



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, February 14, 2019

Marin Clean Energy | Charles McGlashan Room | 1125 Tamalpais Avenue, San Rafael, California

7:00 PM – CALL TO ORDER BY CHAIR

ROLL CALL BY COMMISSION 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 11, 2018 Regular Meeting and December 13, 2018 Regular Meeting
2. Commission Ratification of Payments from December 1, 2018 to January 31, 2019

BUSINESS ITEMS (discussion and possible action)

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

3. Public Hearing on Application Approval for File 1339 – Annexation of Hamilton Hospital to Novato Sanitary District
4. Public Hearing on Application Approval for File 1340 – 28 Teaberry Lane Annexation to Sanitary District #5
5. Interviews for Public Member and Possible Appointment
6. Budget and Work Plan Committee Report
 - a) Adjustment to budget line items (Information only)

7. Legislative Committee Report
 - a) Approval of New Marin LAFCo policy on Legislative Process
 - b) Approval of Marin LAFCo position on AB 213 and SB 99

8. Policy and Personnel Committee Report
 - a) Draft of new format changes and layout of the Policy Handbook. (Information only)

9. Public/Technical Information Committee Report [Verbal Report Only]

EXECUTIVE OFFICER REPORT (discussion and possible action)

- a) Budget Update FY 2018-2019
- b) Current and Pending Proposals
- c) Update on MSR(s) [Verbal Report Only]
- d) New Staff Hire Update [Verbal Report Only]
- e) Special Districts Election to LAFCo Seats Update [Verbal Report Only]
- f) Correspondence and Marin LAFCo News

COMMISSIONER ANNOUNCEMENTS AND REQUESTS

ADJOURNMENT TO NEXT MEETING

Thursday, April 11, 2019 | 7:00 pm

Marin Clean Energy | Charles McGlashan Room | 1125 Tamalpais Avenue, San Rafael, CA



Attest: Jason Fried
 Executive Officer

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

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

Marin LAFCo

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Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT

February 14, 2019

Item No. 1 (Consent)

TO: Local Agency Formation Commission

FROM: Candice Bozzard, Clerk to the Commission

SUBJECT: Approval of Minutes for October 11, 2018 and December 13, 2018 Regular Meetings

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. The “Brown Act” requires – and among other items – public agencies to maintain minutes for all meetings.

Discussion

The action minutes for the October 11th and the December 13th regular meetings accurately reflect the Commission’s actions as recorded by staff. A video recording of the meetings are also available online for viewing at <http://marinlafco.org/AgendaCenter>

Staff Recommendation for Action

- 1) Staff recommendation – Approve the draft minutes prepared for the October 11, 2018 meeting and December 13, 2018 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 11, 2018
- 2) Draft Minutes for December 13, 2018

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1401 Los Gatos Drive, Suite 220
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Damon Connolly, Regular
County of Marin

Dennis J. Rodoni, Regular
County of Marin

Judy Arnold, Alternate
County of Marin

Sashi McEntee, Chair
City of Mill Valley

Sloan Bailey, Regular
Town of Corte Madera

Matthew Brown, Alternate
Town of San Anselmo

Craig K. Murray, Vice Chair
Las Gallinas Valley Sanitary

Jack Baker, Regular
North Marin Water District

Lew Kiou, Alternate
Almonte Sanitary District

Vacant, Regular
Public Member

Chris Skelton, Alternate
Public Member



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

DRAFT

NOTICE OF REGULAR MEETING MINUTES

Marin Local Agency Formation Commission

Thursday, October 11, 2018

Marin Clean Energy | Charles McGlashan Room | 1125 Tamalpais Avenue, San Rafael, California

CALL TO ORDER BY COMMISSION CHAIR

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

ROLL CALL BY COMMISSION CLERK

Roll was called. A quorum was present of the following commissioners:

Regular Present: Commissioners Sashi McEntee, Chair; Craig Murray, Vice Chair; Sloan Bailey; Damon Connolly; Lew Kious; Dennis Rodoni, Chris Skelton

Alternates Present: Matt Brown

Absent: Jack Baker

Counsel Present: Malathy Subramanian

Staff Present: Jason Fried, Interim Executive Officer; Veda Florez, Interim Administrative Associate

AGENDA REVIEW

Chair McEntee asked if there were any requested changes to the agenda. No requests were made.

APPROVED; M/S Commissioners Murray/Connolly moved to accept the agenda as written.

Ayes: Commissioners McEntee, Murray, Bailey, Connolly, Kious, Rodoni, Skelton

Noes: None **Absent:** None **Abstaining:** None

Motion was approved 7-0

PUBLIC OPEN TIME

Chair McEntee asked if there was any public comment on this item. Hearing none, the Chair closed public comment.

CLOSED SESSION (7:10 PM)

PUBLIC EMPLOYEE APPOINTMENT (Gov. Code 54957)

Title: Executive Officer

CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code 54957.6)

Agency Designated Representatives: Chair McEntee and Commissioner Connolly

Unrepresented Employee: Executive Officer

RETURN TO OPEN SESSION (7:20 PM)

There were no actions taken in the closed session; therefore the Commission had nothing to report.

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.

The Commission pulled Items 1.

Chair McEntee asked if there was any public comment on this item. Hearing none, the Chair closed public comment.

APPROVED; M/S Commissioner Bailey and Rodoni moved to accept the Consent Calendar to include Items 2.

Ayes: Commissioners McEntee, Murray, Bailey, Connolly, Kious, Rodoni, Skelton

Noes: None Absent: None Abstaining: None

Motion was approved 7-0

2. Commission Ratification of Payments from August 1, 2018 to September 30, 2018

Chair McEntee asked if there was any public comment on this item. Hearing none, the Chair closed public comment.

1. Approval of Minutes for August 8, 2018 and September 12th Workshop

Chair McEntee noted minor grammatical changes and outlined the following needed change to the September 12th Workshop minutes. Page 3; Paragraph 5; Line 4: strike "adoption of a countywide sphere of influence update." Change to: "spheres of influence affecting the entire county."

APPROVED; M/S Commissioner Bailey and Connolly moved to accept the changes to the September 12th Workshop minutes.

Ayes: Commissioners McEntee, Murray, Bailey, Connolly, Kious, Rodoni, Skelton

Noes: None Absent: None Abstaining: None

Motion was approved 7-0

BUSINESS ITEMS (discussion and possible action)

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

3. Resolution of Commendation for Retiring Commissioner Jeffry Blanchfield

Chair McEntee read the Resolution of Commendation (18-04) for Jeffry Blanchfield.

Chair McEntee asked if there was any public comment on this item. Hearing none, the Chair closed public comment.

APPROVED; M/S Commissioner Rodoni and Skelton moved to accept the Resolution.

Ayes: Commissioners McEntee, Murray, Bailey, Connolly, Kious, Rodoni, Skelton

Noes: None Absent: None Abstaining: None

Motion was approved 7-0

4. Review of Application #1338 - 610 Calle De La Mesa regarding detachment from the City of Novato (Information Only)

IEO Fried presented background information on this application.

Commissioner Murray inquired if this will be a simple tax exchange.

Commissioner Bailey inquired if neighboring properties have the same property line issue.

Commissioner Skelton mentioned our opportunity to work with the City of Novato.

Staff will return in December with more information and has been in communications with staff from the City of Novato.

Chair McEntee asked if there was public comment.

Marcella Tate spoke for the property owners, who are her parents. She described the property line issues and will return to the commission meeting in December.

5. Filling Vacant Public Seat

Commissioner Skelton recused himself from this item.

Chair McEntee asked the public for comment.

Chris Skelton spoke as a member of the public. He asked if it would be possible to fill both seats simultaneously if the person sitting in the alternate public seat was appointed to the regular public seat. Counsel Malathy Subramanian indicated that the Commission could use the pool of applicants to fill the alternate public seat, if both seats were to become vacant.

APPROVED; M/S Commissioner Rodoni and Connolly moved to accept staff recommendation to immediately announce both the current public open seat and the full seat at the same time.

Ayes: Commissioners McEntee, Murray, Bailey, Connolly, Kious, Rodoni, Skelton

Noes: None Absent: None Abstaining: None

Motion was approved 7-0

6. Approval of New Workplan and Vision Statement

Commissioner Murray asked if all special districts in San Rafael and Novato are included in the MSR. IEO Fried replied that all special districts would be included, but only those whose MSR were more than 2 years old would be fully updated with current information.

Commissioner Rodoni asked if all districts are included on the 5 year study schedule. Staff will report back at a future meeting on any missing districts.

Commissioner Skelton asked what are the legal requirements for an MSR. IEO Fried noted that all districts don't have to be fully explored however, he would like all districts that are mentioned in the report to show an intent to comply with legal requirements.

Chair McEntee asked if this study schedule would put Marin LAFCo out of compliance with state law requiring a 5-year review.

Counsel commented that as long as we include all districts in a plan of action we will be in good standing.

Commissioner Rodoni mentioned that extending the report timeline would be a good consideration.

IEO Fried agreed with Commissioner Rodoni's request.

Chair McEntee asked if there was any public comment on this item. Having none public comment was closed.

Commissioner Skelton comment that an application subcommittee wasn't needed. Staff is better suited handle this work in-house, and did not think it was worthwhile. Seeing no interest in the application subcommittee Chair McEntee asked if there were any Commissioners interested in an ad hoc Disadvantaged Unicorporated Community (DUC) committee. Commissioners Rodoni, Skelton, and Murray volunteered to take part in the ad hoc committee.

APPROVED M/S Murray/Kious moved to create a DUC ad hoc committee, approve the Vision, and Mission statements, and MSR study schedule workplan for 2018-2019 and 2019-2020, with any amendments the commission wishes to make.

Seeing no amendments, Chair McEntee called for a vote.

Ayes: Commissioners McEntee, Murray, Bailey, Connolly, Kious, Rodoni, Skelton

Noes: None Absent: None Abstaining: None

Motion was approved 7-0

7. Approval of Contract with Planwest Partners, Inc. for MSR work

Chair McEntee asked staff to describe the work Planwest will assume.

Planwest proposes to do the initial research, data collection and report writing. Staff will be the public face during this MSR process and plans to make public presentations at city council meetings, special district board, and general public meetings.

Commissioner Murray reported that he met with Planwest Partners at the CALAFCo meeting and he was happy to have an organization of statewide caliber working for Marin LAFCo. Commissioner Murray said that he thinks Planwest will be a good fit. He would also like the MSR reports to include summary sheets.

Chair McEntee asked Counsel to describe our current contract with Planwest Partners.

Counsel described our existing contract with Planwest Partners to provide for Interim EO and MSR services. She said that the commission just needs to authorize the MSR scope of the current contract.

Commissioner Rodoni asked if we plan to postpone filling the analyst position and what the budget impact would be for taking on these projects.

IEO Fried advised that payment to Planwest Partners would come from the unused funding from fiscal year 2017-2018. The analyst position would have a target hire date of early 2019. It is estimated that both regional MSRs would cost \$85,000 in total.

Commissioner Skelton asked for a sample of Planwest Partners work quality. Chair McEntee requested staff to provide a sample of Planwest work be sent to all members of the commission. Commissioner Skelton expressed concerns with the lack of definition of the project without benchmarks or check in points and requested these be built into the agreement.

Commissioner Murray said it would be reasonable to have benchmark payments at each of the 5 points described in the contract outline and asked staff to monitor and report back to the commission.

IEO Fried reported that plans are in place to have regular project check-ins, and regular reports to the commission.

Commissioner Kious noted that the Executive Officer is responsible for the completion of the project if these MSRs are completed by in-house staff or outsourced.

Commissioner Bailey expressed concern about the limitation to the information provided. He objected to the overall mechanics of the contract and would like a more formal agreement with detailed costs of each task. He also raised concerns about a lack of control over the work, noting a written scope is needed with a not to exceed amount.

Counsel replied that a more comprehensive contract can be written to include a detailed scope of services, not to exceed amounts, and options for multiple drafts and/or if necessary hearings.

Commissioner Skelton asked if both MSRs would be written concurrently or consecutively. Staff responded that it would be the commission's determination.

Chair McEntee rescinded the motion.

Chair McEntee if there was any public comment on this item.

Judy Schriebman asked how JPAs fit into the MSRs.

Seeing no other comments, Chair McEntee closed public comment.

APPROVED M/S Bailey/Kious moved to begin the San Rafael MSR first, then proceed with the Novato MSR for a not-to-exceed amount of \$85,000.

Ayes: Commissioners McEntee, Murray, Bailey, Connolly, Kious, Rodoni, Skelton

Noes: None Absent: None Abstaining: None

Motion was approved 7-0

8. Approval of Executive Officer Employment Agreement

9. Termination of Certain Services from Planwest Partners, Inc. Professional Services Agreement Related to Executive Officer Services

Counsel asked Item 8 and 9 be moved to the December 2018 regular commission meeting.

Chair McEntee asked if there was any public comment on this item. Hearing none, the Chair closed public comment.

APPROVED M/S Connolly/Bailey moved to defer Item 8 and 9 to the December 2018 regular commission meeting.

Ayes: Commissioners McEntee, Murray, Bailey, Connolly, Kious, Rodoni, Skelton

Noes: None Absent: None Abstaining: None

Motion was approved 7-0

10. Reaffirmation of Personnel Policies

Counsel reported that a comprehensive update will come back to the commission in future meetings.

Chair McEntee asked if there was any public comment on this item. Hearing none, the Chair closed public comment.

APPROVED M/S Murray/Rodoni moved reaffirm the 2013 personel policies.

Ayes: Commissioners McEntee, Murray, Bailey, Connolly, Kious, Rodoni, Skelton

Noes: None Absent: None Abstaining: None

Motion was approved 7-0

EXECUTIVE OFFICER REPORT (discussion and possible action)

A. Last Budget Update for FY 2017-2018

Chair McEntee asked the figure of the operating reserves.

IEO Fried reported a reserve target is 20% of our operating budget, approximately \$120,000.

B. Budget Update FY 2018-2019

Commissioner Murray inquired about the four districts that have not paid their 2018-19 dues.

IEO Fried reports four of the smaller special districts are outstanding, and he is comfortable to give these districts more time to pay their dues.

C. Committee Assignments

IEO Fried presented the committee assignments prepared by Chair McEntee. Staff is currently working to establish a meeting of each committee.

D. Current and Pending Proposals

Commissioner Murray asked if target completion dates could be added to the list.

IEO Fried reported that it is difficult to project completion dates, however, dates can be added when available.

E. Report on CALAFCo Conference

IEO Fried reported that Chair McEntee and Vice Chair Murray attended the conference with Interim Executive Officer Fried. IEO went on to say George Williamson from Planwest Partners won an award for best staff, and Best, Best, and Krieger won an award for best associate member. He noted that the conference highlighted the topics discussed at the Marin LAFCo September workshop and that he thought our work was on target with the expectation discussed at the state level.

Chair McEntee reported on a general session on the aftermath of a natural disaster and the need for annexation and consolidation that come up after a natural disaster going on to say that there was much discussion on consolidation of fire protection districts throughout the state.

Chair McEntee noted work being done between CALAFCo and the Special District Association to create greater alignment. She also noted each LAFCo is very different, and work has to be customized policies according to our local needs.

Vice Chair Murray reported on recent legislation that was on the Governor's desk before being vetoed. He was hopeful for additional funding for LAFCOs across the state. He also noted urban boundaries that each county encounters.

Chair McEntee asked if there was any public comment on this item. Hearing none, the Chair closed public comment.

COMMISSIONER ANNOUNCEMENTS AND REQUESTS

APPROVED M/S Connolly/Rodoni moved to adjourn the meeting.

Ayes: Commissioners McEntee, Murray, Bailey, Connolly, Kious, Rodoni, Skelton

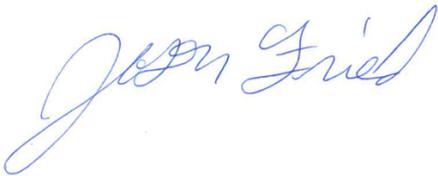
Noes: None Absent: None Abstaining: None

Motion was approved 7-0

ADJOURNMENT TO NEXT MEETING

Thursday, December 13, 2018 | 7:00 pm

Marin Clean Energy | Charles McGlashan Room | 1125 Tamalpais Avenue, San Rafael, CA



Attest: Jason Fried
Interim Executive Officer

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Marin Local Agency Formation Commission

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DRAFT

NOTICE OF REGULAR MEETING MINUTES

Marin Local Agency Formation Commission

Thursday, December 13, 2018

Marin Clean Energy | Charles McGlashan Room | 1125 Tamalpais Avenue, San Rafael, California

CALL TO ORDER

Chair McEntee called the meeting order at 7:02 pm.

ROLL CALL BY INTERIM COMMISSION CLERK

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

Regular Members Present: Sashi McEntee, Chair
 Craig K. Murray, Vice Chair
 Jack Baker
 Matt Brown (seated for Bailey)
 Damon Connolly (arrived at 7:08 pm)
 Dennis J. Rodoni
 Chris Skelton (seated due to vacant seat)

Alternate(s) Present: Lew Kious

Regular Members Absent: Sloan Bailey

Alternate(s) Absent: Judy Arnold

Counsel Present: Mala Subramanian

Staff Present: Jason Fried, Interim Executive Officer
 Veda Florez, Interim Commission Clerk

AGENDA REVIEW

Chair McEntee moved by consensus to accept the agenda as presented.

PUBLIC OPEN TIME

Chair McEntee opened the public comment and, hearing none, closed the public comment period.

CLOSED SESSION

The Commission adjourned to closed session at 7:07 pm.

- PUBLIC EMPLOYMENT – The Commission met for discussion of the Commission Clerk’s position pursuant to Government Code section 54957.

The Commission reconvened to open session at 7:45 pm.

There was no action to report.

CONSENT CALENDAR ITEMS

Item #1 was pulled from the Consent Calendar.

1. Approval of Minutes for October 11, 2018 Regular Meeting

Commissioner Baker and Chair McEntee noted several corrections to the October draft minutes. The Interim Executive Officer (IEO) suggested the Commissioners submit any requested changes in writing. It was agreed by the Commission members to postpone the consideration of approval until the February 2019 meeting.

2. Commission Ratification of Payments from October 1, 2018 through November 30, 2018.

Approved: M/S by Commissioners Baker and Murray to accept consent calendar item #2.

Ayes: Commissioners McEntee, Murray, Baker, Brown, Connolly, Rodoni, Skelton

Nays: None

Abstain: None

Motion approved unanimously.

BUSINESS ITEMS

3. Hearing on Application #1338 – 610 Calle De La Mesa detachment from City of Novato

IEO Fried presented an overview of Application #1338 for consideration of approval.

Chair McEntee opened the public hearing.

Marcella Tate noted that she represented the property owner (Janice Tate) and then responded to questions from the Commission.

Chair McEntee closed the public hearing.

It was agreed by the Commission to amend the resolution conditions to include an agreement that prohibits the homeowner from opposing any future annexations of the island they live within to the City of Novato.

Approved: M/S by Commissioners Rodoni and Connolly to follow staff's recommendation to approve the requested detachment including amendments to Resolution 18-05.

Ayes: Commissioners McEntee, Murray, Baker, Brown, Connolly, Rodoni, Skelton

Nays: None:

Abstain: None

Motion passed unanimously.

4. Informational Hearing on Application #1339 - 516 E. Hospital Drive annexation into Novato Sanitary District

IEO Fried informed the Commission that Marin LAFCo received an application for a 3.41-acre parcel (formerly part of the Hamilton Air Force Base Hospital) for annexation to the Novato Sanitary District.

5. Informational Hearing on Application #1340 - 28 Teaberry Lane Annexation into Sanitary District #5

IEO Fried informed the Commission that Marin LAFCo received an application to annex a new development located on Teaberry Lane to Sanitary District #5 (Tiburon).

6. Request for Time Extension on Application #1324 – 1501 Lucas Valley Road to MMWD

IEO Fried reported the property owners of 1501 Lucas Valley Road requested an extension of time for application #1324.

Chair McEntee opened the item for public comment.

Applicant Cassandra Hatch explained the history of the application and reiterated that the request for the time extension was to allow MMWD to approve the final agreement at their January 2019 board meeting..

Chair McEntee closed the public comment period.

Approved: M/S by Commissioners Connolly and Brown to approve the time extension on application #1324.

Ayes: Commissioners McEntee, Murray, Baker, Brown, Connolly, Rodoni, Skelton

Nays: None

Abstain: None

Motion passed unanimously.

7. Approval of Executive Officer Employment Agreement

Counsel Subramanian recommended approval of the Executive Officer employment agreement.

Chair McEntee opened the public comment and, hearing none, closed the public comment period.

Approved: M/S by Commissioners Connolly and Rodoni to adopt the employment agreement with Jason Fried as the new Executive Officer effective January 2, 2019.

Ayes: Commissioners McEntee, Murray, Baker, Brown, Connolly, Rodoni, Skelton

Nays: None:

Abstain: None

Motion passed unanimously.

8. Planwest Partners, Inc. Professional Services Agreement Related to MSR Services

Counsel Subramanian reported on the agreement with Planwest Partners for the San Rafael and Novato area MSRs.

Chair McEntee opened the public comment and, hearing none, the chair closed the public comment period.

Approved: M/S by Commissioners Baker and Murray to approve the agreement with Planwest Partners for the San Rafael and Novato area MSRs.

Ayes: Commissioners McEntee, Murray, Baker, Brown, Connolly, Rodoni, Skelton

Nays: None

Abstain: None

Motion passed unanimously.

9. Budget and Work Plan Committee Report

IEO Fried noted the Budget Committee elected Dennis Rodoni as Chair of the committee and Sashi McEntee Vice Chair. Committee Chair Rodoni stated that the committee agreed with the recommendations of staff. IEO then summarized the written staff report.

Commissioner Baker asked that committee members be listed in committee staff reports.

Chair McEntee opened the public comment and, hearing none, closed the public comment period.

Approved: M/S by Commissioners Baker and Skelton to accept the Budget Committee recommendation to adjust the Marin LAFCo budget.

Ayes: Commissioners McEntee, Murray, Baker, Brown, Connolly, Rodoni, Skelton

Nays: None

Abstain: None

Motion passed unanimously.

10. Legislative Committee Report

IEO Fried noted the Legislative Committee elected Jack Baker as Chair of the committee and Lew Kious as Vice Chair. IEO Fried proposed that the Commission authorize the Legislative Committee to write a new policy to act on legislation without the need to receive a full Commission approval before responding. This new policy would then be brought back to the full Commission for approval before being implemented.

