

# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## NOTICE OF REGULAR MEETING MINUTES Marin Local Agency Formation Commission

**Thursday, December 12<sup>th</sup>, 2024**

### CALL TO ORDER

Chair Coler called the meeting to order at 6:35 P.M.

### ROLL CALL BY COMMISSION CLERK

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

Commissioners Present: Barbara Coler  
Dennis Rodoni  
Steve Burdo (arrived at 6:37)  
Lew Kious  
Craig Murray  
Larry Chu

Alternate Commissioners Present: Cathryn Hilliard  
Roger Smith

Marin LAFCo Staff Present: Jason Fried, Executive Officer  
Jeren Batchelder-Seibel, Deputy Executive Officer  
Claire Devereux, Clerk/Jr. Policy Analyst

Marin LAFCo Counsel Present: Malathy Subramanian

Commissioners Absent: Eric Lucan

Alternate Members Absent:

### AGENDA REVIEW

No comments or changes were made to the agenda.

Chair Coler opened public comment. Seeing that no one wished to speak, the public comment was closed.

### PUBLIC OPEN TIME

Chair Coler opened public open time. Seeing no one wishing to speak in public open time was closed.

### 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 10, 2024, Regular Meeting
2. Commission Ratification of Payments from October 1, 2024, to November 30, 2024
3. Approval of 2025 Commission Calendar

Chair Coler opened public comment. Seeing no one wished to speak public comment was closed.

Approved: M/S by Commissioners Murray and Kious to approve consent calendar items

Ayes: Commissioners Coler, Chu, Murray, Kious, Rodoni and Burdo

Nays:

Abstain:

Absent: Commissioner Lucan

Motion approved unanimously.

## PUBLIC HEARING

4. Approval of Resolution 24-10, Annexation of 335 Highland Ave., San Rafael (015-241-12) into San Rafael Sanitation District. (LAFCo File #1386) with Waiver of Notice, Hearing, and Protest Proceedings and Finding it Exempt from CEQA pursuant to State CEQA Guidelines Section 15319

Clerk/Jr. Policy Analyst Devereux Presented the staff report

Commissioner Murray inquired about the checklist, which is the last page of the application section of the packet.

Clerk/Jr. Policy Analyst Devereux stated that this is the checklist that goes over all of CEQA and anything that would happen, and it pertains more if they're developing the parcel, which they're not. It's just one developed parcel looking to get on sanitary. So, there's no concern about most of the items on this checklist.

Alternate Commissioner Smith inquired about Section 6 and the related requirement that the applicant not protest any future application for annexation to the City of San Rafael. What does that have to do with this?

EO Fried stated that the state wants LAFCOs to annex into cities/towns when someone is in an unincorporated island and applying for district services. The reality is this is in a very large unincorporated area so, it becomes disorganized if you were to take one little piece and say this is now part of the city when everything around it is not. This policy means that when these situations come up where there is a single parcel in a larger unincorporated island, we're not going to take that one parcel and annex it into the city, but rather if in the future we ever want to annex in the country club area, this property owner is saying they will not object to us doing that as part of the approval to get the sanitary services

Alt. Commissioner Smith stated that's sort of an abrogation of the citizen's right to protest in the future that's completely unrelated to this action? If somebody wants to be connected to the sewer district, that makes total sense, but they shouldn't give up their right to protest something in the future

EO Fried stated State government code tells us we should be annexing them today and we're not. We're trying to be more organized by doing this. This is not uncommon for us. This is how LAFCOs do it.

Alt Commissioner Smith stated his belief that citizens have no choice at this point, either this or they don't get accepted into the sewer district, so he would prefer those conditions to be removed.

Commissioner Rodoni stated that there really isn't a choice in this as it is our policy so to prevent this the whole policy would have to be redone.

Commissioner Coler opened public comment. Seeing no one wishing to speak public comment was closed.

Approved: M/S by Commissioners Rodoni and Murray to approve Resolution 24-10 with needed changes to the second whereas clause

Ayes: Commissioners Coler, Chu, Murray, Lucan, Rodoni, Kious and Burdo

Nays:

Abstain:

Absent:

Motion approved unanimously.

