



# 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, December 8, 2022 ▪ 7:00 PM

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

Pursuant to the provisions of AB 361, 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](mailto: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 because of clerical processing requirements. Any comments received before noon on the day of the meeting will be distributed to the Commission before the meeting. Comments received after noon will still be shared with the Commission but may not be distributed until after the meeting.

**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 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 Meetings

### **PUBLIC HEARING**

5. 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
6. Approval of 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.

### **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.

7. Discussion and Approval of Shared Resources Agreement with Santa Cruz LAFCo
8. Approval for Commendations for Commissioners Judy Arnold, Damon Connolly and James Campbell
9. Discussion and Approval of agreement with Cinquini & Passarino for research into alternative to Marin Map

### **EXECUTIVE OFFICER REPORT (verbal report only)**

- a) Budget Update FY 2022-2023
- b) Current and Pending Proposals
- c) CALAFCO Update
- d) Correspondence to the Commission
- e) LAFCo Commissioner seats (verbal report)

### **COMMISSIONER ANNOUNCEMENTS AND REQUESTS**

**ADJOURNMENT TO NEXT MEETING**

February 9, 2023 | 7:00 P.M.



Attest: Stephanie Pratt  
Clerk/Jr. Analyst

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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 arrangements or accommodations.

**Marin LAFCo**

Administrative Office  
1401 Los Gamos Drive, Suite 220  
San Rafael California 94903

T: 415-448-5877  
E: [staff@marinlafco.org](mailto:staff@marinlafco.org)  
W: [marinlafco.org](http://marinlafco.org)

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# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## AGENDA REPORT

December 8, 2022

Item No. 1 (Consent Item)

**TO:** Local Agency Formation Commission

**FROM:** Stephanie Pratt, Clerk/Junior Analyst

**SUBJECT:** **Approval of Minutes for October 13, 2022, Regular Meeting**

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### 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 October 13, 2022 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 October 13, 2022 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 October 13, 2022



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

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**DRAFT**

## NOTICE OF REGULAR MEETING MINUTES

### Marin Local Agency Formation Commission

**Thursday, October 13, 2022**

#### **CALL TO ORDER**

Chair Kious called the meeting to order at 7:00 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 Larry Loder
Alternate Commissioners Present:	James Campbell (seated as a regular) Tod Moody (seated as a regular) Richard Savel
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:	Judy Arnold Craig Murray
Alternate Members Absent:	Damon Connolly

#### **AGENDA REVIEW**

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

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Rodoni, Loder, Campbell, Moody

Nays: None

Abstain: None

Absent: Commissioners Arnold and Connolly

Motion approved unanimously.

#### **PUBLIC OPEN TIME**

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

## CONSENT CALENDAR ITEMS

1. Approval of Minutes for July 27, 2022 Workshop and August 11, 2022 Regular Meeting
2. Commission Ratification of Payments from August 1, 2022 to September 30, 2022
3. Approval of Resolution 22-29 Allowing for Video and Teleconference Meeting during COVID-19 State of Emergency Under AB361
4. Accept and File GASB 75 Report prepared by MacLeod Watts
5. Addition of the Central Marin Sanitation Agencies to the Current Study Schedule

EO Fried stated that the original packet was amended to show the correct date of the previous month on Item 3 after being brought to attention by Vice-Chair Coler.

Chair Kious opened the public comment. Hearing no request to speak, Chair Kious closed the public comment.

Approved: M/S by Commissioners Campbell and Loder to approve the Consent Calendar.

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Rodoni, Loder, Campbell, Moody

Nays: None

Abstain: None

Absent: Commissioners Arnold and Connolly

Motion approved unanimously.

## PUBLIC HEARING ITEMS

6. Approval of Resolution 22-30, Annexation of 255 Margarita Drive (APN: 016-011-29) to San Rafael Sanitation District (LAFCo File #1367) with Waiver of Notice, Hearing, and Protest Proceedings

EO Fried reported that this was initially before the Commission in 2015 as a connection due to an emergency health order. The property owner did not follow the plans nor guidelines that were originally submitted. They had not applied for appropriate extensions either, so the application based on state government code was terminated. The property owner is still not compliant after many discussions. On 9.1.22 a new application was received. However, it has two outstanding issues:

- 1) The Applicant has not told us how he plans to connect either with current easement or get a new easement.
- 2) The County Surveyor showed errors in both the map and legal description. The Applicant said they will work with the original person that was used and have them make the corrections. EO Fried suggested Resolution 22-30 be amended in Section 3, showing a condition of approval to be a compliant map and legal description be submitted to LAFCo no later than 12/9.22. The Commission can at that point either grant the extension or not.

Neither the Applicant nor a representative was present.

Vice Chair Coler asked about why the day after the meeting instead of the day prior to the meeting for an extension is being suggested by staff and EO Fried explained that if the Applicant needs an extension the Commission would need to approve an extension so making the deadline. If the day before is used then the applicant has no ability to ask for an extension since by state government code the applicant is automatically deemed terminated and the applicant would need to start over. By doing the day after the Commission has the ability to grant an extension if requested and the Commission deems warranted. If nothing done, the application will automatically be terminated by State code.

Counsel's assessment agreed with moving the Resolution forward with the conditions. The Resolution will lapse after the next meeting if conditions are not met or an extension is not granted.

Chair Kious opened the Public Hearing for comment.

San Rafael Sanitation District Manager Doris Toy was present and concurred with the 12/9/22 deadline. She reported that her staff had reached the neighbor after the applicant said he was unable to reach them. The neighbor admitted he had been busy but stated he will reach out to applicant next week. She offered the District's assistance as a mediator or in other ways in order to reach an agreement with the applicant. District Manager Toy reiterated support for LAFCo and the District's willingness to move to disconnect if that is where the Commission is ready to go. If the stated conditions are not met nor an extension is not requested by 12/8/22, the Board is ready to move ahead with a public hearing to disconnect.

Chair Kious thanked District Manager Toy. Seeing no other public comment Chair Kious closed the hearing and brought it back to the Board.

Chair Kious mentioned a correction needed on Resolution 22-30; needed to include the word "Commission" in the "Therefore" section that was inadvertently omitted.

Approved: M/S by Vice-Chair Coler and Commissioner Campbell to approve the annexation of 255 Margarita Drive (APN: 016-011-29) to San Rafael Sanitation District (LAFCo File #1367) with Waiver of Notice, Hearing, and Protest Proceedings with the conditions as noted, including new conditions by EO Fried and the correction to the Resolution as noted by Chair Kious.

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Rodoni, Loder, Campbell, Moody

Nays: None

Abstain: None

Absent: Commissioners Arnold and Connolly

Motion approved unanimously.

#### **EXECUTIVE OFFICER REPORT** (discussion and possible action)

a) Budget Update FY 2022-2023

EO Fried added that we now have confirmation from the County stating all agencies have submitted their payments in time based on Government Codes and this will be shown in the report at our next meeting.

b) Current and Pending Proposals

EO Fried reported there is one pending proposal for an annexation into a sewer district. Additionally Mill Valley and Southern Marin Fire consolidation of their fire department is still going through their process. Assuming they complete the process by the end of October, this will go onto the December meeting agenda as well. EO Fried mentioned that the Commission should expect an unusually longer meeting in December due to complicated application with the fire department consolidation, three Commissioners tenure of service will be ending, as well as the possibility of the presentation of the Golden Gate MSR.

c) CALAFCO Update

The newsletter is in the packet. They are holding their annual Conference next week and Vice-Chair Coler and EO Fried will be attending and representing Marin LAFCo and will report on that at the December meeting.

#### **COMMISSIONER ANNOUNCEMENTS AND REQUESTS**

Chair Kious stated there were none, EO Fried stated no hands raised so nothing to report.

**CLOSED SESSION**

Chair Kious reported that since there was an agreement of how to proceed with Item 6 there would be no need for the Closed Session.

Approved: M/S by Vice-Chair Coler and Commissioner Campbell to table the Closed Session.

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Rodoni, Loder, Campbell, Moody

Nays: None

Abstain: None

Absent: Commissioners Arnold and Connolly

Motion approved unanimously.

Chair Kious adjourned the meeting at 7:28 P.M.

**ADJOURNMENT TO NEXT MEETING**

Thursday, December 8, 2022 at 7:00 P.M.

Attest: Stephanie Pratt  
Clerk/Junior Analyst



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# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

**AGENDA REPORT**  
December 8, 2022  
Item No. 2 (Consent Item)

**TO:** Local Agency Formation Commission  
**FROM:** Jason Fried, Executive Officer  
**SUBJECT:** Commission Ratification of Payments from October 1, 2022 to November 29, 2022

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## 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.

The following item is presented for the Commission to consider the ratification of all payments made by the Executive Officer between October 1, 2022, and November 29, 2022, totaling \$80,642.27. The payments are detailed in the attachment.

## Staff Recommendation for Action

1. Staff Recommendation - Ratify the payments made by the Executive Officer between October 1, 2022, and November 29, 2022, 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 October 1, 2022, to November 29, 2022

#### 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

Dennis Rodoni, Regular  
County of Marin

Judy Arnold, Regular  
County of Marin

Damon Connolly, Alternate  
County of Marin

Barbara Coler, Vice Chair  
Town of Fairfax

Steve Burdo, Regular  
Town of San Anselmo

James Campbell, Alternate  
City of Belvedere

Lew Kiou, 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

11/29/22

## Expenses by Vendor Detail

Accrual Basis

October 1 through November 29, 2022

Type	Date	Num	Memo	Account	Amount	Balance
<b>CA SPECIAL DISTRICT ASSOCIATION</b>						
Check	10/25/2022	20802	2023 Member...	30 · Memberships &...	1,634.00	1,634.00
Total CA SPECIAL DISTRICT ASSOCIATION					1,634.00	1,634.00
<b>Cardmember Services</b>						
Credit Card Charge	10/19/2022		best best & kr...	25 · Legal Services	1,519.30	1,519.30
Credit Card Charge	10/19/2022		adobe	20 · IT & Communic...	103.96	1,623.26
Credit Card Charge	10/19/2022		getstreamline	20 · IT & Communic...	100.00	1,723.26
Credit Card Charge	10/19/2022		zoom	20 · IT & Communic...	14.99	1,738.25
Credit Card Charge	10/19/2022		verizon	20 · IT & Communic...	122.66	1,860.91
Credit Card Charge	10/19/2022		marin ij	35 · Misc Services	10.87	1,871.78
Credit Card Charge	10/19/2022		CAFDAC	10 · Conferences	550.00	2,421.78
Credit Card Charge	10/19/2022		ready refresh ...	50 · Office Supplies ...	57.49	2,479.27
Credit Card Charge	10/19/2022		best best & kr...	25 · Legal Services	843.60	3,322.87
Credit Card Charge	10/19/2022		marin mac tech	20 · IT & Communic...	953.50	4,276.37
Total Cardmember Services					4,276.37	4,276.37
<b>Coler, Barbara</b>						
Check	10/25/2022	20805	Oct Commissi...	05 · Commissioner ...	125.00	125.00
Check	11/01/2022	20813	Conf Travel	10 · Conferences	360.96	485.96
Total Coler, Barbara					485.96	485.96
<b>COMCAST</b>						
Check	10/25/2022	20803	Bill Date Oct ...	20 · IT & Communic...	106.65	106.65
Check	11/22/2022	20819	Bill Date Nov ...	20 · IT & Communic...	106.65	213.30
Total COMCAST					213.30	213.30
<b>COMMUNITY MEDIA CENTER OF MARIN</b>						
Check	10/11/2022	20801	Vendor Order ...	20 · IT & Communic...	150.00	150.00
Total COMMUNITY MEDIA CENTER OF MARIN					150.00	150.00
<b>CONNECT YOUR CARE</b>						
Check	10/19/2022	eft	COBRA ADMIN	126 · Health Insuran...	1.11	1.11
Check	11/18/2022	eft	COBRA ADMIN	126 · Health Insuran...	1.11	2.22
Total CONNECT YOUR CARE					2.22	2.22
<b>Delta Dental of California</b>						
Check	10/04/2022	eft		122 · Dental Insuran...	72.93	72.93
Check	10/12/2022	eft		122 · Dental Insuran...	72.93	145.86
Check	10/25/2022	eft		122 · Dental Insuran...	72.93	218.79
Check	11/23/2022	eft		122 · Dental Insuran...	72.93	291.72
Total Delta Dental of California					291.72	291.72
<b>Fried, Jason</b>						
Check	10/25/2022	20808	VOID: CALAF...	10 · Conferences	0.00	0.00
Check	10/25/2022	20809	CALAFCO Co...	10 · Conferences	197.20	197.20
Total Fried, Jason					197.20	197.20
<b>Kaiser Foundation Health Plan</b>						
Check	11/15/2022	eft		126 · Health Insuran...	1,180.74	1,180.74
Check	11/15/2022	eft		126 · Health Insuran...	711.10	1,891.84
Total Kaiser Foundation Health Plan					1,891.84	1,891.84
<b>KIOUS, LEWIS</b>						
Check	10/25/2022	20804	Oct Commissi...	05 · Commissioner ...	125.00	125.00
Total KIOUS, LEWIS					125.00	125.00
<b>LIEBERT CASSIDY WHITMORE</b>						
Check	11/22/2022	20818	Invoice #2249...	25 · Legal Services	786.50	786.50
Total LIEBERT CASSIDY WHITMORE					786.50	786.50

## Marin Local Agency Formation Commission

11/29/22

## Expenses by Vendor Detail

Accrual Basis

October 1 through November 29, 2022

Type	Date	Num	Memo	Account	Amount	Balance
<b>LODER, LAWRENCE</b>						
Check	10/25/2022	20810	Oct 2022 Co...	05 · Commissioner ...	125.00	125.00
Total LODER, LAWRENCE					125.00	125.00
<b>MOODY, TOD</b>						
Check	10/25/2022	20807	Oct Commissi...	05 · Commissioner ...	125.00	125.00
Total MOODY, TOD					125.00	125.00
<b>PAYCHEX</b>						
Check	10/14/2022	eft		35 · Misc Services	59.19	59.19
Check	10/28/2022	eft		35 · Misc Services	59.19	118.38
Check	11/10/2022	eft		35 · Misc Services	59.19	177.57
Check	11/25/2022	eft		35 · Misc Services	59.19	236.76
Total PAYCHEX					236.76	236.76
<b>PAYROLL</b>						
Check	10/14/2022	eft	9/18-10/1/22	105 · Sal - Regular ...	13,360.95	13,360.95
Check	10/14/2022	eft	9/18-10/1/22	124 · Auto Allowance	350.00	13,710.95
Check	10/14/2022	eft	9/18-10/1/22	121 · Life Insurance	-17.40	13,693.55
Check	10/14/2022	eft	9/18-10/1/22	131 · Co Ret Cont Ti...	1,553.88	15,247.43
Check	10/28/2022	eft	10/2-10/15/22	105 · Sal - Regular ...	13,360.95	28,608.38
Check	10/28/2022	eft	10/2-10/15/22	124 · Auto Allowance	0.00	28,608.38
Check	10/28/2022	eft	10/2-10/15/22	121 · Life Insurance	-17.40	28,590.98
Check	10/28/2022	eft	10/2-10/15/22	131 · Co Ret Cont Ti...	1,553.88	30,144.86
Check	11/10/2022	eft	10/16-10/29/22	105 · Sal - Regular ...	13,360.95	43,505.81
Check	11/10/2022	eft	10/16-10/29/22	124 · Auto Allowance	350.00	43,855.81
Check	11/10/2022	eft	10/16-10/29/22	121 · Life Insurance	-17.40	43,838.41
Check	11/10/2022	eft	10/16-10/29/22	131 · Co Ret Cont Ti...	1,553.88	45,392.29
Check	11/25/2022	eft	10/30-11/12/22	105 · Sal - Regular ...	13,360.95	58,753.24
Check	11/25/2022	eft	10/30-11/12/22	124 · Auto Allowance	0.00	58,753.24
Check	11/25/2022	eft	10/30-11/12/22	121 · Life Insurance	-17.40	58,735.84
Check	11/25/2022	eft	10/30-11/12/22	131 · Co Ret Cont Ti...	1,553.88	60,289.72
Total PAYROLL					60,289.72	60,289.72
<b>PAYROLL TAXES</b>						
Check	10/14/2022	eft	9/18-10/1/22	111 · Medicare Tax	199.38	199.38
Check	10/28/2022	eft	10/2-10/15/22	111 · Medicare Tax	194.31	393.69
Check	11/10/2022	eft	10/16-10/29/22	111 · Medicare Tax	199.38	593.07
Check	11/25/2022	eft	10/30-11/12/22	111 · Medicare Tax	194.31	787.38
Total PAYROLL TAXES					787.38	787.38
<b>Pratt, Stephanie</b>						
Check	11/16/2022	20816	Reimburseme...	10 · Conferences	147.65	147.65
Check	11/16/2022	20816	Reimburseme...	75 · Travel - Mileage	204.38	352.03
Total Pratt, Stephanie					352.03	352.03
<b>RICOH USA INC</b>						
Check	11/16/2022	20817	Invoice # 506...	50 · Office Supplies ...	44.10	44.10
Total RICOH USA INC					44.10	44.10
<b>RODONI, DENNIS JAMES</b>						
Check	10/25/2022	20806	Oct Commissi...	05 · Commissioner ...	125.00	125.00
Total RODONI, DENNIS JAMES					125.00	125.00
<b>SCHIFFMANN, ALYSSA</b>						
Check	11/02/2022	20815	Invoice # 183	55 · Professional Se...	540.00	540.00
Total SCHIFFMANN, ALYSSA					540.00	540.00

## Marin Local Agency Formation Commission

11/29/22

## Expenses by Vendor Detail

Accrual Basis

October 1 through November 29, 2022

Type	Date	Num	Memo	Account	Amount	Balance
<b>SECURITY MORTGAGE GROUP 2</b>						
Check	10/03/2022	20794	Oct 2022 Rent	45 · Office Lease/Rent	2,955.84	2,955.84
Check	11/01/2022	20814	Nov 2022 Rent	45 · Office Lease/Rent	2,955.84	5,911.68
Total SECURITY MORTGAGE GROUP 2					5,911.68	5,911.68
<b>Teamsters Local 856 Health &amp; Welfare</b>						
Check	10/03/2022	20796	Month Ending...	126 · Health Insuran...	860.40	860.40
Check	11/01/2022	20812	Month Ending...	126 · Health Insuran...	860.40	1,720.80
Total Teamsters Local 856 Health & Welfare					1,720.80	1,720.80
<b>The Hartford</b>						
Check	10/03/2022	20795	Invoice #1889...	121 · Life Insurance	157.74	157.74
Check	11/01/2022	20811	Invoice #1889...	121 · Life Insurance	157.74	315.48
Total The Hartford					315.48	315.48
<b>VSP</b>						
Check	10/06/2022	eft		123 · Vision Service ...	15.21	15.21
Total VSP					15.21	15.21
<b>TOTAL</b>					<b>80,642.27</b>	<b>80,642.27</b>



## Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

### AGENDA REPORT

December 8, 2022

Item No. 3 – (Consent Item)

**TO:** Local Agency Formation Commission

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

**SUBJECT: Approval of Resolution 22-31 Allowing for Video and Teleconference Meetings During COVID-19 State of Emergency Under AB 361**

---

### Background and Discussion

AB 361 was passed by the State Legislature and signed by Governor Newsom. It 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.

On September 22, 2021, the Marin County Director of Health & Human Services recommended social distancing to enhance safety at public meetings. On October 19, 2021, February 15, 2022, and March 22, 2022 Marin County's Director of Health & Human Services reaffirmed its recommendation. There has been no change since in the Director's recommendations.

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. The proposed resolution provides the Commission 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.

### Recommendation

1. Approval of Resolution 22-31 allowing for video and teleconference meetings during the COVID-19 state of emergency under AB 361.

### 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. Resolution 22-31 Allowing for Video and Teleconference Meetings during the COVID-19 State of Emergency Under AB 361

**MARIN LOCAL AGENCY FORMATION COMMISSION**

RESOLUTION 22-31

**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 Commission **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 December 8, 2022 by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

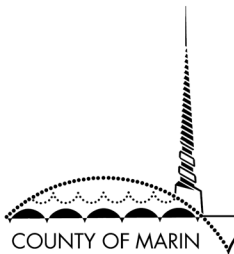
\_\_\_\_\_  
Lew Kious, Chair

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jason Fried, Executive Officer

\_\_\_\_\_  
Malathy Subramanian, LAFCo Counsel



OFFICE OF THE  
COUNTY ADMINISTRATOR

March 22, 2022

Matthew H. Hymel  
COUNTY ADMINISTRATOR

Daniel Eilerman  
ASSISTANT COUNTY  
ADMINISTRATOR

Angela Nicholson  
ASSISTANT COUNTY  
ADMINISTRATOR

Marin County Civic Center  
3501 Civic Center Drive  
Suite 325  
San Rafael, CA 94903  
415 473 6358 T  
415 473 4104 F  
CRS Dial 711  
[www.marincounty.org/cao](http://www.marincounty.org/cao)

Marin County Board of Supervisors  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT:** Resolution Regarding Tele/Video-Conference Meetings During the COVID-19 State of Emergency

Dear Supervisors:

**RECOMMENDATION:** Adopt a resolution allowing continued use of Tele/Video-conferencing for County public meetings.

**SUMMARY:** In September of 2021, Governor Newsom signed [AB-361](#). The legislation provides that local government bodies subject to the Brown Act can continue to use video and/or teleconferencing through December 31, 2023 in the manner that Governor Newsom's executive orders authorized during the COVID-19 pandemic. A public entity can use AB 361's provisions under certain conditions, including when state or local officials have recommended social distancing during a proclaimed state of emergency.

The Director of Health & Human Services has recommended that the County continue to employ social distancing to enhance safety at public meetings. Updated March 1, 2022 CDPH guidance continues to strongly recommend face coverings for all individuals in most indoor settings. Given unpredictable new COVID-19 variants, staff recommends that any anticipated large gatherings that may exceed indoor room capacity remain remote, necessitating consideration of the attached resolution to preserve the option of remote meetings in such instances.

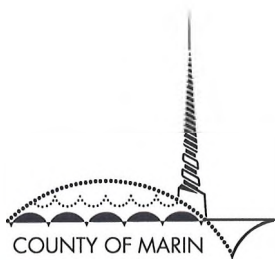
The proposed resolution would provide the Board of Supervisors, and all subsidiary County boards and commissions, with the option to continue to use video- and/or teleconferencing when appropriate while the state proclamation of emergency remains in place. The proposed resolution does not require that Your Board (or any other County board/commission) continue holding teleconference meetings.

Respectfully submitted,

Matthew Hymel  
County Administrator

cc: Brian E. Washington, County Counsel  
Benita McLarin, Director, Health & Human Services





DEPARTMENT OF  
**HEALTH AND HUMAN SERVICES**

Promoting and protecting health, well-being, self-sufficiency, and safety of all in Marin County.



Benita McLarin, FACHE  
DIRECTOR

20 North San Pedro Road  
Suite 2002  
San Rafael, CA 94903  
415 473 6924 T  
415 473 3344 TTY  
[www.marincounty.org/hhs](http://www.marincounty.org/hhs)

March 22, 2022

Kathryn Rice  
President, Board of Supervisors  
3501 Civic Center Drive, 3<sup>rd</sup> Floor  
San Rafael, CA 94903

Re: Public Meetings/Social Distancing

Dear President Rice:

I am writing to confirm that my recommendations in the attached February 15, 2022 letter will remain in place.

Respectfully,

Benita McLarin  
Director, Health & Human Services

cc: Matthew H. Hymel, CAO  
Brian E. Washington, County Counsel



# Marin Local Agency Formation Commission

## Regional Service Planning | Subdivision of the State of California

### AGENDA REPORT

December 8, 2022

Item No. 4 (Consent Item)

**TO:** Local Agency Formation Commission

**FROM:** Jason Fried, Executive Officer

**SUBJECT:** **Approval of the 2023 Commission Calendar and Discussion of Returning to In-Person Meetings**

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### Background

Annually, Marin LAFCo must approve the regular meeting schedule. LAFCo has held regular meetings on the second Thursday of even-numbered months at 7:00 P.M. Currently, LAFCo is meeting exclusively via Zoom due to the COVID-19 pandemic. Governor Gavin Newsom has announced that the State emergency ordinance will expire at the end of February 2023. Given this, we will be able to have our first meeting remotely, if desired, but unless something changes starting with our April meeting we will be back to in-person meetings. Staff, in consultation with the Chair, will continue to monitor best practices as we go through the holidays on if we should remain virtual or go back to in-person for our February meeting

Marin Clean Energy has confirmed that its space, which is what we had been using prior to COVID meetings, meets all state and local requirements for in-person meetings. We will go back to using that room for meetings in April unless the Commission would like to look for other locations that can fit our needs. Listed below is the schedule for the 2023 Commission meetings. Marin County schools appear to have Spring Break this year the same week as our April meeting in case that impacts the desire to change. If anybody wishes to discuss changing dates please remove the item from the consent calendar.

Meeting Dates for 2023: February 9; April 13; June 8; August 10; October 12; December 14

### 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.

### Staff Recommendation for Action

Staff Recommendation - Approve the meeting dates mentioned above.

Alternate Option – Make changes to the proposed schedule of meetings.

**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

**Judy Arnold, Regular**  
County of Marin

**Dennis Rodoni, Regular**  
County of Marin

**Damon Connolly, Alternate**  
County of Marin

**Barbara Coler, Vice-Chair**  
Town of Fairfax

**Steve Burdo, Regular**  
Town of San Anselmo

**James Campbell, Alternate**  
City of Belvedere

**Lew Kiou, Chair**  
Almonte Valley Sanitary District

**Craig K. Murray, Regular**  
Las Gallinas Sanitary District

**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  
December 8, 2022  
Item 5 (Public Hearing)

**TO:** Local Agency Formation Commission

**FROM:** Jason Fried, Executive Officer

**SUBJECT:** Approval of Resolution 22-32 Annexation of 5030 Paradise Drive (APN 038-032-22) to Corte Madera Sanitary District #2 (File #1368) with Waiver of Notice, Hearing, and Protest Proceedings.

## Background

Marin LAFCo has received an application from Jun Shi (“applicant”) requesting approval to annex a lot, approximately .87 acres, to connect a single-family home into the Corte Madera Sanitary District #2 (SD2). The parcel has a situs address of 5030 Paradise Drive (APN 038-032-22). The proposal, as stated by the applicant, is for connection of a single-family home to SD2. Staff has requested comments from SD2, along with other interested agencies. All comments were in support or neutral.

This parcel is within an unincorporated island of the Town of Tiburon (Town) but not next to a parcel that is in the Town. Given its location staff is recommending we follow Marin LAFCo policy 4.8(F) which allows for the deferral of the annexation into the Town since it would create an irregular boundary in the area. The applicant has already agreed to, and signed, an agreement that in the future should annexation of this parcel into the Town be made by either LAFCo or the Town they will not object. That is included as an exhibit in the Resolution.

Staff has reviewed the submitted petition for accuracy and considered all factors pursuant to §56668 and §56668.3 of Cortese-Knox-Hertzberg. With those factors considered the Commission needs to decide if it wants to give approval with conditions on getting a proper connection done or delay approval until a proper connection is completed.

In addition, the applicant originally approached us a while back when first starting the process with the County to get needed approvals. At that time the area in question was multiple parcels. Since then they have combined those parcels into one. The application reflects the original APN but this report and attached resolution reflect the new combined parcels’ APN.

## Staff Recommendation for Action

Staff Recommendation Option 1 – Approve the requested annexation of 5030 Paradise Drive and approve the attached Resolution No. 22-32 with conditions.

Option 2 – Continue consideration of the item to a future regular meeting, and provide direction to staff, as needed.

Option 3 – Deny the request.

### Attachments:

1. Resolution #22-32
2. Application Packet
3. CKH 56668 and 5668.3 findings

### 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

Dennis Rodoni, Regular  
County of Marin

Judy Arnold, Regular  
County of Marin

Damon Connolly, Alternate  
County of Marin

Barbara Coler, Vice-Chair  
Town of Fairfax

Steve Burdo, Regular  
Town of San Anselmo

James Campbell, Alternate  
City of Belvedere

Lew Kiou, Chair  
Almonte Sanitary District

Craig 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 22-32**

**RESOLUTION APPROVING AN ANNEXATION OF 5030 PARADISE DRIVE TO CORTE MADERA  
SANITARY DISTRICT 2 WITH WAIVER OF NOTICE, HEARING AND PROTEST PROCEEDINGS**

“Annexation of 5030 Paradise Drive (APN 038-032-22) to Corte Madera Sanitary District No. 2 (LAFCo File #1368)

**WHEREAS** Jun Shi, hereinafter referred to as applicant, 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 .87 acres of unincorporated land to Corte Madera Sanitary District No.2.

**WHEREAS** the affected territory represents an entire lot developed with the existing single-family residence located at 5030 Paradise Drive and identified by the County of Marin Assessor’s Office as APN APN 038-032-22 (“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 Commission **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.

- a. Approve the proposed annexation of 5030 Paradise Drive (APN 038-032-22) to Corte Madera Sanitary District No. 2 (LAFCo File #1368) as shown and described on Exhibits “A” and “B”.

Section 2. The territory includes .87 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: “Annexation of 5030 Paradise Drive (APN 038-032-22) to Corte Madera Sanitary District No. 2 (LAFCo File #1368)”

Section 3. The proposal is consistent with the adopted sphere of influence of Corte Madera Sanitary District No. 2

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

Section 5. As responsible agency under CEQA for the proposed annexation of APN 038-032-22 to Corte Madera Sanitary District No. 2, Marin County Planning Division finds that the Project is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section §15319 Class 19.

Section 6. As a condition of final approval, the applicant must submit the Agreement Regarding Annexation of Real Property to LAFCo attached here to as Exhibit “C” and incorporated herein by reference, clearly stating that they shall not protest any future application to LAFCo to annex their property to the Town of Tiburon, as part of an island annexation.

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission on December 8, 2022 by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Lew Kious, Chair

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jason Fried, Executive Officer

\_\_\_\_\_  
Malathy Subramanian, LAFCo Counsel

Attachments to Resolution No. 22-32

- a) Exhibit A – Legal Description
- b) Exhibit B – Map
- c) Exhibit C – Agreement Regarding Annexation of Real Property to Marin LAFCo

**EXHIBIT "A"**  
**ANNEXATION OF ASSESSOR PARCEL NUMBER 038-032-22**  
**TO THE CORTE MADERA SANITATION DISTRICT NO. 2**  
**LAFCO FILE# 1368**

ALL THAT CERTAIN REAL PROPERTY, SITUATED IN THE UNINCORPORATED RANCHO CORTE MADERA DEL PRESIDIO AREA OF THE COUNTY OF MARIN, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTERLINE LINE OF PARADISE DRIVE, DISTANT THEREON SOUTH 38°07'00" EAST, 10.07 FEET FROM THE ANGLE POINT THAT LIES BETWEEN THE TWO BEARINGS SOUTH 56°34'00" EAST AND SOUTH 38°07'00" EAST, SAID POINT BEING ON THE CORTE MADERA SANITARY DISTRICT NO. 2 AND ALSO BEING THE TRUE POINT OF BEGINNING; THENCE ALONG THE FOLLOWING SIX COURSES:

- ① NORTH 45°00'00" EAST, 240.62 FEET; THENCE
- ② SOUTH 51°45'00" EAST, 10.07 FEET; THENCE
- ③ NORTH 45°00'00" EAST, 224.71 FEET; THENCE
- ④ NORTH 90°00'00" EAST, 99.53 FEET; THENCE
- ⑤ SOUTH 45°00'00" WEST, 546.59 FEET TO A POINT ON THE CENTERLINE OF SAID PARADISE DRIVE; THENCE
- ⑥ NORTH 38°07'00" WEST, 80.96 FEET ALONG SAID LINE TO THE TRUE POINT OF BEGINNING AND CONTAINING 0.87 ACRES OF LAND MORE OR LESS.

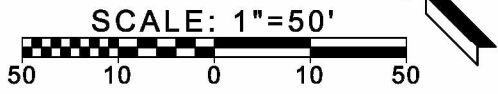
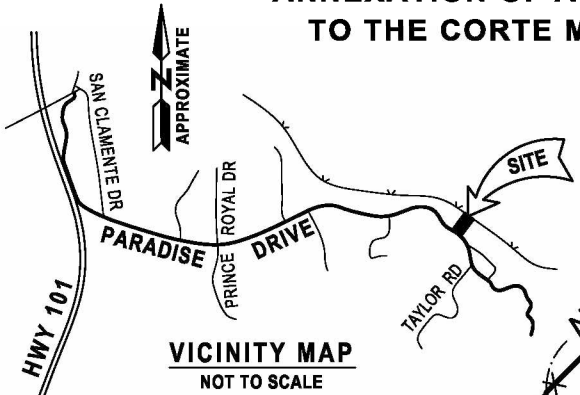
*NOTE: THIS PLAT WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.*



*Jozef Elemen*

# EXHIBIT "B"

**ANNEXATION OF ASSESSOR PARCEL NUMBER 038-032-22  
TO THE CORTE MADERA SANITATION DISTRICT NO. 2  
LAFCO FILE# 1368**



**CORTE MADERA SANITATION DISTRICT NO. 2**  
PART OF RANCHO CORTE MADERA DEL PRESIDIO

ASSESSOR PARCEL NUMBER:  
**038-032-22**

LAFCO RESOLUTION NUMBER:  
**1368**

AREA= 38,112 SQ. FT. (0.87 ACRES)

**LEGEND:**  
 - - - - - SUBJECT PROPERTY BOUNDARY LINES  
 - - - - - OTHER PROPERTY BOUNDARY LINES  
 ◇ - - - - - EXISTING SANITATION DISTRICT  
 \* - - - - - NEW SANITATION DISTRICT  
 TPOB TRUE POINT OF BEGINNING  
 C CENTERLINE

AMERICAN LAND SURVEYING  
 Phone:(415) 999-9434 Email: office@alspls.com

DATE:11/3/2022 SHEET 2 OF 2 FILE#:ALS21080

**NOTE:** THIS PLAT WAS PREPARED FOR ANNEXATION PURPOSES ONLY AND THE DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

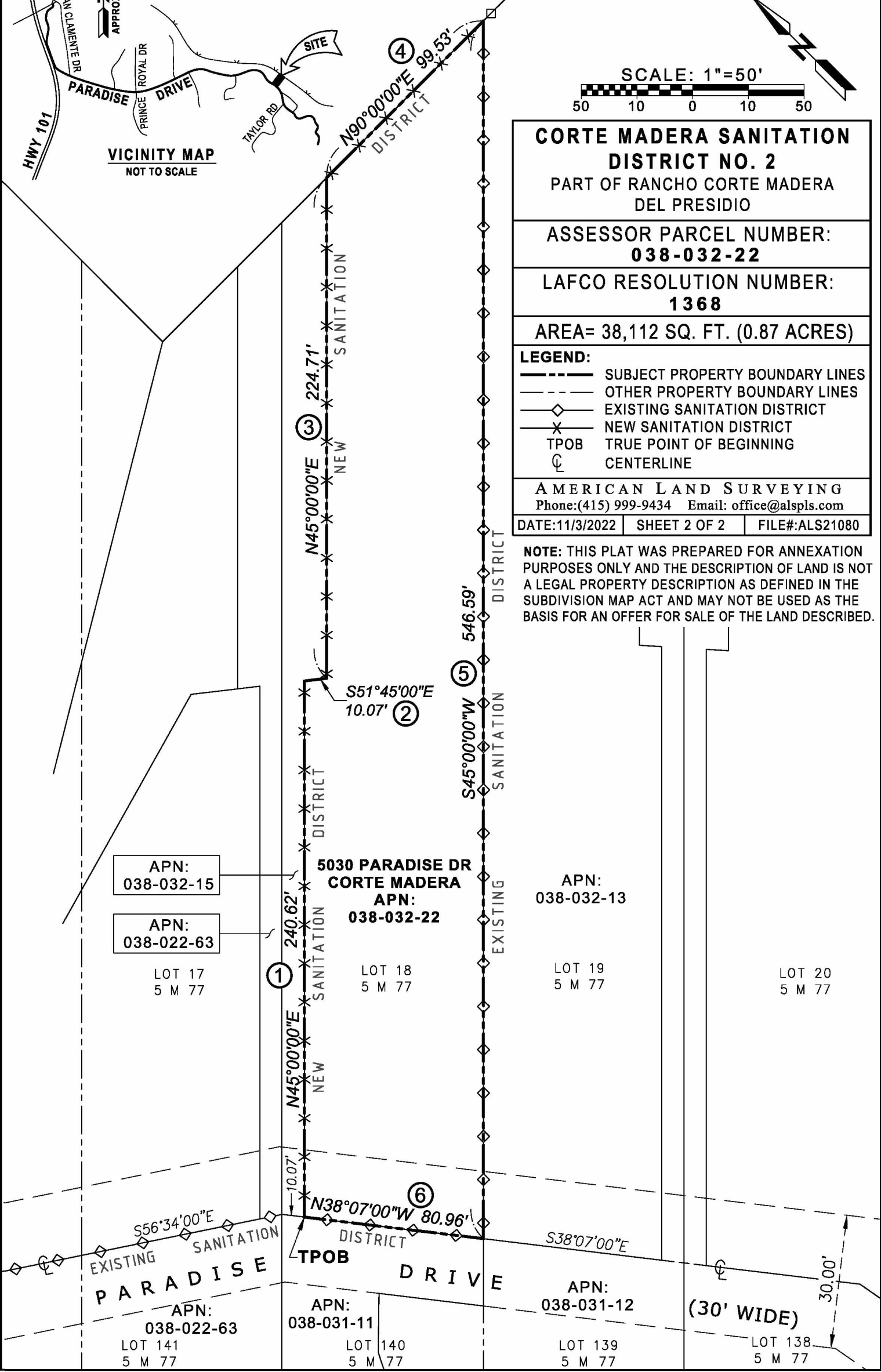


Exhibit "C"

AGREEMENT REGARDING ANNEXATION OF REAL PROPERTY  
TO MARIN LOCAL AGENCY FORMATION COMMISSION

This agreement is made and entered into on this 8 day of December, 2022, by and between the Marin Local Agency Formation Commission, ("LAFCo" hereafter), and Jun Shi ("Owner" hereafter) and is based upon the following facts:

- (a) Owner holds title to that certain real property ("the Property" hereafter) described in Exhibit "A" attached hereto and shown for illustrative purposes only on the attached Exhibit "B"; and
- (b) Owner desires annexation to the Corte Madera Sanitary District provided by Sanitary District 2. LAFCo recognizes that at this time, annexation of this property would result in inefficient provision of services to the property, but that at some point in the future, the LAFCo may desire annexation.

