



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## NOTICE OF AD HOC DISADVANTAGED UNINCORPORATED COMMUNITIES MEETING AND AGENDA

### Marin Local Agency Formation Commission

**Wednesday, May 18, 2022 ▪ 9:30 AM**

#### Appointed Members

Dennis Rodoni | Lew Kious

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

Pursuant to the provisions of AB 361, this meeting will be held by teleconference only. No physical location will be available for this meeting. However, members of the public will be able to access and participate in the meeting.

#### PUBLIC ACCESS AND PUBLIC COMMENT INSTRUCTIONS

##### PUBLIC ACCESS

Members of the public may access and watch a live stream of the meeting on Zoom at <https://zoom.us/j/4350473750>. Alternately, the public may listen in to the meeting by dialing (669) 900-6833 and entering Meeting ID 4350473750# when prompted.

**WRITTEN PUBLIC COMMENTS** may be submitted by email to [staff@marinlafco.org](mailto:staff@marinlafco.org). Written comments will be distributed to the Commission as quickly as possible. Please note that documents will take some time to be posted to the agenda on the LAFCo website because of clerical processing requirements. Any comments received before noon on the day of the meeting will be distributed to the Commission before the meeting. Comments received after noon will still be shared with the Commission but may not be distributed until after the meeting.

**SPOKEN PUBLIC COMMENTS** will be accepted through the teleconference meeting. To address the Commission, click on the link <https://zoom.us/j/4350473750> to access the Zoom-based meeting.

1. You will be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
2. When the Commission calls for the item on which you wish to speak, click on “raise hand” icon. Staff will activate and unmute speakers in turn. Speakers will be notified shortly before they are called to speak.
3. When called, please limit your remarks to the time limit allotted (3 minutes).

**9:30 AM CALL TO ORDER** - Deputy Executive Officer Seibel to call the meeting to order

**ROLL CALL** – Clerk to call the roll

##### Administrative Office

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

Dennis Rodoni, Regular  
County of Marin

Judy Arnold Regular  
County of Marin

Damon Connolly, Alternate  
County of Marin

Sashi McEntee, Chair  
City of Mill Valley

Barbara Coler, Regular  
Town of Fairfax

James Campbell, Alternate  
City of Belvedere

Craig K. Murray, Vice Chair  
Las Gallinas Valley Sanitary

Lew Kious, Regular  
Almonte Sanitary District

Tod Moody, Alternate  
Sanitary District #5

Larry Loder, Public  
Public Member

Richard Savel, Alternate  
Public Member

### **SELECTION OF CHAIR**

The Committee shall nominate and select a Chair of the ad hoc Disadvantaged Unincorporated Communities Committee for calendar year 2022.

### **PUBLIC COMMENT**

This portion of the meeting is reserved for persons desiring to address the Committee on any relevant matter not listed on this agenda and that are within the jurisdiction of the Committee. Speakers are limited to three minutes.

### **BUSINESS ITEMS**

The Committee is scheduled to discuss and provide direction on the following items.

1. Approval of Resolution 22-11 Allowing for Video and Teleconference Meetings during COVID-19 State of Emergency Under AB 361
2. Use of Updated Census Data in Designating and Interacting With Disadvantaged Unincorporated Communities

### **ADJOURNMENT**

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

Pursuant to GC Section 84308, if you wish to participate in the above proceedings, you or your agent are prohibited from making a campaign contribution of \$250 or more to any Commissioner. This prohibition begins on the date you begin to actively support or oppose an application before LAFCo and continues until 3 months after a final decision is rendered by LAFCo. If you or your agent have made a contribution of \$250 or more to any Commissioner during the 12 months preceding the decision, in the proceeding that Commissioner must disqualify himself or herself from the decision. However, disqualification is not required if the Commissioner returns that campaign contribution within 30 days of learning both about the contribution and the fact that you are a participant in the proceedings.

