

REGULAR MEETING  
OF THE  
CORTE MADERA TOWN COUNCIL AND SANITARY DISTRICT #2 BOARD

In the Town Hall of the Town of Corte Madera, on November 1, 2011 at 7:30 p.m.

PRESENT: Mayor Cock  
Councilmembers Condon, Furst, Lappert, Ravasio

Town Manager David Bracken  
Planning Director Dan Bell  
Town Attorney Jeff Walter

OPEN SESSION

Salute to the Flag

PUBLIC MEETING

1. Medical Marijuana Moratorium – Discussion and Possible Action Concerning Adoption of an Urgency Ordinance Extending a Temporary Moratorium on the Establishment and Operation of Marijuana Dispensaries and Related Activities for One Year

Planning Director Bell presented the staff report, stating that the current extension to the medical marijuana dispensary (MMD) moratorium expires November 8, 2011. Staff has proposed a second extension for one additional year, which would allow time to conduct public hearings at both the Planning Commission and Town Council to formulate an ordinance regulating medical marijuana dispensaries in Corte Madera. The extension would also allow time to better evaluate the increasing body of case and statutory law now affecting MMDs.

Mayor Cock opened the public hearing.

Karen Gerbosi, Parkview Circle, urged the Council to extend the moratorium.

Stan Sparrow, Tiburon, asked whether any MMDs exist within Corte Madera and pointed out that the one in Oakland generates nearly \$1 million in tax revenues annually.

Mayor Cock clarified that there is one MMD in Corte Madera, but that the moratorium applies only to new dispensaries.

Bob Bundy, Golden Hind Passage, said that in light of recent federal moves with regard to medical marijuana, the Council has no option other than to extend the moratorium. From the standpoint of logistics and taxation, he felt the issue would ultimately be impossible to regulate and said he would like to see legalization of marijuana through an initiative in 2012.

Mayor Cock closed the public hearing.

Councilmember Ravasio asked if the Council should base its future consideration on a broader environment where marijuana use is potentially legalized in California. Town Attorney Walter stated that while there is some background noise about the “what ifs” of legalized marijuana use in all forms, that is not the law today and a related proposal was rejected within the last 20 months. He advised the Council to consider the use of marijuana for medical purposes only in going forward with an ordinance. The Orange County Court of Appeal recently ruled that local jurisdictions do not have the power to regulate or condition the use of medical marijuana since federal law makes the transportation and sale of marijuana a crime. He said there is a desperate need for the California Supreme Court to step forward and clarify the scope of power that Councils have in this instance.

Councilmember Condon said she supported the idea of discussing “what if” and at the same time or another, discussing the impact of federal legislation on the current MMD in town.

Councilmember Furst asked whether there are any pending appeals in front of the California Supreme Court. Mr. Walter said there is none to his knowledge. In the Concerned Patients case, a southern California Court of Appeal held that relying exclusively on federal law could not be the sole basis for prohibiting the establishment and operation of MMDs. The court never reached a decision on whether jurisdictions could exercise local land use control and turned the matter back to the trial court. The trial court ruled that jurisdictions do have that power and allowed Anaheim to control and prohibit the establishment and operation of MMDs, though that decision is now being appealed.

Councilmember Lappert requested clarification on whether the moratorium speaks to the location or specific operator of the current MMD. Mr. Walter explained that there is an injunction requiring the current operator to cease operations in May 2012. The operator is allowed the opportunity to apply for a permit at that location if this Council adopts regulatory schemes that would allow such.

Councilmember Lappert noted that the federal government put Chase bank on notice to evict the Fairfax dispensary or face federal consequences. If that were to happen here, would it allow another user to move into the current MMD location? The Town Attorney said no, the injunction is unique to the current operator.