5. Approval of Resolution 24-11, Annexation of 260 Highland Ave., San Rafael (016-021-64) into San Rafael Sanitation District. (LAFCo File #1387) with Waiver of Notice, Hearing, and Protest Proceedings and Finding it Exempt from CEQA pursuant to State CEQA Guidelines Section 15319

Clerk/Jr. Policy Analyst Devereux Presented the staff report

Commissioner Coler opened public comment. Seeing no one wishing to speak public comment was closed.

Approved: M/S by Commissioners Burdo and Murray motion to approve Resolution 24-11 with needed changes to the second whereas clause

Ayes: Commissioners Coler, Chu, Murray, Lucan, Rodoni, Kious and Burdo

Nays:

Abstain:

Absent: Commissioner Lucan

The motion was approved unanimously.

6. Presentation of the Central Marin Wastewater Municipal Service Review Public Draft. This is a hearing for the commission to review and make recommendations. (The hearing will be continued to the next meeting.)

DEO Batchelder-Seibel presented on the MSR.

Alternate Commissioner Smith inquired into how/why LAFCo would be involved in the analysis of recycled water.

Chair Coler stated that part of LAFCo's role in doing this municipal service review is to look at efficiencies and where things can work better. So, these are recommendations.

DEO Batchelder-Seibel stated that we're recommending that they work better together to try and figure out if they can duplicate what's been going on in other counties. So it's simply a recommendation. This is not one of those things you'll see staff working on after this. It's just a friendly reminder to continue finding avenues to do it better if possible.

Commissioner Burdo expressed sentiments similar to those of Commissioner Smith. And inquired what was done to make this determination.

DEO Batchelder-Seibel stated he spent many hours reading their feasibility studies. That and a dive into their audits, talking with their staff, seeing if this is something they as an agency and a staff are working towards or if we're just checking a box here and moving it forward. In the case of CMSA, this is an intention that they have.

Chair Coler states that CityGate is hired by the agency as opposed to being an independent review like the MSR's are.

Commissioner Hilliard inquired about the overarching question here.

EO Fried Stated that there are several asks within this. One being the position that the CMSA members should, if they can join together and create one large district rather than having three smaller districts. Additionally, there's the correcting of boundaries. We were talking about, and we will get into this a lot more at our next meeting where we have several applications that are going to be coming to you that will be correcting the boundary lines between Sanitary District No. 2 and Ross Valley.

Commissioner Rodoni pointed out RHNA numbers on page 49 and it may be overlooking the Auburn Grove proposal and that he can share info on that.

Chair Coler opened public hearing. Seeing no one wishing to speak, the public hearing was closed.

Commissioner Coler continued the hearing to the next meeting

### **BUSINESS ITEMS (discussion and possible action)**

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

### **EXECUTIVE OFFICER REPORT**

- a) Budget Update 2024-2025

We are under budget.

b) Current and Pending Proposals

Two on the agenda today with one pending for February along with Sanitary District 2 and Ross Valley boundary clean-up

c) Marin LAFCo Work Plan

EO Fried presented on updates to the Staff Report

d) CALAFCO Update

The annual conference took place. San Bernadino stated it is leaving CALAFCO with two other LAFCO's stating possible intent to leave.

A board meeting is taking place in January and EO Fried will be attending. Many frustrations have been conveyed towards CALAFCO and a discussion in February may take place on if we are getting our monies worth.

Commissioner Burdo asked if the Budget Committee will need to meet.

EO Fried stated yes it will be addressed at that committee meeting.

e) Deputy Executive Officer Job Description

EO Fried gave report

Chair Coler asked to add Microsoft to software knowledge needs

Commissioner Burdo stated in the 12<sup>th</sup> and 7<sup>th</sup> possibly removing the word "all" or any infinite language.

## COMMISSIONER ANNOUNCEMENTS AND REQUESTS

Commissioner Coler adjourned the meeting at 7:15

## ADJOURNMENT TO NEXT MEETING

February 13th, 2025, at 6:30 P.M. | Marin Wildfire Prevention Authority

Attest:        Claire Devereux  
                  Clerk/Jr. Policy Analyst

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