



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

NOTICE OF REGULAR MEETING MINUTES

Marin Local Agency Formation Commission

Thursday, April 8, 2021

CALL TO ORDER

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

ROLL CALL BY COMMISSION CLERK

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

Commissioners Present: Sashi McEntee, Chairman
Craig K. Murray, Vice-Chair
Lew Kious
Barbara Coler
Damon Connolly
Larry Loder
Judy Arnold

Alternate Commissioners Present: James Campbell

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

Marin LAFCo Counsel Present: Mala Subramanian

Alternate Member Absent: Dennis Rodoni
Chris Skelton
Tod Moody

AGENDA REVIEW

Approved: M/S by Commissioners Kious and Loder to accept the agenda as is.
Ayes: Commissioners McEntee, Murray, Connolly, Arnold, Coler, Kious, and Loder
Nays: None
Abstain: None
Absent: None
Motion approved unanimously.

PUBLIC OPEN TIME

Chairman McEntee opened the public comment period.

Rick Savel made public comment, thanking Clerk/Jr. Analyst Gingold for technological help.

Hearing no further request for comment, Chairman McEntee closed the public open time.

CONSENT CALENDAR ITEMS

1. Approval of Minutes for February 11, 2021, Regular Meeting
2. Commission Ratification of Payments from February 1, 2021, to March 31, 2021

Approved: M/S by Commissioners Murray and Coler to accept the consent calendar.

Ayes: Commissioners McEntee, Murray, Kious, Arnold, Coler, Loder, and Connolly

Nays: None

Abstain: None

Motion approved unanimously.

PUBLIC HEARING ITEMS

3. Approval of Resolution 21-04, Annexation of 1499 Lucas Valley Road (APN 165-010-89) to San Rafael Sanitary District (LAFCo File #1353)

EO Fried noted that this was a fairly straightforward application. He noted this was a property that had been connected to MMWD for a long time, and MMWD is self reporting this parcel as being outside of its current jurisdiction and is looking to correct this matter. MMWD worked with the applicant to get them annexed in, and is serving as representative of the annexation. EO Fried noted that staff encourages approval of this application.

Paul from MMWD said he was present for questions. He also noted that MMWD has known that this was outstanding and decided to get it resolved.

Commissioner Coler noted that there was a typo on the staff report.

Chairman McEntee opened the public hearing. Hearing none, she closed public hearing.

Approved: M/S by Commissioners Connolly and Arnold to approve the annexation of 1499 Lucas Valley Road to SRSD and approve the attached resolution.

Ayes: Commissioners Murray, Connolly, Arnold, Coler, Kious, Loder, and McEntee

Nays: None

Abstain: None

Motion approved unanimously.

4. Interview for LAFCo Alternate Public Member Seat and Possible Appointment

Chairman McEntee introduced the process, noting that because of the number of applicants, she felt it made sense to streamline the process by having each applicant give a 2 minute introduction, answering question 1 on the questions sheet. Then each LAFCo Commission group (County, City, and Special District) was able to select a question.

Commissioner Kious agreed with Chairman McEntee's selected process and deferred to Vice Chair Murray to select a question for Special Districts. Chairman McEntee deferred to Commissioner Coler to select the question for Cities, and Commissioner Connolly selected for the County.

The County members selected question 3, "What experience have you had in land use planning?", the City members selected question 6, "What is your understanding of the Public Member's function on LAFCo?", and the Special District members selected question 5, "What is your understanding of LAFCo's role in Local Government?".

The applicants answered questions on a rotating basis, then the Commission moved to deliberation. EO Fried first introduced the voting process. Public comment was opened, and no hands were raised, 2 emails were received prior to the meeting and were included in the packet.

EO Fried noted that the Public seat was not permitted to vote, but the rest of the board was allowed to vote. To be elected, a majority of the board had to vote, and there had to be at least one vote from the City members, the Special District members, and the County members.

Commissioner Coler nominated Richard Savel.

Commissioner Arnold agreed with Commissioner Coler, nominating Rich Savel

Commissioner Kious made a nomination for Roger Smith.

Vice Chair Murray agreed with Commissioner Kious that Roger Smith had the strongest planning background and San Rafael experience, but also noted that Richard Savel had been involved at LGVSD's board meetings and felt that this track record also qualified him. Vice Chair Murray also complimented Cliff Waldeck's experience and history with LAFCo.

Commissioner Connolly also complimented the strengths of Roger Smith and Cliff Waldeck while endorsing the nomination of Richard Savel.

Commissioner Campbell noted that this was a deep bench, and the Commission had a hard choice ahead of them. Chairman McEntee acknowledged Clifford Waldeck for stepping forward and agreed with the impressive applicant pool.

