



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

NOTICE OF REGULAR MEETING AND AGENDA

Marin Local Agency Formation Commission

Thursday, October 14, 2021 ▪ 7:00 PM

***** BY VIRTUAL TELECONFERENCE ONLY *****

Pursuant to the provisions of AB 361, Government Code section 54954(e)(1)(A) and given the proclaimed state of emergency and the Marin County Health Officer's recommendation for social distancing for public meetings, this meeting will be held by teleconference only. No physical location will be available for this meeting. However, members of the public will be able to access and participate in the meeting.

PUBLIC ACCESS AND PUBLIC COMMENT INSTRUCTIONS

PUBLIC ACCESS

Members of the public may access and watch a live stream of the meeting on Zoom at <https://zoom.us/j/4350473750>. Alternately, the public may listen in to the meeting by dialing (669) 900-6833 and entering Meeting ID 4350473750# when prompted.

WRITTEN PUBLIC COMMENTS may be submitted by email to staff@marinlafco.org. Written comments will be distributed to the Commission as quickly as possible. Please note that documents may take up to 24 hours to be posted to the agenda on the LAFCo website.

SPOKEN PUBLIC COMMENTS will be accepted through the teleconference meeting. To address the Commission, click on the link <https://zoom.us/j/4350473750> to access the Zoom-based meeting.

1. You will be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
2. When the Commission calls for the item on which you wish to speak, click on "raise hand" icon. Staff will activate and unmute speakers in turn. Speakers will be notified shortly before they are called to speak.
3. When called, please limit your remarks to the time limit allotted (3 minutes).

CALL TO ORDER BY CHAIR

ROLL CALL BY CLERK

AGENDA REVIEW

The Chair or designee will consider any requests to remove or rearrange items by members.

PUBLIC OPEN TIME

This portion of the meeting is reserved for persons desiring to address the Commission on any matter not on the current agenda. All statements that require a response will be referred to staff for reply in writing or will be placed on the Commission's agenda for consideration at a later meeting. Speakers are limited to three minutes.

CONSENT CALENDAR ITEMS (discussion and possible action)

All items calendared as consent are considered ministerial or non-substantive and subject to a single motion approval. The Chair or designee will also consider requests from the Commission to pull an item for discussion.

1. Approval of Minutes for August 12, 2021, Regular Meeting
2. Commission Ratification of Payments from August 1, 2021, to September 30, 2021
3. Approval of Resolution 21-18 Allowing for Video and Teleconference Meetings During the COVID-19 State of Emergency under AB 361

PUBLIC HEARING

4. Approval of Resolution 21-17, Annexation of 1996 Novato Blvd (APN 141-061-20) to Novato Sanitary District (LAFCo File #1359)

BUSINESS ITEMS (discussion and possible action)

Business Items involve administrative, budgetary, legislative or personnel matters and may or may not be subject to public hearings.

5. Approval of FY 19-20 Audit and Authorization for FY 20-21 Audit
6. Discussion and Update on 255 Margarita Drive, LAFCo File 1325 and 1328
7. Report out from the Ad Hoc Committee on Post MSR Work

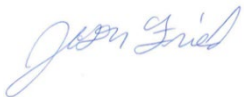
EXECUTIVE OFFICER REPORT (verbal report only)

- a) Budget Update FY 2021-2022
- b) Current and Pending Proposals
- c) CALAFCO Update (verbal only)
- d) Discussion of Annual Workshop 2022

COMMISSIONER ANNOUNCEMENTS AND REQUESTS

ADJOURNMENT TO NEXT MEETING

December 9, 2021| 7:00 P.M.



Attest: Jason Fried
Executive Officer

Any writings or documents pertaining to an open session item provided to a majority of the Commission less than 72 hours prior to a regular meeting shall be made available for public inspection at Marin LAFCo Administrative Office, 1401 Los Gamos Drive, Suite 220, San Rafael, CA 94903, during normal business hours.

Pursuant to GC Section 84308, if you wish to participate in the above proceedings, you or your agent are prohibited from making a campaign contribution of \$250 or more to any Commissioner. This prohibition begins on the date you begin to actively support or oppose an application before LAFCo and continues until 3 months after a final decision is rendered by LAFCo. If you or your agent have made a contribution of \$250 or more to any Commissioner during the 12 months preceding the decision, in the proceeding that Commissioner must disqualify himself or herself from the decision. However, disqualification is not required if the Commissioner returns that campaign contribution within 30 days of learning both about the contribution and the fact that you are a participant in the proceedings. Separately, any person with a disability under the Americans with Disabilities Act (ADA) may receive a copy of the agenda or a copy of all the documents constituting the agenda packet for a meeting upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting. Please contact the LAFCo office at least three (3) working days prior to the meeting for any requested arraignments or accommodations.

Marin LAFCo

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Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT

October 14, 2021

Item No. 1 (Consent Item)

TO: Local Agency Formation Commission

FROM: Olivia Gingold, Clerk/Junior Analyst

SUBJECT: Approval of Minutes for August 12, 2021, Regular Meeting

Background

The Ralph M. Brown Act was enacted by the State Legislature in 1953 and establishes standards and processes therein for the public to attend and participate in meetings of local government bodies as well as those local legislative bodies created by State law; the latter category applying to LAFCos.

Discussion

The action minutes for the August 12 regular meeting accurately reflect the Commission's actions as recorded by staff. A video recording of the meeting is also available online for viewing at <https://www.marinlafco.org/meetings>

Staff Recommendation for Action

1. Staff recommendation – Approve the draft minutes prepared for the August 12, 2021 meeting with any desired corrections or clarifications.
2. Alternative option – Continue consideration of the item to the next regular meeting and provide direction to staff, as needed.

Procedures for Consideration

This item has been placed on the agenda as part of the consent calendar. Accordingly, a successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation as provided unless otherwise specified by the Commission.

Attachment:

- 1) Draft Minutes for August 12, 2021

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Damon Connolly, Regular
County of Marin

Judy Arnold, Regular
County of Marin

Dennis Rodoni, Alternate
County of Marin

Sashi McEntee, Chair
City of Mill Valley

Barbara Coler, Regular
Town of Fairfax

James Campbell, Alternate
City of Belvedere

Lew Kiou, Vice Chair
Almonte Sanitary District

Craig K. Murray, Regular
Las Gallinas Valley Sanitary

Tod Moody, Alternate
Sanitary District #5

Larry Loder, Regular
Public Member

Richard Savel, Alternate
Public Member



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

DRAFT

NOTICE OF REGULAR MEETING MINUTES

Marin Local Agency Formation Commission

Thursday, August 12, 2021

CALL TO ORDER

Chair McEntee called the meeting to order at 7:05 P.M.

ROLL CALL BY COMMISSION CLERK

Roll was taken and quorum was met. The following were in attendance:

Commissioners Present: Sashi McEntee, Chair
Lew Kious, Vice-Chair
Craig K. Murray
Barbara Coler

Alternate Commissioners Present: Tod Moody
Richard Savel (Seated as Regular)
Dennis Rodoni (Seated as Regular)
James Campbell

Marin LAFCo Staff Present: Jason Fried, Executive Officer
Jeren Seibel, Deputy Executive Officer
Olivia Gingold, Clerk/Junior Analyst

Marin LAFCo Counsel Present: Mala Subramanian

Commissioners Absent: Larry Loder
Damon Connolly
Judy Arnold

Alternate Members Absent: Tod Moody

AGENDA REVIEW

Approved: M/S by Commissioners Murray and Coler to accept the agenda as is.

Ayes: Commissioners McEntee, Kious, Rodoni, Murray, Coler, and Savel

Nays: None

Abstain: None

Absent: Arnold

Motion approved unanimously.

PUBLIC OPEN TIME

Chair McEntee opened the public open time period. Hearing no request to speak, Chair closed the public open time.

CONSENT CALENDAR ITEMS

1. Approval of Minutes for June 10, 2021, Regular Meeting

2. Commission Ratification of Payments from June 1, 2021, to July 31, 2021

Approved: M/S by Kious and Coler to approve the Consent Calendar with amendments to the meeting minutes.

Ayes: Commissioners McEntee, Kious, Rodoni, Murray, Coler, and Savel

Nays: None

Abstain: None

Absent: Arnold

Motion approved unanimously.

PUBLIC HEARING ITEMS

3. Approval of Resolution 21-13, Annexation of 666 Sequoia Valley Road (APN 046-192-07) to Homestead Valley Sanitary District (LAFCo File #1355)

Clerk/Jr. Analyst Gingold introduced this application, which requests to annex a lot .47 acres to move off septic into Homestead Valley Sanitary District. The application is in unincorporated area. It went through 30-day review and all comments received were neutral or in support. An easement was necessary, and applicants had recorded this easement with the Recorder's Office.

Commissioner Murray wanted to confirm the details of the easement.

The applicants stated that the easement was for 663 Sequoia Valley Road owned by John and Susan Nides, and confirmed they had a formal letter for the easement submitted to the Recorder's Office which was on record by the date of the hearing.

Chairman McEntee opened public hearing. Hearing no public comment, she closed the hearing.

Commissioner Kious added he had checked with Bonner Bueler at HVSD and that Bonner had no objections and was in favor.

M/S Commissioners Rodoni and Coler to approve Resolution 21-13.

Approved: Commissioners McEntee, Kious, Rodoni, Murray, Coler, and Savel

Ayes:

Nays: None

Abstain: None

Absent: Arnold

Motion approved unanimously.

4. Approval of Resolution 21-14, Annexation of 105 Roblar Drive (APN 157-400-14) to Novato Sanitary District (LAFCo File #1356)

Clerk/Jr. Analyst Gingold introduced this application, received from Sonoma Marin Area Rail Transit for annexation to Novato Sanitary District, to annex .82 acres in incorporated Novato. Proposal is for connection to District's sewer main. Staff received stipulations from the Sanitary District for the applicant to agree to. Clerk/Jr. Analyst confirmed this had been communicated to the applicant who had agreed. Clerk/Jr. Analyst Gingold also clarified that there had been discussion about whether a conditional agreement was necessary but since the applicant had verbally agreed to the conditions, the sanitary district did not feel a conditional approval was necessary.

Commissioner Murray wanted to know if the resolution needed to mention the Sanitary District's stipulations since Sphere of Influence stipulations had also been mentioned. He also wanted to know if Urban Growth Boundary needed to be discussed.

EO Fried clarified that since the property was within Novato's city limits that a discussion of the Urban Growth Boundary was not necessary.

Chairman McEntee clarified that this was an annexation to the Sanitary District, not the City, which EO Fried confirmed.

Commissioner Murray said some words about process with the Urban Growth Boundary and asked to hear from Erik Brown of NSD.

Erik Brown commented that their district has no further comments than what were already submitted. SMART has been connected through an OSA for the last 5 or so years and now that connection is going to become permanent, NSD supports it assuming SMART fulfills the permitting requirements.

Commissioner Savel had a few clarifications which Clerk/Jr. Analyst Gingold and EO Fried addressed.

Commissioner Murray wanted to know if the conditions from Novato needed to be in the resolution. Legal Counsel Subramanian clarified that it had been discussed but was deemed unnecessary. EO Fried concurred.

Chairman McEntee opened public hearing. Seeing no member of the public wishing to comment, she closed the public hearing.

M/S Commissioners Murray and Kious to approve Resolution 21-14.
Ayes: Commissioners McEntee, Kious, Rodoni, Murray, Coler, and Savel
Nays: None
Abstain: None
Absent: Arnold
Motion approved unanimously.

5. Approval of Resolution 21-15, Annexation of 2090 Vineyard Road (APN 132-291-32) to Novato Sanitary District (LAFCo File #1357)

Clerk/Jr. Analyst Gingold introduced this application, received from Janet Sternberger, to annex an incorporated lot, .4 acres in size, to Novato Sanitary District. Staff sent comments to affected and impacted agencies. All comments received were in support or neutral. She noted that Chairman McEntee had noticed 2 places where the address in the resolution was wrong. This would be fixed in the resolution before getting sent for signature. It just needed to be amended in the motion.

Chairman McEntee opened public hearing. Seeing no member of the public wishing to comment, she closed the public hearing.

M/S Commissioners Coler and Murray to approve Resolution 21-15 with amendments.
Ayes: Commissioners McEntee, Kious, Rodoni, Murray, Coler, and Savel
Nays: None
Abstain: None
Absent: Arnold
Motion approved unanimously.

6. Approval of Resolution 21-16, Annexation of 32 Fairway Drive (APN 016-021-50) to San Rafael Sanitary District (LAFCo File #1358)

Clerk/Jr. Analyst Gingold introduced this application. 32 Fairway Drive was an OSA that came to LAFCo more than a year ago as Application File 1341. The parcel is connected to the district, but it is now being moved through to finalize the parcel's annexation to the district. It is in an unincorporated island, and the applicant agreed to sign a dual annexation agreement which staff has received a picture of but not the physical signed agreement yet. The agreement is in the mail to LAFCo. Staff sent comments to affected and impacted agencies. All comments received were in support or neutral. Staff recommends approving the application.

Commissioner Murray noticed a different font and typestyle in the resolution and wanted to make sure LAFCo was not having engineers prepare the resolutions. Clerk/Jr. Analyst Gingold clarified that LAFCo recently transitioned from Calibri to Arial to make editing in Adobe PDF easier and that resolution had probably just been missed when changing fonts.

Chairman McEntee opened public hearing. Seeing no member of the public wishing to comment, she closed the public hearing.

M/S Commissioners Coler and Murray to approve Resolution 21-16.

Ayes: Commissioners McEntee, Kious, Rodoni, Murray, Coler, and Savel

Nays: None

Abstain: None

Absent: Arnold

Motion approved unanimously.

BUSINESS ITEMS

7. Approvals on Items Related to CALAFCO Conference in October 2021

Since this item had 3 subsets, EO Fried would introduce all 3 and then one motion could be made at the end.

a) Approval of voting delegates to CALAFCO conference

EO Fried noted that the Commission needed to approve the voting and alternate delegates for the CALAFCO Conference to represent Marin LAFCo at the board elections and the business meeting. Chair McEntee and Commissioner Coler were planning to attend, Marin LAFCo tradition is that voting delegate is given in a specific order: to Chair, Vice-Chair, any other Commissioner attending, and then staff. Since Chairman McEntee and Commissioner Coler were both planning to attend, they would be the natural selections for Voting and Alternate Delegate.

b) Nominations to CALAFCO Board of Directors

CALAFCO has 4 seats per region: 1 City, 1 County, 1 Special District, and 1 Public Seat. They rotate who gets elected each year on a 2-year cycle, 2 seats available each year. EO Fried had communicated eligibility to Commissioners, and none had expressed interest in running, but he wanted to make that opportunity open to Commissioners one more time.

c) Marin LAFCo Position on CALAFCO Regional Make-Up

Two years ago, CALAFCO changed its fee structure. In the staff memo, there is a table on how many counties are in each region and how much the dues are that are paid in each region. Coastal Region, Marin LAFCo's region, has 15 Counties in the region and the 4 seats represent 15 counties. The region pays \$113,000 dues between all of their LAFCos. The Southern Region only has 6 members and pays half as much as the Coastal Region LAFCos. They have the same amount of representation but pay half as much and have less competitive board elections. Staff recommends that Marin LAFCo continue to advocate that CALAFCO change how they delegate their regions.

Commissioner Coler wanted to know if there was an explanation of how the fee schedule was decided. She does not feel that the fee schedule makes sense from a rational perspective but wanted to know what the decision-making process was.

EO Fried noted that CALAFCO changed the process a while ago to get the Southern Region on board. Over time, CALAFCO has increased its workload and what it does so the budget also increased, but there is a hard cap on how much each County pays and most of the Southern region hits that cap. This is why the Southern region pays the dues it does.

Commissioner Murray felt it was important to bring the item forward and indicated he believed there were still discrepancies that could have undue consequences. He endorses seeking the best way to secure equal and equitable representation.

Chairman McEntee opened public hearing. Seeing no member of the public wishing to comment, she closed the public hearing.

Chairman McEntee echoed Commissioner Murray's comments and endorsed re-opening the discussion with CALAFCO about dues.

Alternate Commissioner Campbell made a note in the chat that this was a year for redistricting.

M/S Commissioners Coler and Murray to nominate and approve Chairman as voting delegate, Commissioner Coler as alternate delegate, and EO Fried as second alternate.

Ayes: Commissioners McEntee, Kious, Rodoni, Murray, Coler, and Savel

Nays: None

Abstain: None

Absent: Arnold

Motion approved unanimously.

No official motions on items "b" or "c" were needed.

8. Approvals for Marin LAFCo to enter into an MOU with SECURE

EO Fried commented that Marin LAFCo has been working to move towards paperless, and one of the last things is signatures on documents. Although many state agencies can accept e-signed documents, the Recorder's office is not able to but is part of the SECURE system which allows for electronic submission of documents to the Recorder's office. Although it is called an MOU, EO Fried likened it more to a contract to use the SECURE Software. The MOU was included in the meeting materials and confirmed that the MOU had been shared with and approved by Legal Counsel. Staff is recommending that the Commission authorizes EO Fried to sign on and join the SECURE system.

Commissioner Murray and Chairman McEntee asked some clarifying questions about the SECURE process, the County's involvement, and the satisfaction of legal requirements which Legal Counsel Subramanian and EO Fried responded to.

Chairman McEntee opened public hearing. Seeing no member of the public wishing to comment, she closed the public hearing.

M/S Commissioners Coler/Kious to authorize staff to sign the MOU with SECURE

Ayes: Commissioners McEntee, Kious, Rodoni, Murray, Coler, and Savel

Nays: None

Abstain: None

Absent: Arnold

Motion approved unanimously.

9. Approval of Restated Fourth Amendment to Executive Officer Employment Agreement

Legal Counsel Subramanian introduced the item, noting that it would be a \$10 reduction of EO Fried's pay to make the compensation divisible by 26 pay periods. The salary will be \$157,716 instead of \$157,726. This was the amount negotiated between Chairman McEntee and Commissioner Connolly and the Executive Officer. Counsel is recommending that the Chair be authorized to execute this re-stated 4th amendment.

Chairman McEntee added that it was simply correcting a typo but the Commission wanted to keep it transparent.

Chairman McEntee opened public comment. Seeing no member of the public wishing to comment, she closed public comment.

M/S Commissioners Kious/Rodoni to approve the Restated Fourth Amendment and authorize a \$10 reduction of EO Fried's salary.

Ayes: Commissioners McEntee, Kious, Rodoni, Murray, Coler, and Savel

Nays: None

Abstain: None

Absent: Arnold

Motion approved unanimously.

10. Creation of Working Groups and the Potential Application of the Brown Act and Options for the Commission to Consider

Legal Counsel Subramanian introduced the item, noting that the Commission has at times approved MSRs with the recommendation to create a working group. If the Commission creates the working group, the working group is considered a legislative body under the Brown Act and that the Brown Act would apply to the working group. This agenda item was to discuss that further and consider other options for how to create a group with the intended purpose. Legal Counsel Subramanian offered some background on the application of the Brown Act and the nuances of that application in various situations.

Chairman McEntee mentioned that there was concern that Brown Act could inhibit discussion in the working group. Although LAFCo wants to be transparent and compliant of the law, it also wants to fill its purpose as a neutral convener.

Commissioner Coler wanted to clarify what distinction Legal Counsel Subramanian was making. If LAFCo wants to avoid being subject to Brown Act, would those working groups need to be separate from the MSR? How would LAFCo structure those MSRs?

EO Fried suggested language such as "Staff, we see a problem, can you go find a solution for this problem and bring it back to the Commission." This would give Staff the freedom to approach the problem without creating an official working group.

There was discussion between EO Fried, Legal Counsel Subramanian, and Commissioners Coler, Murray, and McEntee on the balance between public transparency and not hindering Staff's workflow.

Vice Chair Kious wanted to know if the described or changed process changes EO Fried's ability to do his job, or if he was comfortable doing his job within those guidelines.

EO Fried responded that if LAFCo continues to create working groups the way it has in the past, with the emerging knowledge of Brown Act requirements surrounding working groups that would need to be fulfilled, the work style of staff would change and the time it took to reach an outcome would increase.

Chairman McEntee opened public comment. Seeing no member of the public wishing to comment, she closed public comment.

Chairman McEntee acknowledged the nuance to this dual-sided issue between wanting to equip Staff with the tools they need to do their job without subverting a legal process when managing thorny problems.

Alternate Commission Campbell, Legal Counsel Subramanian, and EO Fried had a discussion to clarify the need for this amended approach and the application of the approach.

Commissioner Coler wanted to know, in the case that the Commission felt a Working Group was necessary for an issue, if a closed session would be authorized. Legal Counsel Subramanian clarified that closed sessions are limited by what is allowed by the Brown Act and the issues EO Fried is highlighting would not be authorized for a closed session. The working group may create an ad hoc committee that is formed from less than quorum of the Committee but in smaller working groups this would be difficult to do.

Commissioner Coler advocated for a mixed bag and adding more flexibility to Staff without limiting them to this new approach.

Vice Chair Kious clarified that the goal is to enable Staff to do their jobs effectively without the burdens that are imposed by certain legal restrictions. He proposed continuing this issue to the next meeting and creating an ad hoc committee in the interim to create a proposal for the Commission to approve at the next meeting.