NOW, THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

- 1. Owner agrees on behalf of himself, his heirs, successors and assigns that, in the event any future proceedings for annexation of the property to the Town of Tiburon shall be initiated by LAFCo, Owner shall neither directly nor indirectly oppose or protest such annexation.
- 2. Owner agrees that his obligations hereunder shall run with the Property and that the Property shall be held, conveyed, hypothecated, encumbered, leased, rented, used and occupied subject to the provisions of this Agreement and that the obligations undertaken by Owner hereunder shall be binding on all parties having or acquiring any right, title, or interest in the Property.

OWNER:

By: Jun Shi  
Jun Shi, Property Owner, Print Name

Date: 10/03/22

Jun Shi  
Jun Shi, Property Owner, Signature

MARIN LOCAL AGENCY FORMATION COMMISSION:

By: Jason Fried  
Jason Fried, Executive Officer, Print Name

Date: 10/3/22

Jason Fried  
Jason Fried, Executive Officer, Signature





# 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 Bring parcel 038-032-14 within the Sanitary District 2 boundary  
with the purpose of enabling the supply of service to the residence at 5030 Paradise Dr, Tiburon CA 94920.
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  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 enable Corte Madera Sanitary District No. 2 to supply sewer service
7. The proposal is requested to be made subject to the following terms and conditions:  
The sole purpose of this request is to comply with instructions of Mr Nathan Valles in a letter dated 9/8/21 .
8. The persons signing this petition have signed as:  
 Registered voters  
 Owners of the land  
 On behalf of the Board, City, District, or Agency

Jun Shi  
Print Name

Jun Shi  
Digitally signed by Jun Shi  
Date: 2022.10.03  
13:17:22 -07'00'  
Signature

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: Jun Shi  
5030 Paradise Dr. Tiburon CA 94920

Contact Number: ( 617 ) 893-2568 ) Email: judyshi0224@gmail.co

Agent Representative (optional)  
 I/We hereby authorize Mark Pengelski 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: Mark Pengelski  
5030 Paradise Dr. Tiburon CA 94920

Contact Number: ( 415 ) 793-4598 Email: Mark@penguinjitsu.com

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

Jun Shi Digitally signed by Jun Shi Date: 2022.10.03 13:18:26 -07'00' 10/03/2022  
 Property Owner Signature Date

\_\_\_\_\_  
 Property Owner Signature Date

\_\_\_\_\_  
 Property Owner Signature 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.

**Jun Shi**



Digitally signed by Jun Shi  
Date: 2022.10.03 13:17:44 -07'00'

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

Mr Nathan Valles sewer\_dept@tcmmail.org 415 927 5057

Sabrina Cardoza scardoza@marincounty.org (415) 473-3607

Robin Fies rfies@marincounty.org 415-473-7035

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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 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- 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 connection of 1 single family home \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

4. State general location of proposal:

Connection is expected to run from rear side of property to street \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



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

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

Yes \_\_\_ Which city? \_\_\_\_\_

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

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

Yes X No \_\_\_ If applicable, indicate city Unincorporated Tiburon

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

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)

038-032-14

Site Address(es)

5030 Paradise Dr. Tiburon CA 94920

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

9. Total land area in acres: .87



**LAND USE AND DEVELOPMENT POTENTIAL**

1. Describe any special land use concerns:

n/a

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

Land is currently used by resident owner upon which a single dwelling is situated

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

BFC-RSP-2.18 (Bayfront Conservation, Residential, Single-Family Planned)

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

What is the rezoning classification, title and densities permitted?

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

1 residential unit

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**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 \_\_\_\_\_      No **X** \_\_\_\_\_      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: \_\_\_\_\_  
downward sloping grade from Paradise Drive to San Francisco Bay  
\_\_\_\_\_

5. Indicated Lead Agency for this project: Marin County - Community Development Agency  
\_\_\_\_\_

6. Indicate Environmental Determination by Lead Agency: Categorically Exempt  
with respect to (indicate project) annexation of property into Corte Madera Sanitary District No. 2 of Marin County  
Dated: January 14, 2022  
\_\_\_\_\_

**(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,

**Jun Shi**

Digitally signed by Jun Shi  
Date: 2022.10.03 13:17:57  
-07'00'

Applicant Signature

**Jun Shi**

**10/03/2022**

Date

**Property Owner**

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.)

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This section completed by:

Jun Shi

Digitally signed by Jun Shi  
Date: 2022.10.03 13:19:18 -07'00'

Signature

Title

Print Name

Agency

Contact Email

Contact Number

Sections 56668		Response
a	Population and population density; land area and land use; *** assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.	will have no significant change for area
b	The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. "Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.	will have no significant impact
c	The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.	will have no significant impact
d	The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Section 56377.	conforms with local policy and 56377
e	The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.	This parcel is not in an ag designated area
f	The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.	all boundaries conform properly
g	A regional transportation plan adopted pursuant to Section 65080	This has no impact on regional transportation plan because of the small scale of item
h	The proposal's consistency with city or county general and specific plans.	Is consistent with all plans
i	The sphere of influence of any local agency which may be applicable to the proposal being reviewed.	Is within SOI of jurisdiction being annexed into
j	The comments of any affected local agency or other public agency.	All comments reviewed and no objections were presented
k	The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.	Agency has capacity to serve
l	Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.	Nothing in this application changes current water usage for property and previous MMWD MSR shows they have capacity
m	The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.	This project is too small to have an impact
n	Any information or comments from the landowner or ***landowners, voters, or residents of the affected territory.	They have signed consent form
o	Any information relating to existing land use designations.	No changes to land use needed
p	The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.	This application will have no impact on EJ
q	Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.	Not relevant to this proposal.
Section 56668.3 parts a and b		
a	If the proposed change of organization or reorganization includes a city detachment or district annexation, except a special reorganization, and the proceeding has not been terminated based upon receipt of a resolution requesting termination pursuant to either Section 56751 or Section 56857, factors to be considered by the commission shall include all of the following:	see comments below
a1	In the case of a district annexation, whether the proposed annexation will be for the interest of landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.	Is in the interest of landowner and inhabitants
a2	In the case of a city detachment, whether the proposed detachment will be for the interest of the landowners or present or future inhabitants within the city and within the territory proposed to be detached from the city.	n/a
a3	Any factors which may be considered by the commission as provided in Section 56668.	see comments above
a4	Any resolution raising objections to the action that may be filed by an affected agency.	no resolution received
a5	Any other matters which the commission deems material.	staff addressed any issues in staff report
b	The commission shall give great weight to any resolution raising objections to the action that is filed by a city or a district. The commission's consideration shall be based only on financial or service related concerns expressed in the protest. Except for findings regarding the value of written protests, the commission is not required to make any express findings concerning any of the other factors considered by the commission	no resolution received



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT  
December 8, 2022  
Item 6 (Public Hearing)

**TO:** Local Agency Formation Commission  
**FROM:** Jason Fried, Executive Officer  
**SUBJECT:** Approval of Resolution 22-33, Approve for Adoption a Resolution Amending the Sphere of Influence for the Southern Marin Fire Protection District (SMFPD) to Include The City of Mill Valley and to Annex All of the City of Mill Valley Into SMFPD (File #1369) With Waiver of Notice, Hearing, and Protest Proceedings.

## Background

Marin LAFCo has received an application from Chief Chris Tubbs on behalf of the Southern Marin Fire Protection District (SMFPD) requesting approval to annex the entire City of Mill Valley (City), approximately 3125 acres. The proposal, as stated by the applicant, is for SMFPD to take over fire services from the City. Staff has requested comments from all interested agencies. All comments were in support or neutral.

Since 2014, the Southern Marin Fire Protection District and Mill Valley Fire Department have been actively engaged in two formal shared services agreements. These agreements were viewed in part, as a means by which to evaluate the value of exploring a formal consolidation of the two fire departments. Since then, both agencies have been sharing battalion chiefs; developed a structure capitalizing on the benefits of four battalion chief positions, and merging operational programmatic areas where feasible. In 2020 both groups decided to formally study, and if appropriate, find a way to consolidate services into one fire department. On October 3, 2022, SMFPD and the City held a joint meeting where they got a presentation from Citygate Associates about what consolidation would mean for each agency. After reviewing the report (attached) and asking questions both the SMFPD Board and City Council voted unanimously to move the application forward at that meeting.

When the SMFPD and the City started the formal study in 2020 they included LAFCo staff in the meetings from the start of the process. Due to this collaboration, all aspects of the work they did included the needed research and information that LAFCo would traditionally do after an application is submitted. This has allowed for a quicker-than-normal review by staff before bringing this to the Commission for review and possible approval. Staff has reviewed the submitted petition for accuracy and considered all factors pursuant to §56668 and §56668.3 (attached) of Cortese-Knox-Hertzberg.

## Staff Recommendation for Action

Staff Recommendation Option 1 – Approve the requested annexation of the City of Mill Valley to SMFPD and approve the attached Resolution No. 22-33.

Option 2 – Continue consideration of the item to a future regular meeting, and provide direction to staff, as needed.

Option 3 – Deny the request.

### Attachments:

1. Resolution #22-33
2. Application Packet
3. Citygate Report
4. CKH 56668 and 5668.3 findings

### 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

Dennis Rodoni, Regular  
County of Marin

Judy Arnold, Regular  
County of Marin

Damon Connolly, Alternate  
County of Marin

Barbara Coler, Vice-Chair  
Town of Fairfax

Steve Burdo, Regular  
Town of San Anselmo

James Campbell, Alternate  
City of Belvedere

Lew Kiou, Chair  
Almonte Sanitary District

Craig 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 22-33**

**RESOLUTION APPROVING AMENDING THE SPHERE OF INFLUENCE FOR THE SOUTHERN MARIN FIRE PROTECTION DISTRICT TO INCLUDE ALL OF THE CITY OF MILL VALLEY AND THE ANNEXATION OF THE CITY OF MILL VALLEY TO THE SOUTHERN MARIN FIRE PROTECTION DISTRICT WITH WAIVER OF NOTICE, HEARING AND PROTEST PROCEEDINGS**

“Annexation of the City of Mill Valley to Southern Marin Fire Protection District and Amendment of Southern Marin Fire Protection Districts Sphere of Influence (LAFCo File #1369)”

**WHEREAS** Southern Marin Fire Protection District, hereinafter referred to as applicant, has filed a validated resolution of application 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 the entire City of Mill Valley, which is approximately 3125 acres of incorporated land to Southern Marin Fire Protection District; and

**WHEREAS** the boundaries of the City of Mill Valley are depicted in the attached map as Exhibit “A” attached hereto and incorporated herein and in the GIS shape files that are on file with the Clerk(“Property”); and

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

**WHEREAS** legally required noticed was given by publishing a display advertisement in the Marin Independent Journal in accordance with Government Code section 56157 and the Commission has not received one written opposition; 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 inhabited, and no written opposition to the proposal from landowners or registered voters within the affected territory has been received before the conclusion of the commission proceedings on the proposal as provided for in Government Code section 56663(c).

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

Section 1. The sphere of influence of the Southern Marin Fire Protection District is amended to include the entirety of the City of Mill Valley, as depicted in Exhibit “A” and the GIS shape file that are on file with the Clerk.

Section 2. The boundaries, as set forth in the proposal, are hereby approved as submitted and are coterminous with the City of Mill Valley, as depicted in Exhibit “A” and the GIS shape file that are on file with the Clerk.

a. Approve the proposed annexation of the City of Mill Valley to the Southern Marin Fire Protection District (File #1369).

Section 3. The territory includes 3125 acres, is found to be inhabited, and is assigned the following distinctive short form designation: "Annexation of the City of Mill Valley to Southern Marin Fire Protection District and Amendment of Southern Marin Fire Protection Districts Sphere of Influence (LAFCo File #1369"

Section 4. The proposal is consistent with the concurrently amended sphere of influence of Southern Marin Fire Protection District.

Section 5. The Commission did not receive one written opposition after providing legally required notice, and therefore, the Executive Officer is hereby authorized to waive notice and hearing, and protest proceedings and complete reorganization proceedings.

Section 6. As Responsible Agency under CEQA for the proposed annexation of the City of Mill Valley to Southern Marin Fire Protection District, SMFPD finds that the Project is exempt pursuant to State CEQA Guidelines Section 15320.

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission on December 8 by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Lew Kious, Chair

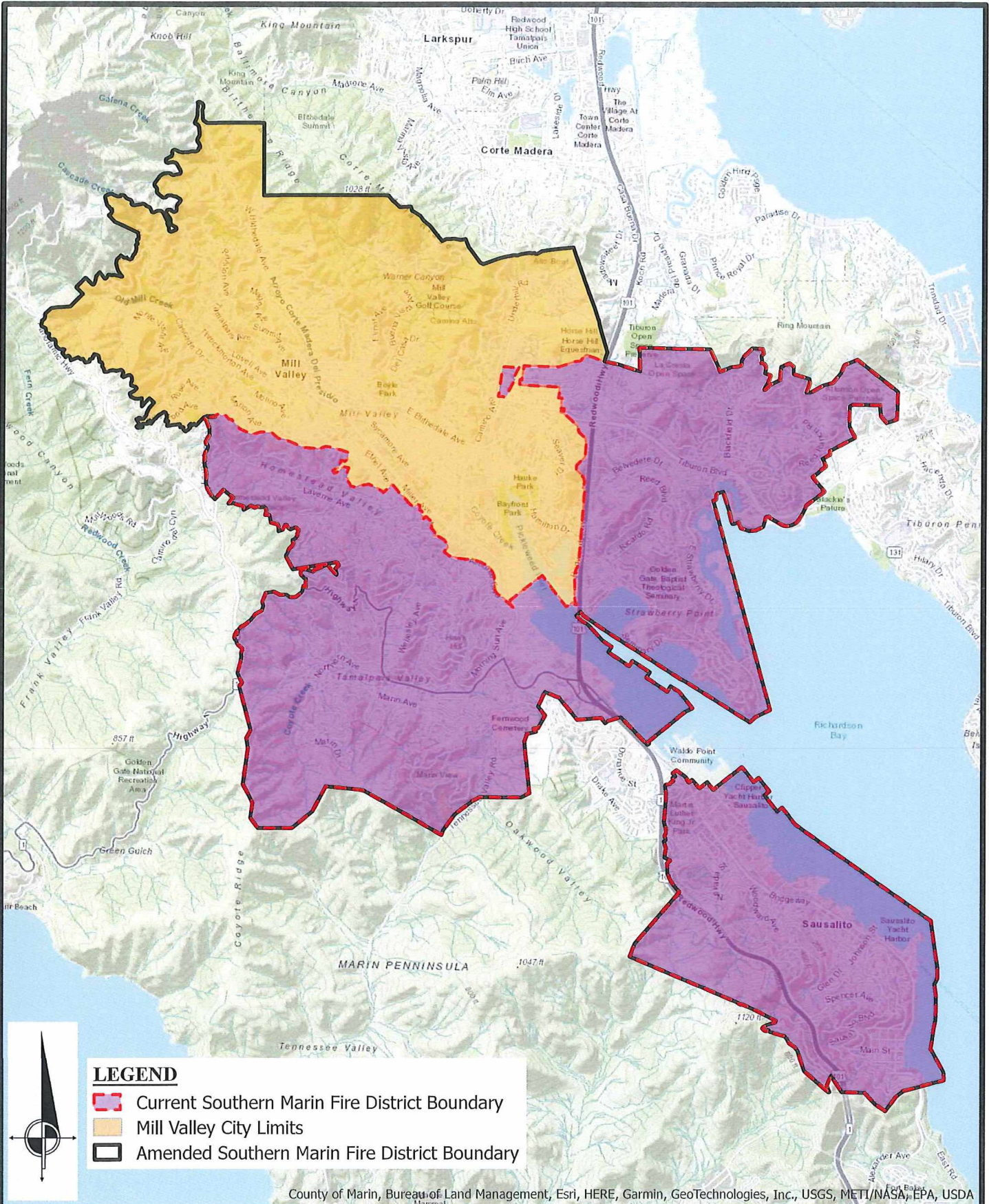
ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jason Fried, Executive Officer




\_\_\_\_\_  
Mala Subramanian, LAFCo Counsel

Exhibit "A" – Map of City of Mill Valley



County of Marin, Bureau of Land Management, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, METI/NASA, EPA, USDA

**LEGEND**

-  Current Southern Marin Fire District Boundary
-  Mill Valley City Limits
-  Amended Southern Marin Fire District Boundary

**CINQUINI & PASSARINO, INC.**  
 GEOSPATIAL SOLUTIONS  
 1360 N. Dutton Ave., Ste. 150 Phone: (707) 542-6268  
 Santa Rosa, CA. 95401 Fax: (707) 542-2106  
 www.cinquinipassarino.com

Job Name:	Southern Marin Fire District		Drawn By: JS	Checked By: LJK
Description:	Mill Valley Fire Annexation		Scale: 1:50,000	Date: 9/21/2022
			Job Number: 9924-22	Sheet: 1 OF 1



MARIN LAFCO  
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 Application for the Annexation of the Fire Services of the City of Mill Valley Fire Department by the Southern Marin Fire Protection 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
5. This proposal is  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 annex all of Mill Valley to take over fire services from the City.
7. The proposal is requested to be made subject to the following terms and conditions:  
N/A
8. The persons signing this petition have signed as:
  - Registered voters
  - Owners of the land

Print Name

Signature

Date





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

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: Southern Marin Fire Protection District  
28 Liberty Ship Way Suite 2800 Sausalito, CA 94965

Contact Number: (415 ) 388-8182 Email: Info@smfd.org

Agent Representative (optional)  
I/We hereby authorize Christian Tubbs, Fire Chief 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: Christian Tubbs Southern Marin Fire Protection  
District: 28 Liberty Ship Way Suite 2800 Sausalito, CA 94965

Contact Number: (415 ) 388-8182 Email: info@smfd.org

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

\_\_\_\_\_  
Property Owner Signature \_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner Signature \_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner Signature \_\_\_\_\_  
Date



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.

NOT APPLICABLE

\_\_\_\_\_  
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:

<u>Please Print Name</u>	<u>Email Address</u>	<u>Phone Number</u>
Chris Tubbs - Southern Marin Fire	ctubbs@smfd.org	415-388-8182
Todd Cusimano - City of Mill Valley	tcusimano@cityofmillvalley.org	415-388-4033
Tom Welch - Southern Marin Fire	twelch@smfd.org	415-388-8182
Ted Peterson - Southern Marin Fire	tpeterson@smfd.org	415-388-8182
Bill Adams - Southern Marin Frie	wadams@johnstonthomas.com	415-388-8182





**MARIN LAFCO**  
**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:

**I. GENERAL INFORMATION**

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

- Petition (Landowner)  
 Resolution of Application (City/Town or District)

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

9. A. This application is being submitted for the following boundary change:

(BE SPECIFIC: For example, "annexation," "reorganization")

Annexation of fire services within the jurisdictional boundaries of the

City of Mill Valley into the boundaries of Southern Mairn Fire Protection Distirct

B. The reason for the proposed action(s) being requested:

(BE SPECIFIC: For example, "Annexation to sewer district for construction of three homes")

Annexation of fire service for improved efficient and effective services.

4. State general location of proposal:

The general location of the annexation is in the Southern portion of the Marin County to include

the current boundaries of the City of Mill Valley and the Southern Marin Fire Protection District.



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

5. Is the proposal within a city's boundaries?  
Yes  Which city? City of Mill Valley  
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)

<u>A. Assessor's Parcel Number(s)</u>	<u>Site Address(es)</u>
_____	_____
_____	_____
_____	_____
_____	_____

B. Total number of parcels included in this application: 5526

9. Total land area in acres: 3125



**II. LAND USE AND DEVELOPMENT POTENTIAL**

1. Describe any special land use concerns:

N/A

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

N/A

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

N/A

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

What is the rezoning classification, title and densities permitted?

N/A

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5. Describe the specific development potential of the property: (Number of units allowed in zoning)  
According to the Association of Bay Area Governments published Final Regional Housing Needs

Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031, the City of Mill

Valley's RHNA allocation totals 865 for the span of the plan.

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**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 _____ | No <input checked="" type="checkbox"/> _____ | N/A _____ |
| B. Adjacent sites? | Yes _____ | No <input checked="" type="checkbox"/> _____ | N/A _____ |
| C. Unincorporated? | Yes _____ | No <input checked="" type="checkbox"/> _____ |           |
| D. Incorporated?   | Yes _____ | No <input checked="" type="checkbox"/> _____ |           |

4. State general description of site topography: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Indicated Lead Agency for this project: Southern Marin FPD and the City of Mill Valley  
\_\_\_\_\_

6. Indicate Environmental Determination by Lead Agency: Class 20 Exemption  
with respect to (indicate project) reorganization of government agencies with existing powers  
Dated: Joint City and District Resolution 22- 56 dated 10/3/22  
\_\_\_\_\_

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



### III. 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,

Applicant Signature

**Chris Tubbs**

Print Name

10-25-2022

Date

**Fire Chief**

Title



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: Mill Valley Police Department
- Fire: Southern Marin FPD to annex and provide services to the City of Mill Valley
- Sewer: Sewerage Agency of Southern Mairn
- Water: Marin Municipal Water District
- Other: NA

2. Advise whether any of the affected agencies serving or expected to serve this site are current operating at or near capacity: City of Mill Valley and the Southern Marin FPD have been in a shared management arrangement since 2020. Both agencies have been operating at capacity.

3. Describe the level and range of services: The Southern Marin FPD through annexation will provide operational, administrative and community risk reduction services to the City of Mill Valley.

4. Indicate when services can/will be extended to the affected territory: Following approval of the Marin LAFCo, services can begin on the following fiscal year or at a date mutually agreeable to all parites - anticipated on 7/1/23.

5. Note any improvements or upgrading of structures, roads, sewer or water facilities, or other conditions required within the affected territory: To complete the annexation, no additional facilities or conditions are required.





## Marin Local Agency Formation Commission

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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.) An exhaustive financial analysis have been completed. No additional fees or special taxes are needed to complete the annexation process.

This section completed by:

Signature

Chris Tubbs

Print Name

ctubbs@smfspd

Contact Email

Fire Chief

Title

Sonoma Marin Fire Protection District

Agency

(415) 388-8182

Contact Number

# MERGER ASSISTANCE

## SOUTHERN MARIN AND MILL VALLEY FIRE

SEPTEMBER 2022

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## EXECUTIVE SUMMARY

Since 2014, the Southern Marin Fire Protection District (SMFPD) and the City of Mill Valley (City) Fire Department (MVFD) have been engaged in sharing fire department resources under the simple mission to:

*Identify and implement programs, processes and partnerships that result in cost savings or cost avoidance for both organizations and all communities served; increase organizational efficiencies; enhance firefighter and citizen safety; and strengthen mission resiliency through improved service.*

This report addresses issues raised in the 2019 Citygate Associates, LLC (Citygate) study regarding the headquarters' services merger pilot program and establishes a case for the SMFPD and the MVFD to officially consolidate their agencies into one agency, rather than ending their existing shared services agreements and returning to independent agencies.

The Fire Services Executive Leadership Team and the International Association of Fire Fighters Local for the two fire departments all find that the studies and evidence to date indicate that both fire departments should be consolidated into one all-risk fire department. Since consolidating the management structures, the joint staff have been able to solve many issues that have plagued these departments for years.

The important overall question for the City of Mill Valley (City) in considering annexing fire services into the SMFPD is if the City can afford to transfer enough property tax rate to the SMFPD at the present value of fire services over the long term, even if it is cost neutral. After that, the assessed valuation growth rate covers increased SMFPD operating costs. In other words, annexation allows the City to end its fire service operations and cap its expenses at the current ratio of property tax. The current research to date shows the City, after annexation, will have more than enough property tax, along with other revenues, to continue to provide services and remain fiscally strong.

To date, the service improvements resulting from sharing services include:

- ◆ Reorganizing paramedic services of the MVFD and the SMFPD resulted in the ability to improve engine company staffing in the City to provide a safer and more effective first responder team.
- ◆ Merging the management resources of both agencies has eliminated unnecessary redundancy and has increased internal and external efficiency, including:
  - One Fire Chief may focus on executive management and community connections



## Southern Marin Fire Protection District

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- Two Deputy Chiefs may focus on field operations and training, and personnel and administration
- There is a dedicated Training Officer for both agencies
- Reduction of six Battalion Chiefs between the two agencies to four Battalion Chiefs
- Improved career succession training and resultant redundancy for the top three chief positions
- Joint promotional exams for the Engineer, Captain, and Battalion Chief positions
- Joint new hire recruitment processes
- Participation in the Marin County Regional Fire Academy
- Joint new hire onboarding processes
- Joint engine specification committees
- Joint Training and Safety Committee
- Joint labor relations meetings

Fire Marshal / Prevention services have enhanced service to residents of Mill Valley by improving the detail of plan review as well as plan review turnaround times, thus improving service and saving money for all involved. Prevention services to the City have improved dramatically since the two agencies consolidated resources.

Sharing resources has provided benefits through the consolidation of business practices, software systems, and office support positions which are the backbone of the organizations. For example, combining software platforms created annual license/support savings. Identification of merged operating costs demonstrates savings that would be realized when a singular consolidated agency is achieved.

However, elected official, payroll, and line firefighter positions are still separated, which adds complexity in managing day-to-day operations. Because of the separation, there are two promotion ladders on which the separate agencies promote their own personnel. In a combined agency, the best suited personnel from both agencies, from entry firefighter to fire chief, would be promoted. There are only limited opportunities for the District Board of Directors and the Mill Valley City Council to discuss joint issues or even have a formal conflict resolution plan. One District representing the unincorporated and City areas would provide the public and cooperating agencies one point of contact and relationship.

**Section 5—Financial Analysis** compares a complete annexation of the MVFD into the SMFPD and terminating all existing shared services agreements between the two agencies. The initial analysis was conducted by Charlie Francis in early 2020 under an agreement with GovInvest Inc. Charlie Francis’s report was reviewed in late 2021 and then updated by the two agency staffs in 2022. Citygate has reviewed the updated 2022 analysis which includes negotiated agreements between the staffs of Mill Valley and SMFPD annexing the MVFD into the SMFPD and finds the analysis structure and results reasonable. Although the existing shared services agreement between MVFD and SMFPD establishes a 60-day notice of termination—given the time involved with and application to LAFCO and moving personnel and any necessary equipment—Citygate assumes in this report that whichever the selection will be made in October 2022 and the start date would be July 1, 2023.

Citygate Associates finds an annexation would be fiscally prudent for both agencies, resulting in an estimate cost savings in FY 23/24 of approximately \$225,000 for Mill Valley over the shared service agreement termination option. Although not reflected in Table 1, Citygate was informed that the City also anticipates insurance annual premium savings of approximately \$175,000 per year from its risk sharing pool due to the transfer of its fire operation through annexation to SMFPD beginning in FY 23/24. This would increase the cost savings for Mill Valley between the two options to almost \$400,000 in the initial annexation year.

Another assumption in this analysis made by MVFD and SMFPD staffs, with which Citygate concurs, is the utilization of a conservative approach to estimating revenues. For example, property tax growth is assumed to be 4 percent through FY 25/26 even though the 10-year average Mill Valley annual property tax growth has been approximately 5.4 percent. This conservatism is due the current housing market trends. Additionally, other revenue estimates, such as mutual aid strike team reimbursements that are contingent on Statewide fire activity, are projected at a flat rate of \$400,000, which is on the low end of the amount received by SMFPD over the past five years.

In 2021, when Citygate conducted its high-level peer review of the initial analysis provided by Charlie Francis, several unanswered fiscal items were identified, such as:

- ◆ Prior pension obligation costs to Mill Valley
- ◆ The post-retirement medical care benefit for Mill Valley personnel
- ◆ Transfer and resultant cost burdens of vacation and sick leave balances for Mill Valley personnel
- ◆ Increased headquarters oversight costs, if any, for the added personnel from Mill Valley
- ◆ Transfer of maintenance and operating costs for Mill Valley fire services at present value

## Southern Marin Fire Protection District

### *Merger Ad Hoc Assistance*

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- ◆ Value of and transfer of the apparatus and facility costs in Mill Valley
- ◆ Leaving Mill Valley as is within the Southern Marin Emergency Medical Paramedic System (SMEMPS), Marin Emergency Radio Authority, and the new vegetation management programs and joint powers authority (JPA).

As of August 2022, based on information provided by the staffs of MVFD and SMFPD, these items have now been fully and fairly addressed and are reflected in Table 1 and Table 2.

The following tables, proofed by Citygate, reflect the updated information provided by Mill Valley and SMFPD staffs comparing the separation and annexation options. The tables compare the operating results from separation or annexation, including expenses, property taxes revenues and direct non-property tax revenues, with applicable expense offsets from a Mill Valley perspective (Table 1) and from an SMFPD perspective (Table 2). Table 1 also reflects the differences in the amount of property tax revenue that would be required under both options.

For FY 23/24, while approximately \$394,000 of additional General Fund property tax revenue would be required under the annexation option, that adjusted amount is approximately \$225,000 less than the additional costs needed under the stand-alone option. The movements in General Fund property tax support/transfer to SMFPD under the annexation option results from the following:

- ◆ The base amount needed to operate fire services under the current shared management agreement.

While Mill Valley recently adjusted its firefighter personnel costs closer to the market, at the point of annexation, there remains a small gap in wages and benefits between Mill Valley and SMFPD. In light of the total benefits of long-term annexation, the agencies have agreed to jointly smooth the leveling of personnel compensation into the SMFPD as both agencies obtain cost efficiencies with the annexation. This sharing is on a 50/50 basis and Mill Valley's share is part of the property tax transfer. The SMFPD funds its 50 percent while property tax appreciation from Mill Valley over the first to third year eliminates the offset.

- ◆ It was determined that Mill Valley should provide an amount to the SMFPD to build a vehicle replacement reserve for applicable equipment post annexation, which is not currently addressed at MV.
- ◆ Other smaller one-time payments addressed issues such as earned leave balances.



**Southern Marin Fire Protection District**

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**Table 1—Operating Comparison – MVFD**

<b>Component</b>	<b>Projected FY 23/24 Budget</b>	<b>Stand-Alone Option</b>	<b>Annexation Option</b>
Personnel Expenses	\$7,415,471	\$8,033,471	\$7,944,819
Other Operating Expenses/Capital Replacement	\$873,391	\$873,391	\$901,685
<b>Total Expenses</b>	<b>\$8,288,862</b>	<b>\$8,906,862</b>	<b>\$8,846,504</b>
Total Non-Property Tax Revenues	\$931,580	\$931,580	\$383,900
Overtime Savings	-	-	\$412,000
Health Plan Benefit Savings	-	-	\$5,000
SMFPD Offset	-	-	\$294,845
<b>MVFD Net Costs</b>	<b>\$7,357,282</b>	<b>\$7,975,282</b>	<b>\$7,750,759</b>
Pension/OPEB Costs Retained by MV	\$1,126,496	\$1,126,496	\$1,126,496
<b>Net General Fund (Property Tax) Support (exc. Pension/OPEB Costs)</b>	<b>\$6,230,786</b>	<b>\$6,848,786</b>	<b>\$6,624,263</b>

Assuming the net consolidation/annexation cost of approximately \$6.624 million, the City would need to transfer approximately 27.8 percent of its property tax equivalent rate to SMFPD.

The following table shows that although the estimated FY 23/24 year-end operating surplus for SMFPD under the annexation option is reduced to \$68,411, due to additional costs resulting from more employees, operating expenses, and the wage-and-benefit conversion smoothing period for Mill Valley, the benefits of annexation justify the annexation at Year 1, and the total SMFPD property tax continues to appreciate over time. In addition, the annexation option results in a SMFPD surplus as opposed to an \$87,902 operating deficit estimated under its stand-alone option.

**Southern Marin Fire Protection District**

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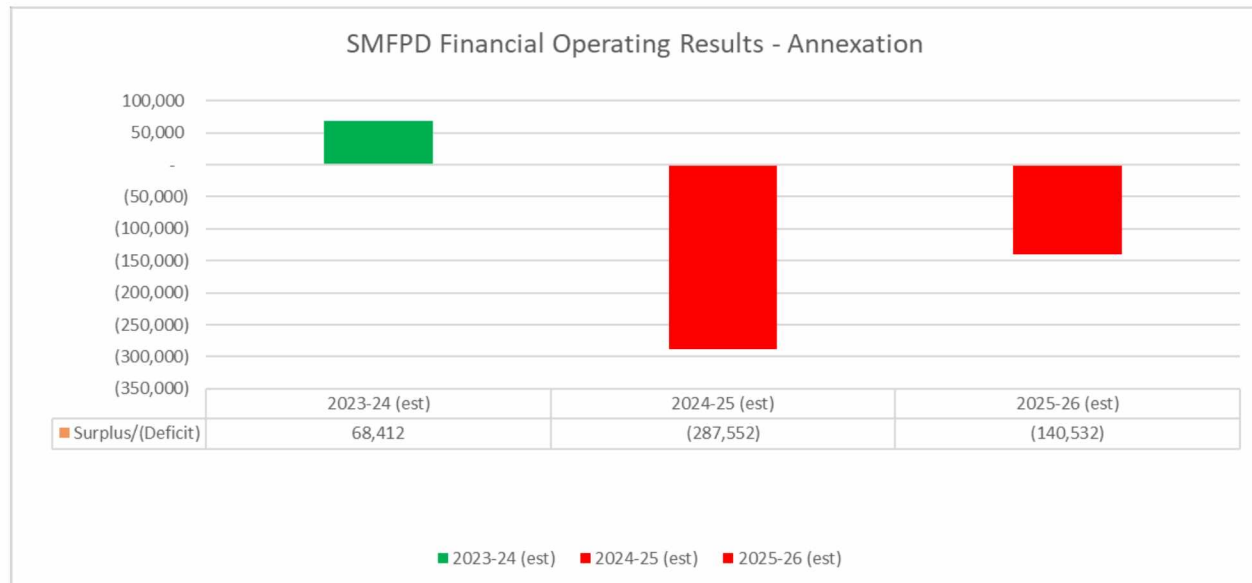
**Table 2—Operating Comparison – SMFD**

Component	Projected FY 23/24 Budget	Stand-Alone Option	Annexation Option
Personnel Expenses	\$19,274,000	\$18,980,075	\$25,347,240
Other Operating Expenses/Capital Replacement	\$6,229,052	\$6,229,052	\$7,130,737
Total Expenses	\$25,503,052	\$25,209,127	\$32,477,977
Total Revenues	\$25,927,462	\$25,121,225	\$32,129,389
Overtime Savings	-	-	\$412,000
Benefit Savings	-	-	\$5,000
SMFPD Operating Surplus/(Deficit) *	\$424,410	\$(87,902)	\$68,411

\* Available to fund unallocated reserves

As previously discussed, SMFPD staff used a conservative approach to project SMFPD financial activity. The following graph shows the year-end budget results from FY 23/24 (assumed annexation year) through FY 25/26.