Separately, any person with a disability under the Americans with Disabilities Act (ADA) may receive a copy of the agenda or a copy of all the documents constituting the agenda packet for a meeting upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting. Please contact the LAFCo office at least three (3) working days prior to the meeting for any requested arrangements or accommodations.

For those using screenreaders, many documents are headed with the disclaimer that they have been set on Marin LAFCo letterhead. Although headers and footers have been marked as artifacts in order to maintain the flow of the documents it is of note that the footer includes contact information for Staff and

information regarding the Commission's membership. That information is listed here to maintain accessibility of all information provided by this packet to members of the public:

LAFCo's Commission currently has 11 Commissioners, 7 are regular seats and 4 are alternates. The County commissioners are Supervisors Dennis Rodoni and Judy Arnold as regular seats and Supervisor Damon Connolly as alternate. The city commissioners are Sashi McEntee from City of Mill Valley (Chair) and Barbara Coler from the Town of Fairfax as regular seats and James Campbell from the City of Belvedere as alternate. The special district commissioners are Lew Kious from Almonte Sanitary District (Vice-Chair) and Craig Murray from Las Gallinas Valley Sanitary District as regular seats and Tod Moody from Sanitary District #5 as alternate. The public seat commissioners are Larry Loder as regular seat and Richard Savel as alternate.

Marin LAFCo's Administrative office is managed by Executive Officer Jason Fried our location and contact information are listed below.

**Marin LAFCo**

Administrative Office

1401 Los Gamos Drive, Suite 220

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# Marin Local Agency Formation Commission

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## AGENDA REPORT

May 18, 2022

Item No. 1

**TO:** Ad Hoc DUC Committee

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

**SUBJECT:** **Approval of Resolution 22-11 Allowing for Video and Teleconference Meetings during COVID-19 State of Emergency Under AB 361**

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### Background and Discussion

AB 361 was passed by the State Legislature and signed by Governor Newsom. It went into effect immediately. AB 361 continues many of the provisions related to the Brown Act that were in place under Executive Orders, which expired September 30, 2021, that allowed for video and teleconferencing during the state of emergency. Since AB 361 has been signed into law, the Commission can continue to meet virtually until such time as the Governor declares the State of Emergency due to COVID-19 over and measures to promote social distancing are no longer recommended or could return to in-person meetings sooner if desired.

On September 22, 2021, the Marin County Director of Health & Human Services recommended social distancing to enhance safety at public meetings. On October 19, 2021, Marin County's Director of Health & Human Services reaffirmed this recommendation. See attachment 2.

The proposed resolution provides the Committee with the option to continue to hold video and teleconference meetings while the state of emergency is still in effect and social distancing is recommended.

In order to continue to hold video and teleconference meetings, the Budget and Workplan Committee will need to review and make findings every thirty days or thereafter that the state of emergency continues to directly impact the ability of the members to meet safely in person and that state or local officials continue to impose or recommend measures to promote social distancing.

### Recommendation

1. Approve Resolution 22-11 allowing for video and teleconference meetings during the COVID-19 state of emergency under AB 361.

#### Attachment:

1. Resolution 22-11 Allowing for Video and Teleconference Meetings during the COVID-19 State of Emergency Under AB 361
2. Decisions by Marin County Director of Health & Human Services

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Public Member

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Public Member

**MARIN LOCAL AGENCY FORMATION COMMISSION**

RESOLUTION 22-11

**RESOLUTION ALLOWING FOR VIDEO AND TELECONFERENCE MEETINGS DURING THE  
COVID-19 STATE OF EMERGENCY UNDER AB 361**

**WHEREAS**, on March 4, 2020, the Governor of the State of California proclaimed a State of Emergency for COVID-19; and

**WHEREAS**, AB 361, which was recently passed by the State Legislature and signed by Governor Newsom, effective immediately, allows the Budget Committee to continue to meet virtually until such time as the Governor declares the State of Emergency due to COVID-19 over and the measures to promote social distancing are no longer recommended; and

**WHEREAS**, the Marin County Director of Health & Human Services has recommended social distancing to enhance safety at public meetings; and

**WHEREAS**, in light of this recommendation, the Budget and Workplan Committee desires for itself to continue to meet via video and/or teleconference; and

**WHEREAS**, pursuant to AB 361 the ad hoc Disadvantaged Unincorporated Communities Committee will review the findings required to be made every 30 days or thereafter and shall not meet without making those continued findings.

