TOWN COUNCIL STAFF REPORT

For the meeting of 12-9-03

DATE: 12-3-03

TO: Mayor and Council Members

FROM: Rabi Elias, Public Works Director

SUBJECT: Approve Measure G contributions to drainage project at 150 Calumet Avenue.

RECOMMENDATION

Approve Measure G contributions to the drainage project at 50% of the lowest quote but not to exceed \$3,500.

BACKGROUND

Town Resolutions Nos. 3268 and 3363 established policies for Town assistance toward cooperative efforts in non-Town- maintained streets and drainage improvement projects.

DISCUSSION

This project collects the water in a catch basin at the end of Calumet Avenue and directs it in a 10-inch pipe over private property at No. 150 Calumet to the creek. The project was heard previously by the Town Council at the meeting of September 26, 2000 where

the Council approved 50% contribution for the pipe, which was estimated then at \$2714. The work was not done. The present project includes a catch basin in order to have a complete functional project. The lowest quote submitted is \$6,450. Staff recommends staying with the 50% contribution.

FISCAL IMPACT

To be funded from Measure G , non-maintained roads and drainage 2003/04 budget.

AGENDA ITEM 4

TOWN OF SAN ANSELMO

STAFF REPORT

November 25, 2003

For the Meeting of December 9, 2003

TO: Town Council

FROM: Tom Bell, Planning Director

SUBJECT: Appeal of Planning Commission's approval of flatland design review to add an approximate 997 square foot second story addition to a new single family dwelling.

RECOMMENDATION

That the Town Council uphold the Planning Commission's conditional approval subject to mutually agreed upon modifications.

APPLICANT: Tom and Kari Levine, 115 Sunnyside Ave

APPELLANTS: Thelma Massara and Family, 109 Sunnyside Ave

BACKGROUND:

On November 3, 2003, the Planning Commission unanimously approved the project (7-0) subject to conditions in the staff report and amended to require the house be moved 2' to the west (rear) property line while maintaining the same side yard setbacks.

On October 20, 2003 the San Anselmo Planning Commission took public testimony and continued the project in order for the applicant to meet with the neighbors and discuss ways to mitigate their concerns as well as discuss the relocation and removal of three heritage trees and the method of protecting the relocated tree(s) during and after construction.

REASON FOR REVIEW

The project has been appealed on the basis that the proposed second story will invade the privacy, obstruct views and light and significantly reduce property value for the adjacent property owner at No. 109 Sunnyside Avenue.

More specifically was the concern about obstructing views from the living room and the privacy now enjoyed from the kitchen and living room windows that will be taken away by the proposed second story addition and windows from the new bedroom that will look directly into the kitchen and living room of No. 109 Sunnyside Avenue.

Since the appeal has been filed, it is staff's understanding that the appellants no longer opposed to the project subject to the following mitigation measures agreed upon with the applicant. Bedroom 1 window would be reduced from 4' wide to 3' wide and the applicant would plant a new tree that would be mutually agreed upon to provide privacy between the two properties. Further, that the applicant would modify the drawings to reflect the changes and provide a copy of the revised drawings to the appellants for their review. The plans before the Council reflect the changes.

Staff is still able to support the project based on the findings and conditions in the Staff Reports dated 10/20/03 and 11/3/03 and amended by the Commission, with revised drawings date stamped Received by the Town of San Anselmo Nov 25, 2003.

Attachments: Staff Reports & Minutes of 10/20/03 & 11/03/03

Map

Plans dated 11/25/03

Appeal dated 11/10/03

E-mail from T. Levine to B. Chambers dated 11/19/03

Shadow Study

Arborist Report dated 11/3/03

AGENDA ITEM 5

TOWN OF SAN ANSELMO STAFF REPORT

December 1, 2003

TO: Town Council

FROM: Dean Nyberg, Parks Director

RE: Revised Commercial Applicator Notification Ordinance

For the meeting of December 9, 2003

Recommendation

That Council consider an ordinance requiring notification of adjoining properties about airborne pesticide applications by commercial pesticide applicators.

