

To: California Fair Political Practices Commission
Zachery Morazzini, General Counsel
W. Lenkeit, Counsel
Kelly Breton, Assistant to the Commission

cc: Supervisor Steve Kinsey
Supervisor Katie Rice

cc: Steven M. Woodside, Marin County Counsel
David Zaltsman, Deputy County Counsel

From: San Geronimo Valley Stewards
Niz Brown, President
and Board of Directors: Judith Champagne, Donna McGuinn,
Ann Seramin, Michael Snyder, Denis Poggio, Steve Tognini,
Peggy Sheneman

For the Commission hearing on January 16, 2014, please place our concerns on the Agenda for Public Comment.

We refer to the request by our Marin County Counsel Steven Woodside at your November 14, 2013 hearing. Question: Has there been any progress on Mr. Woodside's request that the Commission revise its regulation to overcome conflicts when Marin County or other local agency considers geographic boundaries (such as special environmental protection overlays), where a County Supervisor may own property within 500 feet of the outside boundary of special environmental protection area?

You will recall that in October 2013 two of our five Marin County Supervisors were disqualified from voting on the stream conservation area ordinance, because of the FPPC "500 foot" regulation. Supervisor Rice and Supervisor Kinsey do NOT own property within the stream setback area (100 feet of any stream), and their properties would NOT be regulated by the stream ordinance. However, their properties are located within 500 feet of the OUTER EDGE of the stream conservation area. Reasonable minds differ about whether the stream ordinance may increase, or decrease, or have no effect on property values.

The ordinance was adopted in October 2013, on the vote of three remaining Supervisors (one of whom owns a condominium within 500 feet--but somehow that is excused). Our group (San Geronimo Valley Stewards) along with other responsible environmental groups support the ordinance (such as, Marin Conservation League, Marin Audubon Society, Friends of Corte Madera Creek).

A new lawsuit filed November 18, 2013 makes this an urgent matter for Marin County. The Marin stream conservation area ordinance is now attacked in court. Two private environmental advocates have asked the Marin Superior Court to impose an injunction

against all development near any stream in Marin County and to invalidate the stream ordinance.

The lawsuit was filed by SPAWN (a project of Turtle Island Restoration Network) and Center for Biological Diversity. Both SPAWN and CBD have a history of filing many lawsuits against local governments and state agencies. This is SPAWN's third lawsuit against Marin County since 2003.

Prompt action by your Commission to remedy this regulation is imperative, for Marin County to defend the stream ordinance in court and move forward with a stream conservation program.

We need our full complement of five Supervisors to manage the litigation, take a fresh look at the stream setback areas, and implement the ordinance and County work program for landowner assistance. The ordinance and the litigation effects 3,900 family homes located in all five Supervisor Districts.

However, the fish-bearing streams of most concern are located in Districts 2 and 4, represented by Supervisors Rice and Kinsey, whom you disqualified from voting. About 1,500 homes are located near creeks in those Districts. The 1,500 families in Districts 2 and 4 will be the primary targets of the new lawsuit and the request for a court injunction.

Over 25,000 voters cast their Supervisor election ballots in Districts 2 and 4. Please do not disenfranchise us with an overly technical regulation. Look at the forest, not the leaf on a single tree.