



# **Marin Local Agency Formation Commission**

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

## **NOTICE OF REGULAR MEETING AND AGENDA**

### **Marin Local Agency Formation Commission**

Thursday, February 8, 2018

Marin Clean Energy | Charles McGlashan Room  
1125 Tamalpais Avenue, San Rafael, California

**\* REMINDER OF NEW MEETING LOCATION \***

**7:00 P.M. – CALL TO ORDER BY CHAIR**

**ROLL CALL BY CHAIR**

#### **AGENDA REVIEW**

The Chair or designee will consider any requests to remove or rearrange items by members.

#### **OPEN TIME**

This portion of the meeting is reserved for persons desiring to address the Commission on any matter not on the current agenda. All statements that require a response will be referred to staff for reply in writing or will be placed on the Commission's agenda for consideration at a later meeting. Speakers are limited to three minutes.

#### **CONSENT CALENDAR ITEMS**

All items calendared as consent are considered ministerial or non-substantive and subject to a single motion approval. The Chair of designee will also consider requests from the Commission to pull an item for discussion.

1. **Approval of Meeting Minutes | December 14, 2017 Regular Meeting (action)**  
Staff has prepared meeting minutes for the last meeting of the Commission. The minutes are being presented for formal approval with any desired corrections or clarifications.
2. **Commission Ratification | Reconciled Payments from October 1 to November 30, 2017 (action)**  
The Commission will consider ratifying payments made by the Executive Officer during the months of October and November. The payments cover all reconciled payroll and non-payroll expenses during the period and total \$25,445. The payments are being presented for formal ratification per adopted policies.
3. **Budget Update for 2017-2018 and Year End Projections (action)**  
The Commission will review a report comparing budgeted and actual transactions for 2017-2018 through January 31, 2018 and its projection Marin LAFCO is on pace to finish with an operating net of \$13,685.28 or 2.5%. This projection marks a significant improvement over the budgeted operating net of (\$10,000) and is largely tied to anticipated savings in payroll costs for reasons detailed. The report is being presented to the Commission to accept and file and to provide direction as needed.
4. **Update on Municipal Service Review: San Rafael / Lucas Valley Regional Study (information)**  
The Commission will receive a brief update on work to date as well as pending next steps on Marin LAFCO's scheduled municipal service review on public services in the San Rafael / Lucas Valley communities. The update is being presented for information only and in anticipation of bringing forward agency profiles at the next regular meeting.

**5. Progress Report on 2017-2018 Work Plan (action)**

The Commission will receive a progress report on accomplishing specific projects established as part of the adopted work plan for 2017-2018. The report is being presented to the Commission to formally accept as well as provide direction to staff as needed.

**6. Current and Pending Proposals (information)**

The Commission will receive a report identifying active proposals on file with Marin LAFCO as required under statute. The report also identifies pending local agency proposals to help telegraph future workload. The report is being presented to the Commission for information only.

**7. Joint Powers of Authority I Final Notice of Agreements and Amendments (information)**

The Commission will receive an update on its report identifying Joint Powers Authorities (JPAs) within Marin County that provide a municipal service as part of the requirements imposed by Senate Bill 1266. Staff has identified through the State Controller's office all of the JPAs within the County that provide a local municipal service consistent with Government Code Section 56047.7, and has provided notice to those JPAs that have not submitted copies of their agreements and amendments with Marin LAFCO. The report is being presented to the Commission for information only.

**8. Time Extension for 347 and 355 Margarita Drive (action)**

The Commission will consider an applicant's request for a time extension to complete the terms established by Marin LAFCO in approving the annexation of territory 347 and 355 Margarita Drive to the San Rafael Sanitation District on February 9, 2017. Staff believes the request is reasonable and recommends approval of a six-month extension. The affected parcels are identified by the County of Marin as 016-011-18 and 016-011-19.

**9. Postponement of Committee Assignments (action)**

The Commission will consider postponing appointments / reappointments to all of Marin LAFCO's standing committees for the 2018 calendar year until the recruitment of the Executive Officer position has been completed. This includes the (a) Policy and Personnel, (b) Legislative, (c) Public and Technical Information, and (d) Budget Committees.

**PUBLIC HEARING ITEMS**

Public hearing items require expanded public notification per provisions in State Law or directives of the Commission or Executive Officer.

**10. Policy Amendments I****Special District Appointments to Consolidated Redevelopment Oversight Board District (action)**

The Commission will consider recommended amendments to its existing policies governing the administration of the Procedures of Special District Appointments. The amendments address new legislation for LAFCO to conduct elections to appoint a special district representative to a consolidated oversight board tasked with completing the remaining activities of the three successor redevelopment agencies in Marin County. The amendments have been developed with feedback from the Policy and Personnel Committee and establish specific eligibility, allowances, and procedures in conducting an election ahead of the July 1, 2018 appointment deadline.

