



NOTICE OF REGULAR MEETING MINUTES

Marin Local Agency Formation Commission

Thursday, December 8, 2022

CALL TO ORDER

Chair Kious called the meeting to order at 7:02 P.M.

ROLL CALL BY COMMISSION CLERK

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

Commissioners Present:

Lew Kious, Chair
Barbara Coler, Vice-Chair
Dennis Rodoni
Judy Arnold
Craig Murray
Steve Burdo (joined at 7:09 P.M.)

Alternate Commissioners Present:

Richard Savel (seated as a regular)
James Campbell (seated as a regular until 7:09 P.M.)
Tod Moody

Marin LAFCo Staff Present:

Jason Fried, Executive Officer
Jeren Seibel, Deputy Executive Officer
Stephanie Pratt, Clerk/Jr. Analyst

Marin LAFCo Counsel Present:

Malathy Subramanian

Commissioners Absent:

Larry Loder

Alternate Members Absent:

N/A

AGENDA REVIEW

Approved: M/S by Commissioner Arnold and Vice-Chair Coler to approve the agenda.

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Rodoni, Arnold, Murray, Campbell, Savel

Nays: None

Abstain: None

Absent: None

Motion approved unanimously.

PUBLIC OPEN TIME

Chair Kious 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 October 13, 2022 Regular Meeting
2. Commission Ratification of Payments from October 1, 2022 to November 30, 2022
3. Approval of Resolution 22-31 Allowing for video and Teleconference Meetings during COVID-19 State of Emergency Under AB 3614
4. Approval of the 2023 Commission Calendar and Discussion of Returning to In-Person Meeting

Vice-Chair Coler said that she has a conflict on the April 13, 2023, proposed Commission Meeting date and suggested polling Item 4 for a new date. EO Fried said that if a change were to be made it should be made tonight due to a number of important items that will be on the April agenda and would require notifications. Vice-Chair Coler requested the item be pulled from the Consent Calendar.

Chair Kious opened up the change for public comment and being none, put Items 1,2, and 3 on the Consent Calendar up for a vote. The initial Motion and second were made by Commissioners Arnold and Campbell but EO Fried announced that since Commissioner Burdo had just arrived, he would need to vote in place of Commissioner Campbell.

Approved: M/S by Commissioner Arnold and Vice-Chair Coler to approve the consent calendar
Ayes: Chair Kious, Vice-Chair Coler, Commissioners Rodoni, Arnold, Murray, Burdo, Savel
Nays: None
Abstain: Commissioner Murray abstained from Item 1 as he was not at October meeting,
Absent: None
Motion approved 6-0-1.

5. Approval of the 2023 Commission Calendar and Discussion of Returning to In-Person Meeting

Item 4 moved from the Consent Calendar Item was now presented for discussion by Chair Kious. Vice-Chair Coler suggested April 6 or 27, 2023. EO Fried then asked for remaining commissioners' availability and it was agreed that April 6, 2023, would be the amended date.

Chair Kious opened up public comment . Recognizing no hands raised, Chair Kious closed public comment.

Approved: M/S by Vice-Chair Coler and Commissioner Murray to approve Item 4 with an amendment to move the April 13, 2023 meeting to April 6, 2023.

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Rodoni, Arnold, Murray, Burdo, Savel
Nays: None
Abstain: None
Absent: None
Motion approved unanimously.

PUBLIC HEARING ITEMS

6. Approval of Resolution 22-32, Annexation of 5030 Paradise Drive (APN: 038-032-22) to Corte Madera Sanitary District No 2 (LAFCo File #1368) with Waiver of Notice, Hearing, and Protest Proceedings and Finding it Exempt from CEQA pursuant to State CEQA Guidelines Section 15319

EO Fried presented that this parcel is in an unincorporated island of Tiburon but not directly adjacent to the city boundaries. This means we should delay annexation at this time and the application has agreed not to object in the future should this island be annexed into Tiburon.