**Figure 1—SMFPD Financial Operating Results – Annexation**



If Mill Valley property tax revenue growth *alone* exceeded the conservative estimates by 1 percent, year-end operating results would be \$132,106 in FY 23/24, then a negative of (\$154,430) in FY 24/25, and finally \$68,139 in FY 25/26.

These early annexation fiscal swings occur due to how MCERA initially charges the added employees. MCERA’s accounting creates an initial “prepayment” towards the District’s Unfunded

## Southern Marin Fire Protection District

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Actuarial Pension Liability (UAL) for the first year following annexation. Because MCERA's valuations (and therefore employers' and employees' MCERA contribution rates) are based on the demographic data for the year prior, the contribution rates that the District will be paying on the former Mill Valley firefighters will be higher until the next MCERA valuation is released.

As of August 31, 2022, the District has \$1.1M on deposit in a Section 115 Pension Rate Stabilization Program Trust. These funds could certainly be used to stabilize the District's cash flow in the first year following the annexation.

Based on actual property tax appreciation and the MCERA conversion year, there will be small cost swings in the first three years.

Even with these small swings, the benefits gained over the years through operational efficiencies resulting from consolidation will enhance services provided, add redundancy across the agency, and deepen skills in headquarters services.

### ***FINDINGS AND RECOMMENDED NEXT STEPS***

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Over the past six or more years, the two shared services agreements have demonstrated financial and service improvements. It is equally clear that discontinuing combining the two agencies is more costly and less efficient and could result in service degradation if expenses were not increased. Separation from shared services could likely close the door to any future Southern Marin County area fire consolidations.

Given the demonstrated operations value of combining the two agencies into a single agency, along with a positive property tax transfer cost model, annexation will not only solidify the current benefits, but will likely result in additional benefits and opportunities to enhance services, avoid future costs, and increase the efficiency of the dollars the public has entrusted.

Citygate, the Fire Chief, and his staff recommend the following:

**Recommendation #1:** Both the City Council and District Board of Directors should move forward with an application to Marin LAFCO to annex the City of Mill Valley into the Southern Marin Fire Protection District.

**Recommendation #2:** If either governing agency should determine that consolidation/annexation is not in its best interest, that governing body should direct the Fire Chief to begin the separation process from the shared management services contract.

## SECTION 1—THE COMMUNITIES

### 1.1 SOUTHERN MARIN FIRE PROTECTION DISTRICT (SMFPD)

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SMFPD is an independent special district, as defined in California Government Code Title 6 and California Health and Safety Code Division 12—aka the Fire Protection District Law of 1987, established by the Marin County Board of Supervisors in July of 1999. The District was formed by the merger of the Alto-Richardson Fire Protection District and the Tamalpais Fire Protection District. It is governed by seven Board of Directors who are elected to four-year terms.

Currently the District serves the communities of Tamalpais Valley, Almonte, Homestead Valley, Alto, Strawberry, approximately a quarter of the town of Tiburon, and the City of Sausalito. Under contract the District provides fire and Emergency Medical Services (EMS) to Golden Gate National Recreation Area (GGNRA) sites at Fort Baker and the Marin Headlands. The District covers over 20.5 square miles, excluding the GGNRA, a population of approximately 27,000 residents, and over 14,100 homes and commercial properties. The residential population does not include additional impacts due to tourism or populations on the highway network and in the Sausalito Marina. The assessed valuation of the District's boundaries is approximately \$11,378,577,545.

The District's Administrative and Prevention Divisions are located on Liberty Ship Way (LSW) in Sausalito. Emergency Services are delivered from the District's three fire stations: Station 9 in Strawberry, Station 4 in Tamalpais Valley, and Station 1 in Sausalito.

The District has 62 full-time employees and one part-time employee. Headquarters staff include a Fire Chief, one Deputy Fire Chief, two Battalion Chiefs, one Division Chief / Fire Marshal, two and a half Fire Inspectors, a Vegetation Management Specialist, one Human Resources (HR) Manager, one Finance Manager, one Administrative Aide, one payroll assistant, and one Information Technology coordinator. Fire and ambulance company staffing includes nine Fire Captains and 36 firefighters/engineers, 18 of whom are also paramedics.

### 1.2 MILL VALLEY FIRE DEPARTMENT

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The City of Mill Valley (City) is a General Law City and was incorporated in 1901. It operates with a City Council / City Manager form of government. Mill Valley has five elected City Councilmembers who serve four-year terms. The Council annually elects a Mayor and Vice Mayor from their ranks.

The City is primarily a suburban community, with distinctive residential neighborhoods in hilly, wooded terrain in many areas. The City's character represents the many eras of the town's growth from a small mill town to the modern full-service City it is today. The 2010 Census documents 6,534 housing units, the majority of which are single-family dwellings. Of these about 24 percent

## **Southern Marin Fire Protection District**

### *Merger Ad Hoc Assistance*

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comprise apartments and condominiums. The resident population of approximately 14,000 live in a compact 4.8 square mile area, although they serve as the suburban services center for a larger unincorporated Mill Valley area with an additional population of more than 30,000 residents. The assessed valuation of the City is approximately \$6,435,960,320.

MVFD was first organized in 1890 as a volunteer force. MVFD's estimated value is 4.5 billion dollars. The City's two fire stations each have one engine staffed with three firefighters. A seventh position is a firefighter/paramedic assigned to a shared ambulance (Medic 4) for a total of seven firefighters on duty. The current fire headquarters staffing consists of a Fire Chief, two Battalion Chiefs, and one Fire Administrative Assistant.

### **1.3 SOUTHERN MARIN EMERGENCY MEDICAL PARAMEDIC SYSTEM (SMEMPS)**

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In 1980, the City joined other fire agencies in the Southern Marin areas to form the Southern Marin Emergency Medical Paramedic System (SMEMPS), with the paramedic rescue unit stationed at the Mill Valley Public Safety Building (Station 7). In 1981, the City entered a functional consolidation through a joint powers act with the Tamalpais Fire Protection District.

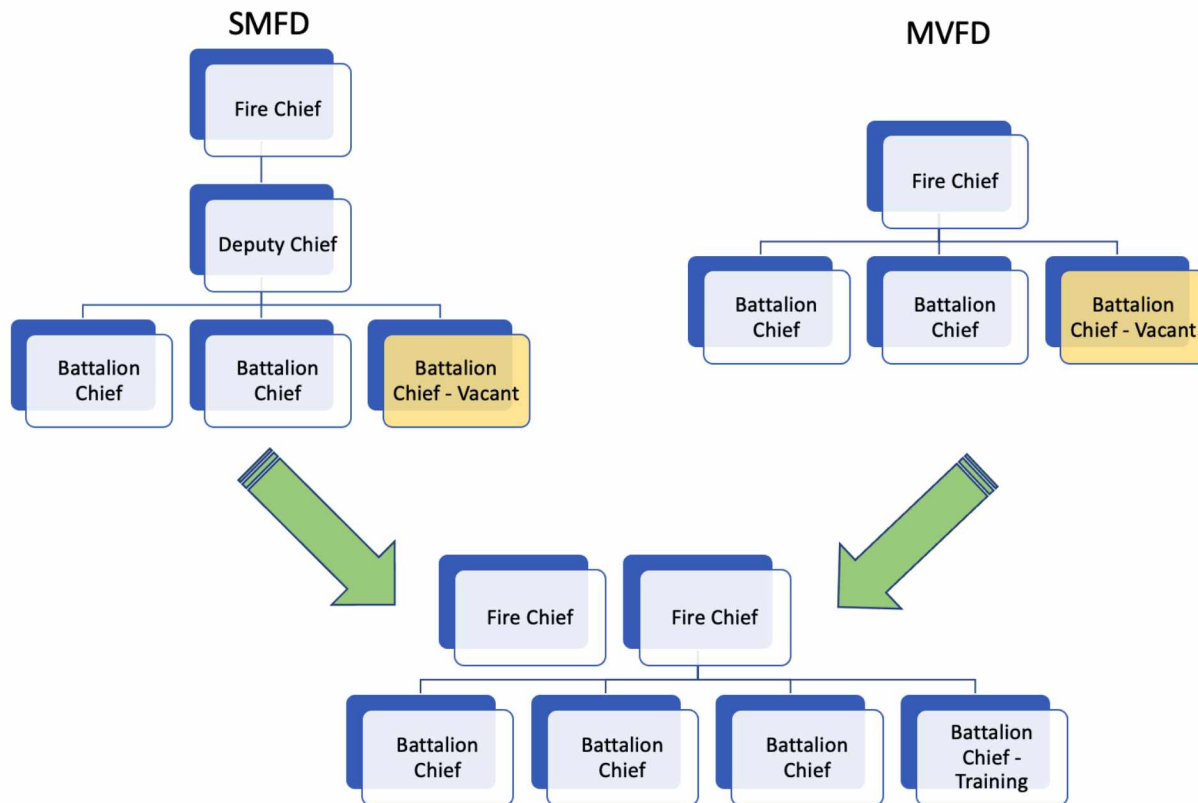
These two agencies, served by a single management team, provide ambulance services to the Southern Marin County area, as well as the Richardson Bay, San Francisco Bay, and Golden Gate National Recreation areas.

## SECTION 2—INTRODUCTION AND BACKGROUND

In October of 2014, the MVFD and SMFPD began a program to test sharing Battalion Chiefs, who provide incident command and perform program management duties. Both agencies had a vacancy in one of their three Battalion Chief positions and before promoting replacement employees into those two positions, the combined operations test program goal was to reduce costs, enhancing skill level at this rank, and increase redundancy during absences. If successful, combining would improve services and emergency outcomes for both agencies.

The initial test was successful and a more formal agreement to continue the test was executed on October 19, 2016, between the two jurisdictions, combining the four Battalion Chief positions into a single command team. The result of this agreement has saved the agencies more than \$500,000 annually. This success prompted the next step; to review the potential value of deeper consolidation.

**Figure 2—Shared Battalion Chief’s Agreement**



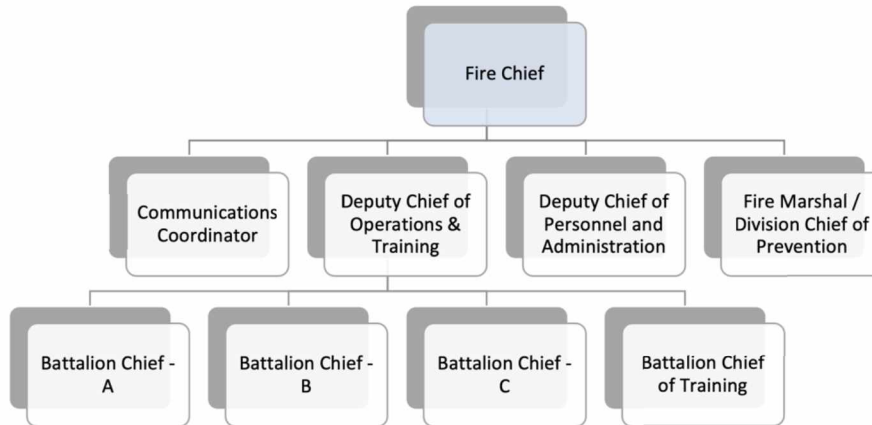
In 2019, the City of Mill Valley and SMFPD contracted with Citygate to conduct a study to assess the value of a shared-management team, which built on the shared Battalion Chief agreement by

## Southern Marin Fire Protection District

### Merger Ad Hoc Assistance

bringing the executive fire department teams and prevention team into a single proposed management structure.

**Figure 3—Combined Management and Command Team – Shared-Services Agreement**



The fully merged organizational structure followed the National Incident Management Model regarding span of control/management, or the number of subordinates under a manager's direct control, which notes that any supervisor or manager can properly manage between three to seven (five is optimum) resources. Beyond this number of resources, effectiveness and efficiency suffer. The Fire Chief directly manages four resources (personnel and responsibilities), as do the two Deputy Chiefs. The Deputy Chief of Operations and Training directly manages all four Battalion Chiefs, the Deputy Chief of Personnel and Administration directly manages the Finance Manager, Human Resources Manager, the IT Coordinator, and the Administrative Assistant.

Citygate developed the following four recommendations in that report:

**Recommendation #1 – 2019:** Citygate recommends the partner agencies take the next step and trial operate, for two years, a fully shared fire management team using the existing personnel.

**Recommendation #2 – 2019:** The full management sharing program should have Board- and City-Council-adopted performance measures and regular quarterly updates.

**Recommendation #3 – 2019:** If the full management sharing program meets the agencies’ needs after five quarters of operation, the agencies should at that point work to create a permanent, single-employer framework to level any total compensation differences and allow for easier recruitment and retention of managers.

**Recommendation #4 – 2019:** If the next step to fully share management services is not tested, then the agencies should, with due notice to each other, stop the shared Battalion Chief program and restore separate, functional, and regulatory compliant fire management services.

Based on these Citygate recommendations, in January of 2020, the City of Mill Valley and the SMFPD signed an agreement combining the senior management teams of both fire departments into a single team. The understanding at the time was that during the first year of a full administrative merger, opportunities and challenges could be identified that would render a recommendation by the fifth quarter of the agreement whether to formally move to consolidation, or to begin the process of unwinding the shared service agreements and returning to two independent agencies. Having an end point to informal, non-permanent agreements were based on Citygate’s experience that shared services agreements were not viable or sustainable in the long term, especially when founders move on to other agencies or retirement. Properly designed sub-regional partnerships should withstand the changing perceptions of new leaders over time.

As part of the new agreement, the “Shared Services Agreement,” metrics were identified as an important element. The metrics were agreed to and are critical in factually assessing the value and success of the Shared Services Agreement, and in answering the question of whether the two fire agencies should fully consolidate or operate as independent agencies.

## **2.1 COMBINED FIRE PREVENTION SERVICES**

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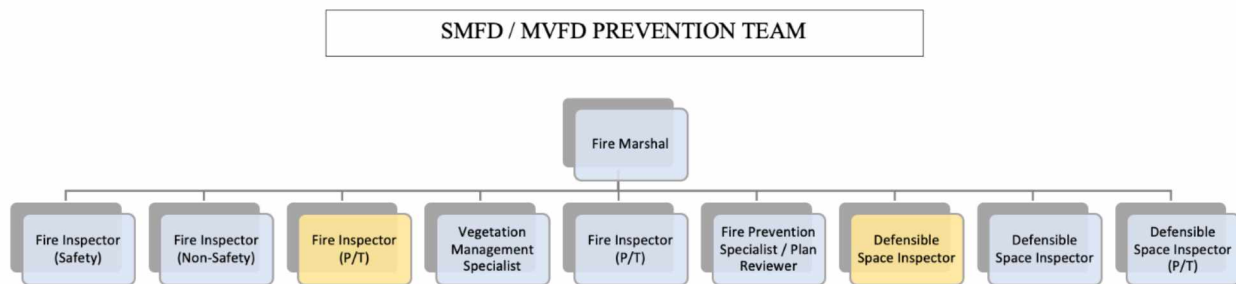
The Shared Services Agreement also combined fire prevention and wildfire risk reduction resources into a single team. At the time, the City of Mill Valley did not have a dedicated Fire Marshal; those duties were added to the Fire Chief’s responsibilities. Retired Battalion Chief Scott Barnes managed the MVFD’s vegetation management program, and the on-duty firefighters, who were limited in number and inconsistent in availability, were involved in construction and business inspections of buildings and property each year. As of this Shared Services Agreement, the responsibilities were transferred from MVFD to the SMFPD team.



## Southern Marin Fire Protection District

### Merger Ad Hoc Assistance

**Figure 4—SMFPD/MVFD Combined Prevention Team**



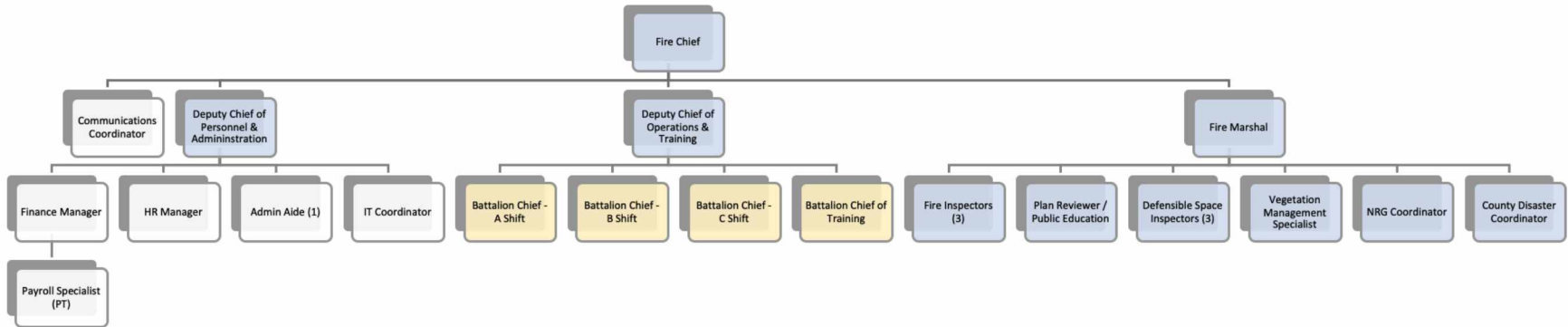
1. Yellow Boxes Indicate Mill Valley Employee, Blue SMFD Employee.
2. Does not reflect MVFD Inspector required in Shared Services Agreement.
3. Does not include coming addition of NRG Coordinator and Regional CERT Coordinator

The SMFPD follows the “All Hazards” approach to preventing and, as needed, responding to the community’s emergent needs. Doing so requires a team of administrative, technical, and sworn specialists supporting the field personnel.

For a smaller agency, providing technical specialty response services is a challenge regarding training, safe operations certification, and command oversight. The SMFPD provides a variety of emergent assistance including EMS; technical rescue, including high/low angle rope, trench and confined space, and water; wilderness and urban search and rescue; hostile environment, including active shooter and structural collapse; hazardous materials; and hostile fire environments, including wildland, urban-interface, vehicle, and structural. These specialty events often involve additional costs for equipment and training, and ultimately increase personal and corporate liabilities to the authority having jurisdiction. SMFPD, in partnership with the MVFD, continues to identify and address this unique set of challenges and adapt its resources to meet and fulfil the greatest needs of the communities it serves.

Southern Marin Fire Protection District  
Merger Ad Hoc Assistance

**Figure 5—Overall Combined Management and Prevention Team**



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## SECTION 3—SHARED-SERVICES RESULTS

### 3.1 TRAINING

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Existing data suggests, and experience validates, that both the SMFPD and the MVFD are better served with a dedicated training officer across the departments. Newly hired employees benefit from the training and experience offered by senior personnel, enabling a level of technical competency. A dedicated training officer is properly equipped and focused to ensure that training mandates are met by federal, state, and local regulators.

Both SMFPD and MVFD offer succession planning opportunities and a staff demographic (age and experience) that ensure the most personally and professionally competent employees are promoted into key leadership positions. Data demonstrates success of the 40-hour training officer who can serve all members of the larger agency equally. Personnel have enjoyed a consistent approach to training across all three fire crew shifts for over a year.

Training in the consolidated program provides significant enhancements to both internal and external stakeholders in five basic areas.

1. **A dedicated training officer:** With a dedicated 40-hour training officer, consistency is ensured across all three shifts with an ever-growing list of federal, state, and local mandates. Standards for training and response are established and all staff are held accountable. Quality assurance oversight reviews for lessons learned at incidents are shared internally with staff, externally with other departments, and with the community as needed.
2. **Expanded opportunities for gaining experience:** With a broadened and diverse service area, opportunities for gaining experience are expanded; all staff have increased opportunities for call volumes and situations that grow firefighter and command chief experience levels. Not every call for service exercises all skills, so it is essential that skills are developed and maintained through rigorous training programs.
3. **Predictable cultural norms:** Predictable cultural norms, created by identifying expectations and assigning accountability from hiring to retirement education and training, provide consistent outcomes. At the root of predictable behaviors is a code of conduct and positive culture that span the merged organization from top to bottom and across junior and senior members alike.
4. **Safer staffing model:** The merged program has created a safer staffing model. Both organizations have been able to reorganize in a manner that creates administrative and operational efficiencies in addition to safer service to residents and firefighters

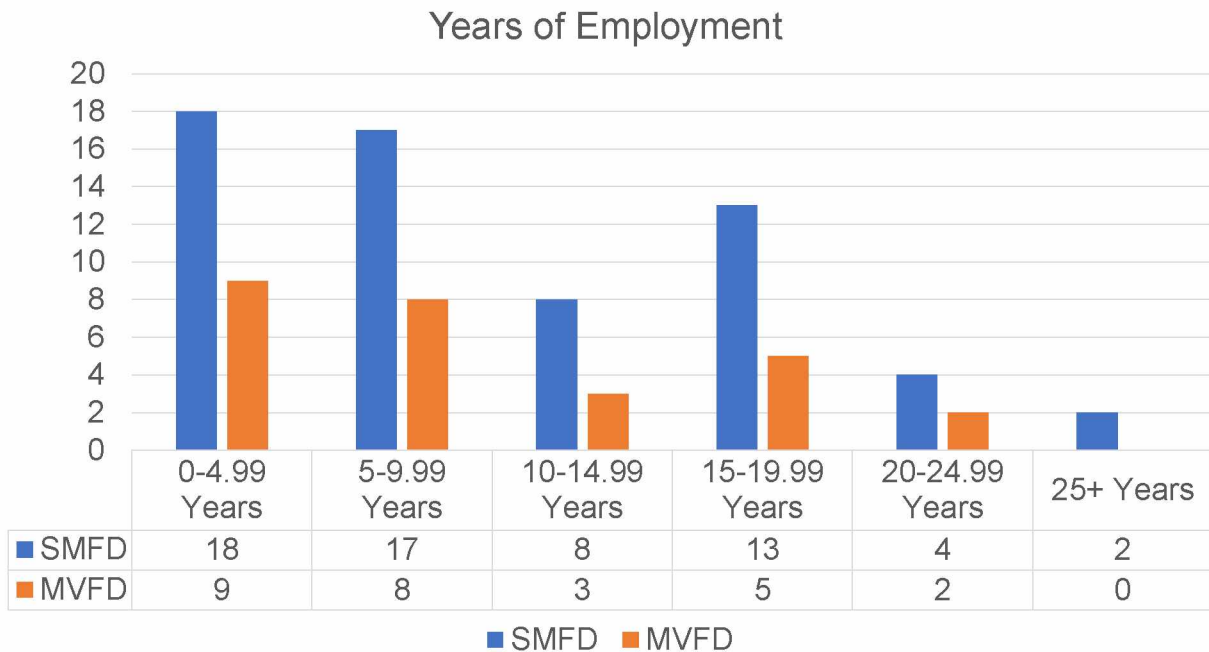
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alike. For instance, the ambulance deployment program was modified in Mill Valley to enhance crew member safety and improve services, such as increased paramedic standby time, to residents with decreased fiscal impacts.

5. **Overcoming low tenure:** The following figure shows approximately 69 percent of the combined Department employees have fewer than 15 years of service, and approximately 31 percent have 15 years or more of service. The greatest number of employees have fewer than five years with the agency.

**Figure 6—Years of Employment – MVFD and SMFPD**

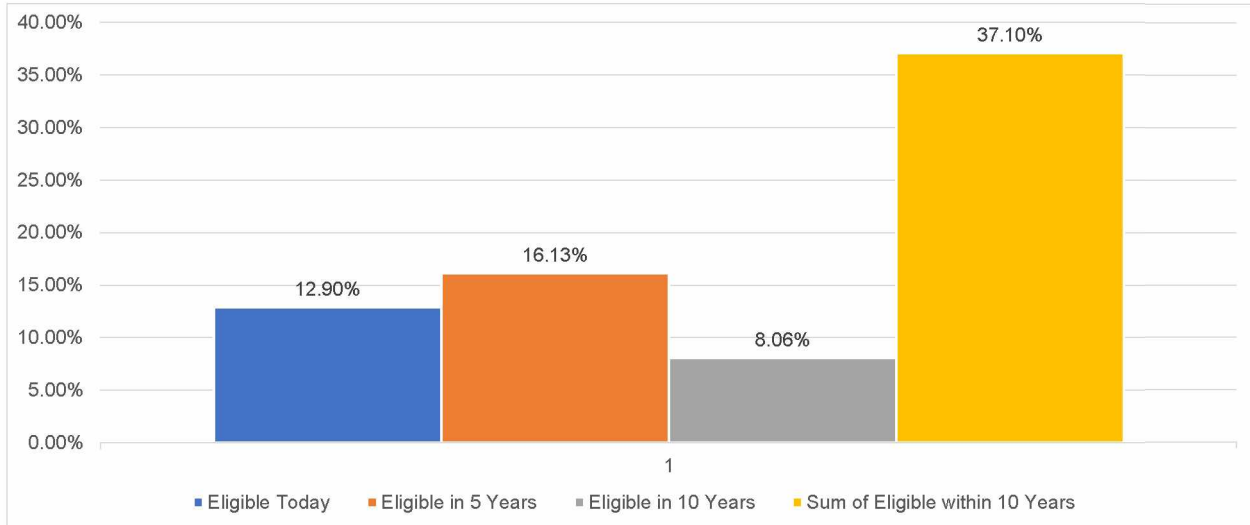


This figure is a valuable tool to monitor the organization to ensure investments in short-tenured employees as we build in the future. The transfer of information from long-term employees to new employees is key to maintaining operational effectiveness and situational awareness.

The next figure shows time to retirement, which is important to monitor for training and career advancement programs to be able to plan education, training, and promotions. Too often, very small agencies, unable to deal with this issue when faced with multiple retirements, are forced into premature promotions or excessive outside hiring, either of which can be detrimental to agency culture.

### 3.1.1 Eligibility for Retirement – SMFPD

**Figure 7—Retirement Eligibility within 10 Years – SMFPD**



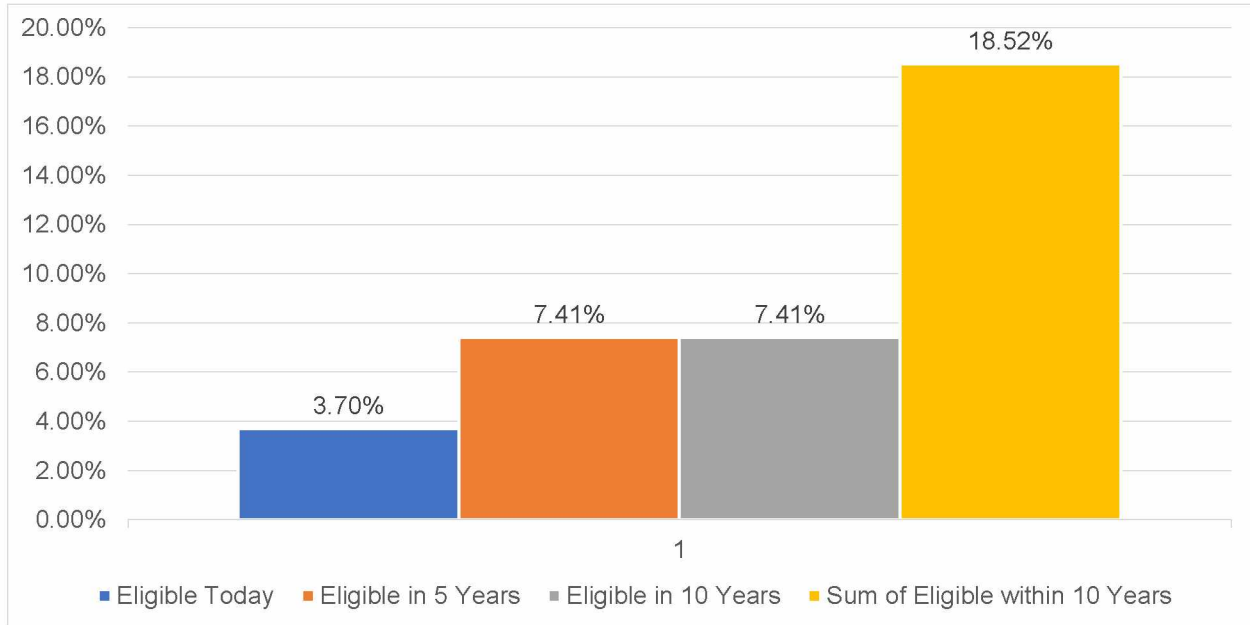
<p><b>Total Employees</b></p> <p style="font-size: 2em; color: red;"><b>62</b></p>	<p><b>Employees Eligible to Retire Today</b> (Based on Retirement Formula)</p> <p style="font-size: 2em; color: red;"><b>8</b>     <b>12.90%</b></p>	<p><b>Employees Eligible to Retire in 5 Years</b> (Based on Retirement Formula)</p> <p style="font-size: 2em; color: red;"><b>10</b>     <b>16.13%</b></p>
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<p><b>Employees Eligible to Retire in 10 Years</b> (Based on Retirement Formula)</p> <p style="font-size: 2em; color: red;"><b>5</b>     <b>8.06%</b></p>	<p><b>Total Employees Eligible to Retire in 10 Years</b> (Based on Retirement Formula)</p> <p style="font-size: 2em; color: red;"><b>23</b>     <b>37.10%</b></p>	<p><b>Total Employees between 45 &amp; 75+</b></p> <p style="font-size: 2em; color: red;"><b>24</b>     <b>38.71%</b></p>
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The District currently has eight employees who are eligible for retirement today, with another ten in five years. This represents approximately 29 percent of the District and strongly suggests the District should continue its current efforts to ensure institutional knowledge is being passed to younger members, as well as proactively planning for retirements both in terms of financial resources, as well as impacts of on-boarding and training new employees.

### 3.1.2 Eligibility for Retirement – MVFD

**Figure 8—Retirement Eligibility within 10 Years – MVFD**



<p><b>Total Employees</b></p> <p style="font-size: 2em; color: red;"><b>27</b></p>	<p><b>Employees Eligible to Retire Today</b> (Based on Retirement Formula)</p> <p style="font-size: 2em; color: red;"><b>1</b>     <b>3.70%</b></p>	<p><b>Employees Eligible to Retire in 5 Years</b> (Based on Retirement Formula)</p> <p style="font-size: 2em; color: red;"><b>2</b>     <b>7.41%</b></p>
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<p><b>Employees Eligible to Retire in 10 Years</b> (Based on Retirement Formula)</p> <p style="font-size: 2em; color: red;"><b>2</b>     <b>7.41%</b></p>	<p><b>Total Employees Eligible to Retire in 10 Years</b> (Based on Retirement Formula)</p> <p style="font-size: 2em; color: red;"><b>5</b>     <b>18.52%</b></p>	<p><b>Total Employees between 45 &amp; 75+</b></p> <p style="font-size: 2em; color: red;"><b>5</b>     <b>18.52%</b></p>
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Planning to replace key personnel, either by position or by specific knowledge, is very important. To minimize transition strain, reviewing the potential for pre-retirement hiring, training, and succession planning is key. The City currently has one employee who is eligible for retirement today but has two eligible in five years. This represents approximately 11 percent of the

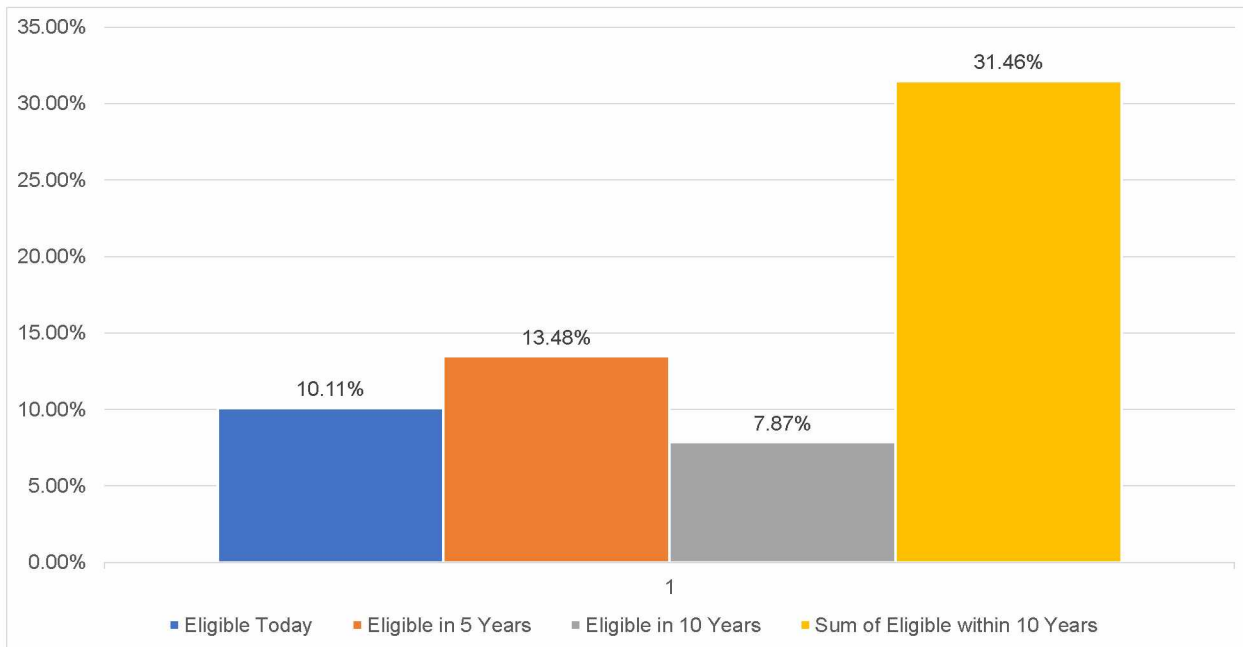
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organization. The City also must be proactive in planning for retirements in terms of financial resources as well as the impacts of onboarding and training new employees.

**3.1.3 Eligibility for Retirement – Combined**

**Figure 9—Retirement Eligibility within 10 Years– Combined**



<p><b>Total Employees</b></p> <p style="font-size: 2em; color: red; text-align: center;"><b>89</b></p>	<p><b>Employees Eligible to Retire Today</b> (Based on Retirement Formula)</p> <p style="font-size: 2em; color: red; text-align: center;"><b>9</b></p> <p style="font-size: 1.5em; text-align: right;"><b>10.11%</b></p>	<p><b>Employees Eligible to Retire in 5 Years</b> (Based on Retirement Formula)</p> <p style="font-size: 2em; color: red; text-align: center;"><b>12</b></p> <p style="font-size: 1.5em; text-align: right;"><b>13.48%</b></p>
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<p><b>Employees Eligible to Retire in 10 Years</b> (Based on Retirement Formula)</p> <p style="font-size: 2em; color: red; text-align: center;"><b>7</b></p> <p style="font-size: 1.5em; text-align: right;"><b>7.87%</b></p>	<p><b>Total Employees Eligible to Retire in 10 Years</b> (Based on Retirement Formula)</p> <p style="font-size: 2em; color: red; text-align: center;"><b>28</b></p> <p style="font-size: 1.5em; text-align: right;"><b>31.46%</b></p>	<p><b>Total Employees between 45 &amp; 75+</b></p> <p style="font-size: 2em; color: red; text-align: center;"><b>29</b></p> <p style="font-size: 1.5em; text-align: right;"><b>32.58%</b></p>
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MVFD and SMFPD combined currently have nine employees who are eligible for retirement today, with twelve more eligible in five years. This represents approximately 24 percent of the combined workforce. Though the combined department cannot avoid retirement eligibility, the expanded combined personnel pool allows a larger group from which to promote, minimizing the possibility of not having staff prepared to be promoted, thereby lowering risk.



## SECTION 4—COMBINED FIRE PREVENTION SERVICES

The result of merged fire prevention programs has provided substantial value to Mill Valley residents and design and construction professionals. The metrics expose a significant improvement in plan turnaround times, which translates into reduced costs related to construction and permitting. Improved services enhance the quality of life for residents and add value to the local economy.