Chair McEntee opened the public comment and, hearing none, closed the public comment period.

Approved: M/S by Commissioners Skelton and Brown to approve staff recommendation to give authority to the Legislative Committee to draft policies and procedures to approach the legislative process in Sacramento. After Committee approval, changes would be presented to the the full Commission for review and possible approval.

Ayes: Commissioners McEntee, Murray, Brown, Connolly, Rodoni, Skelton

Nays: None

Abstain: Baker

Motion passed by majority.

11. Policy and Personnel Report

IEO Fried noted the Policy and Personnel committee elected Sashi McEntee as Chair of the Committee and Damon Connolly as Vice Chair. IEO Fried reported that the committee was reviewing the handbook and will report to the Commission any updates at a future meeting.

Chair McEntee opened the public comment and, hearing none, closed the public comment period.

12. Public/Technical Information Committee Report

IEO Fried noted the Public/Technical Information (PTI) Committee elected Lew Kious as Chair of the committee and Matt Brown as Vice Chair. The Public/Technical Information Committee Chair Kious pointed out the need for changes to the current website platform.

Chair McEntee opened the public comment and, hearing none, closed the public comment period.

Approved: M/S by Commissioners Skelton and Brown for staff to write an RFQ for website development options and give authorization to the PTI to approve and issue the RFQ.

Ayes: Commissioners McEntee, Murray, Baker, Brown, Connolly, Rodoni, Skelton

Nays: None

Abstain: None

Motion passed unanimously.

13. Approval of Marin LAFCo meeting schedule for 2019

Approved: M/S by Commissioners Murray and Baker to approve the 2019 meeting schedule, including the possible addition of a special hearing for the MSRs.

Ayes: Commissioners McEntee, Murray, Baker, Brown, Connolly, Rodoni, Skelton

Nays: None

Abstain: None

Motion passed unanimously.

EXECUTIVE OFFICER REPORT (discussion and possible action)

- A. Budget Update FY 2018-2019
Budget is on track.
- B. Current and Pending Proposals
Active File #1335 and File #1328 has been deemed closed.
- C. Update on MSR(s)
Will share drafts throughout the process.
- D. Public Seat Application Update
Is currently open with applications due Friday, January 4, 2019.
- E. Special Districts Election to LAFCo Seats Update
Nomination forms were sent certified mail to all the special districts.
- F. Central Marin Fire JPA Request
The new fire district JPA was approved by staff and will go into effect February 1, 2019.
- G. Correspondence and Marin LAFCo News
Staff will include pertinent articles and correspondences in the agenda packets.

COMMISSIONER ANNOUNCEMENTS AND REQUESTS

Hearing no announcements or requests, the Chair called for adjournment.

Approved: M/S by Commissioners Baker and Brown to adjourn the meeting.

Ayes: Commissioners McEntee, Murray, Baker, Brown, Connolly, Rodoni, Skelton

Nays: None

Abstain: None

Motion passed unanimously.

Chair McEntee adjourned the meeting at 9:05 pm.

ADJOURNMENT TO NEXT MEETING

Thursday, February 14, 2019 | 7:00 pm

Marin Clean Energy | Charles McGlashan Room | 1125 Tamalpais Avenue, San Rafael, CA



Attest: Jason Fried
Interim Executive Officer

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

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

Marin LAFCo

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

T: 415-448-5877
E: staff@marinlafco.org
W: marinlafco.org



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT

February 14, 2019

Item No. 2 (Consent)

TO: Local Agency Formation Commission

FROM: Jason Fried, Executive Officer

SUBJECT: Commission Ratification of Payments from December 1, 2018 to January 31, 2019

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. Further, all payments are to be reported to the Commission at the next available Commission meeting for formal ratification.

This following item is presented for the Commission to consider the ratification of all payments made by the {Interim} Executive Officer between December 1, 2018 and January 31, 2019, totaling \$69,004.87. The payments are detailed in the attachment.

Staff Recommendation for Action

1. Staff Recommendation - Ratify the payments made by the {Interim} Executive Officer between December 1, 2018 and January 31, 2019 as shown in attachment.
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 unless otherwise specified by the Commission.

Attachment:

- 1) Payments from December 1, 2018 to January 31, 2019

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

Damon Connolly, Regular
County of Marin

Dennis J. Rodoni, Regular
County of Marin

Judy Arnold, Alternate
County of Marin

Sashi McEntee, Chair
City of Mill Valley

Sloan Bailey, Regular
Town of Corte Madera

Matthew Brown, Alternate
Town of San Anselmo

Craig K. Murray, Vice Chair
Las Gallinas Valley Sanitary

Jack Baker, Regular
North Marin Water District

Lew Kiou, Alternate
Almonte Sanitary District

Vacant, Regular
Public Member

Chris Skelton, Alternate
Public Member

Marin Local Agency Formation Commission
Expenses by Vendor Detail
December 2018 through January 2019

Type	Date	Num	Memo	Account	Clr	Split	Amount	Balance
ALHAMBRA & SIERRA SPRINGS								
Check	12/06/2018	20080	Invoice # 159...	5220110 · Office Su...		1111300 · 403...	57.09	57.09
Check	01/02/2019	20104	Invoice # 159...	5220110 · Office Su...		1111300 · 403...	47.17	104.26
Check	01/29/2019	20115	Invoice # 159...	5220110 · Office Su...		1111300 · 403...	37.01	141.27
Total ALHAMBRA & SIERRA SPRINGS							141.27	141.27
Bailey, Sloan								
Check	12/17/2018	20092	Policy Meeting	5211533 · Commisi...		1111300 · 403...	125.00	125.00
Total Bailey, Sloan							125.00	125.00
BAKER, JOHN M								
Check	12/17/2018	20093	December Ful...	5211533 · Commisi...		1111300 · 403...	250.00	250.00
Total BAKER, JOHN M							250.00	250.00
BARBIER SECURITY GROUP								
Check	01/02/2019	20107	Invoice #14848	5210110 · Professio...		1111300 · 403...	160.00	160.00
Total BARBIER SECURITY GROUP							160.00	160.00
BEST BEST & KRIEGER LLP								
Check	12/06/2018	10006	Invoice - #838...	5210131 · Legal Ser...		1111200 · 401...	3,669.26	3,669.26
Check	01/16/2019	10008	Invoice - #839...	5210131 · Legal Ser...		1111200 · 401...	6,102.50	9,771.76
Total BEST BEST & KRIEGER LLP							9,771.76	9,771.76
CA SPECIAL DISTRICT ASSOCIATION								
Check	12/06/2018	20082	2019 Member...	5211330 · Members...		1111300 · 403...	1,377.00	1,377.00
Total CA SPECIAL DISTRICT ASSOCIATION							1,377.00	1,377.00
COMCAST								
Check	12/21/2018	20100	Bill Date Dec 12	5210710 · Communi...		1111300 · 403...	219.85	219.85
Check	01/29/2019	20116	Bill Date Jan 12	5210710 · Communi...		1111300 · 403...	219.80	439.65
Total COMCAST							439.65	439.65
COMMUNITY MEDIA CENTER OF MARIN								
Check	12/06/2018	20083	Vender Order ...	5210710 · Communi...		1111300 · 403...	450.00	450.00
Total COMMUNITY MEDIA CENTER OF MARIN							450.00	450.00
CONNOLLY, DAMON								
Check	12/17/2018	20094	December Ful...	5211533 · Commisi...		1111300 · 403...	250.00	250.00
Total CONNOLLY, DAMON							250.00	250.00

**Marin Local Agency Formation Commission
Expenses by Vendor Detail
December 2018 through January 2019**

Type	Date	Num	Memo	Account	Cir	Split	Amount	Balance
COUNTY OF MARIN - DOF PAYROLL								
Check	01/29/2019	20117	Sept - 18 invo...	5130525 · Retiree H...		1111300 · 403...	461.29	461.29
Total COUNTY OF MARIN - DOF PAYROLL							461.29	461.29
FP MAILING SOLUTIONS								
Check	12/17/2018	20088	Invoice # RI 1...	5210710 · Communi...		1111300 · 403...	147.15	147.15
Total FP MAILING SOLUTIONS							147.15	147.15
GRAF VAN & STORAGE INC								
Check	12/06/2018	20084	Invoice # 121...	5211215 · Rent - St...		1111300 · 403...	35.19	35.19
Check	01/09/2019	20110	Invoice # 011...	5211215 · Rent - St...		1111300 · 403...	35.19	70.38
Total GRAF VAN & STORAGE INC							70.38	70.38
Indoff Incorporated								
Check	01/02/2019	20105	Invoice #3193...	5220110 · Office Su...		1111300 · 403...	144.46	144.46
Check	01/16/2019	20113	Invoice #3200...	5220110 · Office Su...		1111300 · 403...	101.38	245.84
Total Indoff Incorporated							245.84	245.84
KIOUS, LEWIS								
Check	12/17/2018	20097	December Ful...	5211533 · Commissi...		1111300 · 403...	375.00	375.00
Total KIOUS, LEWIS							375.00	375.00
LIEBERT CASSIDY WHITMORE								
Check	12/21/2018	20101	Invoice #1470...	5210131 · Legal Ser...		1111300 · 403...	1,927.00	1,927.00
Check	01/29/2019	10009	Invoice #1471...	5210131 · Legal Ser...		1111200 · 401...	4,656.40	6,583.40
Total LIEBERT CASSIDY WHITMORE							6,583.40	6,583.40
MARIN INDEPENDENT JOURNAL								
Check	12/17/2018	20089	Invoice # 000...	5211520 · Publicatio...		1111300 · 403...	137.20	137.20
Total MARIN INDEPENDENT JOURNAL							137.20	137.20
MARIN IT INC								
General Journal	12/14/2018	void	void check#1...	5210710 · Communi...		1110000 · Well...	-92.80	-92.80
Total MARIN IT INC							-92.80	-92.80
MARIN MAC TECH								
Check	12/06/2018	20085	Invoice # 439	5210710 · Communi...		1111300 · 403...	56.00	56.00
Check	12/17/2018	20087	Invoice # 482	5210710 · Communi...		1111300 · 403...	595.00	651.00
Check	01/02/2019	20103	VOID: Invoice...	5210710 · Communi...	X	1111300 · 403...	0.00	651.00
Check	01/16/2019	20112	Invoice # 558 ...	5210710 · Communi...		1111300 · 403...	651.00	1,302.00
Total MARIN MAC TECH							1,302.00	1,302.00

**Marin Local Agency Formation Commission
Expenses by Vendor Detail
December 2018 through January 2019**

Type	Date	Num	Memo	Account	Clr	Split	Amount	Balance
Matt Brown								
Check	12/17/2018	20096	December Ful...	5211533 · Commisi...		1111300 · 403...	250.00	250.00
Total Matt Brown							250.00	250.00
McENTEE, SASHI								
Check	12/17/2018	20090	December Ful...	5211533 · Commisi...		1111300 · 403...	375.00	375.00
Total McENTEE, SASHI							375.00	375.00
MURRAY, CRAIG K								
Check	12/17/2018	20091	December Ful...	5211533 · Commisi...		1111300 · 403...	250.00	250.00
Total MURRAY, CRAIG K							250.00	250.00
Nelson HR								
Check	12/06/2018	20081	Invoice #6257...	5210110 · Professio...		1111300 · 403...	1,004.00	1,004.00
Check	12/17/2018	20086	Invoice # 624...	5210110 · Professio...		1111300 · 403...	2,010.00	3,014.00
Check	12/21/2018	20099	Invoice # 625...	5210110 · Professio...		1111300 · 403...	1,037.31	4,051.31
Check	01/02/2019	20106	Invoice # 626...	5210110 · Professio...		1111300 · 403...	1,005.00	5,056.31
Check	01/09/2019	20111	Invoice # 626...	5210110 · Professio...		1111300 · 403...	1,728.60	6,784.91
Check	01/29/2019	20114	Invoice # 626...	5210110 · Professio...		1111300 · 403...	200.00	6,984.91
Total Nelson HR							6,984.91	6,984.91
Planwest Partners, Inc.								
Check	12/06/2018	10005	Invoice #18-2...	5210110 · Professio...		1111200 · 401...	19,004.31	19,004.31
Check	12/20/2018	10007	Invoice #18-2...	5210110 · Professio...		1111200 · 401...	16,187.69	35,192.00
Total Planwest Partners, Inc.							35,192.00	35,192.00
RICCIARDI, R J								
Check	01/09/2019	20109	Invoice # 10979	5210110 · Professio...		1111300 · 403...	495.00	495.00
Total RICCIARDI, R J							495.00	495.00
RODONI, DENNIS JAMES								
Check	12/17/2018	20095	December Ful...	5211533 · Commisi...		1111300 · 403...	250.00	250.00
Total RODONI, DENNIS JAMES							250.00	250.00
SECURITY MORTGAGE GROUP 2								
Check	01/02/2019	20108	Jan. Rent	5211270 · Office Le...		1111300 · 403...	2,638.82	2,638.82
Total SECURITY MORTGAGE GROUP 2							2,638.82	2,638.82
SKELTON, CHRIS								
Check	12/17/2018	20098	December Ful...	5211533 · Commisi...		1111300 · 403...	375.00	375.00
Total SKELTON, CHRIS							375.00	375.00

9:50 AM

02/05/19

Accrual Basis

Marin Local Agency Formation Commission
Expenses by Vendor Detail
December 2018 through January 2019

Type	Date	Num	Memo	Account	Clr	Split	Amount	Balance
VOID								
Check	01/09/2019	20102		5211340 - Training		1111300 - 403...	0.00	0.00
Total VOID							0.00	0.00
TOTAL							69,004.87	69,004.87



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT
February 14, 2019
Item No. 3 (Business Item)

TO: Local Agency Formation Commission

FROM: Jason Fried, Executive Officer

SUBJECT: **Public Hearing on Application #1339 – 516 E. Hospital Drive Annexation into Novato Sanitary District**

Background

At the December 13, 2018 meeting, the Marin Local Agency Formation Commission (LAFCo) held an informational hearing on a proposal from Becky McCormick, LPAS, Inc. (“applicant”) for approval to annex one (1) of three (3) property lots, totaling 3.41 acres to Novato Sanitary District (NSD). The affected territory, formerly known as the Hamilton Hospital site, with a situs address of 516 E. Hospital Drive (APN 157-690-52.) This proposal, as stated by the applicant, would turn the former Hamilton Hospital into an 80-bed assisted living facility. The parcel was part of the former Air Force Base in Novato. In “Exhibit A” of the application questionnaire, only Parcel One is part of this application, according to the applicant Parcels Two and Three, are already in NSD. Novato City Council, resolution #55-15, gave the overall project a mitigated negative declaration on September 15, 2015.

Staff has requested comments from NSD, along with twelve (12) other interested agencies, that were due on Friday, January 4, 2019. All impacted or interested agencies were supportive or neutral on this application.

Staff Recommendation for Action

1. Staff recommendation – Approve the requested annexation as described and approve attached Resolution.
2. Alternative Option 1 – Deny the requested annexation.
3. Alternative Option 2 - Continue consideration of the item to the next regular meeting, and provide direction to staff, as needed.

Attachment:

1. Resolution #18-06
2. Application Packet – File 1339

Administrative Office

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

Damon Connolly, Regular
County of Marin

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Judy Arnold, Alternate
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Sashi McEntee, Chair
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North Marin Water District

Lew Kiou, Alternate
Almonte Sanitary District

Vacant, Regular
Public Member

Chris Skelton, Alternate
Public Member

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION 18-06

**RESOLUTION APPROVING THE ANNEXATION OF CERTAIN PROPERTY TO
NOVATO SANITARY DISTRICT**

WHEREAS, a proposal for annexation into Novato Sanitary District of approximately 3.41 acres (Assessor Parcel Numbers 157-690-52) located at 516 E. Hospital Drive, was heretofore filed with the Marin Local Agency Formation Commission (LAFCo); and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report, including his analysis and recommendations, the proposal and report having been presented to and considered by LAFCo; and

WHEREAS, LAFCo has complied with the California Environmental Quality Act (CEQA) incident to its consideration of this request, as described below; and

WHEREAS, it has been determined to the satisfaction of LAFCo that all owners of the land included in this proposal consent to the proposal; and

WHEREAS, LAFCo has not received a request from any affected local agency for notice, hearing or protest proceeding on the proposal; and

NOW, THEREFORE, LAFCo, does hereby resolve, determine and order as follows:

SECTION 1:

As Responsible Agency under CEQA for the proposed annexation of APN: 157-690-52 to Novato Sanitary District, LAFCo finds that the Project is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15319 (a).

SECTION 2:

LAFCo hereby approves the proposed annexation of approximately 3.41 acres to the Novato Sanitary District, as described and depicted in Exhibits "A" and incorporated herein by reference.

SECTION 3:

LAFCO hereby waives protest proceedings pursuant to Government Code Section 56662(a).

PASSED AND ADOPTED by the Marin Local Agency Formation Commission, on February 14, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sashi McEntee, Chair
Marin LAFCo

ATTEST:

APPROVED AS TO FORM:

Jason Fried, LAFCO Executive Officer

Malathy Subramanian, LAFCo Counsel

Attachments to Resolution No. 18-06

1. Exhibit "A" – Legal Description and Map

Marin LAFCO Resolution #1339
Description of Annexation Boundary
Novato Sanitary District

The land referred to is situated in the County of Marin, City of Novato, State of California, and is described as follows:

Beginning at a standard street monument marking the center of S Palm Drive, formerly 5th Street, and Hamilton Parkway, formerly Escolta Avenue, as shown on that certain map entitled "Map of Hamilton Field", filed for record December 18, 1995 in Volume 21 of Maps, at Page 45, Marin County Records; thence South 30° 15' 43" East 283.73 feet; thence South 59° 44' 17" West 24.00 feet to the Westerly line of Hamilton Parkway, formerly Escolta Avenue and the true Point of Beginning of this description;

Thence leaving said Westerly line of Hamilton Parkway, formerly Escolta Avenue in a Northwesterly direction along the general Easterly line of the property transferred to the Department of the Navy from the Department of the Air Force by Memorandums for the Secretary of the Navy, dated January 25, 1975 and May 5, 1976, along a curve to the left, whose radius point bears South 38° 58' 59" West 99.50 feet, through a central angle of 14° 46' 06", an arc length of 25.67 feet;

Thence along said line of the Department of the Navy, South 59° 03' 16" West 102.23 feet to a 1 inch iron pipe;

Thence South 34° 04' 36" West 80.30 feet to a "V" cut in concrete;

Thence South 25° 13' 52" East 54.27 feet to a "V" cut in concrete;

Thence South 42° 29' 08" West 62.46 feet to a 1 inch iron pipe;

Thence North 44° 49' 24" West 31.43 feet;

Thence South 19° 20' 51" West 96.45 feet to a 1 inch iron pipe;

Thence South 07° 17' 01" West 81.67 feet to a "V" cut in the top of rock;

Thence South 33° 24' 21" West 68.66 feet;

Thence South 49° 25' 21" West 31.57 feet;

Thence South 87° 39' 06" West 13.87 feet;

Thence South 59° 45' 06" West 31.07 feet;

Thence in a Northeasterly direction a curve to the left whose radius point bears South 33° 15' 21" West 267.50 feet, through a central angle of 30° 19' 54", an arc distance of 141.61 feet;

Thence North 06° 49' 11" East 93.94 feet to "V" cut in concrete;

Thence North 72° 00' 49" West 104.30 feet to a 1 inch iron pipe;

Thence North 17° 59' 11" East 109.92 feet to a 1 inch iron pipe;

Thence North 36° 17' 41" East 238.69 feet;

Thence leaving said general Easterly line of said Navy Property, South 29° 58' 09" East 53.63 feet;

Thence North 59° 44' 17" East 323.25 feet to the aforesaid Westerly line of Hamilton Parkway, formerly Escolta Avenue; Thence along said Westerly line of Hamilton Parkway, formerly Escolta Avenue, South 30° 15' 43" East 159.42 feet to the Point of Beginning.

Containing 3.41 acres more or less.



MARIN LAFCO
APPLICATION QUESTIONNAIRE

Save Form

Print

Reset Form

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

I. GENERAL INFORMATION

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

- Resolution of Application
 Petition

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

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

Annexation of the former Hamilton Hospital site, located at 516 E. Hospital Drive (APN 157-690-52),
into the Novato Sanitary District.

B. The reason the proposed action(s) has been requested:

(BE SPECIFIC; i.e., "annexation to sewer district for construction of three homes")

Annexation into sewer district for development of an 80 bed assisted living facility at the site.

4. State general location of proposal:

516 E. Hospital Drive, Novato 94949, APN 157-690-52

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

Yes . Which city? Novato

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

6. Is the subject territory located within an island of unincorporated territory? Yes No

Indicate city, if applicable: _____

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

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

<u>A. Assessor's Parcel Number(s)</u>	<u>Site Address(es)</u>
<u>157-690-52</u>	<u>516 E Hospital Dr, Novato</u>
_____	_____
_____	_____

B. Total number of parcels: 1.

9. Total land area: 3.41 acres.

II. LAND USE AND DEVELOPMENT POTENTIAL

1. Describe any special land use concerns: _____

None

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

Vacant, with 2 structures on site. Existing building has been abandoned since air base closure.

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

PD, City of Novato Planning

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

What is the rezoning classification, title and densities permitted?
Mixed Use. A maximum 70,072 sq ft building allowed on 3.41 acres of site designated Mixed Use

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

Rehabilitation of the former hospital into 80 bed assisted living facility

III. ENVIRONMENT

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

Yes No

If yes, explain: _____

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

Yes No

If yes, explain: _____

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

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

4. State general description of site topography: _____
Hillside lot with existing paved driveway access, parking and building with average slope of 8%

5. Indicated Lead Agency for this project: _____
Novato Sanitary District

6. Indicate Environmental Determination by Lead Agency: Exemption under CEQA
with respect to (indicate project) Hamilton Hospital Senior Living Facility
dated Sept 15, 2015 (conditions of approval p. 130)

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

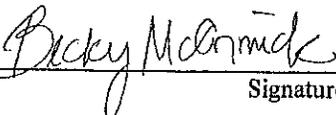
Please provide the names and addresses of persons who are to be furnished copies of the Agenda, Executive Officer's Report, and Notice of Hearing:

<u>Name</u>	<u>Address</u>
Lia Solar, NMWD	PO Box 146, Novato, 94948
Steve Marshall, City of Novato Planning	922 Machin Ave, Novato, 94945
Novato Fire Protection District	95 Rowland Way, Novato, 94945
Bill Northcroft, NSD	500 Davidson St, Novato 94945
Robertson Engineering	2300 Bethards Dr, Santa Rosa 95405 (mike@robertsonengineering.net)

Name and Address of Applicant: Becky McCormick, LPAS, Inc.