Chairman McEntee asked if Commissioner Rodoni had any input since his MSR was coming up next.

Commissioner Rodoni acknowledged Staff's need for flexibility and was comfortable with the non-Brown Act approach except in the cases that the Commission decides it is important enough to take to a Brown Act Committee. He advocated for informed flexibility.

Chairman McEntee agreed that there was not a one-size fits all approach here, and that the Commission seemed comfortable with letting Staff make the determination situationally on which approach is appropriate.

Commissioner Savel concurred with Commissioner Coler's initial statement about public input.

Commissioner Murray and Vice Chair Kious asked in the chat for the discussion to move on.

There was further discussion of an ad hoc committee between EO Fried, Chairman McEntee, Commissioner Coler, and Vice Chair Kious, including whether or not to create one, who the members would be, and when it should be formed by.

M/S Commissioners Kious/Coler to create an Ad Hoc Committee for further discussion with Commissioners Kious and Coler as members.

Ayes: Commissioners McEntee, Kious, Rodoni, Murray, Coler, and Savel

Nays: None

Abstain: None

Absent: Arnold

Motion approved unanimously.

EXECUTIVE OFFICER REPORT (discussion and possible action)

a) Budget Update FY 2021-22

EO Fried stated that the previous FY had just finished and the budget presented was not the final budget but that it would be finalized soon. He also stated that the audit is moving along, and that LAFCo overall ended the year spending less than they took in, partially due to COVID reductions in travel/conferences. A few line items were also a bit higher than usual and are explained in Staff's report. Current year budget was preliminary, and County has sent invoices for member agencies to pay bills. Some income had since been received. He also warned that a line item or two would be over in the current year budget. It would not hurt from a big-picture budget perspective, but staff wanted to remain transparent with the Commission.

b) Current and Pending Proposals

1 new application was received the week of the Commission meeting. Staff also brought up 255 Margarita with the Commission, asking if the Commission wanted to create a formal item for discussion at the following meeting. The Commission confirmed, yes, they would like to discuss more formally at the following meeting.

c) Commission Communications

EO Fried mentioned the letter from the auditor addressed to the Commission and action that individual Commissioners could take on it.

EO Fried also did an update on the Marin City RFP and mentioned some time off in August and September for the Commission to be aware of.

Chairman McEntee opened public comment on the EO report. Hearing none, she closed public comment.

COMMISSIONER ANNOUNCEMENTS AND REQUESTS

Chair McEntee adjourned the meeting at 8:46 P.M.

ADJOURNMENT TO NEXT MEETING

Thursday, October 14, 2021

Zoom

Attest: Olivia Gingold
 Clerk/Junior Analyst

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Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT
October 14, 2021
Item No. 2 (Consent Item)

TO: Local Agency Formation Commission
FROM: Jason Fried, Executive Officer
SUBJECT: Commission Ratification of Payments from August 1, 2021, to September 30, 2021

Background

Marin LAFCo adopted a Policy Handbook delegating the Executive Officer to make purchases and related procurements necessary in overseeing the day-to-day business of the agency. The Policy Handbook also directs all payments made by the Executive Officer to be reconciled by LAFCo's contracted bookkeeper. Additionally, all payments are to be reported to the Commission at the next available Commission meeting for formal ratification.

This following item is presented for the Commission to consider the ratification of all payments made by the Executive Officer between August 1, 2021, and September 30, 2021, totaling \$76,051.29. The payments are detailed in the attachment.

Staff Recommendation for Action

1. Staff Recommendation - Ratify the payments made by the Executive Officer between August 1, 2021, and September 30, 2021, as shown in attachment.
2. Alternate Option - Continue consideration of the item to the next regular meeting and provide direction to staff as needed.

Procedures for Consideration

This item has been placed on the agenda as part of the consent calendar. Accordingly, a successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

Attachment:

- 1) Payments from August 1, 2021, to September 30, 2021

Administrative Office

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T: 415-448-5877 E: staff@marinlafco.org
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Las Gallinas Valley Sanitary

Tod Moody, Alternate
Sanitary District #5

Larry Loder, Regular
Public Member

Richard Savel, Alternate
Public Member

Marin Local Agency Formation Commission
Expenses by Vendor Detail
August through September 2021

10/06/21

Accrual Basis

Type	Date	Num	Memo	Account	Amount	Balance
A and P Moving, Inc.						
Check	08/11/2021	20630	Invoice # 405...	65 · Rent - Storage	251.40	251.40
Check	09/14/2021	20646	Invoice # 405...	65 · Rent - Storage	40.00	291.40
Total A and P Moving, Inc.					291.40	291.40
BANK OF MARIN CC						
Credit Card Charge	08/20/2021		marin ij	35 · Misc Services	9.95	9.95
Credit Card Charge	08/20/2021		adobe	20 · IT & Communic...	65.96	75.91
Credit Card Charge	08/20/2021		water	50 · Office Supplies ...	38.00	113.91
Credit Card Charge	08/20/2021		getstreamline	20 · IT & Communic...	100.00	213.91
Credit Card Charge	08/20/2021		zoom	20 · IT & Communic...	14.99	228.90
Credit Card Charge	08/20/2021		verizon	20 · IT & Communic...	121.25	350.15
Credit Card Charge	08/20/2021		travel ins	75 · Travel - Mileage	21.88	372.03
Credit Card Charge	08/20/2021		2cocom	20 · IT & Communic...	179.10	551.13
Credit Card Charge	08/20/2021		deluxe	50 · Office Supplies ...	203.61	754.74
Credit Card Charge	08/20/2021			50 · Office Supplies ...	76.57	831.31
Credit Card Charge	09/20/2021		marin ij	35 · Misc Services	9.95	841.26
Credit Card Charge	09/20/2021		adobe	20 · IT & Communic...	65.96	907.22
Credit Card Charge	09/20/2021		getstreamline	20 · IT & Communic...	100.00	1,007.22
Credit Card Charge	09/20/2021		zoom	20 · IT & Communic...	14.99	1,022.21
Credit Card Charge	09/20/2021		verizon	20 · IT & Communic...	121.25	1,143.46
Total BANK OF MARIN CC					1,143.46	1,143.46
BEST BEST & KRIEGER LLP						
Check	08/12/2021	20632	Invoice #9121...	25 · Legal Services	1,673.10	1,673.10
Check	09/22/2021	20649	Invoice #9149...	25 · Legal Services	1,146.60	2,819.70
Total BEST BEST & KRIEGER LLP					2,819.70	2,819.70
CALAFCO						
Check	08/11/2021	20628	VOID: 2021 A...	10 · Conferences	0.00	0.00
Total CALAFCO					0.00	0.00
Coler, Barbara						
Check	09/01/2021	20637	Aug 2021 Co...	05 · Commissioner ...	125.00	125.00
Total Coler, Barbara					125.00	125.00
COMCAST						
Check	09/01/2021	20639	Bill Date Aug ...	20 · IT & Communic...	105.05	105.05
Check	09/22/2021	20648	Bill Date Sep ...	20 · IT & Communic...	105.05	210.10
Total COMCAST					210.10	210.10
CONNECT YOUR CARE						
Check	08/06/2021	eft	COBRA ADMIN	513215 · Health Ins...	1.11	1.11
Check	09/20/2021	eft	COBRA ADMIN	513215 · Health Ins...	1.11	2.22
Total CONNECT YOUR CARE					2.22	2.22
Davis Farr LLP						
Check	08/11/2021	20627	Invoice # 10320	55 · Professional Se...	1,500.00	1,500.00
Total Davis Farr LLP					1,500.00	1,500.00
Delta Dental of California						
Check	08/06/2021	eft		5130210 · Dental In...	72.93	72.93
Check	09/08/2021	eft		5130210 · Dental In...	145.86	218.79
Check	09/21/2021	eft		5130210 · Dental In...	72.93	291.72
Check	09/28/2021	eft		5130210 · Dental In...	72.93	364.65
Total Delta Dental of California					364.65	364.65
FP MAILING SOLUTIONS						
Check	09/14/2021	20647	Invoice # RI 1...	50 · Office Supplies ...	162.60	162.60
Total FP MAILING SOLUTIONS					162.60	162.60

Marin Local Agency Formation Commission
Expenses by Vendor Detail
August through September 2021

10/06/21

Accrual Basis

Type	Date	Num	Memo	Account	Amount	Balance
Indoff Incorporated						
Check	09/01/2021	20644	Invoice #3495...	50 · Office Supplies ...	93.26	93.26
Total Indoff Incorporated					93.26	93.26
Kaiser Foundation Health Plan						
Check	08/02/2021	20625	July 2021 stat...	513215 · Health Ins...	19.73	19.73
Check	09/01/2021	20641	Aug 2021 sta...	513215 · Health Ins...	749.76	769.49
Check	09/15/2021	eft		513215 · Health Ins...	1,124.64	1,894.13
Check	09/15/2021	eft		513215 · Health Ins...	1,124.64	3,018.77
Total Kaiser Foundation Health Plan					3,018.77	3,018.77
KIOUS, LEWIS						
Check	09/01/2021	20643	Aug 2021 Co...	05 · Commissioner ...	125.00	125.00
Total KIOUS, LEWIS					125.00	125.00
LIEBERT CASSIDY WHITMORE						
Check	09/01/2021	20642	Invoice #2031...	25 · Legal Services	87.00	87.00
Total LIEBERT CASSIDY WHITMORE					87.00	87.00
MARIN MAC TECH						
Check	08/11/2021	20629	Invoice # 2404	20 · IT & Communic...	137.50	137.50
Check	09/01/2021	20645	Invoice # 3605	20 · IT & Communic...	645.00	782.50
Check	09/22/2021	20650	Invoice # 367...	20 · IT & Communic...	460.24	1,242.74
Total MARIN MAC TECH					1,242.74	1,242.74
MURRAY, CRAIG K						
Check	09/01/2021	20636	Aug 2021 Co...	05 · Commissioner ...	125.00	125.00
Total MURRAY, CRAIG K					125.00	125.00
PAYCHEX						
Check	08/06/2021	eft		35 · Misc Services	47.35	47.35
Check	08/20/2021	eft		35 · Misc Services	47.35	94.70
Check	09/03/2021	eft		35 · Misc Services	47.35	142.05
Check	09/17/2021	eft		35 · Misc Services	47.35	189.40
Total PAYCHEX					189.40	189.40
PAYROLL						
Check	08/06/2021	eft	7/11-7/24/21	5110110 · Sal - Reg...	12,144.21	12,144.21
Check	08/06/2021	eft	7/11-7/24/21	516150 · Auto Allow...	350.00	12,494.21
Check	08/06/2021	eft	7/11-7/24/21	5130640 · Unused F...	100.00	12,594.21
Check	08/06/2021	eft	7/11-7/24/21	512125 · Co Ret Co...	1,702.61	14,296.82
Check	08/20/2021	eft	7/25-8/7/21	5110110 · Sal - Reg...	12,144.21	26,441.03
Check	08/20/2021	eft	7/25-8/7/21	516150 · Auto Allow...	0.00	26,441.03
Check	08/20/2021	eft	7/25-8/7/21	5130640 · Unused F...	100.00	26,541.03
Check	08/20/2021	eft	7/25-8/7/21	512125 · Co Ret Co...	1,702.61	28,243.64
Check	09/03/2021	eft	8/8-8/21/21	5110110 · Sal - Reg...	12,144.21	40,387.85
Check	09/03/2021	eft	8/8-8/21/21	516150 · Auto Allow...	350.00	40,737.85
Check	09/03/2021	eft	8/8-8/21/21	5130640 · Unused F...	100.00	40,837.85
Check	09/03/2021	eft	8/8-8/21/21	512125 · Co Ret Co...	1,702.61	42,540.46
Check	09/17/2021	eft	8/22-9/4/21	5110110 · Sal - Reg...	12,144.21	54,684.67
Check	09/17/2021	eft	8/22-9/4/21	516150 · Auto Allow...	0.00	54,684.67
Check	09/17/2021	eft	8/22-9/4/21	5130640 · Unused F...	100.00	54,784.67
Check	09/17/2021	eft	8/22-9/4/21	512125 · Co Ret Co...	1,702.61	56,487.28
Total PAYROLL					56,487.28	56,487.28
PAYROLL TAXES						
Check	08/06/2021	eft	7/11-7/24/21	515115 · Medicare T...	183.26	183.26
Check	08/20/2021	eft	7/25-8/7/21	515115 · Medicare T...	178.19	361.45
Check	09/03/2021	eft	8/8-8/21/21	515115 · Medicare T...	183.26	544.71
Check	09/17/2021	eft	8/22-9/4/21	515115 · Medicare T...	178.19	722.90
Total PAYROLL TAXES					722.90	722.90

Marin Local Agency Formation Commission
Expenses by Vendor Detail
August through September 2021

10/06/21

Accrual Basis

Type	Date	Num	Memo	Account	Amount	Balance
Richard Savel						
Check	09/01/2021	20635	Aug 2021 Co...	05 · Commissioner ...	125.00	125.00
Total Richard Savel					125.00	125.00
RICOH USA INC						
Check	08/11/2021	20631	Invoice # 506...	50 · Office Supplies ...	43.32	43.32
Total RICOH USA INC					43.32	43.32
RODONI, DENNIS JAMES						
Check	09/01/2021	20634	Aug 2021 Co...	05 · Commissioner ...	125.00	125.00
Total RODONI, DENNIS JAMES					125.00	125.00
SCHIFFMANN, ALYSSA						
Check	08/02/2021	20624	Invoice # 141	55 · Professional Se...	1,095.00	1,095.00
Total SCHIFFMANN, ALYSSA					1,095.00	1,095.00
SECURITY MORTGAGE GROUP 2						
Check	08/02/2021	20622	Aug 2021 Rent	45 · Office Lease/Rent	2,873.03	2,873.03
Check	09/01/2021	20633	Sept 2021 Rent	45 · Office Lease/Rent	2,873.03	5,746.06
Total SECURITY MORTGAGE GROUP 2					5,746.06	5,746.06
SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY						
Deposit	09/14/2021	25311	refund	15 · General Insuran...	-93.47	-93.47
Total SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY					-93.47	-93.47
STATE OF CALIFORNIA						
Deposit	08/11/2021	01619...	HWP	4640333 · Fees for ...	-46.00	-46.00
Total STATE OF CALIFORNIA					-46.00	-46.00
The Hartford						
Check	08/02/2021	20626	Invoice #1889...	5130110 · Life Insur...	157.74	157.74
Check	09/30/2021	20651	Invoice #1889...	5130110 · Life Insur...	157.74	315.48
Total The Hartford					315.48	315.48
VSP						
Check	08/06/2021	eft		5130310 · Vision Se...	15.21	15.21
Check	09/07/2021	eft		5130310 · Vision Se...	15.21	30.42
Total VSP					30.42	30.42
TOTAL					76,051.29	76,051.29



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT
October 14, 2021
Item No. 3 – (Consent Item)

TO: Local Agency Formation Commission

FROM: Jason Fried, Executive Officer
Mala Subramanian, Legal Counsel

SUBJECT: **Resolution 21-18 Allowing for Video and Teleconference Meetings during COVID-19 State of Emergency Under AB 361**

Background and Discussion

AB 361 was recently passed by the State Legislature and signed by Governor Newsom and went into effect immediately. AB 361 continues many of the provisions related to the Brown Act that were in place under Executive Orders, which expired September 30, 2021 that allowed for video and teleconferencing during the state of emergency. Since AB 361 has been signed into law, the Commission can continue to meet virtually until such time as the Governor declares the State of Emergency due to COVID-19 over and measures to promote social distancing are no longer recommended, or could return to in-person meetings sooner, if desired.

The Marin County Director of Health & Human Services has recommend social distancing to enhance safety at public meetings. The proposed resolution provides that the Commission and all subsidiary Commission boards and committees with the option to continue to hold video and teleconference meetings while the state of emergency is still in effect and social distancing is recommended.

In order to continue to hold video and teleconference meetings, the Commission will need to review and make findings every thirty days or thereafter that the state of emergency continues to directly impact the ability of the members to meet safely in person and that state or local officials continue to impose or recommend measures to promote social distancing.

Recommendation

Approval of Resolution 21-18 allowing for video and teleconference meetings during the COVID-19 state of emergency under AB 361.

Attachment:

1. Resolution 21-18 Allowing for Video and Teleconference Meetings during the COVID-19 State of Emergency Under AB 361

Administrative Office

Jason Fried, Executive Officer
1401 Los Gatos Drive, Suite 220
San Rafael, California 94903
T: 415-448-5877 E: staff@marinlafco.org
www.marinlafco.org

Damon Connolly, Regular
County of Marin

Judy Arnold, Regular
County of Marin

Dennis Rodoni, Alternate
County of Marin

Sashi McEntee, Chair
City of Mill Valley

Barbara Coler, Regular
Town of Fairfax

James Campbell, Alternate
City of Belvedere

Lew Kious, Vice Chair
Almonte Sanitary District

Craig K. Murray, Regular
Las Gallinas Valley Sanitary

Tod Moody, Alternate
Sanitary District #5

Larry Loder, Regular
Public Member

Richard Savel, Alternate
Public Member

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION 21-18

RESOLUTION ALLOWING FOR VIDEO AND TELECONFERENCE MEETINGS DURING THE COVID-19 STATE OF EMERGENCY UNDER AB 361

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a State of Emergency for COVID-19; and

WHEREAS, AB 361 was recently passed by the State Legislature and signed by Governor Newsom and went into effect immediately and allows the Commission to continue to meet virtually until such time as the Governor declares the State of Emergency due to COVID-19 over and measures to promote social distancing are no longer recommended; and

WHEREAS, the Marin County Director of Health & Human Services has recommended social distancing to enhance safety at public meetings; and

WHEREAS, in light of this recommendation, the Commission desires for itself and for all other Commission legislative bodies that are subject to the Brown Act to continue to meet via video and/or teleconference; and

WHEREAS, pursuant to AB 361 the Commission will review the findings required to be made every 30 days or thereafter and shall not meet without making those continued findings.

NOW THEREFORE, the Marin Local Agency Formation **DOES HEREBY RESOLVE** finds on behalf of itself and all other Commission legislative bodies: (1) a state of emergency has been proclaimed by the Governor; (2) the state of emergency continues to directly impact the ability of the Commission's legislative bodies to meet safely in person; and (3) local officials continue to recommend measures to promote social distancing.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on October 14, 2021 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Sashi McEntee, Chair

ATTEST:

APPROVED AS TO FORM:

Jason Fried, Executive Officer

Malathy Subramanian, LAFCo Counsel



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT

October 14, 2021

Item No. 4 (Public Hearing)

TO: Local Agency Formation Commission

FROM: Olivia Gingold, Clerk/Jr. Analyst

SUBJECT: Approval of Resolution 21-17, Annexation of 1996 Novato Blvd. (APN 141-061-20) to Novato Sanitary District (File #1359)

Background

Marin LAFCo has received an application from Leonardo Del Toro (“applicant”) requesting approval to annex a lot, approximately 1.10 acres, that is moving off septic into the Novato Sanitary District (NSD). The affected territory is incorporated within the City of Novato’s boundaries, negating any issues with the Urban Growth Boundary. The parcel has a situs address of 1996 Novato Blvd. (APN 141-061-20). The proposal, as stated by the applicant, is for connection to NSD to support growth on the property from 1 dwelling unit to 3 dwelling units. The applicant intends to eventually split this parcel into three APNs with a separate dwelling on each parcel. Staff has requested comments from NSD, along with other interested agencies. All comments were in support or neutral. Staff recommends approving this application.

Staff Recommendation for Action

1. Staff recommendation – Approve the requested annexation of 1996 Novato Blvd. and approve the attached Resolution No. 21-17.
2. Alternate Option 1 – Deny the request.
3. Alternate Option 2 – Continue consideration of the item to the next regular meeting, and provide direction to staff, as needed.

Attachments:

- 1) Resolution #21-17
- 2) Application Packet

Administrative Office

Jason Fried, Executive Officer
1401 Los Gatos Drive, Suite 220
San Rafael, California 94903
T: 415-448-5877 E: staff@marinlafco.org
www.marinlafco.org

Damon Connolly, Regular
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Judy Arnold, Regular
County of Marin

Dennis Rodoni, Alternate
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Sashi McEntee, Chair
City of Mill Valley

Barbara Coler, Regular
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Lew Kious, Vice Chair
Almonte Sanitary District

Craig K. Murray, Regular
Las Gallinas Valley Sanitary

Tod Moody, Alternate
Sanitary District #5

Larry Loder, Regular
Public Member

Richard Savel, Alternate
Public Member

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION 21-17

RESOLUTION APPROVING AN ANNEXATION OF 1996 NOVATO BLVD. TO NOVATO SANITARY DISTRICT WITH WAIVER OF NOTICE, HEARING AND PROTEST PROCEEDINGS

“Annexation of 1996 Novato Blvd., Novato (APN 141-061-20) to Novato Sanitary District (LAFCo File #1359)”

WHEREAS Leonardo Del Toro, hereinafter referred to as “Property Owner,” has filed a validated landowner petition with the Marin Local Agency Formation Commission, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS the proposal seeks Commission approval to annex approximately 1.10 acres of incorporated land to Novato Sanitary District; and

WHEREAS the affected territory represents an entire lot developed with an existing single-family residence located at 1996 Novato Blvd. and identified by the County of Marin Assessor’s Office as APN 141-061-20 (“Property”); and

WHEREAS the Commission’s staff has reviewed the proposal and prepared a report with recommendations; and

WHEREAS the staff’s report and recommendations on the proposal have been presented to the Commission in the manner provided by law; and

WHEREAS the Commission considered all the factors required by law under Government Code Section 56668 and 56668.3 and adopted local policies and procedures.