MOTION: Moved by Condon, seconded by Ravasio, and carried unanimously by those present,

To adopt Ordinance No. 929, an Urgency Ordinance Extending a Temporary  
Moratorium on the Establishment and Operation of Marijuana Dispensaries and  
Related Activities

### BUSINESS ITEMS

2. Marin Energy Authority – Discussion and Possible Action Concerning Consideration to Request Membership in Marin Energy Authority (MEA) and to Implement a Community Choice Aggregation Program Within the Town

The Town Manager introduced the item and provided background information on Marin Energy Authority (MEA), Marin Clean Energy (MCE) and Community Choice Aggregation (CCA). He said the Council elected not to join MEA when it first established its members in 2009 based on concerns about the potential financial liability on the town's general fund. Last summer, MEA offered those cities that did not join an opportunity to do so at no cost during an amnesty period ending November 8, 2011.

Mr. Bracken reviewed the concerns expressed by the Council in 2009. With regard to the potential financial risk and liabilities to member agencies, peer review studies and risk analysis agree that the risk of liability to the town and its general fund is low. Customer cost risk is slightly higher than liability to the town's general fund, though that is something that would ultimately have to be left to the consumer. The Council also expressed concern with the opt-out nature of the program, which has always been a source of criticism. It is important to note that the provision is set forth in state law, not by MEA, and that customers currently have no choice at all. He recommended that the Council adopt the attached resolution and ordinance authorizing membership in MEA.

Dawn Weisz, MEA, gave a PowerPoint presentation on MEA and its key program, MCE. MEA is administered as a local not-for-profit organization with a board comprised of one elected official from each member agency. All meetings are subject to the Brown Act and open to the public. MEA was formed to offer a higher content of renewable energy and reduce greenhouse gas (GHG) emissions. MCE has exceeded expectations on both fronts, offering a minimum of 27% renewable content and reducing GHG emissions dramatically over other providers in the state. It currently offer consumers a "light green" default product with 27% California certified renewable content, nearly twice that of other providers, and a "deep green" product of 100% renewable energy at a slight premium of 1 cent per kilowatt-hour. She discussed statewide and local procurement efforts, including a recent contract for a 1-megawatt solar shade structure somewhere in Marin County.

Ms. Weisz compared both residential and commercial rates between MCE and PG&E, noting that PG&E is still responsible for the transmission and distribution of energy procured by MCE. She also noted that despite the recent decline in PG&E rates, historic trends show an average increase of 3.8% per year and that PG&E has proposed a 10% rate increase effective January 2012.

Ms. Weisz assured the Council that there exists a clear firewall between the debts and liabilities of MEA and its member agencies. MEA relies on the joint powers agreement for this structure and also includes language in every contract that clearly stipulates there is no recourse with member agencies. MEA carries additional insurance to protect against forms of tort liability. She discussed the overall goals and objectives of MEA as well as those of its member agencies, as expressed through their respective General Plans. MEA has already exceeded its initial goal of 25% renewable content and is the current state leader in renewable energy supply. In terms of fiscal prudence, MEA has come in under budget on all expenses and even passed through a small rate decrease in spring 2011. She stated that most jurisdictions, including Corte Madera, have adopted aggressive policy objectives to reduce GHGs as well as support the development and use of renewable energy. Statistics show that

member jurisdictions can expect to see a 50% decrease in GHG emissions over what it would otherwise experience without MCE, providing a significant step towards meeting these policy objectives at a relatively low cost.

Ms. Weisz spoke to concerns surrounding the opt-out nature of the program, noting that it was structured as such in State law with the likely intent to create viability for CCAs. Regardless of intent, this structure is not something that MEA has the liberty to modify. To ensure that consumers receive as much information as possible, MEA is required to conduct a 5-month noticing period consisting of two notices prior to enrollment, one immediately following, and one final notice. She provided the Council with a sample notice and said that MEA is currently considering additional options that go beyond the state requirements. Customers are free to opt-out at no charge during the initial 5-month period, after which they may do so at any time for a nominal administrative fee. Member agencies are free to make the same choice regarding their own municipal buildings. She noted that upon opting out, customers would be required to remain with PG&E for at least one year.