**BUSINESS ITEMS**

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

**11. Approval of a New Payroll Accounting System and Related Actions (action)**

The Commission will consider approving a new payroll accounting system marked by the transition away from the County of Marin to an independent process directly managed by Marin LAFCO through ADP Payroll Solutions. It is also requested the Commission authorize the Executive Officer to enter into a contract with ADP to provide payroll and related services as part of this transition through the end of the calendar year.

**12. Ratification on Selection of Executive Search Firm and Other Related Actions (action)**

The Commission will consider formal ratification of the Policy Committee's recommendation and selection of Peckham & McKenney for professional services tied to the recruitment of the Executive Officer position. This includes entering into a contract agreement of \$29,000, and authorizing the Policy Committee to administer the recruitment process.

**13. Ratification on Selection of Commission Counsel and Other Related Actions (action)**

The Commission will consider formal ratification of the Policy Committee's recommendation and selection of Best Best and Krieger (BBK) for legal services tied to the appointment of Commission Counsel. This includes entering into a contract agreement at a rate of \$250 per hour for general counsel services.

**EXECUTIVE OFFICER REPORT**

**COMMISSIONER ANNOUNCEMENTS AND REQUESTS**

**ADJOURNMENT TO NEXT MEETING**

Thursday, April 12, 2018



Attest: Rachel Jones  
Interim Executive Officer

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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**  
Administrative Office  
1401 Los Gatos Drive, Suite 220  
San Rafael California 94903

T: 415-448-5877  
E: [staff@marinlafco.org](mailto:staff@marinlafco.org)  
W: [marinlafco.org](http://marinlafco.org)

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**Marin Local Agency Formation Commission**  
**Regional Service Planning | Subdivision of the State of California**

**AGENDA REPORT**

February 8, 2018

Item No. 1 (Consent/Action)

February 2, 2018

**TO:** Marin Commissioners

**FROM:** Rachel Jones, Interim Executive Officer

**SUBJECT:** **Approval of Meeting Minutes | December 14, 2017 Regular Meeting**  
 Staff has prepared meeting minutes for the last meeting of the Commission. The minutes are being presented for formal approval with any desired corrections or clarifications.

Local Agency Formation Commissions (LAFCOs) are political subdivisions of the State of California responsible for providing regional growth management services in all 58 counties. LAFCOs’ duties and responsibilities are prescribed under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

**Background**

The Ralph M. Brown Act was enacted by the State Legislature in 1953 and establishes standards and processes therein for the public to attend and participate in meetings of local government bodies as well as those local legislative bodies created by State law; the latter category applying to LAFCOs. The “Brown Act” requires – and among other items – public agencies to maintain minutes for all meetings.

**Discussion**

This item is for Marin LAFCO (“Commission”) to consider approving action minutes for the December 14, 2017 regular meeting. Attendance is noted below:

- All members were present at meeting held on December 14<sup>th</sup> with the exceptions of Commissioners McEntee and Alternate Commissioner Arnold.

The action minutes for both listed meetings accurately reflect the Commission’s actions as recorded by staff. A video recording of the December 14<sup>th</sup> meeting is also available online for viewing at [www.marinlafco.org](http://www.marinlafco.org).

## **Alternatives for Action**

The following alternatives are available to the Commission:

### Alternative One (Recommended):

Approve the draft action minutes prepared for the December 14<sup>th</sup> meeting with any desired corrections or clarifications.

### Alternative Two:

Continue consideration of the item to the next regular meeting and provide direction to staff as needed.

## **Recommendation**

It is recommended the Commission proceed with the action identified in the preceding section as Alternative One.

## **Procedures for Consideration**

This item has been placed on the agenda as part of the consent calendar. Accordingly, a successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation as provided unless otherwise specified by the Commission.

Respectfully,



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Rachel Jones  
Interim Executive Officer

### Attachments:

- 1) Draft Minutes for December 14, 2017



# Marin Local Agency Formation Commission

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

### MINUTES

#### REGULAR MEETING

Thursday, December 14, 2017  
Marin Clean Energy | Charles McGlashan Room  
1125 Tamalpais Avenue, San Rafael, California

#### CALL TO ORDER BY CHAIR

Chair Blanchfield called the meeting to order at 7:00 pm.

#### ROLL CALL BY CHAIR

**Regulars Present:** Jeff Blanchfield, Chair  
Carla Condon, Vice Chair  
Jack Baker  
Damon Connolly  
Craig K. Murray  
Dennis Rodoni

**Alternates Present:** Matt Brown\*  
Chris Skelton  
Lew Kious

*\* voting in place of absent regular members*

#### AGENDA REVIEW

Chair Blanchfield asked if there were any requests for changes to the agenda. No requests were made.

#### OPEN TIME

Chair Blanchfield invited members of the audience to address the Commission on any LAFCO related matters not listed on the agenda. No requests were made from the public.

## **CONSENT CALENDAR ITEMS**

All items calendared as consent are considered ministerial or non-substantive and subject to a single motion approval. The Chair of designee will also consider requests from the Commission to pull an item for discussion.