Chair Kious opened the item up for public comment. None received so the item was returned to the commission. Commissioner Savel noted that on Exhibit A there was not an address notated.

Approved: M/S by Commissioner Murray and Vice-Chair Coler to approve Resolution 22-32, Annexation of 5030 Paradise Drive (APN: 038-032-22) to Corte Madera Sanitary District No 2 (LAFCo File #1368) with Waiver of Notice, Hearing, and Protest Proceedings and Finding it Exempt from CEQA pursuant to State CEQA Guidelines Section 15319

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Rodoni, Arnold, Murray, Burdo, Savel

Nays: None

Abstain: None

Absent: None

Motion approved unanimously.

7. Approval for Resolution 22-33, amending the Sphere of Influence for the Southern Marin Fire Protection District (SMFPD) to include all of the City of Mill Valley and to annex all of the City of Mill Valley into SMFPD (LAFCo File #1369) with Waiver of Notice, Hearing, and Protest Proceedings and Finding it Exempt from CEQA pursuant to State CEQA Guidelines Section 15320.

EO Fried presented that this application is different from the previous and would have a different process and he explained how that would work. He then began his comments:

EO Fried's Staff update began with high praise for City of Mill Valley and Southern Marin Fire Protection District (SMFPD) for bringing in EO Fried early in the process so he was able to guide this application and he could therefore say it was in excellent shape to present to the commission. Staff recommended a straightforward process of transferring City of Mill Valley into the SMFPD boundaries, changing the SOI in order accomplish this.

EO Fried recognized two members of the Southern Marin Fire Board and asked if there were others present to let themselves be known.

Chair Kious opened the floor up for public comment. They were as follows:

- a) Steve Morlock – President of Mill Valley Professional Firefighters Association. He gave full support of the annexation.

No other hands were raised so public hearing was closed for comments and Chair Kious returned the floor to EO Fried for his synopsis.

EO Fried stated that the normal Notice Hearing and Protest Proceedings could be waived for this application. Prior to this meeting, Public Notice was published in the Marin Independent Journal with zero negative comments. EO Fried then gave Tom Perazzo, President of SMFPD, an opportunity to comment.

President Perazzo stated that SMFPD board fully supports this proposed annexation.

EO Fried stated that Mr. Burke representing the City of Mill Valley was to make comment but had an emergency and was unable to attend. EO Fried introduced Chief Tubbs

Chief Tubbs wanted to take the opportunity to share the SMFD and City of Mill Valley Fire District's deep appreciation for EO Fried and his assistance, knowledge, and professionalism guiding this application.

Vice-Chair Coler shared that at the CALAFCO Conference EO Fried had stated how well this process was going and hoped he would be able to speak further on this at the next conference.

*Commissioner Burdo commented after seconding the above motion, thanking staff and particularly EO Fried for answering all of his questions as the newest Commissioner on the board. He remarked how complete this complicated application was.

(Chair Kious was briefly out of the meeting due to technical issues and Vice-Chair Coler stepped in.)

Vice-Chair Coler recognized Commissioner Murray had a question about the shared cost notated on page 5 of the application. EO Fried responded that because of the tax exchange agreement, that percent would be transferred in perpetuity to as agreed by both parties beginning in July 2024. In the interim year, the City and District have created a way to have the payment processed and transferred.

Vice-Chair Coler recognized Commissioner Rodoni had a compliment for the staff, City of Mill Valley and SMFD on how this application was handled. Vice-Chair Coler agreed.

(Chair Kious resumed his role at the time of voting.)