WHEREAS the proposal is for an annexation of territory that is uninhabited, and no affected local agency has submitted a written demand for notice and hearing as provided for in Government Code Section 56662(a).

NOW THEREFORE, the Marin Local Agency Formation **DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

Section 1. The boundaries, as set forth in the proposal, are hereby approved as submitted and are as described and depicted in Exhibits “A” and “B” attached hereto and by this reference incorporated herein.

1. Approve the proposed annexation of 1996 Novato Blvd. (APN 141-061-20) to Novato Sanitary District (File #1359) as shown and described on Exhibits “A” and “B”.

Section 2. The territory includes 1.10 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: “Annexation of 1996 Novato Blvd., Novato (APN 141-061-20) to Novato Sanitary District (LAFCo File #1359).”

Section 3. The proposal is consistent with the adopted sphere of influence of Novato Sanitary District.

Section 4. The Executive Officer is hereby authorized to waive notice and hearing, and protest proceedings and complete reorganization proceedings.

Section 5. As Lead Agency under CEQA for the proposed annexation of APN 141-061-20 to Novato Sanitary District, LAFCo finds that the Project is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15319 (a).

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on October 14, 2021
by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Sashi McEntee, Chair

ATTEST:

APPROVED AS TO FORM:

Jason Fried, Executive Officer

Malathy Subramanian, LAFCo Counsel

Attachments to Resolution No. 21-17

- a) Exhibit A – Legal Description
- b) Exhibit B – Map

Exhibit A

**Annexation of the Lands of Del Toro
To the
Novato Sanitary District**

**File No. xxx
Mapping No. xx**

Beginning at the intersection of the northeasterly corner of Novato Sanitary District Annexation No. 1964-27 with the southerly line of Novato Sanitary District Annexation No. 1968-7; said point being the northwesterly corner of that certain parcel of land granted to Efen Del Toro et al by Grant Deed recorded October 7, 2020 as Document No. 2020-0048151, Marin County Records;

- 1) Thence, along the northerly line of said parcel and the southerly line of said Annexation No. 1968-7, South 60° 33' East 100.00 feet;
- 2) Thence leaving the southerly line of Annexation No. 1968-7, along the easterly line of said parcel and the westerly lines of Novato Sanitary District Annexation Numbers 1969-10, 1968-1, and 1964-22, South 29° 11' West 479.60 feet to the to an angle point in the boundary of Parcel A-1 of said annexation 1964-22;
- 3) Thence, along the boundary lines of Novato Sanitary District Annexation Numbers 1964-22 and 1964-27 North 60° 49' West 100.00 feet to an angle point in the boundary of said annexation 1964-27;
- 4) Thence, continuing along said 1964-27 annexation boundary and the westerly line of said parcel, North 29° 11' East 480.00 feet to the point of beginning;

This annexation contains approximately 47,975 square feet which equals 1.10 acres.

This parcel lies within the Rancho de Novato, Marin County, California.

Dale White
8-2-2021



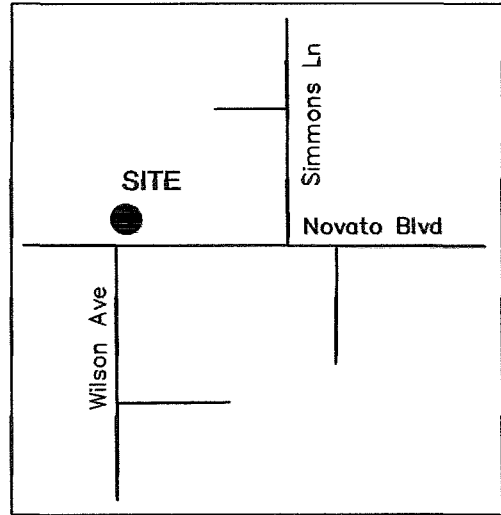
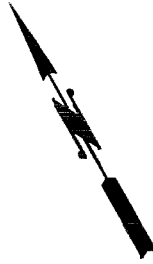
Annexation Parcel Information

Legal Description: That certain parcel of land conveyed to Efren Del Toro et al by RDN 2020-48151, Marin County Records.

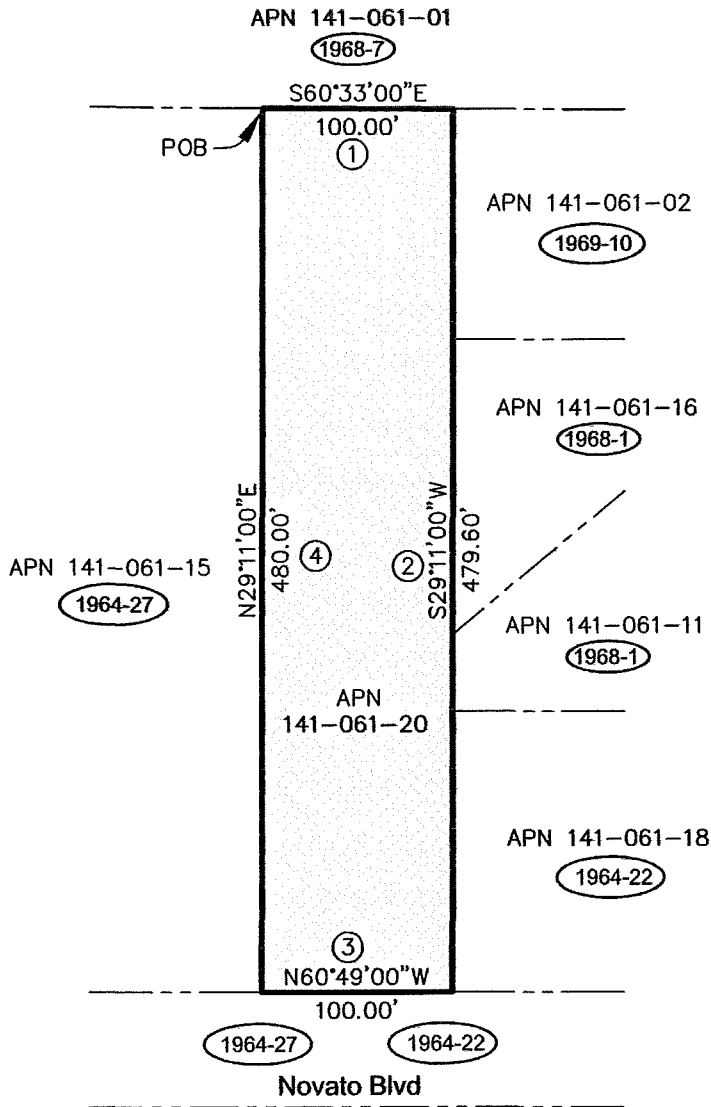
Said Parcel lies within the Rancho de Novato.

Address: 1996 Novato Blvd., Novato, CA






Assessor's Parcel No. 141-061-20.



Vicinity Map
No Scale



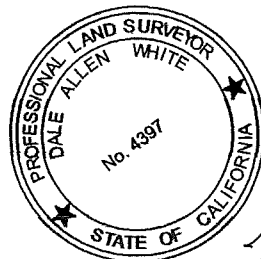
Legend

-  Existing Sewer District Annexation
-  Proposed Annexation
-  Course Number
-  Property Line
-  Annexation Boundary

Abbreviations

- APN Assessor's Parcel No.
- POB Point of Beginning
- RDN Recorder's Document No.

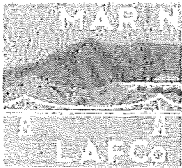
White & Prescott
Engineering & Surveying
1400 Grant Avenue
Novato, CA 94945



Dale White
8-2-2021

Exhibit B
Mapping No. xx-xx

Annexation of the Lands of Del Toro
To The
Novato Sanitary District



Marin Local Agency Formation Commission
Regional Service Planning | Subdivision of the State of California

MARIN LAFCO

**I. PETITION FOR PROCEEDING PURSUANT TO THE CORTESE-KNOX-HERTZBERG ACT
LOCAL GOVERNMENT REORGANIZATION ACT OF 2000**

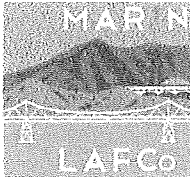
The undersigned hereby petition(s) the Marin Local Agency Formation Commission for approval of a proposed change or organization or reorganization and stipulates as follows:

1. This proposal is made pursuant to Part 3, Division 3, and Title 5 of the California Government Code (commencing with Section 56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000).
2. The specific change(s) of organization proposed (i.e. Annexation, Detachment, Reorganization, etc.) is/are Annexation of property 1996 Novato Blvd. Novato, to Novato Sanitary District
3. The boundaries of the territory(ies) included in the proposal are as described in Exhibits "A" and "B" attached hereto and by this reference incorporated herein.
4. The territory(ies) included in the proposal is/are:
 Inhabited (12 or more registered voters)
 Uninhabited (11 or fewer registered voters)
5. This proposal is X or is not consistent with the sphere(s) of influence of the affected city and/or district(s).
6. The reason(s) for the proposed Annexation (ie. Annexation, Detachment, Reorganization, etc.) is/are to connect to the Novato Sanitary District sewer facilities.
7. The proposal is requested to be made subject to the following terms and conditions:
None
8. The persons signing this petition have signed as:
 Registered voters
 Owners of the land
 On behalf of the Board, City, District, or Agency

Leo Del Toro
Print Name

[Signature]
Signature

08/12/21
Date



Marin Local Agency Formation Commission
Regional Service Planning | Subdivision of the State of California

II. LANDOWNERS SIGNATURES
(§56700, et seq.)

We the undersigned landowners hereby request proceedings be initiated pursuant to Government Code §56000, et seq. for the change(s) of organization described on the attached Proposal Application.

Name and Address of Applicant: Leo Del Toro, 3 Simmons Ct Novato, Ca 94945

Contact Number: (415) 846-5769 Email: deltoro7@gmail.com

Agent Representative (optional)

I/We hereby authorize _____ to act as my/our agent to process all phases of the LAFCo action relating to the parcels listed below.

Name and Address of Agent: _____

Contact Number: (_____) _____ Email: _____

All owners of each parcel must sign. Original signatures are required.

Leo Del Toro
Property Owner Signature

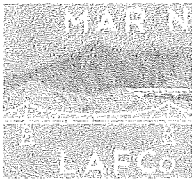
07/04/21
Date

[Signature]
Property Owner Signature

7/5/21
Date

[Signature]
Property Owner Signature

7/5/21
Date



Marin Local Agency Formation Commission
Regional Service Planning | Subdivision of the State of California

Additional Notification Approval (Optional)

I/We hereby authorize, that in addition to the application representative, the persons listed below are granted permission to receive copies of application notices, and reports.

Property Owner Signature

Please provide the names, email addresses, and phone numbers of any persons who are to be furnished copies of the Agenda, Executive Officer’s Report, and Notice of Hearings. This includes name, title, email address, and phone number of key staff you’ve worked with/talked to. This allows LAFCo to send information directly to the key person in each agency who is relevant to the application:

Please Print Name

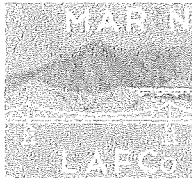
Email Address

Phone Number

Leo Del Toro deltoro7@gmail.com 415-846-5769

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415-506-4268

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Marin Local Agency Formation Commission
Regional Service Planning | Subdivision of the State of California

MARIN LAFCO

III. APPLICATION QUESTIONNAIRE

In accordance with requirements set forth in the California Government Code, the Commission must review specific factors in its consideration of this proposal. In order to facilitate the Commission's review, please respond to the following questions:

GENERAL INFORMATION

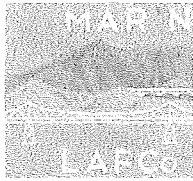
1. Please check the method by which this application was initiated:
 Petition (Landowner)
 Resolution of Application (City/Town or District)

2. Does the application possess 100% written consent of each property owner in the subject territory? Yes No

3. A. This application is being submitted for the following boundary change:
(BE SPECIFIC: For example, "annexation," "reorganization")
Annexation to the Novato Sanitary District

B. The reason for the proposed action(s) being requested:
(BE SPECIFIC: For example, "Annexation to sewer district for construction of three homes")
Annexation to sewer district for construction of two homes and service to current homes

4. State general location of proposal:
1996 Novato Blvd, Novato, CA 94945 (APN 141-061-20)



Marin Local Agency Formation Commission
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5. Is the proposal within a city's boundaries?

Yes Which city? Novato

No If the proposal is adjacent to a city, provide city name: _____

6. Is the subject territory located within an island of unincorporated territory?

Yes No If applicable, indicate city _____

7. Would this proposal create an island of unincorporated territory? Yes No

If yes, please justify proposed boundary change: _____

8. Provide the following information regarding the area proposed for annexation:

(Attach additional if needed)

A. Assessor's Parcel Number(s)

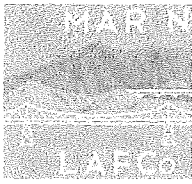
141-061-20

Site Address(es)

1996 Novato Blvd, Novato CA 94945

B. Total number of parcels included in this application: 1

9. Total land area in acres: 1.10 Acres



LAND USE AND DEVELOPMENT POTENTIAL

1. Describe any special land use concerns:

None

2. Indicate current land use: (such as: number of dwellings, permits currently held, etc.)

1 Current dwelling on the property (Single Residence)

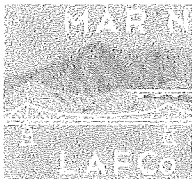
3. Indicate the current zoning (either city/town or county) title and densities permitted:

4. Has the area been rezoned? No _____ N/A Yes _____

What is the rezoning classification, title and densities permitted?

5. Describe the specific development potential of the property: (Number of units allowed in zoning)

Converting one parcel into 3 parcel single dwelling



ENVIRONMENT

1. Is the site presently zoned, or designated for, or engaged in agricultural use?

Yes _____ No **X** _____

If yes, explain: _____

2. Will the proposal result in a reduction of public or private open space?

Yes _____ No **X** _____

If yes, explain: _____

3. Will service extension accomplished by this proposal induce growth in:

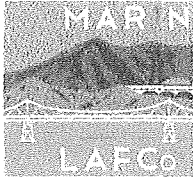
- A. This site? Yes **X** _____ No _____ N/A _____
- B. Adjacent sites? Yes _____ No **X** _____ N/A _____
- C. Unincorporated? Yes _____ No **X** _____
- D. Incorporated? Yes _____ No **X** _____

4. State general description of site topography: 1 acre Flat lot

5. Indicated Lead Agency for this project: LAFCO

6. Indicate Environmental Determination by Lead Agency: _____
with respect to (indicate project) _____
Dated: _____

(COPY OF ENVIRONMENTAL DOCUMENTS MUST BE SUBMITTED WITH APPLICATION.)



IV. INDEMNIFICATION AGREEMENT

As part of this Application, Applicant and its successors and assigns, shall indemnify, defend and hold harmless, LAFCo, its officials, officers, employees, agents, representatives, contractors and assigns from and against any and all claims, demands, liability, judgments, damages (including consequential damages), awards, interests, attorneys’ fees, costs and expenses of whatsoever kind or nature, at any time arising out of, or in any way connected with any legal challenges to or appeals associated with LAFCo’s review and/or approval of the Application (collectively, “Indemnification Costs”). Applicant’s obligation to indemnify, defend and hold harmless LAFCo, its officials, officers, employees, agents, representatives, contractors and assigns under this Agreement shall apply regardless of fault, to any acts or omissions, or negligent conduct, whether active or passive, on the part of the Applicant, LAFCo, its officials, officers, employees, agents, representatives, contractor or assigns. Applicant’s obligation to defend LAFCo, its officials, officers, employees, agents, representatives, contractor or assigns under this Agreement shall be at Applicant’s sole expense and using counsel selected or approved by LAFCo in LAFCo’s sole discretion.

In the event of a lawsuit, Applicant will be notified by LAFCo within three (3) business days of being served. An invoice will be submitted to the Applicant by LAFCo for an amount between \$10,000 and \$25,000 to cover a portion of the Indemnification Costs (“Reserve”), which shall depend upon the estimated cost to resolve the matter and shall be determined in LAFCo’s sole discretion. Applicant shall pay the Reserve to LAFCo within seven (7) calendar days of LAFCo’s request. The Reserve shall be applied against LAFCo’s final bill for the Indemnification Costs, with any unused portion to be returned to Applicant. LAFCo shall bill Applicant month for the Indemnification Costs, which shall be paid to LAFCo no later than 15 calendar days after receipt of LAFCo’s bill. LAFCo may stop defending the matter, if at any time LAFCo has not received timely payment of the Reserve and/or the Indemnification Costs. This will not relieve Applicant of any of its obligations pursuant to this Agreement.

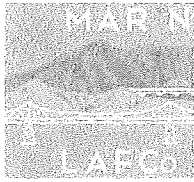
As the Applicant I hereby attest with signature,

Leonardo Del Toro Jr
Applicant Signature

07/04/21
Date

Leonardo Del Toro Jr
Print Name

Title



V. PLAN FOR PROVIDING SERVICES
(For City/Town or District Only)

This section to be completed by a city/town or district representative for all **applications initiated by resolution or as required by Executive Officer.**

1. Enumerate and describe services to be extended to the affected territory:

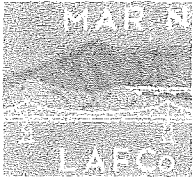
- Police: _____
- Fire: _____
- Sewer: _____
- Water: _____
- Other: _____

2. Advise whether any of the affected agencies serving or expected to serve this site are current operating at or near capacity: _____

3. Describe the level and range of services: _____

4. Indicate when services can/will be extended to the affected territory:

5. Note any improvements or upgrading of structures, roads, sewer or water facilities, or other conditions required within the affected territory: _____



Marin Local Agency Formation Commission
Regional Service Planning | Subdivision of the State of California

6. Describe financial arrangements for construction and operation of services extended to the affected territory. Will the territory be subject to any special taxes, charges or fees? (If so, please specify.)

This section completed by:

Signature

Title

Print Name

Agency

Contact Email

Contact Number



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT
October 14, 2021
Item 5 (Business Item)

TO: Local Agency Formation Commission
FROM: Jason Fried, Executive Officer
SUBJECT: **Approve FY 19-20 Audit and Authorization for FY 20-21 Audit**

Background

Marin LAFCo annually performs an independent audit. This year we utilized Davis Farr LLP to perform our audit. Staff has been satisfied with the quality of work performed and today is presenting to the Commission the audit and supporting letters for Fiscal Year 2019-2020. The full audit can be read in attachment 1. In addition, they presented two letters, Significant Audit Findings (attachment 2) and Independent Auditor's Report (attachment 3). In the Audit findings, they note four items that were corrected due to the audit, and then in the Auditor's Report, they give one recommendation for LAFCo for future years that relates to those four items.

The first three items (prior period adjustment for pension-related obligations, adjustment to record total OPEB obligations, and adjustment to correct current year pension obligations) pertain to how our previous auditor and current auditor want this information. Our bookkeeper, who is the one who deals with the information in question, thinks she better understands what our auditor wants and thinks she should be able to better present that information with our next audit.

On the fourth item (adjustment to correct compensated absences), this is due to the transition of HR from County to LAFCo as well as moving from ADP to Paychex for our payroll processing. In past audits, our bookkeeper was able to produce the report from the County Munis system or County staff produced for us. LAFCo staff has never had to deal with this issue before. Part of what caused this issue is that in the June/July 2020 time frame we were still with ADP. When leaving ADP we were told we would still have access to our account for a year but that turned out not to be true. While staff attempted to work with ADP it quickly seemed easier to simply use old timesheets and paystubs to recreate information needed. Since staff had always relied on the County system this is a new item for us to track and did not previously know what the needed information was for this. Davis Farr worked with staff to help us get up to speed on this item. Staff had looked through the various reports offered by Paychex and shown the options to Davis Farr who confirmed what report would be good for our next audit. Staff has added producing this report as part of the annual process so this should not be an issue in the future.

With the completion of the Fiscal Year 19-20 audit we will soon be looking to get our Fiscal Year 20-21 audit. Staff would recommend that we use them for a second year as they presented a good review and were good sticking to timelines they presented to staff for completion of the current audit.

Staff Recommendation for Action

1. Staff recommendation – Accept and File the audit giving staff any instructions on any issues they want to see addressed. Authorize the Executive Officer to enter into an agreement for the FY 20-21 audit with Davis Farr for a not-to-exceed amount of \$7,450.
2. Alternate Option – Continue consideration of the item to the next regular meeting, and provide direction to staff, as needed.