2484 Natomas Park Dr, Ste 100, Sacramento 95833

Telephone Number: H () _____ W (916) 443-0335


Signature

2018-11-19

Date

Signature

Date

PLAN FOR PROVIDING SERVICES

To be completed by a city 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: None

Fire: None

Sewer: Annex site into Novato Sanitary District

Water: None

Other: None

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

District is not operating at or near capacity

3. Describe the level and range of services: _____

Already provided by other agencies

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

Upon approval of annexation and prior to occupancy

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

Existing hospital will be converted to senior living facility. Parking, access, and utilities will all be upgraded to support new development

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.) _____

Developer will cover costs of construction. No public funding is required or requested.

This section completed by:

Mike Robertson

(Name)

President, Robertson Engineering

(Position)

N/A

(Agency)

707-523-7490

(Phone #)

Marin LAFCO Resolution #1339
Description of Annexation Boundary
Novato Sanitary District

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Thence leaving said Westerly line of Hamilton Parkway, formerly Escolta Avenue in a Northwesterly direction along the general Easterly line of the property transferred to the Department of the Navy from the Department of the Air Force by Memorandums for the Secretary of the Navy, dated January 25, 1975 and May 5, 1976, along a curve to the left, whose radius point bears South 38° 58' 59" West 99.50 feet, through a central angle of 14° 46' 06", an arc length of 25.67 feet;

Thence along said line of the Department of the Navy, South 59° 03' 16" West 102.23 feet to a 1 inch iron pipe;

Thence South 34° 04' 36" West 80.30 feet to a "V" cut in concrete;

Thence South 25° 13' 52" East 54.27 feet to a "V" cut in concrete;

Thence South 42° 29' 08" West 62.46 feet to a 1 inch iron pipe;

Thence North 44° 49' 24" West 31.43 feet;

Thence South 19° 20' 51" West 96.45 feet to a 1 inch iron pipe;

Thence South 07° 17' 01" West 81.67 feet to a "V" cut in the top of rock;

Thence South 33° 24' 21" West 68.66 feet;

Thence South 49° 25' 21" West 31.57 feet;

Thence South 87° 39' 06" West 13.87 feet;

Thence South 59° 45' 06" West 31.07 feet;

Thence in a Northeasterly direction a curve to the left whose radius point bears South 33° 15' 21" West 267.50 feet, through a central angle of 30° 19' 54", an arc distance of 141.61 feet;

Thence North 06° 49' 11" East 93.94 feet to "V" cut in concrete;

Thence North 72° 00' 49" West 104.30 feet to a 1 inch iron pipe;

Thence North 17° 59' 11" East 109.92 feet to a 1 inch iron pipe;

Thence North 36° 17' 41" East 238.69 feet;

Thence leaving said general Easterly line of said Navy Property, South 29° 58' 09" East 53.63 feet;

Thence North 59° 44' 17" East 323.25 feet to the aforesaid Westerly line of Hamilton Parkway, formerly Escolta Avenue; Thence along said Westerly line of Hamilton Parkway, formerly Escolta Avenue, South 30° 15' 43" East 159.42 feet to the Point of Beginning.

Containing 3.41 acres more or less.





2011-0013866

Recorded REC FEE 0.00
Official Records
County of Marin
RICHARD N. BENSON
Assessor-Recorder
County Clerk
AO
08:20AM 10-Mar-2011 Page 1 of 5

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO**

Name City of Novato
Street Address 75 Rowland Way
City-State-Zip Novato, CA 94945-5054
Order No Hospital

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Parcel No. 157-690-52
Tax Code Area: 10-249

QUITCLAIM DEED

**RECORD WITHOUT
FEE PER C.C. 37360**

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

- City of Novato
- Unincorporated

Documentary Transfer Tax is \$-0- zero consideration

- computed on full value of interest or property conveyed, or,
- full value less value of liens or encumbrances remaining at the time of sale

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
City of Novato Public Finance Authority,
a joint powers authority, who acquired title as Novato Public Finance Authority, a joint powers authority
do(es) hereby REMISE, RELEASE AND FOREVER QUITCLAIM to
CITY OF NOVATO, a municipal corporation
the following real property in the City of Novato, County of Marin, State of California

See Exhibit A attached hereto and made a part hereof.
Without warranty, expressed or implied.

Dated: March 8, 2011

STATE OF CALIFORNIA
COUNTY OF Marin

}ss City of Novato Public Finance Authority,
a joint powers authority

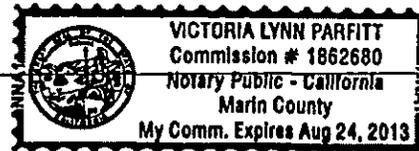
On March 8, 2011 before me,
Victoria Lynn Parfitt
a Notary Public, personally appeared
Madeline Kellner

Madeline Kellner
By: Madeline Kellner, Chairperson

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s), acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Victoria Lynn Parfitt

MAIL TAX STATEMENTS TO PARTY SHOWN ON THE FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

Name Street Address City & State

EXHIBIT A
DESCRIPTION

ALL THAT CERTAIN real property situate in the City of Novato, County of Marin, State of California, described below as follows:

PARCEL ONE:

Beginning at a *standard street monument* marking the center of 5th Street and Escolta Avenue, as shown on that certain Map entitled, Map of Hamilton Field", filed for record December 18, 1995 in Volume 21 of Maps, at Page 45, Marin County Records; thence South 30° 15' 43" East 283.73 feet; thence South 59° 44' 17" West 24.00 feet to the Westerly line of Escolta Avenue and the True Point of Beginning of this description; thence leaving said Westerly line of Escolta Avenue in a Northwesterly direction along the general Easterly line of the property transferred to the Department of the Navy from the Department of the Air Force by Memorandums for the Secretary of the Navy, dated January 25, 1975 and May 5, 1976, along a curve to the left, whose radius point bears South 38° 58' 59" West 99.50 feet, through a central angle of 14° 46' 56", an arc length of 25.67 feet; thence along said line of the Department of the Navy, South 59° 03' 16" West 102.23 feet to a 1 inch iron pipe; thence South 34° 04' 36" West 80.30 feet to a "V" cut in concrete; thence South 25° 13' 52" East 54.27 feet to a "V" cut in concrete; thence South 42° 29' 08" West 62.46 feet to a 1 inch iron pipe; thence North 44° 49' 24" West 31.43 feet; thence South 19° 20' 51" West 96.45 feet to a 1 inch iron pipe; thence South 07° 17' 01" West 81.67 feet to a "V" cut in the top of rock; thence South 33° 24' 21" West 68.66 feet; thence South 49° 25' 21" West 31.57 feet; thence South 87° 39' 06" West 13.87 feet; thence South 59° 45' 06" West 31.07 feet; thence in a Northwesterly direction a curve to the left whose radius point bears South 33° 15' 21" West 267.50 feet, through a central angle of 30° 19' 54", an arc distance of 141.61 feet; thence North 06° 49' 11" East 93.94 feet to "V" cut in concrete; thence North 72° 00' 49" West 104.30 feet to a 1 inch iron pipe; thence North 17° 59' 11" East 109.92 feet to a 1 inch iron pipe; thence North 36° 17' 41" East 238.69 feet; thence leaving said general Easterly line of said Navy Property, South 29° 58' 09" East 53.63 feet; thence North 59° 44' 17" East 323.25 feet to the aforesaid Westerly line of Escolta Avenue; thence along said Westerly line of Escolta Avenue, South 30° 15' 43" East 159.42 feet to the Point of Beginning.

PARCEL TWO:

A perpetual non-exclusive ingress and egress easement over Main Gate Road, Palm Avenue, Escolta Avenue, San Pablo Avenue, Caliente Real and Hangar Avenue for access to adjoining property as created in the Deed from the United States of America, acting by and through the Administration of the General Services to the New Hamilton Partnership, L.P., a Delaware Limited Partnership, recorded June 26, 1995 as Instrument No. 95 029154, Marin County Records.

DESCRIPTION
continued

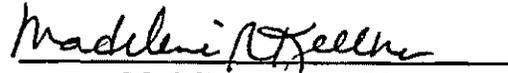
PARCEL THREE:

Perpetual non-exclusive easements for continued and uninterrupted operation, maintenance, repair, replacement and upgrading of existing utility lines and drainage as created in the Deed from the United States of America, acting by and through the Administration of the General Services to the New Hamilton Partnership, L.P., a Delaware Limited Partnership, recorded June 26, 1995 as Instrument No. 95 029154, Marin County Records.

**CERTIFICATE OF THE OWNER'S ACCEPTANCE
OF A CONVEYANCE OF REAL PROPERTY AND
ITS CONSENT TO RECORDATION**

This is to certify that the interest in real property situated in Marin County, California, conveyed by the attached Quitclaim Deed dated March 8, 2011 from CITY OF NOVATO FINANCE AUTHORITY to THE CITY OF NOVATO, a municipal corporation, is hereby accepted by the undersigned officer on behalf of the City of Novato pursuant to Resolution No. 08-11 of the City of Novato, adopted March 8, 2011, and the grantee hereby consents to recordation thereof by its duly authorized officer.

Dated: March 8, 2011



Madeline Kellner, Mayor

*See CA acknowledgment Form attached -
wls*

ACKNOWLEDGMENT

State of California
County of Marin

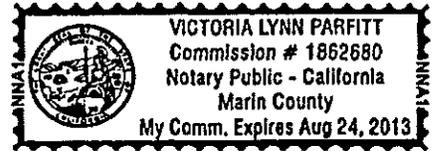
On March 8, 2011 before me, Victoria Lynn Parfitt
(insert name and title of the officer)

personally appeared Madeline Kellner
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature Victoria Lynn Parfitt (Seal)





Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT
February 14, 2019
Item No. 5 (Business Item)

TO: Local Agency Formation Commission

FROM: Jason Fried, Executive Officer

SUBJECT: Interviews for Public Member and Possible Appointment

Background

On September 12, 2018 Commissioner Jeffrey Blanchfield stepped down from the Public Seat that he had held for over 20 years. At the next LAFCo meeting on October 11, 2018 the Commission began the application process to fill both the remainder of Commissioner Blanchfield's current term and the full four-year term that would naturally occur with interviews at the April 2019 meeting with the person selected filling the position in May 2019.

Staff has since done all official public noticing, which was assisted by several of our local agencies here in Marin County. We had four (4) people apply for the positions. Upon receipt of each application, staff reviewed that each application meet the minimum qualifications of being a resident of Marin County and not work for, or serve on, any local government body. One of the applicants currently serves on a local city planning commission, which would be in direct conflict with serving as a public member on Marin LAFCo. Staff reached out to the applicant to verify their status and to inform the applicant, that if appointed to the Public Member seat they would not be able to serve on LAFCo and the other body simultaneously. The applicant, given the circumstances, withdrew from consideration for the Marin LAFCo Public Member position. The remaining three (3) applicants appear to meet the minimum qualification and have been invited to the Commission meeting for an interview. See the attachments for each application.

The Commission's Policies, Procedures and Guidelines call for the Commission to use a set of uniform questions during interviews for the public member selection. The Chair, Vice Chair, and Staff propose the attached questions for the Commission to use at the February 14, 2019, meeting. The Commission can alter any of the questions suggested in the attachment prior the commencement of interviews. Commissioners may ask follow-up questions in order to elicit a more complete response from the candidates.

The Marin LAFCo Chair and Vice Chair, in consultation with staff, have decided the interview process would be conducted with all three candidates sitting together with the candidates being asked to answer the same question in order. The first person to answer each question shall be rotated between the three candidates.

State government code section 56325(d) indicates that in order for a person to be appointed they must receive a majority of the Commission's approval. In addition, the approval must consist of at least one Commissioner from each of the three governing groups (County, City/Town, and Special District) must vote in the affirmative for any candidate to get the appointment.

Administrative Office

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

Damon Connolly, Regular
County of Marin

Dennis J. Rodoni, Regular
County of Marin

Judy Arnold, Alternate
County of Marin

Sashi McEntee, Chair
City of Mill Valley

Sloan Bailey, Regular
Town of Corte Madera

Matthew Brown, Alternate
City of San Anselmo

Craig K. Murray, Vice Chair
Las Gallinas Valley Sanitary

Jack Baker, Regular
North Marin Water District

Lew Kiou, Alternate
Almonte Sanitary District

Vacant, Regular
Public Member

Chris Skelton, Alternate
Public Member

Possible Action(s) – Staff does not assist in the decision of the appointment for the Public Member seat, as it is strictly at the discretion of the Commission. Here are possible outcomes the Commission may choose to take.

1. Appoint one candidate to fill the remainder of the current vacant seat term as well as the full four-year term that starts in May 2019.
2. Appoint separate candidates to fill the remainder of the current vacant seat term and the full four-year term that starts in May 2019.
3. Appoint a candidate to fill the remainder of the current vacant seat term and differ a decision for the full four-year term to a later date.
4. Make no decision regarding the current vacant seat and appoint a candidate to fulfil the upcoming four-year term that begins in May 2019.
5. Make no decision today on either the current vacant seat or the full four-year term, and make a determination at a future meeting.

Attachment:

1. Questions for each candidate
2. Application from each candidate

MARIN LOCAL AGENCY FORMATION COMMISSION

Public Member Interview Questions

The Commission's Policies, Procedures and Guidelines call for the Commission to use a set of uniform questions during interviews for public member and alternate public member selection. The Chair, Vice Chair and Staff proposes the following questions for the Commission's use at its February 14, 2019 meeting. The Commission can (of course) delete or replace any of the questions suggested below prior the commencement of interviews. During interviews, members of the Commission may also ask follow-up questions in order to elicit more complete responses from candidates to the presented questions.

1. Please tell the Commission something about yourself and the reasons why you have applied for the LAFCo Regular Public Member position.
2. What experience have you had in land use planning and how can your background be of assistance to LAFCo?
3. What experience have you had in connection with the delivery of local government services and what is your understanding of LAFCo's role in local government?
4. What is your understanding of the Public Member's function on LAFCo and do you foresee any problem with your availability to attend LAFCo meetings?
5. Please give us a simple yes or no answer –
 - a. Are you presently a member of the governing board or employee of Marin County, any city or special district in Marin County? If yes which one and what is your role?
 - b. Do you claim Marin County as your primary residency?



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

APPLICATION FOR APPOINTMENT

Regular Public Member Seat

Name: Christopher A. Skelton

Telephone: (Home/Cell) _____ Work: _____

Do you reside in Marin County? Yes No _____ Email: _____

Home Address: _____

Employers Name and Address:
Self Employed/independent contractor for Rifkind Law Group

Present Occupation: Attorney

Summary of Qualification: See Supplemental Letter

Reason For Applying: See Supplemental Letter

Please list organizations of which you are an officer or employee: See Supplemental Letter

Please return to: Marin LAFCO
1401 Los Gamos Drive, Suite 220
San Rafael, CA 94903
Fax: 415-785-7897
staff@marinlafco.org

Additional information may be attached.

Administrative Office Jason Fried, Interim Executive Officer 1401 Los Gamos Drive, Suite 220 San Rafael, California 94903 T: 415-448-5877 E: staff@marinlafco.org www.marinlafco.org	Damon Connolly, Regular County of Marin	Sashi McEntee, Chair City of Mill Valley	Craig K. Murray, Vice Chair Las Gallinas Valley Sanitary	Vacant, Public Public Member
Dennis J. Rodoni, Regular County of Marin	Sloan Bailey, Regular Town of Corte Madera	Jack Baker, Regular North Marin Water District	Chris Skelton, Alternate Public Member	
Judy Arnold, Alternate County of Marin	Matthew Brown, Alternate City of San Anselmo	Lew Kiou, Alternate Almonte Sanitary District		

December 3, 2018

Sent Via E-Mail Only
(jfried@marinlafco.org)

Jason Fried, Executive Officer
1401 Los Gamos Drive, Suite 220
San Rafael, CA 94903

RE: Marin LAFCo Public Member Application Supplement

Executive Officer Fried,

It is with great interest that I submit my application for consideration of appointment to Marin LAFCo. Both my personal experiences living in Marin County as well as my professional experiences as a land use and real estate attorney in Marin County make me well suited for appointment. I have had the pleasure of serving as the alternate public member for Marin LAFCo since April 2017 and believe this experience makes me well-suited to step into the public member role to encourage continuity with the Commission's prospective work plan.

My reason for applying is my continued commitment to community service, which is evidenced in many forms. I am serving or have served as a youth sports coach (lacrosse, baseball, and football), a planning and facilities committee member for my children's school, and a planning commissioner in Mill Valley (prior to moving to Fairfax). I appreciate all these different outlets as opportunities to give back to the community. As a former planning commissioner, as well as the alternative public member for LAFCo, I gained invaluable experience where I learned first-hand the challenges of making informed decisions to contentious issues.

My legal practice is exclusively in land use and real estate matters with a focus on planning. I have had the pleasure of appearing before almost every board or commission in Marin County on planning related matters. These experiences make me uniquely attune to understanding both the physical and political landscape in Marin. During my term as the alternative public member on Marin LAFCo, I have openly shared my opinions and encouraged open dialogue on both individual applications as well as broader policy issues. If selected as the public member to the commission, I would continue to engage with the materials as well as staff and the other commissioners in making informed decisions.

Important to my consideration for appointment is the fact that I understand what LAFCo does and have demonstrated a commitment to both the policies and goals of Marin LAFCo as well as the state laws under the Cortese-Knox-Hertzberg Act. Despite my short-term experience as an alternative member on Marin LAFCo, I attended the state LAFCo meeting in October 2017 where I nearly won the appointment to the state board in hopes of giving Marin and other Bay Area LAFCos a direct voice on that body.

I have demonstrated my passion and enthusiasm for Marin LAFCo and appreciate the opportunity for consideration of the public member position.

Sincerely,



Chris Skelton



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

APPLICATION FOR APPOINTMENT

Regular Public Member Seat

Name: Lawrence Loder

Telephone: (Home/Cell) Work:

Do you reside in Marin County? Yes X No Email:

Home Address: see attached

Employers Name and Address:

Present Occupation:

Summary of Qualification:

Reason For Applying:

Please list organizations of which you are an officer or employee:

Please return to: Marin LAFCO
1401 Los Gamos Drive, Suite 220
San Rafael, CA 94903
Fax: 415-785-7897
staff@marinlafco.org

Additional information may be attached.

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Craig K. Murray, Vice Chair Las Gallinas Valley Sanitary
Vacant, Public Public Member
Dennis J. Rodoni, Regular County of Marin
Sloan Bailey, Regular Town of Corte Madera
Jack Baker, Regular North Marin Water District
Chris Skelton, Alternate Public Member
Judy Arnold, Alternate County of Marin
Matthew Brown, Alternate City of San Anselmo
Lew Kiou, Alternate Almonte Sanitary District

Marin Local Agency Formation Commission

APPLICATION FOR APPOINTMENT
Regular Public Member Seat

Name: Lawrence H. Loder

Telephone: Cell

Address: ---

Email: --

Occupation: Retired

Summary of Qualification: see attachment 1

Reason for Applying: see attachment 2

Member of any organizations that I am a officer or employee: None



Summary of Qualifications

#1

<u>Employer</u>	<u>Position Title</u>	<u>Dates Held</u>	<u>Job Description</u>
California Department of Transportation	Senior Engineering Aide	1956-1958	Worked as a trainee for Caltrans in District 6, Fresno
	Junior Civil Engineer	1958-1959	Completed Caltrans civil engineering program
California Division of Forestry	Assistant Civil Engineer	1959-1960	Responsible for engineering for fire facilities and fire breaks in Fresno and Madera Counties
County of Fresno	Assistant Civil Engineer	1960-1964	Supervised the construction of county bridges including the implementation of prestress and post tension concrete structures
	Associate Civil Engineer	1964-1968	Assistant Design Engineer for county roads and bridges
	Senior Civil Engineer	1968-1970	County Design Engineer for bridge and road design. Implemented the first computers into the design process (IBM 1620 and IBM 1130)
County of Marin	Assistant Director of Public Works	1970-1980	Supervised all engineering projects and engineers working on them. Developed yearly budgets for the Public Works Department
City of Richmond	Director of Public Works	1980-1994	Oversaw the maintenance and construction of sewer treatment plants, city streets, city parks, and highways
	Acting City Manager	1982 (<i>ten months</i>)	City Management
	Engineering Consultant	1992-2000	Project manager for the completion of the Richmond Parkway
City of Hercules	Director of Public Works (<i>on a consultant basis</i>)	1995-1998	Oversaw the maintenance and construction of city facilities
Las Gallinas Sanitary District	Elected Board Member	2001-2012	Served two and a half terms prior to moving out of district

#2

Reasons for Applying :

I have resided in Marin county for over forty-eight years. During that period and the fourteen Years prior to that I was employed by each of three major levels of California government. They are the cities Richmond and Hercules; the counties of Marin and Fresno; the state of California Divisions of Highways and Forestry and an elected member of the Las Gallinas Valley Sanitary District in Marin County. Several of these positions required not only the technical expertise of a licensed civil engineer, but the political astuteness to serve two five member boards of supervisors and a nine member and a five member city council.

Since the majority of the LAFco board consists of elected officials it is necessary for the public member to be cognizant of their own importance and role in decision making. This is also a factor in their part of the preparation of the municipal service reviews and recommendations.

I have furnished my professional experience in detail to illustrate that I will bring a positive influence to both the board and to the public.



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

APPLICATION FOR APPOINTMENT

Regular Public Member Seat

Name: Clifford Waldeck

Telephone: (Home/Cell) _____ Work: _____

Do you reside in Marin County? Yes No Email: _____

Home Address: _____

Employers Name and Address: Indoff Inc.