Approved: M/S by Vice-Chair Coler and Commissioner Burdo (who had comments notated above with *) Approval for Resolution 22-33, amending the Sphere of Influence for the Southern Marin Fire Protection District (SMFPD) to include all the City of Mill Valley and to annex all of the City of Mill Valley into SMFPD (LAFCo File #1369) with Waiver of Notice, Hearing, and Protest Proceedings and Finding it Exempt from CEQA pursuant to State CEQA Guidelines Section 15320

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Rodoni, Arnold, Murray, Burdo, Savel

Nays: None

Abstain: None

Absent: None

Motion approved unanimously

BUSINESS ITEMS

8. Discussion and Approval of Shared Resources Agreement with Santa Cruz LAFCo

EO Fried discussed the benefits of approving a Shared Services Agreement with Santa Cruz LAFCo. This would be the first of its kind in order to bring efficiency to both agencies. Without a formal agreement, many LAFCos help each other out. As an example, EO Serrano is the single staff member of his LAFCo. He is, however, highly skilled with GIS and could potentially help Marin LAFCo with these issues going forward.

If the assistance was small in nature (EO Fried used the example of less than 5 hours a month), then we could each step in to assist. This agreement puts in place a more formal arrangement where if there was a greater need, to for example, attend a meeting in place of one another due to absence, or assist with GIS work, we would now have the ability to compensate the LAFCo who assisted. This rate would be based on that agency's current fee structure. The caveat is this would only occur if the assisting agency was available. There would be no obligation.

Chair Kious asked legal counsel for comments. She issued her support for the agreement.

Commissioner Murray requested the clarification of obligations and that time spent would not incur overtime hours. Legal counsel confirmed it would be regular hours only, pointing to EO Fried's earlier comment that this would only occur if time was available with current obligations. Commissioner Murray questioned the need for employment agreements. EO Fried mentioned that we are not unionized and don't have the same obligations as county employees, including representation from unions.

Chair Kious reiterated the point that this would only be if time allowed within current obligations.

Vice-Chair Coler commented that she had met EO Serrano with EO Fried at CALAFCo conference. There was a lot of interest at the most recent conference in this topic and was impressed with both EOs being forward-thinking.

Chair Kious then opened the discussion up for public comment.

EO Serrano spoke about the unique opportunity to have agencies maximize their resources and be leaders of “the new normal” for these agencies. He will be presenting this to his commission and expects it to pass unanimously.

With no further hands raised, Chair Kious closed public comment and opened the discussion back up to the commission.

Commissioner Savel expressed appreciation for both EOs for trailblazing this unique agreement.

Chair Kious moved this to a vote.

Approved: M/S by Commissioners Burdo and Rodoni to approve the Shared Services Agreement between Marin LAFCo and Santa Cruz LAFCo

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Rodoni, Arnold, Murray, Burdo, Savel

Nays: None

Abstain: None

Absent: None

Motion approved unanimously

9. Approval for Commendations for Commissioners Judy Arnold, Damon Connolly and James Campbell

Chair Kious turned this over to EO Fried, who in turn turned it over to Deputy EO Seibel. Deputy EO Seibel thanked Commissioners Arnold, Connolly, and Campbell for their service and dedication and presented each their commendations for what would be their last meeting.

Chair Kious also thanked each member for their service. Vice-Chair Coler and Commissioner Murray also thanked each commissioner for their dedicated service and pointed out their particular admiration specifically for Commissioner Arnold.

Chair Kious opened the meeting up for public comment.

Cathryn Hilliard, President of the Women’s Political Action Committee and SMFPD board member, wished to thank Commissioner Arnold for being a pioneer and breaking the glass ceiling for others. She also thanked the others for their public service.

EO Friend thanked all three commissioners for their dedication to public service.

Chair Kious moved this to a vote with the understanding that the departing commissioners would be able to comment after.

Approved: M/S by Commissioners Burdo and Vice-Chair Coler to approve the Commendations for Commissioners Judy Arnold, Damon Connolly, and James Campbell

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Rodoni, Arnold, Murray, Burdo, Savel

Nays: None

Abstain: None

Absent: None

Motion approved unanimously

Commissioners Arnold and Campbell thank their fellow commissioners and the public for the opportunity to service. Commissioner Connolly was unable to attend due to his recent election to the California State Assembly District 12.

