



NOTICE OF REGULAR MEETING MINUTES

Marin Local Agency Formation Commission

Thursday, June 10, 2021

CALL TO ORDER

Chair McEntee called the meeting to order at 7:06 P.M.

ROLL CALL BY COMMISSION CLERK

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

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

Alternate Commissioners Present: Tod Moody
Richard Savel

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

Marin LAFCo Counsel Present: Mala Subramanian

Commissioner Absent: Larry Loder

Alternate Members Absent: Dennis Rodoni
James Campbell

AGENDA REVIEW

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

PUBLIC OPEN TIME

Chair McEntee opened the public comment period. Hearing no request for comment, Chair closed the public open time.

CONSENT CALENDAR ITEMS

1. Approval of Minutes for April 8, 2021, Regular Meeting
2. Commission Ratification of Payments from April 1, 2021, to May 31, 2021

Approved: M/S by Commissioners Arnold and Murray to accept the consent calendar including the 2 amendments to the minutes that were recommended by Commissioners Coler and Murray.

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

Nays: None

Abstain: None

Motion approved unanimously.

PUBLIC HEARING ITEMS

3. Approval of Resolution 21-05, Annexation of 345 Highland Ave to San Rafael Sanitary District (LAFCo File #1354)

EO Fried noted that this was a fairly straightforward application. The application was received in April 2021, includes one Single-Family construction, the applicant needs to connect to the Sanitary District to move off of septic. All Agency Reviews received were positive or neutral. The owners consented to signing dual annexation. Staff recommended approval of the application.

Vice Chair Murray wanted to confirm that Dual Annexations were being tracked, Clerk/Jr. Analyst Gingold confirmed that she was working to build a column in LAFCo's application log and EO Fried added that the intention was to eventually create a map layer.

Commissioner Savel noted that the application could not be approved as submitted because the petition was incomplete and the resolution was inaccurate. He noted some discrepancies between acreage, and no pagination on the map. It was resolved that Exhibit "B" would be added to the map, and that the discrepancies in acreage were resolved by a +/- for some of the acreages, versus a definitive number for others. Legal Counsel confirmed that none of the discrepancies warranted denying the application, Staff confirmed that the resolution's exhibit order would be fixed and Exhibit B would be labeled.

Approved: M/S by Commissioners Coler and Murray to approve the annexation of 345 Highland Ave. to SRSD and to approve the attached resolution with a small amendment.

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

Nays: None

Abstain: None

Motion approved unanimously.

4. Review and Approval of Final Draft Twin Cities Region Municipal Service Review

DEO Seibel noted that no new public comments were received after the presentation of the public draft. Some suggested edits from a Commissioner and a request for a change of the CSA 16 description from the public were received and added to the report. One item was added to the workplan, one carried over from the previous MSR, and 2 SOI amendments were added to Larkspur and Corte Madera to correct the Greenbrae Boardwalk. Vice Chair Murray acknowledged that the Greenbrae Boardwalk amendment was a good correction.

Chair McEntee opened public hearing. No public comment was made and the public hearing was closed.

Approved: M/S by Commissioners Coler and Murray to approve the MSR and attached resolutions, Items 4a through f.

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

Nays: None

Abstain: None

Motion approved unanimously.

5. Adoption of Final Operating Budget for Fiscal Year 21-22

Committee Chair Kious noted that the Budget Committee met, went through the budget with detail, and was confident that the budget is the appropriate budget for the Commission. EO Fried noted that 4 line items in the expense side got adjusted due to developments that occurred after the prior meeting, including the salary line item, the general insurance line item, the membership and dues item, and the professional services line item. Considering all of these adjustments and the carry forward balance, the dues for membership would only be slightly higher than last year for LAFCo member paying agencies.

Vice Chair Murray asked a question about the professional services line item. EO Fried confirmed that that item was related to the audit coming up.

Chair McEntee opened public hearing No public comment was made so public hearing was closed.

Approved: M/S by Commissioners Arnold and Kious to approve the budget.
Ayes: Commissioners Murray, Connolly, Arnold, Coler, Kious, Loder, and McEntee
Nays: None
Abstain: None
Motion approved unanimously.