11816 Lackland Rd. St. Louis MO 63146

Present Occupation: Business development \ Sales

Summary of Qualification: Former LAFCO alternate representing MCCMC, Former City Councilmember and Mayor, Mill Valley. Former Boardmember and chair, SF Bay Regional Water Board. Former BCDC

Reason For Applying: I care deeply about the future of Marin County and I will bring an experienced, reasoned and collaborative voice to LAFCO. I enjoy working on policy and planning issues.

Please list organizations of which you are an officer or employee: none except for Indoff Inc.

Please return to: Marin LAFCO
1401 Los Gamos Drive, Suite 220
San Rafael, CA 94903
Fax: 415-785-7897
staff@marinlafco.org

Additional information may be attached.

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- | | | | |
|--|---|---|---|
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County of Marin | Sashi McEntee, Chair
City of Mill Valley | Craig K. Murray, Vice Chair
Las Gallinas Valley Sanitary | Vacant, Public
Public Member |
| Dennis J. Rodoni, Regular
County of Marin | Sloan Bailey, Regular
Town of Corte Madera | Jack Baker, Regular
North Marin Water District | Chris Skelton, Alternate
Public Member |
| Judy Arnold, Alternate
County of Marin | Matthew Brown, Alternate
City of San Anselmo | Lew Klous, Alternate
Almonte Sanitary District | |



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT

February 14, 2019

Item No.7a (Business)

TO: Legislative Committee

FROM: Jason Fried, Executive Officer
(On behalf of the Legislative Com. – Vice Chair Kious, Member Skelton)

SUBJECT: Legislative Committee Report – a) Approval of New Marin LAFCo policy on the Legislative Process

Background

At the February 5, 2019 Legislative Committee meeting they approved a new policy on how to handle legislative matters as they work through the governmental process. Attached is language drafted by staff and amended by the committee for the Commission to review and approve if it so desires.

Later, under Agenda Item 8 (Policy Committee Report) a presentation of a new version of the Policy Handbook will be reviewed. Staff would suggest that for the new legislative policy being presented tonight, that the Commission accept, with any amendments, the new policy and then leave it to the Policy Committee for proper formatting to fit into the Policy Handbook.

Staff Recommendation for Action

- 1. Staff recommendation** – Approve the attached policy with any desired corrections or clarifications.
- 2. Alternative Option** - Continue consideration of the item to the next committee meeting and provide direction to staff, as needed.

Attachment:

- 1) Draft Policy on Legislative Issue.

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Public Member



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

Draft Policy on Legislative Issues

Process

Under ideal circumstances, newly introduced or identified legislation that may directly or indirectly impacting Marin LAFCo, is to be designated by Executive Officer for further review. Such applicable legislation shall then be presented to and reviewed by the Legislative Committee. Finally, the Legislative Committee shall then offer recommendations to the full Commission for approval. This ideal process may be altered or modified if the legislation is time sensitive situation (insert policy #)

Formal Position on Legislation – LAFCo shall take one of the following positions:

1. **Support** - A position given to bills that the Commission believes are consistent with or would further Marin LAFCo policy positions or implementation of the Cortese-Knox-Hertzberg Act, would benefit Marin LAFCo, or reflects good governance principles as public policy.
2. **Neutral** - A position given to bills that have no direct impact upon Marin LAFCo or have been sufficiently amended to remove Marin LAFCo support or opposition, but for which the sponsor and/or legislative author requests a position from Marin LAFCo.
3. **Watch** - A position given to bills that are of interest to Marin LAFCo but do not directly affect Marin LAFCo at that time, including spot bills or two-year bills where the author has indicated that the bill will be amended or the subject area may change to impact Marin LAFCo (also known as gut and amend bills). These bills will be tracked but do not warrant taking a position at that time.
4. **Oppose** - A position given to bills or propositions that the Commission believes would be detrimental to the policy position or implementation of the Cortese-Knox-Hertzberg Act, or Marin LAFCo, or to good governance principles as public policy.
5. **Support/Oppose Unless amended** - A position given to bills for which a support or oppose position could be taken if amendments were made to address identified concerns of the Commission. This may include changing a previously stated Marin LAFCo position. This position can be changed by the Executive Director if identified amendments are presented and accepted by the legislator. Timeliness is usually important in responding to requests on these types of bills.
6. **No Position** - A position given to bills that either are of interest to or have an impact on Marin LAFCo and for which no adopted position is possible and for which there is a clear lack of consensus amongst the Commission on the appropriate position. This may include situations in which a substantive number of Commissioners have divergent positions or policy issues of concern with proposed legislation and no final consensus position is possible.

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North Marin Water District

Lew Kiou, Alternate
Almonte Sanitary District

Vacant, Regular
Public Member

Chris Skelton, Alternate
Public Member

7. **Alignment with CALAFCO** - A position for bills that have little to no impact on Marin LAFCo but where CALAFCO has taken a position and Marin LAFCo wishes to be supportive of other LAFcos across the state. As the legislative process moves forward, the Executive Officer shall send in letters in support of the CALAFCO position as requested by CALAFCO. Should CALAFCO change positions, then Marin LAFCo shall automatically change position to mirror CALAFCO.

Resource Priorities

Given the limited resources of Marin LAFCo, any bill that the Commission takes action on shall be given one of the following priorities:

Priority 1 - Bills which have highest importance and a direct impact on Marin LAFCo. These bills receive primary attention and comprehensive advocacy by the Executive Officer and Commissioners. Such advocacy may include letters of position, testimony in policy committees, contact with legislators, and grassroots mobilization to members of the legislator. This level requires the greatest resource commitment.

Priority 2 – Bills which have a significant impact on or are of interest to Marin LAFCo, may set a policy precedent or have impact relevant to the mission of Marin LAFCo, or have a major importance to a CALAFCO member or group of members or constituents. These bills receive position letters and testimony to policy committees as time permits or upon request of the author or sponsor.

Priority 3 – Bills which have an interest to Marin LAFCo (or CALAFCO) but are deemed to be of a lower priority as to time and effort resources for advocacy. If requested by a member or stakeholder, Marin LAFCo will send a position letter but will not testify unless unusual circumstances arise and if time allows. All bills where the Commission has taken an alignment with CALAFCO position, shall by default be a Priority 3 bill unless another priority level is designated.

Time Sensitive Situations

In the absence of an opportunity for a timely meeting by the Committee or Commission, the Executive Officer may take a position, or change a previously taken position, on a bill with the concurrence of the Legislative Committee Chair or in the absence of the Chair the Vice Chair. The Committee and Board shall be informed of such an action as soon as practically possible to ensure the Committee and Board have up to date information on the legislative positions. Such decisions should be made only when deemed necessary due to urgent issues or circumstances, and when consideration and a vote of the Committee and/or Board is not possible due to the timeliness of the actions occurring as part of a fluid legislative process.



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT

February 5, 2019

Item No.7b (Business)

TO: Local Agency Formation Commission

FROM: Jason Fried, Executive Officer
(On behalf of the Legislative Com. – Vice Chair Kious, Member Skelton)

SUBJECT: Legislative Committee Report – b) Approval of Marin LAFCo position on AB 213 and SB 99

Background

At the February 5, 2019 Legislative Committee two bills were reviewed, AB 213 and SB 99. As of January 31, 2019, CALAFCO has taken positions on the two bills AB 213 and SB 99 (see attachments for highlights of each bill). CALAFCO position on both bills right now is to watch.

Should the Commission today, adopt the new policy section for legislative matters under item 7a, then the committee accepted staff's suggestion to take the "Alignment with CALFCO" position as a priority 3 on both bills as currently neither bill directly impacts Marin LAFCo.

Staff Recommendation for Action

1. **Staff recommendation** – Take the "Alignment with CALFCO" position on AB 213 and SB 99 with both bills being a priority 3.
2. Alternative Option - Continue consideration of the item to the next committee meeting and provide direction to staff, as needed.

Attachment:

- 1) CALAFCO Legislative Report.

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Dennis J. Rodoni, Regular
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Judy Arnold, Alternate
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Sashi McEntee, Chair
City of Mill Valley

Sloan Bailey, Regular
Town of Corte Madera

Matthew Brown, Alternate
Town of San Anselmo

Craig K. Murray, Vice Chair
Las Gallinas Valley Sanitary

Jack Baker, Regular
North Marin Water District

Lew Kious, Alternate
Almonte Sanitary District

Vacant, Regular
Public Member

Chris Skelton, Alternate
Public Member

CALAFCO Daily Legislative Report as of Thursday, January 31, 2019

[AB 213](#) (Reyes D) Local government finance: property tax revenue allocations: vehicle license fee adjustments.

Current Text: Introduced: 1/15/2019 [html](#) [pdf](#)

Introduced: 1/15/2019

Status: 1/16/2019-From printer. May be heard in committee February 15.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would, for the 2019–20 fiscal year, require the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount in the 2018–19 fiscal year, the product of that sum and the percentage change in gross taxable assessed valuation within the jurisdiction of that entity between the 2018–19 fiscal year to the 2018–19 fiscal year, and the product of the amount of specified motor vehicle license fee revenues that the Controller allocated to the applicable city in July 2010 and 1.17.

Position: Watch

Subject: Tax Allocation

CALAFCO Comments: Sponsored by the League, this bill will reinstate ERAF funding for inhabited annexations. This bill is the same as AB 2268 (Reyes) from last year.

Marin LAFCo Legislative Committee Recommendation - Alignment with CALAFCO - Priority 3

[SB 99](#) (Nielsen R) Agricultural land.

Current Text: Introduced: 1/10/2019 [html](#) [pdf](#)

Introduced: 1/10/2019

Status: 1/24/2019-Referred to Com. on RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The California Land Conservation Act of 1965, also known as the Williamson Act, authorizes a city or county to contract with a landowner to limit the use of agricultural land located in an agricultural preserve designated by the city or county. Current law requires the Department of Conservation to submit a report to the Legislature on or before May 1 of every other year regarding the implementation of the Williamson Act. This bill would make nonsubstantive changes to that provision.

Position: Watch

Subject: Ag Preservation - Williamson

CALAFCO Comments: This is a spot bill.

Marin LAFCo Legislative Committee Recommendation - Alignment with CALAFCO - Priority 3



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT

February 14, 2019

Item No. 8 (Business)

TO: Local Agency Formation Commission

FROM: Sashi McEntee, Chair Policy and Personal Committee
Jason Fried, Executive Officer
(On behalf of Vice Chair Connolly and Member Bailey)

SUBJECT: Policy and Personal Committee Report

Background

The Policy and Personnel Committee was charged with making some clean-up changes to the Policy Handbook, including some revisions suggested by commission counsel to comply with statutory requirements. After three (3) meetings to review the handbook, the Committee noticed some overall theme discrepancies and felt it was a good opportunity for a larger revision of the Handbook using the following principles as a guideline:

1. The policy handbook should reflect Marin LAFCo's particular interpretation of the statutes as pertains to Marin County jurisdictions;
2. Any language that is included in the Government Code or other applicable statutes should not be duplicated in the policy handbook;
3. As much as possible, the handbook should be written in succinct language with references to applicable code sections, aggregated together by topic to facilitate use by the general public;
4. The policy handbook should be usable by the public, member agencies, and the Commission to understand the policy bent of the commission on a particular topic;
5. The Commission should do a comprehensive review of the handbook every five (5) years or as necessary to maintain the above standards.

Marin LAFCo's policy handbook is among the lengthier versions compared with other commissions, and the Committee sought to create a document that was usable, clear, and compliant with applicable law. Given the changes being made, the Committee wanted to let the full Commission review the document and then bring back a final version to approve at the April Commission meeting.

Finally based on legal counsel opinion the Personnel Section in the Policy Handbook should be separated out and become its own document.

This is an informational only item so no action will be taken at this time.

Attachment:

- 1) Draft Revised Policy Handbook

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North Marin Water District

Lew Kiou, Alternate
Almonte Sanitary District

Vacant, Regular
Public Member

Chris Skelton, Alternate
Public Member

**MARIN COUNTY
LOCAL AGENCY FORMATION COMMISSION**



**POLICY HANDBOOK
POLICIES, PROCEDURES, AND GUIDELINES**

ADOPTED
JUNE 9, 2016

LAST AMENDED
JUNE 8, 2017

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CHAPTER 1 INTRODUCTION

1.1 INTRODUCTION AND PURPOSE

The California Legislature requires local agency formation commissions, or LAFCOs, to adopt policies and procedures to govern the implementation of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 in all 58 counties. This Policy Handbook serves as Marin LAFCo’s principal document in outlining its policies consistent with the collective preferences of the Commission to promote and produce orderly local government. Nonetheless, Marin LAFCo reserves discretion in administering the Policy Handbook to remain responsive to unique and changing circumstances.

1.2 CONTACT INFORMATION

Marin LAFCo
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staff@marinlafco.org
<http://www.marinlafco.org>
Business Hours: 9 am to 5 pm, Monday through Friday

Because Marin LAFCo is a small governmental agency the office is sometimes closed during normal business hours when staff is in the field. Appointments to discuss proposals or other matters are strongly encouraged.

1.3 CURRENT COMMISSION ROSTER

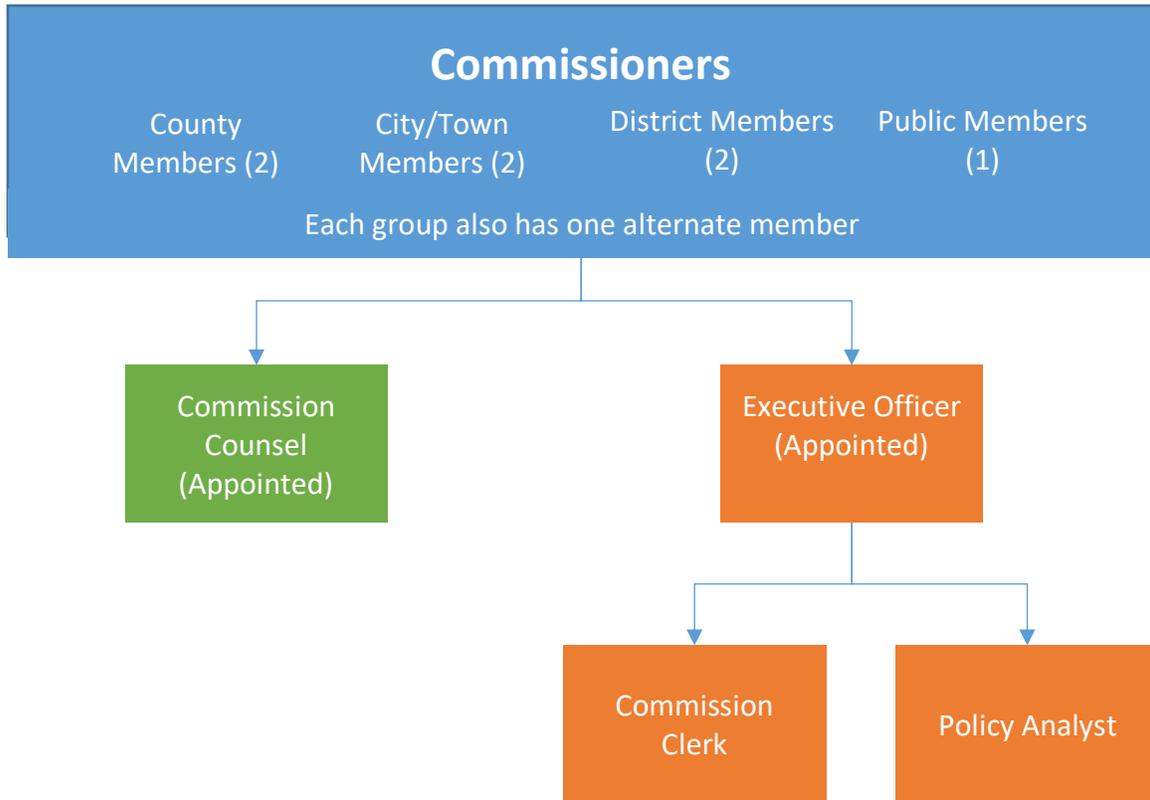
Regular Members

						(vacant)
Sashi McEntee Chair City	Craig Murray Vice Chair Special Districts	Sloan Bailey City	Jack Baker Special Districts	Damon Connolly County	Dennis Rodoni County	(Vacant) Public

Alternate Members

			
Judy Arnold County	Matt Brown City	Lew Kious Special Districts	Chris Skelton Public

1.4 ORGANIZATIONAL CHART



1.5 AUTHORIZED AMENDMENTS BY STAFF

Staff is authorized to make clerical changes to the Policy Handbook without needing Commission approval.

CHAPTER 2 GENERAL AUTHORITY & MANDATE

2.1 MISSION STATEMENT

Marin LAFCo promotes and coordinates the efficient delivery of local governmental services and encourages the preservation of open space and agricultural lands.

2.2 LEGISLATIVE AUTHORITY AND DUTIES

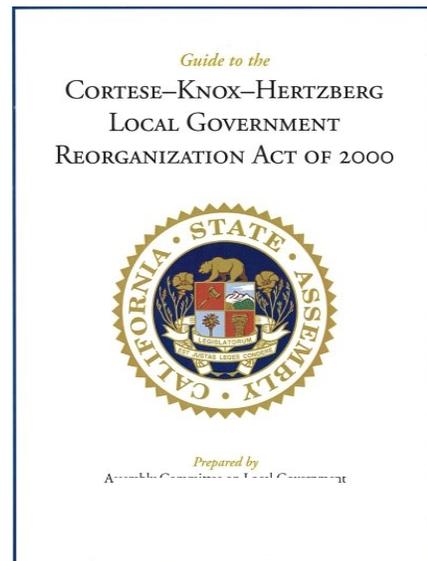
2.2 (A) Responsibilities

Marin LAFCo is responsible for administering the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH). This includes regulating and planning the orderly formation and expansion of local government agencies and their municipal service areas based on local conditions and circumstances. In carrying out its duties, LAFCo is required to balance orderly development with the competing state interests of discouraging urban sprawl, preserving open space and prime agricultural lands, efficiently extending government services, and providing housing for persons and families of all incomes (Government Code §56001).

Marin LAFCo is subject to a variety of State statutes aimed at accountable and open government. This includes, but is not limited to, the California Environmental Quality Act (CEQA), the Ralph M. Brown Act, and the Public Records Act.

2.2 (B) Decision-Making

Decision-making at Marin LAFCo is directly vested with the 7-member Commission. State law specifies all Commission members shall exercise their independent judgment on behalf of the interests of the public as a whole and not on behalf of their appointing authorities (Government Code §56325.1).



2.3 LOCAL AGENCIES SUBJECT TO MARIN LAFCo JURISDICTION

Marin LAFCo has explicit jurisdiction over 65 local governmental agencies throughout Marin County. These agencies include 11 cities/towns, 30 independent special districts (directly elected board members), and 24 dependent special districts (board members appointed from other governmental agencies). A current listing of the local agencies subject to LAFCo’s regulatory and planning oversight follows.

Cities/Towns	Independent Special Districts	Dependent Special Districts
Belvedere Corte Madera Fairfax Larkspur Mill Valley Novato Ross San Anselmo San Rafael Sausalito Tiburon	Almonte Sanitary District Alto Sanitary District Bel Marin Key Community Services District Bolinas Fire Protection District Bolinas Community Public Utility District Homestead Valley Sanitary District Inverness Public Utility District Kentfield Fire Protection District Las Gallinas Valley Sanitary District Marin City Community Services District Marin County Resource Conservation District Marin Healthcare District Marin Municipal Water District Marinwood Community Services District Muir Beach Community Services District North Marin Water District Novato Fire Protection District Novato Sanitary District Richardson Bay Sanitary District Ross Valley Sanitary District (County Sanitary District 1) Sausalito-Marín City Sanitary District Sleepy Hollow Fire Protection District Southern Marin Fire Protection District Stinson Beach Fire Protection District Stinson Beach Water District Strawberry Recreation District Tamalpais Community Services District Tiburon Fire Protection District Tiburon County Sanitary District (County Sanitary District 5) Tomales Village Community Services District	Community Service Area 1 (Loma Verde) Community Service Area 6 (Santa Venetia) Community Service Area 9 (Northbridge) Community Service Area 13 (Upper Lucas Valley) Community Service Area 14 (Homestead Valley) Community Service Area 16 (Greenbrae) Community Service Area 17 (Kentfield) Community Service Area 18 (Gallinas Village) Community Service Area 19 (Unincorporated San Rafael Area) Community Service Area 20 (Indian Valley) Community Service Area 23 (Terra Linda) Community Service Area 25 (San Marin) Community Service Area 27 (Ross Valley) County Service Area 28 (West Marin) County Service Area 29 (Paradise Cay) Community Service Area 31 (Unincorporated Area) Community Service Area 33 (Stinson Beach) Corte Madera Sanitary District No. 2 Marin County Flood Control and Water Conservation District Marin County Parks Open Space District Murray Park Sewer Maintenance District San Quentin Village Sewer Maintenance District San Rafael Sanitation District

2.4 LOCAL AGENCIES NOT SUBJECT TO MARIN LAFCo JURISDICTION

State law exempts several types of local agencies from direct LAFCo oversight, including school districts, community college districts, assessment districts, improvement districts, community facilities districts (Mello Roos), air pollution control districts, bridge districts, highway districts, and transit districts.

Other types of local agencies that are indirectly overseen by LAFCOs include counties (typically through the operations and services of their surrogate dependent districts), as well as joint-powers authorities (JPAs) if their membership includes a city/town or district.

CHAPTER 3 LAFCO BUSINESS AND OPERATIONS

3.1 SELECTION OF COMMISSIONERS

Marin LAFCo has seven regular voting Commissioners and four alternate members, consisting of:

- **2 City/Town Councilmembers**, selected as voting Commissioners by the Marin County Council of Mayors and Councilmembers (MCCMC), along with 1 alternate;
- **2 County Board of Supervisors**, selected as voting Commissioners by the Board of Supervisors, along with 1 alternate;
- **2 Special District Board Members**, selected by the special districts as prescribed below (insert policy handbook section), along with 1 alternate;
- **1 Public Member**, selected by the Commission as prescribed below, along with 1 alternate, for a four-year term.

Alternate members shall be automatically seated in the event of absence or disqualification of the regular member.

3.1 (A) Procedures for Selection of Public Members

The public member and alternate public member shall be appointed by a majority vote of the regular LAFCo County, City, and Special District members.