Background

Staff was directed to contact commercial pest control companies for technical advice towards correcting inconsistencies in the proposed commercial applicator notification ordinance. The substance of such an ordinance would be to require that commercial pesticide applicators notify adjoining property owners at least 24 hours before an airborne pesticide application. The most immediate benefit of adjoining property notification is that it provides a warning to afford people the opportunity to take simple precautions to minimize their exposure.

Discussion

Bartlett Tree Service, Crane Pest Control, and Natureworks Pest Control stated that the notification process should be done by the client/property owner rather than the pest control company like it is in the Fairfax notification ordinance. They cited the economic hardship of making two to three additional trips to the site and the expense of finding out who are the adjoining property owners. The companies would have to pass along the additional labor costs to San Anselmo residents or they might choose not to work at all in San Anselmo. By making the client/property owner the responsible party for the notification, the companies would be able to reduce the additional costs of the ordinance.

In regards to the exemptions portion of the ordinance, all of the companies suggested a safety barrier of so many () feet from a property line be used as a condition.

Staff suggests a 50 foot safety barrier between the application and an adjoining property line be added to the exemption portion of the ordinance. **(5-9.07)(c)**

Staff suggests section **(5-9.04)(b)** be changed to read, "Immediately following any pesticide application, each commercial applicator shall provide a full copy of the *pest control recommendation* to the contracting party".

Staff suggests "plant materials" be deleted from the definition of "airborne application". **(5-9.02)**

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF SAN ANSELMO AMENDING TITLE 5 (SANITATION AND PUBLIC HEALTH) OF THE SAN ANSELMO MUNICIPAL CODE BY ADDING CHAPTER 9 (NOTIFICATION OF COMMERCIAL PESTICIDE APPLICATIONS).

THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN AS FOLLOWS:

Chapter 9 of Title 5 is hereby added to the San Anselmo Municipal Code to read as follows:

Chapter 9

PESTICIDE NOTIFICATION

Sections:

5-9.01 Purpose and Intent

5-9.02 Definitions

5-9.03 Licensing of Commercial Applicators

5-9.04 Maintenance of Records

5-9.05 Emergency Suspension

5-9.06 Pre-application Notification of Airborne Application

5-9.07 Exceptions

5-9.01 Purpose and Intent

- (a) It is the intent of the town council in enacting this chapter to prescribe requirements concerning pesticide notifications in order to preserve the health, safety, and welfare of the inhabitants of the Town. The council finds that there are federal and state laws that regulate pesticides, but that those laws do not exclude local government regulation not inconsistent therewith. The council finds that this chapter is not inconsistent with federal and state laws, and is not preempted by any such laws. The town council finds that the provisions of this chapter address the town's local and municipal concerns of notification of pesticide applications by commercial applicators not addressed by federal or state law.
- (b) The town council finds that wind conditions in the town cause drift to occur during airborne applications of pesticides and that absent pre-application notification, airborne applications of pesticides constitute a nuisance. It is the intent of the town council in enacting this chapter to prescribe requirements concerning the notification of the public of the outdoor use of pesticides. The town council finds that this objective is not inconsistent with federal and state laws, and is not pre-empted by any such laws. The town council further finds that notification of outdoor use is a matter of local and municipal concern.