Attachment:

1. Fiscal Year 19-20 Audit
2. Significant Audit Findings
3. Independent Auditor's Report

Administrative Office

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San Rafael, California 94903
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www.marinlafco.org

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County of Marin

Judy Arnold, Regular
County of Marin

Dennis Rodoni, Alternate
County of Marin

Sashi McEntee, Chair
City of Mill Valley

Barbara Coler, Regular
Town of Fairfax

James Campbell, Alternate
City of Belvedere

Lew Kious, Vice Chair
Almonte Sanitary District

Craig K. Murray, Regular
Las Gallinas Valley Sanitary

Tod Moody, Alternate
Sanitary District #5

Larry Loder, Regular
Public Member

Richard Savel, Alternate
Public Member

MARIN LOCAL AGENCY FORMATION COMMISSION
Basic Financial Statements
Year ended June 30, 2020
(With Independent Auditor's Report Thereon)

MARIN LOCAL AGENCY FORMATION COMMISSION

Basic Financial Statements

Year ended June 30, 2020

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Independent Auditor's Report

Board of Commissioners
Marin Local Agency Formation Commission
San Rafael, California

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities and the major fund of the Marin Local Agency Formation Commission, as of and for the year ended June 30, 2020, and the related notes to the financial statements, which collectively comprise the Commission's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, and the major fund, of the Marin Local Agency Formation Commission, as of June 30, 2020, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

The financial statements for the year ended June 30, 2020 reflect certain prior period adjustments as described further in note 11 to the financial statements. Our opinion is not modified with respect to this matter.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the *management's discussion and analysis, budgetary comparison information for the General Fund, Schedule of Plan Proportionate Share of Net Pension Liability, Schedule of Contributions, Schedule of Change in the Net OPEB Liability and Related Ratios, and Schedule of Contributions - OPEB* be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated September 24, 2021 on our consideration of the Commission's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Commission's internal control over financial reporting and compliance.

DavisFarr LLP

Irvine, California
September 24, 2021

Marin Local Agency Formation Commission
MANAGEMENT'S DISCUSSION AND ANALYSIS
June 30, 2020

The Management's Discussion and Analysis (MD&A) provides an overview of the financial activities of the Marin Local Agency Formation Commission (LAFCo) for the fiscal year ended June 30, 2020. The required financial statements include the Statement of Net Position and Governmental Funds Balance Sheet; and the Statement of Activities and Governmental Funds Revenues, Expenditures, and Changes in Fund Balances.

These statements are supported by notes to the basic financial statements. All statements must be considered together to obtain a complete understanding of the financial picture at LAFCo.

Financial Highlights

- LAFCo finished June 30, 2020 with a net position of \$434,060. This amount represents an overall change of \$48,348 from the prior fiscal year total of \$385,712. The net position includes all pension and post-employment liabilities.
- LAFCo finished the fiscal year ending June 30, 2020 with an operating net of \$41,306.

Fund Level

- LAFCo finished June 30, 2020 with a total fund balance of \$393,377 – the entire fund balance is unassigned.

The Basic Financial Statements

The Basic Financial Statements comprise the Combined Government-wide Financial Statements and the Fund Financial Statements; these two sets of financial statements provide two different views of LAFCo's financial activities and financial position.

The Government-wide Financial Statements provide a longer-term view of LAFCo's activities as a whole, and comprise the Statement of Net Position and Statement of Activities. The Statement of Net Position provides information about the financial position of LAFCo as a whole, including any capital assets and long-term liabilities on the full accrual basis. The Statement of Activities provides information about all of LAFCo's revenues and all of its expenses, also on the full accrual basis, with the emphasis on measuring net revenues or expenses of LAFCo's programs. The Statement of Activities explains in detail the change in Net Position for the year.

The Fund Financial Statements report LAFCo's operations in more detail than the Government-wide statements and focus primarily on short-term activities of LAFCo's Major Funds. The Fund Financial Statements measure only current revenues and expenditures and fund balances; they exclude capital assets, long-term debt and other long-term amounts.

The Government-wide Financial Statements

Government-wide Financial Statements are prepared on the accrual basis, which means they measure the flow of all economic resources of LAFCo as a whole.

The Statement of Net Position and the Statement of Activities present information about the following: Governmental Activities – LAFCo's basic services are considered governmental activities. These services are supported by specific general revenues from local agencies.

Marin Local Agency Formation Commission
MANAGEMENT'S DISCUSSION AND ANALYSIS
June 30, 2020

Fund Financial Statements

The Fund Financial Statements provide detailed information about each of LAFCo's most significant funds, called Major Funds. The concept of Major Funds, and the determination of which are major funds, was established by GASB Statement No. 34 and replaces the concept of combining like funds and presenting them in total. Instead, each Major Fund is presented individually, with all Non-major Funds summarized and presented only in a single column. Major Funds present the major activities of LAFCo for the year and may change from year-to-year as a result of changes in the pattern of LAFCo's activities.

In LAFCo's case, there is only one Major Governmental Fund.

Governmental Fund Financial Statements are prepared on the modified accrual basis, which means they measure only current financial resources and uses. Capital assets (of which LAFCo has none) and other long-lived assets, along with long-term liabilities, are not presented in the Governmental Fund Financial Statements.

Governmental Activities

Table 1
Governmental Net Position

	Governmental Activities		
	2020	2019	\$ Change
Current assets	\$ 447,928	\$ 366,723	\$ 81,205
Net OPEB Asset	\$ 4,319	\$ -	\$ 4,319
Capital assets, net of accumulated depreciation	-	-	-
Total Assets	452,247	366,723	85,524
Deferred outflows of resources	84,618	80,797	3,821
Current liabilities	56,603	14,652	41,951
Non-current liabilities	17,781	41,180	(23,399)
Total Liabilities	74,384	55,832	18,552
Deferred inflows of resources	28,421	5,976	22,445
Net position:			
Net investment in capital assets	-	-	-
Unrestricted	434,060	385,712	48,348
Total net position	\$ 434,060	\$ 385,712	\$ 48,348

The Statement of Activities presents program revenues and expenses and general revenues in detail. All of these are elements in the Changes in Governmental Net Position summarized below. The decreased change in net position this year is largely due to the filling of staff positions that were unfilled in years prior.

Marin Local Agency Formation Commission
MANAGEMENT'S DISCUSSION AND ANALYSIS
June 30, 2020

Table 2
Changes in Governmental Net Position

	<u>Governmental Activities</u>		
	<u>2020</u>	<u>2019</u>	<u>\$ Change</u>
<u>Revenues</u>			
Program revenues:			
Charges for Services	\$ 6,890	\$ 31,068	\$ (24,178)
General revenues:			
Intergovernmental	559,523	559,875	(352)
Interest Income	9,599	6,856	2,743
Total revenues	<u>576,012</u>	<u>597,799</u>	<u>(21,787)</u>
<u>Program Expenses</u>			
General government	<u>527,664</u>	<u>461,393</u>	<u>66,271</u>
Total expenses	<u>527,664</u>	<u>461,393</u>	<u>66,271</u>
Change in Net Position	<u>\$ 48,348</u>	<u>\$ 136,406</u>	<u>\$ (88,058)</u>

Capital Assets

LAFCo has no capital assets.

Debt Administration

LAFCo does not utilize long-term debt to fund operations or growth.

Economic Outlook

LAFCo is responsible under statute to annually review its organizational needs and adopt an operating budget accordingly with mandatory funding drawn from local agencies. State law also specifies the operating budget shall be equal to the budget adopted for the previous fiscal year unless LAFCo formally finds any reduced costs will allow the

Commission to nonetheless meet its prescribed regulatory and planning duties. These statutory provisions provide LAFCo full discretion in setting and collecting local agency apportionments to meet budgeted expenses with the latter aligned to support annual workplans.

The economic condition of LAFCo as it appears on the balance sheet reflects financial stability. LAFCo will continue to maintain a watchful eye over expenditures and remain committed to sound fiscal management practices to deliver the highest quality service to the citizens of the area.

Contacting LAFCo's Financial Management

This financial report is intended to provide our citizens, taxpayers, and creditors with a general overview of LAFCo's finances. Questions about this report should be directed to 1401 Los Gamos Drive, Suite 220, San Rafael, CA 94903.

MARIN LOCAL AGENCY FORMATION COMMISSION

Statement of Net Position

June 30, 2020

	<u>2020</u>
Assets:	
Cash and investments (note 3)	\$ 447,928
Net OPEB asset (note 9)	<u>4,319</u>
Total assets	<u>452,247</u>
Deferred outflow of resources:	
Deferred outflow-pension (note 8)	83,093
Deferred outflow-OPEB (note 9)	<u>1,525</u>
Total deferred outflow of resources	<u>84,618</u>
Liabilities:	
Accounts payable	39,966
Accrued liabilities	14,585
Compensated absences, due within one year (note 7)	2,052
Long-term liabilities:	
Compensated absences (note 7)	<u>17,781</u>
Total liabilities	<u>74,384</u>
Deferred inflow of resources:	
Deferred inflow-Pension actuarial (note 8)	27,858
Deferred inflow-OPEB actuarial (note 9)	<u>563</u>
Total deferred inflow of resources	<u>28,421</u>
Net position:	
Unrestricted	<u>434,060</u>
Total net position	<u>\$ 434,060</u>

See accompanying notes to the basic financial statements

MARIN LOCAL AGENCY FORMATION COMMISSION

Statement of Activities

Year ended June 30, 2020

<u>Functions/Programs</u>	<u>Expenses</u>	<u>Program Revenues</u>			<u>Net (Expense) Revenue and Changes in Net Position</u>
		<u>Charges for Services</u>	<u>Operating Grants and Contributions</u>	<u>Capital Grants and Contributions</u>	
Governmental activities:					
General government	\$ 527,664	6,890	-	-	(520,774)
Total governmental activities	<u>\$ 527,664</u>	<u>6,890</u>	<u>-</u>	<u>-</u>	<u>(520,774)</u>
		General revenues:			
		Intergovernmental			559,523
		Interest income			<u>9,599</u>
		Total general revenues			<u>569,122</u>
		Change in net position			48,348
		Net position, beginning of year, as restated (note 11)			<u>385,712</u>
		Net position, end of year			<u>\$ 434,060</u>

See accompanying notes to the basic financial statements

MARIN LOCAL AGENCY FORMATION COMMISSION

Balance Sheet - Governmental Fund

June 30, 2020

	<u>Assets</u>	<u>General Fund</u>
Cash and investments		\$ 447,928
Total assets		<u>\$ 447,928</u>
	<u>Liabilities and Fund Balance</u>	
Liabilities:		
Accounts payable		\$ 39,966
Accrued liabilities		<u>14,585</u>
Total liabilities		<u>54,551</u>
Fund balance:		
Unassigned		<u>393,377</u>
Total fund balance		<u>393,377</u>
Total liabilities and fund balance		<u>\$ 447,928</u>

See accompanying notes to the basic financial statements

MARIN LOCAL AGENCY FORMATION COMMISSION

**Reconciliation of the Balance Sheet of
Governmental Funds to the Statement of Net Position**

June 30, 2020

Fund balances of governmental fund	\$ 393,377
Amounts reported for governmental activities in the Statement of Net Position are different because:	
Non-current asset that have not been included in the governmental fund OPEB asset	4,319
<u>Long-Term Liability Transactions</u>	
Long-term liabilities applicable to the Commission's governmental activities are not due and payable in the current period and, accordingly, are not reported as fund liabilities. All liabilities (both current and long-term) are reported in the Statement of Net Position.	
Compensated absences	(19,833)
<u>Deferred Outflows and Inflows of Resources</u>	
Certain deferred outflows and inflows of resources are not due and payable in the current period and are not current assets or financial resources, therefore these items are not reported in the governmental fund.	
Deferred outflows - pension related	83,093
Deferred outflows - OPEB related	1,525
Deferred inflows - pension related	(27,858)
Deferred inflows - OPEB related	<u>(563)</u>
Net position of governmental activities	<u>\$ 434,060</u>

See accompanying notes to the basic financial statements

MARIN LOCAL AGENCY FORMATION COMMISSION

**Statement of Revenues, Expenditures and
Changes in Fund Balances - Governmental Funds**

Year ended June 30, 2020

	<u>General Fund</u>
Revenues:	
Intergovernmental	\$ 559,523
Charges for services	6,890
Interest income	<u>9,599</u>
Total revenues	<u>576,012</u>
Expenditures:	
Current:	
General government:	
Salaries and benefits	371,307
Services and supplies	<u>163,399</u>
Total expenditures	<u>534,706</u>
Net change in fund balances	41,306
Fund balances at beginning of year	<u>352,071</u>
Fund balances at end of year	<u>\$ 393,377</u>

See accompanying notes to the basic financial statements

MARIN LOCAL AGENCY FORMATION COMMISSION

**Reconciliation of the Statement of Revenues, Expenditures and
Changes in Fund Balances to the Statement of Activities**

Year ended June 30, 2020

Net changes in fund balances - total governmental funds \$ 41,306

Amounts reported for governmental activities in the Statement of Activities are different because:

Long-Term Liability Transactions

Some expenses reported in the Statement of Activities do not require the use of current financial resources. Therefore, these expenses are not reported as expenditures in governmental funds. Repayment of debt service is reported as an expenditure in governmental funds and, thus, has the effect of reducing fund balances because current financial resources have been used. For the Commission as a whole, however, the principal payments reduce the liabilities in the Statement of Net Position and do not result in an expense in the Statement of Activities.

Net change in pension related items	19,411
Net change in OPEB related items	1,495
Net change in compensated absences	<u>(13,864)</u>
Change in net position of governmental activities	<u>\$ 48,348</u>

See accompanying notes to the basic financial statements

MARIN LOCAL AGENCY FORMATION COMMISSION

Notes to the Basic Financial Statements

Year ended June 30, 2020

(1) **Reporting Entity**

(a) Organization of LAFCo

Marin Local Agency Formation Commission (LAFCo) was formed in 1963. LAFCo is responsible for coordinating logical and timely changes in local government boundaries, conducting special studies that review ways to reorganize, simplify, and streamline governmental structure, and preparing a sphere of influence for each city and special district within its county. LAFCo's efforts are directed toward seeing that services are provided efficiently and economically while agricultural and open-space lands are protected. LAFCo also conducts service reviews to evaluate the provision of municipal services within its county.

(b) Principles that Determine the Scope of Reporting Entity

LAFCo consists of seven voting members and exercises the powers allowed by state statutes. This follows section 56325 of the Government Code. The basic financial statements of LAFCo consist only of the funds of LAFCo. LAFCo has no oversight responsibility for any other governmental entity since no other entities are considered to be controlled by, or dependent on, LAFCo.

(2) **Summary of Significant Accounting Policies**

(a) Basis of Presentation

LAFCo's basic financial statements are prepared in conformity with U.S. generally accepted accounting principles. The Governmental Accounting Standards Board (GASB) is the acknowledged standard setting body for establishing accounting and financial reporting standards followed by governmental entities in the U.S.A.

Government-wide Financial Statements

LAFCo's financial statements reflect only its own activities; it has no component units. The statement of net position and statement of activities display information about the reporting government as a whole. They include all funds of the reporting entity. Governmental activities generally are financed through intergovernmental revenues and charges for services.

The statement of activities presents a comparison between direct expenses and program revenues for each segment of LAFCo's governmental activities. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a particular function. Program revenues include charges paid by the recipients of goods and services offered by the program. Revenues that are not classified as program revenues, including all intergovernmental revenues, are presented as general revenues.

MARIN LOCAL AGENCY FORMATION COMMISSION

Notes to the Basic Financial Statements

Year ended June 30, 2020

(Continued)

(2) Summary of Significant Accounting Policies (Continued)

Fund Financial Statements

Fund financial statements of the reporting entity are organized into funds, each of which is considered to be a separate accounting entity. General Fund operations are accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, fund equity, revenues, and expenditures (or expenses) as appropriate. LAFCo's resources are accounted for based on the purposes for which they are to be spent and the means by which spending activities are controlled. An emphasis is placed on major funds within the governmental categories. A fund is considered major if it is the primary operating fund of LAFCo or meets the following criteria: Total assets, liabilities, revenues or expenditures (or expenses) of the individual governmental fund are at least 10 percent of the corresponding total for all funds of that category or type. The General Fund is always a major fund.

Governmental Funds

General Fund: This is the operating fund of LAFCo. The major revenue source for this fund is intergovernmental revenues. Expenditures are made for intergovernmental revenues projects and administration.

(b) Basis of Accounting

The government-wide financial statements are reported using the economic resources measurement focus and the full accrual basis of accounting. Revenues are recorded when earned and expenses are recorded at the time liabilities are incurred, regardless of when the related cash flows take place.

Governmental funds are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under this method, revenues are recognized when "measurable and available." LAFCo considers all revenues reported in the governmental funds to be available if the revenues are collected within sixty days after year-end.

Expenditures are recorded when the related fund liability is incurred, except for principal and interest on general long-term debt, claims and judgments, and compensated absences, which are recognized as expenditures to the extent they have matured. General capital asset acquisitions are reported as expenditures in governmental funds. Proceeds of general long-term debt and acquisitions under capital leases are reported as other financing sources.

Those revenues susceptible to accrual are intergovernmental, certain charges for services and interest revenue. Charges for services are not susceptible to accrual because they are not measurable until received in cash.

Non-exchange transactions, in which LAFCo gives or receives value without directly receiving or giving equal value in exchange, include taxes, grants, entitlements, and donations. On the accrual basis, revenue from taxes is recognized in the fiscal year for which the taxes are levied or assessed.

MARIN LOCAL AGENCY FORMATION COMMISSION

Notes to the Basic Financial Statements

Year ended June 30, 2020

(Continued)

(2) Summary of Significant Accounting Policies (Continued)

LAFCo may fund programs with a combination of charges for services and general revenues. Thus, both restricted and unrestricted net position may be available to finance program expenditures. LAFCo's policy is to first apply restricted grant resources to such programs, followed by general revenues if necessary.

(c) LAFCo Budget

Pursuant to Section 56381, et seq of the Government Code, LAFCo adopts a proposed budget by May 1 and a final budget by June 15 of each year.

Budgets are adopted on a basis consistent with U.S. generally accepted accounting principles. Budget/actual comparisons in this report use this budgetary basis. These budgeted amounts are as originally adopted or as amended by LAFCo. Individual amendments were not material in relation to the original appropriations that were amended.

(d) Capital Assets

Physical assets acquired through purchase or contribution with an acquisition value in excess of \$1,500 are capitalized on the financial statements and accounted for at their historical costs.

Capital assets of LAFCo are depreciated using the straight-line method over the following estimated useful lives:

Furniture and fixtures	10 years
General office equipment	5 years
Computer hardware	5 years
Computer software	3 years

(e) Compensated Absences

It is LAFCo's policy to permit employees to accumulate earned but unused vacation. The balance of unpaid vacation time at June 30, 2020 is recorded as a noncurrent liability. Vacation is accrued as earned.

(f) Deferred Outflows and Inflows of Resources

In addition to assets, the statement of net position will sometimes report a separate section for deferred outflows of resources. A deferred outflow of resources is defined as a consumption of net position by the government that is applicable to a future reporting period. There are pension and OPEB related items that meet this definition.

MARIN LOCAL AGENCY FORMATION COMMISSION

Notes to the Basic Financial Statements

Year ended June 30, 2020

(Continued)

(2) **Summary of Significant Accounting Policies (Continued)**

In addition to liabilities, the statement of net position will sometimes report a separate section for deferred inflows of resources. A deferred inflow of resources is defined as an acquisition of net position by LAFCo that is applicable to a future reporting period. There are pension and OPEB related items that meet this definition.

(3) **Cash and Investments**

LAFCo's cash is maintained with the Marin County Treasury in an interest-bearing account. LAFCo's cash on deposit with Marin County Treasury and Bank of Marin at June 30, 2020 was \$447,928.

Credit Risk, Carrying Amount and Market Value of Investments

LAFCo maintains specific cash deposits with Marin County. Marin County is restricted by state code in the types of investments it can make. Furthermore, the Marin County Treasurer has a written investment policy, approved by the Board of Supervisors, which is more restrictive than state code as to terms of maturity and type of investment. Also, Marin County has an investment committee, which performs regulatory oversight for its pool as required by California Government Code Section 27134. In addition, LAFCo has its own investment policy as well.

Marin County's investment policy authorizes Marin County to invest in obligations of the U.S. Treasury, its agencies and instrumentalities, certificates of deposit, commercial paper rated A-1 by Standard & Poor's Corporation or P-1 by Moody's Commercial Paper Record, bankers' acceptances, repurchase agreements, and the State Treasurer's investment pool. At June 30, 2020, LAFCo's cash with the Marin County Treasurer was maintained in an interest-bearing account.

Fair Value Measurements – LAFCo categorizes its fair value measurements within the hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted market prices in active markets for identical assets; Level 2 inputs are significant other observable inputs, and Level 3 inputs are other significant unobservable inputs. LAFCo's investments in the Local Agency Investment Fund and County Treasurer's Pool are valued using Level 1 inputs as are the certificates of deposit, local government bonds and money market funds.

(4) **Use of Estimates**

The basic financial statements have been prepared in conformity with U.S. generally accepted accounting principles and, as such, include amounts based on informed estimates and judgments of management with consideration given to materiality. Actual results could differ from those amounts.

MARIN LOCAL AGENCY FORMATION COMMISSION

Notes to the Basic Financial Statements

Year ended June 30, 2020

(Continued)

(5) Contingencies

LAFCo may be involved from time to time in various claims and litigation arising in the ordinary course of business. LAFCo management, based upon the opinion of legal counsel, is of the opinion that the ultimate resolution of such matters should not have a materially adverse effect on LAFCo's financial position or results of operations.