**1. Approval of Meeting Minutes | October 12, 2017 Regular Meeting (action)**

Staff has prepared meeting minutes for the last meeting of the Commission. The minutes are being presented for formal approval with any desired corrections or clarifications.

**2. Commission Ratification | Reconciled Payments from September 1 to September 30, 2017 (action)**

The Commission will consider ratifying payments made by the Interim Executive Officer for the month of September. The payments cover all reconciled payroll and non-payroll expenses during the period and total \$43,372. The payments are being presented for formal ratification consistent with adopted policies.

**3. Budget Update for 2017-2018 and Year End Projections (action)**

The Commission will review a report comparing budgeted and actual transactions for 2017-2018 through November 30th and its projection Marin LAFCO is on pace to finish with a net difference of \$13,685 or 2.5%. This projection marks a significant improvement over the budgeted operating net of (\$10,000) and is largely tied to anticipated savings in payroll costs for reasons detailed. The report is being presented to the Commission to accept and file and to provide direction as needed.

**4. Approval of Meeting Dates for Calendar Year 2018 (action)**

The Commission will consider setting regular dates for the upcoming fiscal year as required under policy. Regular meeting dates are proposed for each even-numbered month with the resulting dates falling on February 8<sup>th</sup>, April 12<sup>th</sup>, June 14<sup>th</sup>, August 9<sup>th</sup>, October 11<sup>th</sup>, and December 13<sup>th</sup>. The Commission will also consider to postpone one special meeting, its Strategic Planning Workshop until the recruitment of a full-time Executive Officer.

**5. Progress Report on 2017-2018 Work Plan (action)**

The Commission will receive a progress report on accomplishing specific projects established as part of the adopted work plan for 2017-2018. The report is being presented to the Commission to formally accept as well as to provide direction to staff as needed.

**6. Current and Pending Proposals (information)**

The Commission will receive a report identifying active proposals on file with Marin LAFCO as required under statute. The report also identifies pending local agency proposals to help telegraph future workload. The report is being presented to the Commission for information only.

**7. Joint Powers of Authority | Agreements and Amendments Received (information)**

The Commission will receive an initial report identifying Joint Powers Authorities (JPAs) within Marin County that provide a municipal service as part of the requirements imposed by Senate Bill 1266 and that have submitted their agreements and any additional amendments with Marin LAFCO. The report is being presented to the Commission for information only.

**8. Notice of Expiring Commissioner Terms (information)**

The Commission will receive a report identifying membership terms that are set to expire on May 7, 2018 and necessitate new appointments and or reappointments. The report is being presented for information only.

**9. Little Hoover Commission Report I Special Districts (information)**

The Commission will receive a report from the Little Hoover Commission outlining recommendations to improve the oversight and transparency of special districts. The report is being presented to the Commission for information only.

**10. CALAFCO Annual Report to the Membership (information)**

The Commission will receive CALAFCO's annual report on current and pending activities of interest to the 58-member LAFCOs. The annual report is part of a journal prepared by the Executive Director and highlights, among other items, current legislative themes and priorities as well as case studies involving special district consolidations. The annual report is being presented to the Commission for information only.

**APPROVED; M/S made by Commissioners Murray and Condon to approve the consent calendar and recommendations therein; all yes.**

**PUBLIC HEARING ITEMS**

**There were no public hearing items at the December 14<sup>th</sup> Commission meeting.**

**BUSINESS ITEMS**

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

**11. Proposal for Annexation of 1501 Lucas Valley Road to the Marin Municipal Water District (action)**

The Commission has received an application by the affected landowner (Andre Souang) requesting approval to annex approximately 61.3 acres of unincorporated/improved territory (164-280-35) located at 1501 Lucas Valley Road to Marin Municipal Water District (MMWD). The affected territory is improved with an existing single-family residence that was acquired by the applicant with the intention of serving as a primary residence going forward. The applicant is proposing annexation to MMWD to provide a reliable source of domestic water service given concerns regarding the continued use of an onsite well. The Commission extracted this proposal from an earlier and larger application involving a concurrent sphere amendment and annexation request to the Las Gallinas Valley Sanitary District, which was conditionally approved with amendments on February 12, 2015 and ultimately recorded on September 12, 2016.

**Staff gave a brief summary of the proposal, explaining that this item had returned to the Commission from a prior application.**

**Staff made two modifications regarding the proposal. The first modification includes taking 6.7 acres from a public right away to prevent an island if the annexation was approved. The second modification is to ensure MMWD has the capacity to adequately provide service, and enter into an agreement with the landowner to limit the amount of water usage to only the existing single family residence.**

**Commission discussion followed with questions from Chair Blanchfield and Alternate Commissioner Skelton. Comments from Commissioners Murray and Baker were made.**

**APPROVED; M/S made by Commissioners Connolly and Rodoni to approve the annexation of 1501 Lucas Valley Road to the Marin Municipal Water District; all yes.**

**12. Contract Bookkeeping (action)**

The Commission will consider authorizing the Interim Executive Officer to enter into a memorandum of understanding with Alyssa Schiffmann to provide bookkeeping and related account services through December 31, 2019 and at a total do-not-to-exceed cost of \$15,000. Staff is also seeking authorization to expire its existing contract for support services with Southern Marin Fire Protection District.