**NOW THEREFORE**, the Marin Local Agency Formation Commission’s ad hoc Disadvantaged Unincorporated Communities Committee **DOES HEREBY RESOLVE** that on behalf of itself: (1) a state of emergency has been proclaimed by the Governor; (2) the state of emergency continues to directly impact the ability of the Commission’s legislative bodies to meet safely in person; and (3) local officials continue to recommend measures to promote social distancing.

**PASSED AND ADOPTED** by the Marin Local Agency Formation ad hoc Disadvantaged Unincorporated Communities Committee on May 18, 2022, by the following vote:

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

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

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

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

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[To be Determined], Chair

ATTEST:

APPROVED AS TO FORM:

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Jason Fried, Executive Officer

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Malathy Subramanian, LAFCo Counsel



# Marin Local Agency Formation Commission

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**AGENDA REPORT**  
May 18, 2022  
Item No. 2 (Business)

**TO:** Disadvantaged Unincorporated Community Committee

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

**SUBJECT:** Use of Updated Census Data in Designating and Interacting With Disadvantaged Unincorporated Communities

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## Background

In July of 2019, Marin LAFCo's ad hoc Disadvantaged Unincorporated Communities (DUC) Committee convened for the final time and approved staff's recommendation to bring a DUC policy to the full Commission for adoption. The policy, which the full Commission approved at the August 2019 meeting, reads as follows:

*As set forth in SB 244, Marin LAFCo will include considerations of disadvantaged unincorporated communities within a city or district SOI in statements of written determinations of municipal service reviews. Marin LAFCo will prohibit the approval of city annexations greater than 10 acres that are contiguous to a disadvantaged unincorporated community unless the city applies to annex the disadvantaged unincorporated community as well.*

The Committee at that time also agreed that Marin LAFCo's stance on DUCs as a whole should be revisited when 2020 U.S. Census data was available. At this time, the 2020 Census Redistricting Data has been made publicly available and CALAFCO, by way of a contract with a consultant, has created a mapping tool showing each of the DUCs throughout the state. The tool shows, and staff has independently confirmed, that there are two DUCs in Marin County: block group 1 within Marin County Census Tract 1290 in the area of Marin City, and block group 1 within Marin County Census Tract 1121 in the area of California Park.

This Committee has been formed by the Commission in order to formulate recommendations for next steps for Marin LAFCo in its dealings with the identified DUCs in Marin County. Staff recommends the Committee consider the following during its discussions and deliberation:

- Official letter from Marin LAFCo to the cities and districts whose spheres of influence are surrounding or contiguous to the identified DUCs (as well as to the districts whose jurisdictional boundaries encompass DUCs) informing them of the block groups' DUC status and an explanation of how that impacts the agency.
- With Marin County currently in the process of updating the Marin County Housing Element, an official request from Marin LAFCo for mention of the identified DUCs as there was no mention of them in the current Housing Element.
- Added considerations and notation of the DUCs in future municipal service reviews when an agency being reviewed has a sphere of influence that either surrounds or is contiguous to the DUC.

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Public Member

**Staff Recommendation for Action**

1. Staff Recommendation – Make a determination for the recommendation to the full Commission for Marin LAFCo's future actions surrounding DUCs.
2. Alternate Option – Take no action and recommend to the full Commission that no future action is necessary on this item.
3. Alternate Option – Schedule a future ad hoc DUC Committee meeting for further consideration.