(6) Fund Balance

In the fund financial statements, governmental fund balances are reported in the following classifications:

Nonspendable fund balance includes amounts that are not in a spendable form, such as prepaid items or supplies inventories, or that are legally or contractually required to remain intact, such as principal endowments.

Restricted fund balance includes amounts that are subject to externally enforceable legal restrictions imposed by outside parties (i.e., creditors, grantors, contributors) or that are imposed by law through constitutional provisions or enabling legislation.

Committed fund balance includes amounts whose use is constrained by specific limitations that the government imposes upon itself, as determined by a formal action of the highest level of decision-making authority. The Commissioners serve as LAFCo's highest level of decision-making authority and have the authority to establish, modify or rescind a fund balance commitment via minutes action.

Assigned fund balance includes amounts intended to be used by LAFCo for specific purposes, subject to change, as established either directly by the Commissioners or by management officials to whom assignment authority has been delegated by the Commissioners.

Unassigned fund balance is the residual classification that includes spendable amounts in the General Fund that are available for any purpose.

When expenditures are incurred for purposes for which both restricted and unrestricted (committed, assigned or unassigned) fund balances are available, LAFCo specifies that restricted revenues will be applied first. When expenditures are incurred for purposes for which committed, assigned or unassigned fund balances are available, LAFCo's policy is to apply committed fund balance first, then assigned fund balance, and finally unassigned fund balance.

Net Position

The net position reported on the Statement of Net Position in the government-wide financial statements consist of the following categories:

MARIN LOCAL AGENCY FORMATION COMMISSION

Notes to the Basic Financial Statements

Year ended June 30, 2020

(Continued)

(6) Fund Balance (Continued)

Invested in capital assets, net of related debt describes the portion of Net Position that is represented by the current net book value of LAFCo’s capital assets, less the outstanding balance of any debt issued to finance these assets.

Restricted describes the portion of Net Position that is restricted as to use by the terms and conditions of agreements with outside parties, governmental regulations, laws, or other restrictions that LAFCo cannot unilaterally alter.

Unrestricted describes the portion of Net Position that is not restricted to use.

(7) Compensated Absences

Unpaid vacation is recorded as a liability as the employees accrue vested benefits. Total accumulated accrued vacation payable at June 30, 2020 was as follows:

	Balance			Balance	Due within
	<u>July 1, 2019</u>	<u>Additions</u>	<u>Deletions</u>	<u>June 30, 2020</u>	<u>one year</u>
Compensated Absences	\$ 5,969	15,917	2,052	19,834	2,052

(8) LAFCo’s Employees’ Retirement Plan

A. Plan Description

LAFCo’s retirement plan is administered by the Marin County Employees’ Retirement Association (MCERA), a retirement system established in July 1950 and governed by the California Constitution; the County Employees Retirement Law of 1937 (CERL or 1937 Act, California government Code Section 31450 et seq.); the Public Employees’ Pension Reform Act of 2013 (PEPRA, Government Code Section 7522); the provisions of California Government Code Section 7500 et seq; and the bylaws, procedures, and policies adopted by MCERA’s Board of Retirement. The Marin County Board of Supervisors may also adopt resolutions, as permitted by the CERL and PEPRA, which may affect the benefits of MCERA members.

MCERA operates as a cost-sharing multiple employer defined benefit plan for the County and eight other participating employers: City of San Rafael, Local Agency Formation Commission (LAFCo), Marin City Community Services District, Marin County Superior Court, Marin/Sonoma Mosquito and Vector Control District, Novato Fire Protection District, Southern Marin Fire Protection District, and Tamalpais Community Services District. Separate actuarial valuations are performed for these other agencies and districts, and the responsibility for funding their plans rest with those entities. Post-retirement benefits are administered by MCERA to qualified retirees.

MARIN LOCAL AGENCY FORMATION COMMISSION

Notes to the Basic Financial Statements

Year ended June 30, 2020

(Continued)

(8) LAFCo's Employees' Retirement Plan (Continued)

Copies of MCERA's annual financial reports, which include required supplementary information (RSI) for the Plan may be obtained from their office at One McInnis Parkway, Suite 100, San Rafael, CA 94903 or online at www.mcera.org.

Administration

Retirement system administration is managed by the Retirement Board. All Retirement Board members, except the County Director of Finance, serve for a term of three years. By statute, retirement Board members include the following:

- The Director of Finance of the County (ex-officio).
- Four members who are qualified electors of the County and not connected with County government in any capacity, except one may be a County Supervisor. The Board of Supervisors appoints these members.
- Two General members of MCERA elected by the General membership.
- One Safety member and one Safety member alternative elected by the Safety membership.
- One retired member and one retired member alternate elected by the retired membership.

Membership

MCERA provides service retirement, disability, and death and survivor benefits to its general and safety members. Safety membership primarily includes law enforcement and firefighters of MCERA, as well as other classifications as allowed under the CERL and adopted by the employer. General membership is applicable to all other occupational classifications. The retirement benefits within the plan are tiered based on the participating employer and the date of the member's entry into MCERA membership.

Vesting

Members become vested in retirement benefits upon completion of five years of credited service.

B. Benefit Provisions

Service Retirement

MCERA's service retirement benefits are based on the years of credited service, final average compensation, and age at retirement, according to the applicable statutory formula. Members who qualify for service retirement are entitled to receive monthly retirement benefits for life.

General members hired prior to January 1, 2013 are eligible to retire once they attain the age of 50 (except tiers 3a and 4, whereby the minimum age is 55) and have acquired 10 or more years of retirement service credit. A member with 30 years of service is eligible to retire regardless of age. A member who is age 70 or older is eligible to retire regardless of service credit. General members who are first hired on

MARIN LOCAL AGENCY FORMATION COMMISSION

Notes to the Basic Financial Statements

Year ended June 30, 2020

(Continued)

(8) LAFCo's Employees' Retirement Plan (Continued)

or after January 1, 2013 are eligible to retire once they have attained the age of 52, and have acquired 5 years of retirement service credit, or age 70, regardless of service.

Disability Retirement

A member with five years of service, regardless of age, who becomes permanently incapacitated for the performance of duty is eligible to apply for a non-service connected disability retirement. Any member who becomes permanently incapacitated for the performance of duty as a result of injury or disease arising out of and in the course of employment is eligible to apply for a service-connected disability retirement, regardless of service length or age.

Death Benefits

MCERA provides specified death benefits to beneficiaries and members' survivors. The death benefits provided depend on whether the member is active or retired. The basic active member death benefit consists of a members' retirement contributions plus interest plus one month's pay for each full year of service (up to a maximum of six month's pay). Retiring members may choose from five retirement benefit payment options. Most retirees elect to receive the unmodified allowance which provides the maximum benefit to the retiree and continuance of 60% of the retiree's allowance to the surviving spouse or registered domestic partner after the retiree's death. Other death benefits may be available based on the years of service, marital status, and whether the member has minor children.

Cost of Living Adjustment

Retirement allowances are indexed for inflation. Most retirees receive automatic basic cost of living adjustments (COLA's) based upon the Urban Consumer Price Index (UCPI) for the San Francisco Bay Area. These adjustments go into effect on April 1 of each year. Annual COLA increases are statutorily capped at 2%, 3%, or 4% depending upon the member's retirement tier. When the UCPI exceeds the maximum statutory COLA for the member's tier, the difference is accumulated for use in future years when the UCPI is less than the maximum statutory COLA. The accumulated percentage carryover is known as the COLA Bank.

As of June 30, 2020, LAFCo's reported net pension liabilities for its proportionate shares of the net pension liability of the Miscellaneous Plan as follows:

	Proportionate Share of Net Pension Liability
Balance at 6/30/2018	\$ 34,351
Balance at 6/30/2019	-
Net change during 2019	<u>\$ 34,351</u>

MARIN LOCAL AGENCY FORMATION COMMISSION

Notes to the Basic Financial Statements

Year ended June 30, 2020

(Continued)

(8) LAFCo's Employees' Retirement Plan (Continued)

LAFCo's net pension liability for the Plan is measured as the proportionate share of the net pension liability. The net pension liability of the Plan is measured as of June 30, 2019, and the total pension liability for the Plan used to calculate the net pension liability was determined by an actuarial valuation as of June 30, 2018, updated to June 30, 2019. LAFCo's proportion of the net pension liability was based on a projection of LAFCo's long-term share of contributions to the pension plan relative to the projected contributions of all participating employers, actuarially determined. LAFCo's proportionate share of the net pension liability for the Plan as of June 30, 2018 and 2019 was as follows:

<u>LAFCo Miscellaneous Plan</u>	
Proportion - June 30, 2018	.0104%
Proportion - June 30, 2019	<u>.0000%</u>
Change - Increase (Decrease)	<u>(.0104%)</u>

For the year ended June 30, 2020, LAFCo recognized pension expense of \$31,207. At June 30, 2020, LAFCo reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of <u>Resources</u>	Deferred Inflows of <u>Resources</u>
Pension contributions subsequent to measurement date	\$ 50,702	-
Change in employer's proportion and differences between the employer's contributions and the employer's proportionate share of contributions	<u>32,391</u>	<u>27,858</u>
Total	<u>\$ 83,093</u>	<u>27,858</u>

\$50,702 reported as deferred outflows of resources related to contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the fiscal year ended June 30, 2021.

Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized as pension expense as follows:

<u>Fiscal Year ended June 30</u>	Deferred Outflows/(Inflows) of Resources
2021	\$ 13,443
2022	(2,933)
2023	(5,977)
2024	-
2025	-
Thereafter	-

MARIN LOCAL AGENCY FORMATION COMMISSION

Notes to the Basic Financial Statements

Year ended June 30, 2020

(Continued)

(8) LAFCo's Employees' Retirement Plan (Continued)

C. Pension Liabilities, Pension Expenses and Deferred Outflows/Inflows of Resources Related to Pensions

Actuarial Assumptions - The total pension liabilities in the June 30, 2018 actuarial valuations were determined using the following actuarial assumptions:

Valuation Date:	June 30, 2018
Timing:	Actuarially determined contribution rates are calculated based on the actuarial valuation one year prior to the beginning of the plan year
Actuarial Cost Method:	Entry Age Asset
Valuation Method:	Market Value
Amortization Method:	Closed 17 year period (13 years remaining as of 6/30/17)
Discount Rate:	7.00%
Price Inflation:	2.75%
Salary Increases:	3.00% plus merit component based on employee classification and years of service
Administrative Expenses:	Administrative expenses in the actuarial valuation are assumed to be \$5.065 million for FY 2018-19, to be split between employees and employers based on their share of the overall contributions. Administrative expenses shown in this report are based on the actual FY 2018-19 amounts.
Postretirement COLA:	Post retirement COLAs are assumed at the rate of 2.7% for members with a 4% COLA cap, 2.6% for members with a 3% COLA cap, and 1.9% for members with a 2% COLA cap.
Mortality Rates for Healthy Members and Inactives:	Rates of mortality for active Members are specified by CalPERS 2017 Pre-Retirement Non-Industrial Death rates (plus Duty-Related Death rates for Safety Members), with the 20- year static projection used by CalPERS replaced by generational improvements from a base year of 2014 using Scale MP-2017.

A complete description of the methods and assumptions used to determine contribution rates for the year ended June 30, 2019 can be found in the June 30, 2018 actuarial report.

Discount Rate - The discount rate used to measure the total pension liability was 7.00% as of June 30, 2019. The projection of cash flows used to determine the discount rate assumed plan member contributions will be made at the current contribution rate and that employer contributions will be made at rates equal to the actuarially determined contribution rates. For this purpose, only employer contributions intended to fund benefits of current plan members and their beneficiaries are included.

MARIN LOCAL AGENCY FORMATION COMMISSION

Notes to the Basic Financial Statements

Year ended June 30, 2020

(Continued)

(8) LAFCo's Employees' Retirement Plan (Continued)

Projected employer contributions that are intended to fund the service costs of future plan members and their beneficiaries, as well as projected contributions from future plan members, are not included. Based on those assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments for current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability as of June 30, 2019.

The table below reflects the long-term expected real rate of return by asset class. The rate of return was calculated using the capital market assumptions applied to determine the discount rate and asset allocation. These rates of return are net of administrative expenses.

<u>Asset Class</u>	<u>Target Allocation</u>	<u>Long-Term Expected Real Rate of Return</u>
Domestic Equity	32.0%	4.90%
Fixed Income	23.0%	1.50%
International Equity	22.0%	5.00%
Public Real Assets	7.0%	3.65%
Private Equity	8.0%	6.25%
Real Estate	<u>8.0%</u>	4.00%
Total	<u>100.0%</u>	

Sensitivity of the Proportionate Share of the Net Pension Liability to Changes in the Discount Rate

The following presents LAFCo's proportionate share of the net pension liability for the Plan, calculated using the discount rate for the Plan, as well as what LAFCo's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1-percentage point lower or 1-percentage point higher than the current rate:

	<u>Miscellaneous</u>
1% Decrease	6.00%
Net Pension Liability	\$0
Current Discount Rate	7.00%
Net Pension Liability	\$0
1% Increase	8.00%
Net Pension Liability	\$0

Pension Plan Fiduciary Net Position

Detailed information about the pension plan's fiduciary net position is available in the separately issued MCERA financial reports.

MARIN LOCAL AGENCY FORMATION COMMISSION

Notes to the Basic Financial Statements

Year ended June 30, 2020

(Continued)

(9) Other Postemployment Benefit (OPEB)

Plan Description

LAFCo provides a defined benefit healthcare plan (the "Retiree Health Plan"). The Retiree Health Plan provides lifetime healthcare insurance for eligible retirees through the CalPERS Health Benefit Program, which covers both active and retired members.

For retirees hired between October 1, 1993 and December 31, 2007 (Plan 3), LAFCo would pay a percentage of retirees' single-coverage premiums up to a dollar cap based on years of service at retirement, where the dollar cap is reviewed each year by the Board of Supervisors. Through January 1, 2007 the cap was increased to cover single Blue Cross Prudent Buyer Classic and Delta Dental premiums. The Board of Supervisors has implemented a policy to limit annual increases in the cap to no more than 3%, subject to annual approval regarding whether any increase will be granted and, if so, the amount of the increase. Cap increases were 3% effective January 1, 2008 and January 1, 2009. No cap increases have been adopted since that time. The dollar cap is currently \$442.65 per year of service up to \$8,853 per year.

For retirees hired on or after January 1, 2008 (Plan 4), LAFCo would pay \$150 per year of service up to \$3,000 per year for the retiree's single health plan premiums only.

Funding Policy

LAFCo's Board of Commissioners will not be funding the plan in the current year but will follow a pay-as-you-go approach. The Board will review the funding requirements and policy annually.

Membership of LAFCo as of the valuation date consisted of the following:

Active plan members	2
Inactive employees or beneficiaries currently receiving benefit payments	<u>1</u>
Total	<u><u>3</u></u>

Contribution

As of June 30, 2019, LAFCo has accumulated \$63,420 in an irrevocable trust toward this liability. With LAFCo's approval, the discount rate used in this valuation is 5.75% as of June 30, 2019; the long term expected return on trust assets.

Actuarial Methods and Assumptions

The total OPEB liability in the June 30, 2019 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement, unless otherwise specified.

Funding method	Entry Age Normal Cost, level percent of pay
Asset valuation method	Market value of trust assets
Long term return on assets	5.75%
Discount rates	5.75%

MARIN LOCAL AGENCY FORMATION COMMISSION

Notes to the Basic Financial Statements

Year ended June 30, 2020

(Continued)

(9) Other Postemployment Benefit (OPEB)

Participants valued	Only current active employees and retired participants and covered dependents are valued. No future entrants are considered in this valuation.
Salary increase	3.00%
General inflation	2.50% per year
Mortality improvements	MacLeod Watts Scale 2018 applied generationally
Healthcare trend	5.4% in 2021, fluctuates until ultimate rate of 4% in 2076

Change in the Net OPEB Liability (Asset)

	Increase (Decrease)		
	Total OPEB <u>Liability</u>	Plan Fiduciary <u>Net Position</u>	Net Position Liability <u>(Asset)</u>
Balance at June 30, 2019 (MD)	\$ 60,046	59,186	860
Service Cost	-	-	-
Interest	3,309	-	3,309
Changes of benefit terms	-	-	-
Differences between expected and actual experience	372	-	372
Changes of assumptions	348	-	348
Benefit payments	(5,013)	(5,013)	-
Contributions – employers	-	5,013	(5,013)
Net investment income	-	4,208	(4,208)
Administrative expenses	-	(13)	13
Other expenses	-	-	-
Net changes	(984)	4,195	(5,179)
Balance at June 30, 2020 (MD)	\$ 59,062	63,381	(4,319)

Sensitivity of Net OPEB Liability (Asset) to Changes in the Discount Rate and Medical Cost Inflation

The discount rate used for the fiscal year end June 30, 2019 is 5.75%. Medical Cost Inflation was assumed to start at 7.50% and grade down to 5.00% for years 2024 and thereafter. The impact of a 1% increase or decrease in these assumptions is shown in the table below.

Plan's Net OPEB Liability/(Asset)		
Discount Rate – 1%	Current Discount Rate	Discount Rate + 1%
(4.75%)	(5.75%)	(6.75%)
\$426	(4,319)	(8,484)

MARIN LOCAL AGENCY FORMATION COMMISSION

Notes to the Basic Financial Statements

Year ended June 30, 2020

(Continued)

(9) Other Postemployment Benefit (OPEB) (Continued)

Plan's Net OPEB Liability/(Asset)		
Medical Trend – 1%	Current Medical Trend	Medical Trend + 1%
<u>(6.50%)</u>	<u>(7.50%)</u>	<u>(8.50%)</u>
\$ (4,374)	(4,319)	(4,270)

Deferred Resources and Expected Future Recognition

For the fiscal year ended June 30, 2020, LAFCo recognized OPEB expense of \$1,809. At June 30, 2020, LAFCo reported deferred resources from OPEB from the following:

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Pension contributions subsequent to measurement date	\$ 898	-
Differences between actual and expected experience	324	-
Changes of assumptions	303	-
Net differences between projected and actual earnings on plan investments	-	<u>563</u>
Total	<u>\$ 1,525</u>	<u>563</u>

\$898 reported as deferred outflows of resources related to contributions subsequent to measurement date will be recognized as increase of the net OPEB liability in the fiscal year ended June 30, 2021.

In addition, future recognition of these deferred resources is shown below.

<u>Fiscal Year ended June 30</u>	<u>Deferred Outflows/(Inflows) of Resources</u>
2021	\$ (55)
2022	(54)
2023	(14)
2024	(68)
2025	93
Thereafter	162

(10) Operating Lease Commitments

LAFCo has an operating lease for office space expiring in May during the fiscal year ending June 30, 2023. The total expense for office rent was \$32,653 for the fiscal year ended June 30, 2020. The minimum future rental payments under non-cancelable operating leases for each of the next five years and in the aggregate are:

MARIN LOCAL AGENCY FORMATION COMMISSION

Notes to the Basic Financial Statements

Year ended June 30, 2020

(Continued)

(10) Operating Lease Commitments (Continued)

Year ended <u>June 30</u>	<u>Amount</u>
2021	\$ 33,589
2022	34,559
2023	<u>32,514</u>
Total	<u>\$ 100,662</u>

(11) Prior Period Adjustment

During the year ended June 30, 2020, LAFCo made the following adjustment to beginning net position:

	<u>Governmental Activities</u>
Beginning net position	\$ 363,206
Pension adjustment	<u>22,506</u>
Beginning net position, as restated	<u>\$ 385,712</u>

REQUIRED SUPPLEMENTARY INFORMATION

MARIN LOCAL AGENCY FORMATION COMMISSION

Schedule of Plan Proportionate Share of the Net Pension Liability

Last Ten Years*

Measurement Date	<u>June 30, 2019</u>	<u>June 30, 2018</u>	<u>June 30, 2017</u>
Proportion of the collective net pension liability	0.0000%	0.0104%	0.0088%
Proportionate share of the net pension liability	\$ -	34,351	32,451
Covered-employee payroll	113,308	123,490	206,613
Proportionate share of the net pension liability as a percentage of covered-employee payroll	0%	28%	16%
Plan fiduciary net position as a percentage of the total pension liability	0%	88.34%	86.27%
Measurement Date	<u>June 30, 2016</u>	<u>June 30, 2015</u>	<u>June 30, 2014</u>
Proportion of the collective net pension liability	0.0021%	0.0000%	0.0750%
Proportionate share of the net pension liability	10,037	-	185,355
Covered-employee payroll	232,415	173,394	192,619
Proportionate share of the net pension liability as a percentage of covered-employee payroll	4%	0%	96%
Plan fiduciary net position as a percentage of the total pension liability	81.45%	84.31%	89.04%

* Fiscal year 2015 was the first year of implementation, therefore only six years are shown.