**The Interim Executive Officer explained Alyssa Schiffmann's qualifications to be the sole bookkeeper for Marin LAFCO.**

**No public comments were made.**

**Commission discussion followed.**

**APPROVED; M/S made by Commissioners Murray and Baker to authorize a memorandum with Alyssa Schiffmann for bookkeeping services and expire agreement with SMFPD; all yes**

**13. Legislative Report I End of Year Report on 2017 and Preview for 2018 (discussion)**

The Commission will receive an update from the Legislative Committee provided at CALAFCO's 2017 Annual Conference in San Diego as it relates to proposals impacting Local Agency Formation Commissions. The report is being presented to the Commission for discussion only.

**Staff updated the Commission with status of bills that would directly affect LAFCO. These bills include Assembly Bill (AB) 448, 464, 979, 1361, and 1725.**

**Commission discussion followed.**

**14. Social Media Policies and Protocols (action)**

The Commission will consider adopting policies involving the use of social media accounts as it relates to effective communication with local governmental agencies and the public.

**The Interim Executive Officer explained that CALAFCO has encouraged increased social media presence to promote the goals and responsibilities of LAFCOs.**

**Commission discussion followed.**

**APPROVED; M/S made by Commissioners Condon and Brown to adopt social media policies presented to the Commission and give direction to the Policy Committee as to incorporate these social media policies into the staff handbook; all yes.**

**15. Appointment of Commission Counsel I Agreement (action)**

The Commission will receive a report back from the Policy Committee (Blanchfield, Baker and Connolly) with respect to the review of submittals received as part of a formal request for proposals on legal services for Marin LAFCO. This is expected to include the recommendation for the Commission to enter into an agreement with the top selected candidate at specified costs and terms. A separate agenda report on this item outlining review results of the three finalists will be issued prior to the December 14<sup>th</sup> meeting date.

**Chair Blanchfield updated the Commission regarding the status of the search for legal services for Marin LAFCO. Chair Blanchfield stated the Policy Committee would have more information for the Commission at the February 8<sup>th</sup> meeting.**

**16. Report from CALAFCO Annual Conference (discussion)**

Attendees will provide a report to the Commission on sessions and related activities from the CALAFCO Annual Conference held in San Diego from October 25<sup>th</sup> to 27<sup>th</sup>. Verbal report only.

**Report back from the CALAFCO Conference by the Interim Executive Officer and Commissioners Murray and Skelton.**

**Staff added Pamela Miller, Executive Director of CALAFCO, thanked the Commission for providing funding for staff and commissioners to attend the Annual Conference.**

**EXECUTIVE OFFICER REPORT**

Update on Request for Proposal for Executive Search Services

**COMMISSIONER ANNOUNCEMENTS AND REQUESTS**

**Chair Blanchfield discussed the need to push back the Strategic Planning Retreat until after the accrual of a permanent Executive Officer.**

**Chair Blanchfield discussed seating arrangements and recommended that the Policy Committee research into previous seating arrangement practices of the Commission.**

**ADJOURNMENT TO NEXT MEETING**

**Chair Blanchfield adjourned the meeting at 8:20 p.m.**



Attest: Rachel Jones  
Interim Executive Officer

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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.

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# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## AGENDA REPORT

February 8, 2018

Item No. 2 (Consent / Action)

February 2, 2018

**TO:** Marin Commissioners  
**FROM:** Rachel Jones, Interim Executive Officer  
Alyssa Schiffmann, Contract Bookkeeper

**SUBJECT: Commission Ratification |  
Reconciled Payments from October 1 to November 30, 2017**

The Commission will consider ratifying payments made by the Executive Officer during the months of October and November. The payments cover all reconciled payroll and non-payroll expenses during the period and total \$25,445. The payments are being presented for formal ratification per adopted policies.

Local Agency Formation Commissions (LAFCOs) are responsible under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”) to establish written policies and procedures in providing regional growth management services in all 58 counties in California. LAFCOs are also authorized to make their own provisions – including entering into contracts and agreements and without going through the Department of General Services – for all necessary staffing and service needs therein.

### Background

Marin LAFCO’s (“Commission”) adopted Policy Handbook delegates the Executive Officer to make purchases and related procurements necessary in overseeing the day-to-day business of the agency. The Policy Handbook also directs all payments made by the Executive Officer be reconciled at the end of each month by the membership’s contracted bookkeeper. All reconciled payments are to be reported to the Commission at the next available meeting for formal ratification.

### Discussion

This item is for the Commission to consider ratification of all payments made by the Executive Officer between October 1 and November 30<sup>th</sup>. These payments have been reconciled by the Commission’s contracted bookkeeper – Alyssa Schiffmann– and total \$25,445. The payments are detailed in Attachment One.