On July 7, 2011, MEA launched an amnesty period with the goal of adding any interested communities to the procurement process for the phase-two rollout. Adding a new load to the procurement process could be accomplished without adding any real internal cost, meaning that interested agencies may join without incurring the estimated \$20,000 to \$40,000 in administrative costs that they otherwise would.

Councilmember Ravasio requested more information on the opt-out process, noting that at least one customer reported feeling pressured to stay with MCE. Should the town agree to join, it needs to be very clear to customers what their rights are and what the opt-out process is.

Ms. Weisz assured him that MEA is very open to input on its mailers and opt-out notices. She explained that customers may opt-out via the MEA website or over the phone. They do attempt to provide as much information about the program as possible, including the basic terms and conditions of service, as request by the CPUC. She noted that when the process began in 2010, PG&E initiated a rather aggressive marketing campaign that resulted in some opt-outs that were not considered legal. PG&E began processing opt-outs for customers who were not yet up for enrollment and so some customers who may feel that they already opted out will now receive additional notices. MEA is pushing to obtain the names of those customers in order to purge them from the list going forward.

Councilmember Ravasio asked if customers who opt-out via the website receive follow-up calls asking them to reconsider. Jamie Tuckey, MCE Communications Director, stated that customers opting out within the first 60 days would simply receive confirmation of their decision. Those opting out after are given the option to transfer service to PG&E immediately or wait six months. MCE staff would then either email or call the customer to explain those two options and confirm the request.

Councilmember Ravasio said he admired what MCE is attempting to do but questioned whether it, as a small player, has the business strategy and competitive advantage to succeed over the long term.

Ms. Weisz said MEA is very similar to municipal utilities, which serve one in four California customers and are typically run by city councils. The rates of municipal utilities have historically come in 20% to 30% lower than investor owned utilities in part because of their ability to issue bonds and/or borrow funds at lower rates and also because there are no shareholder profits. As with most investor owned utilities, MEA is looking to lock in its supply with long-term contracts and ultimately, ownership. Most of their suppliers are eligible for commercial tax credits not available to municipal utilities, but MEA has negotiated several buy-out options once those credits expire.

Councilmember Furst inquired about MCE's rate setting process and whether any proposed rate changes had been filed with the CPUC. Ms. Weisz explained that rates are set at MCE board meetings, typically in the January-March time period to take effect at the beginning of the fiscal year in April. As a CCA entity, MCE is not required to file changes with the CPUC.

Councilmember Furst requested information on PG&E's plan to eliminate tiered charges and whether MCE has similar plans. Ms. Weisz explained that in July 2012, the tiered effect would shift from the generation to transmission side of the bill. For non-MCE customers, the change will be revenue neutral. MCE however, will need to modify its generation rate to ensure that customers are not double tiered. Discussions have already been launched with the Board and the likely scenario is that MCE will move to a flat or close to flat generation rate.

Councilmember Furst requested and Ms. Weisz provided information on MCE's recent contract with Enexco. Ms. Weisz noted that while the company was originally launched in Europe, Enexco has a strong track record in California.

Councilmember Furst asked how MCE can pay Enexco 12 cents per kilowatt hour and still remain viable in the face of PG&E's generation rates of 7 or 8 cents per kilowatt hour. Ms. Weisz explained that the Enexco contract is only a sliver of MCE's portfolio. As recent as one year ago the same type of product cost 24 cents per kilowatt hour, and much of that is what is in PG&E's portfolio today.

Councilmember Condon asked how MCE is able to offer this free amnesty period. Ms. Weisz explained that it is purely a matter of timing. MCE is preparing to launch the remainder of its customer base and in doing so, must go out and procure power. She explained that adding new amounts to the load as part of this process is relatively simple and inexpensive as opposed to initiating a separate procurement process at a later date.