MARIN LOCAL AGENCY FORMATION COMMISSION

Schedule of Contributions

Last Ten Years*

Fiscal Year Ending June 30	2020	2019	2018
Actuarially determined contribution	\$ 50,702	13,234	14,430
Contributions in relation to the actuarially determined contributions	\$ (50,702)	(13,234)	(14,430)
Contribution deficiency (excess)	-	-	-
Covered payroll during the fiscal year	\$ 271,662	\$ 113,308	123,490
Contributions as a percentage of covered payroll	18.66%	11.68%	11.69%
Fiscal Year Ending June 30	2017	2016	2015
Actuarially determined contribution	46,997	68,104	48,485
Contributions in relation to the actuarially determined contributions	(46,997)	(68,104)	(48,485)
Contribution deficiency (excess)	-	-	-
Covered payroll during the fiscal year	206,613	232,415	173,394
Contributions as a percentage of covered payroll	22.75%	29.30%	27.96%

* Fiscal year 2015 was the first year of implementation, therefore only six years are shown.

Notes to Schedule

Valuation Date 6/30/18 (to determine FY2019-20 contributions)

Key Methods and Assumptions Used to Determine Contribution Rates (for FY 2019-20):

Actuarial cost method	Entry Age Normal Cost Method
Amortization method	Level percentage of payroll with separate periods for Extraordinary Actuarial Gains or Losses (20 years remaining as of 6/30/18), the remaining UAL as of June 30, 2013 (12 years as of 6/30/18), and additional layers for unexpected changes in UAL after 6/30/13 (24 years for gains and losses with a 5-year phase-in/out and 22 years for assumption changes with a 3-year phase-in/out).
Remaining Amortization period	12 years remaining as of June 30, 2018
Asset valuation method	Market value
Inflation	2.75%
Salary increases	3.00% plus merit component based on employee classification and years of service
Investment Rate of Return	7.00%
Retiree Mortality	Rates of mortality for retired Members and their beneficiaries are given by California Public Employees Retirement System (CalPERS) 2017 PostRetirement Healthy Mortality rates, adjusted by 90% for Males (General and Safety), with the 20-year static projection used by CalPERS replaced by generational improvements from a base year of 2014 using Scale MP2017.
Disabled Mortality	Rates of mortality among disabled Members are given by CalPERS 2017 Disability Mortality rates (Non-Industrial rates for General members and Industrial Disability rates for Safety members), adjusted by 90% for Males (General and Safety) and 90% for General Females, with the 20-year static projection used by CalPERS replaced by generational improvements from a base year of 2014 using Scale MP-2017.

MARIN LOCAL AGENCY FORMATION COMMISSION

Schedule of Change in the Net OPEB Liability(Asset) and Related Ratios

Last Ten Years*

Measurement Date	2019	2018	2017
Total OPEB liability:			
Service cost	\$ -	-	-
Interest	3,309	3,413	3,529
Change of benefit terms	-	-	-
Difference between expected and actual experience	372	-	-
Changes of assumptions	348	-	-
Benefit payments, including refunds of employee contributions	<u>(5,013)</u>	<u>(5,456)</u>	<u>(5,615)</u>
Total OPEB liability - beginning of year	<u>60,046</u>	<u>62,089</u>	<u>64,175</u>
Total OPEB liability - end of year	<u><u>59,062</u></u>	<u><u>60,046</u></u>	<u><u>62,089</u></u>
Plan Fiduciary Net Position			
Net investment income	5,013	2,544	1,894
Contributions			
Employer	4,208	21,071	25,102
Benefit payments, including refunds of employee contributions	(5,013)	(5,456)	(5,615)
Administrative expense	<u>(13)</u>	<u>(76)</u>	<u>(15)</u>
Net change in plan fiduciary net position	4,195	18,083	21,366
Plan fiduciary net position - beginning of year	<u>59,186</u>	<u>41,103</u>	<u>19,737</u>
Plan fiduciary net position - end of year	<u><u>\$ 63,381</u></u>	<u><u>59,186</u></u>	<u><u>41,103</u></u>
Net OPEB liability(asset) - end of year	<u><u>\$ (4,319)</u></u>	<u><u>860</u></u>	<u><u>20,986</u></u>
Covered-employee payroll	\$ 125,319	144,601	217,782
Net OPEB liability as a percentage of covered-employee payroll	-3.45%	0.59%	9.64%

* Fiscal year 2018 was the first year of implementation, therefore only three years are shown.

MARIN LOCAL AGENCY FORMATION COMMISSION

Schedule of Contributions - OPEB

Last Ten Years*

Fiscal year	2020	2019	2018
Actuarially determined contribution	\$ 2,036	1,526	15,615
Contributions in relation to the actuarially determined contributions	898	4,552	21,071
Contribution deficiency (excess)	<u>\$ 1,138</u>	<u>(3,026)</u>	<u>(5,456)</u>
Covered employee payroll	\$ 283,840	125,319	144,601
Contributions as a percentage of covered employee payroll	0.32%	3.63%	14.57%

Notes to Schedule:

Fiscal Year End: June 30, 2020

Valuation Date: June 30, 2019

Methods and assumptions used to determine contribution rates:

Actuarial cost method	Entry age normal
Amortization method	Level dollar basis, open 30 years*
Amortization period	30 years remain
Asset valuation method	Market value
Inflation	2.50%
Healthcare cost trend rates	5.4% in 2021, fluctuates until ultimate rate of 4% in 2076
Salary increases	3.00%
Investment rate of return	5.75%
Retirement age	From 55 to 75
Mortality	2017 CalPERS Experience Study
Mortality improvement	Projected with MW Scale 2018

* Fiscal year 2018 was the first year of implementation, therefore only three years are shown.

MARIN LOCAL AGENCY FORMATION COMMISSION

**Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - General Fund**

Year ended June 30, 2020

	Original Budget	Final Budget	Actual	Variance with Final Budget Positive (Negative)
Revenues:				
Charges for services	\$ -	-	6,890	6,890
Intergovernmental	559,523	559,523	559,523	-
Investment income	<u>-</u>	<u>-</u>	<u>9,599</u>	<u>9,599</u>
Total revenues	<u>559,523</u>	<u>559,523</u>	<u>576,012</u>	<u>16,489</u>
Expenditures:				
Current:				
General government:				
Salaries and benefits	439,575	439,575	371,307	68,268
Services and supplies	<u>208,353</u>	<u>208,353</u>	<u>163,399</u>	<u>44,954</u>
Total expenditures	<u>647,928</u>	<u>647,928</u>	<u>534,706</u>	<u>113,222</u>
Excess (deficiency) of revenues over (under) expenditures	<u>(88,405)</u>	<u>(88,405)</u>	<u>41,306</u>	<u>129,711</u>
Net change in fund balances	(88,405)	(88,405)	41,306	129,711
Fund balances at beginning of year	<u>364,035</u>	<u>364,035</u>	<u>352,071</u>	<u>11,964</u>
Fund balances at end of year	<u>\$ 275,630</u>	<u>275,630</u>	<u>393,377</u>	<u>141,675</u>

See accompanying notes to the required supplementary information

MARIN LOCAL AGENCY FORMATION COMMISSION

Notes to the Required Supplementary Information

Year ended June 30, 2020

(1) Budgetary Reporting

The Commission established accounting control through formal adoption of an annual budget for the General Fund. The budget is prepared on a basis consistent with generally accepted accounting principles. The adopted budget can be amended by the Commission to change both appropriations and estimated revenues as unforeseen circumstances come to management's attention. Increases and decreases in revenue and appropriations and transfers between funds require Commission's approval. However, the Executive Officer may authorize changes within funds. Expenditures may not exceed total appropriations at the individual fund level.

Board of Commissioners
Marin Local Agency Formation Commission

We have audited the financial statements of the governmental activities and each major fund of Marin Local Agency Formation Commission (LAFCo) for the year ended June 30, 2020. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards (and, if applicable, *Government Auditing Standards* and the Uniform Guidance), as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated June 24, 2021. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by LAFCo are described in Note 2 to the financial statements. No new accounting policies were adopted, and the application of existing policies was not changed during 2020. We noted no transactions entered into by LAFCo during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the LAFCo's financial statements were:

Management's estimate of the net pension liability, net OPEB asset and related deferred inflows and outflows is based on information provided by actuarial reports. We evaluated the key factors and assumptions used to develop the net pension liability and related deferred inflows and outflows in determining that it is reasonable in relation to the financial statements taken as a whole.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements.

The following material misstatements detected as a result of audit procedures were corrected by management:

- prior period adjustment for pension related obligations
- adjustment to record total OPEB obligations
- adjustment to correct current year pension obligations
- adjustment to correct compensated absences

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated September 24, 2021.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to LAFCo's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as LAFCo's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to *management's discussion and analysis, schedule of proportionate share of net pension liability, schedule of contributions, schedule of change in the net OPEB liability and related ratios, schedule of contributions – OPEB, schedule of revenues, expenditures and changes in fund balance – budget and actual–general fund*, which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

Restriction on Use

This information is intended solely for the information and use of Board of Commissioners and management of LAFCo and is not intended to be, and should not be, used by anyone other than these specified parties.

DavisFarrLLP

Irvine, California

September 24, 2021

Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

Board of Commissioners
Marin Local Agency Formation Commission
San Rafael, California

Independent Auditor's Report

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, and each major fund of Marin Local Agency Formation Commission (LAFCo), as of and for the year ended June 30, 2020, and the related notes to the financial statements, which collectively comprise LAFCo's basic financial statements, and have issued our report thereon dated September 24, 2021.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered LAFCo's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of LAFCo's internal control. Accordingly, we do not express an opinion on the effectiveness of LAFCo's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the following deficiency in internal control to be a significant deficiency:

(1) Adjustments Detected During the Audit

During the audit, we detected and recorded five journal entries to correct errors. We noted material adjustments related to OPEB, pension, and compensated absences. A prior period adjustment relating to pension was also recorded to properly reflect the correct valuation report.

Recommendation

We recommend LAFCo enhance its annual closing process to ensure the balances of the related accounts are adjusted prior to the audit.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether LAFCo's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

DavisFarrLLP

Irvine, California
September 24, 2021



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT
October 14, 2021
Item 6 (Business Item)

TO: Local Agency Formation Commission
FROM: Jason Fried, Executive Officer
Mala Subramanian, Legal Counsel
SUBJECT: Discussion and Update on 255 Margarita Drive, LAFCo File 1325 and 1328

Background

Prior to current staff or legal counsel working for Marin LAFCo the Commission was presented with an emergency out of service request for 255 Margarita Drive (applicant) into the San Rafael Sanitation District (SRSD). This was LAFCo File #1325. This request was granted using the emergency OSA process. The applicant then submitted a formal application to annex permanently into SRSD, LAFCo file #1328. The first part of this history is staff and legal counsel's best recollection of what occurred prior to our time with Marin LAFCo.

In August 2015, LAFCo originally approved a request to provide new outside sewer services to the property due to a failing septic system that posed an impending threat to public health and safety (LAFCo File #1325). However, LAFCo made such approval with specific terms and conditions. In part, the terms and conditions provided for approval for a one-year period, with a one-year extension. In addition, the property owner was required to submit a complete application for annexation during this period.

The applicant also submitted in August 2015 an application for the permanent annexation (LAFCo File #1328) into SRSD. SRSD raised a concern during this process about the application mainly pertaining to the need for an easement to allow the applicant to access the neighbor's property to connect to SRSD. On August 11, 2016, LAFCo approved a six-month extension given the associated annexation proposal was not ready for consideration due to these concerns from SRSD. On February 3, 2017, LAFCo approved an additional six-month extension to allow SRSD's concerns regarding the proper access route to be resolved. On August 10, 2017, LAFCo approved the last extension, until February 13, 2018. As noted in correspondence to the applicant on August 12, 2017, LAFCo indicated that no additional time extensions would be approved and that it was required that an agreement be reached between the applicant and SRSD in order to allow for annexation to proceed no later than the February 8, 2018, LAFCo meeting. Furthermore, the correspondence provided that should "LAFCo not receive and consider an annexation proposal by this referenced date it is reasonable to assume the outside service contract will be allowed to expire and actions will be taken therein to cease existing wastewater service for the property."

When current staff came on board all open applications were reviewed. We noted, and reported to the Commission, that this application was past the extension date so it had to be deemed incomplete and terminated the application. Staff then reached out to both the applicant and SRSD. SRSD communicated with us, but the applicant has never responded to any LAFCo communications. The applicant has replied to an email or two that LAFCo was a part of, but only addressed SRSD staff issues and never LAFCo's issues. In December 2018, a letter was sent to both the applicant and SRSD informing them of the issue and that SRSD should cease service since the applicant never complied with LAFCo File 1325 to allow for service beyond the one-year approval given.

After the December 2018 letter was sent, SRSD has been trying to work with the applicant to get the issue resolved. LAFCo staff has checked in from time to time to see the status. The applicant, in

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Damon Connolly, Regular
County of Marin

Judy Arnold, Regular
County of Marin

Dennis Rodoni, Alternate
County of Marin

Sashi McEntee, Chair
City of Mill Valley

Barbara Coler, Regular
Town of Fairfax

James Campbell, Alternate
City of Belvedere

Lew Kious, Vice Chair
Almonte Sanitary District

Craig K. Murray, Regular
Las Gallinas Valley Sanitary

Tod Moody, Alternate
Sanitary District #5

Larry Loder, Regular
Public Member

Richard Savel, Alternate
Public Member

response to SRSD, has stated that the neighbor is willing to allow the lateral needed for connection but does not want to sign any paperwork. This does not comply with SRSD's requirements. SRSD at one point offered its legal counsel to help get this issue resolved by helping draft the needed documents. After this offer was made the legal counsel left and a new person was hired and needed to get up to speed and then COVID hit so it was stalled for a bit. More recently, in September 2021, SRSD sent a certified letter to the neighbor of the applicant to talk with them directly about the easement issue.

Next Steps and Options

Government Code Section 56133 requires SRSD to seek and receive written approval from LAFCo to provide services outside of its jurisdiction. Given that the prior approval has long expired, SRSD has been illegally providing services to the applicant in violation of the law for several years. The Commission has a wide range of options it can take at this point. The Commission could tell staff to keep working with SRSD staff to see if this can be resolved. The Commission could draft a letter to the Board of SRSD requesting the immediate termination of services to the applicant.

In addition, the Commission can agendize a discussion in closed session at a future meeting to discuss litigation options to terminate the illegal provision of services by SRSD to the applicant.

Attachment:

1. August 2015 Staff report with application
2. August 2015 Commission Meeting Minutes
3. December 2018 Letter to Applicant and SRSD



Marin Local Agency Formation Commission

Planning Agency / Subdivision of the State of California

AGENDA REPORT

August 13, 2015

Item No. 10 (Business / Action)

August 7, 2015

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Request for New Outside Sewer Service / San Rafael Sanitation District and 255 Margarita Drive (LAFCO File No. 1325)

The Commission will consider a request for the San Rafael Sanitation District to provide new outside sewer service to an unincorporated residential property located at 255 Margarita Drive in the Country Club community. The request has been initiated by the affected landowner in response to evidence of a failing septic system. Staff recommends a one-year approval with conditions that include the affected landowner filing a complete application for annexation as well as limiting sewer service in the interim to only the existing residence.

Local Agency Formation Commissions (LAFCOs) are responsible under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH") to regulate the formation and development of local governmental agencies and their municipal service areas. This includes approving or disapproving requests from cities and special districts to enter into contracts or agreements to provide new or extend municipal services outside their jurisdictions under California Government Code (G.C.) Section 56133 as of January 1, 2001. LAFCOs are authorized to condition approval for outside services so long as the terms do not directly regular land uses.

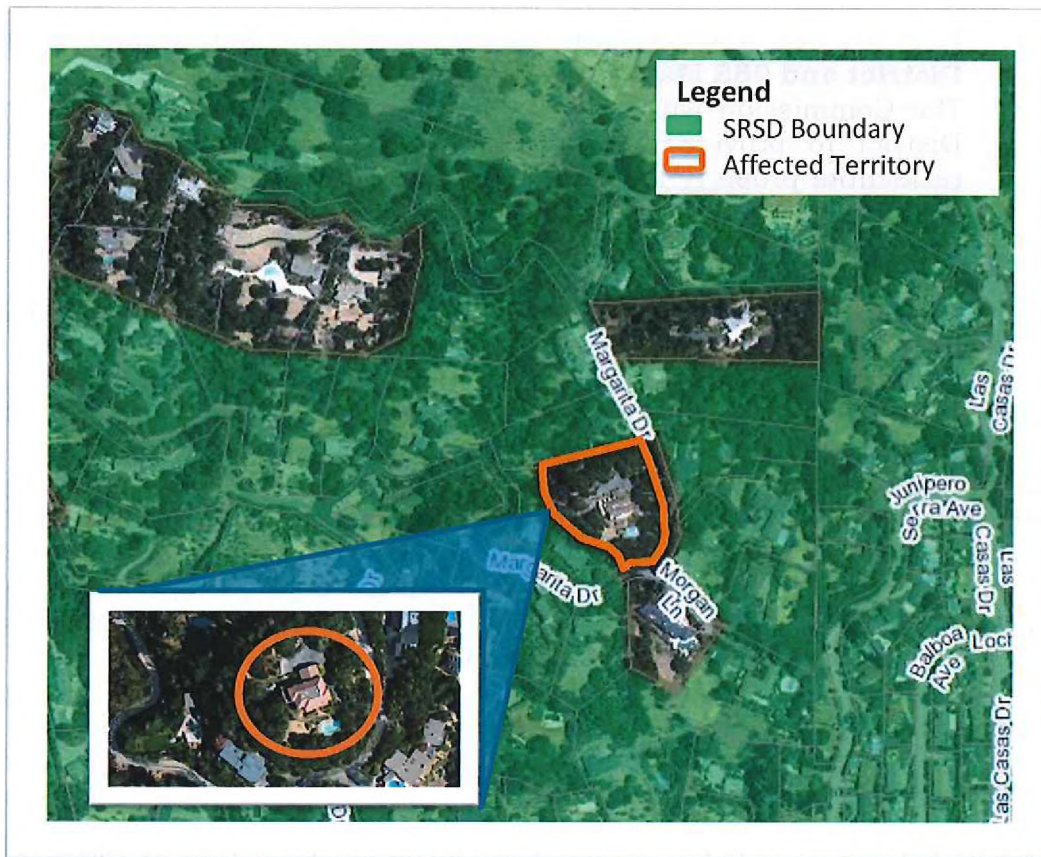
A. Background

Applicants Request

Marin LAFCO ("Commission") has received a joint request on July 31, 2015 from the San Rafael Sanitation District (SRSD) and the affected landowner to establish new outside sewer service to 255 Margarita Drive in the County Club community. The landowner – Paul Thompson – initiated the request with the Commission after purchasing and moving into the property in June 2015 amid concerns regarding the on-site septic serving the six bed/five bath single-family residence. The landowner retained a licensed contractor and the resulting dye test shows the system failed current percolation standards, is beyond repair, and requires replacement. Consistent with the applicable statute SRSD has agreed to serve as joint-applicant subject to their own conditions – including the landowner providing a drawing to show the proposed connection as well as the payment of the connection fee. The County of Marin Assessor's Office identifies the subject parcel as 016-011-29.

Request Purpose

The purpose of the request is to expedite the extension of new sewer service to the affected territory given documentation shows the septic system serving the single-family residence is in poor condition and poses a public health and safety threat. Underlying the landowner's request is concern the septic system's failure is imminent making the standard four-to-six month period to process an annexation under LAFCO law problematic. It is also noted the downward slope of the property intensifies the referenced concerns with respect to sewage effecting neighboring properties.



B. Discussion

This item is for the Commission to consider authorizing SRSD to execute a contract with the affected territory's landowner to provide new outside sewer service to 255 Margarita Drive to address the referenced threat to public health and safety. This includes consideration of any appropriate terms to help perfect implementation. A review of applicable legislative direction and local policies is provided below.

Legislative Framework

G.C. Section 56133 became effective January 1, 2001 as part of CKH. The statute was enacted as a means to reinforce LAFCOs authority to oversee municipal service areas by directing cities and special districts to first request and receive approval before providing new or extended services outside their boundaries by contract or agreement.¹ The two distinct thresholds are outlined in the statute with respect to guiding LAFCOs decision-making. The first threshold involves requests where the lands are located within the affected agency's sphere of influence. In this scenario LAFCOs may approve a request with or without conditions so long as it is explicitly done in anticipation of a future annexation. The second threshold involves requests where the lands are located outside the affected agency's sphere of influence. In this scenario LAFCOs may still approve requests with or without conditions but only in response to addressing an existing or impending public health or safety threat.

Commission Policies

Existing Commission policies are relatively silent in addressing the review and approval process for outside service requests. (Records indicate the Commission has only processed one prior outside service request. This earlier request was processed between 2002 and 2005 and initiated by the Board of Supervisors for the City of Mill Valley to extend sewer service to the Throckmorton Fire Station.) This relative silence is particularly notable for requests premised on addressing a public safety threat in which timing becomes a pertinent consideration.

C. Analysis

Review Factors

Staff has organized its review of the request to address four specific factors it believes represent the most pertinent issues underlying the Commission's consideration. These factors collectively focus on the efficiency and compatibility of providing service relative to local conditions and drawn from ongoing and related discussions of the Policy Committee (Baker, Blanchfield, and Burdick).