- 3.1 (A)(i) Ninety (90) days prior to an appointment, the Executive Officer shall issue a news release announcing the pending vacancy on the Commission and solicitation of applications.
- 3.1 (A)(ii) The news release shall be mailed to the Marin Independent Journal and local newspapers within Marin County. Additionally, the news release shall be mailed to all current regular and alternate members of Marin LAFCo, the clerk or secretary of the Board of all local governments within Marin County and to community organizations including homeowners' associations and civic groups on file with the Marin LAFCo and shall be posted as provided by Government Code §56158.
- 3.1 (A)(iii) The application period shall be at least twenty-one (21) days and shall begin upon the date legal notice appears in the Independent Journal, a posting of the notice as provided by Government Code §56158, and notice sent to the clerk or secretary of the Board .

Among other things, the notice/news release shall outline the function and purpose of the Commission, indicate the application filing period and invite interested persons to contact the Executive Officer for an application and information concerning the general duties and responsibilities of the public member.

- 3.1 (A)(iv) Interviews for pending vacancies for expiring terms should be held during the month of April prior to the May expiration date of the current member's term of office, if possible. A standard list of questions should be asked to each candidate as agreed to by the Commission. As required by the Ralph Brown Act, interviews shall be conducted in public sessions and formal selection shall be confirmed at a regular public meeting.
- 3.1 (A)(v) With respect to selection and eligibility criteria, and in addition to requirements under Government Code the public member shall be a resident-voter of Marin County and not currently an officer or employee of a local agency subject to Marin LAFCo jurisdiction. The public member shall also not concurrently hold any elected or appointed office with a local government agency that makes or informs land use or municipal service decisions while serving on the Commission. In selecting the public member, the Commission shall consider the candidate's qualifications as described in his or her letter of interest and the reasons listed for wanting to serve as a member of the Commission.
- 3.1 (A)(vi) In the event a vacancy occurs during the public member's term of office, a new appointment shall be made for the unexpired term in a timely manner. The Commission may: (a) Direct the Executive Officer to send out a news release announcing the vacancy and solicit applications for future consideration by the Commission; or (b) Appoint the alternate public member to serve as regular public member until the appointment and qualification of regular public member to fill the vacancy.

3.1 (B) Procedures for Selection of Special District Members

Government Code §56332(c)(1) provides for selection of regular and alternate special district members by a mail ballot process when the Executive Officer determines that a meeting of the Special District Selection Committee is not feasible. Meetings of the Marin County Special District Selection Committee have previously failed to reach a quorum, indicating the infeasibility of Selection Committee meetings. Accordingly, it is the policy of Marin LAFCo to

conduct selection proceedings of regular and alternate special district members by a mail ballot process consistent with the procedures outlined below.

- 3.1 (B)(i) The Executive Officer shall initiate the mail ballot selection process for special district members 180 days prior to the pending expiration of the term of a special district member or immediately upon notification the eligibility of a special district member on Marin LAFCo will end prior to the expiration of his or her term.
- 3.1 (B)(ii) The Executive Officer shall initiate the mail ballot process by distributing to each independent special district a call for nominations, including a schedule of the selection process and a copy of this policy. Nominations must be submitted in writing by special district governing boards within 60 days of the date of the call for nominations. The submittal of a nomination must include a statement of the candidate's qualifications. With the prior concurrence of any special district, the Executive Officer may transmit these materials to and receive nominations from that special district by electronic mail.
- 3.1 (B)(iii) Within five working days of the close of the nomination period, the Executive Officer shall distribute by certified mail one ballot to each independent special district. The distribution of ballots shall include a statement of qualifications for each candidate on the ballot.
- 3.1 (B)(iv) Ballots may be submitted by mail or facsimile or electronic mail within 60 days of distribution of the ballots. A majority of independent special district must cast ballots to select a special district member. Selection shall be made by majority of votes cast and a majority of independent special districts in Marin County.
- 3.1 (B)(v) Ballots cast by each special district must bear the signature of the district's presiding officer. If the presiding officer is unavailable, the district board may authorize another member of the board to cast the district's vote. Ballots may be returned to the Marin LAFCO office by mail or by facsimile or electronic mail.
- 3.1 (B)(vi) All ballots and other records of each selection process shall be retained in the Marin LAFCo office for at least four years and shall be available for public inspection.

3.1 (B)(vii) When more than two candidates are nominated, the ballot form shall provide for selection by majority of votes cast through an "instant runoff" as follows:

3.1 (B)(vii)(1) Each district casting a vote shall rank the candidates in order of their preference. District boards would simply indicate a "1" next to their first choice, a "2" next to their second choice, a "3" next to their third choice etc.

3.1 (B)(vii)(2) In counting the votes by the Executive Officer, all first choice votes are counted. If any candidate receives over 50 percent of the first choice votes, that candidate is selected as special district member.

3.1 (B)(vii)(3) If no candidate receives a majority, then the candidate with the fewest "1" votes is eliminated. The ballots of the supporters of the eliminated candidate are then transferred to whichever of the remaining candidates they marked for their second choice. This process shall be continued until one candidate receives a majority and is selected as special district member.

3.1 (B)(viii) Should a vacancy occur during a special district member's term of office, a new appointment shall be made for the unexpired term of the special district member or alternate member according to the process above.

3.2 ROLE OF COMMISSIONERS

Commissioners shall independently fulfill their responsibilities while serving on Marin LAFCo in the best interests of the general public, irrespective of interests of their appointing authorities. Alternate Commissioners are encouraged to take an active role in Marin LAFCo to help further inform all related discussions and actions and should attend all meetings if at all possible. Alternate members may not vote, however, unless a regular member, from the same representation category as the alternate, is absent or disqualified from participating in an open meeting of the Commission. An alternate member may participate in a closed session. However, alternate members may not vote or make a motion in closed session when the regular member(s) is (are) present.

3.3 DISQUALIFICATION AND CONFLICT OF INTEREST

Pursuant to Government Code §56336, a commission member or alternate of a city/town or special district shall not be disqualified from acting on a proposal affecting that city, town, or the special district. A regular or alternate Commissioner shall only be disqualified from voting

on matters in which the Commissioner has a financial interest, when it is reasonably foreseeable that such interest may be materially affected by the decision, as provided by the Political Reform Act.

3.4 COMMISSIONER COMPENSATION

3.4 (A) Stipends

Commissioners shall receive a stipend of \$125 per regular or special meeting of Marin LAFCo and for each day of attendance at standing or ad hoc Commission committee meetings. Alternate commissioners shall receive an equal stipend for attending regular or special meetings irrespective of voting status. Commissioners shall not receive more than five stipends per month.

3.4 (B) Expense Reimbursements

Stipends shall be in lieu of claiming reimbursements for actual expenses related to meetings. Commissioners shall receive reimbursement for reasonable and necessary expenses incurred in performance of official Commission business, including attendance at CALAFCO conferences or training sessions. Reasonable and necessary expenses shall include the costs of transportation, lodging, food, communications, training or events related to service on the Commission.

Claims for expense reimbursement for Commissioners shall be submitted to Staff for processing. Claims for expense reimbursement for all staff members shall be submitted to the Chair for approval and returned to staff for processing. Disputes regarding reimbursable expenses shall be resolved by the Chair or his/her designee. All expense claims shall be submitted with the use of a standard expense claim form approved for use by the Commission.

3.5 ELECTION OF OFFICERS

3.5 (A) Selection and Duties of the Chair

Annually at the first regular meeting in or immediately after May, Marin LAFCo shall elect a Chair from among its members by majority vote. The Chair shall serve until a successor is duly elected. The Chair shall preside at all meetings of the Commission and conduct the business of the Commission in the manner prescribed by law and by these rules. The Chair shall preserve order and decorum and shall decide all questions of order and procedure subject to the confirmation of a majority of the Commission. Other duties of the Chair include all of the following activities:

- 3.5 (A)(i) Serve as the immediate supervisor for the Executive Officer on behalf of the entire Commission;
- 3.5 (A)(ii) Make appointments to committees as needed;
- 3.5 (A)(iii) Call special meetings of the Commission as needed;
- 3.5 (A)(iv) Approve emergency outside service extensions consistent with the procedures outlined in this Policy Handbook; and
- 3.5 (A)(v) Perform ceremonial duties on behalf of Marin LAFCo.

3.5 (B) Selection and Duties of the Vice Chair

Annually at the first regular meeting in or immediately after May, Marin LAFCo shall elect a Chair from among its members by majority vote. The Vice-Chair shall have all of the powers and duties of the Chair during the absence of the Chair or the Chair's inability to act.

3.6 APPOINTMENT AND DUTIES OF EXECUTIVE OFFICER

Marin LAFCo shall appoint its own Executive Officer to administer the day-to-day business of the agency and all other duties as prescribed in an employee contract and as directed under Government Code §56384(a). The Executive Officer is at-will position. If the Executive Officer is subject to a conflict of interest, the Commission shall appoint an Alternate Executive Officer to advise Marin LAFCo for a specific project.

3.7 APPOINTMENT AND DUTIES OF COMMISSION COUNSEL

Marin LAFCo shall appoint its own Commission Counsel to advise the agency on all related matters as directed under Government Code §56384(b). If the Commission Counsel is subject to a conflict of interest, the Commission shall appoint Alternate Counsel to advise Marin LAFCo for a specific project.

3.8 COMMISSION MEETINGS

Regular meetings of Marin LAFCo shall be calendared every 12 months by the Commission at its December meeting. Regular meetings may be held either monthly or every other month on the second Thursday and based on anticipated workload. Whenever a legal holiday falls on a regular meeting date, an alternate meeting date will be selected. All regular meetings shall be called to order at 7:00 P.M. and held in Marin Clean Energy's Board Room at 1125 Tamalpais Avenue, San Rafael, unless advertised differently. Notice of all regular meetings shall be provided no less than 72 hours in advance.

3.8 (A) Special Meetings

A special meeting may be called at any time by the Chair or by a majority of the members of the Commission. Notice of such meeting must be delivered to Commissioners personally or by mail at least twenty-four (24) hours before the time of such meeting. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such special meeting, unless permitted by the Brown Act.

3.8 (B) Conducting of Meetings

- 3.8 (B)(i) **Meeting Quorum:** A majority of the members of the Commission (four members) constitutes a quorum for the transaction of business. In absence of a quorum, the Executive Officer shall adjourn the meeting to a stated time and place.
- 3.8 (B)(ii) **Vote Requirements:** No act of the Commission shall be valid, legal or binding unless a majority of the Commission members present and voting concur therein.
- 3.8 (B)(iii) **Commission Actions:** The Commission may act by resolution or motion. All final determinations of the Commission on spheres of influence, change of organizations, outside service extensions, municipal service reviews, contracts, standards and procedures, and budget adoptions shall be made by resolution.
- 3.8 (B)(iv) **Voting Procedures:** The roll need not be called in voting upon a motion or adoption of a resolution except when requested by a member or if required under the Brown Act. Prior to calling the roll, the Commission Clerk or his/her designee shall repeat the motion for the record.
- 3.8 (B)(v) **Consent Calendar:** Routine proposals that do not require a public hearing may be placed on a Commission consent calendar at the discretion of the Executive Officer. Approval of the consent calendar shall be made in one action that includes two motions involving: (1) Commission acknowledgment of environmental consequences and analysis followed by; (2) Commission approval of the basic proposal. Matters placed on the consent calendar may be removed by any Commissioner or member of the public in order to allow general discussion and more detailed review of the proposal.

- 3.8 (B)(vi) **Parliamentary Procedure:** Except as herein otherwise provided or as provided in law, the parliamentary proceedings of the Commission shall be governed by the latest edition of "Rosenberg's Rules of Order." However, no resolution, proceedings, or other action of the Commission shall be invalid or the legality thereof otherwise affected by the failure of the Commission to observe or follow such rules.
- 3.8 (B)(vii) **Public Participation:** All meetings of the Commission shall be open to the public and adhere to the requirements of the Ralph Brown Act. The Chair may regulate the order of any public testimony and limit the time allowed to each person desiring to speak subject to the assent of a majority of Commissioners present.

3.8 (C) Off-Site Meetings and Workshops in Affected Communities

From time to time, Marin LAFCo initiates special studies or considers applications that generate substantial public interest. These issues usually have significant regional implications and have periodically prompted the Commission to hold meetings in the affected community. Meetings in the community foster public input and make the LAFCo process readily available to citizens. A majority of the Commission shall approve the scheduling of an off-site meeting of the Commission.

3.9 COMMISSION COMMITTEES

Marin LAFCo shall regularly utilize standing and ad hoc committees to help evaluate and inform the Commission on various matters pertinent to the agency in fulfilling its regional growth management responsibilities and duties. All work and recommendations shall be advisory and subject to formal approval by the Commission.

3.9 (A) Standing Committees

Marin LAFCo shall maintain the following four standing committees on an annual basis with appointments and/or reappointments made at the beginning of each calendar year. All meetings of the standing committees shall comply with the Brown Act and conduct business in noticed and open public meetings. The Executive Officer shall be responsible for scheduling and staffing these committee meetings as needed.

- 3.9 (A)(i) **Budget and Work Plan:** This Committee shall review and prepare recommendations on fiscal year work plans and operating budgets for formal presentation and adoption by the Commission in April (proposed) and June (final). The Committee shall include three members (regulars or alternates) that comprise

appointments from each funding category on Marin LAFCo (county, city/town, and special district). The term of the Budget Committee shall extend through the adoption of a final budget for the affected fiscal year.

- 3.9 (A)(ii) **Policy and Personnel:** This Committee shall review and prepare revisions for Commission consideration on Marin LAFCO's adopted Policy Handbook to address new statutes as well as help ensure appropriate implementation of LAFCo law in Marin County. The Committee shall also convene as necessary in open or closed session to address personnel issues as requested by the Chair. The Committee shall include three members (regulars or alternates) with one appointment reserved for either the Chair and/or Vice Chair.
- 3.9 (A)(iii) **Legislative:** This Committee shall review and provide possible position recommendations on current or pending legislation matters directly affecting LAFCo law or laws LAFCos help to administer, with particular focus on items of specific interest in Marin County. The Committee shall include three members (regulars or alternates).
- 3.9 (A)(iv) **Public/Technical Information:** This Committee shall review and provide direction to staff on website design and improvements and other social medial communications platforms. The Committee shall also review and provide recommendations to the Commission on recommended capital purchases involving computers and related programs. The Committee shall include three members (regulars or alternates). Termed tasks, including the selection of vendors for specific projects, may be overseen by the Committee on an ad hoc basis.

3.9 (B) Ad Hoc Committees

Marin LAFCo shall utilize ad hoc committees as needed and specific to defined and limited-term topics as assigned by the Commission at public meetings.

3.10 BUDGET PROCESS

It is the policy of Marin LAFCo to provide local agencies and the public full opportunity to participate in the development and adoption of its annual budget.

3.10 (A) Budget Objectives

In the course of adopting and amending its annual budget, Marin LAFCo will strive to balance effectively and proactively fulfilling its regulatory and planning responsibilities while taking measures to limit new cost-impacts to the funding agencies.

3.10 (B) Procedures

- 3.10(a)(i) The Budget Committee shall prepare and present a proposed budget and accompanying workplan for adoption by Marin LAFCo no later than May 1st at a noticed public hearing as provided under Government Code §56381.
- 3.10(a)(ii) Following adoption, Marin LAFCo's proposed budget and workplan will be made available for review by the public, the Board of Supervisors, each city/town, and each independent special district for a minimum of 45 days.
- 3.10(a)(iii) Staff will provide an opportunity for informal discussion of the adopted proposed budget by the Commission within the 45-day circulation period.
- 3.10(a)(iv) Marin LAFCo will hold a public hearing for consideration and final action on the budget and accompanying workplan no later than June 15th as provided under Government Code §56381. Following adoption, a certified copy of the adopted final budget shall be transmitted to the Board of Supervisors, the County Auditor, each city/town, and to each independent special district.
- 3.10(a)(v) The County Auditor shall apportion the net costs of Marin LAFCo's budget to the County, cities/towns, and independent special districts under the provisions of Government Code §56381.
- 3.10(a)(vi) If the County, a city/town or an independent special district does not remit its required payment within 60 days of notice, the Executive Officer shall request that the County Auditor collect an equivalent amount from the property tax, or any fee or eligible revenue owed to that county, city/town or district pursuant to Government Code §56381(c).
- 3.10(a)(vii) Marin LAFCo will strive to maintain an unrestricted reserve account balance of approximately 20% of budgeted expenses for purposes

including, but not limited to, unanticipated legal fees, unrealized application fee revenue, special studies, and environmental review.

3.11 FEE SCHEDULE

Marin LAFCo will maintain a schedule of fees to reasonably recover the agency's costs in fulfilling its regulatory and planning responsibilities. Marin LAFCo shall periodically review the fee schedule and consider amendments therein no less than every two years.

3.12 PROCUREMENT

The Executive Officer is delegated purchasing authority on behalf of Marin LAFCo for goods and supplies not to exceed \$3,000 per transaction or \$5,000 per fiscal year for any one service provider or vendor. The Commission shall approve any purchase of goods, supplies, and/or services that exceed the monetary limits set forth in this section and may choose to utilize a competitive bid process (i.e., request for proposal) for these purchases at its discretion.

3.13 FINANCIAL ACCOUNTING AND INTERNAL CONTROLS

Marin LAFCo maintains and records all financial transactions and is guided by the following accounting controls and procedures.

3.13 (A) Administration

- 3.13 (A)(i) Marin LAFCo shall be solely responsible for the financial management and accounting therein of the Commission's funds with day-to-day responsibility therein delegated to the Executive Officer.
- 3.13 (A)(ii) Marin LAFCo shall use the County of Marin and its Treasurer Division to serve as a central depository for all collected revenues from each jurisdiction within Marin LAFCo. This account ("County Account") shall maintain Marin LAFCo's fund balance (or reserves) and be used to process payroll through the County Auditor Division unless otherwise directed by the Commission. Transactions involving this account are subject to the authorization requirements specified in this Policy Handbook

3.13 (A)(iii) Marin LAFCo shall use one or more local commercial banks for the purpose of receiving transfers from the account maintained with the County of Marin and its Treasurer Division. These accounts (“Operating Accounts”) shall be used to make direct payments relating to the Commission’s operating costs. Marin LAFCo shall maintain and operate two checking accounts with a local commercial bank as designated by the Commission and termed Primary and Secondary Operating Accounts.

3.13 (B) Authorizations and Balance Limits

3.13(a)(i) **County Account:** All deposits to this account shall be reviewed and approved by the Executive Officer or the Chair (in the absence of the Executive Officer). There shall be no balance limit on this account. Any transfers or related transactions of monies out of this account shall require majority approval by the Commission at a public meeting.

3.13(a)(ii) **Primary Operating Account:** This account shall serve as the Commission’s main operating fund to make payments and related disbursements on budgeted operating costs that are more than \$3,000.00 per single occurrence. The balance limit on this account shall not exceed the adopted annual operating budget at any one time as set by the Commission. Any transfers or related transactions of monies out of this account shall require two signatures: the Chair and the Executive Officer unless it is for purposes stated in Policy Handbook Section 3.13 (B)(iii) state below.

3.13(a)(iii) **Secondary Operating Account:** This account shall serve to expedite payments for budgeted operating costs that are less than \$3,000.00 per occurrence. When book keeping indicates the fund balance for this account will go below zero the staff can transfer \$6,000.00 at any one time. Any transfers or related transactions of monies out of this account shall require only the signature of the Executive Officer or the Chair.

3.13 (C) Reconciliations and Reporting

Marin LAFCo shall reconcile account statements in QuickBooks on a monthly basis by someone other than the Executive Officer, such as a contract bookkeeper. All checks and payments authorized pursuant to this Policy Handbook shall be reported to the Commission at the next available meeting for formal ratification.

3.13 (D) Check Stock

Check stock for Marin LAFCo's commercial checking accounts shall be maintained in a locked drawer in the Executive Officer's office. Access to the check stock shall be limited to the Executive Officer, and authorized bookkeeper.

3.13 (E) Expenditures and Disbursements

- 3.13 (E)(i) Marin LAFCo shall process all invoices, claims, disbursements, and receipts utilizing its own financial accounting system through QuickBooks. The Executive Officer or authorized bookkeeper initiates the payment and the Executive Officer approves, as appropriate, within the confines of the adopted Marin LAFCo budget or by approval of the Commission.
- 3.13 (E)(ii) If a payment is a reimbursable expense to a staff member, prior authorization must be received by the Executive Officer or Chair before payment can be initiated. If a payment is a reimbursable expense to the Executive Officer, prior authorization must be received by the Commission Chair.
- 3.13 (E)(iii) Credit card and other lines of purchases shall not exceed parameters set by Marin LAFCo procurement policies and shall comply with all payment terms.
- 3.13 (E)(iv) The Chair, Vice Chair, and Executive Officer are authorized users of the Marin LAFCo credit card(s) and other lines of credit.
- 3.13 (E)(v) All disbursements must include original documentation.

3.13 (F) Revenues

The Executive Officer shall be responsible for providing notice to the County of Marin Finance Department of the adopted operating budget total to be collected from the local agencies.

3.13 (G) Payroll and Benefits Administration

Marin LAFCo determines pay and benefits for all employees with consideration given to pay and benefits for comparable positions with the County of Marin. At the present time, and at its sole discretion, Marin LAFCo utilizes the County of Marin and its contractors (including the Marin County Employee Retirement Association) to administer payroll and benefits.

3.13 (H) Capital Asset Management

- 3.13 (H)(i) **Capitalization Policy:** Physical assets acquired through purchase or contribution with fair market value in excess of \$1,500.00 are capitalized as fixed assets on the financial statements and accounted for at their historical costs. All fixed assets, with the exception of land, are subject to depreciation over their estimated useful lives.
- 3.13 (H)(ii) **Fixed Assets Inventory:** All capitalized fixed assets shall be recorded in a property log, maintained by the Commission Clerk and including date of acquisition, acquisition type (purchase or contribution), description (color, model, serial number), location, depreciation method, and estimated useful life. The Commission Clerk shall perform a physical inventory of all capitalized assets on an annual basis. This physical inventory shall be reconciled to the property log and adjustments made as necessary with approval by the Executive Officer. If a fixed asset is sold, donated, stolen, or otherwise removed, the inventory will be duly updated.
- 3.13(a)(iv) **Depreciation Policy:** Fixed assets shall be depreciated over their estimated useful lives as determined by the Executive Officer. Depreciation expense shall be calculated on an annual basis. The following depreciation schedule is suggested:

Fixed Asset	Estimated Useful Life
Furniture and fixtures	10 years
General office equipment	5 years
Computer hardware	5 years
Computer software	3 years
Leased assets	Life of lease

- 3.13(a)(v) **Repairs of Fixed Assets:** Expenses to repair capitalized assets shall be expensed as incurred if the repairs do not materially add to the value of the item or materially prolong the estimated useful life of the item.

