



# Marin Local Agency Formation Commission

## Regional Service Planning | Subdivision of the State of California

### SPECIAL MEETING COMMISSION WORKSHOP

#### Marin Local Agency Formation Commission

**Friday, January 12, 2024 at 9:00 a.m.**

Marin Wildfire Prevention Authority Meeting Room | Suite 335 | 1600 Los Gamos Drive, San Rafael, CA (Use the Main Lobby (Lobby A) entrance, which is located on the freeway side of the building.)

#### CALL TO ORDER

Chair Coler called the meeting to order at 9:00 A.M.

#### ROLL CALL BY COMMISSION CLERK

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

#### Commissioners Present:

Barbara Coler  
Dennis Rodoni  
Craig Murray  
Eric Lucan  
Larry Chu  
Steve Burdo (arrived at 9:20)

#### Alternate Commissioners Present:

Stephen Burke (seated as a regular until 9:20)  
Cathryn Hilliard (seated as regular)

#### Marin LAFCo Staff Present:

Jason Fried, Executive Officer  
Jeren Seibel, Deputy Executive Officer  
Claire Devereux, Clerk/Jr. Policy Analyst

#### Commissioners Absent:

Lew Kious

#### Alternate Members Absent:

Roger Smith  
Stephanie Moulton-Peters

#### AGENDA REVIEW

Chair Coler called for any requests from the commission to change the agenda, none were heard.

Chair Coler opened the meeting for public comment. Seeing no hands raised Chair Coler Closed Public Comment.

Approved: M/S by Commissioners Burke and Lucan to approve the agenda

Ayes: Coler, Chu, Lucan, Burke, Murray, Rodoni, Hilliard

Nays:

Abstain:

Absent:

Motion approved unanimously.

#### PUBLIC OPEN TIME

Chair Coler opened public open time. Seeing no hands raised in-person or virtually Chair Coler closed public open time.

## WORKSHOP

### I. **Welcome**

Explanation of the workshop's purpose and intent.

The Executive Officer of Santa Cruz LAFCo, Joe Serrano, introduced himself as today's facilitator and gave a brief overview of what will and will not happen at the workshop. Stating that the commission will not edit polices, Identify solutions to problems, Dwell on specific topic/issue. The commission will discuss policies that need edits, determine if an item needs further analysis and provide directions to staff.

### II. **GASB 75**

Setting context by reflecting on successes, changes, trends, and dissatisfactions over last year.

Guest presenter Cathy MacLeod gave a brief presentation on GASB 75, and the accounting side of other post-employment benefits other than pensions. She posed three questions to the commission about what trust asset allocation strategy would the commission like to use? Is the Commission comfortable with the current funded ratios in the plan and in the average remaining years to dun the differences? Do the funded ratios suggest a change or hold in the current strategy?

MacLeod presented where the commission stands and stated there was nothing that was worrisome or that she believes would warrant needing a change.

EO Fried provided context to the commission stating the prior to his time there was an EO Peter Banning who retired and Marin LAFCo had no OPEB set aside. So, the commission decided to "pay as you go" for Banning. After this occurred these parameters were set up. The question for the commission is if anything should be changed?

Chair Coler stated that she does not believe the current strategy needs to be changed.

Commissioner Chu asked MacLeod if the analysis considered impact from changes in the discount rate. To which Macleod stated the discount rate is solely based on the expected return on the trust. Chu then stated he was fine with the strategy Marin LAFCo uses now.

Commissioner Burke inquired as to if there is a healthcare study. MacLeod stated that there are full new evaluations every two years.

Commissioner Burdo inquired on refinancing pension obligation bonds and asked if there is an opportunity for Marin LAFCo to do something similar. EO Fried stated that we are fully funded and do not have any bond financing.

Commissioner Lucan asked what the benefits LAFCo offers to which EO stated we offer healthcare, dental and vision.

Vice-Chair Rodoni stated he also agrees with staying with the current strategy.

Commissioner Hilliard stated that MCERA does better than CalPERS. To which MacLeod stated MCERA does not offer OPEB savings account and CalPERS does.

Chair Coler stated that staying with the current strategy seems to be the consensus.

### III. **Presentation on the Brown Act and Levine Act**

BBK will give a presentation on the Brown Act and new revisions to the Levine Act.

Marin LAFCo legal counsel Mala Subramanian gave a brief presentation on the Brown and Levine Act.

Commissioner Rodoni thanked Mala and asked if quorum changes if alternates are present as it pertains to the Brown Act. Mala stated that it does not change the quorum number. EO stated that if Rodoni met with three alternates, he would have met quorum. However, if two supervisors and a county alternate and another alternate it would not be quorum because the two supervisors present block the county alternate from being a voting member.

Commissioner Rodoni asked legal counsel that the Levine Act does not go back further than January 1, 2023 to which legal counsel confirmed.

Commissioner Coler stated there are three supervisors on the commission, one being an alternate who does not attend to avoid a Brown Act Violation. Coler wanted confirmation that there is an exception for LAFCo to attend our meetings to which legal counsel stated all three could be in attendance since one is an alternate for the other two so therefore would not be a voting member. EO Fried also clarified that the CAO office does not want three supervisors in the room as it would be a potential Brown Act for the Board Of Supervisors.

