



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, August 8th, 2024

CALL TO ORDER

Chair Coler called the meeting to order at 6:32 P.M.

ROLL CALL BY COMMISSION CLERK

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

Commissioners Present:

Barbara Coler
Lew Kious
Craig Murray
Eric Lucan
Larry Chu

Alternate Commissioners Present:

Stephanie Moulton-Peters (as a voting member)
Roger Smith
Cathryn Hilliard

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:

Dennis Rodoni
Steve Burdo

Alternate Members Absent:

Stephen Burke

AGENDA REVIEW

Chair Coler opened up the meeting for any comments regarding the Agenda. No comments were made.

PUBLIC OPEN TIME

Chair Coler opened the public open time.

Virginia Chang Kiraly, a Special District Commissioner for San Mateo LAFCo, presented on her background and expressed that she is running to be the Special District Member for the CALAFCO Coastal Region.

Seeing no other speakers Chair Coler closed public open time.

CONSENT CALENDAR ITEMS

1. Approval of Minutes for June 13, 2024, Regular Meeting
2. Commission Ratification of Payments from June 1, 2024, to July 31, 2024
3. Accept and File Marin LAFCo Audit for Fiscal Year 2022-2023 and Authorization of Audit for Fiscal Year 2023-2024

Approved: M/S by Commissioners Murray and Lucan to approve the Consent Calendar
Ayes: Commissioners Coler, Kious, Murray, Lucan, Chu, and Moulton-Peters

Nays:
Abstain:
Absent: Commissioner Burdo
The motion passes unanimously.

PUBLIC HEARING ITEMS

4. Approval of Resolution 24-03, Annexation of 2 Hansen Rd., Novato (146-061-14) into Novato Sanitary District. (LAFCo File #1384) with Waiver of Notice, Hearing, and Protest Proceedings and Finding it Exempt from CEQA pursuant to State CEQA Guidelines Section 15319

Jr. Policy Analyst Devereux presented the staff report.

Commissioner Murray asked what the identified emergency was for the Emergency Out of Service Agreement. Additionally asking about any comments from Novato Sanitary District.

EO Fried stated it was a failed septic, the emergency was dealt with and ratified at the last meeting. As stated in the staff report all agencies were notified and all were in support of or had no comment.

Chair Coler opened public comment seeing none closed public comment.

Approved: M/S by Commissioners Lucan and Kious to approve Resolution 24-03 Annexation of 2 Hansen Rd., Novato into Novato Sanitary District

Ayes: Commissioners Coler, Kious, Murray, Lucan, Chu, and Moulton-Peters

Nays:

Abstain:

Absent: Commissioner Burdo

Motion passes unanimously.

5. Approval of Multi-Regional Services Municipal Service Review

Alternate Commissioner Hilliard asked if there was a time to give input on the establishment for the SOI of Angel Island

DEO Seibel said time to have input is now. Restating that the intention of omitting Angel Island from the SOI is to express the commission's interest in collaborating with the agencies to try to find a more organized way to provide services than currently being done.

Commissioner Murray expressed formatting with page numbers for when the packet is physically printed out, additionally having red line edits provided.

Chair Coler opened public comment. Seeing no hands raised public comment was closed.

- a. Approval of Workplan From Report
- b. Adopt Resolution 24-04 Approving Final Draft of the Multi-Regional Services Municipal Service Review and Finding it Exempt from CEQA pursuant to State CEQA guidelines Section 15306, Class 6
- c. Adopt Resolution 24-05 Amending the Sphere of Influence of North Marin Water District and Finding it Exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3)
- d. Adopt Resolution 24-06 Reaffirming the Sphere of Influence of Marin County Open Space District and Finding it Exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3)
- e. Adopt Resolution 24-07 Reaffirming the Sphere of Influence of Marin Healthcare District and Finding it Exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3)

- f. Adopt Resolution 24-08 Reaffirming the Sphere of Influence of the Marin Municipal Water District and Finding it Exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3)
- g. Adopt Resolution 24-09 Establishing the Sphere of Influence of Marin County Service Area No. 31 and Finding it Exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3)

Approved: M/S by Commissioners Kious and Chu to approve the Multi-Regional Services Review with items a through g.

Ayes: Commissioners Coler, Kious, Murray, Lucan, Chu, and Moulton-Peters

Nays:

Abstain:

Absent: Commissioner Burdo

Motion passes unanimously.

BUSINESS ITEMS

- 6. Discussion and Possible Approval of Items Related to CALAFCO Annual Conference
 - a. Nomination to CALAFCO Board of Directors
 - b. Nominations for CALAFCO Annual Awards
 - c. Nominations of Marin LAFCo Voting Delegates to Annual Conference

EO Fried presented the staff report.