Councilmember Condon asked if MCE prepays for its power supply. Ms. Weisz said "no." While MCE does pay on a monthly basis with the delivery of power, there is a minor lag between when those invoices are due and customer revenue is received.

Councilmember Condon inquired after the ramifications if a contracted provider were to go under. Ms. Weisz stated that each contract contains provisions addressing that possibility, typically in the form of damages that would be used to contract for a new supply. She stressed that MCE conducts a very thorough screening of providers and looks to those with a long history of successful operation.

Councilmember Condon requested assurance that an agreement to join MEA would pose no risk to the town, its general fund or ratepayers. Ms. Weisz acknowledged that this is an issue raised by every single council and was indisputably the most important consideration in crafting the joint powers agreement. She cited several independent peer reviews, one of which is included in the staff report, confirming that an appropriate firewall is in place to protect member agencies from any contractual liability. As for ratepayers, all customers would be reabsorbed by PG&E in the event that MCE were to fail and MEA has posted bond with the CPUC to cover that administrative cost.

Mayor Cock questioned and confirmed with Ms. Weisz that MEA intends to seek tax-exempt financing. She asked what the effect would be on MEA if Corte Madera were to refuse assistance in posting a bond. Ms. Weisz said MEA's approach would be to issue bonds on its own standing as a JPA, rather than ask members for any type of guarantee.

Mayor Cock opened the public hearing.

Arthur Young, Chapman Drive, requested of show of hands from those in favor of joining MEA.

Jayden Sites, Morningside Drive, stated his strong support for joining MEA. He said he relies on his parents to drive him to school each day and that being a customer of MCE would allow him to reduce his carbon footprint in a meaningful way.

Bob Dunn, Manzanita Avenue, said the belief that risk is low or that member agencies are protected is naïve. He asked the Council to consider the additional liabilities of bonds and defined benefits for employees. He questioned MEA's business model and its ability to compete with some of the largest players in the energy world. He noted that renewable energy is currently available through PG&E and asked what really is accomplished by the whole MEA effort. He recommended that the matter be subjected to a referendum before the town assumes liabilities of the type that are possible here.

Paul Helliker, Marin Municipal Water District (MMWD) General Manager, said he believed the liability issue to be well settled. While MEA cannot guarantee its members will not ever be sued, it has guaranteed that members will not be liable for any associated costs. He urged the Council to join MEA and allow MMWD the opportunity to power its facilities with 100% renewable energy at a reasonable cost.

Shawn Marshall, Mill Valley City Council and MEA Vice-Chair, said she and other Bay Area representatives met with Governor Brown to discuss his 2020 12,000-megawatt goal. What was clear is that CCAs are considered to be the top conduit for renewable content requirements. In time and with scale, combining forces and tax-exempt bonding authority with other CCAs will allow large-scale co-investment in regional projects, thereby lowering risk and cost. From an economic perspective, participating in MEA is less expensive and more impactful than green building ordinances and styrofoam bans and in only a short period, MEA has repaid all initial investors and secured financing without a guarantee from the county. She urged the Council to give very favorable

consideration to joining MEA.

Sam Sparrow indicated his full support for MCE and all other CCAs in the state. He cautioned that PG&E prices would undoubtedly escalate significantly in the near future and strongly suggested that the Council vote in favor of consumer choice.

David Kunhardt, Hillpath Drive, said he is the Vice-President of Finance for a solar energy developer. He reported that solar production in the United States grew approximately 60% in 2011 and for the first time, the nation is the largest solar producer in the world. While he initially had doubts regarding MEA's business model, he is now a firm believer in the MCE program, and perhaps more importantly, Corte Madera residents deserve a choice.

Laurie Grace, Sunrise Center, complimented the Council on its care and thorough evaluation of MCE. She said that she shared similar concerns regarding its financial viability when she stepped forward as a private investor, but is pleased to report that she was repaid early and with interest. She said that MEA's transparency meets her need for trust in a way that PG&E cannot and urged the Council to join.

