



November 7, 2013

Mr. Zachary Morrazzini  
Ms. Kelli Breton  
California Fair Political Practices Commission  
428 J Street, Suite 620  
Sacramento, CA 95814

Dear Mr. Morrazzini and Ms. Breton,

Kent Woodlands Property Owners Association ("KWPOA") is a property owners association operating under the California non-profit mutual benefit corporation codes. Our property owners' board is the governing body for our Association; there are over 500 homes in our neighborhood in unincorporated Marin County. Marin County is divided into Supervisorial districts, and the Supervisor in our district is Katie Rice. On October 29<sup>th</sup>, at a meeting at the Board of Supervisors in which a temporary Stream Conservation Area ("SCA") ordinance was to be voted upon (and was in fact voted upon) we in Kent Woodlands learned that our elected Supervisor, Ms. Rice, was disqualified from voting on this countywide ordinance. In respect to this new ordinance, Kent Woodlands is in the "City-Centered Corridor" which has been decreed by our 2007 Countywide Plan.

At the time of that meeting, I addressed the three Supervisors who were allowed to vote on this issue, and stated that excluding Supervisor Rice from voting and participating in any decision related to the ordinance was just wrong. After the hearing that day, Marin's County Counsel, Steve Woodside, explained to me that Ms. Rice would not be able to participate in **any** discussions related to this countywide ordinance, including her usual and legitimate interfacing with County staff and property owners as residents, our own residents, who seek future building and landscaping approvals. We in Kent Woodlands cannot communicate with our own representative about allowable building on our lots, nor permit requirements, nor exemptions, nor issues and problems we see related to this temporary Countywide ordinance, such as the mapping of ephemeral streams, definition of a stream, setback regulations, or water quality, to name a few.

As I'm certain the point has been made by Marin's counsel, Steve Woodside, parcels owned by Supervisor Rice (and her colleague, Steve Kinsey, who also has been disqualified...) are outside the SCA (Stream Ordinance Area). Since we elected Ms. Rice to represent us, especially in matters related to land use and land value and watershed protection, it seems that by disqualifying her, the FCCP advice letter has de facto stripped Kent Woodlands of any voice whatsoever in a matter vital to us as citizens of this County. Indeed, by our calculations, we have at least 100 homes bordered by some type of stream. Your decision has frankly given authority over our property to Supervisors who have no obligation to even

listen to our concerns. We have, in Kent Woodlands, lost our voice. As I said at the hearing, this seems **wrong**.

The rationale of using zoning districts, which are the foundation of your existing regulations, should be updated to include environmental overlays which are identified currently in our 2007 Marin Countywide Plan. This Plan wants policies overseeing, among several environmental aspects, woodlands and trees (of which we have a vast amount in Kent Woodlands.); watershed quality; and fire prevention (of deep interest to our neighborhood, as we are bordered by hundreds of acres of open space timber). By disqualifying Ms. Rice from voting, she is not able to assist us, her constituents, in the vital application of required overlays mandated by the 2007 Plan. We can have no discourse with her, nor she with us. We need input on the ordinance's new Work Program, public workshops, and the proposed citizens advisory committee, and she will not be there to help us. She will not be able to help us when and if there is a court challenge to this ordinance, or to help decide if the ordinance should be extended when it expires, or to consider amendments relating to stream protection vis-à-vis the 2007 Countywide Plan, or even consideration of a permanent stream ordinance or exemptions from the ordinance. Therefore, we ask you to use these environmental overlays as you consider revision of the FPPC regulations.

An ordinance of this import has now been decreed valid Countywide. Only 40 %\* of Marin is **not** in on this decision, but is "out of the loop." We have voted on an elected representative, but we have no representation when it is truly significant to us: our property, our land, and the waters in our midst. We urge you, the staff of the FPPC to find some way to change or suggest changes to the FPPC regulations, which, in our view, unnecessarily have disqualified our elected official. We urge you, the staff, and ultimately, the Commission, to give our area, Kent Woodlands, back our voice in this big issue.

Sincerely,

The Kent Woodlands Property Owners Association Board of Directors

Kathy Goldsmith, president



\*two out of five County Supervisors cannot vote on this issue

CC: Steve Woodside, County Counsel, Marin County  
David Zaltsman, Deputy County Counsel  
Supervisor Katie Rice  
Supervisor Steve Kinsey  
KWPOA Board of Directors and KWPOA Architectural Committee

Jan. 15, 2014

Addendum to November 7<sup>th</sup>, 2013 letter from Kent Woodlands Property Owners Association. Kentfield, Marin County, California, to the California Fair Political Practices Commission. Please place our addendum letter on the Agenda for Public Comment.

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

CC: Supervisors Steve Kinsey and Katie Rice

CC: Steven Woodside, Marin County Counsel  
David Zaltsman, Deputy County Counsel

From: Kent Woodlands Property Owners Association

Kent Woodlands Property Owners Association (KWPOA) is writing in anticipation of the Commission's meeting tomorrow (Jan. 16), in reference to a new lawsuit filed on November 18, 2013, by two environmental advocate groups against Marin County. Because of this new lawsuit, our association feels it is of even greater urgency that our Supervisor, Katie Rice, be qualified to vote on matters involving a **countywide** stream ordinance. The lawsuit by SPAWN and the Center for Biological Diversity seeks an injunction against all development near any stream in Marin county. As we have pointed out in our previous letter to the Commission, most of the fish-bearing streams in unincorporated Marin County fall in either our district (2) or district (4), representatives of which the Commission has disqualified from voting. This newly-filed lawsuit puts more pressure on the voting Supervisors, and we deem it is more critical than ever to have a full complement of Supervisors deliberating on this stream conservation issue. Whichever way our own Supervisor will vote, or deliberate, on the issue is less important to us than knowing that she is not even allowed to have a voice. We feel this disenfranchisement should be reconsidered, since the banned Supervisors do not own property in the setback area, and since the ordinance is intended to be countywide in application, not 3/5 of the county. We feel, in this case, our representation should not be denied.

Thank you for considering our letter and our position, and, if there is any way we can provide more information to your Commission, please do not hesitate to contact us. We are an area of 500 plus homes and we should be heard.

Sincerely,  
*Kathy Goldsmith*  
KENT WOODLANDS PROPERTY OWNERS ASSOCIATION BOARD OF DIRECTORS  
Kathy Goldsmith, president