6. Approval of Resolution 21-11, Update to Marin LAFCo Fee Schedule

Committee Chair Kious noted that the previous fee schedule had been significantly revised. He felt comfortable that the current fee schedule is an appropriate fee schedule, working to make the fee schedule clear to the public and ensure that the rates are properly supported and justified. EO Fried noted that the main change was the hourly rate to staff, as well as a small change to the pre-application time put in by staff. The total increase was relatively nominal, at somewhere around a 2%/year raise.

Vice Chair Murray asked if we checked against other LAFCos, EO Fried said no. Vice Chair Murray also wanted to know if admin costs were being passed over to agencies when third-party fees are being collected. EO Fried clarified that most checks have forms associated with them, and the applicant is being charged a fee for staff filling out that form, so admin fees are being collected as a component of the applicant's total LAFCo fees.

Commissioner Coler recommended that amending item 7 so it does not only say "checks" may be pertinent once online payment systems are offered by LAFCo. EO Fried confirmed this change would happen once the online payment system was set up.

Chairman McEntee opened public hearing. No public comment was made so public hearing was closed
Approved: M/S by Commissioners Coler and Kious to approve the amended fee schedule.
Ayes: Commissioners Murray, Connolly, Arnold, Coler, Kious, Savel, and McEntee
Nays: None
Abstain: None
Motion approved unanimously.

BUSINESS ITEMS

7. Discussion and Possible Actions on Working Group for Marin City Incorporation

EO Fried stated that a group interested in incorporation had approached LAFCo. His research revealed that incorporations have been rare – especially since the 2007/2008 economic downturn changed how incorporations work, as well as state changes that decreased funds available to new incorporations. The biggest hurdle for incorporation is cost – not only for forming but also for maintaining and running a city – so EO Fried proposed a Preliminary Fiscal Analysis (PFA) which has been done by other LAFCos in the State as well. This PFA will consider short- and long-term costs and potential revenue streams to draw a conclusion on the viability of this project. This could prevent the community group from investing time and money into this project unless the PFA reveals that the incorporation is fiscally viable, or at least identify issues that need to be addressed before incorporation is pursued. Staff's recommendation was to treat this like a LAFCo working group. The only difference is that this working group will require an outside consultant. An RFP process will be done, a consultant will be identified, and the advocates group will fund this consultant while staff time would be donated, although most of the work will be done by the consultant. EO Fried also asked the Commission how they would prefer to navigate Legal Counsel charges. Finally he wanted to see if the Commission wanted to see the RFP.

Vice Chair Murray noted that there are a number of things that need to be reviewed, and the fiscal analysis is a critical point surrounding whether or not the incorporation would be viable.

Commissioner Arnold wanted to know what part of the area wanted to incorporate and if the community group was working to leave anyone out. EO Fried noted that any part that is unincorporated can be included and that area is surrounded by other jurisdictions which would not be included. Right now the Marin City CSD boundary is likely to be the rough incorporation boundary.

Commissioner Coler wanted to know if LAFCo would ask for an upfront deposit. EO Fried responded that the cost will be known through the RFP process, and that the community group would be required to fund the process as it goes on but details have not been determined yet.

Chairman McEntee asked if there were plans to move the Golden Gate Area MSR up along with this incorporation process. EO Fried responded no. Chairman McEntee also wanted to know if the Consultant would analyze options other than incorporation. EO Fried responded that the advocates groups want planning power which is something a CSD cannot do, annexation to another City was the last choice of the advocates group so that avenue does not need to be analyzed.

Legal Counsel Subramanian noted to the Commission that the working group would be subject to the Brown Act. There was some clarification by EO Fried and Chairman McEntee around this reminder. If incorporation would be viable, Chairman McEntee asked and Legal Counsel Subramanian confirmed that the advocates group would be considered an "applicant".

Chairman McEntee opened the public comment, No public comment was made
Chairman McEntee asked the Commission how they felt about the three factors staff had brought to be considered.

Commissioner Kiouss, Coler, and Arnold spoke in strong support of pursuing this matter, and supported the staff suggestions EO Fried had proposed.

Alternate Commissioner Moody agreed with Commissioner Murray that there should be an upper limit on staff hours, while Commissioner Connolly said that it was too soon to necessarily put an arbitrary limit on things.

EO Fried made some clarifications that reassured the Commissioners that this had a natural cap but if it progressed further that it would enter application territory in which cases charges would begin to be incurred.