Barbara George, Women's Energy Matters, said she is a ratepayer advocate at the CPUC and has been a strong supporter of MCE and other CCAs for many years. She stated that a new bill signed by Governor Brown this year makes improvement to the current CCA situation by reducing costs and CCA competition. She described regional renewable projects that are available for view by the public.

Rachel Guinness, Citizens' Climate Lobby, submitted a letter to the Council and said it is her great hope that Corte Madera would join MEA, uniting Marin in the vital effort to reduce GHGs. Joining MEA would allow residents access to 100% renewable energy, create competition amongst utilities, establish self-governance, and create the infrastructure needed to optimize local smart solutions.

Barbara Thornton, San Anselmo Town Council and MEA board member, said she has been impressed with MEA's close link to the local community and its discussions on programs and procurement. Community choice and the opportunity to reduce GHG emissions without incurring additional costs were important considerations for the San Anselmo Town Council. In this time when town finances are tight and increasing reduction requirements are on the horizon, MEA offers its agencies a way to control future expenses while still meeting General Plan goals.

Karen Gerbosi, Parkview Circle, said that while she has not yet decided whether to become an MCE customer, she fully expects the Council to join MEA on the basis of consumer choice. She requested clarification on whether preemptive opt-outs are possible and what the cost would be if the town was to depart from the JPA at a later date.

Damon Connolly, San Rafael City Council and MEA Chair, said that Corte Madera's participation would be a valuable asset to MEA as it enters this critical expansion phase. He said that a united

Marin front would serve to improve MEA's credit rating and strengthen its presence in the renewable energy market. In his former position as a prosecutor for the State Attorney General's office, he had an opportunity to work on the Enron investigation and gained a perspective that revealed the logic in moving towards a more local energy model. MEA has exceeded both its financial and renewable portfolio goals in just a short time and the addition of Corte Madera would help to further that vision while also providing residents with an important choice.

Leslie Alden, Chapman Drive, said that the Corte Madera public is intelligent enough and eager for the opportunity to make its own decisions regarding energy providers. She thanked the Council for its vision, patience, attention and hopefully, "yes" vote.

John Schlagg, Sustainable Marin, said the Council's questions are well advised, read an MCE "top 10" list, and requested the Council's support in joining MEA.

Bill Carney, San Rafael, said he is a satisfied MCE customer. Through MCE's deep green product, with which he powers his electric vehicle, he has reduced his GHG contributions by an estimated 65%. He urged the Council to extend these options to the Corte Madera community through adoption of the attached resolution and ordinance.

Jason Ferrera, Willow Avenue, asked the Council to vote "yes" on joining MEA.

Ellen Say, Larkspur, respected the Council's diligence in considering risk but said there is also significant risk in acting not to join MEA. The situation with PG&E is such that consumers have no voice in the rate setting process, which is its own risk. She stated that one speaker at the Larkspur City Council hearing said he would not have moved to Larkspur had he known MCE would not be made available to him. She cautioned against the potential opportunity costs in not using MCE as a tool to meet Climate Action Plan goals. She urged the Council to vote "yes" and give its citizens a choice.

John Huster, Montecito Drive, said a highly distributed and more local electrical system is a safer option in terms of national security and more efficient in terms of transmission. He shared his disappointment in the Town Council for not being on the leading edge of finance and climate change and said he would like to see the Council work on its vision.

Mayor Cock closed the public hearing.

Councilmember Furst asked how new residents learn about and establish an account with MCE. Ms. Weisz explained that when new residents establish service, PG&E's specialized call center informs the customer of their MCE enrollment and their opt-out options. The process also triggers a notification to MCE to send out its terms and conditions of service and a mailing regarding the opt-out process. New customers have 60 days from service initiation to opt out at no cost.