3.13 (I) Financial Reporting & Annual Audit

The Executive Officer shall present financial reports to the Commission at all regular meetings identifying actual year-to-date expenses and revenues relative to adopted budgeted amounts.

Marin LAFCo shall utilize an independent auditor to prepare annual or biennial financial statements. The audit report, including the firm's opinion, shall be presented to the Commission for formal acceptance. Marin LAFCo shall select a different independent auditor no less than every five years. The Commission may waive this requirement upon a majority vote of the membership at a public meeting.

3.13 (J) Fraud Prevention

It is the policy of Marin LAFCo to follow ethical, responsible, and reasonable procedures related to purchasing, claims, money management and other financial matters. For purposes of this section, fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of personal gain or for the purpose of inducing another to act upon it to his or her injury.

Each Marin LAFCo employee and Commissioner should be familiar with the types of improprieties that might occur within his or her area of responsibility and be alert for any indication of irregularity. Any fraud that is suspected or detected shall be reported to the Chair and, alternatively, to the Executive Officer or LAFCo Legal Counsel. Examples may include, but are not limited, to any of the following:

- Any dishonest or fraudulent act.
- Forgery or alteration of any document or account belonging to Marin LAFCo.
- Forgery or alteration of a check, bank draft, or any other financial document.
- Misappropriation of funds, securities, supplies, equipment, or other assets of Marin LAFCo.
- Impropriety in the handling or reporting of money or financial transactions.
- Disclosing confidential or proprietary information to outside parties.
- Accepting or seeking anything of material value from contractors, vendors, or persons providing goods or services to Marin LAFCo.
- Destruction, removal or inappropriate use of records, furniture, fixtures and equipment belonging to Marin LAFCo.
- Any similar or related irregularity.
- Personal use of the Marin LAFCo credit card.

Responsibility for investigating suspected fraudulent acts may be conducted by the Executive Officer, Commission Chair, LAFCo Legal Counsel, and/or other internal or external party as necessary. If an investigation substantiates that fraudulent activity has occurred, the investigating authority will issue a report to the Commission for further action.

3.14 RECORDS RETENTION

The various forms of records created and received by Marin LAFCo shall be retained for minimum time periods as specified in adopted written procedures and maintained at the

LAFCo office. Records extending beyond time periods specified in these written procedures will be subject to disposal.

CHAPTER 4 EVALUATION OF CHANGE OF ORGANIZATION PROPOSALS & OTHER REGULATORY ACTIVITIES

4.1 ANNEXATION TIMING POLICY

Marin LAFCo discourages change of organization proposals that involve annexations of undeveloped or underdeveloped lands to urban service providers unless special circumstances warrant otherwise. This policy does not apply to proposals in which the affected lands are subject to a specific and or known development plan or agreement under consideration by a land use authority. This policy does not apply to city annexation proposals in which the affected lands are part of an unincorporated island as determined by Marin LAFCo.

4.2 CONSOLIDATION POLICY

It is the intent of Marin LAFCo to encourage the efficiency of local government organization through the elimination or consolidation of small, single purpose special districts. Accordingly, wherever the full range of urban services is required, general-purpose governments, such as cities and community service districts, are preferred to one or more limited-purpose special districts for the provision of services. Additionally, where provision of a service by a general-purpose local government is not practical, Marin LAFCo favors the consolidation or reorganization of small, single-purpose special districts when such consolidation can be shown to reduce aggregate costs of service and/or improve local government accountability.

4.3 URBAN-CENTERED POLICY

It is the intent of Marin LAFCo to strengthen the role of city governments in the provision of urban services. It is also the intent of Marin LAFCo to direct and prioritize urban development and uses to the developed and developing areas along the Highway 101 corridor. In the Highway 101 corridor, general-purpose governments are preferred over limited-purpose special districts for the provision of services.

4.4 ESTABLISHMENT OF NEW LOCAL AGENCIES POLICY

Marin LAFCo discourages the proliferation of local governmental agencies and the existence of overlapping public service responsibilities. Marin LAFCo discourages the formation of new special districts where service can be efficiently provided by existing local government agencies.

4.5 AGRICULTURAL LANDS POLICIES

Marin LAFCo discourages the annexation of lands currently engaged in the substantial production of food, fiber, or livestock, or qualify as agricultural land to a city or a special district for the purpose of promoting urban development. Development of existing vacant or non-prime agricultural lands for urban uses within a city's and/or special district's jurisdiction or sphere of influence should be encouraged before any proposal is approved that would lead to the urban development of existing agricultural or open-space lands that are outside of the city's and/or special district's jurisdiction or sphere of influence.

4.6 PREZONING POLICY

As required by State law, applicants whose proposals include annexation to a city shall obtain pre-zoning approval from the city or present evidence the existing development entitlements on the territory are vested or already at build-out relative to the city's general plan. The city shall generally serve as lead agency for environmental review in such cases, and proof of environmental documentation and certification shall accompany the application (Government Code §56375(a)(7)).

4.7 COUNTY SERVICE AREA POLICY

A County Service Area (CSA) special district may be formed when unincorporated areas that are located outside municipal sphere of influence boundaries desire extended urban-type services, including police and fire protection from the County of Marin. Nonetheless, unincorporated lands located within a municipal sphere-of-influence boundary should not be eligible to receive extended urban-type services from the County in the form of a CSA except when: (a) evaluation on a case-by-case basis justifies creation and (b) the affected city or special district, by letter, expresses approval of such action. (Originally Adopted: July 13, 1977; Revised: January 13, 1983)

4.8 REORGANIZATION (DUAL ANNEXATION) POLICY

Annexations of unincorporated land to special districts that provide services necessary for urban development shall require concurrent or subsequent annexation to a city if the land is located within the city's sphere of influence. (As Approved by LAFCo on October 11, 2001)

4.8 (A) Policy Intent

The underlying intents of this policy are to allow Marin LAFCo to:

- 4.8 (A)(i) Encourage orderly growth and development by determining logical and timely boundary changes of local agencies.
- 4.8 (A)(ii) Make boundary decisions in the long-term best interests of the efficient delivery of local services and the assignment of appropriate local political responsibility for those services pursuant to Government Code §56001.
- 4.8 (A)(iii) Provide for the orderly implementation of adopted city and special district spheres of influence.
- 4.8 (A)(iv) Restrict extension of urban services to areas within cities or to unincorporated areas where County-adopted planning policies support provision of urban services for that area.

4.8 (B) Policy Application

This policy will be applied to annexations and reorganizations affecting property located within a city's sphere of influence. Implementation of this policy may be deferred at the discretion of Marin LAFCo through an agreement between the city and the property owner providing for future annexation by the city. Approval of such boundary changes will comply with this policy upon execution of such an agreement.

4.8 (C) Written Notice To Affected Agencies

Staff shall provide written notice to affected agencies of the applicability of this policy with a request for agency comment on the proposal. Additional time (within timeframes specified in CKH) will be extended for response by the affected city/town council if requested.

4.8 (D) Applicant Compliance

Applicants may comply with this policy either by filing application for a reorganization that includes annexation to both the special district and the city, or by filing application for district annexation only with a request for deferral of this policy. If the proposal is approved, Marin LAFCo may attach conditions providing for city annexation at a later date.

4.8 (E) Request for Delayed Implementation

Applicants seeking delayed implementation of the policy shall make the request in writing at the time of application and state the reasons in support of the request. The applicant's request for deferral will be circulated to all affected agencies for comment for a minimum of 60 days. LAFCo staff will extend the comment period for an additional 30 days at the request of an affected agency. Marin LAFCo will give great

weight to the comments of any affected agency objecting to the action. Applicants will retain the option of amending their proposal up to the issuance of the Certificate of Filing (scheduling a hearing before LAFCo) for the proposal.

4.8 (F) Conditions for Deferral

Marin LAFCo may defer the requirement for annexation to the city if the Commission determines that three specific conditions have been met:

- 4.8 (F)(i) The County Board of Supervisors has adopted plans or policies specifically for the subject area that support the extension of urban services (e.g., community plan or designated urban service area).
- 4.8 (F)(ii) All affected agencies have been notified and given adequate time to review and comment on the proposed annexation.
- 4.8 (F)(iii) The application of the policy at the present time would result in illogical boundaries or inefficient provision of local services.

4.8 (G) Unincorporated Island Annexation Policy

Marin LAFCo encourages annexations of unincorporated areas or “islands” to cities entirely or substantially surrounded by the affected corporate limits. Whenever applicable, Marin LAFCo shall consider making amendments to all city annexation proposals involving affected lands to further reduce and/or eliminate islands to provide more orderly local governmental boundaries and cost-efficiencies.

Marin LAFCo will disapprove any city annexation proposal that would create a new entirely surrounded island unless this policy is waived by as provided under Government Code §§56744 and 56375(m).

4.9 OUTSIDE SERVICE AGREEMENT POLICY (NON-FIRE)

As specified in Government Code §56133, cities, towns, and special districts seeking to provide new or extended services other than fire protection to areas outside their jurisdictions by contracts or agreements after January 1, 2001 shall apply to Marin LAFCo for approval. Marin LAFCo may approve requests under this section for new or extended services by contract or agreement within the applying agency's sphere of influence only in anticipation of eventual annexation. Approval may also be granted for such requests involving areas outside the applying agency's sphere of influence to respond to an existing or impending threat to the public health or safety of the public or the affected residents of the territory. Specific exemptions to this requirement for Marin LAFCo approval are found under Government Code §56133(e).

4.9 (A) Definitions

Marin LAFCo incorporates the following definitions in administering these policies concerning outside services under Government Code §56133:

- 4.9 (A)(i) “Service” shall mean any municipal service supporting (directly or indirectly) urban type uses with the referenced exclusion of fire protection.
- 4.9 (A)(ii) “New” shall mean the actual extension of a municipal service to previously unserved non-jurisdictional land.
- 4.9 (A)(iii) “Extended” shall mean the intensification use of a municipal service provided by a city, town, or special district to non-jurisdictional land that is directly tied to a redesignation and/or rezoning of the affected territory by the appropriate land use authority.

4.9 (B) Applicability Determination

Agencies may request a no-cost written response from Marin LAFCo as to whether any potential new or extended outside service contract or agreement qualifies as an exempted action under Government Code §56133(e). The Commission delegates to the Executive Officer the responsibility to determine this applicability. If the inquiry is determined to be not exempt, the jurisdiction should proceed with submitting a formal approval request with the Commission consistent with these policies.

4.9 (C) Submitting a Formal Approval Request

Requests shall be made only by the affected agency and through their appointed director/manager and filed with the Executive Officer. Joint requests by two or more affected agencies are permitted. Requests shall be made in letter form and shall include all of the following information:

- 4.9 (C)(i) A list of all addresses and/or parcel numbers comprising the subject territory along with the accompanying zoning assignments made by the applicable land use authority;
- 4.9 (C)(ii) A description of how the applying agency would provide the proposed new or extend service to the subject territory. This includes any infrastructure or facility improvements and associated funding requirements necessary to provide service to the subject territory; and
- 4.9 (C)(iii) Any information or associated findings made pursuant to the California Environmental Quality Act.

4.9 (D) Request Review

The Executive Officer will provide the jurisdiction a written response within 30 days; if incomplete, the Executive Officer will identify the information needed to deem it complete. Once a request is deemed complete, the Executive Officer shall prepare a written report with a recommendation for consideration by the Commission including the following three factors:

- 4.9 (D)(i) The ability of the applying agency to provide the requested service to the subject territory and potential impact on existing service levels;
- 4.9 (D)(ii) The effect on urban growth and development within and adjacent to the subject territory should the request be approved; and
- 4.9 (D)(iii) The consistency of the request with the Commission’s adopted policies.

4.9 (E) Public Hearing

The Executive Officer shall present the written report at the next earliest regular meeting for which adequate notice can be provided, and no further than 90 days from the date the request has been deemed complete. Requests involving service extensions beyond the applying agency’s sphere of influence shall be noticed under Government Code §56153 and 56154 and considered as part of public hearings.

4.9 (F) Commission Action

Marin LAFCo may approve requests to authorize cities, towns, or special districts to provide new or extended services outside their jurisdictional boundaries under this section with or without conditions.

4.9 (G) Reconsideration

Should Marin LAFCo disapprove requests to authorize cities, towns, or special districts to provide new or extended services outside their jurisdictional boundaries under this section the affected agency may ask for reconsideration within 30 days of the Commission action under Government Code §56895.

4.9 (H) Health & Safety Emergency Approval

Marin LAFCo authorizes the Chair to approve a city, town, or special district's request to provide new or extended services outside their jurisdictional boundaries under this section if there is an existing or impending public health or safety emergency. Marin LAFCo shall ratify the Chair's determination at the next regular scheduled meeting.

4.10 OUTSIDE SERVICE AGREEMENT POLICY (FIRE PROTECTION SERVICES)

4.10 (A) Applicability Conditions

As specified in Government Code §56134, the County, cities, towns, special districts, and State agencies seeking to provide new or extended fire protection services to areas outside their jurisdictions by contracts or agreements after December 31, 2015 shall apply to Marin LAFCo for approval should either of the following conditions apply:

- 4.10 (A)(i) Contracts that transfers responsibility for providing fire protection services in more than 25 percent of the area within the jurisdictional boundaries of any public agency affected by the contract or agreement, based on acreage differences calculated in MarinMap; or
- 4.10 (A)(ii) Contracts that changes the employment status of more than 25 percent of the employees of any public agency affected by the contract or agreement, based on actual and agency-wide staffing totals within the affected agencies as of the July 1st of the subject fiscal year.

4.10 (B) Definitions

Marin LAFCo incorporates the following definitions in administering these policies concerning outside services under Government Code §56134:

- 4.10 (B)(i) “Fire protection” shall mean the provision of said services by contract or agreement as permitted under Government Code §55600 et al unless exempted under this policy.
- 4.10 (B)(ii) “New” shall mean the provision of fire protection services to previously unserved non-jurisdictional land by the affected agency; i.e., the applying County, city, town, special district, or State agency.
- 4.10 (B)(iii) “Extended” shall mean the intensification and/or improvement of a fire protection service provided by the County, city, town, special district, or State agency to non-jurisdictional land.
- 4.10 (B)(iv) “Employment status” shall apply to any one of the affected agencies subject to the fire protection contract or agreement. Changes in employment status is specific to emergency or sworn personnel and does not apply cumulatively across all affected agencies. Changes in wages, benefits, hours worked, or working conditions does not affect employment status.
- 4.10 (B)(v) “Jurisdictional boundary” shall mean lands already being served under a fire protection contract entered into prior to December 31, 2015.

4.10 (C) Exemptions

Marin LAFCo approval under this section is not required for the County, cities, towns, special districts, or State agencies to provide new or extended fire protection services outside their jurisdictional boundaries that involve any of the following:

- 4.10 (C)(i) Contracts or agreements for fire protection services entered into before December 31, 2015 or recipient of LAFCo approval after December 31, 2015 and renewals or renegotiated terms of same, so long as it does not constitute a new 25% change in service area or employment status.
- 4.10 (C)(ii) Renewals of existing contracts or agreements, unless the renewal includes amendments or inclusions that triggers the referenced 25% threshold with respect to changing the service area or employment status of the affected agencies.
- 4.10 (C)(iii) Mutual aid agreements in which there is no monetary reimbursement for fire protection services. Reimbursement costs associated with mutual aid contracts between the State and local agencies are also exempt.

- 4.10 (C)(iv) Cooperative agreements for wildland fires under Public Resource Code §4143 or 4144.
- 4.10 (C)(v) Contracts or agreements that involve any of the following:
 - 4.10 (C)(v)(1) Ambulance services, including billing and related administrative support.
 - 4.10 (C)(v)(2) Pre-hospital emergency medical services.
 - 4.10 (C)(v)(3) Permit and inspection review.
 - 4.10 (C)(v)(4) Fire alarm system plan reviews and inspections.
 - 4.10 (C)(v)(5) Business and occupancy reviews and inspections.
 - 4.10 (C)(v)(6) Vehicle maintenance and repair.
 - 4.10 (C)(v)(7) Sharing of management or other personnel between or among two or more agencies in which the contracts or agreements do not constitute a 25 percent change in employment status as defined.
 - 4.10 (C)(v)(8) Sharing or loaning of equipment, facility, or property between or among two or more agencies
- 4.10 (C)(vi) Establishment of joint-power authorities to provide fire protection services in which all of the following criteria is satisfied as verified by the Commission's Executive Officer:
 - 4.10 (C)(vi)(1) The boundaries of the proposed joint-powers authority are entirely coterminous with the member agency boundaries, and therefore services are not extended to previously unserved areas by the agencies.
 - 4.10 (C)(vi)(2) The member agencies and the affected represented safety employees' organizations have ratified agreements in support of the proposed joint-powers authority and any changes therein to employment status.

4.10 (C)(vi)(3) The proposed joint-powers authority does not create any conflicts with adopted LAFCo policies or recommendations with respect to fire protection services in Marin County.

4.10 (C)(vi)(4) The proposed joint-powers authority does not create any conflicts with any active reorganization application on file with LAFCo.

4.10 (C)(vi)(5) The total service area for the proposed joint-powers authority does not exceed a resident service population of 50,000.

4.10 (D) Applicability Determination

The County, cities, towns, special districts, and State agencies may request at no-cost a written response from Marin LAFCo as to whether any potential new or extended contract or agreement for fire protection is subject or exempt to these proceedings. The Commission delegates to the Executive Officer the responsibility to determine this applicability. If the inquiry is determined to be not exempt, the jurisdiction should proceed with submitting a formal approval request with the Commission consistent with these policies. If a request is deemed incomplete, the Executive Officer shall immediately notify the applying agency and identify the information needed to deem it complete.

4.10 (E) Submitting a Request

Requests shall conform to the following procedures:

4.10 (E)(i) An affected agency will make a request by adopted resolution consistent Government Code §56134 (c) at a noticed public hearing.

4.10 (E)(ii) Requests shall be filed with the Executive Officer only after both of the conditions prescribed under Government Code §56134 (d) have been satisfied. Requests shall also include all the information prescribed under Government Code §56134 (e) in letter form.

4.10 (E)(iii) Joint requests by two or more affected agencies are permitted.

4.10 (F) Request Review

The Executive Officer will provide the jurisdiction a written response within 30 days; if incomplete, the Executive Officer will identify the information needed to deem it complete. Once a request is deemed complete, the Executive Officer shall prepare a

written report with a recommendation for consideration by the Commission including the following three factors:

- 4.10 (F)(i) The ability of the applying agency to provide the requested service to the subject territory and potential impact on existing service levels;
- 4.10 (F)(ii) The effect on urban growth and development within and adjacent to the subject territory should the request be approved; and
- 4.10 (F)(iii) The consistency of the request with the Commission’s adopted policies.

4.10 (G) Public Hearing

The Executive Officer shall present the written report at the next earliest regular meeting for which adequate notice can be provided, and no further than 90 days from the date the request has been deemed complete. Requests involving service extensions beyond the applying agency’s sphere of influence shall be noticed under Government Code §56153 and 56154 and considered as part of public hearings.

4.10 (H) Commission Action

Marin LAFCo may approve requests to authorize cities, towns, or special districts to provide new or extended services outside their jurisdictional boundaries under this section with or without conditions. Marin LAFCo shall only approve requests under this section when the Commission determines the applying agency will have sufficient revenues to provide the underlying service consistent with Government Code §56134 (i)-(j). Conditioning approval on the applying agency establishing a new or augmented revenue source is permissible.

4.10 (I) Reconsideration

Should Marin LAFCo disapprove requests to authorize cities, towns, or special districts to provide new or extended services outside their jurisdictional boundaries under this section the affected agency may ask for reconsideration within 30 days of the Commission action under Government Code §56895.

4.10 (J) Health & Safety Emergency Approval

Marin LAFCo authorizes the Chair to approve a city, town, or special district’s request to provide new or extended services outside their jurisdictional boundaries under this section if there is an existing or impending public health or safety emergency. Marin LAFCo shall ratify the Chair’s determination at the next regular scheduled meeting.

4.11 GENERAL PROCEDURES FOR THE EVALUATION OF CHANGE OF ORGANIZATION PROPOSALS

4.11 (A) Processing Fees

- 4.11 (A)(i) **Fee Requirement:** All fees are due with application submittal. The application will not be deemed complete for processing until the application fee is submitted.
- 4.11 (A)(ii) **Application Fee Refund:** As provided in the adopted fee schedule, if an at-cost application is withdrawn by written request of the applicant before the item has been placed on the Marin LAFCo's agenda, the application fee will be refunded, less:
- 4.11 (A)(ii)(1) The estimated hourly cost for Marin LAFCo staff time spent on the application; and
- 4.11 (A)(ii)(2) The direct cost of processing the application (map and legal description review, notices, postage, copy service, etc.).
- 4.11 (A)(iii) **Fee Reduction and Waiver Policy:** Marin LAFCo, upon majority vote, may reduce or waive application fees, service charge, or deposit if it finds a payment would be detrimental to the public or if renewed applications with current information (not previously denied) has prior processing that remains relevant to the renewed application. Notwithstanding the preceding statements, fee reductions shall not be granted for applications conditioned, denied, or previously denied or due to misinformation provided in the application or by other public agencies, groups, or individuals. Prior to consideration by Marin LAFCo, a request for a fee reduction shall be submitted in writing using the Marin LAFCo Fee Reduction Request Form. The request will be considered at the next regular meeting of Marin LAFCo.

4.11 (B) Indemnification Agreement

As a standard condition of approval, applicants shall indemnify Marin LAFCo against the costs of litigation arising from its actions on proposed change of organizations or other application requests by signing LAFCo's standard agreement.