5-9.02 Definitions

- (a) As used in this chapter, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:
1. **“Airborne Application”** means the application of pesticides by misting or spraying or by use of a fogger.
 2. **“Contracting party”** means a person which hires a commercial applicator or other person to apply pesticides.
 3. **“Commercial property”** means property owned or leased by a business, industry, church, or school, on which goods or services are provided to the public.
 4. **“Commercial applicator”** means a person who owns or manages any business activity in which pesticides are applied upon the lands of another for hire or who receives, directly or indirectly, any compensation for such activity. This definition does not include maintenance personnel hired by commercial establishments, if such personnel have a variety of maintenance duties.
 5. **“Defoliant”** means any substance or mixture of substances intended to cause leaves or foliage to drop from a plant, with or without causing abscission.
 6. **“Desiccant”** means any substance or mixture of substances intended to accelerate artificially the drying of plant tissue.
 7. **“FIFRA”** means the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 et seq., as amended.
 8. **“Fogger”** means a piece of equipment that breaks some pesticides into very fine droplets (aerosols or smokes) and blows or drifts the fog onto the target area.
 9. **“Mist blower”** means spray equipment in which hydraulic atomization of the liquid at the nozzle is aided by an air blast past the source of spray.
 10. **“Misting”** means the production of a cloud-like mass or layer of minute globules of pesticide in the air through use of a mist blower or similar device.
 11. **“Pest”** means any insect, snail, slug, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacterium, or other microorganism which is declared by the California State Department of Pesticide Regulation.
 12. **“Pesticide”** means any substance or mixture of substances intended for destroying or repelling any pest. This includes without limitation fungicides, insecticides, nematocides, herbicides, and rodenticides and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. The following products are not pesticides:
 - (a) Deodorizers, bleaching agents, disinfectants, and cleaning agents for which no pesticide claims are made in the sale, or distribution thereof; and
 - (b) Fertilizers and plant nutrients.
 13. **“Plant Regulator”** means any substance or mixture of substances intended to accelerate or retard, through physiological action, the rate of growth or maturation

or otherwise to alter the behavior of plants or their produce, but does not include a plant nutrient, trace element, nutritional chemical, plant inoculants or soil amendment.

14. **“Spray”** means a mixture of a pesticide with water or other liquid applied in fine droplets.
15. **“User of pesticides”** means any person who applies or causes the emission of a pesticide into the environment, whether by spraying, misting, fogging, dusting, dragging, or other means. Users of pesticide include, without limitation, commercial applicators.

5-9.03 Licensing of Commercial Applicators

No commercial applicator shall engage in the use or application of pesticides without a valid current state license as required by the California State Department of Pesticide Regulation.

5-9.04 Maintenance of Records

- (a) Each commercial applicator shall maintain a record of information concerning each pesticide application. The record shall be consistent with state record keeping requirements.
- (b) Immediately following any pesticide application, each commercial applicator shall provide a full copy of the pest control recommendation to the contracting party.

5-9.04 Emergency Suspension

The Town Administrator or the Administrator’s designee may suspend any portion of this chapter in the event of an emergency situation which threatens irreparable harm to the health, safety or welfare of the inhabitants of the town or to the town’s environment.

5-9.05 Pre-application Notification of Airborne Application

- (a) Prior to airborne application of any pesticide, commercial applicators shall give notice to all occupants of all adjacent properties. For purposes of this section, properties located diagonally from the affected property and touching only on a property corner or other point shall be considered to be adjacent, and rights-of-way shall be disregarded in such determinations.
- (b) The notice shall be given at least twenty-four hours prior to application.
- (c) The notice shall be valid for seven days after it is given.
- (d) The notice may be given by posting signs on the property to be treated or by giving verbal or written notice.
- (e) The notice shall contain at a minimum the following information:

- (1) Date notice given;
- (2) Indication that pesticides will be applied and the approximate date of application;
- (3) The name and telephone number of the contracting party or other user of pesticides; and
- (4) Date notice expires.

(f) If notice is given by posting signs on the property to be treated, such signs shall conform to the following criteria:

- (1) There shall be a minimum of one water resistant sign along the principal street frontage of the property.
- (2) Signs shall be placed so that the warning is conspicuous from the public right of way. All required information shall be on one face of the sign.
- (3) For property surrounding commercial buildings or attached dwelling units, signs shall be posted at common access points.
- (4) For town park or open space property, signs shall be posted at each trailhead, street access, or sidewalk entry point, and any additional common access points.
- (5) Signs shall be a minimum of 8 ½ inches by 11 inches in area, and a maximum of 2 square feet in area per face.
- (6) Signs shall be placed at a maximum height of six feet.
- (7) There shall be no greater size of letters for identification of the applicator than for any other information on the sign.
- (8) Signs shall be dark lettering on a bright yellow background.