**IV. LAFCo 101/201a**

Examine, discuss, and expand on commissioner roles and the year in review.

EO Serrano presented on common misconceptions by outsiders which included that LAFCo is a watchdog that is her to point out wrongdoing, a death eater here to get rid of local government, and a useless agency that is here to process application only. EO Serrano then discussed misconceptions by insiders which are that we are one size fits all that what works for on LAFCo works for others, on our own that all issues are unique to individual LAFCo's, enemies to other agencies, and bound to our peers and commissioners vote based on home agency.

EO Serrano than discussed what other LAFCo's are doing which includes but not limited to fully maximize the importance of MSRs, building/repairing relationships with local agencies, maintaining regular communication with staff/commission and utilizing commissioner expertise in certain projects.

The commission then reviewed Marin LAFCo Mission and Vision Statements and were asked if there were any changes to the mission and or vision statement they wanted to be made.

Coler stated that the Mission and Vision looked good. No other comments we made by the commission.

EO Fried gave a brief rundown of the Year in Review. Fried stated the workflow was made to show the commission how busy the beginning of the year is workwise as well as to exhibit ongoing projects.

EO Serrano moved to the next segment of Policy Review.

1. Chair & Vice-Chair: Does the commission want a rotation policy created and how?

Coler stated that the policy and personnel committee would take this on but does the commission have anything to say.

Commissioner Murray stated that looking at how other LAFCo's do this could be beneficial. Coler stated that in the packet it states 11 LAFCo's rotate twelve do not.

Several commissioners including Lucan, Burdo and Coler agreed that a rotation system should be discussed at the policy and personnel committee.

Coler stated the committee will discuss public members being the chair or doing a rotation.

2. Standing Committees: Does LAFCo need these committees, or should they be Ad-Hoc? Should either the chair or vice-chair serve on the policy committee?

Chair Coler stated that if the system is not broken it does not need to be fixed and that the committees should continue to meet.

Commissioner Burdo stated the committee even if we are aligned with CALAFCo the legislative committee should still meet and discuss changes and potential changes Marin LAFCo wanted to see.

Commissioner Hilliard agreed with Commissioner Burdo and stated that in the name of transparency the committees should continue to meet.

Vice-Chair Rodoni stated that these are important committees, and they should continue to meet. He also stated that Marin LAFCo was instrumental in getting special districts added into state LAFCo.

Commissioner Murray stated that Marin LAFCo has been involved in legislation and that because of that the committee should continue to meet.

Commissioner Chu talked on both 1 and 2 stating that having a rotating chair could be risky in the sense that LAFCo could have a non-seasoned member as a chair which could pose a risk to committees as well as the chair would be serving on the policy committee. Commissioner Hilliard stated her agreement with commissioner Chu, having a Chair with LAFCo experience is important.

Commissioner Coler wrapped up the discussion and stated that having the committees stay standing is important and to discuss at the committee meeting if the chair or vice chair should be serving on the committee.

3. Dual Annexation: Does the Commission want policy 4.8 permanent in our policy?

EO Fried provided context that this policy allows for parcels currently going through the application process to be annexed into a city or town that they are adjacent to. This is also related to a delayed annexation when an applicant that is not directly adjacent to a city or town agrees to be annexed in should the area around it be annexed in at a later date. In Novato Marin LAFCo does not do delayed annexations because they have an Urban Growth Boundary.

Commissioner Lucan stated that would there be an issue if Novato and Marin LAFCo have contradicting policies?

EO Fried stated that allowing the delayed annexation and having the policy now would allow for the parcels to be annexed relatively immediately after/if the UGB goes away.

Commissioner Rodoni emphasized the importance of this policy and having it in place is significant.

Chair Coler ended discussion stating keeping the policy as is.

4. Juneteenth: Does the commission want to see this Holiday exist in our policy?

Chair Coler asked commissioner if they wanted to see this Holiday observed. Coler stated that she sees her fellow members nodding their heads.

Commissioner Lucan asked if there are any holidays the county has that LAFCo does not.

EO Fried said if the Commission wanted to move forward with this, he would be checking in with the County on what changes they made.

Rodoni stated that the county added Juneteenth but took removed other holiday.

Chair Coler closed the discussion stating that discussion and action on Juneteenth should occur at the policy committee meeting.

5. Public Seat Process: Should public members be in attendance for interviews?

Chair Coler stated it would be a good idea and asked the commissioners what they thought. To which Chair Coler saw a general consensus through the nodding of heads.

6. Remote Work: Should policy be put in place surrounding remote work?

Chair Coler stated a policy should be in place.

Commissioner Murray stated that staff should draft policy and bring it to the committee for review.

Chair Coler asked for staff to review what is being done in the county and at other LAFCOs regarding policies regarding remote work and present that to the committee.

V. **Marin LAFCo and Work Plan**

Review and discuss Marin LAFCo policy and internal operations. Commissioners examine short-term outcomes and priorities, clarify expectations for staff and each other, identify measures of progress, and discuss the work plan.