### 4.1 MVFD PLAN REVIEW METRICS

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Historically, the MVFD Fire Chief reviewed plans for the City, splitting his time between multiple demands and responsibilities. The following metrics were created using reports and data pulled directly from the City of Mill Valley's permit tracking software regarding the calendar year of 2019 (January 1, 2019, through December 31, 2019).

During 2019, MVFD independently reviewed 166 construction plans, 22 deferred submittals and 94 planning projects, for a total of 282 plan reviews.

When the MVFD Fire Chief conducted all plan reviews, the Department averaged 13.41 days per review, missing the 10-business-day turnaround goal. By 2019, plan reviews were taking an average of approximately 5.8 additional days on top of the 10-business-day turnaround goal, or 15.8 days. Construction reviews and deferred submittals (items submitted after start of construction) were taking an average of approximately one additional day on top of the on top of the 10-business day turnaround timeline goal.

Since the program merger, the SMFPD Fire Prevention Specialist and Construction Fire Inspector perform the plan reviews for the City. SMFPD's prevention staff began reviewing the City's plans beginning in March of 2020. The following metrics were created using reports and data pulled directly from the City's permit tracking software and the City's emergency reporting software.

- ◆ From March 1, 2020, to December 31, 2020, SMFPD reviewed 154 construction plans, 41 planning projects, 20 vegetation management plans, 44 automatic extinguishing systems, and two fire detection and/or notification systems, totaling 261 technical work document reviews.
- ◆ With SMFPD staff members conducting all plan reviews, SMFPD averaged 8.8 days per plan review.
- ◆ Starting March 1, 2020, planning reviews were taking an average of approximately .73 additional days in addition to the 10-business day turnaround goal, totaling 10.73 days. This is a 5.07-day reduction in the planning review process for Mill Valley (15.8 days -10.73 days).

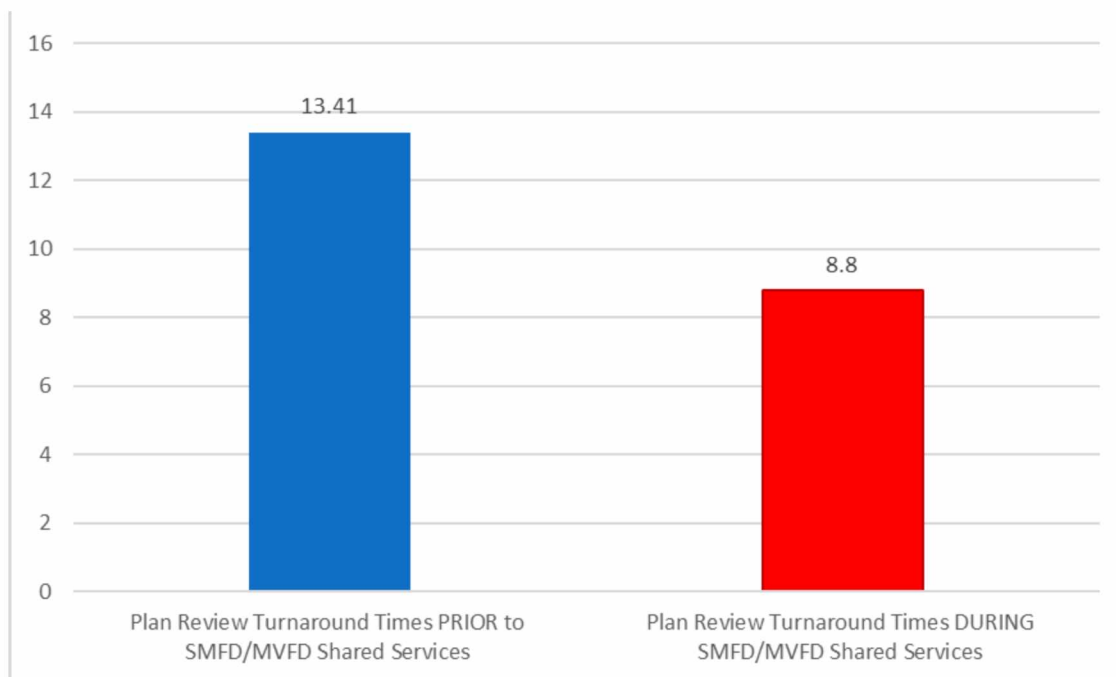
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- ◆ Construction reviews and deferred submittals were taking, on average, approximately 2.5 fewer days (for Mill Valley) to perform plan reviews, making the construction review period roughly 7.47 days per plan review.
- ◆ Unlike when the Fire Chief had to conduct this work, the merged program provides trained, experienced technical staff to work with all types of permits and applicants.

In conclusion, with SMFPD performing the plan reviews for the City of Mill Valley, the plan review turnaround time improved by approximately four and a half days. In addition, the plans, on average, were completed within the 10-business-day review-time goal.

**Figure 10—Plan Review Turnaround Times – MVFD**



#### 4.2 SMFPD PLAN REVIEW METRICS

During 2019, the then Deputy Fire Marshal performed plan reviews for the first half of the calendar year, with the Fire Prevention Specialist taking over toward the end of May. The following metrics were created using reports and data pulled directly from two different jurisdiction's permit tracking software and the District's emergency reporting software:

- ◆ In the calendar year of 2019, approximately 288 plan reviews were completed, resulting in 259 permits issued by the District.
- ◆ In 2019, SMFPD staff had a plan review turnaround time, on average, of approximately 14.22 days.

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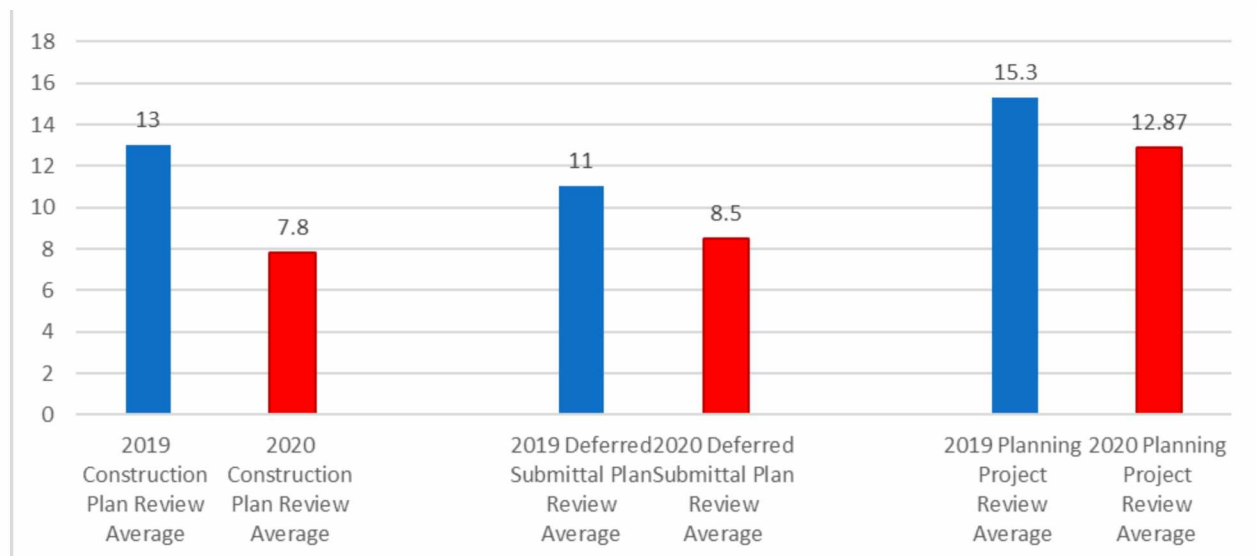
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In the merged operation, the Fire Prevention Specialist and Construction Fire Inspector perform all independent plan reviews and construction inspections for the District and the City of Mill Valley. The following metrics were created using reports and data pulled directly from two different jurisdiction's permit tracking software and the District's emergency reporting systems software.

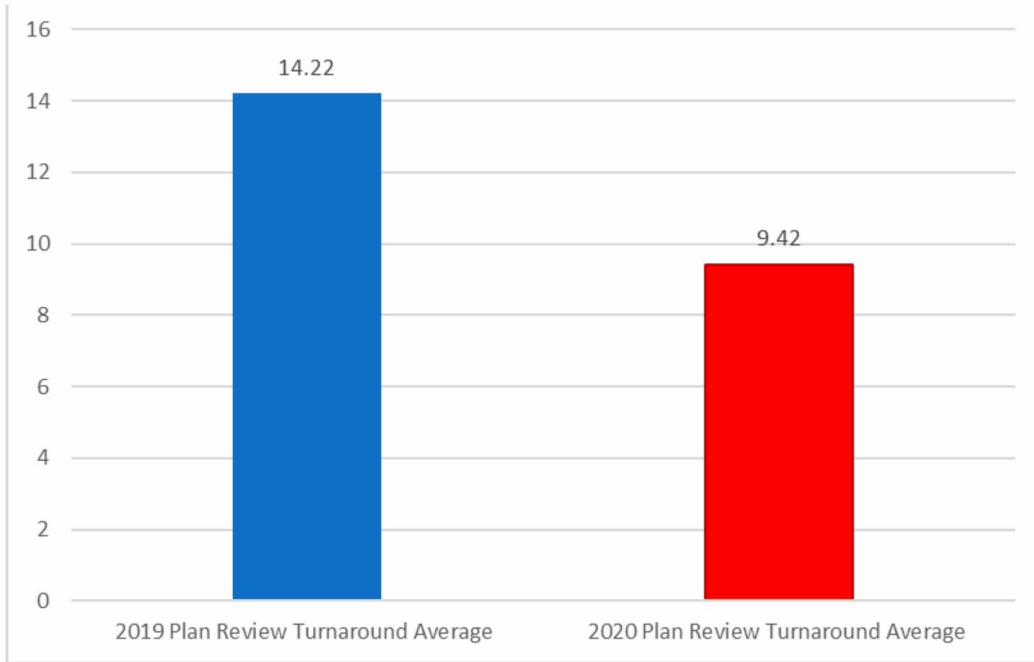
- ◆ From March 1, 2020, to December 31, 2020, with the addition of Mill Valley's fire prevention responsibilities, SMFPD staff completed a combined total of 633 plan reviews, resulting in 438 issued permits between the District and Mill Valley. 280 of those permits were issued to parcels within the District.
- ◆ The District saw a 69 percent increase of permits issued between 2019 and 2020. There were 120 percent more plan reviews completed by the Fire Prevention Specialist and Construction Fire Inspector in 2020 as compared to 2019.
- ◆ In 2020, with the Shared Services Agreement in place, staff completed SMFPD plan reviews, on average, in 9.42 days, which is within the 10-day turnaround goal.
- ◆ Staff focused on lowering the turnaround times on plan reviews, even with the increase in workload from Mill Valley. On average, staff is now completing construction reviews and deferred submittal reviews nearly five days faster than in 2019. In addition, planning project reviews were reduced by approximately one and a half days in 2020 compared to the previous year.

In addition to processing times, MVFD reduced risk to the community by having a trained and dedicated prevention technician responsible for the reviews and construction inspections versus having it as added duty for the MVFD Fire Chief and engine companies.

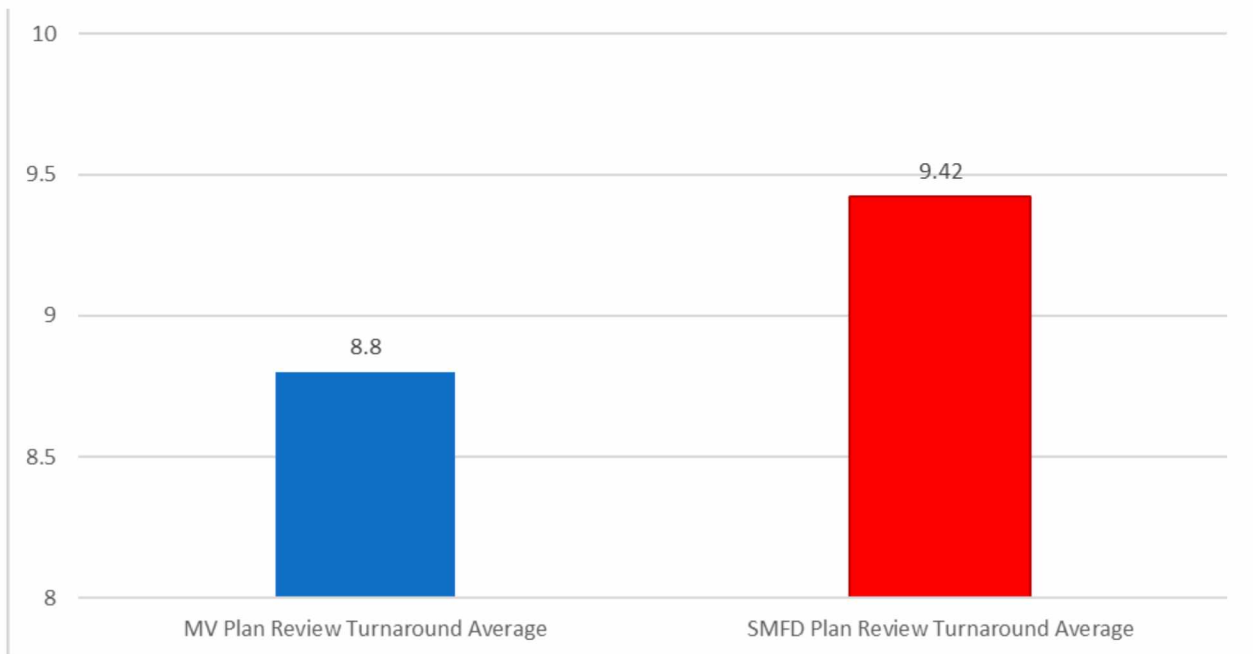
**Figure 11—Plan Review by Review Type – SMFPD**



**Figure 12—Plan Review Turnaround Times – SMFPD**



**Figure 13—Plan Review Turnaround Times – Combined**



**4.3 CONSTRUCTION INSPECTIONS – COMPLETION TIME AND QUALITY**

MVFD’s firefighters and captains do not possess the training nor certifications necessary to provide an inspection program that performs at the highest level as they are not trained or certified

as inspectors. Firefighters and captains are challenged to stay up to date with the basic best practices for fire inspections and do not have the State Fire Marshal and NFPA certifications.

At no fault of their own, they are unable to commit to inspection schedules because of their responsibility to respond to incidents whenever they arise. An interview with contractors who have worked with the engine companies performing inspections revealed a 50 percent late inspection rate and a 40 percent cancellation rate. Contractors and homeowners spend hours waiting for firefighters to perform inspections. The firefighters are given a short list of items to verify at the job sites and barely accomplish the inspection's minimum requirements, opening the door for inspection violations to be missed, and thereby increasing community risk.

A thorough fire inspection will not only protect the home and property inspected but the neighboring properties as well through consistent defensible space and the decreased likelihood of home ignition due to fire sprinklers. SMFPD Fire Inspectors remain informed of the hazardous plant species and defensible space requirements needed to keep structures safe during a wildfire event. The new depth of defensible space inspections performed by SMFPD Fire Inspectors in the City will improve the southern Marin communities by decreasing the likelihood of a fire spreading from one jurisdiction to another (conflagration).

#### **4.3.1 Inspection Completion Rates – SMFPD**

- ◆ Six days from inspection request to the date of inspection 96 percent of the time
- ◆ On time or early 94 percent of the time
- ◆ Less than one percent cancellation rate

#### **4.3.2 Inspection Completion Rates – MVFD**

- ◆ Four days from inspection request to the date of inspection 98 percent of the time
- ◆ Late more than 50 percent of the time
- ◆ 40 percent cancellation rate

#### **4.3.3 Inspection Quality – SMFPD**

- ◆ State Fire Marshal certified, annual conference attendee, National Fire Sprinkler Association certified
- ◆ Marin County Fire Prevention Officer member, Northern California Fire Prevention Officer member, PC 832 certified
- ◆ Familiar with all applicable codes and standards. The number of items inspected during an inspection directly correlates to the number of malfunctioning fire protection systems. On average, 43 items are verified per inspection.

**4.3.4 Inspection Quality – MVFD**

- ◆ Few fire protection system requirements inspected leads to a high likelihood of violations missed.
- ◆ On average, ten items are verified per inspection.

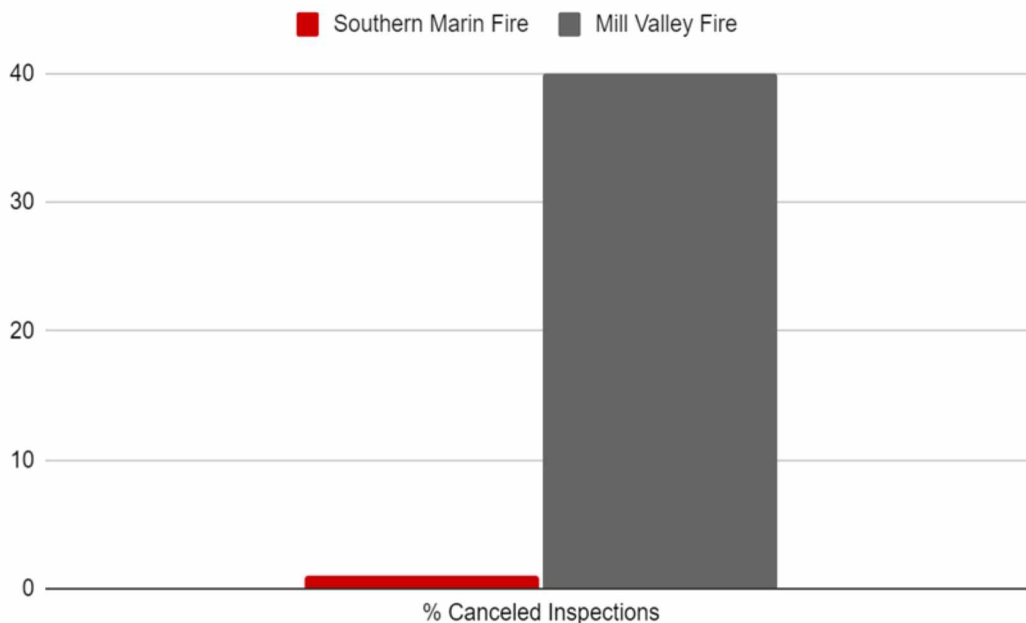
**4.3.5 Volume of Inspections – SMFPD**

- ◆ 18 inspections per week, on average
- ◆ 936 inspections per year

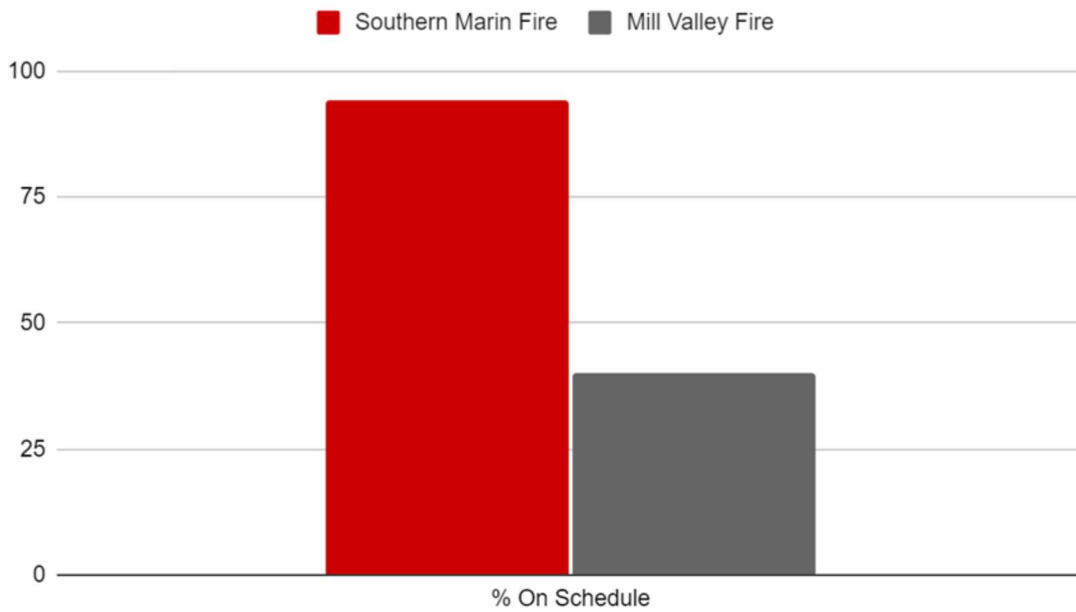
**4.3.6 Volume of Inspections – MVFD**

- ◆ Eight inspections per week, on average
- ◆ 417 inspections per year

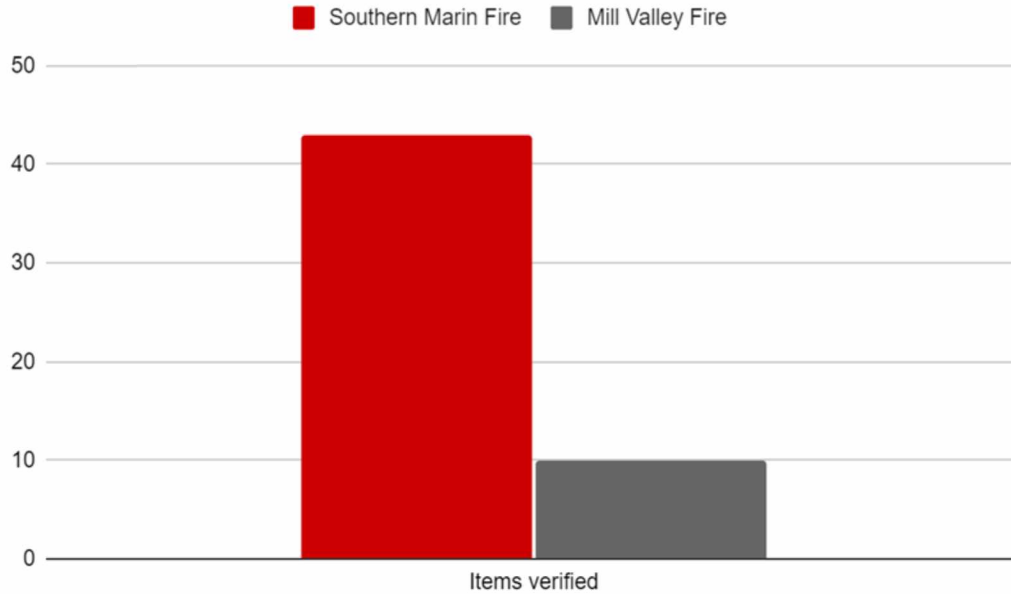
**Figure 14—Cancelled Inspections – SMFPD and MVFD**



**Figure 15—On-Time Inspections – SMFPD and MVFD**



**Figure 16—Depth of Inspections – SMFPD and MVFD**



#### **4.4 VEGETATION MANAGEMENT – QUALITY CONTROL**

Consolidating vegetation management reduces unnecessary costs for the residents and taxpayers of southern Marin and Mill Valley. Having a single point of contact for both districts will improve

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communication by streamlining requests and questions, reduce operating costs for the Department, and allow for larger-scale fuel reduction projects to be accomplished.

**Table 3—Defensible Space Inspections – SMFPD and MVFD**

Agency	2020	2021
MVFD	496	244
SMFPD	1770	92

Efficiencies were found in managing the day-to-day operations, which include, but are not limited to:

- ◆ Planning
- ◆ Defensible space inspections
- ◆ Chipper weeks
- ◆ Chipper requests
- ◆ Roadside clearing
- ◆ Shaded fuel breaks
- ◆ Assisting Firewise USA communities
- ◆ Hazardous tree removal projects
- ◆ Maintaining vegetation along stairs, lanes, and paths
- ◆ Clearing vegetation on evacuation routes

Year to date, SMFPD has successfully removed 103 tons of vegetation over 16.5 miles across 72 streets as part of the Paved Road Project. SMFPD has removed 246 tons of vegetation across 83 streets and notified 2,236 residents about the Chipper Program and has removed 43 tons of vegetation across five sites in two different communities as part of the fuel break program. These numbers will only increase by merging both vegetation programs, ultimately reaching more regions throughout the District, impacting more residents.

Home assessments have played a vital role in educating the public regarding how vegetation can impact their home and property during a wildfire. SMFPD is expected to perform 100 home assessments throughout the District while MVFD is expected to perform 50. This will bring the total number of home assessments for the District to 150 properties. The Home Assessment Program will continue to benefit the community by bringing awareness to residents and will make Southern Marin more wildfire safe.



Marin Wildfire Prevention Authority (MWPA) funding has allowed the SMFPD to hire an additional two Defensible Space Inspectors who will inspect homes in the Wildland-Urban Interface (WUI). These defensible space inspections will ensure homeowners maintain vegetation around their properties and gain compliance from the District's WUI ordinances. While defensible space can help slow or stop the spread of wildfire and protect a home from fire, it is also important to help protect firefighters when they are defending a home.

The Vegetation Management Specialist will work closely with the Defensible Space Inspectors to coordinate Chipper Events on streets receiving inspections. Increasing the number of inspections and removing hazardous vegetation around homes is vital for the upcoming fire season. Educational opportunities will present themselves during inspections that will allow the inspectors to talk to residents about alerting systems, go bags, evacuation information, roadside clearing, and fuel breaks.

Fuel reduction projects, such as shaded fuel breaks and hazardous tree removal projects, play an important role in making the community safer. During a wildfire, these projects can slow or stop the spread. The annual volume of projects that include shaded fuel breaks and hazardous tree removal projects will increase if the agencies merge.

- ◆ SMFPD completed 100 percent of the 16 scheduled projects
- ◆ MVFD has completed 12 percent of the 17 scheduled projects (the remainder of the projects are scheduled to be completed during this fiscal year)
- ◆ Maintenance on previous fuel reduction projects is scheduled on an annual basis
- ◆ The total number of vegetation-related projects will increase to 33 total projects between the two jurisdictions, resulting in roughly 50 percent more fuel-reduction projects for the two areas

#### **4.5 FIRE INSPECTIONS – EXISTING BUILDINGS**

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In 2018, the SMFPD Board approved the use of a dedicated Fire Inspector to provide annual inspections while charging a cost recovery fee from the 2016 Fire Fee Schedule. This was following a State-wide mandate from SB 1205 to annually inspect, document, and report on the completion rates for all school, apartment, and hotel/motel properties. This mandate was intended to assist with the historical challenge that has befallen fire agencies for accurately meeting and exceeding the requirements laid out in the California Fire Code (CFC), Title 19 of the California Code of Regulation (Title 19-CCR), the National Fire Protection Agency (NFPA), and the Health and Safety Code (H&S code).

The complexity behind code review, interpretation, and retention is best handled by industry experts within a Fire Prevention Division. Fire-station-based staff have historically struggled to

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maintain a level of knowledge that would provide the service required to meet the measurable metrics described in this report.

Through fully shared services, the MVFD's inspection requirements would be achieved in a similar fashion to how SMFPD currently handles these annual requirements. In accordance with SB 1205, all inspections could be reported on for the mandated properties. A consolidation would allow for this to be included under one detailed report to the District Board annually.

The following are comparative metrics regarding some aspects of current programs and projections for how the consolidation would likely enhance the level of fire and life safety inspections for MVFD while reducing specific time commitment factors.

All metrics are based on current available data collected in the field. All numbers are rough estimations of time on task and projections of a future consolidation.

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**Table 4—Consolidation – Comparative Metrics**

<b>Current Metrics</b>	<b>MVFD</b>	<b>SMFPD</b>
Total Annually Required Inspections	159+	385+
Additional Businesses that Could Have Annual Inspections	905+	550+
Potential Annual Inspections for All Commercial Properties	1064+	935+
Currently Assigned to Complete These Inspections	Engine Crew Assignments w/ Assigned Hazard Inspections by SMFPD Staff	Occupancy Compliance Inspector w/ Selective Company Inspection Assignments
2021 Year to Date Inspection Totals*	0 Crews, 5 Inspectors	0 Crews, 22 Inspectors
<b>Past Metrics</b>	<b>MVFD</b>	<b>SMFPD</b>
2020 Completed Inspections*	15 Crews, 38 SMFPD Inspectors (53 Total)	0 Crews, 167 Inspectors (167 Total)
2019 Completion/Compliance Percentage for July–Dec. (State Mandated Only)	90% Completion Undetermined Compliance	75% Completion 90% Compliance
SMFPD 2016 Annual Inspections w/ Light Duty Officer (Completed over 12 months)	Not Applicable	Appx. 95% Completion (304 Apartment & 44 Re-Inspections)
<b>Projected Metrics</b>	<b>MVFD</b>	<b>SMFPD</b>
Projection of 3 Year for Annual Inspection Program (Dedicated Fire Inspector)	95% Completion 99% Compliance	95% Completion 99% Compliance

It appears that one dedicated full-time inspector, under a full merger, could potentially complete all state-mandated inspections for the five zones following the consolidation. The additional business inspections could be assigned to additional inspectors and/or engine crews, effectively providing complete coverage annually.

**4.6 FIRE INVESTIGATIONS**

Reviewing the 2020 fire incidents reports for both agencies, it is apparent how consolidation of the two agencies would benefit the City of Mill Valley and the SMFPD. In 2020, SMFPD had a combined thirty-nine calls for fire investigation service: for active fires in residential and commercial structures. Of these active structure fires, SMFPD completed twenty specific fire investigations utilizing the agency’s fire investigators to provide guidance to the Battalion Chiefs, or to send investigators to complete a fire investigation.

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In Mill Valley, there were a total of thirty active structure fires, of which only three fires utilized trained fire investigators from either SMFPD or the Marin County Fire Investigation Team (MCFIT). MVFD does not currently contribute staff to the MCFIT.

The SMFPD currently staffs two fire investigators as added functions to other fire prevention assignments. MVFD currently only utilizes its fire officers (Captains) and Battalion Chiefs to provide initial fire investigation services. If the origin and cause is not determined by MVFD, the duty Battalion Chief will then contact SMFPD and the MCFIT.

In 2020 the MCFIT (which is a joint contracted service between all 17 fire agencies in the County) updated their deployment policy and requirements for personnel contribution to the team. The updated policy follows the Marin County HazMat policy and requires each agency to contribute funding and personnel according to the agency's size and population served, therefore both SMFPD and MVFD contribute two members from each agency for a total of four members.

Consolidating the two agencies would allow for a lower combined contribution according to the matrix and reduce the requirement for funding and personnel to the MCFIT. This technical resource is critical in events that result in litigation or prosecution. Having a trained and certified investigator reduces the agency's risk and provides an educational opportunity for the firefighters and community by correctly and accurately identifying the cause of fire and the impacts of outreach and educational programs.

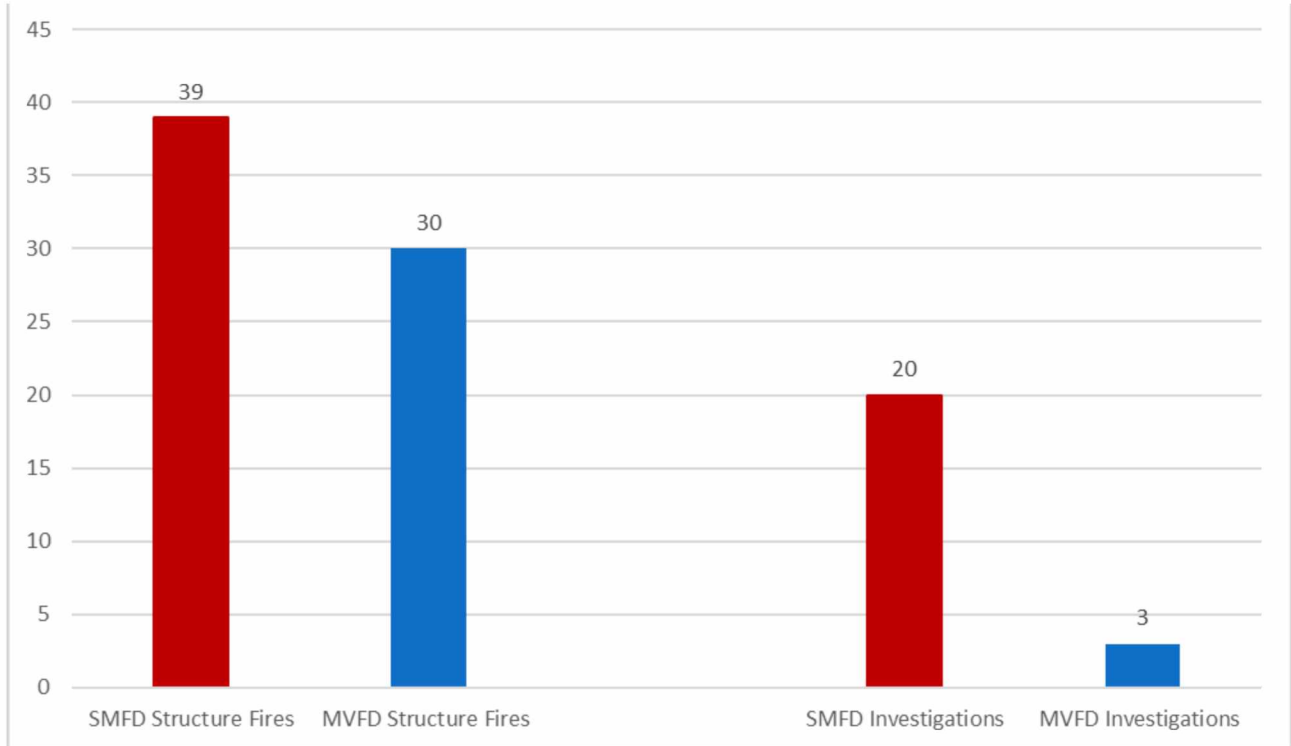
The estimated savings would be one member to the MCFIT and an overall reduced cost to both agencies. Combining these positions would additionally allow for elevated fire investigation coverage for both agencies, with a combined investigation division of three staff members. The larger combined fire investigation team would allow for more depth in fire investigations, a more consistent fire investigation report and peer review, and better training opportunities, including continuous quality improvement (CQI).

A consolidated approach to fire investigation allows for a higher quantity of fires with specific findings and thus a lower percentage of fires determined to be unknown cause and origin.

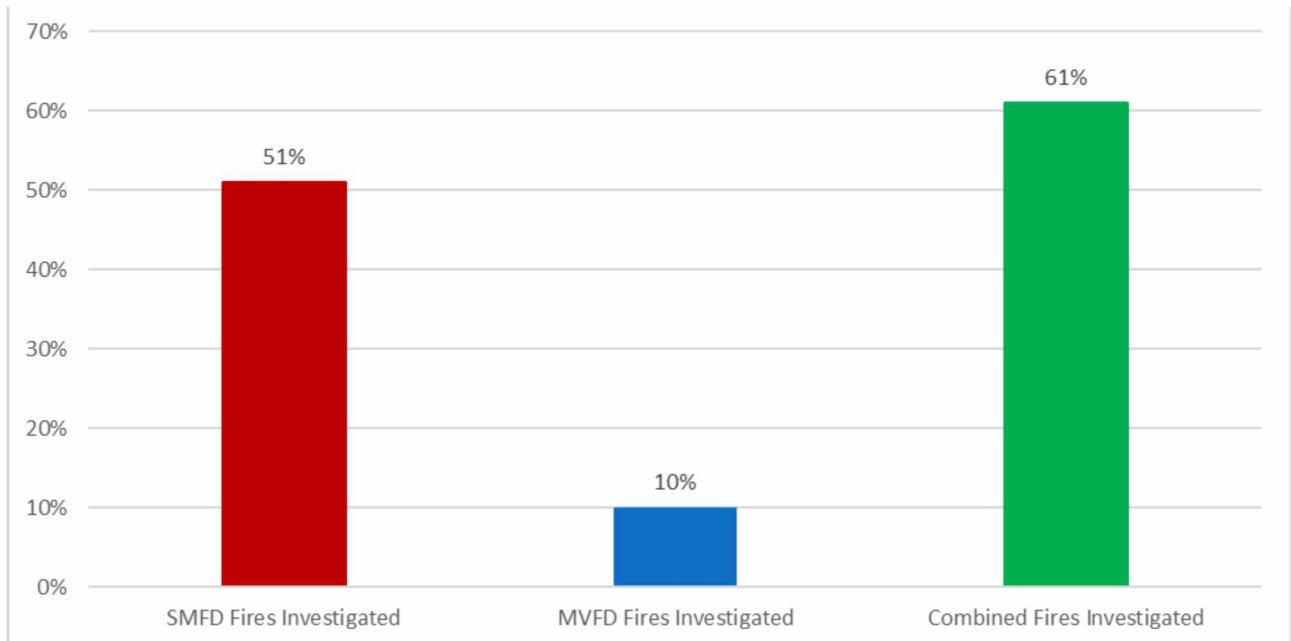
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**Figure 17—Structure Fires and Investigations – SMFPD and MVFD**



**Figure 18—Fire Investigation Percentages – SMFPD, MVFD, and Combined**



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#### 4.7 ADMINISTRATION – TECHNICAL SERVICES

Shared Services has, and by extension consolidation would, solidify savings that have been achieved by eliminating duplication of software systems requiring annual subscriptions. There are other benefits derived from a regional approach, including having a single set of organizational policies, a single staffing and scheduling program for efficiency and effectiveness, and the value associated with regional reporting.