There was deliberation between Chairman McEntee, Legal Counsel Subramanian, and EO Fried on the voting process.

Approved: M/S by Commissioners Coler and Arnold to nominate Richard Savel

Ayes: Commissioners Arnold, Coler, Connolly, Murray

Nays: Commissioners Kious, McEntee

Abstain: None

(Commissioner Loder does not vote)

Motion approved 4-2.

Public comment was made in the zoom chat. Cliff Waldeck said "Congratulations Rick Savel!" and Roger Smith said "Thank you all for the opportunity".

5. Approval of Final Draft Novato Area Supplemental Municipal Service Review for Novato Area Flood Zone 1

Clerk/Jr. Analyst Gingold made a note of public comment that was received on the draft FZ1 report, and also noted the changes that came out of the public comments, differentiating between the higher level administrative changes as well as some more substantial changes within the document based on recommendations from the Advisory Board and the Commission.

Commissioner Coler brought up a specific change that was proposed after the packet was released, adding a clarification to a paragraph in the report that was somewhat ambiguous. Clerk/Jr. Analyst Gingold read the proposed change, that was approved by Flood Zone staff, to the Commission.

Commissioner Arnold reminded the Commission of issues with the last ballot measure, specifically the passing of the person who was spearheading the boundary.

Vice Chair Murray asked for confirmation that the report had acknowledged the small piece of land within the City of Novato's boundaries that was outside of FZ1's boundaries. He also made a comment about a gap in the SF Bay Trail and asked if that be added to the report. Clerk/Jr. Analyst Gingold confirmed that small piece of land outside of the FZ1's boundary had been addressed, and EO Fried noted that the Bay Trail piece wasn't within the scope of the MSR.

Approved: M/S by Commissioners Arnold and Connolly to approve the final draft of the MSR with the additional language proposed at the meeting.

Ayes: Commissioners Murray, Connolly, Arnold, Coler, Kious, Loder, and McEntee

Nays: None

Abstain: None

Motion approved unanimously.

6. Presentation of the Twin Cities Municipal Service Review Public Draft [Information Only]

Analyst Seibel introduced a few of the "Treasure Hunts" that came out of this report, including piecing through the history of CSA 17. He presented to the Commission the study outcomes, a map of the 6 total agencies included within the study, the services provided by those agencies, and the determinations requiring additional efforts by Marin LAFCo staff, agency staff, or both.

Analyst Seibel reminded the Commission that public comment closes Friday, April 9th, and noted that one comment was received from a CSA 16 resident, one from a Commissioner, information from County Staff had also been received regarding CSA 16 which wasn't necessarily public comment but would be added into the report.

Vice Chair Murray complimented that LAFCo has done a good job of bringing together disparate areas of Marin, and noted that one disparate area is dredging. He want to know if Jeren's report had done any commentary on dredging. Analyst Seibel noted that while it wasn't in the purview of agencies that were encompassed in this report, he did look at that issue but ecause it wasn't anything agencies in the area oversaw, it remained outside the scope of this MSR.

Commissioner Coler mentioned a few things, including the discussion of taking over paramedic authority which she cautioned against, she also noted that Central Marin Fire Department had been listed as a member of MWPA but technically it is Corte Madera and Larkspur individually who are members, not CMFD as a whole.

Chairman McEntee complimented Jeren on quick and thorough work and a succinct presentation.

There was some discussion on both the history and the future of Corte Madera and its counterpart Larkspur.

Approved: M/S by Commissioners Murray and Kious to continue the item to the next meeting.

Ayes: Commissioners Murray, Connolly, Arnold, Coler, Kious, Loder, and McEntee

Nays: None

Abstain: None

Motion approved unanimously.

BUSINESS ITEMS

7. Adoption of Proposed Operating Draft Budget for Fiscal Year 21-22

Budget Committee Chair Kious introduced the proposed items, noting that consideration of discussion items from the previous year had been made, such as holding increases and not inappropriately continuing the trend of reducing the budget.

EO Fried presented the budget acknowledging that agency fees from last year were not raised, and also pointed out the first year that carry-over funds had been implemented. He also highlighted some of the line items that had relatively bigger percent changes from the previous year. He also noted that the budget is expected to go down the following year based on some changes on the horizon that he anticipates. He also emphasized that he expects agency contributions to go down from the current proposed budget to the final budget which will be presented in June.

EO Fried asked the Commission how closely LAFCo wants to follow the County on COLA increases, would the Commission rather follow the County on their \$1,200 stipend in the first paycheck of the first fiscal year or does LAFCo want to stay consistent with previous years and break up the COLA raise over the course of the 12 months. Commissioner Kious mentioned that based on the discussions in the Committee, that it felt appropriate to bring this issue to the Commission.