(g) If a commercial property or an attached (i.e. multi-family) residential dwelling is located adjacent to property on which an airborne application of any pesticide is to occur as set forth above, commercial applicators shall make a reasonable attempt to notify the owner or manager of the property at least forty-eight hours prior to the pesticide application. Upon receipt of such notice, such owner or manager shall not fail to post in a prominent place the information that the adjacent property will be treated.

5-9.06 Post-application notification of Outdoor Application

- (a) Commercial applicators who apply pesticides outdoors shall display at least one warning sign for at least twenty-four hours following each pesticide application or longer if suggested or required by the manufacturer's label. All signs shall be posted at the time of the pesticide application.
- (b) Signs shall conform to the following criteria:

(1) Signs shall include the following statement:

“WARNING, PESTICIDES APPLIED

Name: _____ Phone: _____. Remove sign after 24 hours, or per label requirements.”

- (2) The name and telephone number shall be either the contracting party or other user of pesticides.
 - (3) Signs shall be at a minimum of four inches by five inches in area per face, and a maximum of 2 square feet in area per face.
- (c) Signs shall comply with all other criteria set forth in Subsection 5-9.05, except subparagraph 5-9.05 (f),(5).

5-9.07 Exceptions

No notice of outdoor application is required pursuant to Section 5-9.06, "Post-application Notification Outdoor Application," under the following circumstances:

- (a) Individual spraying of weeds if the spraying distance is less than three feet.
- (b) Spot treatment of areas that are less than a total area of 100 square feet on a lot.
- (c) Ground treatments using a spray or dust more than 50 feet from an adjoining property line.

AGENDA ITEM 6

SAN ANSELMO POLICE DEPARTMENT
STAFF REPORT

For the Meeting of December 9, 2003

To: Town Council

From: Charles L. Maynard, Chief of Police

Subject: Police Fee Schedule

Date: December 3, 2003

RECOMMENDATION

That Council pass the attached resolution increasing selected fines and fees the Police Department's charges for special services as depicted in the attached exhibit.

BACKGROUND

The Police Department generates revenue for the Town in the form of fines generated from criminal violations, traffic and parking infractions and fees charged for services such as report copies and fingerprinting citizens for employment purposes. From time to time the Town, and/or individual departments, conducts reviews of fines and fees charged for services and makes recommendations for adjustments based on those reviews. Many of the fines charged are controlled by the State or County Court system, but fines for

Municipal Code violations and fees for individual services are controlled by the Town. Town of San Anselmo Resolution 3165 adopted in October, 1991 raised some parking fines and those fines have not been raised since. Documentation as to when fees for certain services were established could not be located but it is believed that those fees have not been raised in an equal amount of time.

DISCUSSION

The Town of San Anselmo has always attempted to maintain lower fines and fees for residents and those who visit the community. In all cases our fines and fees are among the lowest and in many cases are the lowest in the county. Over the years, actual costs and shrinking budgets and revenue streams have made it increasingly difficult as well as impractical to maintain these low fees.

A survey was conducted amongst Marin County towns and cities and based on that survey it appears that some of the Police Department's fines and fees should be increased as depicted on the attached sheet. One of the most notable fees is the vehicle impound/release fee. Currently the Town charges a \$35 vehicle release fee as compared San Rafael's \$155 and Sausalito's \$100. Based on the amount of time associated with the towing, processing of necessary paperwork and the release of a towed vehicle it is recommended that this fee be increased to \$100. Parking fines for the most part are in line with county averages but some, such as downtown overtime parking, loading zones, 12-foot clearance and overnight parking violations should be increased as indicated. In addition to parking fines, San Anselmo's parking permit fees are far below those of communities who have such permits. Fairfax and Mill Valley have annual fees of \$120 for merchant parking while San Anselmo's annual fee is \$10. Fairfax's \$60 annual parking lot permit is equal to our \$5 per monthly fee.