## **Alternatives for Action**

The following alternatives are available to the Commission:

### Alternative One (Recommended):

Ratify the reconciled payments made by the Interim Executive Officer between October 1<sup>st</sup> and November 30<sup>th</sup> as shown in Attachment One.

### Alternative Two:

Continue consideration of the item to the next regular meeting and provide direction to staff as needed.

## **Recommendation**

It is recommended the Commission proceed with the actions outlined in the preceding section as Alternative One.

## **Procedures for Consideration**

This item has been placed on the agenda as part of the consent calendar. Accordingly, a successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

Respectfully,



Rachel Jones  
Interim Executive Officer

### Attachments:

- 1) Reconciled Payments from October 1 to November 30, 2017

## Marin Local Agency Formation Commission Expenses by Vendor Detail October through November 2017

Type	Date	Num	Memo	Account	Cir	Split	Amount	Balance
<b>ALHAMBRA &amp; SIERRA SPRINGS</b>								
Check	10/10/2017	1276	Services Through September 2017	5220110 · Office Su...		1110000 · Well...	25.41	25.41
Check	11/14/2017	1300	Services Through October 2017	5220110 · Office Su...		1110000 · Well...	21.95	47.36
Total ALHAMBRA & SIERRA SPRINGS							47.36	47.36
<b>AT&amp;T</b>								
Check	11/22/2017	1307	Final Payment for Account Closure	5210710 · Communi...		1110000 · Well...	215.55	215.55
Total AT&T							215.55	215.55
<b>BAKER, JOHN M</b>								
Check	10/30/2017	1288	Per Diem   10-12-17 Meeting	5211533 · Commissi...		1110000 · Well...	125.00	125.00
Total BAKER, JOHN M							125.00	125.00
<b>BARBIER SECURITY GROUP</b>								
Check	11/14/2017	1301	October 2017 Meeting	5210110 · Professio...		1110000 · Well...	160.00	160.00
Total BARBIER SECURITY GROUP							160.00	160.00
<b>BLANCHFIELD, JEFFRY S</b>								
Check	10/30/2017	1280	Per Diem for 10-12-17 Meeting	5211533 · Commissi...		1110000 · Well...	125.00	125.00
Check	10/30/2017	1280	Per Diem for 10-12-17 Meeting	5220110 · Office Su...		1110000 · Well...	0.00	125.00
Check	10/30/2017	1280	Per Diem for 10-12-17 Meeting	5211440 · Travel - ...		1110000 · Well...	0.00	125.00
Total BLANCHFIELD, JEFFRY S							125.00	125.00
<b>Chris Skelton</b>								
Check	10/30/2017	1282	Per Diem   10-12-17 Meeting	5211533 · Commissi...		1110000 · Well...	125.00	125.00
Check	11/03/2017	1290	CALAFCO Conference   Airfare	5211440 · Travel - ...		1110000 · Well...	193.96	318.96
Check	11/17/2017	1303	CALAFCO Conference   Airfare	5211440 · Travel - ...		1110000 · Well...	105.62	424.58
Check	11/17/2017	1302	Personal iPad Cover	5210935 · Office Eq...		1110000 · Well...	42.41	466.99
Total Chris Skelton							466.99	466.99
<b>COMCAST</b>								
Check	11/06/2017	1293	Through November 16 2017	5210710 · Communi...		1110000 · Well...	205.92	205.92
Check	11/22/2017	1306	Through December 16 2017	5210710 · Communi...		1110000 · Well...	224.93	430.85
Total COMCAST							430.85	430.85
<b>CONDON, CARLA STONE</b>								
Check	10/30/2017	1281	LAFCO Per Diem 10-12-17	5211533 · Commissi...		1110000 · Well...	125.00	125.00
Total CONDON, CARLA STONE							125.00	125.00
<b>CONNOLLY, DAMON</b>								
Check	10/30/2017	1286	Per Diem   10-12-17	5211533 · Commissi...		1110000 · Well...	125.00	125.00
Total CONNOLLY, DAMON							125.00	125.00