Concerning defined benefits liability, Ms. Weisz explained that MEA has taken a progressive stance

in using a defined contribution program rather than incurring any pension liability. While this is more of a private sector approach, it fits well with the constructs of the agency. With regard to the town's future departure from MEA, she stated that there are provisions within the JPA agreement that contemplate such an action. The assumption from that is that local customers would retain the option to use MCE as their energy provider under the umbrella of county representation. Concerning preemptively opting out, she explained that customers have the opportunity to do so three months prior to enrollment or once they receive their initial enrollment notice.

Councilmember Condon asked what level of staff time the town could expect to assign to MCE. Ms. Weisz said the staff time required should be little to none after joining.

Councilmember Furst said they could all agree that carbon based fuels are finite and there is a real need for increasing amounts of renewable energy. She felt that MCE offered a choice that many in the community seem to want. She acknowledged that the opt-out feature is not something the Council or MEA has the ability to change, but said she was disappointed with the notice provided to customers. She felt it presented more like an advertisement than something that residents would pay serious attention to. On the matter of risk, she said she was especially pleased with the no recourse clause in MEA's contracts and comforted by the conclusions of the reports commissioned by other agencies. She strongly encouraged the public to look into the affordable solar programs currently on the market and said she was prepared to vote "yes" on the matter.

Councilmember Condon said she believed strongly in choice when the opportunity is there. While she has had strong concerns over protecting the town, its budget and its residents, she felt that most of those concerns had been well addressed. She found the "no recourse" clause very meaningful and reassuring. She acknowledged the public feelings regarding PG&E but encouraged them to recognize that if not for PG&E infrastructure, MCE would not be a viable option.

Councilmember Ravasio explained that the Council has been so diligent in its consideration because to risk taxpayer funds is to risk the provision of essential services. Having reviewed all available material, he felt the Council was in a much different place regarding its decision than in 2009. He said the JPA agreement appeared to be very strong and with the no recourse clause included in power purchase agreements, the risk to the town seemed very small and to subscribers nonexistent. Based on this, and the opportunity to provide residents with a choice they seem to want, he said he could support the staff recommendation.

Councilmember Lappert said he thoroughly supports all forms of competition, provided there is no risk to public funds. He said he generally felt that anything done by the government is done poorly and inefficiently. He voiced concern with the long-term viability of MCE and the notion that so many seem to have that the program is a panacea. He had serious issues with the fact that nuclear power, which is the most "green" of all, is written off because to support it would be political suicide.

Councilmember Condon asked if the Town Attorney had any apprehensions that the proposed

agreements would present any risk to the town. Mr. Walter explained that the question was first posed to his office several weeks ago. Based on the estimated cost to render an educated opinion, it was decided that the work prepared by other firms for other agencies was sufficient.

Mayor Cock said she reviewed all relevant materials and that, based on the legal opinions provided, she believed the JPA properly protects the town from liability. She said the town is obligated to reduce GHG emissions under state law and its General Plan and should take steps to do so wherever possible. One of the areas of greatest concern is the opt-out feature and while state law cannot be changed, at least as members the town would have input on what sort of materials are provided. She disagreed with Councilmember Lappert's comments regarding government inefficiency and said that healthcare is a prime example of how transitioning from not to for profit can be detrimental. She voiced her support for MEA and said she looks forward to being a part of its continued success.

MOTION: Moved by Ravasio, seconded by Furst,

To adopt Resolution No. 3681, a resolution Requesting Membership in the Marin Energy Authority.

Vote: Yes: Cock, Condon, Furst, Ravasio  
Noes: Lappert

MOTION: Moved by Ravasio, seconded by Furst, and carried 4-1 (Lappert voted no),

To Introduce Ordinance No. 930 Approving the Marin Energy Authority Joint Powers Agreement and Authorizing the Implementation of a Community Choice Aggregation Program.

Vote: Yes: Cock, Condon, Furst, Ravasio  
Noes: Lappert

3. Approve Minutes of October 18, 2011

MOTION: Moved by Lappert, seconded by Ravasio, and carried unanimously by those present,

To approve the Minutes of October 18, 2011, as drafted.