FISCAL IMPACT

The exact fiscal impact of these fee and fine increases are not known but some examples and estimates can be provided. Other fines and fees are difficult to track as statistics are not maintained on all individual services.

- In FY 02/03 the Police Department towed a total of 58 vehicles which would require a release from the department. If all vehicles were in fact released a total of \$2,030 would have been generated. Based on those figures the department would generate \$5800 using the increased vehicle release fee.
- Currently there are 229 merchant permits issued representing a total of \$2,290 in fees. With the recommended \$25 annual fee increase that figure would be \$5,725.
- Currently there are 133 overnight hardship parking permits issued by the police department representing a total of \$3,325 in fees. That figure would double to \$6,650 with the proposed increase.
- In FY 02/03 parking fines accounted for .06% of the General Fund at \$57,644. That same .06% is projected for the current fiscal year representing \$54,948. It is difficult to track the revenue generated by most parking fines based on individual violations with the exception of overnight and downtown overtime parking. In calendar year

2002 the department issued a total of 3230 overtime and overnight parking tickets. Thus far in the current calendar year the department has issued a total of 3250 tickets for those same violations. At that rate we are on track to issue approximately 3900 tickets for those two violations. With the recommended increase an additional \$31,200 in revenue will be generated.

CONCLUSION

San Anselmo's fines and fees have historically been below those of neighboring jurisdictions and the proposed increases will bring us more in line but will not exceed any fine or fee charged by those municipalities. In most cases fines were considered sufficient and no change was recommended.

CHARLES L. MAYNARD
Chief of Police

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
AMMENDING FINES FOR CERTAIN MUNICIPAL CODE PARKING VIOLATIONS
AND ADJUSTING CERTAIN POLICE SERVICES FEES.

WHEREAS, Resolution 3165 adopted November 1, 1991 was amended to increase parking fines for certain parking violations; and

WHEREAS, the majority of these fines have been in place since that time without further increase, and the fees for certain police services have been in place for a like amount of time, and

WHEREAS, these fines and fees for service are below those fines and fees currently in place in other local communities and are insufficient to cover the costs of providing these services; and

WHEREAS, the Town of San Anselmo, not unlike other municipalities sees the need to adjust these fines and fees to keep pace with the cost of the delivery of essential police services.

NOW THEREFORE, BE IT HEREBY RESOLVED that the San Anselmo Town Council hereby amends the fine and fee schedule as follows to become effective January 1, 2004 and is to be reviewed before the Town Council in January of even numbered years commencing with the year 2006;

| Service Provided | <i>Fee for Service - From</i> | Fee for Service - To |
|---------------------------|--------------------------------------|-----------------------------|
| Merchant Parking Permits | <i>\$10 Annually</i> | \$25 Annually |
| Overnight Parking Permits | <i>\$25 Annually</i> | \$50 Annually |
| Vehicle Impound Release | \$35 | \$100 |
| Clearance/Citizen Letter | <i>\$10</i> | \$20 |

| <u>Parking Violation</u> | Fine - From | Fine - To |
|---------------------------------|--------------------|------------------|
| <u>Overnight Parking</u> | \$8 | \$16 |
| <u>Overtime Parking</u> | \$17 | \$25 |
| <u>Loading Zone</u> | \$20 | \$25 |
| <u>Improperly Parked</u> | \$15 | \$20 |
| <u>12-Foot Clearance</u> | \$25 | \$50 |

I hereby certify that the foregoing resolution was duly passed and adopted by the San Anselmo Town Council on the 9th day of December, 2003, by the following vote, to wit:

AYES:

NOES:

ABSENT:

PAUL CHIGNELL
Mayor

BARBARA CHAMBERS
Town Clerk