- **Ability to Efficiently Extend Services to the Affected Territory**

A review of SRSD current system capacities and demands provides reasonable assurances the District has sufficient resources available to effectively extend public sewer service to the affected territory without impacting current ratepayers. This statement is drawn from information collected as part of a recently approved boundary change and shows the current demand-to-capacity ratios for the associated treatment facility (Central Marin Sanitation Agency) is 4.9% and 9.3% during dry and wet months, respectively. The anticipated sewer flows for the affected territory based on its existing development is 254 daily gallons and would have negligible impact on the referenced ratios. Actual

¹ Certain exemptions are outlined under subsection (e) and include outside services between two or more public agencies in which the affected service is an alternative for service already begin provided at similar levels.

connection to SRSD's collection system necessitates the installment of an approximate 300-foot private lateral connection through a neighboring property (245 Margarita Drive) in order to gravity flow to the existing main located within the public right-of-way on Margarita Drive. The applicant reports an easement with the neighbor has been reached to accommodate this connection route.

- **Request's Consistency with Commission Policies**

The extension of public sewer service to the affected territory is consistent with the Commission's adopted sphere of influence for SRSD. The inclusion of the affected territory into the sphere marks standing expectation that the lands be served by the District when the timing/need is deemed appropriate.

- **Request's Consistency with Other Applicable Policy Considerations**

The County of Marin serves as the current land use authority and designates and zones the affected territory for low-density residential development with a current minimum lot requirement of 1.0 acre.² This existing allowance precludes the affected territory from being further subdivided under the County. The City of San Rafael serves as the ultimate land use authority with the inclusion of the affected territory in its adopted sphere of influence. The San Rafael General Plan provides a higher density allowance for the affected territory with minimum lot requirements ranging from 0.5 to 0.17 acre-feet.³

- **Reasonableness of Outside Services as an Alternative to Annexation**

The affected landowner's request for outside service approval is premised on addressing a threat to public health and safety. This threat is based on evidence of a failing septic system and makes the standard four-to six month annexation process prohibitive. The supporting evidence has been submitted by an outside contractor retained by the landowner and shows a dye/loading test within the leach-field failing along with observing the septic tank in bad condition and beyond repair. LAFCO staff transmitted a copy of the submittal to Environmental Health for review and confirmation that the contractor is appropriately licensed and trained in testing septic systems. Environmental Health subsequently has verified the contractor is qualified in testing septic systems and as a result recommends the affected territory connect to SRSD.

Environmental Review

The Commission serves as lead agency for assessing impacts associated with the action – i.e., extension of outside sewer service to the affected territory – under the California Environmental Quality Act. Staff has determined the action qualifies as a project, but is exempt from further review under Public Resources Code Section 21080(b)(4). This statute exempts “actions necessary to prevent or mitigate an emergency.”

² The County of Marin General Plan designates the affected territory as Single Family 3 with a density range of 1 to 5 units per acre. County Code provides further prescription and zones the affected territory as Residential 1 / B-4 and specifies a minimum lot requirement of 1.0 acre.

³ The City of San Rafael has not rezoned the affected territory.

Conclusion:

The request for SRSD to provide outside sewer service to 255 Margarita Drive appears substantively justified given the preceding analysis. This includes noting the request can be accommodated without the extension of public infrastructure or produce measurable impacts on existing collection and treatment capacities. The request is also consistent with the Commission's sphere of influence for SRSD and residential land use policies assigned to the affected territory by the current (County) and ultimate (San Rafael) land use authorities. Further, the request appears appropriate as an alternative to annexation on the explicit preface the submitted documentation shows the septic system is failing and poses an impending threat to public health and safety. This latter conclusion, however and importantly, is made without explicit policy guidance from the Commission in determining when a failing septic system merits immediate remedy versus proceeding with the preferred long-term solution of an annexation.

If the Commission agrees an underlying public health and safety threat exists and merits the expedited connection of the affected territory to SRSD through an outside service extension the following terms are recommended.

1. Approval is termed for one calendar year unless SRSD and or the landowner request and receive a prior one-time extension from the Commission.
2. The Commission directs the Executive Officer to issue formal authorization of the request subject to the following conditions being satisfied.
 - a) The affected landowner provides a notarized statement service to the affected territory is limited to the existing single-family residence and no additional units will be accommodated by the approval.
 - b) The affected landowner files a complete application for annexation with the appropriate fee less a credit equal to the fee provided as part of the outside service request.
 - c) The affected landowner provides a copy of the recorded easement providing the affected territory access to the SRSD sewer main through the neighboring property at 245 Margarita Drive.
 - d) Written confirmation from SRSD the affected landowner has satisfied the District's two terms for service: (a) a drawing from a licensed engineer showing the planned lateral connection and (b) sewer connection fee.

D. Alternatives for Action

The following alternative actions are available to the Commission.

Alternative Action One (Recommended):

Approve the requested outside service extension subject to the prescribed terms outlined on page five of this report.

Alternative Action Two:

Continue consideration of the item to a following meeting and provide direction to staff for additional information as needed.

Alternative Action Three:

Disapprove the request.

E. Recommendation


Staff recommends the Commission approve the request with the specified terms consistent with option identified in the preceding section as Alternative Action One. This recommendation, markedly, is premised on the Commission agreeing that the threshold for determining the existence of an existing/pending threat to public health and safety has been sufficiently established.

F. Procedures for Consideration

Staff has agenzized this item as part of the regular business calendar. The following procedures are recommended with respect to the Commission's consideration:

- 1) Receive verbal report from staff;
- 2) Invite comments from the applicant
- 3) Invite comments from other interested attendees (voluntary); and
- 4) Discuss item and consider action on recommendation.

Respectfully submitted



Keene Simonds
Executive Officer

Attachments:

- 1) Application Materials
- 2) Correspondence from County Environmental Health



**San Rafael
Sanitation
District**

111 Morpew St
PO Box 15160
San Rafael, CA 94915-1560

Telephone 415 454-4001
Facsimile 415 454-2270

Board of Directors
Gary O. Phillips, Chairman
Maribeth Bushey, Secretary/Director
Katie Rice, Director

District Manager/District Engineer
Doris Toy, P.E.

July 22, 2015

Mr. Keene Simonds
Executive Officer
Marin Local Agency Formation Commission
555 Northgate Drive, Suite 230
San Rafael, CA 94903

Re: 255 Margarita Drive, San Rafael
Outside Service Extension Request

Dear Mr. Simonds:

The San Rafael Sanitation District has been notified of a request made by Paul Thompson requesting approval by Marin LAFCO for an outside service extension to connect his property at 255 Margarita Drive to the District's sewer main to address a failing septic system. The District agrees to serve as joint-applicant for this request under government Code Section 56133 subject to the following approval terms:

- Receipt by the District of a drawing prepared by a civil engineer showing how and where the connection to the sewer main will be made.
- Receipt of the sewer connection fee.

Sincerely,

DORIS TOY, P.E.
District Manager/District Engineer

DT/ch



**City Sewer
Pumping, Inc.**

(415) 663-1926

P. O. Box 651

Point Reyes Station, CA 94956

Fax: (415) 663-9361

Ca state license 739966

Paul Thompson

7-15-2015

Re: 255 Margarita Drive

San Rafael , ca 94901

Hydraulic Load test and leach field

A dye and hydraulic load test of 150 gallons was attempted to be given to the system, after approximately 75 gallon's the water rose above the outlet tee at that point the test was stopped. After 30 minutes the water did not subside to working level. **Under Marin County Environmental health guidelines the system would be classified as a "Failure"**. We did not locate the exact location of the leach field

Septic tank

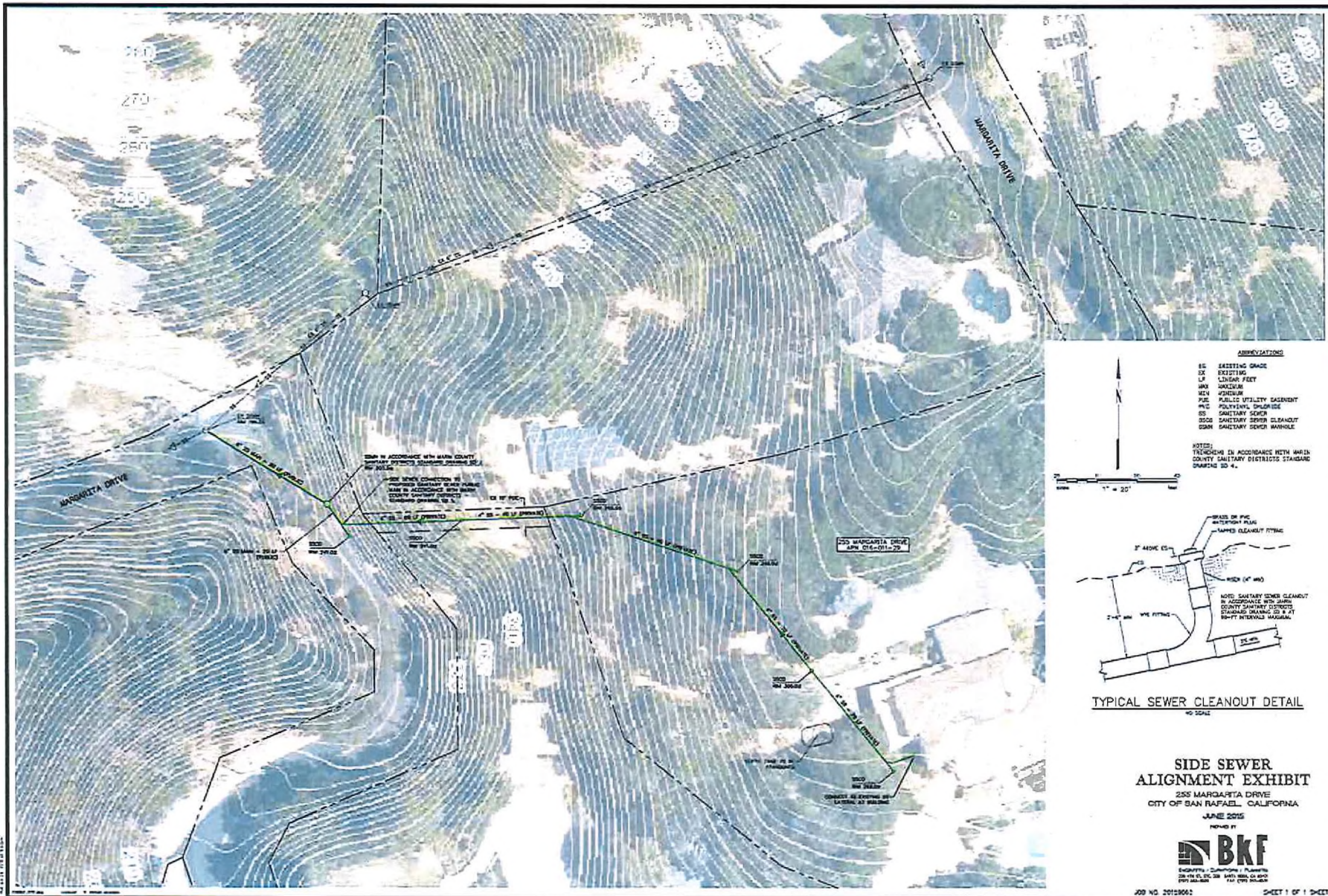
The Wooden septic tank is in very bad condition, and is beyond repair. Marin County does not allow wooden tanks to be repaired.

I would recommend contacting your local sewer agency or Marin County Environmental health, about the possibility of connecting to the main sewer in the area. **As there is a Great risk, Raw sewage could flow on the surface and to the neighboring property, causing a possibly health risk to people or animals**

This is only a visual test, and the results are from our observation only on the day of inspection. City Sewer Pumping can make no guarantees as to the exact location, future performance or longevity of the sewage disposal system.

Please feel free to call with any questions

Mike Giammona
CITY SEWER PUMPING



MARIN LAFCO
APPLICATION QUESTIONNAIRE

Save Form

Print

Reset Form

In accordance with requirements set forth in the California Government Code, the Commission must review specific factors in its consideration of this proposal. In order to facilitate the Commission's review, please respond to the following questions:

I. GENERAL INFORMATION

1. Please check the method by which this application was initiated:

- Resolution of Application
 Petition

2. Does the application possess 100% written consent of each property owner in the subject territory? Yes No

3. A. Application is submitted for the following boundary change:
(BE SPECIFIC; i.e., "annexation," "reorganization".)

Annexation

B. The reason the proposed action(s) has been requested:
(BE SPECIFIC; i.e., "annexation to sewer district for construction of three homes")

Annexing to the San Rafael Sanitation District

4. State general location of proposal:

255 Margarita Drive., San Rafael, CA 94901

5. Is the proposal within a city's boundaries?

Yes . Which city? _____
No . If the proposal is adjacent to a city, provide city name: San Rafael .

6. Is the subject territory located within an island of unincorporated territory? Yes No
Indicate city, if applicable: _____

San Rafael

7. Would this proposal create an island of unincorporated territory? Yes No . If yes, please justify proposed boundary change: _____

8. Provide the following information regarding the area proposed for annexation:
(Attach list if necessary.)

A. Assessor's Parcel Number(s)	Site Address(es)
<u>016-01-129</u>	<u>255 Margarita Dr, San Rafael, CA 94901</u>
_____	_____
_____	_____

B. Total number of parcels: 1

9. Total land area: 69,691 sq ft / 1.60 acres

II. LAND USE AND DEVELOPMENT POTENTIAL

1. Describe any special land use concerns: _____
None

2. Indicate current land use:
(i.e., number of dwellings, permits currently held, etc.)
Single-Residential Improved

3. Indicate the current zoning (either city or county) title and densities permitted:
LDR, Low Density Residential R-1 B-4

4. Has the area been rezoned? No N/A Yes
What is the rezoning classification, title and densities permitted? _____

5. Describe the specific development potential of the property:
(Number of units allowed in zoning.)
Already improved - One home exists, only one allowed

III. ENVIRONMENT

1. Is the site presently zoned or, designated for, or engaged in agricultural use?

Yes No

If yes, explain: _____

2. Will the proposal result in a reduction of public or private open space?

Yes No

If yes, explain: _____

3. Will service extension accomplished by this proposal induce growth in:

A. This site?	Yes <input type="radio"/>	No <input checked="" type="radio"/>	N/A <input type="radio"/>
B. Adjacent sites?	Yes <input type="radio"/>	No <input checked="" type="radio"/>	N/A <input type="radio"/>
C. Unincorporated?	Yes <input type="radio"/>	No <input checked="" type="radio"/>	
D. Incorporated?	Yes <input type="radio"/>	No <input checked="" type="radio"/>	

4. State general description of site topography: _____
Relatively flat around the home, steep slopes, the majority of the surrounding property.

5. Indicated Lead Agency for this project: _____
San Rafael Sanitation District

6. Indicate Environmental Determination by Lead Agency: N/A
with respect to (indicate project) _____
dated _____.

(COPY OF ENVIRONMENTAL DOCUMENTS MUST BE SUBMITTED WITH APPLICATION)

Please provide the names and addresses of persons who are to be furnished copies of the Agenda, Executive Officer's Report, and Notice of Hearing:

<u>Name</u>	<u>Address</u>
Paul Thompson	10 Moncada Way, San Rafael, Ca 94901
_____	_____
_____	_____
_____	_____
_____	_____

Name and Address of Applicant: Paul Thompson 10 Moncada Way, San Rafael, CA 94901

Telephone Number: H () _____ W(415) 456-8972

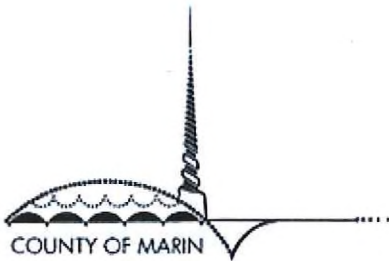
Signature Date

Signature Date

Keene Simonds

From: Alegria, Armando <AAlegria@marincounty.org>
Sent: Wednesday, July 22, 2015 6:42 AM
To: Keene Simonds
Cc: Cindy Hernandez
Subject: RE: Marin LAFCO Request for EH Assistance / Septic System at 255 Margarita Drive

Good morning Keene, I spoke to Mike of City Sewer Pumping Inc. yesterday. This report indicates that the system is in need of repair, and though there is no surfacing sewage at the time of inspection this documentation demonstrates the need for this property to connect to a public sewer if available within 400 ft. Let me know if you need any further assistance. Thanks ACA



Armando C. Alegria
SUPERVISING R.E.H.S.

County of Marin
Environmental Health Services
3501 Civic Center Drive, Suite 236
San Rafael, CA 94903
415 473-6907 T
415 473-4120 F
AAlegria@marincounty.org

From: Keene Simonds [mailto:KSimonds@marinlafco.org]
Sent: Tuesday, July 21, 2015 8:26 PM
To: Alegria, Armando
Cc: Cindy Hernandez
Subject: Marin LAFCO Request for EH Assistance / Septic System at 255 Margarita Drive

Hi Armando –

I hope all is well.

We received a resubmittal from Paul Thompson from a new contractor (City Sewer Pumping) that attests the septic system serving 255 Margarita Drive has “failed” relative to local testing standards.

Marin LAFCO respectfully seeks County Environmental Health's review and expertise in determining the veracity of the submittal and specifically whether the documentation provide serves as sufficient documentation for LAFCO to proceed with issuing an outside service extension approval for the property to connect to San Rafael Sanitation District on the basis that it is addressing an "existing" or "impending" threat to public health and/or safety; this latter threshold drawn directly from the underlying LAFCO statutes (Government Code 56133).

Thank you.

Keene

Email Disclaimer: <http://www.marincounty.org/main/disclaimers>

MINUTES – MARIN LOCAL AGENCY FORMATION COMMISSION

On August 13, 2015, a regular meeting of the Marin Local Agency Formation Commission was held at the San Rafael Council Chambers, 1400 Fifth Avenue in San Rafael. Chair Blanchfield called the meeting to order at 7:07 p.m.

ROLL CALL

Commissioners Present: Judy Arnold
Jack Baker
Jeffry Blanchfield
Carla Condon
Damon Connolly
Craig K. Murray

Alternate Commissioners Present: Christopher Burdick
Lew Kious

Commissioners Absent: Gary Phillips

Staff present: Keene Simonds, Executive Officer
Candice Bozzard, Clerk to the Commission

APPROVAL OF AGENDA

The meeting agenda was approved by consent of the Commission.

PUBLIC COMMENT

No comments from the public.

CONSENT CALENDAR ITEM(S)

- 1. Financial Report and Projections for Fiscal Year 2014-2015**
- 2. Approval of Meeting Minutes**
- 3. Approval of Cost-of-Living Adjustment to Employee Salaries**
- 4. Authorization to Approve Audit Expenditure**
- 5. Progress Report on 2014-2015 Work Plan**
- 6. Current and Pending Proposals**

M/S Arnold – Condon to approve the Consent Calendar.

AYES: Arnold, Baker, Blanchfield, Condon, Connolly, Murray

NOES: None

ABSTAIN: None

ABSENT: Phillips

Motion carried.

PUBLIC HEARING ITEM(S)**7. Countywide Water Municipal Service Review: Draft Report/Recommended for Continuation to September 10, 2015**

The Executive Officer recommended the Commission open the public hearing for comment and then continue it to a special meeting on September 10, 2015 at 7:30pm.

Commissioner Murray requested staff to include the capacity of producing recycled water for each agency as part of the overview of public recycled water in the appendix. Commissioner Murray suggested contacting the district managers to obtain the necessary information.

The Chair opened the public hearing.

- Scott McMorrow, General Manager of Inverness Public Utility District (IPUD): Mr. McMorrow remarked that a great majority of the information regarding his district was excellent, however he did have some reservations on a few points. Mr. McMorrow was concerned with the LAFCO figures based on a 5-year window showing that IPUD would not meet the peak day demand by 2023. This information could create public discord since the district's data which was based on a 23-year window concluded that the District had sufficient means to meet the peak day demand. Mr. McMorrow requested that all written comments submitted be included in the report and on website.
- Jennifer Blackman, General Manager of Bolinas Community Public Utility District: Ms. Blackman highlighted some disparity concerning the statistics used for the determinations, the treatment capacity, and the demographic trends that LAFCO staff had concluded from the data collected using the short 5-year span. Ms. Blackman added that her Board had not yet seen the report and would submit written comments pending their review.
- Scott Tye, Representative of Surf Rider Association: Mr. Tye concurred with Ms. Blackman and Mr. McMorrow on how the collection of data during such a short time period of time could skew the information on future projections. Mr. Tye commented that a significant statistic on water loss and leaking was Mr. Tye suggested that staff review and incorporate coastal planning influences into the report.

BUSINESS HEARING ITEM(S)**8. Proposal for Annexation of 263 Second Street et al. to the Tomales Village Community Services District (LAFCO File #1321)**

The Executive Officer summarized his written report and recommended adoption of the resolution to approve the boundary change, with the terms and conditions as indicated.

The Chair called for any comment.

- Landowners, Alex Derbes and Rebecca Hodges gave a brief historical overview of the property.

Commissioner Murray inquired if this annexation would invoked the Dual Annexation Policy. The Executive Officer responded that septic service was not an option going forward.

M/S Connolly – Arnold to approve Resolution 15-06, approving with specified terms the annexation of 263 Second Street to the Tomales Village Community Services District (File #1321)

AYES: Arnold, Baker, Blanchfield, Condon, Connolly, Murray
NOES: None
ABSTAIN: None
ABSENT: Phillips

Motion carried.