These cost savings will be annual and ongoing if the systems remain combined. The agencies becoming independent again would increase costs to both agencies.

**Table 5—Consolidation Savings – Software System**

Software System	Cost to MVFD	Cost to SMFPD	New Combined Cost	Savings
Lexipol	\$4,675	\$6,696	\$8,072	\$3,298
Staffing (CrewSense/Telestaff)	\$3,382	\$22,000	\$7,573	\$17,809
ERS	\$5,603	\$8,484	\$13,295	\$792
<b>Total</b>				<b>\$21,900</b>

#### 4.8 UNIFORMED PERSONNEL CHANGES DUE TO MERGER

Combining the two agencies through shared services, and recent changes to the SMEMPS ambulance deployment model, have resolved the three-person staffing challenge raised by the Firefighters Union. Consolidation will solidify this achievement, as well as render savings in overtime expenses due to a shared labor pool shared across the two agencies.

Combining the two employee labor groups will decrease annual overtime expenses. The City staffing pattern, when combined with the District, will allow 121 “days” of capacity to the “system” for the combined district, resulting in an annual savings of \$199,610 in District overtime expenses. The combined workforce will lend itself to greater options and efficiencies in staffing day to day operations as well as specialty needs. The larger workforce will have more opportunities for diverse assignments and projects, as well as greater promotional opportunities that could lead to greater job satisfaction and increased employee retention. The increase in the workforce, the opportunities, and the size of the SMFPD, along with the unique geographical area and the challenges it presents will establish the SMFPD as a “destination” department and will lead to decreased employee turnover.

A reduction in the number of employees within the City of Mill Valley will increase the capacity of existing City departments and staff, such as Human Resources, Finance, Legal, and the City

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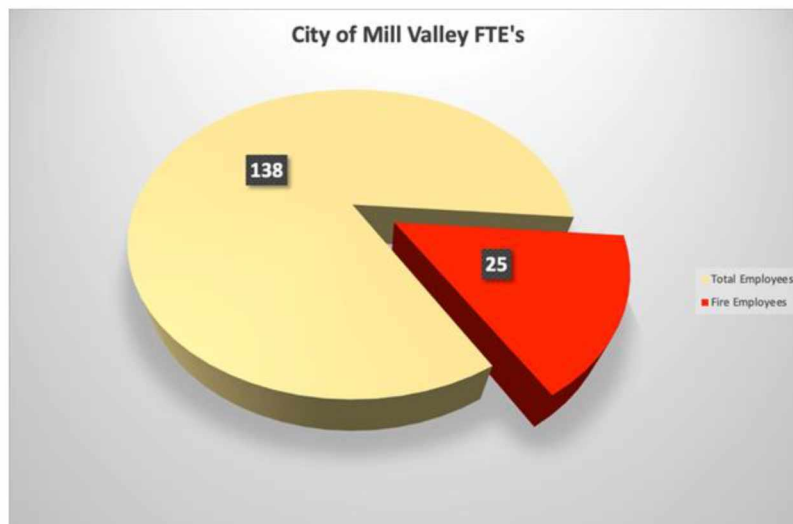
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Manager's Office. These City resources will logically experience a reduction in demand, thereby creating additional bandwidth for other City issues.

Currently under the Shared Services Agreement, the Fire Chief manages the two independent fire agencies, each with its own governance structure, internal policies, procedures, and resources. This suggests duplication and an opportunity to increase efficiency.

The City and the SMFPD each have their own Human Resources staff, policies, procedures, and HR systems, as well as their own Finance Departments, policy, procedures, and financial systems. From a practical standpoint, the two agencies operate as a single functional team, but navigate two different organizational systems and use different resources for the same needs, resulting in a significant increase in workload on staff.

**Figure 19—Full-Time Employees – MVFD**



An increased capacity of the departments and employees within the City could lead to greater efficiencies, improved internal and external customer service, and increased job satisfaction.

Although the additional 27 employees to the SMFPD would have a human resources impact on the District, staff believes they have the capacity to absorb them. In addition, the creation of one firefighter labor group operating from a single Memorandum of Understanding (MOU) would increase efficiencies. The time and effort to negotiate one MOU is the same regardless of the employee group size. Navigating one finance system, one HR and personnel system, and one set of organizational policies reduces the time and energy for the Fire Chief and his support staff.

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**4.9 GOVERNANCE IMPROVEMENTS IN A MERGER**

Currently the Fire Chief and his staff report to two separate governing boards for policy direction. Reporting to a single governing board for policy direction increases efficiency and reduces duplication.

**Table 6—Current Reporting/Meeting Structure**

Jurisdiction	City of Sausalito	SMFPD Board	City of Mill Valley
Policy	0	12	6
Information	8	12	4
Quarterly Report	4	4	4
<b>Total</b>	<b>12</b>	<b>28</b>	<b>14</b>

**Table 7—Proposed Reporting/Meeting Structure**

Jurisdiction	City of Sausalito	SMFPD Board	City of Mill Valley
Policy	0	12	0
Information	2	12	2
Quarterly Report	4	4	4
<b>Total</b>	<b>6</b>	<b>28</b>	<b>6</b>



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## SECTION 5—FINANCIAL ANALYSIS

### 5.1 FINANCIAL ANALYSIS OF THE CONSOLIDATION

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This financial analysis compares a complete annexation of the MVFD into the SMFPD and terminating all existing shared services agreements between the two agencies. The initial analysis was conducted by Charlie Francis in early 2020 under an agreement with GovInvest Inc. Charlie Francis's report was reviewed in late 2021 and then updated by the two agency staffs in 2022. Citygate has reviewed the updated 2022 analysis which includes negotiated agreements between the staffs of Mill Valley and SMFPD annexing the MVFD into the SMFPD and finds the analysis structure and results reasonable. Although the existing shared services agreement between MVFD and SMFPD establishes a 60-day notice of termination—given the time involved with and application to LAFCO and moving personnel and any necessary equipment—Citygate assumes in this report that whichever the selection will be made in October 2022 and the start date would be July 1, 2023.

The analysis assumes a conservative approach regarding revenue estimates. For example, property tax growth is assumed to be 4 percent through FY 25/26 even though the 10-year average Mill Valley annual property tax growth has been approximately 5.4 percent. This conservatism is due the current housing market trends. Additionally, other revenue estimates, such as mutual aid strike team reimbursements that are contingent on Statewide fire activity, are projected at a flat rate of \$400,000, which is on the low end of the amount received by SMFPD over the past five years. Citygate believes this conservative approach is also prudent, given the total revenue shifting of risk from Mill Valley to SMFPD, even though SMFPD has sufficient reserves, due to an effective reserve policy, to address a future year slight revenue downturn.

Based on the analysis conducted by Charlie Francis in early 2021, as updated by MVFD and SMFPD staffs, moving forward with the annexation would be fiscally prudent for both agencies, resulting in an estimate cost savings in FY 23/24 of approximately \$225,000 for Mill Valley over the shared service agreement termination option. Although not reflected in Table 1, Citygate was informed that the City also anticipates insurance annual premium savings of approximately \$175,000 per year from its risk sharing pool due to the transfer of its fire operation through annexation to SMFPD beginning in FY 23/24. This would increase the cost savings for Mill Valley between the two options to almost \$400,000 in the initial annexation year.

The following tables, proofed by Citygate, reflect the updated information provided by Mill Valley and SMFPD staffs comparing the separation and annexation options. The tables compare the operating results from separation or annexation, including expenses, property taxes revenues and direct non-property tax revenues, with applicable expense offsets from a Mill Valley perspective (Table 1) and from an SMFPD perspective (Table 2). Table 1 also reflects the differences in the amount of property tax revenue that would be required under both options.

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For FY 23/24, while approximately \$394,000 of additional General Fund property tax revenue would be required under the annexation option, that adjusted amount is approximately \$225,000 less than the additional costs needed under the stand-alone option. The movements in General Fund property tax support/transfer to SMFPD under the annexation option results from the following:

- ◆ The base amount needed to operate fire services under the current shared management agreement.

While Mill Valley recently adjusted its firefighter personnel costs closer to the market, at the point of annexation, there remains a small gap in wages and benefits between Mill Valley and SMFPD. In light of the total benefits of long-term annexation, the agencies have agreed to jointly smooth the leveling of personnel compensation into the SMFPD as both agencies obtain cost efficiencies with the annexation. This sharing is on a 50/50 basis and Mill Valley’s share is part of the property tax transfer. The SMFPD funds its 50 percent while property tax appreciation from Mill Valley over the first to third year eliminates the offset.

- ◆ It was determined that Mill Valley should provide an amount to the SMFPD to build a vehicle replacement reserve for applicable equipment post annexation, which is not currently addressed at MV.
- ◆ Other smaller one-time payments addressed issues such as earned leave balances.

**Table 8—Operating Comparison – MVFD**

<b>Component</b>	<b>Projected FY 23/24 Budget</b>	<b>Stand-Alone Option</b>	<b>Annexation Option</b>
Personnel Expenses	\$7,415,471	\$8,033,471	\$7,944,819
Other Operating Expenses/Capital Replacement	\$873,391	\$873,391	\$901,685
<b>Total Expenses</b>	<b>\$8,288,862</b>	<b>\$8,906,862</b>	<b>\$8,846,504</b>
Total Non-Property Tax Revenues	\$931,580	\$931,580	\$383,900
Overtime Savings	-	-	\$412,000
Health Plan Benefit Savings	-	-	\$5,000
SMFPD Offset	-	-	\$294,845
<b>MVFD Net Costs</b>	<b>\$7,357,282</b>	<b>\$7,975,282</b>	<b>\$7,750,759</b>
Pension/OPEB costs retained by MV	\$1,126,496	\$1,126,496	\$1,126,496
<b>Net General Fund (property tax) Support (exc Pension/OPEB costs)</b>	<b>\$6,230,786</b>	<b>\$6,848,786</b>	<b>\$6,624,263</b>

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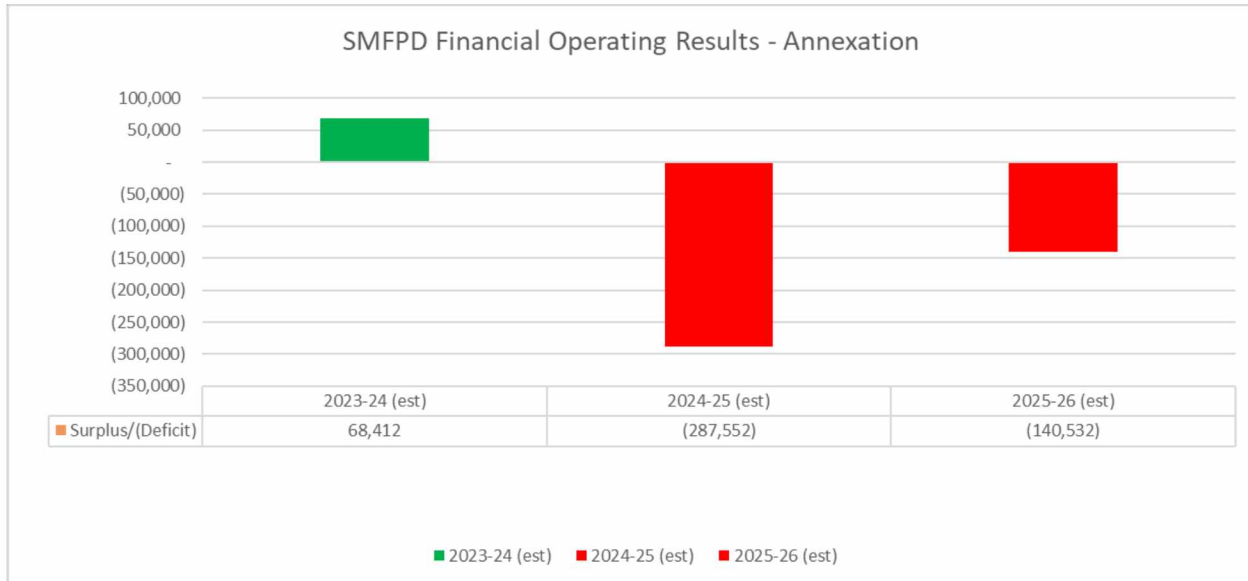
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**Table 9—Operating Comparison – SMFD**

Component	Projected FY 23/24 Budget	Stand-Alone Option	Annexation Option
Personnel Expenses	\$19,274,000	18,980,075	\$25,347,240
Other Operating Expenses/Capital Replacement	\$6,229,052	\$6,229,052	\$7,130,737
Total Expenses	\$25,503,052	\$25,209,127	\$32,477,977
Total Revenues	\$25,927,462	\$25,121,225	\$32,129,389
Overtime Savings	-	-	\$412,000
Benefit Savings	-	-	\$5,000
SMFPD Operating Surplus/(Deficit) *	\$424,410	\$(87,902)	\$68,411

As previously discussed, SMFPD staff used a conservative approach to project SMFPD financial activity. The following graph shows the year-end budget results from FY 23/24 (assumed annexation year) through FY 25/26.

**Figure 20—SMFPD Financial Operating Results – Annexation**



If Mill Valley property tax revenue growth *alone* exceeded the conservative estimates by 1 percent, year-end operating results would be \$132,106 in FY 23/24, then a negative of (\$154,430) in FY 24/25, and finally \$68,139 in FY 25/26.

These early annexation fiscal swings occur due to how MCERA initially charges the added employees. MCERA's accounting creates an initial "prepayment" towards the District's Unfunded Actuarial Pension Liability (UAL) for the first year following annexation. Because MCERA's valuations (and therefore employers' and employees' MCERA contribution rates) are based on the demographic data for the year prior, the contribution rates that the District will be paying on the former Mill Valley firefighters will be higher until the next MCERA valuation is released.

The District's 2023 UAL payment (according to [MCERA's study](#) conducted for the purpose of this annexation) is anticipated to be \$778,609. In order to make this flat dollar payment over the fiscal year, an amortization rate of 10.83 percent is included in the District's contribution rate for all safety employees. With the onboarding of 27 new firefighters, the 10.83 percent amortization will still be built into the rate for their tier but, at this rate, the \$778,609 will be exceeded by approximately \$422,000. The District should be prepared for an increase in retirement costs during the first year of annexation, but costs should level out in subsequent years. The initial overpayment could also reduce rates in subsequent years, but the exact amount is unknown.

Based on actual property tax appreciation and the MCERA conversion year, there will be small cost swings in the first three years.

Even with these small swings, the benefits gained over the years through operational efficiencies resulting from consolidation will enhance services provided, add redundancy across the agency, and deepen skills in headquarters services.

## **5.2 ONGOING REVIEW OF THE OPTIONS**

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### **5.2.1 Mill Valley Fire Department (MVFD)**

The MVFD estimated FY 23/24 budget is approximately \$8.3 million, consisting of approximately \$7.4 million in personnel-related costs, supporting 27 full-time equivalents (FTEs) and approximately \$873,000 of non-personnel-related costs. Costs are funded through a combination of direct revenues, including distributions from SMEMPS, fire inspection fees, and strike team reimbursements totaling \$932,000 and approximately \$7.4 million of general fund revenues, such as property and sales taxes from the City. Since this review focuses on potential annexation of the MVFD service area into the SMFPD, only direct MVFD revenues and City property tax revenues were included in the analysis. The amounts for the current MVFD operations are included in the earlier service provision financial options table.

The MVFD and the SMFPD currently have a service provision sharing agreement for administrative services which was established in 2014. As a result of this agreement, MVFD reimburses SMFPD for two Battalion Chiefs, either directly in City employees, or through reimbursement. However, the City does not reimburse the District for Fire Marshal costs.

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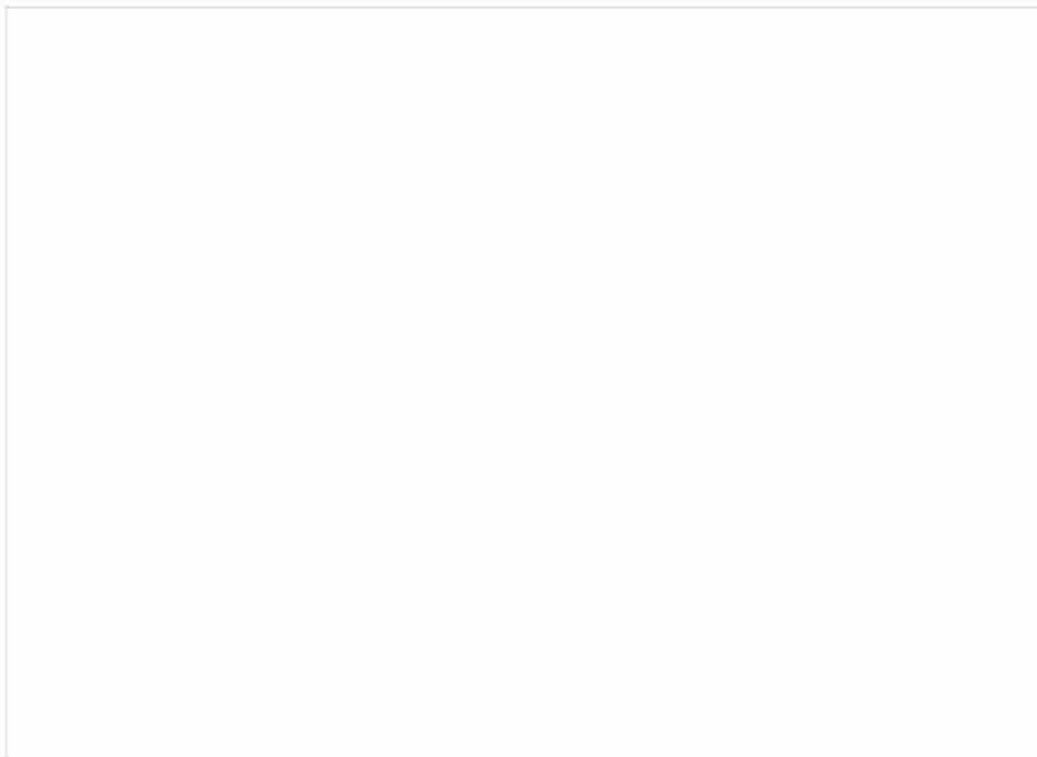
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It is estimated that FY 23/24 MVFD general fund operations will make up approximately 19.3 percent of the FY 23/24 Mill Valley general fund budget. Assuming 100 percent of the approximately \$7.4 million funding gap for MVFD operations comes from property tax revenues, approximately 31 percent of Mill Valley general fund property tax revenues will be used to support MVFD operations.

Funding for costs including apparatus/equipment replacement, fire-related access improvements, and special services, such as vegetation management, are currently funded in the Equipment Replacement, Capital Improvement, and Municipal Services Tax funds. Although the Equipment Replacement and Capital Improvement funds are routine funds, the Municipal Services Tax fund was created in 2018 to address vegetation management within MVFD’s jurisdiction.

The following figure reflects MVFD costs for the past five years, the current estimated annual costs, and projected costs through FY 25/26, assuming historical trends and the assumptions previously discussed. The information reflects a status quo scenario. Annual growth assumptions for projected revenues and expenditures are four and three percent, respectively.

*Figure 5-1: MVFD Financial Operations – Status Quo*



**MVFD Financial Operations – Status Quo**

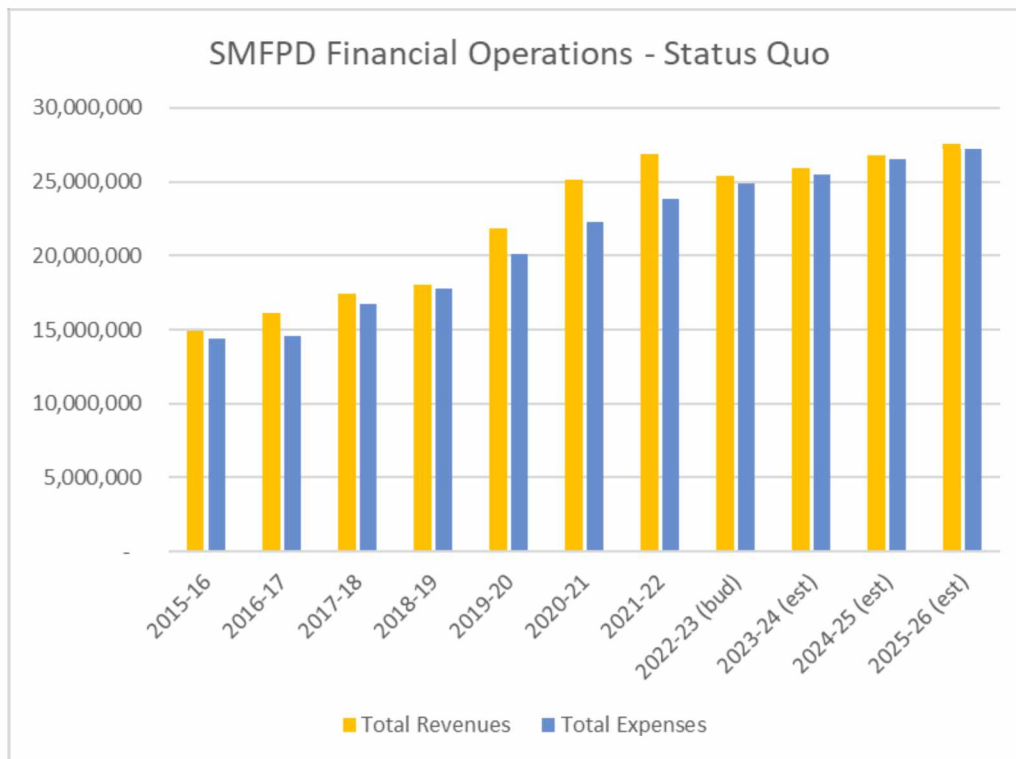
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and approximately \$6.2 million of non-personnel-related costs. Costs will be funded through revenues estimated at \$25.9 million, including approximately \$16.5 million in property tax revenues. There is presently an anticipated year end operating surplus of approximately \$424,000.

The following figure reflects SMFPD costs/revenues for the past five years, the current estimated annual costs/revenues, and projected costs/revenues through FY 25/26, assuming historical trends and the assumptions previously discussed. This figure reflects a status quo scenario. Annual growth assumptions for projected revenues and expenditures are four percent for revenues and expenditure growth rates of three, five, and four percent for FY 23/24, FY 24/25, and FY 25/26 respectively.

**Figure 22—Financial Operations Status Quo – SMFPD**



### 5.3 SERVICE PROVISION FINANCIAL OPTIONS REVIEW

#### 5.3.1 Return to Stand Alone (Separate) Fire Departments

MVFD and SMFPD currently have a fire services administration sharing agreement that would be dissolved under this option. To maintain existing service levels once the agreement is dissolved, the City would have to hire a third Battalion Chief, one Fire Marshal/Inspector and a part-time Administrative Assistant. It is estimated that this would cost Mill Valley approximately \$831,000 in FY 23/24 if the shared services agreement was dissolved. Under the current shared services agreement, it is estimated that the City would pay SMFPD approximately \$806,000 for these

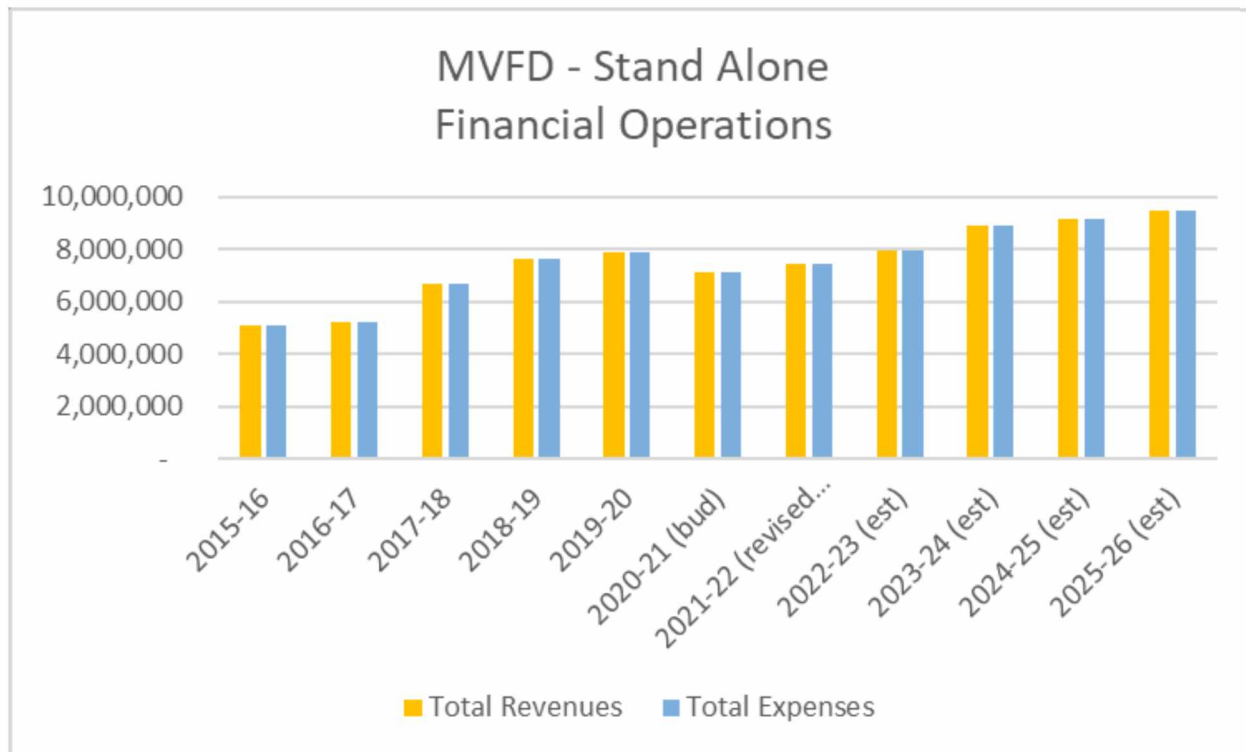
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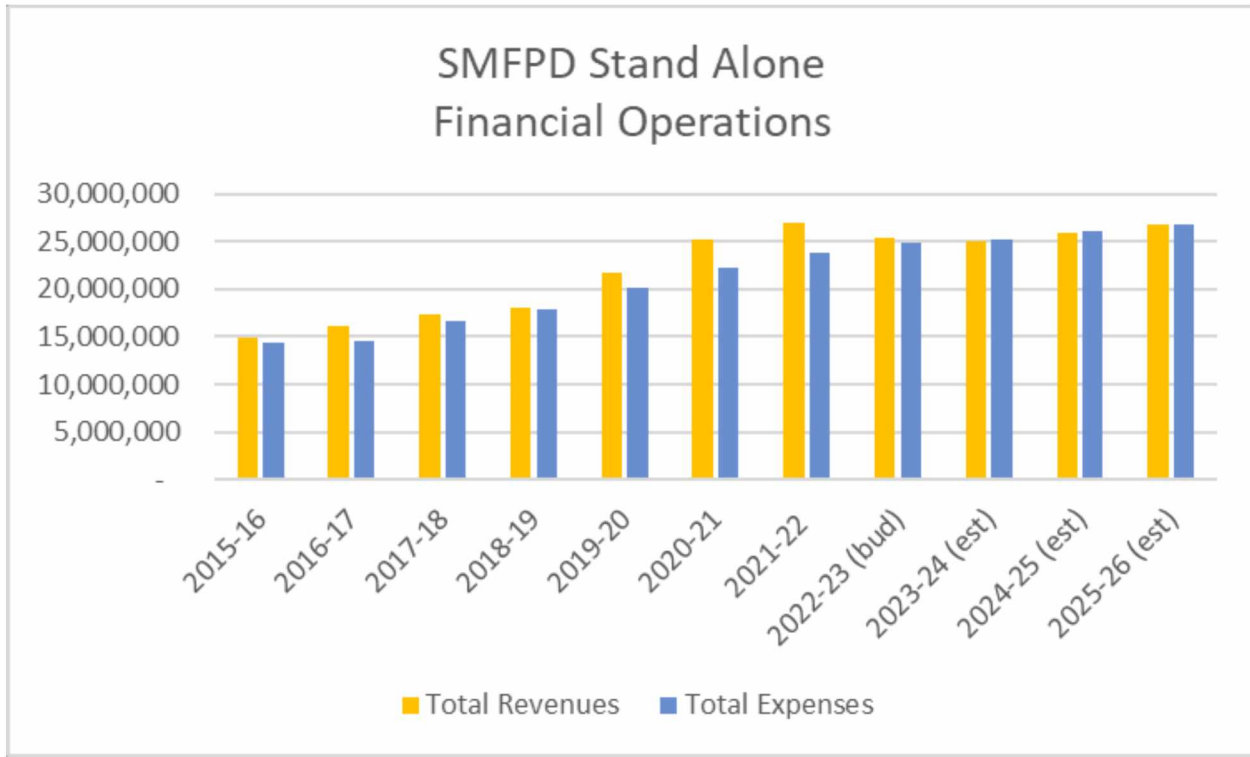
services in FY 23/24, which would be lost revenue to SMFPD if the shared services agreement was dissolved. This results in increased cost to MVFD and a loss of revenue to SMFPD. This excludes any incremental startup costs, such as uniforms and equipment. This would require an additional allocation of City property taxes based on the funding allocation assumption previously discussed.

The following figures reflect the “Stand Alone” option assuming the same annual growth rate assumptions for revenues and expenditures previously discussed.

**Figure 23—Financial Operations – MVFD – Stand Alone**



**Figure 24—Financial Operations – SMFPD– Stand Alone**



**5.3.2 Annexation of MVFD into the SMFPD**

In year one, consolidation/annexation will also result in small additional net costs as actual costs and revenues are booked. The following discussion is based on assumptions developed from updated information provided by MVFD and SMFPD staffs resulting from recently completed merger negotiations with the impacted employees’ bargaining units.

***Annexation Assumptions***

**Expenses**

1. All MVFD sworn fire personnel would be transferred to SMFPD at their current rank and equivalent pay step, except for the firefighter classification which will be one step below equivalent SMFPD classification.
2. Benefit items will occur as follows:
  - a. Mill Valley will retain the costs associated with the CalPERS Unfunded Actually Accrued Liability (UAAL) for the applicable MVFD employees
  - b. Deferred compensation will be adjusted per eligibility of OPEB benefits
  - c. MVFD will transfer from CalPERS to MCERA



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3. MVFD employees will have the option of enrolling in the Kaiser Silver Health Plan or SMFPD Kaiser Low Health Plan to maintain the existing CalPERS coverage.
4. Vacation balances will be either cashed out or transferred to SMFPD at the employee's option. If a balance transfer is selected, credit of 94 percent of each accrued hour will be provided.
5. Sick balance will be transferred at 94 percent of each accrued hour. Mill Valley will pay SMFPD 30 percent of the book value of applicable sick hours.
6. Per a separate capital equipment negotiated agreement, transfer of fire related facilities and equipment will be determined and will include a one-time transfer from Mill Valley to SMFPD of \$1,237,747 representing the current depreciated value of the transferred apparatus. Based on an internal review of the MVFD employee activity conducted by City staff, it is estimated that overtime savings of approximately \$412,000 would be realized from minimum staffing efficiencies in a larger, merged workforce in FY 23/24, the assumed year of the annexation.
7. SMFPD estimates that approximately \$42,000 will be required to address necessary support overhead, such as accounting staff, IT staff, vehicle and facilities maintenance staff, payroll and accounts payable staff, etc., and is included in the cost analysis.
8. Through negotiations, MVFD and SMFPD each agreed to make a (FY 23/24) contribution in the amount of \$294,845 to address the estimated net funding gap resulting from the annexation option. This occurs due to the smoothing of City employment cost to the District. Out of fairness to both parties, this gap payment incurs in future years but caps in FY 25/26 at approximately \$569,000. Per the agreement, MVFD's share would be paid through the property tax transfer and would increase as the annexed property tax revenues increase.

After the first year, SMFPD would continue to absorb any funding gap resulting from the annexation. SMFPD secured and unsecured property tax revenues have grown at an annual average rate of 5.8 percent over the last five years; however, SMFPD staff assumed a conservative 4 percent growth rate in its analysis, which Citygate believes is prudent given the downside risk being transferred to SMFPD. However, SMFPD has established an effective reserve policy and has accumulated sufficient reserves which should address anticipated shortfalls.

If post annexation property tax revenues grew at an annual rate of 5 percent as opposed to 4 percent as reflected in the analysis, any operating deficits would be eliminated by FY 25/26. JPA memberships for the two separate agencies, such as

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the SMEMPS and the Marin Emergency Radio Authority, will remain as is after the annexation.

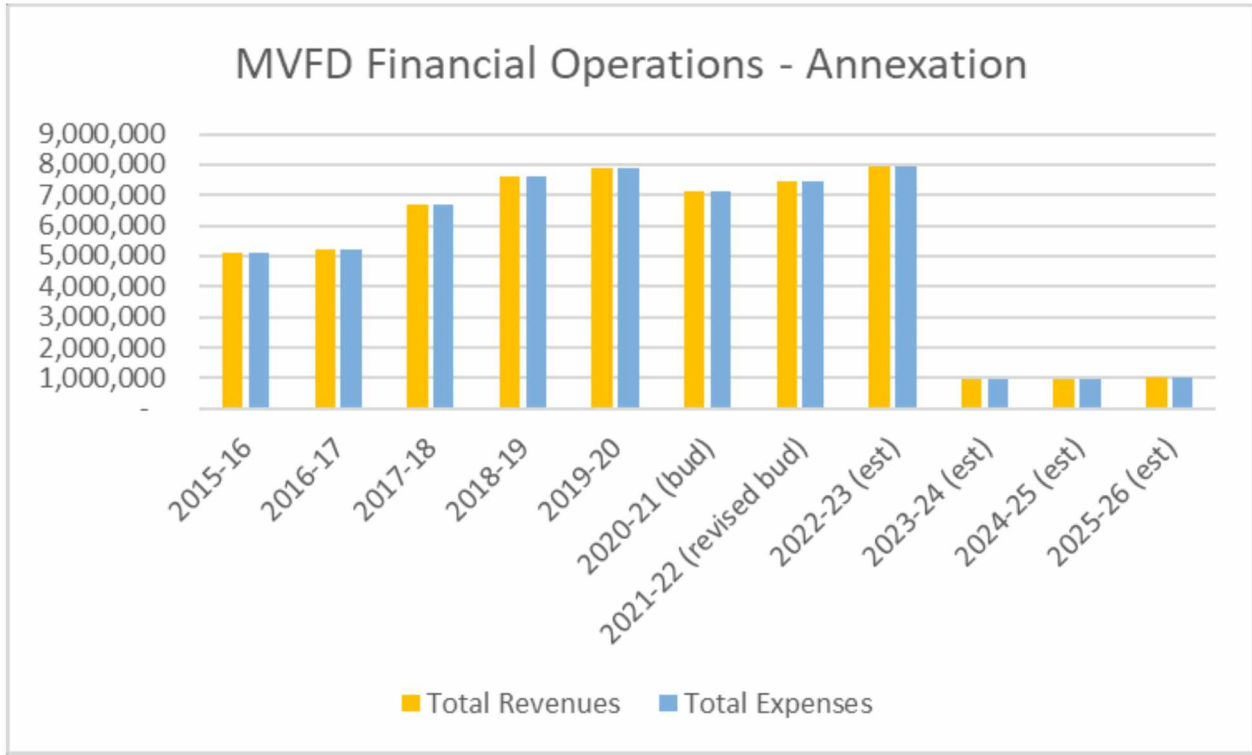
9. The City will retain responsibility for vegetation management operations supported by the Municipal Service Tax.