4.12 PROPOSAL REVIEW INVOLVING CHANGE OF ORGANIZATIONS

4.12 (A) Initial Procedures

When a proposal is submitted, staff takes the following steps within 30 days:

- 4.12 (A)(i) **Notice of Application - Proposals Submitted by Petition Only:** The proposal is placed on Marin LAFCo's agenda for information only. Sixty days must pass after the notice of application is on the Commission's agenda before the item can be presented to the Commission for a decision. (Government Code §56658) Affected agencies are sent referral information. The 60-day period after the notice of application allows time for cities losing territory and special districts gaining territory to adopt a resolution terminating proceedings if desired. (Government Codes §56751/56857)
- 4.12 (A)(ii) **Completeness of the Application:** Within 30 days of receipt, staff will provide the applicant a written status letter, which will include a Certificate of Filing if the application is deemed complete; if incomplete, staff will identify the information needed to deem it complete.
- 4.12 (A)(iii) **Certificate of Sufficiency:** Within 30 days of receipt, staff will review the petition or request evaluation of the petition signatures by the County elections official. If the petition is determined to be insufficient per the requirements of Government Codes §56704-56706, the Executive Officer will give notice by certified mail to the proponents. Within 15 days after the notice of insufficiency, a supplemental petition may be filed with the Executive Officer. Within 10 days after the date of filing a supplemental petition, the Executive Officer will examine the supplemental petition and certify in writing the results of that examination per Government Code §56706.
- 4.12 (A)(iv) **Consent of Property Owners:** If all of the owners of land within the affected territory have given their written consent to the change or organization or reorganization, the application may proceed without public notice.
- 4.12 (A)(v) **Application Referral/Requests for Information:** The proposal shall be distributed to all affected agencies as a notice of filing as well as a request for information and comment. Affected agencies must respond to Marin LAFCo within 30 days with any comments the agency may have regarding the application. (Government Code §56663(b))

4.12 (B) Proposal Filing

The Certificate of Filing will specify the date upon which the proposal will be heard by Marin LAFCo, which must be set within 90 days of the date the Certificate of Filing is issued or after the application is deemed to have been accepted, whichever is earlier.

4.12 (C) Noticing

4.12 (C)(i) **Public Notice Without 100% Consent:** For proposals where there is not 100 percent written consent of the affected property owners, Marin LAFCo will publish notice of the public hearing no less than 21 days before the hearing in a newspaper of general circulation, on the bulletin board for legal notices at the County Civic Center, and on the Marin LAFCo website. Mailed notice shall be given to the County, all affected agencies, the subject agencies, all proponents in the petition, persons requesting special notice, and all landowners and registered voters in the subject area plus a buffer zone of 300 feet surrounding the subject area. To ensure adequate notice for proposals involving boundary amendments, the public hearing may be continued where necessary and the language of the published agenda may be modified.

4.12 (C)(ii) **Public Notice With 100% Consent:** Notice will not be published or posted for proposals for changes of organization wherein 100% of the affected property owners have consented in writing to the proposed change unless the Commission deems it appropriate relative to local conditions (Government Code §56664).

4.12 (D) Staff Report and Recommendation

The Executive Officer shall review the application materials and prepare a written report and recommendation on the proposal, to be distributed consistent with Ralph M. Brown Act. Copies shall be furnished to the persons specified in the application and all affected agencies. The report will consider the factors to be considered as required by Government Code §56668.

4.13 WITHDRAWAL OF CHANGE OF ORGANIZATION PROPOSALS

Prior to issuance of a Certificate of Filing, applicants wishing to withdraw their applications from further processing or review by Marin LAFCo may do so with the written request of all persons signing the petition of application (proposals submitted by petition) or by the applicant agency submitting a resolution requesting withdrawal from the applicant agency (proposals submitted by resolution). After issuance of a Certificate of Filing, proposals for

change of local government organization may only be withdrawn at the discretion of Marin LAFCo.

4.14 COMMISSION HEARING INVOLVING CHANGE OF ORGANIZATIONS

A Marin LAFCo hearing may be continued from time to time but shall not exceed 70 days from the date specified in the original notice.

4.15 RECONSIDERATION OF COMMISSION ACTION INVOLVING CHANGE OF ORGANIZATIONS

4.15 (A) Allowance

When Marin LAFCo has adopted a resolution making determinations, any person or affected agency may file a written request with the Executive Officer requesting reconsideration of the resolution. The purpose of the reconsideration process is to provide a mechanism for Marin LAFCo to review new or different facts that could not have been presented previously that are claimed to warrant reconsideration. Therefore, it is the policy of Marin LAFCo to provide for reconsideration of Commission decisions in a manner that is consistent with State law and that does not unduly delay the processing of applications for changes of local government organization. Marin LAFCo shall include a charge for reconsideration in its schedule of processing fees. Marin LAFCo may waive the fee for reconsideration as specified by separate policy.

4.15 (B) Procedure

4.15 (B)(i) A request for reconsideration may be filed by any interested person or agency within 30 days of the date of adoption of a resolution making determinations or prior to the adoption of a resolution by the conducting authority, whichever is earlier. Such requests must be made in writing, state the specific modification to the resolution being requested, identify new or different facts that could not have been presented to Marin LAFCo, and include required processing fees, as per Government Code §56895.

4.15 (B)(ii) Upon receipt of a timely request, the Executive Officer shall immediately suspend conducting authority proceedings until Marin LAFCo acts on the request and shall place the request on the agenda of the next meeting of Marin LAFCo for which any required notice can be given. At that meeting, Marin LAFCo shall consider the request and receive any oral or written testimony. Marin LAFCo may continue the hearing for a maximum of 35 days.

- 4.15 (B)(iii) At the conclusion of the public hearing, Marin LAFCo will act on the request by approving or disapproving or approving with conditions or modifications. If the Commission approves the request with or without modification, the Commission will adopt a new resolution making determinations superseding the resolution previously issued.

4.16 PROTEST HEARINGS INVOLVING CHANGE OF ORGANIZATIONS

It is the policy of Marin LAFCo to delegate the responsibility for conducting protest hearings for approved change of organizations or reorganizations to its Executive Officer as provided under Government Code §57000. The purposes of delegating responsibility for holding protest hearings to staff are to increase Marin LAFCo's flexibility to expedite protest hearings and evaluate protest petitions without extending the length of regular Commission meetings to include non-discretionary matters.

4.17 POLICIES & PROCEDURES FOR OTHER PROPOSAL TYPES

4.17 (A) Latent Power Activations and Service Power Divestitures

- 4.17 (A)(i) **Determination of Latent Powers:** Marin LAFCo shall periodically review and update the inventory of functions and services established for each special district as part of its municipal service review study program under Government Code §56430. In conducting such a review, Marin LAFCo may require the special districts to provide current information concerning established functions and services. Marin LAFCo may, after public hearing, remove from its inventory any function or service established for a special district, if the Commission determines that the function of service is not currently being provided by the district.
- 4.17 (A)(ii) **Request to Activate a Latent Power or Divestiture of a Service Power:** Any special district desiring to undertake the provision of any new or different function or class of service or divest an existing power within its boundaries shall adopt a resolution of application for filing with Marin LAFCo pursuant to Government Code §56824.12. Adoption of such resolution of application requires a noticed public hearing. Applications for provision of new or different functions or classes of service must be accompanied by a plan for providing service pursuant to Government Code §56824.12.

4.17 (A)(iii) **Procedures on Request:** All procedures tied to reviewing and acting on a request from a special district to activate a latent power or divest a service power shall follow the steps required change of organization proposals as provided in this Policy Handbook.

4.17 (A)(iv) **Public Hearing:** Marin LAFCo shall hear and act upon the proposal at a noticed public hearing according to the requirements of Government Code §56824.14.

4.17 (B) Initiation of Proposals by Marin LAFCo

4.17 (B)(i) **Policy Preference:** It is the policy of Marin LAFCo to prefer, but not require, that proposals be submitted by petition of voters or landowners or by resolution of application by an affected local agency. Marin LAFCo will consider initiation of such proposals in instances in which the following conditions apply:

4.17 (B)(i)(1) A sphere of influence, municipal service review, or other governmental study has shown that a proposal may result in lower overall public service costs, greater local government access and accountability, or both.

4.17 (B)(i)(2) Marin LAFCo can complete the necessary review, analysis, and processing with its own staff resources, or funds are available to pay for additional assistance needed to complete the review and processing of the proposal.

4.17 (B)(ii) **Implementation Factors:** Marin LAFCo reserves its discretion to initiate such proceedings in exceptional circumstances in which there exists a level of public concern about a district's services or governance that, in the Commission's view, warrants initiation of a proposal. The following factors will be considered by Marin LAFCo in determining and, if applicable, proceeding with a self-initiated proposal:

4.17 (B)(ii)(1) Marin LAFCo will consider whether to initiate a proposal at a regular public meeting. The Commission will consider a preliminary staff report, which estimates, to the extent possible without a full study, potential service cost savings and which summarizes any other factors which warrant consideration. After reviewing the preliminary report, if the Commission decides to proceed, it will adopt a resolution of application pursuant to Government Code §56650.

4.17 (B)(ii)(2) If Marin LAFCo initiates a proposal, staff will commence formal review, including provision for agency participation and comment, environmental review, property tax exchange (if applicable), and an Executive Officer's Report and Recommendation, as required for all proposals considered by the Commission.

4.17 (B)(iii) **Referral to Committee:** Marin LAFCo may refer the proposal to a reorganization committee as provided in Government Code §56827 or to an advisory committee composed of a representative from each affected district and any additional representatives the Commission deems appropriate.

4.17 (C) Proposals Affecting More than One County

State law provides that the county having all or the greater portion of the entire assessed value of all taxable property within a district for which a change of organization or reorganization is proposed is the principal county for changes in organization involving that district. The Act further provides that the LAFCo of the principal county shall have exclusive jurisdiction over all boundary changes affecting a district located in more than one county, unless the LAFCo of the principal county vests exclusive jurisdiction in the LAFCo of another affected county, and both LAFCos agree to the transfer of jurisdiction.

4.17 (C)(i) **Transfer of Jurisdiction:** When requested by the LAFCo of an affected county, Marin LAFCo will consider and determine, on a case-by-case basis, whether it is appropriate to transfer jurisdiction to the LAFCo of the affected county.

4.17 (C)(ii) **Processing Procedures:** The following procedures apply for processing of applications affecting more than one county when Marin LAFCo is principal LAFCo:

4.17 (C)(ii)(1) Applications affecting the boundaries of a special district for which Marin LAFCo is principal LAFCo shall be submitted to Marin LAFCo, including instances in which the subject territory is located in another county. Prior to application, applicants should meet with Marin LAFCo staff and the staff of the LAFCo in the other affected county regarding process and application requirements.

- 4.17 (C)(ii)(2) Upon receipt of an application involving territory in another county, Marin LAFCo staff shall immediately forward a copy of the application to the LAFCo of the other affected county. Marin LAFCo staff shall also notify all affected local agencies of any proceedings, action, or reports on the proposed change of organization.
- 4.17 (C)(ii)(3) Marin LAFCo staff shall consult with the staff of the LAFCo of the other affected county and the staff of affected agencies, to gather data for the Executive Officer's report and recommendation.
- 4.17 (C)(ii)(4) Marin LAFCo shall schedule Commission consideration of the application so that the LAFCo of the other affected county has had time to review the application and submit a written recommendation to be included in the Executive Officer's report for Marin LAFCo consideration.
- 4.17 (C)(ii)(5) During its consideration of the application, the Commission shall consider the Executive Officer's report, the recommendation of the LAFCo of the other affected county, and the comments of interested persons and affected local agencies in making its determination.
- 4.17 (C)(ii)(6) Following the Commission's consideration of the application, the Executive Officer shall forward any resolutions and written report of Commission action to all affected local agencies and the LAFCo of the affected county.

- 4.17 (C)(iii) **Referrals from Other LAFCOs:** Upon receipt by Marin LAFCo of a referral from the LAFCo of another county of an application for a change of organization affecting territory in Marin County, Marin LAFCo staff shall place the application and report and recommendation on Marin LAFCo's next possible agenda so that the Commission may consider the application and forward a recommendation to the principal LAFCo. The application will be processed and a staff report will be prepared consistent with Marin LAFCo's Policy Handbook.

CHAPTER 5 ESTABLISHMENT AND EVALUATION OF SPHERES OF INFLUENCE & OTHER PLANNING ACTIVITIES

5.1 GENERAL POLICIES AND STANDARDS FOR SPHERES OF INFLUENCE

Spheres of influence represent the Legislature’s version of urban growth boundary lines and mark the territory Marin LAFCo believes represents the appropriate current and probable future jurisdictional boundary and service area of the affected agency. All change of organizations and outside service extensions must be consistent with the affected agencies’ spheres of influence with limited exceptions (Government Code §56425).

State law directs Marin LAFCo to establish spheres of influence for all local agencies within one year of their formation (district) or incorporation (city/town). State law also directs Marin LAFCo to review and update, as needed, spheres of influence for all local agencies every five years beginning January 1, 2008 (Government Code §56425).

5.1 (A) Policy Intentions

Spheres of influence represent Marin LAFCo’s principal planning tool in facilitating orderly and responsive local government. The following statements reflect the collective policy intentions of Marin LAFCo in establishing, updating, and amending spheres.

- 5.1 (A)(i) Spheres of influence should promote orderly growth of communities whether or not services are provided by a city, dependent special district or independent special district.
- 5.1 (A)(ii) A sphere of influence represents the area to which a city/town or special district is expected to eventually provide services. Marin LAFCo will use spheres of influence to guide its consideration of proposals to change local government boundaries to meeting existing and future community needs.
- 5.1 (A)(iii) Designated spheres of influence are intended to resolve uncertainty concerning the availability and source of services for undeveloped land, promote orderly land use and service planning by public agencies, and provide direction to landowners and area residents when and if they seek additional or higher-level services.
- 5.1 (A)(iv) Marin LAFCo’s decisions on individual proposals for changes to local government boundaries and organization must be

consistent with the adopted or amended spheres of influence for the agencies affected by the proposal unless exempted under State law.

- 5.1 (A)(v) Boundary change proposals should ensure that extension of services is reasonable and feasible given local conditions and circumstances and to avoid duplication of services. Territory will be considered for inclusion within a sphere of influence if services can be efficiently extended and are shown to be needed within the next 10 years.
- 5.1 (A)(vi) Spheres of influence will be reviewed and updated every five years as appropriate beginning January 1, 2008.
- 5.1 (A)(vii) In addition to the requirements of Government Code §56425(e), Marin LAFCo will consider natural features in its adoption of spheres of influence, including topography, bodies of water, ridgelines, and wetlands. Spheres of influence will preserve open space and agricultural resources in Marin County.

5.1 (B) Designation Types and Anticipated Outcomes

In acting to adopt spheres of influence for each local government agency under its jurisdiction, Marin LAFCo may take the following types of actions:

- 5.1 (B)(i) Adopt a sphere of influence that is larger or smaller than the present boundaries of the agency. Such a designation will be accompanied by a map showing the agency's present boundary and the sphere of influence or planned boundary. The areas between the present and planned boundaries define the territory in which Marin LAFCo anticipates territory to be annexed or detached.
- 5.1 (B)(ii) Adopt a "coterminous" or "status quo" sphere of influence that is equal to the current boundaries of the agency. This designation indicates that Marin LAFCo does not anticipate any change to the agency's boundary (annexations or detachments) or organization (consolidation, dissolution) in the next 5-10 years.
- 5.1 (B)(iii) Recommend that a city or district be reorganized by adopting a "zero" sphere of influence, encompassing no territory. This designation indicates Marin LAFCo's determination that, after consideration of all factors in Government Code §56425, that the agency should cease to exist and that its public service responsibilities should be re-allocated

to another unit of local government through consolidation, dissolution or establishment as a subsidiary district.

- 5.1 (B)(iv) Where two or more single-purpose special districts providing the same service are contiguous, those districts may be allocated sphere of influence "in common" to include the areas served by both districts. This designation may be assigned where Marin LAFCo believes that the particular service would be most efficiently provided to multiple communities by a single special district. This designation indicates Marin LAFCo's determination that two or more districts should be combined through consolidation or other reorganization process.

5.1 (C) Additional Guidelines

Marin LAFCo will generally apply the following policy guidelines in spheres of influence determinations while also taking into account local conditions and needs.

- 5.1 (C)(i) **Developed Unincorporated Communities:** Developed unincorporated lands that are located within the sphere of influence of a city/town or special district and which benefit from the jurisdiction's municipal services should be annexed to that jurisdiction when the timing is deemed appropriate relative to the change of organization factors outlined under Government Code §56668.
- 5.1 (C)(ii) **General Plan Conflicts:** In its regular review and update of adopted spheres of influence, Marin LAFCo will identify any instances in which city/town and County general plans are in conflict. This includes recognition of any urban growth boundaries and urban service areas designated by the County of Marin or cities/towns. Marin LAFCo will act to resolve such conflicts by facilitating direct negotiations between the affected city/town and the County prior to taking action to update the adopted sphere of influence. Marin LAFCo will delay action on (or deny "without prejudice") proposed boundary changes in unincorporated areas that would conflict with a city general plan until the identified conflict is addressed.
- 5.1 (C)(iii) **Timing of Amendments:** Marin LAFCo encourages local agencies and the general public to defer requests or applications for individual amendments to spheres of influence to coincide with the regular reviews and updates calendared by the Commission as part of its adopted study schedule.
- 5.1 (C)(iv) **Consultation with County:** In instances in which a city/town requests and/or applies for an amendment to its own sphere of influence in

advance of Marin LAFCo's regular review and update process, the city/town making the request shall seek consultation and agreement with the County on the planned boundaries and development standards for the area within the proposed sphere of influence as required by Government Code § 56425(b).

- 5.1 (C)(v) **Agricultural Lands and Open Space:** In reviewing a city/town or special district sphere of influence, Marin LAFCo will exclude lands in agricultural, open space, or serve as community separators, unless special considerations warrant otherwise.
- 5.1 (C)(vi) **Community Benefit:** In designating spheres of influence for local agencies, Marin LAFCo will avoid including territories that will not benefit from the services provided by those agencies. Areas designated for open space, recreation, preservation of wildlife habitat, aquatic life habitat, or other natural land resources in city/town or County general plans will generally be excluded from city/towns and special district spheres of influence and thereby will not be considered eligible for an extension of an urban level of services.
- 5.1 (C)(vii) **Municipal Service Delivery Preference:** Where possible, a single multi-purpose agency is preferable to a number of adjacent limited-purpose agencies providing the same service. Multi-purpose agencies are preferred to limited-purpose agencies. Wherever possible, provision of multiple services by cities/towns will be preferred because general purpose agencies are best equipped to weigh community service priorities and their relationship to growth management and land-use planning authority.

5.2 SPECIFIC POLICIES AND STANDARDS FOR SPHERES OF INFLUENCE

5.2 (A) Policies for the Review of City/Town Spheres of Influence

Marin LAFCo will incorporate into its review of city/town spheres of influence the following policy factors:

- 5.2 (A)(i) Sphere of influence lines shall act to preserve the community identity of physically distinct unincorporated communities where those communities receive adequate public services from the County of Marin and independent special districts.
- 5.2 (A)(ii) Sphere of influence lines adopted by Marin LAFCo will act to encourage the political and functional consolidation of local

government agencies where the boundaries of those agencies divide areas that are otherwise single communities.

- 5.2 (A)(iii) City/town spheres of influence should include unincorporated islands and corridors closely associated with the city/town's boundaries unless these areas are reserved for open space, agriculture or regional facilities.

5.2 (B) Policies for the Review of Special District Spheres of Influence

Marin LAFCo will incorporate into its review of special district spheres of influence the following policy factors:

- 5.2 (B)(i) Where a limited-purpose special district is coterminous with, or lies substantially within, the boundary or sphere of influence of a multi-purpose government that is capable of assuming the public service responsibilities and functions of that limited-purpose special district, the limited-purpose special district may be allocated a designation of a zero influence.
- 5.2 (B)(ii) Where two or more limited-purpose special districts providing the same service are contiguous, those special districts may be allocated sphere of influence in common to include the areas served by both special districts. This designation may be assigned where Marin LAFCo determines that the particular service would be most efficiently provided to the entire area by a single special district and reorganization shall be pursued.

5.3 PROCEDURES FOR REVIEW, UPDATE, AND OR AMENDMENT OF SPHERES OF INFLUENCE

5.3 (A) Procedures for Marin LAFCo Updates to Spheres of Influence

Marin LAFCo will incorporate the following guidelines in preparing its own sphere of influence updates for local agencies:

- 5.3 (A)(i) Marin LAFCo shall adopt a study schedule every five years as needed to calendar sphere of influence updates and the associated municipal service reviews consistent with directives under Government Code §56425.

- 5.3 (A)(ii) The study schedule shall be adopted at a public hearing and only after a minimum 21-day notice has been provided by Marin LAFCo to local agencies and the general public for review and comment.
- 5.3 (A)(iii) The adopted study schedule may be amended by Marin LAFCo from time to time at public hearings to address changes in priorities and/or resources. In adopting or amending the study schedule, Marin LAFCo shall consider the following factors:
 - 5.3 (A)(iii)(1) Dates of the last sphere of influence updates and municipal service reviews performed for the affected local agencies;
 - 5.3 (A)(iii)(2) Evidence of significant changes in land uses, planning policies, public service demands, public service needs, or public service capabilities.
 - 5.3 (A)(iii)(3) Communications and requests from local agencies and the general public.
 - 5.3 (A)(iii)(4) A preliminary assessment and recommendations by the Executive Officer on the potential scope and content of studies, including sphere of influence updates and municipal service reviews, over the five-year period.
- 5.3 (A)(iv) Prior to initiating any work pursuant to the adopted study schedule, Marin LAFCo shall consider and approve, with or without changes, a scope of analysis prepared by the Executive Officer at a public hearing.

5.3 (B) Procedures for Applicant Requests for Sphere of Influence Amendments

- 5.3 (B)(i) After receiving a written application for a sphere of influence amendment accompanied by an appropriate fee deposit, Marin LAFCo will schedule a public hearing to consider the application as required by Government Code §56428.
- 5.3 (B)(ii) The request or application shall state the nature of the proposed change, reasons for the request, include a map of the affected area, and contain any additional items and information as may be required by the Executive Officer, including an appropriate fee deposit.

- 5.3 (B)(iii) Minor amendments of adopted spheres of influence may be considered by Marin LAFCo concurrently with a proposal for a change of organization.
- 5.3 (B)(iv) Significant amendments of an adopted sphere of influence will be considered independently of and prior to any associated boundary change proposal and deferred for consideration to correspond with Marin LAFCo's adopted study schedule unless Marin LAFCo determines otherwise.