EO Serrano presented the Marin LAFCo workplan. EO Serrano asked the commissioners if they wanted to remove or bring forward the Fire and Police studies that had been put on hold.

EO Fried gave context stating that the past clerk began the fire study back in 2021 and that the report has been put on pause for further direction from the commission.

Coler stated it would be worthwhile to do the study and that many fire providers have expenses that could be examined.

Commissioner Murray stated that there is a wide range of infrastructure across different agencies and even counties. That there may be difficulties in West Marin with volunteer fire fighters. He also stated the main concerns to examine would be fire, flood, and earthquake. If there is a major fire in open space how ready in Marin and research into that may need to occur.

DEO Seibel stated that when the current MSR is completed all fire agencies would have received a full fire study in the last five years. He asked the commission what they would want to see in the study that they have not already seen in the MSRs.

Chair Coler stated that most people in the public do not read the MSRs and that providing a consolidated fire report of all Fire related MSRs would be beneficial. Then adding additional enhancements, that commissioner Murray mentioned as well as potential recommendations.

Commissioner Burke concurred with Coler and stated he did a calculation during the consolidation of Southern Marin Fire on what Marin spends on fire annually finding that it spends around a ¼ billion dollars and that this significant amount merits a review. In regard to the police, some agencies are better staffed, some have more issues than others, so a report would provide value.

Commissioner Rodoni asked what the priorities of the workplan are. EO clarified it is in no significant order.

Chair Coler suggested reordering the workplan to what is currently occurring/is important at the top. Coler also stated that there is an importance to having a digital library and having the new clerk on board would allow for the enhancement of this.

In regard to the fire study, Commissioner Rodoni stated that the OEM is being reorganized and the county is responsible for responding to emergencies. Commissioner Rodoni suggests engaging Steven Torrence while reviewing the study. In addition, Hilliard brought up the new dispatch center being built.

Commissioner Hilliard posed having the workplan at every meeting as useful tool for commissioners to see what staff is working on.

EO Fried stated he can include the work plan in the meeting materials. However, there would not be immense change from meeting to meeting. EO Serrano suggested a format change.

EO Serrano transitioned to the internal operations segment of the workshop.

EO Serrano posed the question should the RHNA analysis be added to MSRs?

Chair Coler stated the numbers should be considered to which Commissioner Rodoni agreed.

Commissioner Murray stating that RHNA analysis helps in understanding if jurisdictions are working to try and meet those goals.

EO Serrano transitioned to MSR Recommendations.

EO stated that the next round should begin at the end of this year. Then the question was posed that when the next round begins how firm should our language be in regard to agencies and district in meeting recommendations.

Chair Coler posed the idea of what is the point of recommendations if not to see and follow through on them.

Commissioner Murray stated there are actionable items in MSRs and letting districts have a conversation with staff on past recommendations that were or were not made in the past five years.

Commissioner Chu stated that keeping prior recommendations on the MSRs for continuity since reports are five years apart. If those opportunities are still there, they should be kept.

Commissioner Burke stated having strong language is fine and holding agencies accountable is important.

EO Serrano transitioned to the item of Office Hours and added it to Marin LAFCo Policy.

EO Fried gave a report stating that staff work 2 days in office and 2-3 days at home and that in 1 ½ years two people have dropped into the office during open office hours on Wednesday.

Commissioner Rodoni asked what other LAFCo's are doing.

Commissioner Murray brought up concerns of people being able to access the office when needing to make a records request.

Commissioner Hilliard asked if it is possible to get into the county building to be more accessible. Chair Coler and Fried both stated that other office spaces are pricier and that there is no room in the Civic Center.

Commissioner Rodoni mentioned remote work is great, but someone should be in the office when working as a government agency.

Chair Coler said for now to stick with office hours but to always ensure that if someone knocks on the door to ensure we open and allow them access.

EO Serrano transitioned to Temporary Aide

EO stated we have a remediation project we have that is ongoing and there is not enough staff time to get it done in a fast manner. EO posed the question to the commission of hiring a third person and increasing our dues to members?

EO Coler stated she was not open to increasing dues. However, if there are chunks that need to be done hiring a temporary individual on a case-by-case basis could be an option.

Commissioner Lucan stated that it is important to get records online for transparency and accessibility and a temporary one-time cost could be worth it.

Chair Coler closed the discussion to move on to the next session.

VI. **Reflection and Final Remarks**  
Reflection on the day.

Chair Coler thanked EO Serrano, commissioners and staff for making the workshop happen and giving a thorough breakdown of LAFCo.

Commissioner Burke stated that as a new member the workshop was immensely helpful.

Chair Coler opened the meeting for public comment. Seeing no hands raised Chair Coler Closed Public Comment.

Chair Coler adjourned the meeting at 12:05 P.M.

**ADJOURNMENT TO THE REGULAR COMMISSION MEETING**

Thursday, February 8, 2024, | 6:30 pm

Marin Wildfire Prevention Authority | Suite 335 | 1600 Los Gamos Dr. STE 335, San Rafael 94903



Attest: Claire Devereux  
Clerk/Junior Analyst

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