### **Revenues**

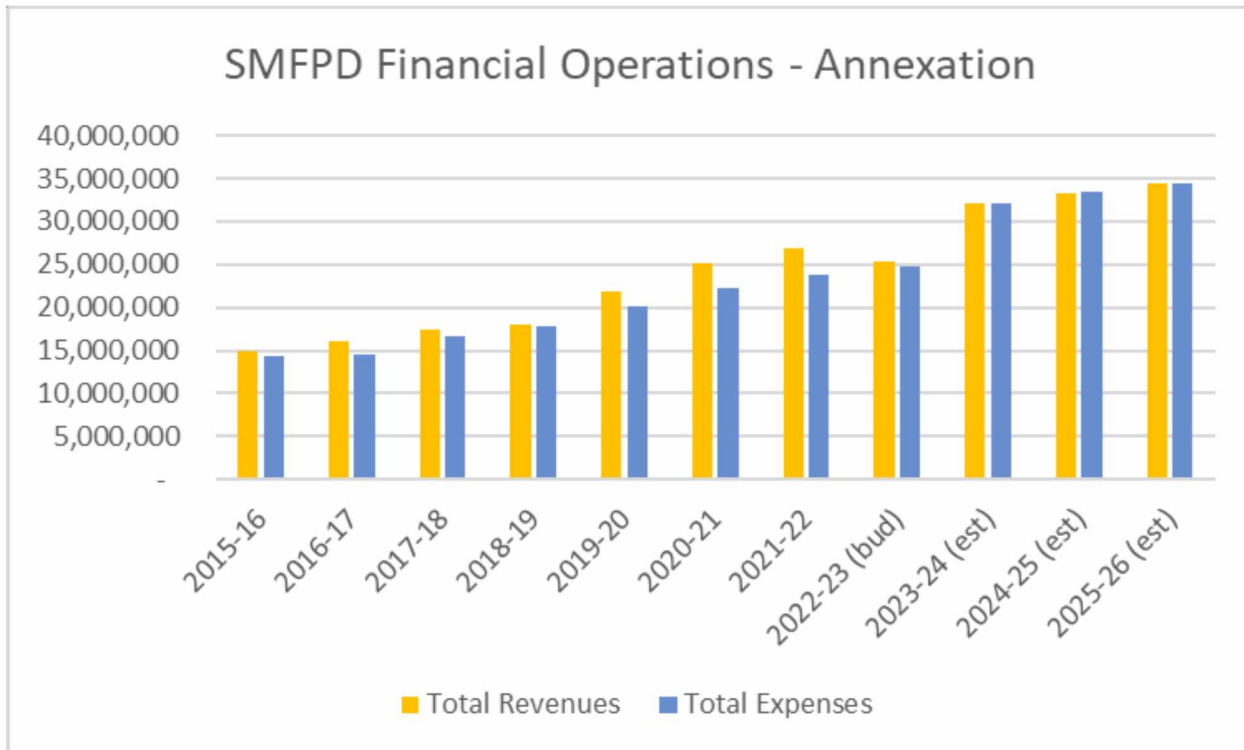
1. Authority to collect general fire-related direct revenues previously discussed will be transferred from MVFD to SMFPD, currently estimated at approximately \$383,900 for FY 23/24.
2. A formal application to LAFCO to annex the MVFD into SMFPD will be initiated to transfer appropriate property tax rate to SMFPD to address any funding gap between the costs related to the transfer of the MVFD operations and the direct revenues previously discussed. It is assumed that only the portion of the City general property tax rate would be impacted by consolidation/annexation and not any of the property tax over-ride rate or other property tax-related revenues, such as property transfer taxes and property tax in lieu of vehicle licensing fee (VLF). City property tax revenue associated with its general rate is estimated to be approximately \$23.8 million for FY 23/24. Assuming the net consolidation/annexation cost of approximately \$6.624 million, the City would need to transfer approximately 27.8 percent of its property tax equivalent rate to SMFPD.
3. The annexation of the City parcels into the SMFPD will not be subject to the additional parcel taxes imposed by Fire District Measure U. This measure was approved by SMFPD voters in 2018. Revenue from this measure is dedicated to fire and EMS services within the District, with a maximum tax amount for single-family improved parcels of \$200 per parcel. The measure contains an automatic annual escalator of 5 percent, but since its inception, the District has taken action to decline the automatic annual increase.
4. After annexation, both Mill Valley and SMFPD will continue to collect revenues from Measure C, which was passed by the voters in March 2020. These revenues are dedicated funds as prescribed in the ordinance and are used exclusively for reducing the risks associated with the threats from wildland fire. Measure C generates approximately \$20M annually, which is distributed regionally and locally as prescribed in the ordinance.

The following figures reflect the “annexation” option assuming the same annual growth rate assumptions for revenues and expenditures previously discussed

**Figure 25—Financial Operations – MVFD – Annexation**



**Figure 26—Financial Operations – SMFPD – Annexation**



As is the case with any annexation, fiscal variances will occur over the first few years until stability is achieved. Citygate believes, based on review of current fiscal information provided by MVFD and SMFPD staff, neither Mill Valley nor SMFPD will be negatively impacted by exercising the annexation option.

## SECTION 6—GOVERNANCE UNDER THE MERGER

In a full merger analysis, the question of policy governance (elected officials) must be addressed. For a city and a fire district, the more typical form of merger is for a district to annex the city's area into the district solely for the provision of fire services. In effect, the city council transfers most fire service decisions to the district. To do so by a contract is less permanent as the employees are transferred to district employment, but a future council could cancel the contract, leaving the district with a surplus of employees and, over the years, some of those would be promoted and, no longer being junior, would not be subject to layoff. Such a merger by contract leaves too many loose ends.

The City is a General Law city and was incorporated in 1900. It operates with a City Council / City Manager form of government. The City has five elected City Councilmembers who serve four-year terms and annually elect from among their ranks a Mayor and Vice Mayor.

The SMFPD is an independent special district, as defined in California Government Code Title 6 and California Health and Safety Code Division 12—the Fire Protection District Law of 1987, established by the Marin County Board of Supervisors in July of 1999. The District was formed by the merger of the Alto-Richardson Fire Protection District and the Tamalpais Fire Protection District. It is governed by seven elected Board of Directors who are staggered in four-year terms.

### 6.1 THE ROLE OF LAFCO

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According to Marin County's LAFCo:

*Local Agency Formation Commissions (LAFCOs) were established in 1963 by the California Legislature with the initial tasks of approving or disapproving proposals for the incorporation of new cities and creation of new special district in all 58 counties. Their purposes are:*

*Marin LAFCo is a subdivision of the State of California and currently responsible for directly administering the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH). This legislation marked a comprehensive rewrite of pre-existing LAFCo law dating back to 1963 and marked by substantively expanding LAFCOs' planning responsibilities. Examples include now regularly preparing studies – titled municipal service reviews – to independently evaluate the availability, need, and performance of local governmental services relative to current and future community needs and ahead of updating local agencies' spheres of influence every five years. CKH also expanded LAFCo's regulatory powers to now oversee outside service extensions as well as the authority to directly initiate certain government reorganizations, such as forming, consolidating, or dissolving special districts. CKH also reaffirmed and expanded LAFCo's underlying directive*

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*to balance orderly development with efficient governmental services with the sometimes-competing interests of discouraging urban sprawl and preserving open space and prime agricultural lands. (Government Code Section 56000 et seq.)*

## **6.2 MILL VALLEY AND SMFPD GOVERNANCE**

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The communities of the City and the SMFPD can have a mechanism to ensure constituents of both jurisdictions have equal means for fair and equitable representation in a consolidation/annexation.

There are typically several governance models local government agencies assess:

1. Contract for services
2. Creation of Joint Powers Agreement
3. Merger (consolidation or annexation)

This issue was also raised during the discussions that led to the annexation of fire and emergency medical services from the City of Sausalito into the SMFPD in 2012. In its analysis regarding governance, Citygate wrote:

“The second alternative for ‘combining’ or sharing fire service resources is the creation of a fire district or expansion of an existing district to encompass both agency boundaries. Any form of merger requires review and approval by LAFCo. The basic LAFCo requirements and process serve as background to this alternative described below:

“The LAFCo law sets four methods of combining district jurisdictions. They are:

- ◆ Annexation, which may or may not include a dissolution
- ◆ Consolidation
- ◆ Merger
- ◆ Formation of a subsidiary district”<sup>1</sup>

“Because we are dealing with a City, the only viable option is annexation of the City into the District without dissolution of the District. A consolidation is not available because only districts can consolidate with districts and cities with cities (LAFCo law 56030). A district cannot consolidate with a city. . . . Dissolution and formation of a new replacement district will not work because upon dissolution, the corporate powers of the district cease to exist (LAFCo law section 57450). The successor to the dissolved district winds up its affairs (LAFCo law section 57453). There is no authority to transfer its taxing powers to

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<sup>1</sup> “Sausalito and Southern Marin Fire Protection District Fire Phase 1 Briefing,” Citygate Associates, p. 18.

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the successor new replacement district except for the payment of long-term obligations (LAFCo law section 57458). . . . A merger is not available. A merger occurs when a district of limited powers is subsumed by the boundaries of a city. The entire boundaries of the district must be within the city (LAFCo law section 57104). It results in the termination of the existence of the district (LAFCo law section 56056). . . . The formation of a subsidiary district is not available. A subsidiary district is a district, which is governed by a city council (LAFCo law section 56078). To be a subsidiary district, at least 70 percent of the land area must be within the boundaries of the city and at least 70 percent of the registered voters must be within the city (LAFCo law section 57105).”<sup>2</sup>

“The option, therefore, for permanent shared fire services is the annexation of the City to the SMFPD. Under the Fire Protection Law of 1987, a fire protection district may include incorporated territory (Health and Safety Code section 13810).”<sup>3</sup>

“In this type of merger there would be one fire service provider and the governing body would be people elected by the voters across the entire new District, including the City. The District’s sources of revenue from Mill Valley would be set at the time of merger.”<sup>4</sup>

This transfer of revenue from the City is very important to understand for two reasons. First, the City gives up revenue, but second, only for the cost of fire services at the time of the merger. In other words, the City transfers fire services to the District at the present value, forever. There can be no increase asked by the District from the City. If in the decades ahead, the District wants to increase revenues it must ask the voters in the District, not just the City. Thus, the City freezes its cost of fire services forever.

Elected official representation is a question that has been discussed by the Joint Shared Service Committee. The City has expressed its need to ensure Mill Valley residents are fairly represented in an expanded fire district.

When the City of Sausalito annexed its fire and emergency medical services into the SMFPD, the Board of Directors was expanded to seven from five. The two new positions were filled initially by two Sausalito residents, thereby addressing the concern of fair representation. Subsequent elections remained at-large.

With respect to an annexation of the MVFD and emergency medical services into the SMFPD and City representation on the SMFPD Board of Directors, City representation on the Board of Directors can be facilitated by way of three options. However, three elements must be assessed: 1) what mechanisms are available to ensure City representation on the SMFPD Board of Directors

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<sup>2</sup> “Sausalito,” p. 18.

<sup>3</sup> “Sausalito,” p. 19.

<sup>4</sup> “Sausalito,” p. 25–26.

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should the City be annexed by the SMFPD, 2) are future elections at-large or by Districts per the CVRA, and 3) will potential future consolidations influence this topic?

1. The Board can elect to expand temporarily or permanently due to impacts from the City annexing its fire and emergency medical services into the District.
2. Individual Board members can voluntarily elect to step down prior to an election and be replaced by an equally pre-determined number of representatives from the City.
3. At the next election cycle, Board Director vacancies would expand eligibility to the residents of the newly annexed City (at-large elections).

Historically, when the City of Sausalito annexed its fire and emergency medical services into the SMFPD in 2012, the Board of Directors was expanded from five to seven to allow the immediate representation of two Sausalito residents on the SMFPD Board of Directors. Though not specifically required to maintain two Sausalito residents on the Board, since the annexation the Board elections have resulted in maintaining a minimum of two Sausalito residents as Board Directors, with three being the most it has had.

The question of how the post annexation District Board of Directors has been negotiated between the City and District. As the Southern Marin Fire Protection District is now governed by a seven-member Board of Directors who are elected every four years at large, the SMFPD Board of Directors does not desire to expand *or* contract the number of Board Directors. The next election in which residents of the City of Mill Valley will be eligible to submit their application for Board of Director positions at large occurs in November 2024. Given this, the City and District staffs and merger subcommittee members have reached agreement that a “governance bridge” between the approved date of annexation and the November 2024 election is beneficial and needed.

The bridge will be to create an Advisory Board consisting of two Mill Valley residents or council members. The Advisory Board will be a subcommittee to the SMFPD Board of Directors and will include two City Council members and two Board of Directors. This committee will meet monthly to discuss City of Mill Valley fire-department-related services and programs and will continue until District Directors are sworn in after the 2024 general election.

### **6.3 MEASURE C**

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In March 2020, the voters in Marin County passed Measure C, resulting in the creation of a Joint Powers Agreement, the Marin Wildfire Prevention Authority (MWPA). The ordinance detailed the governing structure of the organization, including a Governing Board, Operations Committee, Technical Advisory Committee, and a Citizen Oversight Committee. Each member agency is authorized to provide a prescribed level of representation on each of the committees/boards.



## Southern Marin Fire Protection District

### *Merger Ad Hoc Assistance*

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The Governing Board includes a councilmember or board member from the governing member agency. The Operations Committee consists of a selected Fire Chief or City/Town Manager from the member agency, and the Technical Advisory Committee typically consists of a Fire Marshal or prevention subject matter expert from the member agency.

The Measure C ordinance also details the prescriptive method for fund allocation of Measure C revenues. There are five operational areas that subdivide the County and are the basis for regional fund allocations. The ordinance details that twenty percent of funds collected are distributed directly to the member agency for their defensible space inspection program. Twenty percent of funds collected are also distributed directly to the member agency for local mitigation projects as defined by the member agency. Sixty percent of the revenues collected, minus 10 percent for administrative overhead, is allocated across the five operational areas based on a formula prescribed in the ordinance.

Annexation of the MVFD by the SMFPD raises questions regarding representation and fund management, including:

1. With respect to Measure C representation, because of annexation, does the City retain a voting seat on the Governing Board and Operations Committee? If so, how?
2. Does the City retain the funds distributed by Measure C and direct the District in how those funds are to be spent?

Currently under Measure C, Councilmember Sashi McEntee represents the City on the Governing Board. City Manager Alan Piombo represents the City on the Operations Committee, though he partners with Fire Chief Chris Tubbs. Fire Marshal Fred Hilliard represents the City on the Technical Advisory Committee.

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The Measure C Ordinance details the process and allocation of member representation but is silent about what occurs when two agencies consolidate. This question will likely need to be resolved in consultation with the MWPA Governing Board and legal counsel. Options likely include:

1. The City could petition the members of the MWPA Governing Board to retain their formal member status. There is no language in the adopted ordinance that would preclude this option.
2. The City, in the annexation agreement, could include language detailing a process wherein if the City gives up its membership status on the MWPA Governing Board, the City may establish a joint City and SMFPD committee that would provide a

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3. The City could forfeit its current representation on the Governing Board and direct the SMFPD to represent the City and its risk reduction interests under the Measure C Ordinance.

### 6.3.1 Measure C Options – Fund Allocation Management

The City currently receives its allocations for defensible space inspections and local mitigation projects directly from the MWPA annually. With annexation of fire and emergency medical services, the City could elect to do the following:

1. If the City maintains its member agency status on the MWPA Governing Board, the City could maintain the current direct receipt of said Measure C allocations and direct the spending priorities of those funds. The District would continue to manage those funds, programs, and services as directed by the City. This is how it is currently managed.
2. If the City does not retain its member agency status with the MWPA, the City allocations would directly deposit with the SMFPD and the District would represent the City on the Governing Board, Operations Committee and Technical advisory Committee. The District would also be responsible for the spending of those funds.
  - In this scenario the City may wish to draft annexation language that maintains the City's ability to identify its annual apportionment, direct the spending of those funds, and receive annual reports.

### 6.4 MILL VALLEY MUNICIPAL SERVICE TAX PROGRAMS (MST)

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The City currently collects tax dollars to fund the MST that include improving the condition of City streets and storm drains, reduction of fire hazards, and shortening emergency response times. The MST currently generates approximately \$1.7 million annually. These are restricted funds.

The City has historically allocated \$300,000 annually for City services that reduce the risks associated with wildfire. Typically, these have included chipper day programs, fuel break projects, and occasionally, tree removal projects.

Assuming the City will continue this program, annexation of fire services raises questions related to the current MST and its management of risk reduction services and projects. Currently, the SMFPD is managing those projects. These responsibilities were passed to SMFPD Vegetation Management Specialist Jesse Figoni by MVFD Battalion Chief Scott Barnes during the shared services transition and in consultation with the City Manager.

## Southern Marin Fire Protection District

### Merger Ad Hoc Assistance

If annexation were to be approved, there is no mechanism for the District to collect the MST funds, so the City would need to retain this responsibility. The number of MST dollars allocated to vegetation management projects and services is determined by the City in consultation with the Fire Chief and Finance Director.

The Fire Chief recommends this program and its current program management process *not* change. The City would continue to collect the MST funds, and in partnership with the District Fire Chief, would determine how much funding is available annually, and on what projects and services those funds would be spent.

**Figure 27—Annual Funding for Vegetation Management**



## Southern Marin Fire Protection District

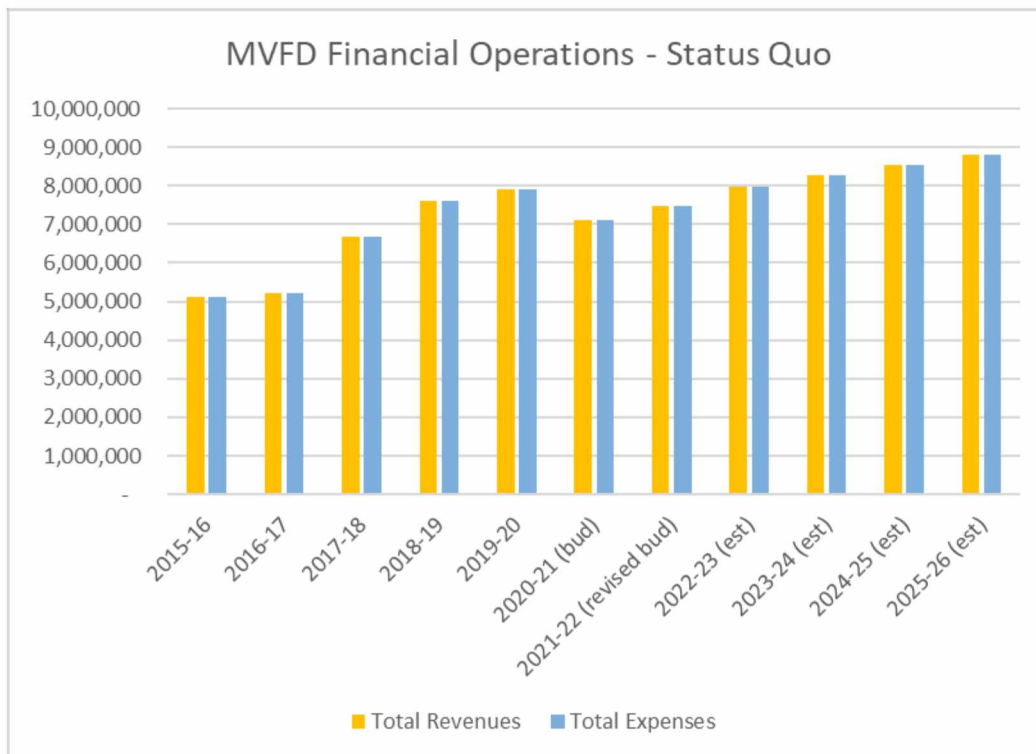
### Merger Ad Hoc Assistance

It is estimated that FY 23/24 MVFD general fund operations will make up approximately 19.3 percent of the FY 23/24 Mill Valley general fund budget. Assuming 100 percent of the approximately \$7.4 million funding gap for MVFD operations comes from property tax revenues, approximately 31 percent of Mill Valley general fund property tax revenues will be used to support MVFD operations.

Funding for costs including apparatus/equipment replacement, fire-related access improvements, and special services, such as vegetation management, are currently funded in the Equipment Replacement, Capital Improvement, and Municipal Services Tax funds. Although the Equipment Replacement and Capital Improvement funds are routine funds, the Municipal Services Tax fund was created in 2018 to address vegetation management within MVFD's jurisdiction.

The following figure reflects MVFD costs for the past five years, the current estimated annual costs, and projected costs through FY 25/26, assuming historical trends and the assumptions previously discussed. The information reflects a status quo scenario. Annual growth assumptions for projected revenues and expenditures are four and three percent, respectively.

**Figure 21—Financial Operations Status Quo – MVFD**



### 5.2.2 South Marin Fire Protection District (SMFPD)

The estimated SMFPD FY 23/24 budget totals approximately \$25.5 million, consisting of approximately \$19.3 million in personnel-related costs, supporting 62 full-time equivalents (FTEs)

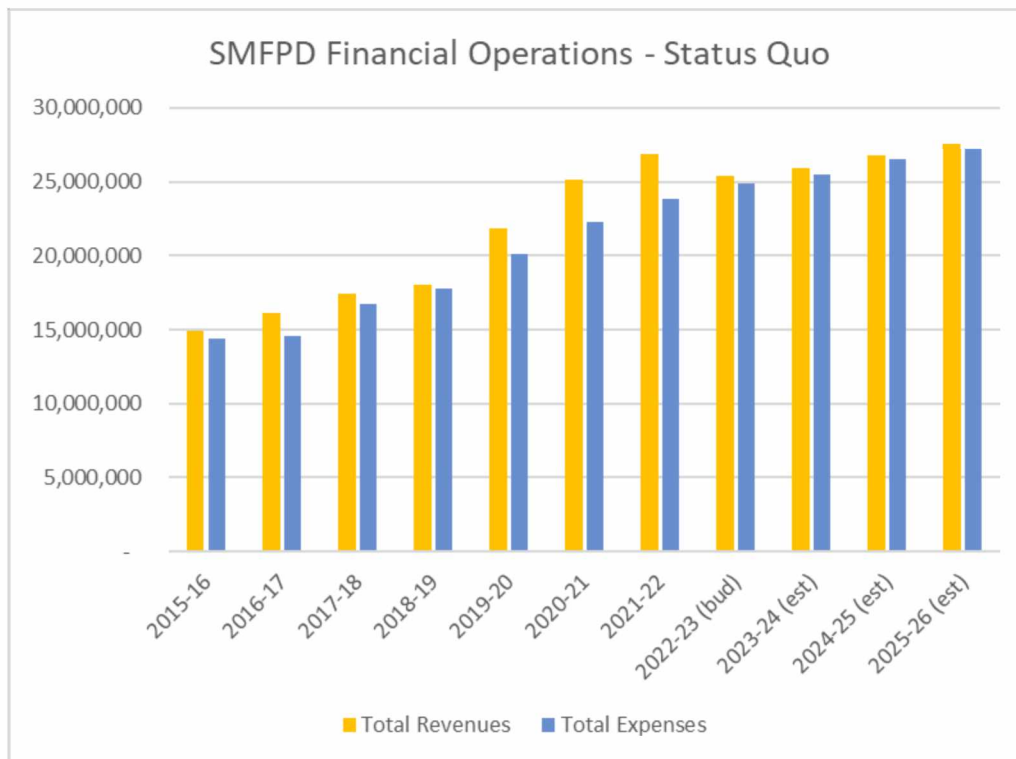
## Southern Marin Fire Protection District

### Merger Ad Hoc Assistance

and approximately \$6.2 million of non-personnel-related costs. Costs will be funded through revenues estimated at \$25.9 million, including approximately \$16.5 million in property tax revenues. There is presently an anticipated year end operating surplus of approximately \$424,000.

The following figure reflects SMFPD costs/revenues for the past five years, the current estimated annual costs/revenues, and projected costs/revenues through FY 25/26, assuming historical trends and the assumptions previously discussed. This figure reflects a status quo scenario. Annual growth assumptions for projected revenues and expenditures are four percent for revenues and expenditure growth rates of three, five, and four percent for FY 23/24, FY 24/25, and FY 25/26 respectively.

**Figure 22—Financial Operations Status Quo – SMFPD**



### 5.3 SERVICE PROVISION FINANCIAL OPTIONS REVIEW

#### 5.3.1 Return to Stand Alone (Separate) Fire Departments

MVFD and SMFPD currently have a fire services administration sharing agreement that would be dissolved under this option. To maintain existing service levels once the agreement is dissolved, the City would have to hire a third Battalion Chief, one Fire Marshal/Inspector and a part-time Administrative Assistant. It is estimated that this would cost Mill Valley approximately \$831,000 in FY 23/24 if the shared services agreement was dissolved. Under the current shared services agreement, it is estimated that the City would pay SMFPD approximately \$806,000 for these

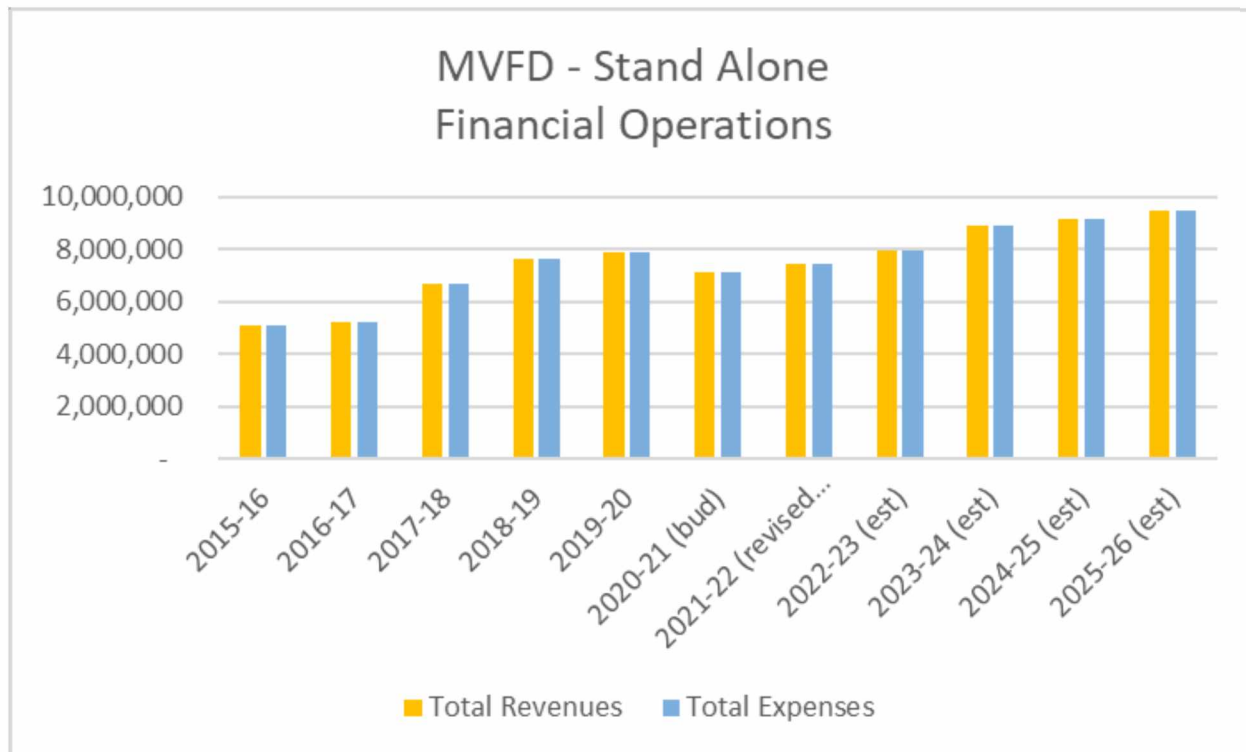
**Southern Marin Fire Protection District**

*Merger Ad Hoc Assistance*

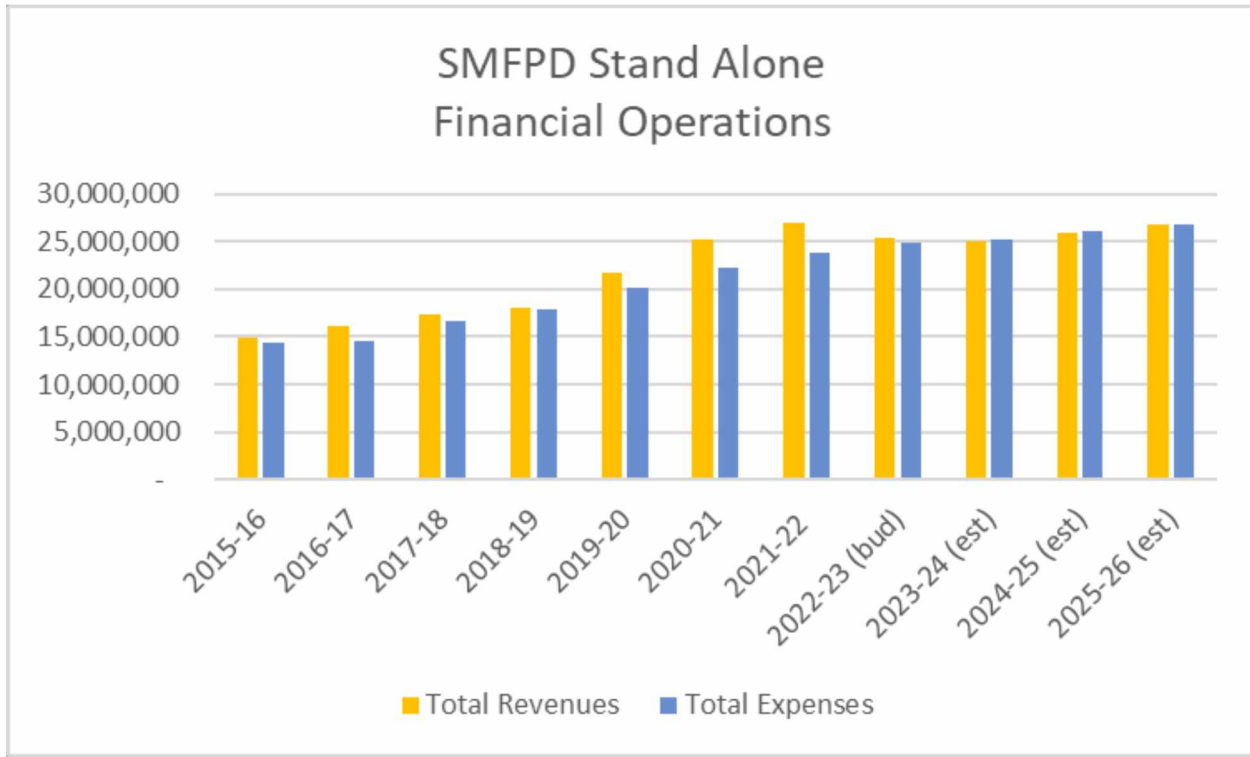
services in FY 23/24, which would be lost revenue to SMFPD if the shared services agreement was dissolved. This results in increased cost to MVFD and a loss of revenue to SMFPD. This excludes any incremental startup costs, such as uniforms and equipment. This would require an additional allocation of City property taxes based on the funding allocation assumption previously discussed.

The following figures reflect the “Stand Alone” option assuming the same annual growth rate assumptions for revenues and expenditures previously discussed.

**Figure 23—Financial Operations – MVFD – Stand Alone**



**Figure 24—Financial Operations – SMFPD– Stand Alone**



**5.3.2 Annexation of MVFD into the SMFPD**

In year one, consolidation/annexation will also result in small additional net costs as actual costs and revenues are booked. The following discussion is based on assumptions developed from updated information provided by MVFD and SMFPD staffs resulting from recently completed merger negotiations with the impacted employees’ bargaining units.

**Annexation Assumptions**

**Expenses**

1. All MVFD sworn fire personnel would be transferred to SMFPD at their current rank and equivalent pay step, except for the firefighter classification which will be one step below equivalent SMFPD classification.
2. Benefit items will occur as follows:
  - a. Mill Valley will retain the costs associated with the CalPERS Unfunded Actually Accrued Liability (UAAL) for the applicable MVFD employees
  - b. Deferred compensation will be adjusted per eligibility of OPEB benefits
  - c. MVFD will transfer from CalPERS to MCERA

## Southern Marin Fire Protection District

### *Merger Ad Hoc Assistance*

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3. MVFD employees will have the option of enrolling in the Kaiser Silver Health Plan or SMFPD Kaiser Low Health Plan to maintain the existing CalPERS coverage.
4. Vacation balances will be either cashed out or transferred to SMFPD at the employee's option. If a balance transfer is selected, credit of 94 percent of each accrued hour will be provided.
5. Sick balance will be transferred at 94 percent of each accrued hour. Mill Valley will pay SMFPD 30 percent of the book value of applicable sick hours.
6. Per a separate capital equipment negotiated agreement, transfer of fire related facilities and equipment will be determined and will include a one-time transfer from Mill Valley to SMFPD of \$1,237,747 representing the current depreciated value of the transferred apparatus. Based on an internal review of the MVFD employee activity conducted by City staff, it is estimated that overtime savings of approximately \$412,000 would be realized from minimum staffing efficiencies in a larger, merged workforce in FY 23/24, the assumed year of the annexation.
7. SMFPD estimates that approximately \$42,000 will be required to address necessary support overhead, such as accounting staff, IT staff, vehicle and facilities maintenance staff, payroll and accounts payable staff, etc., and is included in the cost analysis.
8. Through negotiations, MVFD and SMFPD each agreed to make a (FY 23/24) contribution in the amount of \$294,845 to address the estimated net funding gap resulting from the annexation option. This occurs due to the smoothing of City employment cost to the District. Out of fairness to both parties, this gap payment incurs in future years but caps in FY 25/26 at approximately \$569,000. Per the agreement, MVFD's share would be paid through the property tax transfer and would increase as the annexed property tax revenues increase.

After the first year, SMFPD would continue to absorb any funding gap resulting from the annexation. SMFPD secured and unsecured property tax revenues have grown at an annual average rate of 5.8 percent over the last five years; however, SMFPD staff assumed a conservative 4 percent growth rate in its analysis, which Citygate believes is prudent given the downside risk being transferred to SMFPD. However, SMFPD has established an effective reserve policy and has accumulated sufficient reserves which should address anticipated shortfalls.

If post annexation property tax revenues grew at an annual rate of 5 percent as opposed to 4 percent as reflected in the analysis, any operating deficits would be eliminated by FY 25/26. JPA memberships for the two separate agencies, such as



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### *Merger Ad Hoc Assistance*

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the SMEMPS and the Marin Emergency Radio Authority, will remain as is after the annexation.

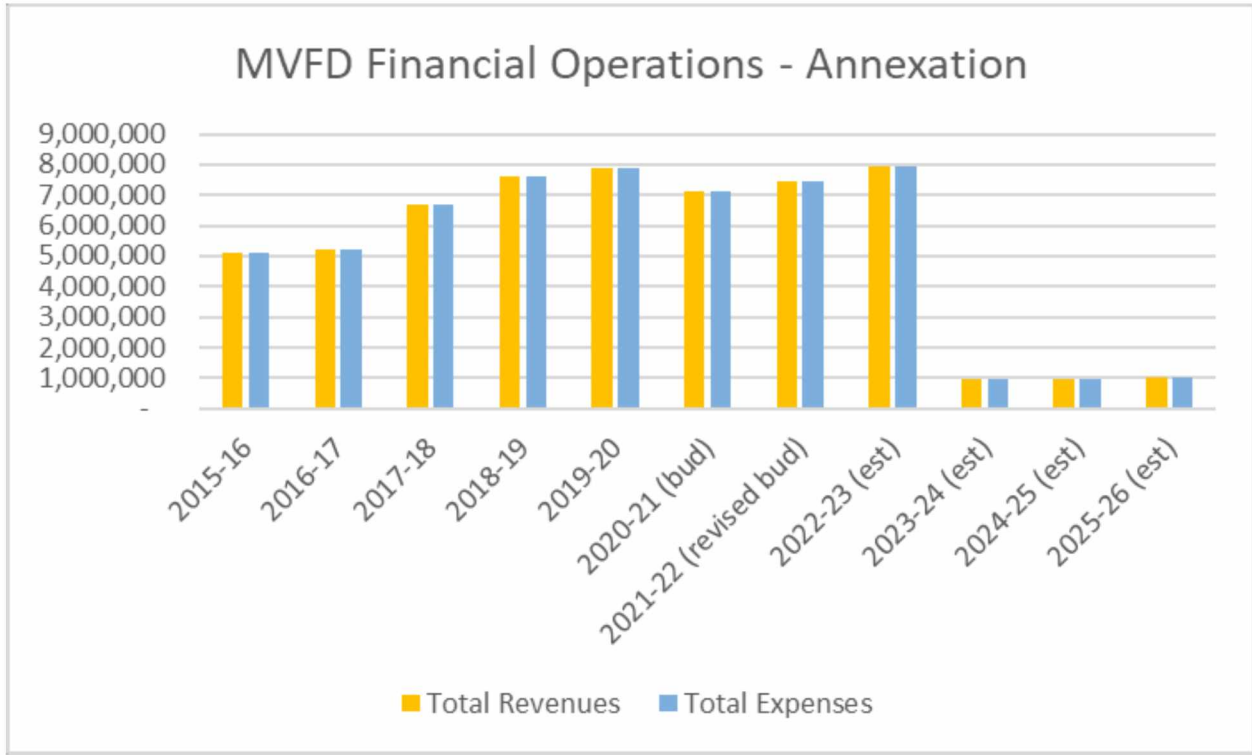
9. The City will retain responsibility for vegetation management operations supported by the Municipal Service Tax.