## Marin Local Agency Formation Commission Expenses by Vendor Detail October through November 2017

Type	Date	Num	Memo	Account	Cir	Split	Amount	Balance
<b>GRAF VAN &amp; STORAGE INC</b>								
Check	10/19/2017	1274		5211215 · Rent - St...		1110000 · Well...	35.19	35.19
Check	11/14/2017	1295	Through November 2017	5211215 · Rent - St...		1110000 · Well...	35.19	70.38
Total GRAF VAN & STORAGE INC							70.38	70.38
<b>MARIN IT INC</b>								
Check	10/10/2017	1275	Justin DeMars - Server	5210710 · Communi...		1110000 · Well...	131.25	131.25
Total MARIN IT INC							131.25	131.25
<b>MARIN MAC TECH</b>								
Check	10/10/2017	1273		5210935 · Office Eq...		1110000 · Well...	595.00	595.00
Check	11/14/2017	1294	IT Services Through 10-15-2017	5210710 · Communi...		1110000 · Well...	595.00	1,190.00
Check	11/17/2017	1304	IT Services Through 11-15-2017	5210710 · Communi...		1110000 · Well...	595.00	1,785.00
Total MARIN MAC TECH							1,785.00	1,785.00
<b>Matt Brown</b>								
Check	10/30/2017	1284	LAFCO Per Diem 10-12-17 Meeting	5211533 · Commissi...		1110000 · Well...	125.00	125.00
Total Matt Brown							125.00	125.00
<b>McENTEE, SASHI</b>								
Check	10/30/2017	1283	Per Diem   10-12-17 Meeting	5211533 · Commissi...		1110000 · Well...	125.00	125.00
Total McENTEE, SASHI							125.00	125.00
<b>MCERA</b>								
Check	11/14/2017	1299	Retirement OPEB	5130525 · CalPERS...		1110000 · Well...	445.47	445.47
Total MCERA							445.47	445.47
<b>MURRAY, CRAIG K</b>								
Check	10/30/2017	1287	Per Diem  10-12-17 Meeting	5211533 · Commissi...		1110000 · Well...	125.00	125.00
Check	11/03/2017	1291	CALAFCO Conference 2017   Airfare	5211440 · Travel - ...		1110000 · Well...	211.40	336.40
Check	11/03/2017	1292	CALAFCO Conference 2017   Airfare	5211325 · Conferen...		1110000 · Well...	543.20	879.60
Check	11/14/2017	1296	CALAFCO Conference 2017   Airfare	5211440 · Travel - ...		1110000 · Well...	147.38	1,026.98
Total MURRAY, CRAIG K							1,026.98	1,026.98
<b>PAYROLL</b>								
Check	10/06/2017	691		5110110 · Sal - Reg...		1110110 · Equi...	3,043.20	3,043.20
Check	10/06/2017	691		5110323 · Sick Leave		1110110 · Equi...	0.00	3,043.20
Check	10/06/2017	691		5110328 · Personal ...		1110110 · Equi...	0.00	3,043.20
Check	10/06/2017	691		5110324 · Vacation ...		1110110 · Equi...	0.00	3,043.20
Check	10/06/2017	691		5110313 · Holiday Pay		1110110 · Equi...	0.00	3,043.20
Check	10/06/2017	691		5130520 · Co Ret C...		1110110 · Equi...	0.00	3,043.20
Check	10/06/2017	691		5130521 · Co Ret C...		1110110 · Equi...	258.37	3,301.57
Check	10/06/2017	691		5130110 · Ben-Med-...		1110110 · Equi...	1.12	3,302.69
Check	10/06/2017	691		5130120 · County of...		1110110 · Equi...	351.16	3,653.85

**Marin Local Agency Formation Commission**  
**Expenses by Vendor Detail**  
**October through November 2017**

Type	Date	Num	Memo	Account	Cir	Split	Amount	Balance
Check	10/06/2017	691		5130210 · Dental In...		1110110 · Equi...	21.99	3,675.84
Check	10/06/2017	691		5130310 · Vision Se...		1110110 · Equi...	2.55	3,678.39
Check	10/06/2017	691		5130410 · Benefits -...		1110110 · Equi...	12.97	3,691.36
Check	10/06/2017	691		5140140 · Payroll Tax		1110110 · Equi...	85.20	3,776.56
Check	10/06/2017	691		5130524 · Benefits -...		1110110 · Equi...	0.00	3,776.56
Check	10/20/2017	2058		5110110 · Sal - Reg...		1110110 · Equi...	3,043.20	6,819.76
Check	10/20/2017	2058		5130521 · Co Ret C...		1110110 · Equi...	258.37	7,078.13
Check	10/20/2017	2058		5130110 · Ben-Med-...		1110110 · Equi...	1.12	7,079.25
Check	10/20/2017	2058		5130120 · County of...		1110110 · Equi...	351.16	7,430.41
Check	10/20/2017	2058		5130210 · Dental In...		1110110 · Equi...	21.99	7,452.40
Check	10/20/2017	2058		5130310 · Vision Se...		1110110 · Equi...	2.55	7,454.95
Check	10/20/2017	2058		5130410 · Benefits -...		1110110 · Equi...	12.97	7,467.92
Check	10/20/2017	2058		5140140 · Payroll Tax		1110110 · Equi...	85.19	7,553.11
Check	11/03/2017	257		5110110 · Sal - Reg...		1110110 · Equi...	5,452.80	13,005.91
Check	11/03/2017	257		5130521 · Co Ret C...		1110110 · Equi...	462.94	13,468.85
Check	11/03/2017	257		5130110 · Ben-Med-...		1110110 · Equi...	1.12	13,469.97
Check	11/03/2017	257		5130120 · County of...		1110110 · Equi...	351.16	13,821.13
Check	11/03/2017	257		5130210 · Dental In...		1110110 · Equi...	21.99	13,843.12
Check	11/03/2017	257		5130310 · Vision Se...		1110110 · Equi...	2.55	13,845.67
Check	11/03/2017	257		5130410 · Benefits -...		1110110 · Equi...	12.97	13,858.64
Check	11/03/2017	257		5140140 · Payroll Tax		1110110 · Equi...	168.35	14,026.99
Total PAYROLL							14,026.99	14,026.99
<b>RICOH USA INC</b>								
Check	11/14/2017	1298	Copier Costs October 2017	5211520 · Publicatio...		1110000 · Well...	340.42	340.42
Total RICOH USA INC							340.42	340.42
<b>RODONI, DENNIS JAMES</b>								
Check	10/30/2017	1285	Per Diem   10-12-17	5211533 · Commissi...		1110000 · Well...	125.00	125.00
Total RODONI, DENNIS JAMES							125.00	125.00
<b>SECURITY MORTGAGE GROUP 2</b>								
Check	10/10/2017	1278	October 2017	5211270 · Office Le...		1110000 · Well...	2,565.25	2,565.25
Check	11/01/2017	1289	November 2017	5211270 · Office Le...		1110000 · Well...	2,565.25	5,130.50
Total SECURITY MORTGAGE GROUP 2							5,130.50	5,130.50
<b>US BANK GOVERNMENT SERVICES</b>								
Check	10/04/2017	1731	dropbox	5210710 · Communi...		1110110 · Equi...	9.99	9.99
Total US BANK GOVERNMENT SERVICES							9.99	9.99