Chairman McEntee said that she does not feel it is necessary to see the RFP. Commissioner Kious agreed with Chairman McEntee, and also supported Commissioner Connolly's comments feeling that EO Fried was sensible enough to manage the quantity of time invested in the working group.

Approved: M/S by Commissioners Kious and Coler to approve the formation of a Marin City Working Group.

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

Nays: None

Abstain: None

Motion approved unanimously.

8. Approval of Resolution 21-12, Creation of Staff Salary Classifications

EO Fried introduced the fee schedule, noting that Staff Salary Classifications seemed good to create as LAFCo continues to move more and more out of the County's HR services and payroll system. EO Fried worked off of County classifications but combined them to make them more appropriate for the size of Marin LAFCo, creating 3 classifications, and then leaving the Executive Officer in a different vein.

Vice Chair Murray wanted to confirm that these classifications would not compromise hiring and promotion flexibility. He also wanted to confirm that Staff still had the option to unionize if they wanted to and that these classifications would not hinder that effort if it ever arose.

EO Fried clarified that when he mentioned PEPR in his staff report, he meant to reference MCERA. He also remarked that the salary ranges that were created were directly tied to the County, and that this would not prevent unionization, and that he has supported and continues to support unionization should staff ever desire that.

Legal Counsel Subramanian clarified that LAFCo has been using this system, they were simply making it formal now by creating these salary classifications.

Chairman McEntee wanted to know if this was under the discretion of the Executive Officer. Legal Counsel Subramanian clarified that changes to expand or change the range would have to be done via resolution through the Commission and any hiring decisions by EO would have to be done within the classifications and salary ranges in this schedule.

Chairman McEntee opened public comment, no public comment was made.

Approved: M/S by Commissioners Connolly and Arnold to approve the staff salary classifications. Ayes: Commissioners Murray, Connolly, Arnold, Coler, Kious, Savel, and McEntee

Nays: None

Abstain: None

Motion approved unanimously.

9. Approval of Fourth Amendment to Executive Officer Employment Agreement

The Fourth Amendment to the Executive Officer's Employment Agreement was presented with a salary increase. The salary would be effective July 1, if the Commission were to approve it. There was a question about the percentage increase in the EO's salary. The Commission authorized its negotiators, Chair McEntee and Commissioner Connolly, to negotiate the EO's salary increase and the negotiators negotiated his salary within the Commission-authorized amount.

Chairman McEntee opened public comment, no public comment was made.

Approved: M/S by Commissioners Murray and Kious to approve the the Fourth Amendment to the Executive Offer's Employment Agreement.

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

Nays: None

Abstain: None

Motion approved unanimously.

10. Approval of Consent to Assignment Agreement with Marin Mac Tech, Inc. and Fort Point IT, LLC

EO Fried introduced the item, commenting that Marin LAFCo has been using Marin Mac Tech for a number of years but the LAFCo office over the last year has been transitioning to PCs and as the office transitions to PCs, the owner of Marin Mac Tech has asked LAFCo to transition to his PC company, Fort Point LLC, instead. The terms and conditions of the contract will remain the same, the recipient of the check is the only thing that will change.

Vice Chair Murray asked if Commissioners would need to transition off of iPads. EO Fried confirmed that Commissioners could remain on iPads and if they needed help, Marin MacTech would still be available for Mac help since it is owned by the same company as Fort Point IT.

Chairman McEntee asked how payment worked, EO Fried noted that there was a monthly fee paid to Marin Mac Tech and it included all the services listed in Exhibit A of the contract. Chairman McEntee asked to see the fee schedule for Fort Point IT included with items like this in the future.

Chairman McEntee opened public comment, no public comment was made.

Approved: M/S by Commissioners Murray and Coler to approve.

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

Nays: None

Abstain: None

Motion approved unanimously.

11. Approval of Marin LAFCo Position on Legislative for 2021

Commissioner Coler introduced the report, noting that there are 32 bills all of which alignment with CALAFCO was recommended, all of those bills received priority 3 meaning no real action needed to be taken by LAFCo, while another received a priority 2.

Commissioner Connolly wanted to know what the higher priority item was about.

Commissioner Kious answered that it removed the part of state government code that allowed Marin LAFCo to force the consolidation without protest of sewer districts in Southern Marin.

It was clarified by EO Fried that a Priority 2 allows LAFCo to go to Sacramento and explain the bill, if need be, and take a handful of other actions that are not done with Priority 3 items.