### **Revenues**

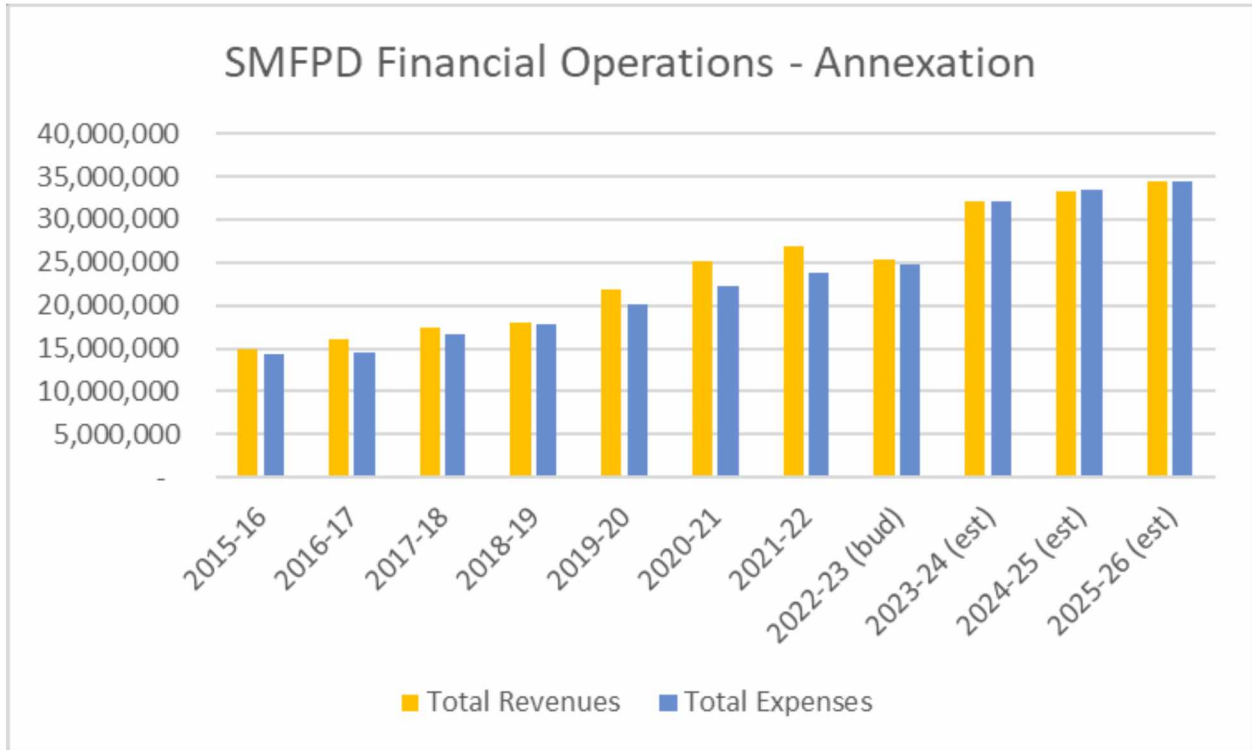
1. Authority to collect general fire-related direct revenues previously discussed will be transferred from MVFD to SMFPD, currently estimated at approximately \$383,900 for FY 23/24.
2. A formal application to LAFCO to annex the MVFD into SMFPD will be initiated to transfer appropriate property tax rate to SMFPD to address any funding gap between the costs related to the transfer of the MVFD operations and the direct revenues previously discussed. It is assumed that only the portion of the City general property tax rate would be impacted by consolidation/annexation and not any of the property tax over-ride rate or other property tax-related revenues, such as property transfer taxes and property tax in lieu of vehicle licensing fee (VLF). City property tax revenue associated with its general rate is estimated to be approximately \$23.8 million for FY 23/24. Assuming the net consolidation/annexation cost of approximately \$6.624 million, the City would need to transfer approximately 27.8 percent of its property tax equivalent rate to SMFPD.
3. The annexation of the City parcels into the SMFPD will not be subject to the additional parcel taxes imposed by Fire District Measure U. This measure was approved by SMFPD voters in 2018. Revenue from this measure is dedicated to fire and EMS services within the District, with a maximum tax amount for single-family improved parcels of \$200 per parcel. The measure contains an automatic annual escalator of 5 percent, but since its inception, the District has taken action to decline the automatic annual increase.
4. After annexation, both Mill Valley and SMFPD will continue to collect revenues from Measure C, which was passed by the voters in March 2020. These revenues are dedicated funds as prescribed in the ordinance and are used exclusively for reducing the risks associated with the threats from wildland fire. Measure C generates approximately \$20M annually, which is distributed regionally and locally as prescribed in the ordinance.

The following figures reflect the “annexation” option assuming the same annual growth rate assumptions for revenues and expenditures previously discussed

**Figure 25—Financial Operations – MVFD – Annexation**



**Figure 26—Financial Operations – SMFPD – Annexation**



As is the case with any annexation, fiscal variances will occur over the first few years until stability is achieved. Citygate believes, based on review of current fiscal information provided by MVFD and SMFPD staff, neither Mill Valley nor SMFPD will be negatively impacted by exercising the annexation option.

## SECTION 6—GOVERNANCE UNDER THE MERGER

In a full merger analysis, the question of policy governance (elected officials) must be addressed. For a city and a fire district, the more typical form of merger is for a district to annex the city's area into the district solely for the provision of fire services. In effect, the city council transfers most fire service decisions to the district. To do so by a contract is less permanent as the employees are transferred to district employment, but a future council could cancel the contract, leaving the district with a surplus of employees and, over the years, some of those would be promoted and, no longer being junior, would not be subject to layoff. Such a merger by contract leaves too many loose ends.

The City is a General Law city and was incorporated in 1900. It operates with a City Council / City Manager form of government. The City has five elected City Councilmembers who serve four-year terms and annually elect from among their ranks a Mayor and Vice Mayor.

The SMFPD is an independent special district, as defined in California Government Code Title 6 and California Health and Safety Code Division 12—the Fire Protection District Law of 1987, established by the Marin County Board of Supervisors in July of 1999. The District was formed by the merger of the Alto-Richardson Fire Protection District and the Tamalpais Fire Protection District. It is governed by seven elected Board of Directors who are staggered in four-year terms.

### 6.1 THE ROLE OF LAFCO

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According to Marin County's LAFCo:

*Local Agency Formation Commissions (LAFCOs) were established in 1963 by the California Legislature with the initial tasks of approving or disapproving proposals for the incorporation of new cities and creation of new special district in all 58 counties. Their purposes are:*

*Marin LAFCo is a subdivision of the State of California and currently responsible for directly administering the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH). This legislation marked a comprehensive rewrite of pre-existing LAFCo law dating back to 1963 and marked by substantively expanding LAFCOs' planning responsibilities. Examples include now regularly preparing studies – titled municipal service reviews – to independently evaluate the availability, need, and performance of local governmental services relative to current and future community needs and ahead of updating local agencies' spheres of influence every five years. CKH also expanded LAFCo's regulatory powers to now oversee outside service extensions as well as the authority to directly initiate certain government reorganizations, such as forming, consolidating, or dissolving special districts. CKH also reaffirmed and expanded LAFCo's underlying directive*

*to balance orderly development with efficient governmental services with the sometimes-competing interests of discouraging urban sprawl and preserving open space and prime agricultural lands. (Government Code Section 56000 et seq.)*

## **6.2 MILL VALLEY AND SMFPD GOVERNANCE**

The communities of the City and the SMFPD can have a mechanism to ensure constituents of both jurisdictions have equal means for fair and equitable representation in a consolidation/annexation.

There are typically several governance models local government agencies assess:

1. Contract for services
2. Creation of Joint Powers Agreement
3. Merger (consolidation or annexation)

This issue was also raised during the discussions that led to the annexation of fire and emergency medical services from the City of Sausalito into the SMFPD in 2012. In its analysis regarding governance, Citygate wrote:

“The second alternative for ‘combining’ or sharing fire service resources is the creation of a fire district or expansion of an existing district to encompass both agency boundaries. Any form of merger requires review and approval by LAFCo. The basic LAFCo requirements and process serve as background to this alternative described below:

“The LAFCo law sets four methods of combining district jurisdictions. They are:

- ◆ Annexation, which may or may not include a dissolution
- ◆ Consolidation
- ◆ Merger
- ◆ Formation of a subsidiary district”<sup>1</sup>

“Because we are dealing with a City, the only viable option is annexation of the City into the District without dissolution of the District. A consolidation is not available because only districts can consolidate with districts and cities with cities (LAFCo law 56030). A district cannot consolidate with a city. . . . Dissolution and formation of a new replacement district will not work because upon dissolution, the corporate powers of the district cease to exist (LAFCo law section 57450). The successor to the dissolved district winds up its affairs (LAFCo law section 57453). There is no authority to transfer its taxing powers to

<sup>1</sup> “Sausalito and Southern Marin Fire Protection District Fire Phase 1 Briefing,” Citygate Associates, p. 18.

## Southern Marin Fire Protection District

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the successor new replacement district except for the payment of long-term obligations (LAFCo law section 57458). . . . A merger is not available. A merger occurs when a district of limited powers is subsumed by the boundaries of a city. The entire boundaries of the district must be within the city (LAFCo law section 57104). It results in the termination of the existence of the district (LAFCo law section 56056). . . . The formation of a subsidiary district is not available. A subsidiary district is a district, which is governed by a city council (LAFCo law section 56078). To be a subsidiary district, at least 70 percent of the land area must be within the boundaries of the city and at least 70 percent of the registered voters must be within the city (LAFCo law section 57105).”<sup>2</sup>

“The option, therefore, for permanent shared fire services is the annexation of the City to the SMFPD. Under the Fire Protection Law of 1987, a fire protection district may include incorporated territory (Health and Safety Code section 13810).”<sup>3</sup>

“In this type of merger there would be one fire service provider and the governing body would be people elected by the voters across the entire new District, including the City. The District’s sources of revenue from Mill Valley would be set at the time of merger.”<sup>4</sup>

This transfer of revenue from the City is very important to understand for two reasons. First, the City gives up revenue, but second, only for the cost of fire services at the time of the merger. In other words, the City transfers fire services to the District at the present value, forever. There can be no increase asked by the District from the City. If in the decades ahead, the District wants to increase revenues it must ask the voters in the District, not just the City. Thus, the City freezes its cost of fire services forever.

Elected official representation is a question that has been discussed by the Joint Shared Service Committee. The City has expressed its need to ensure Mill Valley residents are fairly represented in an expanded fire district.

When the City of Sausalito annexed its fire and emergency medical services into the SMFPD, the Board of Directors was expanded to seven from five. The two new positions were filled initially by two Sausalito residents, thereby addressing the concern of fair representation. Subsequent elections remained at-large.

With respect to an annexation of the MVFD and emergency medical services into the SMFPD and City representation on the SMFPD Board of Directors, City representation on the Board of Directors can be facilitated by way of three options. However, three elements must be assessed: 1) what mechanisms are available to ensure City representation on the SMFPD Board of Directors

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<sup>2</sup> “Sausalito,” p. 18.

<sup>3</sup> “Sausalito,” p. 19.

<sup>4</sup> “Sausalito,” p. 25–26.

should the City be annexed by the SMFPD, 2) are future elections at-large or by Districts per the CVRA, and 3) will potential future consolidations influence this topic?

1. The Board can elect to expand temporarily or permanently due to impacts from the City annexing its fire and emergency medical services into the District.
2. Individual Board members can voluntarily elect to step down prior to an election and be replaced by an equally pre-determined number of representatives from the City.
3. At the next election cycle, Board Director vacancies would expand eligibility to the residents of the newly annexed City (at-large elections).

Historically, when the City of Sausalito annexed its fire and emergency medical services into the SMFPD in 2012, the Board of Directors was expanded from five to seven to allow the immediate representation of two Sausalito residents on the SMFPD Board of Directors. Though not specifically required to maintain two Sausalito residents on the Board, since the annexation the Board elections have resulted in maintaining a minimum of two Sausalito residents as Board Directors, with three being the most it has had.

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## Southern Marin Fire Protection District

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**Figure 27—Annual Funding for Vegetation Management**



Sections 56668		Response
a	Population and population density; land area and land use; *** assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.	Addressed in Citygate Report
b	The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. "Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.	Addressed in Citygate Report
c	The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.	Addressed in Citygate Report
d	The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Section 56377.	conforms with local policy and 56377
e	The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.	This parcel is not in an ag designated area
f	The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.	all boundaries conform properly
g	A regional transportation plan adopted pursuant to Section 65080	This has no impact on regional transportation plan
h	The proposal's consistency with city or county general and specific plans.	Is consistent with all plans
i	The sphere of influence of any local agency which may be applicable to the proposal being reviewed.	Amending SOI of SMFPD so annexation will be within new SOI.
j	The comments of any affected local agency or other public agency.	All comments reviewed and no objections were presented
k	The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.	Addressed in City Gate Report
l	Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.	Nothing in this application changes current water usage for property and previous MMWD MSR shows they have capacity
m	The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.	This application will not impact this issue
n	Any information or comments from the landowner or ***landowners, voters, or residents of the affected territory.	No comments against have been received
o	Any information relating to existing land use designations.	No changes to land use needed
p	The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.	This application will have no impact on EJ
q	Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.	Not relevant to this proposal.
Section 56668.3 parts a and b		
a	If the proposed change of organization or reorganization includes a city detachment or district annexation, except a special reorganization, and the proceeding has not been terminated based upon receipt of a resolution requesting termination pursuant to either Section 56751 or Section 56857, factors to be considered by the commission shall include all of the following:	see comments below
a1	In the case of a district annexation, whether the proposed annexation will be for the interest of landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.	Is in the interest of landowner and inhabitants
a2	In the case of a city detachment, whether the proposed detachment will be for the interest of the landowners or present or future inhabitants within the city and within the territory proposed to be detached from the city.	n/a
a3	Any factors which may be considered by the commission as provided in Section 56668.	see comments above
a4	Any resolution raising objections to the action that may be filed by an affected agency.	no resolution received
a5	Any other matters which the commission deems material.	staff addressed any issues in staff report
b	The commission shall give great weight to any resolution raising objections to the action that is filed by a city or a district. The commission's consideration shall be based only on financial or service related concerns expressed in the protest. Except for findings regarding the value of written protests, the commission is not required to make any express findings concerning any of the other factors considered by the commission	no resolution received



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT  
December 8, 2022  
Item 7(Business)

**TO:** Local Agency Formation Commission  
**FROM:** Jason Fried, Executive Officer  
**SUBJECT:** Discussion and Approval of Shared Resources Agreement with Santa Cruz LAFCo

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## Background

One of LAFCo's roles is to help identify where our member agencies can share services. To that issue, nobody has ever really talked about how LAFCos across the state can practice what they preach. While many LAFCos talk with each other and from time to time help each other out there is no formal relationship to help with larger issues. For example, Santa Cruz LAFCo spent time helping train Jeren how to do some of the basic GIS work that he now does. When we have more complex GIS matters we will still need to get outside help. In turn, Marin LAFCo has taken some limited time to help other LAFCos in areas where we have experience. For example, I recently talked with another LAFCo on how we do our payroll and other payment systems as they are looking to possibly become more independent of their county as we recently have. Most LAFCos are more than willing to help each other out but sometimes tasks are a little larger in nature. Going back to the GIS example Santa Cruz LAFCo has a person who could do some of the more complex work but it would take them time to do it so may need to be reimbursed for time spent. Given this a few months ago a discussion between several LAFCos about having a more formal agreement in place when projects are bigger or more costly was started. Several other LAFCo EOs have expressed interest in this issue but are not ready to take this to their respective Commission for approval. Given that both Santa Cruz and Marin EOs did not want to wait we both have decided to go to our Commissions to discuss and approve, if desired by each Commission, to start the agreement and let others join as they are ready. Santa Cruz also happens to have BBK as their legal counsel so they had them draft the attached agreement. The agreement was drafted to easily allow other LAFCos to join and reflects some of the interests those LAFCos would have when they are ready to join.

This agreement does not obligate any LAFCo in the agreement to have to do work that is requested. Rather each EO will decide based on the current workload if they have the ability to take on a project when requested. This will allow a way for one LAFCo to pay another LAFCo when taking on a bigger project, more than 5 hours in a month, and get reimbursement for time spent and other costs, such as travel.

As a small-staffed LAFCo we don't have the ability to have experts in all fields. Each LAFCo who joins will be better positioned to get the professional services each of us need without having to self-train in all areas.

## Staff Recommendation for Action

Staff Recommendation Option 1 – Authorize the Executive Officer to sign the attached shared resources agreement.

Option 2 – Continue consideration of the item to a future regular meeting, and provide direction to staff, as needed.

Option 3 – Reject the shared services agreement.

### Attachments:

1. Shared Resources Agreement

#### 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

Dennis Rodoni, Regular  
County of Marin

Judy Arnold, Regular  
County of Marin

Damon Connolly, Alternate  
County of Marin

Barbara Coler, Vice-Chair  
Town of Fairfax

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Town of San Anselmo

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Lew Kiou, Chair  
Almonte Sanitary District

Craig Murray, Regular  
Las Gallinas Valley Sanitary

Tod Moody, Alternate  
Sanitary District #5

Larry Loder, Regular  
Public Member

Richard Savel, Alternate  
Public Member

# **MULTI-LAFCO SHARED RESOURCES AGREEMENT**

By and Among

**LOCAL AGENCY FORMATION COMMISSION  
OF MARIN COUNTY,**

And

**LOCAL AGENCY FORMATION COMMISSION  
OF SANTA CRUZ COUNTY**

[Dated as of January \_\_\_\_, 2023]



## ARTICLE 1. PARTIES AND EFFECTIVE DATE

**1.1 Parties.** This Multi-LAFCO Shared Resources Agreement (“Agreement”) is entered into by and among the Local Agency Formation Commission of Marin County (“Marin LAFCO”) and the Local Agency Formation Commission of Santa Cruz County (“Santa Cruz LAFCO”). The LAFCOs are sometimes referred to herein as an “Interested LAFCO” and collectively as the “Supporting LAFCOs” or “LAFCOs.” This Agreement is dated as of January \_\_\_\_, 2023, for references purposes only and will become effective until the “Effective Date” defined in Section 1.2 below. A local agency formation commission may be referred to as a “LAFCO.”

**1.2 Effective Date.** This Agreement will become effective on the date (“Effective Date”) signed by the Supporting LAFCOs. Signatures may be made by the Interested LAFCO’s Chair or Executive Officer.

## ARTICLE 2. RECITALS

**2.1 Santa Cruz LAFCO Background.** At present, Santa Cruz LAFCO has one employee (Executive Officer). In the event that the Executive Officer requires a leave of absence, due to medical or personal reasons (ex. vacation or paternity/maternity leave), it may be beneficial to have administrative services covered during their extended time away from the office. Rather than hiring temporary assistance, coupled with the fact that a learning curve about LAFCO would most likely be required, it may be beneficial to implement a shared services/resources agreement with neighboring LAFCOs for temporary administrative/operational assistance. For these reasons, Santa Cruz LAFCO reached out to neighboring LAFCOs to solicit interest in sharing resources.

**2.2 Marin LAFCO Background.** At present, Marin LAFCO has three employees (Executive Officer, Deputy Executive Officer, and Clerk/Jr. Analyst). Additionally, Marin LAFCO. In certain instances, Marin LAFCO may not be able to provide mapping support promptly in which causes delays for Marin LAFCO. Rather than waiting for the third party providers to provide the requested mapping services, it may be beneficial to implement a shared services/resources agreement with a neighboring LAFCO for mapping support. Santa Cruz LAFCO has expressed interest in providing mapping services on an as-needed basis and Marin LAFCO has also indicated that they can provide administrative services.

**2.3 Other LAFCOs.** At present, other Coastal Region LAFCOs are equipped with multiple staff members and do not need administrative assistance at this time. However, they may have the opportunity to join the Agreement in the future as set forth below.

**NOW, THEREFORE,** in consideration for the mutual covenants set forth herein, the receipt and adequacy of which is hereby acknowledged, the Interested LAFCOs agree as follows:

## ARTICLE 3. TERMS

### 3.1 Administrative Services.

**3.1.1 Clerical Support.** An Interested LAFCO may reach out to any of the Supporting LAFCO for clerical support, including but not limited to, agenda packet preparation, public noticing, protest hearing noticing, record retention, scanning archives, etc. If support reaches more than five (5) total hours in any given month, the LAFCO providing services may charge the

LAFCO receiving services based on their regular hourly rate or rate determined by the affected LAFCOs, which may include the salary and benefits of the staff member and reasonable overhead charges.

**3.1.2 Website Support.** An Interested LAFCO may reach out to any of the Supporting LAFCOs for website support, including but not limited to, uploading agenda packets, revising outdated language, correcting broken links, etc. If support reaches more than five (5) hours in any given month, the LAFCO providing services may consider charging the LAFCO receiving services based on their regular hourly rate or rate determined by the affected LAFCOs, which may include the salary and benefits of the staff member and reasonable overhead charges.

**3.1.3 Other Administrative Support.** An Interested LAFCO may reach out to any of the Supporting LAFCOs for other administrative support, including but not limited to, developing maps for services reviews and/or applications, providing assistance during a LAFCO meeting, receiving/answering voicemails/emails during leave of absence, operating the LAFCO office if out on leave, etc. If support reaches more than five (5) hours in any given month, the LAFCO providing services may consider charging the LAFCO receiving services based on their regular hourly rate or rate determined by the affected LAFCOs, which may include the salary and benefits of the staff member and reasonable overhead charges. Travel time and costs can be factored into the amount being charged as long as basic cost estimates are provided and approved by interested LAFCO prior to work being performed.

## **ARTICLE 4. GENERAL PROVISIONS**

**4.1 Duration.** This Agreement shall remain in effect until terminated by the Supporting LAFCOs or if by withdrawal, there is only a single Supporting LAFCO. Any one of the Supporting LAFCOs may withdraw from the Agreement with notice by that Interested LAFCO following the submittal of a written request to be removed in accordance with Section 4.3. Any Interested LAFCO that has withdrawn may become a party to the Agreement by executing the Agreement and providing written notice to the Supporting LAFCOs in accordance with Section 4.3.

**4.2 No Third Party Beneficiaries.** The Supporting LAFCOs expressly acknowledge that they do not intend, by their execution of this Agreement, to benefit any person or entities not signatory to this Agreement. No person or entity not a signatory to this Agreement will have any rights or causes of action against the Supporting LAFCOs, or any combination thereof, arising out of or due to the Interested LAFCOs' entry into this Agreement.

**4.3 Notice.** All notices to be given shall be in writing and may be made by personal delivery, via email, certified mail, postage prepaid or return receipt requested. Mailed notices shall be addressed to the Supporting LAFCOs at the addresses listed below, but each Interested LAFCO may change the address by written notice in accordance with this paragraph. Receipt will be deemed made as follows: notices delivered personally will be deemed communicated as of actual receipt; mailed notices will be deemed communicated on receipt or region.

**Marin LAFCO**  
1401 Los Gamos Drive, Suite 220  
San Rafael, CA 94903

**Santa Cruz LAFCO**  
701 Ocean Street, Room 318-D  
Santa Cruz, CA 95060

**4.4 Counterparts.** This Agreement may be executed in two (2) or more counterparts, each of which shall constitute an original.

**4.5 Entire Agreement.** This Agreement contains the entire Agreement of the Supporting LAFCOs with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements, either written or oral, express or implied.

**4.6 Further Acts.** The Parties agree to execute such additional documents and to take such further actions as are reasonably necessary to accomplish the objectives and intent of this Agreement.

**4.7 Addition of LAFCOs.** LAFCOs may become parties to this Agreement by executing this Agreement and with the written request of an existing Interested LAFCO and the written consent of the other Interested LAFCOs. The Executive Officer of each Interested LAFCO may request or consent to the addition of a new Interested LAFCO.

**4.8 Authorization to Execute.** The signatories to this Agreement warrant that they have been lawfully authorized by their respective Supporting LAFCOs to execute this Agreement on their behalf. Upon request, the Supporting LAFCOs shall deliver all applicable bylaws, resolutions, or other documents evidencing the signatories' legal authority to execute this Agreement on behalf of the respective Supporting LAFCOs.

**4.9 Severability.** If any provision or clause of this Agreement or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this Agreement which can be given effect without the invalid provision or application. To this end, the provisions of this Agreement are declared to be severable.

**4.10 Employee Responsibility.** The employees of the Supporting LAFCOs providing services to any Interested LAFCO under this Agreement shall remain solely employees of the applicable one of the Supporting LAFCOs and shall have no claim to wages, benefits, pensions, civil service or any other rights provided by Interested LAFCO to its own employees. The Supporting LAFCOs shall secure and maintain workers' compensation insurance that will cover its own employees who may provide services under this Agreement. Each of the Supporting LAFCOs will indemnify and hold each other harmless from and against claims by their employees injured while performing services under this Agreement.

The Supporting LAFCOs expressly agree that none of them have, nor are assuming, any liability for the payment of wages or any other compensation or benefits to the others' employees performing services pursuant to this Agreement, nor shall any Interested LAFCO be liable for compensation to the employees of the other Supporting LAFCOs for injury or sickness arising out of performance of services pursuant to this Agreement. All such liabilities are the exclusive responsibility of the party employing such employees. Each of the Supporting LAFCOs will indemnify and hold each other harmless from and against claims by their employees.

**4.11 Indemnification.** Each of the Supporting LAFCOs shall defend, indemnify and hold the other Supporting LAFCOs and their officers, agents and employees harmless from any claim or action arising out of any willful misconduct or negligence in the performance of this



Agreement. This section is not intended to and does not abrogate or otherwise limit any immunity with which any of the Supporting LAFCOs may assert against any third party claim under the Government Code or otherwise.

**4.12 Insurance.** Each party shall provide and maintain insurance in the form and amounts prescribed below or provide a statement to the other parties that the entity is self-insured up to the amounts specified below:

4.12(a) Commercial General Liability Insurance / Automobile Liability Insurance. Coverage will be based on the subject LAFCO's adopted policies. At present, Marin and Santa Cruz LAFCOs do not own any vehicles and staff members get reimbursement in accordance with their respective policies.

4.12(b) Workers' Compensation. In at least the minimum statutory limits. With respect to Workers Compensation coverage, the Parties shall provide Workers' Compensation Coverage for its employees for all injuries sustained in the normal course and scope of the performance of the services rendered pursuant to this Agreement.

4.12(c) General provisions for all insurance. All insurance shall:

- Be endorsed to include the other parties, their elected and appointed directors, officials, officers, employees, volunteers and agents, as additional insureds with respect to this Agreement and the performance of this Agreement. The coverage shall contain no special limitations on the scope of its protection to the above-designated insureds.
- Be primary with respect to any insurance or self-insurance programs of that party, its elected and appointed directors, officials, officers, employees, volunteers and agents.

"Marin LAFCO"

By: \_\_\_\_\_

Jason Fried, Executive Officer

Date: \_\_\_\_\_

"Santa Cruz LAFCO"

By: \_\_\_\_\_

Joe Serrano, Executive Officer

Date: \_\_\_\_\_



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

**AGENDA REPORT**  
December 8, 2022  
Item No. 8 (Business Item)

**TO:** Local Agency Formation Commission

**FROM:** Jeren Seibel, Deputy Executive Officer

**SUBJECT:** Approval of Proclamation for Commissioners Judy Arnold, Damon Connolly, and James Campbell

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## Background

The Commission will recognize the contributions of Commissioners Judy Arnold, Damon Connolly, and James Campbell whose individual contributions and collaborative efforts with fellow Commission Members have served the county of Marin for many years.

## Staff Recommendation for Action

- 1) Staff recommendation – Approve and present Commissioners Arnold, Connolly, and Campbell with the attached proclamations.

Attachment:

1. Proclamation for Judy Arnold
2. Proclamation for Damon Connolly
3. Proclamation for James Campbell

---

### Administrative Office

Jason Fried, Executive Officer  
1401 Los Gamos Drive, Suite 220  
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www.marinlafco.org

Judy Arnold, Regular  
County of Marin

Dennis Rodoni, Regular  
County of Marin

Damon Connolly, Alternate  
County of Marin

Barbara Coler, Vice Chair  
Town of Fairfax

Steve Burdo, Regular  
Town of San Anselmo

James Campbell, Alternate  
City of Belvedere

Lew Kiou, 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 OF COMMENDATION FOR**  
***JUDY ARNOLD***

**EXPRESSING GRATITUDE FOR HER SERVICE**



**WHEREAS** Judy Arnold served the citizens of Marin County from 2008 to 2022 as both an Alternate and Regular Member of this Commission, as a County Commissioner of the Marin Local Agency Formation Commission; and

**WHEREAS** during her service as both an Alternate and County Member of this Commission, Judy's dedicated sense of responsibility toward the people of Marin County and the mission of the Marin Local Agency Formation Commission contributed greatly to the effectiveness of this Commission; and

**WHEREAS** her ability to take the measure of a public issue from competing points of view and sum up central issues with clarity and clear-spoken analysis; and

**WHEREAS** as a member of this Commission, Judy earned the respect of her colleagues, representatives of other public agencies, and the general public due to the keen sense of objectivity, integrity, and humanity with which she discharged her responsibilities; and

**WHEREAS** her work on the Marin Local Agency Formation Commission included navigating issues surrounding the Novato area and collaborating with staff on the Water and Wastewater studies done in 2016-2017; and

**NOW, THEREFORE, BE IT PROCLAIMED** that the members of this Commission, wish to express their deep appreciation and sincere thanks for Judy Arnold's service on the Marin Local Agency Formation Commission and lasting contributions to the people of Marin County.

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission on this 8th day of December 2022.

---

Lew Kious, Chairperson

Attest:

---

Jason Fried, Executive Officer

**MARIN LOCAL AGENCY FORMATION COMMISSION  
RESOLUTION OF COMMENDATION FOR**

***DAMON CONNOLLY***

**EXPRESSING GRATITUDE FOR HIS SERVICE**



**WHEREAS** Damon Connolly served the citizens of Marin County from 2015 to 2022 as both an Alternate and Regular Member of the Marin Local Agency Formation Commission; and

**WHEREAS** during his service as both an Alternate and Regular Member of this Commission, Damon's dedicated sense of responsibility toward the people of Marin County and the mission of the Marin Local Agency Formation Commission contributed greatly to the effectiveness of this Commission; and

**WHEREAS** his ability to take the measure of a public issue from competing points of view and sum up central issues with clarity and clear spoken analysis; and

**WHEREAS** as a member of this Commission, Damon earned the respect of his colleagues, representatives of other public agencies, and the general public due to the keen sense of objectivity, integrity, and humanity with which he discharged his responsibilities; and

**WHEREAS** his work on the Marin Local Agency Formation Commission included helping rewrite the current Policy Handbook and create the first Personnel Handbook along with being on the contract negotiations committee for the Executive Officer; and

**NOW, THEREFORE, BE IT PROCLAIMED** that the members of this Commission, wish to express their deep appreciation and sincere thanks for Damon Connolly's service on the Marin Local Agency Formation Commission and lasting contributions to the people of Marin County.

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission on this 8th day of December 2022.

---

Lew Kious, Chairperson

Attest:

---

Jason Fried, Executive Officer

**MARIN LOCAL AGENCY FORMATION COMMISSION  
RESOLUTION OF COMMENDATION FOR**

***JAMES CAMPBELL***

**EXPRESSING GRATITUDE FOR HIS SERVICE**



**WHEREAS** James Campbell served the citizens of Marin County from 2020 to 2022 as an Alternate Member of the Marin Local Agency Formation Commission; and

**WHEREAS** during his service as an Alternate Member of this Commission, James's dedicated sense of responsibility toward the people of Marin County and the mission of the Marin Local Agency Formation Commission contributed greatly to the effectiveness of this Commission; and

**WHEREAS** his ability to take the measure of a public issue from competing points of view and sum up central issues with clarity and clear spoken analysis; and

**WHEREAS** as a member of this Commission, James earned the respect of his colleagues, representatives of other public agencies, and the general public due to the keen sense of objectivity, integrity, and humanity with which he discharged his responsibilities; and

**WHEREAS** his work on the Marin Local Agency Formation Commission serving as an alternate serving on committees and filling for others when they were not able to attend a meeting, has provided the residents of Marin County with excellent representation; and

**NOW, THEREFORE, BE IT PROCLAIMED** that the members of this Commission, wish to express their deep appreciation and sincere thanks for James Campbell's service on the Marin Local Agency Formation Commission and lasting contributions to the people of Marin County.

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission on this 8th day of December 2022.

---

Lew Kious, Chairperson

Attest:

---

Jason Fried, Executive Officer



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT  
December 8, 2022  
Item 9(Business)

**TO:** Local Agency Formation Commission

**FROM:** Jason Fried, Executive Officer

**SUBJECT:** Discussion and Approval of Agreement with Cinquini & Passarino for Research into Alternatives to Marin Map

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## Background

For at least 20 years the County and numerous local agencies have collaborated to maintain a publicly available system called Marin Map that has the GIS (geographic information system) layers to show current local agency boundaries and other information. Marin Map is its own group under the Marin General Services Authority (MGSA) umbrella. Marin Map on its website has several different mapping tabs you can click on. One of them is called "LAFCo Approved Districts" which is our main source of information when it comes to mapping and GIS-related matters for LAFCo. For this reason, Marin LAFCo is part of the Marin Map group and pays \$10,000 annually to keep this system going along with other fees to update the system as needed.

Earlier this year in a very short window of time all of Marin Maps' senior staff who maintained and understood the system either retired or left for other jobs. While LAFCo staff is working with County staff to help bring them up to speed on what we need, issues have surfaced given the age of the system. County staff are making updates to boundaries as we approve new applications and correcting issues we find with boundaries. Due to the custom build of the system and that none of the staff who help build the system are still on staff to help with updates when an issue with the system itself arises they sometimes can fix it and sometimes don't know how to fix the issue. As an example, earlier on today's agenda, Item 5, we had the application for 5030 Paradise Drive. While this address will show up when looking in other parts of Marin Map it will not show up under our tab. This type of issue has happened in the past and we would let the County staff, who help build the system, know about it. Generally, within a few days, they would have the issue fixed. This time however we were told they could see from the public side what the issue is they have yet to figure out how to fix this issue due to the nature of how it was built.

Recently the County and MGSA announced that they plan to review all the current needs of its member agencies for Marin Map which will likely lead to a major overhaul and retooling of the system. LAFCo staff does agree that this is likely good but is also concerned about major transitions given how the County handled handing over benefits and payroll services to LAFCo. It is staff's understanding the review could take a year to do and then an unknown amount of time to do the revamping of Marin Map after that review.

While working with Southern Marin Fire Protection District (SMFPD) on its annexation of Mill Valley they hired Cinquini & Passarino to help create the maps and data layers needed for that application. During staff's discussion with them, issues with Marin Map came up. They believed that an independent system could be created that might better suit our needs. To fully understand and research this idea they would need to spend a few hours reviewing and analyzing the current situation and then come up with a possible alternative with costs associated with it. To that end, they have sent LAFCo a proposal (attached) to do this study. It has a not to exceed rate of \$1,960.00. In addition, they have agreed to use one of the BBK template contracts.