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Accrual Basis

**Marin Local Agency Formation Commission**  
**Expenses by Vendor Detail**  
October through November 2017

Type	Date	Num	Memo	Account	Cir	Split	Amount	Balance
<b>VERIZON WIRELESS</b>								
Check	10/10/2017	1277	EO Mobile Plan   Thru October 2017	5210710 · Communi...		1110000 · Well...	141.13	141.13
Check	11/14/2017	1297	EO Mobile Plan   Thru November 2...	5210710 · Communi...		1110000 · Well...	141.13	282.26
Total VERIZON WIRELESS							282.26	282.26
<b>TOTAL</b>							<b>25,444.99</b>	<b>25,444.99</b>



# Marin Local Agency Formation Commission

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

### AGENDA REPORT

February 8, 2018

Item No. 3 (Consent / Action)

February 2, 2018

**TO:** Marin Commissioners

**FROM:** Rachel Jones, Interim Executive Officer  
Alyssa Schiffmann, Contract Bookkeeper

**SUBJECT: Budget Update for 2017-2018 and Year End Projections**  
The Commission will review a report comparing budgeted and actual transactions for 2017-2018 through January 31, 2018 and its projection Marin LAFCO is on pace to finish with an operating net of \$13,685.28 or 2.5%. This projection marks a significant improvement over the budgeted operating net of (\$10,000) and is largely tied to anticipated savings in payroll costs for reasons detailed. The report is being presented to the Commission to accept and file and to provide direction as needed.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 mandates operating costs for Local Agency Formation Commissions (LAFCOs) shall be annually funded by the affected counties, cities, and independent special districts on a one-third apportionment process. Apportionments for cities and independent special districts are further divided and proportional to each agency’s total revenues as a percentage of the overall revenue amount collected by these agencies as determined by the State Controller’s Office. LAFCOs are also authorized to collect fees to offset contributions.

### Background

Marin LAFCO’s (“Commission”) adopted final budget for 2017-2018 totals \$556,781. This amount represents the total approved operating expenditures for the fiscal year divided between three active expense units: salaries and benefits; administrative activities; and services and supplies. A purposeful operating deficit of (\$10,000) or (1.8%) was budgeted with setting annual revenues at \$546,781 in step with phasing a corresponding contribution increase among the funding agencies in recent years. Budgeted revenues are divided between three active units and are intergovernmental contributions, service charges, and investments. The Commission’s estimated available unaudited fund balance as of July 1, 2017 was \$191,436.

Budgeted 17-18 Expenses	Budgeted 17-18 Revenues	Budgeted 17-18 Year End Balance	Budgeted 17-18 Revenues
\$556,781	\$546,781	(\$10,000)	\$191,436

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**Carla Condon, Vice Chair**  
Town of Corte Madera

**Sashi McEntee, Regular**  
City of Mill Valley

**Matthew Brown, Alternate**  
Town of San Anselmo

**Jack Baker, Regular**  
North Marin Water District

**Craig K. Murray, Regular**  
Las Gallinas Valley Sanitary

**Lew Kious, Alternate**  
Almonte Sanitary District

**Jeffrey Blanchfield, Chair**  
Public Member

**Chris Skelton, Alternate**  
Public Member

## Discussion

This item is for the Commission to receive an update comparison of (a) budget to (b) actual expenses and revenues through the month of January. The report provides the Commission the opportunity to track expenditure trends accompanied by year-end operating balance projections from the Executive Officer. The report is being presented to the Commission to formally accept and file and provide related direction as needed.