9. **Proposal for Annexation of 801 State Access Road to the Novato Sanitary District (LAFCO File #1323)**

The Executive Officer recommended to amend the submitted proposal to include an additional 0.52 acres to cover the adjacent public right-way used by Sonoma-Marín Area Rail Transit (SMART) lands provide an orderly boundary for the Novato Sanitary District.

M/S Arnold – Baker to adopt Resolution 15-07 approving the annexation of the affected territory to Novato Sanitary District as amended to include the adjacent SMART lands.

AYES: Arnold, Baker, Blanchfield, Condon, Connolly, Murray
NOES: None
ABSTAIN: None
ABSENT: Phillips

Motion carried.

10. **Request for New Outside Sewer Service / San Rafael Sanitation District and 255 Margarita Drive (LAFCO File #1325)**

The Executive Officer recommended approval of the request for an outside service agreement with specific terms and conditions for sewer service at 255 Margarita Drive in San Rafael.

Chair Blanchfield...

M/S Blanchfield – Murray to approve the outside service agreement for 255 Margarita Drive subject to the terms and conditions as outlined on page 5 of the written staff report.

AYES: Arnold, Baker, Blanchfield, Condon, Connolly, Murray
NOES: None
ABSTAIN: None
ABSENT: Phillips

Motion carried.

11. **Approval of Job Description for Administrative Analyst Position**

The Executive Officer recommended approval of the proposed job description for the new Administrative Analyst position.

Commissioner Murray inquired if there would be sufficient work to hire a full time analyst. The Executive Officer responded that staff had undertaken a large workload as a result of the Strategic Planning Workshop and that the analyst's hours could be adjusted in the future if necessary.

Commissioner Condon noted that the Budget Committee discussed the addition of another staff member and felt it was warranted given the arduous municipal service review study schedule and to ensure quality of work.

M/S Condon – Arnold to approve the proposed job description and benefits for the new Administrative Analyst position and to begin the recruitment process.

AYES: Arnold, Baker, Blanchfield, Condon, Connolly, Murray
NOES: None
ABSTAIN: None
ABSENT: Phillips

Motion carried.

12. **Report from Policy Committee: Comprehensive Update to the Policies, Procedures, and Guidelines**

The Executive Officer recommended the Commission discuss proposed amendments to the second and third phases of the comprehensive policy update and to direct staff to circulate Phase Three for public comment. The Executive Officer also recommended that the Commission authorize the Committee to proceed with the review of the next and final phase.

M/S Arnold – Condon to approve the staff recommendation.

AYES: Arnold, Baker, Blanchfield, Condon, Connolly, Murray
NOES: None
ABSTAIN: None
ABSENT: Phillips

Motion carried.

13. **Legislative Report**

The Executive Officer apprised the Commission on the status of Senate Bill 88.

EXECUTIVE OFFICER’S REPORT

CALAFCO Conference in Sacramento.

COMMISSIONERS’ REPORT(S)

No reports.

ADJOURNMENT

Motion by Murray to adjourn the meeting.

AYES: Arnold, Baker, Blanchfield, Condon, Connolly, Murray
NOES: None
ABSTAIN: None
ABSENT: Phillips

Motion carried.

The meeting was adjourned at 8:32 p.m. A special LAFCO meeting was scheduled for Thursday, September 10, 2015.

Respectfully submitted,

KEENE SIMONDS, Executive Officer

ATTEST:

JEFFRY BLANCHFIELD, Chair



Marin Local Agency Formation Commission
Regional Service Planning | Subdivision of the State of California

December 21, 2018

Delivered by Electronic Mail

Ms. Doris Toy
General Manager
San Rafael Sanitation District
111 Morphew Street
San Rafael, California 94901
doris.toy@cityofsanrafael.org

Mr. Paul Thompson
President
Thomson Builders
250 Bel Marin Keys, Blvd. Building A
Novato, California 94949
paul@tbcorp.com

Re: Expiration of Outside Services Agreement for 255 Margarita Drive

Ms. Toy and Mr. Thomson:

This letter serves as formal notice from Marin Local Agency Formation Commission (LAFCo) that all wastewater services being provided by the San Rafael Sanitation District (SRSD) for 255 Margarita Drive, in the unincorporated community of Country Club **shall cease immediately** due to the expiration of the outside service agreement with LAFCo.

As you are both aware, on August 13, 2015, LAFCo originally approved a request to provide new outside sewer services to the property due to a failing septic system that posed an impending threat to public health and safety. However, LAFCo made such approval with specific terms and conditions. In part, the terms and conditions provided for an approval for a one year period, with a one year extension. In addition, the property owner was to submit a complete application for annexation.

On August 11, 2016, LAFCo approved a six month extension given the associated annexation proposal, which is on file with LAFCo, was not ready for consideration due to concerns from SRSD. On February 3, 2017, LAFCo approved an additional six month extension to allow SRSD's concerns regarding the proper access route to be resolved. On August 10, 2017, LAFCo approved the last extension, until February 13, 2018. As noted in correspondence to you and/or your representatives on August 12, 2017, LAFCo indicated that no additional time extensions would be approved and that it was pertinent an agreement be reach between Mr. Peterson and SRSD in order to allow for annexation to proceed no later than the February 8, 2018 LAFCo meeting. Furthermore, the correspondence provided that should "LAFCo not receive and consider an annexation proposal by this referenced date it is reasonable to assume the outside service contract will be allowed to expire and actions will be taken therein to cease existing wastewater service for the property."

LAFCo has not received the requested annexation proposal, and therefore, by this correspondence, LAFCo formally requests all wastewater service provided by SRSD to the property cease immediately. Furthermore, we request District confirmation that this has occurred.

Administrative Office

Jason Fried, Interim Executive Officer
1401 Los Gatos Drive, Suite 220
San Rafael, California 94903
T: 415-448-5877 E: staff@marinlafco.org
www.marinlafco.org

Damon Connolly, Regular
County of Marin

Dennis J. Rodoni, Regular
County of Marin

Judy Arnold, Alternate
County of Marin

Sashi McEntee, Chair
City of Mill Valley

Sloan Bailey, Regular
Town of Corte Madera

Matthew Brown, Alternate
City of San Anselmo

Craig K. Murray, Vice Chair
Las Gallinas Valley Sanitary

Jack Baker, Regular
North Marin Water District

Lew Kiou, Alternate
Almonte Sanitary District

Vacant, Public
Public Member

Chris Skelton, Alternate
Public Member

If we do not receive such confirmation by January 31, 2019, we will look into pursuing all potential remedies.

Should you have any questions please contact me at (415) 578-2304 or jfried@marinlafco.org.

Sincerely,



Jason Fried
Executive Officer

cc: Ms. Cindy Hernandez, San Rafael Sanitation District
Mr. Armando Alegria, County of Marin
Mr. Tom Lai, County of Marin



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT
October 14, 2021
Item 7 (Business Item)

TO: Local Agency Formation Commission
FROM: Jason Fried, Executive Officer
(On behalf of Vice Chair Kious and Commissioner Coler)
SUBJECT: Report out from the Ad Hoc Committee for Post MSR Work

Background

At the August 12, 2021, meeting the Commission had a discussion of how LAFCo should approach post Municipal Service Reviews (MSR) work. The Commission decided to create an Ad-Hoc committee and assigned Vice Chair Kious and Commissioner Coler to serve on this group. The goal of the Ad-Hoc committee was to talk with staff and suggest to the Commission on how LAFCo should handle future post MSR work.

On September 10, 2021 the Ad-Hoc committee meet to discuss this issue. After a good discussion the committee came to the following general conclusion. Most of the follow-up work from an MSR is very technical and specific in nature so staff should be given the ability to work with whom they think will help find the best solution to address the issue. Staff will update the Commission about items as needed. In some rare cases it may be good to have a more formal process and in those cases a formal working group approach will be used. Each item coming from a MSR will be presented by staff at the final approval of the MSR with staff recommendation of what type of approach should be used for that item. The Commission will then, as part of the final approval of the MSR, indicate if it agrees with staff recommendation or if an item should be handled differently than how staff suggests.

Unless otherwise indicated by the Commission this will be the approach taken by staff with the completion of the West Marin MSR. No action is needed today but if the Commission does not agree with the approve suggestion, then it should make comments and the Ad Hoc Committee can meet again to address the issue(s) mentioned during the discussion of this matter today.

Administrative Office

Jason Fried, Executive Officer
1401 Los Gatos Drive, Suite 220
San Rafael, California 94903
T: 415-448-5877 E: staff@marinlafco.org
www.marinlafco.org

Damon Connolly, Regular
County of Marin

Judy Arnold, Regular
County of Marin

Dennis Rodoni, Alternate
County of Marin

Sashi McEntee, Chair
City of Mill Valley

Barbara Coler, Regular
Town of Fairfax

James Campbell, Alternate
City of Belvedere

Lew Kious, Vice Chair
Almonte Sanitary District

Craig K. Murray, Regular
Las Gallinas Valley Sanitary

Tod Moody, Alternate
Sanitary District #5

Larry Loder, Regular
Public Member

Richard Savel, Alternate
Public Member



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT

October 14, 2021

Executive Officer Report – Section A

TO: Local Agency Formation Commission
FROM: Jason Fried, Executive Officer
SUBJECT: Budget Update for FY 2021-2022

Background

Marin Local Agency Formation Commission (LAFCo) adopted a budget for FY 2021-2022 totaling \$561,548.17. From July 1, 2021, through September 30, 2021, LAFCo has spent \$103,937.84. This report covers 3 months, which is 25% of the year. We have already spent 18.5% of our budget this year.

You will note three line items are higher than the expected amount for where we are for being three months into the new FY. As previously reported two line items, Membership and Dues (30) and General Insurance (15), consist of bills that have large sums that get paid at the start of the Fiscal year. We do have other member dues that get paid out within the calendar year so in December and January, we will get other bills to pay for this item. One other line item right now is also higher than the 25% threshold. As reported at the previous meeting the Rent – Storage (65) is currently over budget. We pay a monthly fee of \$40 but then pay when we need to have items pulled and delivered to the office. In addition, when we add new boxes for them to store, there are small fees to add the boxes to the system. Earlier this fiscal year staff had been doing some work to make sure we have proper knowledge of what is in storage and added some boxes to storage. This has caused this number to be a little higher. This line item may end up being a few dollars over budget but the overall budget should be able to cover the small overage we may see by years end.

This report also shows that most of our agency contributions have been made. As of the writing of this report LAFCo has not yet received from the County the report for September so the amount reported is for July and August. Based on the July and August report all but 2 agencies have paid their dues to LAFCo. Based on discussions with the County and the agencies it looks like both agencies made payments in September but until we get the official report from the county we are not counting those as paid yet.

Attachment:

- 1) FY 2021-2022 Budget Reports

Administrative Office

Jason Fried, Executive Officer
1401 Los Gatos Drive, Suite 220
San Rafael, California 94903
T: 415-448-5877 E: staff@marinlafco.org
www.marinlafco.org

Damon Connolly, Regular
County of Marin

Judy Arnold, Regular
County of Marin

Dennis Rodoni, Alternate
County of Marin

Sashi McEntee, Chair
City of Mill Valley

Barbara Coler, Regular
Town of Fairfax

James Campbell, Alternate
City of Belvedere

Lew Kious, Vice Chair
Almonte Sanitary District

Craig K. Murray, Regular
Las Gallinas Valley Sanitary

Tod Moody, Alternate
Sanitary District #5

Larry Loder, Regular
Public Member

Richard Savel, Alternate
Public Member

Marin Local Agency Formation Commission

21/22 BUDGET REPORT

10/06/21

July through September 2021

Accrual Basis

	Jul - Sep 21	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
4700000 · Prior Year Carryover	0.00	55,000.00	-55,000.00	0.0%
4710510 · Agency Contributions	501,132.19	506,548.17	-5,415.98	98.9%
Total Income	501,132.19	561,548.17	-60,415.98	89.2%
Expense				
Services and Supplies				
05 · Commissioner Per Diems	625.00	10,000.00	-9,375.00	6.3%
10 · Conferences	0.00	5,000.00	-5,000.00	0.0%
15 · General Insurance	5,452.65	6,500.00	-1,047.35	83.9%
20 · IT & Communications Services	3,747.66	17,000.00	-13,252.34	22.0%
25 · Legal Services	4,976.63	37,500.00	-32,523.37	13.3%
30 · Memberships & Dues	4,611.00	7,000.00	-2,389.00	65.9%
35 · Misc Services	304.00	2,000.00	-1,696.00	15.2%
40 · Office Equipment Purchases	277.82	4,139.00	-3,861.18	6.7%
45 · Office Lease/Rent	8,619.09	34,559.17	-25,940.08	24.9%
50 · Office Supplies & Postage	645.82	4,000.00	-3,354.18	16.1%
55 · Professional Services	2,595.00	24,000.00	-21,405.00	10.8%
60 · Publications/Notices	0.00	2,000.00	-2,000.00	0.0%
65 · Rent - Storage	389.00	650.00	-261.00	59.8%
70 · Training	29.00	1,700.00	-1,671.00	1.7%
75 · Travel - Mileage	21.88	3,500.00	-3,478.12	0.6%
Total Services and Supplies	32,294.55	159,548.17	-127,253.62	20.2%
Salary and Benefit Costs				
5110109 · Salaries	57,430.22	317,000.00	-259,569.78	18.1%
5130120 · County of Marin - Group Health	6,381.00	34,000.00	-27,619.00	18.8%
5130500 · MCERA / Pension	7,832.07	45,000.00	-37,167.93	17.4%
5130525 · Retiree Health	0.00	6,000.00	-6,000.00	0.0%
Total Salary and Benefit Costs	71,643.29	402,000.00	-330,356.71	17.8%
Total Expense	103,937.84	561,548.17	-457,610.33	18.5%
Net Ordinary Income	397,194.35	0.00	397,194.35	100.0%
Other Income/Expense				
Other Income				
4640333 · Fees for Services	6,426.69			
Total Other Income	6,426.69			
Net Other Income	6,426.69			
Net Income	403,621.04	0.00	403,621.04	100.0%



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT

October 14, 2021

Executive Officer Report – Section B

TO: Local Agency Formation Commission

FROM: Olivia Gingold, Clerk/Junior Analyst

SUBJECT: **Current and Pending Proposals**

Background

The Commission is invited to discuss the item and provide direction to staff on any related matter as needed for future discussion and/or action.

LAFCo has received three new applications since the last Commission meeting in August for 1996 Novato Blvd. (File #1359), 4916 Ranch Road (File #1360), and 800 Corte Madera Ave. (File #1361). 1996 Novato Blvd. has completed its 30-day review and is being considered at today's Commission meeting. More information on LAFCo File #1359 can be found as part of the packet for Agenda Item #4.

4916 Ranch Road has completed its 30-day review but is waiting for its pre-zoning process to be completed through Tiburon Town Council's approval and 800 Corte Madera is currently in its 30-day review process. Staff expects to present both of those applications at the December meeting barring any unexpected complications.

Attachment:

1) Chart of Current and Pending Proposals

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Almonte Sanitary District

Craig K. Murray, Regular
Las Gallinas Valley Sanitary

Tod Moody, Alternate
Sanitary District #5

Larry Loder, Regular
Public Member

Richard Savel, Alternate
Public Member

Current and Pending Proposals

LAFCo File #	Status	Proposal	Description	Government Agency	Latest Update
1359	On Today's Agenda	Annexation of 1996 Novato Blvd.	Landowner Leonardo Del Toro requests annexation approval of 1996 Novato Blvd to Novato Sanitary District. The parcel is approx. 1.10 acres and applied for annexation to connect to the sewer district and move off of septic as the owner plans to construct two additional dwelling units on the existing parcel.	Novato Sanitary District	Item is on today's agenda.
1360	Under Review	Annexation of 4916 Ranch Road	Landowners Jacqui Bos and Eric McCrath request annexation approval of 4916 Ranch Road to Sanitary District 2 and the Town of Tiburon. The parcel is approx. 10.45 acres and is looking to move off of septic as the landowners remodel the existing single-family home. The annexation to Town of Tiburon was initiated because of the dual annexation policy.	Sanitary District 2, Town of Tiburon	Item is waiting for pre-zoning approval.
1361	In 30-day review period.	Annexation of portion of parcel for addition to 800 Corte Madera.	Marin County Open Space District requests that a portion of APN 033-200-01 measuring .50 acres in size be detached from the City of Mill Valley and annexed into Sanitary District #2 and the Town of Corte Madera. The intention is to include this .50 acre portion in the boundaries for the situs address 800 Corte Madera Ave. The land is currently being utilized by 800 Corte Madera Ave. hence the reason for this application.	Sanitary District 2, Town of Corte Madera	Item is currently in 30-day review period.
1346	Completed	Annexation of 4576 Paradise Drive	Sierra Pines Group LLC ("applicant") requests approval to annex one lot totaling 9.575 acres to the Town of Tiburon. The affected territory is near the Town of Tiburon with a situs address of 4576 Paradise Drive (038-142-02).	Town of Tiburon	Item has been completed
1354	Completed	Annexation of 345 Highland Ave.	Landowners Jennifer and Robert Andrews (applicants) submitted an application for the annexation of 345 Highland Avenue to SRSD. The parcel is approx. .98 acres and has a failing septic that necessitates their annexation to SRSD.	San Rafael Sanitation District	Item has been completed
1355	Completed	Annexation of 666 Sequoia Valley Road	Landowner Matthew Farnsworth requests annexation approval of 666 Sequoia Valley Road to Homestead Valley Sanitary District. The parcel is approx. .47 acres and has a failing septic that necessitates their annexation to HVSD.	Homestead Valley Sanitary District	Item has been completed
1356	Completed	Annexation of 105 Roblar Drive	Sonoma Marin Area Rail Transit (S.M.A.R.T.) requests annexation approval of 105 Roblar Drive to Novato Sanitary District. The parcel is approx. .82 acres, and annexing to the district may induce growth in the parcel in the form of industrial office buildings. Novato Sanitary District has submitted some terms for connection which S.M.A.R.T. has agreed to.	Novato Sanitary District	Item has been completed

Current and Pending Proposals

LAFCo File #	Status	Proposal	Description	Government Agency	Latest Update
1357	Completed	Annexation of 2090 Vineyard Road	Landowner requests annexation approval of 2090 Vineyard Road to Novato Sanitary District. The parcel is approx. .40 acres.	Novato Sanitary District	Item has been completed
1358	Completed	Annexation of 32 Fairway Drive	32 Fairway Dr, San Rafael, had a failed septic tank which needed an OSA to connect into San Rafael Sanitary District. This is the applicant's application to annex permanently into SRSD. The parcel is approx. 1.02 acres and has been receiving service from SRSD.	San Rafael Sanitary District	Item has been completed
1328	Deemed Terminated	Annexation of 255 Margarita Drive	Landowner (Paul Thompson) requesting annexation approval of 255 Margarita Drive (016-011-29) in the unincorporated island community of Country Club to the San Rafael Sanitation District. The affected territory is approximately 1.1 acres in size and currently developed with a single-family residence. It has also established service with the SRSD as part of a LAFCo approved outside service extension due to evidence of a failing septic system. The outside service extension was conditioned – among other items – on the applicant applying to LAFCo to annex the affected territory to the San Rafael Sanitation District as a permanent means to public wastewater service. The application remains incomplete at this time and awaits consent determination by SRSD.	San Rafael Sanitation District	Application is now deemed terminated and staff is working to get SRSD to disconnect or get the applicant to resubmit application.



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT

October 14, 2021

Executive Officer Report – Section D

TO: Local Agency Formation Commission
FROM: Jason Fried, Executive Officer
SUBJECT: Discussion of Annual Workshop 2022

Background

Every year Marin LAFCo has hosted an annual workshop. Excluding this year these workshops have been internally focused on LAFCo operations. This year we hosted a different kind of workshop around shared services. Both types of workshops take time to plan and execute so staff wants to have a discussion with the Commission on what type of workshop it is looking to have so staff can start moving it forward. When doing the internally focused workshop we have traditionally done those in the January/February time frame so it can help the budget committee properly plan the following fiscal year's budget.

Staff does not have any internal matters it needs to discuss at the workshop level except perhaps for future MSR work. At the start of 2022, we will be about a year and a half away from completing the current round of MSRs. We could wait until our 2023 workshop to do this but that would then put us less than 6 months from the end of the current round to start planning for the next round. If the Commission has other internal items it wants to discuss then it would be good for us to have our 2022 workshop at the beginning of the year. Should, however, the Commission not have any other internal items, or better put internal items that could impact our budget, and want to focus on the next round of MSRs, then it might be wise to push the workshop to the July – September time frame in 2022. This will allow for the completion or start of more MSR's and get us closer to the end of this round with enough time to properly start the planning for the next round.

Should the Commission wish to do an external looking workshop, like this year's shared services, it would be good to have ideas of subject matters you would like to see done.

Finally, before we settled on the shared services workshop for this year, we had talked about doing a joint meeting with another LAFCo Commission to share best practices between bodies. We had a couple of other LAFCos that were interested in doing this, but nobody could confirm they for sure would do it and we decided to go with the shared workshop. If desired by the Commission, we could approach the other LAFCos that showed interest last time to see if they want to do this in 2022.

Staff yields to the Commission to decide what type of workshop, if any, it finds most useful.

Attachment: None

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