5.3 (C) Action on Sphere of Influence Establishments, Amendments, and Updates

All approved changes to spheres of influence shall be made by adopted resolution of Marin LAFCo and include determinations addressing all of the factors required for consideration under Government Code §56425(e) and any terms and conditions as determined appropriate by Marin LAFCo.

5.4 GENERAL POLICIES AND STANDARDS FOR MUNICIPAL SERVICE REVIEWS

5.4 (A) Legislative Authority

In order to prepare and update spheres of influence, Marin LAFCo will conduct municipal service reviews to independently assess the availability, demand, capacity, and performance of governmental services necessary to support orderly growth in Marin County. A municipal service review is an analysis of the provision of each service provided by local agencies under Marin LAFCo's jurisdiction within a defined geographic area as defined by the Commission. Marin LAFCo will review all of the agencies that provide the identified service or services within the designated geographic area. (Government Code §56430)

5.4 (B) Policy Intentions

- 5.4 (B)(i) Marin LAFCo will use municipal service reviews to proactively inform future planning and/or regulatory actions under the purview of the Commission as well as to contribute to the overall and logical development of Marin County.
- 5.4 (B)(ii) Marin LAFCo will orient the municipal service review to provide value to local agencies and the general public by soliciting and incorporating, as appropriate, requests to evaluate specific governance and or service alternatives.

- 5.4 (B)(iii) Municipal service reviews will be used by Marin LAFCo to expand public knowledge of how local services are provided and as data for its sphere of influence determinations.
- 5.4 (B)(iv) Marin LAFCo will generally schedule and prepare municipal service reviews in conjunction with sphere of influence updates, but may schedule municipal service reviews independent of sphere of influence updates.
- 5.4 (B)(v) Marin LAFCo will generally follow State Guidelines governing the conduct of municipal service reviews, exercising its discretion to fit local conditions and priorities.

5.4 (C) Municipal Service Review Types

Marin LAFCo may calendar and prepare one of three types of municipal service reviews as provided below:

- 5.4 (C)(i) A **service-specific municipal service review** will examine particular governmental services across multiple local agencies on a countywide basis.
- 5.4 (C)(ii) A **region-specific municipal service review** will examine the range of governmental services provided by local agencies and any other identified entities within a defined area within Marin County.
- 5.4 (C)(iii) An **agency-specific municipal service review** will examine the breadth of governmental services provided by a particular local agency.

5.4 (D) Implementation Objectives

The purposes of Marin LAFCo's policies and procedures in the conducting municipal service reviews include, but not limited to:

- 5.4 (D)(i) Provide an independent assessment of the ability of the affected agencies in meeting current and projected community needs as determined by Marin LAFCo.
- 5.4 (D)(ii) Generate civic engagement among the affected agencies and general public in addressing current and future challenges and opportunities in aligning municipal service provision with community needs.

- 5.4 (D)(iii) Serve as the source document for Marin LAFCo to consider subsequent changes in spheres of influence; to inform future boundary changes and or outside service extensions; and to pursue, as appropriate, changes in organization as authorized under Government Code §56375(a)(2).

5.4 (E) Action on Municipal Service Reviews

All municipal service reviews will be adopted by resolutions that include determinative statements addressing all of the factors required for consideration Government Code 56430(a).

5.5 GENERAL POLICIES AND STANDARDS FOR OTHER STUDIES

5.5 (A) Special Studies

- 5.5 (A)(i) Marin LAFCo will conduct any study of local government services or structure it deems necessary as authorized by Government Code § 56378 to fulfill its legislative mandates. Such studies will be funded through Marin LAFCo's regular financial resources and reserves, supervised and controlled by Marin LAFCo with the advice of affected agencies as deemed appropriate and or necessary by the Commission.
- 5.5 (A)(ii) In the event that the County of Marin, cities/towns, special districts or civil organizations request Marin LAFCo to undertake intergovernmental or multi-jurisdictional study of municipal type services in addition to studies undertaken by the Commission for municipal service review or sphere of influence update purposes, Marin LAFCo will consider management and/or contributing to the cost of the study based on the proposed study's relevance to Marin LAFCo. Requesting agencies or other potential applicants will be required to pay study costs in excess of those costs to be incurred by Marin LAFCo in the regular fulfillment of its legislative mandates.
- 5.5 (A)(iii) Applications for changes of organization requiring extended study in order to provide adequate information to Marin LAFCo to support its determinations shall be undertaken by the Commission at the expense of the applicant.



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT

February 14, 2019

Executive Officer Report – Section A

TO: Local Agency Formation Commission

FROM: Jason Fried, Executive Officer

SUBJECT: Budget Update for FY 2018-2019

Background

Marin Local Agency Formation Commission (LAFCo) adopted a budget for FY 2018-2019 totaling \$601,875. This amount represents the total approved operating expenditures for the fiscal year divided between three (3) active expense units: salaries and benefits; administrative activities; and services and supplies. A purposeful operating deficit of (\$10,000) was budgeted leaving the annual revenues at \$591,875 in step with the phasing of corresponding contribution increases among the funding agencies in recent years. Budgeted revenues are divided between three (3) active units: intergovernmental contributions; service charges; and investments.

LAFCo budgeted and received \$559,875 from all the contributing agencies.

From July 1, 2018 through January 31, 2019 LAFCo has spent \$265,516.73 or about 45% of the FY 2018 - 2019 budget.

Attached is the budget report for FY 2018-2019. This report now reflects the line item changes that were agreed upon at the December 2018 meeting, however when printing the report it appears that despite the line item changes, the total expenditure increased due to some funds being carried over. Staff will work with the bookkeeper to remedy this for future reports.

Attachment:

- 1) FY 2018-2019 Budget Report as of 2/05/19

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Marin Local Agency Formation Commission 2018/19 BUDGET REPORT July 2018 through January 2019

	Jul '18 - Jan 19	Budget	\$ Over Budget	% of Budget
Income				
4410125 · Interest Earnings	1,727.62	2,000.00	-272.38	86.4%
4640333 · Application Fees	16,048.00	30,000.00	-13,952.00	53.5%
4710510 · Agency Contributions	559,522.51	559,875.00	-352.49	99.9%
Total Income	577,298.13	591,875.00	-14,576.87	97.5%
Expense				
5111000 · Salary and Benefit Costs				
5110110 · Sal - Regular Staff	0.00	197,737.00	-197,737.00	0.0%
5130120 · County of Marin - Group Health				
5130121 · Health Insurance	0.00	28,524.00	-28,524.00	0.0%
5130210 · Dental Insurance	0.00	3,114.00	-3,114.00	0.0%
5130310 · Vision Service Plan	0.00	345.00	-345.00	0.0%
5130410 · Benefits - Disability Plan	0.00	330.00	-330.00	0.0%
Total 5130120 · County of Marin - Group Health	0.00	32,313.00	-32,313.00	0.0%
5130500 · MCERA / Pension				
5130522 · MCERA Pension	0.00	23,901.00	-23,901.00	0.0%
Total 5130500 · MCERA / Pension	0.00	23,901.00	-23,901.00	0.0%
5130525 · Retiree Health	2,767.74	15,615.00	-12,847.26	17.7%
5140115 · Workers Compensation	-501.36	1,965.00	-2,466.36	-25.5%
5140140 · Payroll Tax	-99.12	3,131.00	-3,230.12	-3.2%
5140145 · Unemployment Insurance	0.00	3,713.00	-3,713.00	0.0%
Total 5111000 · Salary and Benefit Costs	2,167.26	278,375.00	-276,207.74	0.8%
5210110 · Professional Services	175,863.06	237,000.00	-61,136.94	74.2%
5210129 · Graphic Design	0.00	11,613.00	-11,613.00	0.0%
5210131 · Legal Services	48,602.53	52,000.00	-3,397.47	93.5%
5210230 · Support Services	0.00	6,438.00	-6,438.00	0.0%
5210525 · General Insurance	0.00	3,993.00	-3,993.00	0.0%
5210710 · Communications Services	7,783.44	12,000.00	-4,216.56	64.9%
5210935 · Office Equipment Purchases	1,289.74	4,620.00	-3,330.26	27.9%
5211215 · Rent - Storage	246.33	401.00	-154.67	61.4%
5211270 · Office Lease/Rent	15,832.92	34,652.00	-18,819.08	45.7%
5211325 · Conferences	2,445.66	2,965.00	-519.34	82.5%
5211330 · Memberships & Dues	1,377.00	14,734.00	-13,357.00	9.3%
5211340 · Training	1,698.30	1,500.00	198.30	113.2%
5211440 · Travel - Mileage	2.75	7,239.00	-7,236.25	0.0%
5211510 · Misc Services	0.00	2,045.00	-2,045.00	0.0%
5211520 · Publications/Notices	736.77	5,000.00	-4,263.23	14.7%
5211533 · Commissioner Per Diems	5,625.00	13,500.00	-7,875.00	41.7%
5220110 · Office Supplies	1,845.97	4,300.00	-2,454.03	42.9%
Total Expense	265,516.73	692,375.00	-426,858.27	38.3%
Net Income	311,781.40	-100,500.00	412,281.40	-310.2%



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT

February 14, 2019

Executive Officer Report – Section B

TO: Local Agency Formation Commission

FROM: Jason Fried, Executive Officer

SUBJECT: Current and Pending Proposals

Background

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

There is nothing new to report in the Current Proposals (Approved and Awaiting Term Completion), New Proposals, or Possible Future Item categories.

Completed

File #1338 (Detachment of 610 Calle de La Mesa) – This item was approved at the December meeting with the condition to agree not to oppose any future annexation of the island they live within should an application ever be presented in the future to LAFCo. The applicant submitted a letter to staff fulfilling this requirement. Staff has already submitted Certificate of Completion to County Recorder, State Board of Equalization and all interested parties.

Current Proposals – Under Review and Awaiting Hearing

File #1335 (Reorganization of 400 Upper Toyon Road) – The San Rafael City Council will be having an open session meeting on February 19, 2019, to discuss the property tax exchange with the Town of Ross.

File #1339 (516 E. Hospital Drive annexation to NSD) - Item 3 heard earlier in the meeting, see staff memo.

File #1340 (28 Teaberry Lane Annexation into Sanitary District #5) - Item 4 heard earlier in the meeting, see staff memo.

Deemed Terminated

File #1328 (255 Margarita Drive annexation to SRSD) – Staff sent a letter to both the district and the applicant giving them until January 31, 2019, to come into compliance or LAFCo would be taking next steps. As of the writing of this staff memo the applicant has not given any indication they are able or willing to comply the requirements of San Rafael Sanitation District. Staff will update more at the meeting on the latest actions.

Attachment:

1.) Chart of Current and Pending Proposals

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Current and Pending Proposals

LAFCo File #	Status	Proposal	Description	Government agency	Latest Update
1324	Approved by Commission and Awaiting Terms Completion	Annexation of 1501 Lucas Valley Road	Landowner (Andre Souang) requesting approval to annex approximately 61.3 acres of unincorporated/improved territory (164-280-35) located at 1501 Lucas Valley Road to Marin Municipal Water District (MMWD). The applicant requested annexation to MMWD to provide a reliable source of domestic water service given concerns regarding the continued use of an onsite well. The Commission approved the proposal without amendments and with additional terms at its December 14, 2017 meeting. Terms remain outstanding as of date and therefore the proposal remains active.	Marin Municipal Water District	Terms must be completed by 12/13/19
1337	Approved by Commission and Awaiting Terms Completion	Reorganization of Mesa Road	Landowner (Brad Drury) requesting annexation approval of 276 Mesa Road (188-170-54) in the unincorporated coastal community of Bolinas to the Bolinas Community Public Utility District. The affected territory is approximately 20.6 acres in size and is currently undeveloped. The stated purpose of the proposal is to provide water service to the affected territory in order for the development of a single-family residence. The Commission approved the proposal with amendments to include the entire public right-of-way extending to 276 Mesa Road on October 12, 2017 with additional terms. Terms remain outstanding as of date and therefore the proposal remains active.	Bolinas Community Public Utility District	Terms must be completed by 8/9/19.
1335	Under Review and Awaiting Hearing	Reorganization of 400 Upper Toyon Road	Landowner (Raphael de Balmann) requesting approval to reorganize one incorporated parcel totaling 2.5 acres located at 400 Upper Toyon Drive (012-121-28) in the City of San Rafael. The proposed reorganization involves the detachment of the affected territory and concurrent annexation therein to the Town of Ross. The affected territory is developed to date with a four-bedroom single family residence and accessible through a privately-owned and maintained road located atop a ridge at approximately 520 feet. The stated purpose of the proposal is to match the affected territory with the applicant's preferred municipality given the communities of interests with Ross. Concurrent sphere of influence amendments would be needed to accommodate the request. The application is currently under administrative review and is deemed incomplete at this time.	City of San Rafael and Town of Ross	San Rafael City Council has meeting on tax exchange on 2/19/19

Current and Pending Proposals

LAFCo File #	Status	Proposal	Description	Government agency	Latest Update
1339	Under Review and Awaiting Hearing	516 E. Hospital Drive annexation to NSD	Application from Becky McCormick, LPAS, Inc. ("applicant") requesting approval for annexing one of three lots totaling 14.55 acres to Novato Sanitary District (NSD). The affected territory is formerly known as the Hamilton Hospital site with a situs address of 516 E. Hospital Drive (157-690-52.) The proposal, as stated by the applicant, will turn the former Hamilton Hospital into an 80 bed assisted living facility. The parcel was part of a former military base.	Novato Sanitary District	Public hearing part of February Commission Meeting.
1340	Under Review and Awaiting Hearing	28 Teaberry Lane Annexation into Sanitary District #5	Application from Peter Kiritchenko ("applicant") requesting approval annex one lot totaling 2.01 acres to Sanitary District Number 5 of Marin. The affected territory is a new residential unit in the incorporated part of Marin County near the Town of Tiburon with a situs address of 28 Teaberry Lane (058-071-01.) The proposal, as stated by the applicant, is to build a new single-family home that can include an accessory dwelling unit.	Sanitary District #5	Public hearing part of February Commission Meeting.
	Possible Future Item	San Quentin Village Sewer Maintenance District consolidation with Ross Valley Sanitary District	Based on past action of Marin LAFCo discussion of possible consolidation between SQVSMD with RVSD have been deemed as possibly in the best interest of the community of San Quentin Village customers.	SQVSMD and RVSD	Staff is currently reviewing outstanding issues with the staffs from both SQVSMD and RVSD.
	Possible Future Item	Murray Park Sewer Maintenance District consolidation with Ross Valley Sanitary District	Based on past action of Marin LAFCo discussion of possible consolidation between MPSMD with RVSD have been deemed as possibly in the best interest of the community of San Quentin Village customers.	SQVSMD and RVSD	Staff is currently reviewing outstanding issues with the staffs from both MPSMD and RVSD.

Current and Pending Proposals

LAFCo File #	Status	Proposal	Description	Government agency	Latest Update
	Possible Future Item	Conditions, Covenants and Restrictions Service Power Activation	The Bel Marin Keys Community Services District, which presently provides park and recreation, reclamation and lighting services, received special legislation through Assembly Bill 1995 (Levine) to add enforcement of conditions, covenants and restrictions (CCRs) as a latent power under its principal act. The special legislation became effective January 1, 2015 with the intent the District will proceed to apply for formal activation approval with Marin LAFCo as part of an agreement with the local home owner associations.	Bel Marin Keys Community Services District	BMKCSO staff believes this matter will be on its Oct. board meeting agenda and will report back to LAFCo after that meeting.
	Possible Future Item	Boundary Adjustment	The County Service Area No. 29, which provides dredging for properties located within the District, has conveyed interest on a potential proposal to detach at least six parcels that do not benefit from the municipal service and the addition of one parcel that is currently outside of CSA 29's jurisdictional boundary and does benefit from the dredging. The proposal would essentially match public services to the appropriate service area.	County Service Area No. 29 - Paradise Cay	This item will be looked at as part of its MSR
1322	Completed	Annexation of 700 and 726 Sequoia Valley Road	Filed by the Homestead Valley Sanitary District requesting approval to annex approximately 1.1 acres of unincorporated territory. The stated purpose of the proposal is to align HVSD's existing jurisdictional boundary with its existing service area given the affected territory and its two developed residential parcels at 700 (046-231-07) and 726 (046-301-01) Sequoia Valley Road connected to the District through non-conforming connections in the early 1990s. The Commission approved the proposal with amendments to include adjacent portions of the public right-of-way along Sequoia Valley Road and Panoramic Highway on June 9, 2016 with standard terms. The Commission separately approved a one-year extension to complete the terms in June 2017.	Homestead Valley Sanitary District	File reported completed at 8/9/18 meeting

Current and Pending Proposals

LAFCo File #	Status	Proposal	Description	Government agency	Latest Update
1336	Completed	Reorganization of 238 Summit Drive et al	This proposal was filed by Sanitary District No. 2 (Corte Madera) requesting approval to annex four incorporated parcels in the Town of Corte Madera totaling 4.5 acres to Sanitary District No. 2 and Ross Valley Sanitary District. The proposal's purpose is to formalize and rationalize current public wastewater services provided in the affected territory through earlier actions outside of Marin LAFCo. The Commission approved the proposal with amendments to include an adjacent public right-of-way along Summit Drive on June 8, 2017 with standard terms.	Corte Madera Sanitary District and Ross Valley Sanitary District	File reported completed at 8/9/18 meeting
1338	Completed	Detachment of 610 Calle de La Mesa	Proposal by the affected landowner Janice Tate requesting a boundary line adjustment for the lot located at 610 Calle de La Mesa (160-171-15) in the unincorporated island community of Loma Verde to the County of Marin. The affected territory is approximately 0.18 acres in size and currently developed with a single-family residence. The applicant wishes to de-annex 0.03 acres of land adjoining the affected territory from the City of Novato into the County of Marin. The applicant believed that the proposed annexation territory was included in her lot line, but after requiring to install a fence, was informed that the 0.03 acres of land contiguous to her parcel was in fact within the City of Novato. The application is currently under administrative review and is deemed incomplete at this time.	County of Marin and City of Novato	File reported completed at 2/14/19 meeting
1328	Deemed Terminated	Annexation of 255 Margarita Drive	Landowner (Paul Thompson) requesting annexation approval of 255 Margarita Drive (016-011-29) in the unincorporated island community of Country Club to the San Rafael Sanitation District. The affected territory is approximately 1.1 acres in size and currently developed with a single-family residence. It has also established service with the SRSD as part of a LAFCo approved outside service extension due to evidence of a failing septic system. The outside service extension was conditioned – among other items – on the applicant applying to LAFCo to annex the affected territory to the San Rafael Sanitation District as a permanent means to public wastewater service. The application remains incomplete at this time and awaits consent determination by SRSD.	San Rafael Sanitation District	Application is now deemed terminated and staff is working to get SRSD to disconnect.



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT

February 14, 2019

Executive Officer Report – Section F

TO: Local Agency Formation Commission

FROM: Jason Fried, Executive Officer

SUBJECT: Correspondence and Marin LAFCo News

Background

Attached you will find a news article where LAFCo is mentioned. No correspondence has been received since the last meeting.

Attachment:

- 1.) IJ Article 01/26/19

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OPINION > COLUMNISTS

Marin Voice: County needs to heed its unincorporated communities

By RICHARD RUBIN I

January 26, 2019 at 10:00 am

Recent efforts by the county's Community Development Agency to strip design review boards of their authority was only a thinly veiled power grab which was, at least temporarily, thwarted.

It comes about because of inherent disadvantages by which communities without self-government are forced to conduct business.

Strawberry (where I have been a resident for 23 years) is a prime example. Lacking a town council, it is subject to the dictates of the county's Board of Supervisors, just like every other unincorporated community.

This means that when major development decisions are made requiring county approvals, townspeople are given only the weight accorded them by county planners who have considerable authority, which is often unchecked.

ADVERTISING

The will of the citizenry can be all too easily subverted when there are conflicting interpretations of the applicable laws.

This escalated into a major brouhaha in Strawberry over a bitterly contested proposal involving development of the Golden Gate Baptist Theological Seminary — a coveted piece of real estate — that remains caught up in legal wrangling over troubling inconsistencies between the countywide plan and the town's own community plan.

The principal beneficiary so far in this dispute has been the would-be developer, North Coast Land Holdings, which has put forth multiple proposals that have gone nowhere except to arouse further opposition.

In the midst of this stand-off, the district's supervisor, Kate Sears, got into trouble when she first entered the fray upon assuming office by seeming what many considered tone deaf to the public outcries.

While she has since been busy mending fences as a county official, she wears two hats. This is a constant challenge for supervisors, who must always be balancing countywide responsibilities with duties to all their constituents — but that comes with the job.

It raises questions about how well our hybrid government structure is serving voters who have the biggest stakes in what happens in their local communities, yet feel underrepresented.

A few statistics may help explain: As of 2010, Strawberry's population was 5,393, which ranks 13th out of 31 Marin communities, and it has been growing.

In comparison, Sausalito and Fairfax, with long-functioning city councils, have 7,100 and 7,600 residents respectively who control their own destinies.

Given the critical need to address our housing shortages, density considerations have great significance in a county with little buildable space.

Strawberry weighs in with 4,280 people per square mile, ranking it fourth in the county. San Anselmo is the one city with higher density. Among unincorporated areas, Strawberry's density is topped only by Marin City, which is first.

If self-determination became a goal, one solution would be to incorporate — an arduous and costly process that would not be without controversy and might even surrender some of the off-setting benefits of county custodianship.

However, based on population, commercial, recreational and geographical factors, Strawberry could certainly qualify as the county's 12th city.

Another option which Strawberry toyed with years ago and quickly dropped after little neighborhood enthusiasm was annexation with Tiburon. But for longtime residents, the loss of identity did not sit well.

Furthermore, under the Local Agency Formation Commission, which along with the county board must administer such reorganizations, it would have to be "revenue-neutral" — something unlikely given Strawberry's historically higher tax ratables.

There is no easy fix, and advisory boards cannot be substitutes for city councils. But their rulings should matter and county officials need to do a better job of listening.

Richard Rubin of Strawberry writes about public affairs, is a frequent lecturer, and is chair of the California Commonwealth Club board. His email is richardrubinassociates@gmail.com.

Tags: **Marin Voice**

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The Path Less Traveled