10. Discussion and Approval of agreement with Cinquini & Passarino for research into alternative to Marin Map

EO Fried discussed staff's issues with Marin Map and would like to engage Cinquini & Passarino in the search for a better fit for Marin LAFCo needs. He is looking for approval of \$1,960 to research this and will present back to the commission for approval at the April meeting.

Chair Kious opened comment up to the commission. Commissioner Murray expressed his support. Commissioner Moody asked if Santa Cruz could assist with this need. EO Fried explained that the agreement with Santa Cruz was a different issue than what this would be dealing with. Commissioner Rodoni expressed his support as did Commissioner Burdo. Vice-Chair Coler commented she wondered how well this is known that there is some disarray at Marin Maps. EO Fried specified it was issues rather than problems within the entirety of Marin Maps. Vice-Chair Coler expressed her support.

Chair Kious opened this up for public comment.

Approved: M/S by Vice-Chair Coler and Commissioner Arnold to approve the expenditure of \$1,960 to Cinquini & Passarino for research into an alternative for Marin Maps

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Rodoni, Arnold, Murray, Burdo, Savel

Nays: None

Abstain: None

Absent: None

Motion approved unanimously

EXECUTIVE OFFICER REPORT (discussion and possible action) – Chair Kious's connection briefly disconnected and Vice-Chair Coler stepped up to lead the commission until the Chair could reconnection via Zoom.

a) Budget Update FY 2022-2023

EO Fried reported that budget was looking on track. One line item was possibly over and may need an increase.

b) Current and Pending Proposals

One item is 255 Margarita had not turned any paperwork in to complete their application. The staff is ready and available to receive it but in the event this did not happen, a process is in place with the sanitary district for them to start the disconnection of the property.

c) CALAFCO Update

EO Fried turned this comment over to Deputy EO Seibel. He referred to a report included with the agenda tracking expenses. EO Fried and Vice-Chair Coler had positive comments about the conference they attended, and we are in great shape and a leader in the LAFCo world. Vice-Chair Coler commented that EO Fried should be a speaker next year and speak on the annexation of the SMFD and MVFD. She also mentioned how well respected EO Fried is and what a great opportunity to learn from other LAFCos.

Commissioner Murray asked about AB2081 and its extension onto tribal lands. EO Fried responded that we have no federally recognized tribal lands. Vice-Chair Coler commented that perhaps in the future we would need to look for consultation if remains are discovered. Commissioner Rodoni said Graton is the only federally recognized tribe at this time.

d) Correspondence to the Commission

Two awards received from SDRMA for not having any claims.

e) LAFCo Commissioner seats (verbal report)

EO Fried recognized Commissioner Burdo and mentioned that Commissioner Stephen Burke from Mill Valley as an alternate, would be attending the February meeting. The other upcoming vacated seats the Special Districts will be doing their work for these seats. Two public seats will be up for reappointment in 2023. Staff will be putting up public notices starting in January. The April meeting will most likely be when this will be addressed.

EO Fried mentioned his vacation and closing of the office from December 26-January 3 per the personnel handbook.

EO Fried asked all about use of the Shared Drive. Receiving less than stellar comments he said we would most likely be ending this experiment and going back to Dropbox. Chair Murray wanted clarification about the week of closure for the holidays.

COMMISSIONER ANNOUNCEMENTS AND REQUESTS

Commissioner Murray mentioned that there is good information he shared from San Bernadino LAFCo.

Vice-Chair Coler asked if the commission could expect to see the Golden Gate Corridor MSR Review in February 2023. Deputy EO Seibel said yes it was likely.

Chair Kious asked for any other commissioners comments and seeing no hands raised he made a motion to adjourn the meeting, seconded by Commissioner Murray.

Chair Kious adjourned the meeting at 8:35 P.M.

ADJOURNMENT TO NEXT MEETING

Thursday, February 9, 2023

Via Zoom

Attest: Stephanie Pratt
 Clerk/Junior Analyst

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.

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