Chair McEntee opened public hearing, hearing none, she closed public comment.

Chairman McEntee then opened discussion to the Commission, namely the discussion about whether or not to tie to the county.

There was a discussion about whether or not to tie to the County among the entire Commission. It was determined that EO Fried was given the flexibility to make that determination based on the needs of our staff, but most of the Commission preferred not to tie to the County.

Approved: M/S by Commissioners Kious and Loder to approve the proposed budget.

Ayes: Commissioners Murray, Connolly, Arnold, Coler, Kious, Loder, and McEntee

Nays: None

Abstain: None

Motion approved unanimously.

8. Approval of Auditor for FY 2019-2020 Audit Report

EO Fried reminded the Commission of what transpired at the previous meeting. He told the Commission he had asked all the LAFCo's in the State and all of the Special Districts in the County and made a list of 11 auditors who were used either for Marin agencies or other LAFCOs. Because of LAFCOs size, many of the auditors have a base fee that's charged regardless of how small the agency is. Based on this list of 11, EO Fried narrowed it down to Davis Farr who currently audits 5 other LAFCOs who did an RFP together to secure a competitive price. Davis Farr allowed Marin LAFCo to be an extra bidder in that RFP and gave Marin LAFCo a price lower than our previous auditor.

Commissioner Campbell commented that he was impressed LAFCo was able to beat its current audit price.

Approved: M/S by Commissioners Coler and Arnold to approve the auditor selected by EO Fried

Ayes: Commissioners Murray, Connolly, Arnold, Coler, Kious, Loder, and McEntee

Nays: None

Abstain: None

Motion approved unanimously.

9. Review and Approval of Workplan for Fiscal Year 2020-2021

Committee Chair Kious said that this had been reviewed for practicality, reality, and whether or not it was useful to even put those things down. EO Fried did confirm this was a valid and reasonable plan to pursue and the Committee agreed to it.

EO Fried added that this workplan was a living workplan: as things are needed they're added and as they're completed they're removed. The plan gets brought to the Commission once a year for review but it is constantly evolving.

Chairman McEntee wanted to confirm this was within available staff resources and/or consultant budget and EO Fried confirmed.

Chairman McEntee opened public comment, hearing none she closed public comment.

Approved: M/S by Commissioners Kious and Loder to approve the personnel handbook with staff recommendations.

Ayes: Commissioners Murray, Connolly, Arnold, Coler, Kious, Loder, and McEntee

Nays: None
Abstain: None
Motion approved unanimously.

10. Retiring of Commissioner Chris Skelton

Chairman McEntee read the resolution for Alternate Commissioner Skelton.

Commissioner Coler offered some kind words for Chris Skelton, as did Vice Chair Murray. Chair McEntee complimented his attendance record.

Approved: M/S by Commissioners Murray and Coler to approve the personnel handbook with staff recommendations.

Ayes: Commissioners Murray, Connolly, Arnold, Coler, Kious, Loder, and McEntee

Nays: None

Abstain: None

Motion approved unanimously.

EXECUTIVE OFFICER REPORT (discussion and possible action)

a) Budget Update FY 2020-2021

Below our spending limits for this time of the year. We should be at 75% and are hovering at 65%. Professional services is a bit high but should fall back under the what had budgeted by years end.

b) Current and Pending Proposals

One application completed, one new application submitted that should be on the next agenda.

c) Update on Workshop [Verbal Report Only]

EO Fried asked that the Commission RSVP to the workshop if they intend to come.

d) LAFCo Working Group updates (Verbal Report)

Since previous meeting the Tiburon Peninsula working groups have been re-established. San Rafael Fire working group has run into a slightly sticky situation, but EO Fried is working on moving that forward. San Quentin Village SMD has also been re-started, and the stakeholder groups recently had a meeting together. He also brought up the potential of a Marin City incorporation push, and a working group that may come out of that.

e) Special Districts Election to LAFCo Seats [Verbal Report Only]

Craig Murray was re-elected to LAFCo seat by MCSDA, he was unopposed.

There was also a verbal discussion of how to navigate Legal Counsel's staff review.

CLOSED SESSION

The Commission moved to the closed session.

The Commission returned from closed session and Legal Counsel Subramanian reported that the Commission gave directions to the negotiators to meet with the Executive Officer.

COMMISSIONER ANNOUNCEMENTS AND REQUESTS

Chair McEntee asked for announcements and requests. Seeing none, the Chair called for an adjournment.

Chair McEntee adjourned the meeting at 9:48 P.M.

ADJOURNMENT TO NEXT MEETING

Thursday, June 10th, 2021

Zoom

Attest: Olivia Gingold
Clerk/Junior Analyst

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

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