CONSENT CALENDAR

- 4a. Approved Warrant and Payroll for the Period October 13, 2011, through October 26, 2011, Warrant Check Numbers 201283 through 201408 and Payroll Check Numbers 3829 Through 3844, Payroll Direct Deposit Numbers 19263 through 19348, and Payroll Wire Transfer Numbers 1256 through 1260, and Wire-Twin Cities Police Monthly Payment

4b. Approved Investment Transactions for the Month of July, 2011

MOTION: Moved by Lappert, seconded by Ravasio, and carried unanimously by those present,  
To approve items 4a and 4b on the Consent Calendar.

5. OPEN TIME FOR PUBLIC DISCUSSION

6. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report

The Town Manager provided the following report:

- Construction at Marin Mini is underway though it looks as though the anticipated completion date will be pushed back to February 2012;
- The Planning Department is actively working with Nordstrom on its expansion;
- The Madera Vista project has been amended to feature high-end apartments rather than condominiums;
- Staff is also working with the new owners of the Tamal Vista/Wincup site. A public workshop is scheduled for November 9, 2011.

- Council Reports

Councilmember Furst provided the following report:

- Caltrans is working on additional views of the braided flyover ramp for the Highway 101 Greenbrae Corridor project. Transportation Authority of Marin's (TAM) Bill Whitney has said he cannot release the illustrations until the environmental document is released in spring 2012. Mr. Bracken said he would speak with Mr. Whitney on the matter;
- The administrative code changes recently proposed by TAM were dropped from the latest consent calendar but will come forward at a future meeting. She requested that they not be on the consent calendar to allow for discussion;
- She attended the Marin County Council of Mayors and Councilmembers (MCCMC) dinner. There is a huge push for tourism dollars relating the 2013 Americas Cup and other significant races in 2012. She recommended a discussion item on whether to leave the matter to the Chamber of Commerce or to create an ad hoc committee.

Councilmember Condon reported that southern Marin, as far north as Mill Valley, has established a coalition to promote their cities for the race. She noted that Corte Madera has a full range of services for participants and attendees and requested that Mr. Bracken speak with the southern Marin town managers about being included.

Councilmember Ravasio provided the following report:

- He attended two meetings of the Twin Cities Coalition for Healthy Teens. The coalition identified marijuana use among teens as its second objective. A recent survey showed that 40% of Redwood High School 11<sup>th</sup> graders had smoked marijuana in the last 30 days, which is much higher than the state and national average. Officer Monge participated in the meeting and indicated that a significant amount of the teens' supply seems to be coming from the local dispensary. Another meeting is scheduled for November 9<sup>th</sup> to determine how to proceed.

Twin Cities Police Sergeant Khalili confirmed that the majority of minors encountered who claim to be in possession of medical marijuana have procured it from the local dispensary, though he could not say how they gained access.

Councilmember Furst noted that the vast majority of 11<sup>th</sup> graders are 17, which is underage even for the limit established prior to the consent decree. She asked whether this packaging was retained as evidence and could be used to prove the dispensary has not fulfilled the terms of the decree.

Mr. Bracken said he would follow up with Chief Cusimano.

Margaret Weems, attorney for the Fairfax and Corte Madera MMDs, said the dispensary is on record with its policy to terminate any member misusing or supplying medical marijuana out of turn. She stressed that no one should be at all hesitant about contacting her client with any information regarding misuse.

Mayor Cock provided the following report:

- The town will host the November 17<sup>th</sup> MCCMC dinner at the Recreation Center. Neil Stone of Marin Economic Forum will speak and the town band will offer entertainment;
- She attended the MCCMC Legislative Committee meeting. Governor Brown is appointing a pension task force to move forward with some of his proposals and the legislature's pension committee held its first meeting last week. It was also reported that all initiatives must be on the November ballot going forward;

### ADJOURNMENT

The meeting was adjourned at 10:35 p.m. to the next regular meeting on November 15, 2011.