Commissioner Murray stated it is important for Marin LAFCo to be represented, and that he can attend if there is no other interest.

Chair Coler stated having Murray being the voting member and EO Fried be the alternate.

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

Approved: M/S by Commissioners Lucan and Moulton-Peters to approve Commissioner Murray as the voting delegate and EO Fried as the alternate.

Ayes: Commissioners Coler, Kious, Murray, Lucan, Chu, and Moulton-Peters

Nays:

Abstain:

Absent: Commissioner Burdo

Motion passes unanimously.

- 7. Discussion and Possible Approval of the New Contract with Davis Farr for Auditing Services for FYE '25 Through FYE '29

EO Fried gave the staff report.

Commissioner Murray asked if it was a 3 or 5 yr max.

EO Fried stated that ideally, they would do 6-year agreements, but this round will be a five-year agreement.

Commissioner Smith inquired if there was any further review of the contract needed.

EO Fried stated the contract was created by our legal team, so it is not necessary at this time.

Chair Coler opened public comment. Seeing no member of the public present she closed public comment.

Legal Counsel Mala stated that there is a part of the contract that gives the commission the ability to terminate the contract giving 10 days' notice.

Approved: M/S by Commissioners Chu and Murray to approve the contract with Davis Farr.

Ayes: Commissioners Coler, Kious, Murray, Lucan, Chu, and Moulton-Peters

Nays:

Abstain:

Absent: Commissioner Burdo

Motion passes unanimously.

8. Discussion and Approval of Changes to the Policy Handbook

Commissioner Chu introduced the policy the item by stating there were some “clean-up items” in addition to more items of substance such as reserves and how the chair is appointed. You will see in the redlines the changes and discussions had.

Chair Coler stated a three-year term limit for the chair was brought up and that will be shown in the changes.

EO Fried gave the staff report. And stated that a change in policy edits from:

Original Edits:

Marin LAFCo authorizes the Executive Officer 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. **Prior to approval, the Executive Officer shall inform the Chair or the Vice-Chair of the emergency situation.** Marin LAFCo shall ratify the Executive Officer’s determination at the next regularly scheduled meeting. **The Emergency service shall only be allowed for one year in order to give the needed time to either fix the emergency need and stop receiving the service or time to properly submit an application to LAFCo for annexation into the jurisdiction providing the service.**

New Edits:

Marin LAFCo authorizes the Executive Officer 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. **Prior to approval, the Executive Officer shall inform the Chair (or the Vice-Chair if the Chair is not available) of the emergency situation.** Marin LAFCo shall ratify the Executive Officer’s determination at the next regularly scheduled meeting. **The Emergency service shall only be allowed for one year in order to give the needed time to either fix the emergency need and stop receiving the service or time to properly submit an application to LAFCo for annexation into the jurisdiction providing the service.**

Alternate Commissioner Smith inquired on the legal reserve and asked if \$50,000 is enough.

Fried stated that the number is based on how much we have spent on legal counsel in the past and came to this number based on the usual amount spent and the years where more was spent than the average.

Commissioner Chu closed by saying this was a review of the policy handbook and that the committee will be meeting again to discuss the personnel handbook and expressed gratitude to Commissioners Lucan and Coler.

Chair Coler opened public comment seeing no members of the public present, public comment was closed.

Approved: M/S by Commissioners Lucan and Chu to approve changes to the policy handbook in addition to the one change communicated by staff

Ayes: Commissioners Coler, Kious, Murray, Lucan, Chu, and Moulton-Peters

Nays:

Abstain:

Absent: Commissioner Burdo

Motion passes unanimously.

EXECUTIVE OFFICER REPORT (discussion and possible action)

a) Budget Update FY 2023-2024 and 2024-2025

EO Fried presented the staff report.

Commissioner Chu asked if one-time payments can be put in as one-time payments in that month, so variations aren't tracked throughout the year.

EO Fried stated that he can talk to the bookkeeper.

b) Current and Pending Proposals

EO Fried gave the staff report.

c) Marin LAFCo Work Plan

EO Fried gave the staff report.

COMMISSIONER ANNOUNCEMENTS AND REQUESTS

Chair Coler adjourned the meeting at 7:19 P.M.

ADJOURNMENT TO NEXT MEETING

Thursday, October 10th, 2024

Marin Wildfire Prevention Authority

Claire Devereux

Attest: Claire Devereux
 Clerk/Junior Analyst

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

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

Marin LAFCo

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