Chairman McEntee opened the public comment. No public comment was made.

Approved: M/S by Commissioners Arnold and Kious to approve the legislative committee's recommendations.

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

Nays: None

Abstain: None

Motion approved unanimously.

12. Workshop Report

Chairman McEntee gave the report, making comments on the turnout to the workshop, and commending the workshop sponsors for the role they played in spreading the word and increasing turnout. She noted that this may not be an annual item but that this workshop shows the concept can be executed when the need arises. Vice Chair Murray made a commendation as well.

Chairman McEntee opened the public comment. No public comment was made .

13. Election of Chair and Vice-Chair

Chairman McEntee opened public comment. No public comment was made.

Commissioner Coler commended the work Chairman McEntee has done and nominated Chairman McEntee to be Chair. Commissioner Kious seconded the motion.

Approved: M/S by Commissioners Coler and Kious to nominate Sashi McEntee as Chair.

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

Nays: None

Abstain: None

Motion approved unanimously.

Commissioner Savel nominated Vice Chair Murray for the Vice Chair position. Motion failed due to lack of a second.

Commissioner Coler nominated Commissioner Kious for the Vice Chair position, and Commissioner Connolly seconded the nomination of Commissioner Kious with acknowledgement that both Commissioners were outstanding choices.

Commissioner Arnold called the question.

Approved: M/S by Commissioners Coler and Connolly to nominate Commissioner Kious as Vice Chair.

Ayes: Commissioners Connolly, Arnold, Coler, McEntee, Kious

Nays: Savel

Abstain: Murray

Motion approved.

Chairman McEntee said some words commending Commissioner Murray.

14. Discussion and Possible Approval of Nominations for 2021 CALAFCO Annual Awards

EO Fried introduced the CALAFCO awards, highlighting a reworking of the awards and also the fact that unlike usual, this awards ceremony will cover work done in FY 19-20 and FY 20-21 because there was no awards ceremony held in 2020. Staff recommended nominating Marin LAFCo for the Mike Gotch Award, but yielded to the Commission to make the determination.

Commissioner Coler suggested nominating Executive Officer Fried for outstanding LAFCo Professional, citing a list of the EO's accomplishments. Chairman McEntee agreed. Commissioner Kious supported as well.

Vice Chair Murray nominated Chairman McEntee for Outstanding Commissioner, citing some of her accomplishments as well.

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

There was a small discussion about whether to pursue all 3, the Mike Gotch, the Outstanding Commissioner, and the Outstanding LAFCo Professional Award or pick 2.

It was agreed that Outstanding LAFCo Professional and Outstanding Commissioner would be pursued, and that Commissioner Kious, Chairman McEntee, Commissioner Murray, and EO Fried would work together to prepare the 2 nominations.

Approved: M/S by Commissioners Murray and Kious for the 2 nominations for LAFCo Outstanding Professional and LAFCo Outstanding Commissioner forming a subcommittee to prepare those nominations.

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

Nays: None

Abstain: None

Motion approved unanimously.

EXECUTIVE OFFICER REPORT (discussion and possible action)

a) Budget Update FY 2020-2021

EO Fried noted that almost all line items were on or under budget, except for one that was slightly higher than expected, and that LAFCo has an unusually high carry forward budget.

b) Current and Pending Proposals

Clerk/Jr. Analyst introduced one incoming application, and mentioned another few expected to come.

c) LAFCo Working Group Updates (Verbal Report)

Small updates were made about the working groups, including mention of some good discussions in some of the groups, as well as pushing forward some other groups that were stalled because of COVID. Specific mention was made of the Upper Ross Valley area JPA fire department because Ross Valley Fire decided not to rebuild its fire house, so that working group is will wait until Ross Valley Fire figures logistics out with its fire house.

EO Fried made another few small announcements about 9/80 for staff and staff vacation time upcoming. He also mentioned in-person meetings will likely be coming soon. He also introduced the beginning of LAFCo's online web-based library.

COMMISSIONER ANNOUNCEMENTS AND REQUESTS

Chair McEntee asked for announcements and requests. Commissioner Savel asked for a moment of silence for Helen Putnam.

Chair McEntee adjourned the meeting at 9:23 P.M.

ADJOURNMENT TO NEXT MEETING

Thursday, August 12th, 2021

Zoom

Attest: Olivia Gingold
 Clerk/Junior Analyst

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

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