### Administrative Office

Jason Fried, Executive Officer  
1401 Los Gatos Drive, Suite 220  
San Rafael, California 94903  
T: 415-448-5877 E: [staff@marinlafco.org](mailto:staff@marinlafco.org)  
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Dennis Rodoni, Regular  
County of Marin

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County of Marin

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City of Belvedere

Lew Kiou, Chair  
Almonte Sanitary District

Craig Murray, Regular  
Las Gallinas Valley Sanitary

Tod Moody, Alternate  
Sanitary District #5

Larry Loder, Regular  
Public Member

Richard Savel, Alternate  
Public Member

### **Staff Recommendation for Action**

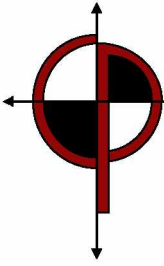
Staff Recommendation Option 1 – Authorize the Executive Officer to enter into an agreement with Cinquini & Passarino to perform a review of our needs for a possible independent mapping application.

Option 2 – Continue consideration of the item to a future regular meeting, and provide direction to staff, as needed.

Option 3 – Do not move forward with the idea.

Attachments:

1. Cinquini & Passarino proposal



▲ BOUNDARY  
▲ RAILROAD

▲ TOPOGRAPHIC  
▲ INFRASTRUCTURE

▲ CONSTRUCTION  
▲ HYDROGRAPHIC

November 14, 2022

Mr. Jason Fried, Executive Officer  
**Marin Local Agency Formation Commission**  
1401 Los Gamos, Suite 220  
San Rafael, California. 94903  
VIA EMAIL: [JFRIED@MARINLAFCO.ORG](mailto:JFRIED@MARINLAFCO.ORG)

**Re: Scope of Work and Fee Proposal to Provide GIS Consulting Services for the development of a Marin LAFCo, ESRI-based, County-Wide Web Mapping Application.**

Dear Mr. Fried:

Cinquini & Passarino, Inc. is very pleased to present to you this scope of work and fee proposal to investigate the development of a new Marin County LAFCo Web Map application to determine the level of effort needed to transition the GIS services from MarinMap to Marin LAFCo. The purpose of this investigation is to develop a more thorough understanding of the scope of work and associated costs involved with such a project.

### **SCOPE OF WORK**

We propose to review the functionality of the existing web application to develop a detailed scope of work and cost estimate for the creation of a new Web Map application under a new ESRI organizational account which will be controlled by Marin County LAFCo. This initial investigation will serve as the foundation for the transition and will be directly applicable to the development of the project, should it be implemented.

C&P will develop a technical memo to Marin County LAFCo that includes:

- A detailed outline of requirements for the proposed Web Map application based upon the existing application and any additional input from Marin County LAFCo staff;
- A summary of the proposed Marin County LAFCo ESRI Organizational Account that includes required licensing and associated current annual fees, and a proposal of how the account will be utilized and maintained;
- An estimated fee to build the new Web Map application. The estimate will be structured to show the costs of the initial build and include a separate estimate of probable annual costs for maintenance and LAFCo data layer edits.

*Deliverables: Technical Memorandum in PDF format outlining our findings.*

### **PROJECT FEE**

The lump sum fee for this scope of work will be \$1,960.00.



Mr. Jason Fried, Executive Officer  
**Marin Local Agency Formation Commission**  
November 14, 2022  
Page 2 of 2

**PROJECT SCHEDULE**

The technical memo will be completed within approximately 10 to 15 working days from authorization to proceed.

Thank you for choosing Cinquini & Passarino, Inc. to be a part of your team. Please feel free to contact me at (707) 542-6268 if you have any questions or require additional information.

Very truly yours,  
**CINQUINI & PASSARINO, INC.**

  
Jason Sweeney  
GIS Specialist



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## AGENDA REPORT

December 8, 2022

Executive Officer Report – Section A

**TO:** Local Agency Formation Commission  
**FROM:** Jason Fried, Executive Officer  
**SUBJECT:** Budget Update for FY 2022-2023

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### Background

Marin Local Agency Formation Commission (LAFCo) adopted a budget for FY 2022-2023 totaling \$593,909.08. As of November 30, 2022, LAFCo has spent \$210,059.05. This report covers 5 months, which is about 42% of the year. We have already spent 35.4% of our budget this year. You will note three line items are higher than the expected amount for where we are for being five months into the FY. As mentioned at previous meetings 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 in the case of line item 15 and are mostly paid for in the case of line item 30. The third item is Misc Services (35). Over half of the amount listed is to cover the cost for the in-person workshop we held. This also has become the line item we use for costs associated with our payroll system that are charged now that we are not within the County system anymore. It is likely this line item will end up over budget for the year and staff will bring back at a future meeting suggested changes once our bookkeeper is able to close out last FY books.

While not fully reflected in this report, according to the County we have received all member contributions for the year. Staff will work with our bookkeeper and the County to find out why it is not reflected in our account.

### Attachment:

- 1) FY 2022-2023 Budget Report

#### Administrative Office

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Sanitary District #5

Larry Loder, Regular  
Public Member

Richard Savel, Alternate  
Public Member

## Marin Local Agency Formation Commission

## FY23 BUDGET REPORT

July 2022 through June 2023

11/29/22

Accrual Basis

	Jul '22 - Jun 23	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
410 · Prior Year Carryover	0.00	87,360.91	-87,360.91	0.0%
400 · Agency Contributions	504,874.95	506,548.17	-1,673.22	99.7%
<b>Total Income</b>	<b>504,874.95</b>	<b>593,909.08</b>	<b>-89,034.13</b>	<b>85.0%</b>
<b>Expense</b>				
<b>Services and Supplies</b>				
05 · Commissioner Per Diems	2,125.00	10,000.00	-7,875.00	21.3%
10 · Conferences	2,385.81	5,000.00	-2,614.19	47.7%
15 · General Insurance	5,389.41	6,500.00	-1,110.59	82.9%
20 · IT & Communications Services	5,707.60	18,000.00	-12,292.40	31.7%
25 · Legal Services	7,253.00	37,500.00	-30,247.00	19.3%
30 · Memberships & Dues	16,471.00	17,500.00	-1,029.00	94.1%
35 · Misc Services	1,060.30	2,000.00	-939.70	53.0%
40 · Office Equipment Purchases	0.00	4,139.00	-4,139.00	0.0%
45 · Office Lease/Rent	14,779.20	35,670.08	-20,890.88	41.4%
50 · Office Supplies & Postage	626.73	4,000.00	-3,373.27	15.7%
55 · Professional Services	2,365.50	24,000.00	-21,634.50	9.9%
60 · Publications/Notices	0.00	2,000.00	-2,000.00	0.0%
65 · Rent - Storage	0.00	650.00	-650.00	0.0%
70 · Training	0.00	1,700.00	-1,700.00	0.0%
75 · Travel - Mileage	204.38	3,500.00	-3,295.62	5.8%
<b>Total Services and Supplies</b>	<b>58,367.93</b>	<b>172,159.08</b>	<b>-113,791.15</b>	<b>33.9%</b>
<b>Salary and Benefit Costs</b>				
100 · Salaries	126,180.93	340,000.00	-213,819.07	37.1%
120 · County of Marin - Group Health	11,464.24	35,500.00	-24,035.76	32.3%
130 · MCERA / Pension	14,045.95	40,250.00	-26,204.05	34.9%
140 · Retiree Health	0.00	6,000.00	-6,000.00	0.0%
<b>Total Salary and Benefit Costs</b>	<b>151,691.12</b>	<b>421,750.00</b>	<b>-270,058.88</b>	<b>36.0%</b>
<b>Total Expense</b>	<b>210,059.05</b>	<b>593,909.08</b>	<b>-383,850.03</b>	<b>35.4%</b>
<b>Net Ordinary Income</b>	<b>294,815.90</b>	<b>0.00</b>	<b>294,815.90</b>	<b>100.0%</b>
<b>Other Income/Expense</b>				
<b>Other Income</b>				
900 · Interest Earnings	281.61			
910 · Fees for Services	9,344.11			
<b>Total Other Income</b>	<b>9,625.72</b>			
<b>Net Other Income</b>	<b>9,625.72</b>			
<b>Net Income</b>	<b>304,441.62</b>	<b>0.00</b>	<b>304,441.62</b>	<b>100.0%</b>



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## AGENDA REPORT

December 8, 2022

Executive Officer Report – Section B

**TO:** Local Agency Formation Commission

**FROM:** Jason Fried, Executive Officer

**SUBJECT:** **Current and Pending Proposals**

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### 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.

On today's agenda we have two new applications (File 1368 and File 1369) for review and possible approval. More information on these items can be found in the agenda packet for each item.

At our October meeting we approved, with conditions, File 1367. The conditions needed to be met by December 9 or the applicant would need to request an extension from the Commission. The applicant was informed of this and instructed that if they needed an extension, they needed to inform staff of this by November 28 at 9am so we have time to add this item to the agenda and prepare materials for this item for the Commission to review. No such request came by that deadline and as of the writing of this staff memo, no communication has been received by staff from the applicant on this application. It is staff's understanding that the SRSD has started the process to hold hearing(s) on disconnection and staff will update as needed at the meeting.

In addition, last February we approved an out-of-service agreement with conditions for 11 Brighton to connect to the Mill Valley sewer system. The applicant has yet to meet conditions so staff will inform them of the upcoming deadline to either meet conditions, request an extension, or have the application deemed terminated by state government code.

#### Attachment:

1) Chart of Current and Pending Proposals

#### Administrative Office

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Current and Pending Proposals

LAFCo File #	Status	Proposal	Description	Government Agency	Latest Update
1368	On today's agenda	Annexation of 5030 Paradise Drive	Landowner Jun Shi requesting approval to annex a lot, approximately .87 acres, to connect a single-family home into the Corte Madera Sanitary District #2 (SD2) for 5030 Paradise Drive (APN 038-032-22). The proposal, as stated by the applicant, is for connection of a single-family home to SD2.	Sanitary District #2	On today's agenda
1369	On today's agenda	Annexation of Mill Valley into SMFPD	Mill Valley and Southern Marin Fire Protection District are looking to consolidate Mill Valley fire services into the district. SMFPD as the applicant needs to annex and update is SOI to include all of the City of Mill Valley into its district boundary as part of this process.	Southern Marin Fire Protection District	On today's agenda
1362	Waiting on Conditions for Approval	Outside Service Agreement with City of Mill Valley	Landowner Jon Grabham requests an Outside Service Agreement with the City of Mill Valley's sewer district for 11 Brighton Blvd., a parcel in an unincorporated area adjacent to the City of Mill Valley. The property has a failing septic, which County EHS has determined is a public safety hazard. The City of Mill Valley has taken board action in favor of this OSA, and has no interest in annexing the property at this time.	City of Mill Valley	Approved by Commission on 2/11/22 waiting for conditions of approval to be completed
1367	Waiting on Conditions for Approval	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 1.6 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.	San Rafael Sanitation District	Approved by Commission on 10/13/22 waiting for conditions of approval to be completed which must be done by 12/9/22
1366	Completed	Annexation of 21 & 23 Church Street	Landowners Benjamin Hodges, Melissa Omand, and Sarah Hodges (applicants) submitted an application requesting the annexation of 21 & 23 Church Street to Tomales Village Community Services District for sewer service to support development on the approx. 13.25 acre lot.	Tomales Village Community Services District	Condition was met and the application is now considered completed



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## AGENDA REPORT

December 8, 2022

Executive Officer Report – Section C

**TO:** Local Agency Formation Commission  
**FROM:** Jeren Seibel, Deputy Executive Officer  
**SUBJECT:** CALAFCO Update

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### Background

At the end of each calendar year, CALAFCO produces a spreadsheet that is made available publicly to view that shows what ended up happening to each piece of legislation that CALAFCO tracked through this year's legislative cycle. While the two main pieces of legislation (AB 2957 and SB 938) that were of significant interest to Marin LAFCo were discussed at the August Commission meeting, staff thought the Commission should have a full view of the end result for each of the 29 pieces of legislation that CALAFCO's Legislative Committee tracked in 2022.

### Attachment:

1. CALAFCO Review of Tracked Bills

#### Administrative Office

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Public Member

**CALAFCO**  
**2022 REVIEW OF TRACKED BILLS**

Number of Bills Reviewed: 5129 Number of Bills Tracked: 29

Intro Year	Bill Number/ Author	Subject	Summary/Concerns	CALAFCO Action	Outcome
<b>CALAFCO SPONSORED BILLS</b>					
2021	<b>AB 2957 (Committee on Local Government)</b>	CALAFCO Omnibus	<p>The annual CALAFCO Omnibus bill. As introduced, it made 3 minor, technical non-substantive changes in CKH: (1) Replaces “to be completed and in existence” with “take effect” under GCS 56102; (2) Adds GCS 56078.5: “Successor Agency” means the local agency the Commission designates to wind up the affairs of a dissolved district; and (3) Replaces “proposals” with “applications” within GCS 56653(a), 56654(a), (b), and (c), and 56658(b)(1) and (b)(2).</p> <p>The bill was amended on April 18, 2022 to include additional changes requested by CALAFCO that addressed grammar changes, the correction of a PUC citation in GC Sec 56133(e)(5) from 9604 to 224.3, the extension of the sunset date within R&amp;T Section 99(b)(8)(B) to January 1, 2028, and to renumber the remaining provisions as needed due to the changes.</p>	<p><b>SUPPORT.</b></p> <p>CALAFCO sponsored. CALAFCO interfaced with its members, as well as the Senate and Assembly Consultants, to draft the bill and institute the desired changes.</p>	<p><b>PASSED</b> and approved by the Governor on 6/21/2022.</p>
2022	<b>SB 938 (Hertzberg)</b>	Protest Provisions Amendments	<p>CALAFCO sponsored. This bill is a response to a 2017 recommendation by the Little Hoover Commission and represents the culmination of a five-year effort by CALAFCO staff, and a collaborative three-year effort by an 18-member multi-organizational working group, to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which a LAFCo may initiate dissolution of a district at the 25 percent protest threshold.</p>	<p><b>SUPPORT.</b></p> <p>CALAFCO sponsored. CALAFCO issued a letter of support, called for and coordinated letters of support from member LAFCOs, and provided lead testimony in support before the Senate Governance and Finance Committee, and the Assembly Local Government Committee.</p>	<p><b>PASSED</b> and approved by the Governor on 7/1/2022.</p>

Intro Year	Bill Number/ Author	Subject	Summary/Concerns	CALAFCO Action	Outcome
<b>POSITIONS TAKEN – ASSEMBLY BILLS</b>					
2021	AB 897 (Mullin)	Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans	As introduced in 2021, the bill sought to build on existing programs through OPR by promoting regional collaboration in climate adaptation planning and providing guidance for regions to identify and prioritize projects necessary to respond to the climate vulnerabilities of their region. Over the course of the next year, the bill would be amended four times to require OPR to develop guidelines for Regional Climate Adaptation Action Plans, make recommendations to the Legislature regarding potential sources of financial assistance for the creation of these Action Plans, and establish geographic boundaries for regional climate networks.	<b>SUPPORT.</b>	<b>DEAD.</b> AB 897 died in Senate Appropriations Committee's Suspense File.
2022	AB 1640 (Ward)	Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans	<p>This bill was a follow up and was very similar to AB 897 (2021). As introduced, it would have authorized eligible entities, as defined (including LAFCo), to establish and participate in a regional climate network. The bill also would have authorized a regional climate network to engage in activities to address specific areas of climate change. It would also have required regional climate networks to develop a regional climate adaptation and resilience action plan and to submit the plan to OPR for review, comments, and certification.</p> <p>The bill was amended twice in 2022, the first time to change a requirement to develop regional climate networks to an option. The second amendment removed the deadline for OPR to publish guidelines, and removed an exemption which would have been based on population.</p>	<b>SUPPORT.</b> Upon introduction, CALAFCO conferred with the author's office to ensure that LAFCos were included in the guideline development process. Once included, CALAFCO's position was <b>SUPPORT.</b>	<b>DEAD.</b> AB 1640 died in the Senate Appropriations Committee's Suspense File.
22	AB 1773 (Patterson)	Return of Williamson Act Subvention Payments	This bill would have reinstated Williamson Act subvention payments with an allocation of \$40 million from the General Fund for the 2022-23 budget year.	<b>SUPPORT.</b> CALAFCO issued a letter of support, called for and coordinated letters of support from member LAFCos,	<b>DEAD.</b> AB 1773 died in Assembly Appropriations Committee's Suspense File.



Intro Year	Bill Number/ Author	Subject	Summary/Concerns	CALAFCO Action	Outcome
			<p>As originally implemented, the Williamson Act was created to incentivize the preservation and conservation of open space and agricultural land. It did that by offering reduced property taxes for lands “under contract,” which are agreements to not develop the land in exchange for lower property taxes. The State then, subsidized the difference through subvention payments to counties. Funding amounted to \$35-\$40 million per year, but was stopped during the recession.</p>	<p>and testified before the Assembly Committee on Local Government.</p>	
2022	AB 2081 (Garcia)	Municipal water districts: extension of sunset date requiring LAFCo approval of water service extension onto tribal lands	<p>This bill extends the sunset date created in AB 1361 (2017). Current law, upon the request of certain Indian tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe’s lands that are not within a district. Current law also authorizes a district, under specified circumstances, to apply to the applicable LAFCo to provide this service of water to Indian lands, as defined, that are not within the district and requires the LAFCo to approve such an application. This bill extends the sunset date from January 1, 2023 to January 1, 2025.</p> <p>CALAFCO opposed AB 1361 in 2017 as the process requires LAFCo to approve the extension of service, requires the district to extend the service, and does not require annexation upon extension of service.</p>	<p><b>OPPOSED.</b> CALAFCO issued a letter in opposition, called for and coordinated letters of opposition from member LAFCOs, and provided lead testimony in opposition before the Senate Governance and Finance Committee.</p>	<p><b>PASSED</b> and approved by the Governor on 9/23/2022.</p>
<b>POSITIONS TAKEN – SENATE BILLS</b>					
2021	SB 739 (Cortese)	At introduction, this bill sought to introduce a pilot program for a California Universal Basic Income for Transition Age Youth.	<p>No concerns as introduced.</p> <p>Gutted and Amended Version: <b>OPPOSED.</b> While the revised bill’s intent to create a streamlined process for the conversion of unused golf courses into housing was laudable,</p>	<p>No position as introduced.</p> <p><b>OPPOSED</b> to the gutted and amended version. CALAFCO immediately met with Senator Cortese’s office to explain CALAFCO concerns regarding ministerial approvals. Upon the meeting’s conclusion,</p>	<p><b>DEAD.</b></p>

Intro Year	Bill Number/ Author	Subject	Summary/Concerns	CALAFCO Action	Outcome
		<p>LATE GUT &amp; AMEND The bill was gutted and amended on 6/13/2022, to allow the annexation of unused golf courses for the development of high-rise housing developments of 600 units or more, and would have required ministerial approvals on all levels including LAFCos.</p>	<p>CALAFCO had significant concerns regarding its requirement for ministerial approvals of annexations and zoning changes. Additionally, the bill assumed that annexation delays were due to LAFCo procedures when CALAFCO data shows that it actually occurs in regards to the negotiation of tax sharing agreements – a process that LAFCos have no control over.</p>	<p>the Senator’s office advised that they would not be pursuing the bill, but would float it to other legislators to see if anyone else wished to pursue it in the future.</p>	
<p><b>2022</b></p>	<p><b>SB 1100 (Cortese)</b></p>	<p>Brown Act: Orderly Conduct</p>	<p>This bill adds a new provision to the Brown Act, which allows the presiding member of a legislative body who is conducting a meeting, to remove of have removed, individual(s) who are disrupting a meeting.</p> <p>“Disrupting” is defined as behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to: (A) A failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law. Or (B) Engaging in behavior that constitutes use of force or a true threat of force.</p> <p>However, before removing the individual(s), the presiding member (or designee) needs to first issue a warning to the individual noting that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. If the disruptive behavior is not promptly stopped, the presiding member or their designee may then remove the individual.</p> <p>However, the procedure does not apply to behavior that constitutes use of force or a true threat of force.</p>	<p><b>SUPPORT.</b> CALAFCO submitted a letter of support in concern with a broad coalition of agencies.</p>	<p><b>PASSED</b> and approved by the Governor on 8/22/2022.</p>

Intro Year	Bill Number/ Author	Subject	Summary/Concerns	CALAFCO Action	Outcome
2022	SB 1490 (Committee on Governance and Finance)	Validating Acts	The first of 3 annual validating acts that validate organizations, boundaries, acts, proceedings, and bonds of public bodies, and provides limitations of time in which actions may be commenced.	SUPPORT.	PASSED and approved by the Governor on 7/1/2022.
2022	SB 1491 (Committee on Governance and Finance)	Validating Acts	The second of the 3 annual validating acts.	SUPPORT.	PASSED and approved by the Governor on 7/1/2022.
2022	SB 1492 (Committee on Governance and Finance)	Validating Acts	The third of the 3 annual validating acts.	SUPPORT.	PASSED and approved by the Governor on 7/1/2022.
2022	SB 1449 (Caballero)	Office of Planning and Research: grant program: annexation of unincorporated areas	This bill sought to incentivize the annexation of islands by developing a program that would provide grants to cities to assist with the costs associated with any infrastructure buildout associated with such an annexation.	SUPPORT. CALAFCO worked with the author's office in an attempt to define a metric that OPR would be able to use when funding such grants, and provided lead testimony in support.	VETOED by the Governor on 9/28/2022. with the message that 1. Costs of the program were not funded in the budget; and 2. Revenues received so far this fiscal year have been lower than expected.
<b>WATCHED BILLS - ASSEMBLY</b>					
2021	AB 903 (Frazier)	Los Medanos Community Healthcare District.	This bill mandates the dissolution of the Los Medanos Community Healthcare District with the County as the successor agency, effective 2-1-22. The bill requires the County to perform certain acts prior to the dissolution. LAFCo would not be involved in the dissolution as the bill was introduced. The bill was then amended to specify how the funds received through the property tax transfer must be used, and defines how profits shall be used. The author then resigned his Assembly seat in December, 2021. Additionally, the appellate court overturned a lower court's decision upon which this bill was predicated.	WATCH.	DEAD. AB 903 failed to make its 2-year deadline on 7/5/2022.

Intro Year	Bill Number/ Author	Subject	Summary/Concerns	CALAFCO Action	Outcome
2021	AB 975 (Rivas, L.)	Political Reform Act of 1974: filing requirements and gifts	As introduced, this bill would have increased the timeframe in which public officials could be reimbursed for attending an invitation-only event, and would have reduced the gift notification timeframe for lobbyist employers. The bill was amended on 4/21/21 and 5/18/21. On 2/24/2022, the author's office indicated that it would be moving forward with the bill this year and would be bringing back amendments. No further action after that.	<b>WATCH.</b>	<b>DEAD.</b> AB975 dead as of 8/31/2022 after failing to meet a deadline.
2021	AB 1195 (Garcia, Cristina D)	Originally, the creation of a regional water agency in southern California.  The bill was later amended to address Cal HR procedures.	As introduced, would have created the Southern Los Angeles County Regional Water Agency as a regional water agency serving the drinking water needs of the cities, unincorporated areas, and residents in the communities overlying the Central Basin and West Coast Basin aquifers in southern Los Angeles County.  Gut and Amend on 5/18/2022 removed previous verbiage regarding water. Subject matter was changed to address the State Department of Human Resources and the Limited Eligibility and Appointment Program (LEAP), which the California Department of Human Resources administers.	<b>Watch with Concerns</b> at introduction.  No concerns after amendment. Consequently, CALAFCO downgraded its stance to <b>Watch</b> , and changed priority to "None."	The final AB 1195 subject matter no longer within the realm of CALAFCO concern.
2022	AB 1757 (Garcia, C.)	California Global Warming Solutions Act of 2006: climate goal: natural and working lands.	Initially introduced by Assemblymember Ward as a Labor Standards bill. Amended on 3/10/22 to, instead, amend the Water Code to create Groundwater Sustainability Agencies. Went through several iterations with Ward as the author, then Haney (5/10/2022), and finally came back, on 8/28/2022, with Garcia and others as authors, and gutted and amended to create the California Global Warming Solutions Act of 2006; climate goal: natural and working lands. The Act requires collaboration among several state boards to, by January 1, 2025, develop standard methods for state agencies to track greenhouse gas emissions and reductions, carbon sequestration, and, where feasible and in	<b>WATCH.</b>	<b>PASSED</b> and approved by the Governor on 8/22/2022.

Intro Year	Bill Number/ Author	Subject	Summary/Concerns	CALAFCO Action	Outcome
			consultation with the Natural Resources Agency and the Department of Food and Agriculture, additional benefits from natural and working lands over time.		
2022	AB 1944 (Lee)	Brown Act: Remote meeting locations	This bill addressed the teleconferencing provisions of the Brown Act. At introduction, it would have allowed members of a legislative body to participate in meetings remotely without identifying their location, as is currently required. The bill was amended twice, once to provide a provision that agendas reflect the names of all members participating remotely, as well as well as to allow a legislative body to determine, by a majority vote, situations when identification of the location did not need to be disclosed. The second amendment added a provision that would have allowed the above exemption to occur only when there was a quorum of the body participating from a single physical location.	WATCH.	DEAD. AB 1944 failed to secure approval by the Senate Governance and Finance Committee by the deadline.
2022	AB 2041 (Garcia, E)	California Safe Drinking Water Act: primary drinking water standards: compliance	This bill would provide for the state board to take specified actions if the state board adopts a primary drinking water standard with a compliance period in which public water systems are given a designated period of time to install necessary corrective measures without being held in violation of the primary drinking water standard.  Amended on 4/18/2022 to require the state board to determine which public water system may not be able to comply with the primary drinking water standard without receiving financial assistance and to develop a compliance plan.	WATCH.	DEAD. AB 2041 dead as of 5/20/2022 after failing to meet deadline.
2022	AB 2201 (Bennett, D)	Groundwater sustainability agency: groundwater extraction permit: verification.	Introduced 2/15/2022 as spot holder bill.  Amended 3/17/2022 to add a new section into the Water Code that would require, after July 1, 2023, designated extraction facilities to procure permits from the Department of Water	WATCH.	DEAD. AB 2202 dead as of 8/31/2022 after failing to meet deadline.

Intro Year	Bill Number/ Author	Subject	Summary/Concerns	CALAFCO Action	Outcome
			<p>Resources (DWR.)</p> <p>Amended again on 4/27/2022 to remove all provisions regarding groundwater extraction facilities, added in provisions addressing local agencies, which are defined as cities, counties, districts, agencies, or other entities with the authority to issue a permit for a new groundwater well or for an alteration to an existing well.</p>		
2022	AB 2442 (Rivas, R.)	California Disaster Assistance Act: climate change.	<p>This bill sought to add climate change to the California Disaster Assistance Act and went through six iterations which added and removed language including mitigation measures for the preservation of open space, improved forest management and wildfire risk reduction measures, and other investments in natural infrastructure, and also would s requirement that General Plans include "a set of measures designed to reduce emissions of greenhouse gases resulting in climate change, and natural features and ecosystem processes in or near identified at-risk areas threatened by the impacts attributable." The final version confined itself to the CDAA.</p>	WATCH.	<p><b>DEAD.</b> AB 2442 dead as of 8/31/2022 after failing to meet deadline.</p>
2022	AB 2449 (Rubio, B.)	Brown Act: Disclosing Teleconferencing Locations	<p>As introduced, this bill sought to authorize the use of teleconferencing without noticing and making available to the public teleconferencing locations if a quorum of the members of the legislative body participated in person from a single location that is noticed and open to the public, and it would have required the legislative body to offer public comment via video or phone. However, there was broad opposition and fear that doing so would minimize public access to elected officials. The bill went through five amendments as the author sought to craft a workable bill. The final bill provides a limited set of circumstances and number of times per year when Board members can participate remotely.</p>	WATCH.	<p><b>PASSED</b> and approved by the Governor on 9/13/2022.</p>

Intro Year	Bill Number/ Author	Subject	Summary/Concerns	CALAFCO Action	Outcome
2022	AB 2647 (Levine)	Brown Act: Posting documents to the internet	Provides that posting, to the internet, those documents that are received and distributed to a legislative body after the agenda has been posted but before the meeting, is in compliance with Brown Act provisions to have the documents available for public inspection.	<b>WATCH.</b>	<b>PASSED</b> and approved by the Governor on 9/30/2022.
<b>WATCHED BILLS - SENATE</b>					
2020	SB 12 (McGuire, D)	Local government: planning and zoning: wildfire	This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse	<b>WATCH.</b>	<b>DEAD.</b> SB 2442 dead as of 7/5/2022 after failing to meet deadline.
2022	SB 418	Pajaro Valley Health Care District	Gutted and amended on 1/14/22, this bill forms the Pajaro Valley Health Care District within Santa Cruz and Monterey counties. The formation, done by special legislation, bypasses the LAFCo process, with language explicitly stating upon formation, LAFCo shall have authority. The bill requires that within 5 years of the date of the first meeting of the Board of Directors of the district, the board of directors shall divide the district into zones. The bill would require the district to notify Santa Cruz LAFCo when the district, or any other entity, acquires the Watsonville Community Hospital. The bill requires the LAFCo to order the dissolution of the district if the hospital has not been acquired by January 1, 2024 through a streamlined process, and requires the district to notify LAFCo if the district sells the Watsonville Community Hospital to another entity or stops providing health care services at the facility, requiring the	<b>WATCH.</b> CALAFCO worked closely with the author's office, Santa Cruz County lobbyist and the Santa Cruz and Monterey LAFCos on this bill. We have requested further amendments which the Senator has agreed to take in a follow-up bill this year. Those amendments include requiring Santa Cruz LAFCo to adopt a sphere of influence for the district within 1 year of formation; the district filing annual progress reports to Santa Cruz LAFCo for the first 3 years, Santa Cruz LAFCo conducting a special study on the district after 3 years, and representation from both counties on the governing board.	<b>PASSED</b> and approved by the Governor on 2/4/2022.

Intro Year	Bill Number/ Author	Subject	Summary/Concerns	CALAFCO Action	Outcome
			<p>LAFCo to dissolve the district under those circumstances in a streamlined process.</p> <p>Given the hospital has filed bankruptcy and this is the only hospital in the area and serves disadvantaged communities and employs a large number of people in the area, the bill has an urgency clause.</p> <p>Several amendments were added on 1/24/22 by the ALGC and SGFC all contained within Section 32498.7.</p>		
2022	SB 852 (Dodd)	Climate resilience districts: formation: funding mechanisms.	This bill creates the Climate Resilience Districts Act. The bill completely bypasses LAFCo in the formation and oversight of these new districts because the districts are primarily being created as a funding mechanism for local climate resilience projects (as a tax increment finance – or TIF district - for which LAFCos also have no involvement.)	WATCH.	PASSED and approved by the Governor on 9/9/2022.
2022	SB 969 (Laird, D)	Pajaro Valley Health Care District	<p>This bill is a follow up to SB 418 (Laird) and contains some of the amendments requested by CALAFCO and Monterey and Santa Cruz LAFCos.</p> <p>As introduced the bill requires Santa Cruz LAFCo to adopt a sphere of influence for the district within 1 year of formation; the district filing annual progress reports to Santa Cruz LAFCo for the first 2 years, Santa Cruz LAFCo conducting a Municipal Service Review on the district every 5 years with the first being conducted by 12-31-25. Our final requested amendment, ensuring representation from both counties</p>	WATCH.	PASSED and approved by the Governor on 2/4/2022.
2022	SB 1405 (Ochoa Bogh)	Community service districts: Lake Arrowhead Community Service District: covenants, conditions, and restrictions: enforcement	Would authorize the Lake Arrowhead Community Services District to enforce all or part of the covenants, conditions, and restrictions for tracts within that district, and to assume the duties of the Arrowhead Woods Architectural Committee for those tracts, as provided.	WATCH.	PASSED and approved by the Governor on 9/13/2022.



Intro Year	Bill Number/ Author	Subject	Summary/Concerns	CALAFCO Action	Outcome
2022	SB 1425 (Stern, D)	Open-space element: updates.	As first introduced, the bill addressed consumer products/toy safety. It was amended on 3/16/2022, and would impose an unfunded mandate by requiring every city and county to review and update its local open-space plan by January 1, 2026, and every time it updates its housing element. Subsequent amendments removed the requirement to review and update whenever the housing element is updated, but added requirements for action plans.	WATCH.	PASSED and approved by the Governor on 9/30/2022.
2022	SB 1489 (Committee on Governance and Finance)	Local Government Omnibus Act of 2022	This is the Senate Governance & Finance Committee annual omnibus bill.	WATCH.	PASSED and approved by the Governor on 9/13/2022.



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## AGENDA REPORT

December 8, 2022

Executive Officer Report – Section D

**TO:** Local Agency Formation Commission

**FROM:** Stephanie Pratt, Clerk/Junior Analyst

**SUBJECT:** **Commission Correspondence**

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Attached you will find two letters from SDRMA regarding Marin LAFCo receiving the two different President's Special Acknowledgement Awards.

No other correspondence has been received.

Attachment:

- 1) SDRMA letters to the Commission

#### Administrative Office

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Town of San Anselmo

James Campbell, Alternate  
City of Belvedere

Lew Kious, 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

October 18, 2022

Mr. Lew Kious  
Board President  
Marin Local Agency Formation Commission  
1401 Los Gamos, Suite 220  
San Rafael, California 94903

**Re: President's Special Acknowledgement Award – Property/Liability Program**

Dear Mr. Kious,

This letter and enclosed certificate are to formally acknowledge the dedicated efforts of the Marin Local Agency Formation Commission's Governing Body, management, and staff towards proactive risk management and loss prevention training for earning the President's Special Acknowledgement Award! The Award is to recognize members with no "paid" claims during the prior **five consecutive program years** in the Property/Liability Program.

A "paid" claim for the purposes of this recognition represents the first payment on an open claim during the prior program year and excludes property claims. Your agency's efforts have resulted in no "paid" property/liability claims for the prior five consecutive program years from 2017-22. This is an outstanding accomplishment that serves as an example for all SDRMA members!

In addition to this annual recognition, members with no "paid" claims during 2021-22 earned one credit incentive point (CIP) reducing their annual contribution amount, and members with no "paid" claims for the prior 5 consecutive program years earned three additional bonus CIPs.

On behalf of the SDRMA Board of Directors and staff, it is my honor to congratulate your Governing Body, management, and staff for your commitment to proactive risk management and loss prevention training.

Sincerely,  
Special District Risk Management Authority



Mike Scheafer, President  
Board of Directors



## *President's Special Acknowledgement Award*

The President of the Special District Risk Management Authority

Hereby gives special recognition to

### **Marin Local Agency Formation Commission**

The President's Special Acknowledgement Award is to recognize members with no "paid" claims during the prior five consecutive program years in the Property/Liability Program. A "paid" claim for the purposes of this recognition represents the first payment on an open claim during that same period and excludes property claims. Congratulations on your excellent claims record!

Mike Scheafer, SDRMA Board President

October 18, 2022

Date

October 18, 2022

Mr. Lew Kious  
Board President  
Marin Local Agency Formation Commission  
1401 Los Gamos, Suite 220  
San Rafael, California 94903

**Re: President's Special Acknowledgement Award - Workers' Compensation Program**

Dear Mr. Kious,

This letter and enclosed certificate are to formally acknowledge the dedicated efforts of the Marin Local Agency Formation Commission's Governing Body, management, and staff towards proactive loss prevention and workplace safety for earning the President's Special Acknowledgement Award! The Award is to recognize members with no "paid" claims during the prior **five consecutive program years** in the Workers' Compensation Program.

A "paid" claim for the purposes of this recognition represents the first payment on an open claim during the prior program year. Your agency's efforts have resulted in no "paid" workers' compensation claims for the prior five consecutive program years from 2017-22. This is an outstanding accomplishment that serves as an example for all SDRMA members!

In addition to this annual recognition, members with no "paid" claims during 2021-22 earned one credit incentive point (CIP) reducing their annual contribution amount, and members with no "paid" claims for the prior five consecutive program years earned three additional bonus CIPs. Also, members without claims receive a lower "experience modification factor" (EMOD), which also reduces their annual contribution amount.

On behalf of the SDRMA Board of Directors and staff, it is my privilege to congratulate your Governing Body, management, and staff for your commitment to proactive loss prevention and safety in the workplace.

Sincerely,  
Special District Risk Management Authority



Mike Scheafer, President  
Board of Directors



## *President's Special Acknowledgement Award*

The President of the Special District Risk Management Authority

Hereby gives special recognition to

**Marin Local Agency Formation Commission**

The President's Special Acknowledgement Award is to recognize members with no "paid" claims during the prior five consecutive program years in the Workers' Compensation Program. A "paid" claim for the purposes of this recognition represents the first payment on an open claim during that same period. Congratulations on your excellent claims record!

Mike Scheafer, SDRMA Board President

October 18, 2022

Date