## Summary of Operating Expenses

The Commission’s budgeted operating expense total for 2017-2018 is \$556,781. Actual expenses processed through the first seven months totaled \$158,605; an amount representing 28.5% of the budgeted total with 58.6% of the fiscal year complete.

Expense Units	Adopted w/ Amendments	Actuals Through 1/31	Percent Expended	Unexpected Balance
1) Salaries and Benefits	360,639	65,371	18%	295,268
2) Administrative	90,614	16,320	18%	74,294
3) Services and Supplies	105,529	72,176	73%	33,353
4) Contingencies	-	-	-	-
<b>Total</b>	<b>\$556,781</b>	<b>\$158,605</b>	<b>29%</b>	<b>\$398,176</b>

Actuals through the first seven months or first half and related analysis suggest the Commission is on pace to finish the fiscal year with \$533,096 in total expenses and produce an unexpended budgeted savings of \$23,686 or 4%. An unexpended discussion on budgeted and actual expenses through the first seven months and related year-end projections follow.

### Salaries / Benefits Unit

The Commission budgeted with amendments \$360,639 in the Salaries and Benefits Unit for 2017-2018 with proceeds largely tied to funding 2.85 fulltime equivalent employees as well as existing retiree obligations. Through the first seven months the Commission’s actual expenses within the seven affected accounts totaled \$65,371 or 18% of the budgeted amount. One of the accounts – Workers Compensation – finished with balances exceeding the proportional 59% spending threshold for the period with explanations provided below. Additionally, with the recent departure of one fulltime equivalent employee, the Executive Officer, and the hiring of a part-time employee, the Administrative Associate, it is reasonable to assume staff salaries, benefits and pension contributions will amount to only 80% of the budgeted totals with the adjustment in anticipated staffing levels. In the absence of any additional amendments at this time, however, it is projected the Commission finish the fiscal year with an expense total of \$293, 380, and result in a surplus of \$67,259 or 19%.<sup>1</sup>

- Workers Compensation

This account covers the Commission’s contract costs to participate in the Special Districts Risk Management Authority’s (SDRMA) risk-pool for employee injury and disability coverage while performing work-related functions. The Commission budgeted \$1,774 in this account in 2017-2018 based on recent trends and ahead of a formal notification from SDRMA. Actual

<sup>1</sup> The projected year-end total assumes the Commission Clerk will remain on full leave through June 30<sup>th</sup> and factors in the reduction in anticipated staffing levels.

expenses through January totaled \$1,643 or 94.2% of the budgeted amount and tied to providing full invoice payment in September. Staff anticipates all budgeted costs are paid and the Commission will finish with a \$0 ending balance.

### **Administrative Activities Unit**

The Commission budgeted with amendments \$90,614 in the Administrative Activities Unit for 2017-2018 to provide funding for *direct* support services necessary to operate Marin LAFCO (emphasis).<sup>2</sup> Through the first seven months the Commission's actual expenses within the six affected accounts totaled \$16,320 or 18% of the budgeted amount. Two of the affected accounts – Work Conferences and Commissioner Pier Diems – finished with balances exceeding the proportional 59% spending threshold for the period with explanations provided below. Additionally, with the departure of one fulltime equivalent employee, it is reasonable to assume the Commission will expend additional consultant costs over the current budgeted outlay in professional services for additional staff and legal support. In the absence of subsequent amendments at this time, it is projected the Commission will finish the fiscal year with an expense total of \$132,614 and result in a shortfall of (\$42,000) or (46%).

- Work Conferences

This account covers the Commission's costs for continued educational training specific to attending overnight conferences and workshops. The Commission budgeted \$2,965 in this account for 2017-2018 based on recent actual trends. Actual expenses through January totaled \$3,127 and attributed to registration costs for the CALAFCO Annual Conference held in October in San Diego. Staff projects no additional registration costs over the succeeding five months and estimates a resulting year-end shortfall of (\$1,676) or (44%).

- Commissioner Pier Diems

This account covers the Commission's stipends to attend regular and special meetings. The Commission budgeted \$11,000 in this account for 2017-2018 based on recent actual trends. Actual expenses in this account through January totaled \$6,875 or 62.5% of the budgeted amount and can be attributed to additional Committee meetings for legal and recruitment services. It is projected the Commission will ultimately expend \$13,000 in this account through June, and result in a yearend shortfall of (\$2,000) or (15.4%).

### **Services and Supplies Unit**

The Commission budgeted \$105,529 in the Services and Supplies Unit for 2017-2018 to provide funding for indirect support services necessary to operate Marin LAFCO (emphasis). Through the first seven months the Commission's actual expenses within the 11 affected accounts totaled \$76,914 or 73% of the budgeted amount. Six accounts – Membership Dues, General Insurance, Communication Services, Office Equipment and Replacement, Ongoing Education and Training, and Graphic Website/Design– finished with balances exceeding the proportional 59% spending threshold for the period with explanations provided below. In the absence of subsequent amendments, it is projected the Commission will finish the fiscal year with an expense total of \$107,102, and result in an overall shortfall of (\$1,573) or (1.5%).

- Membership Dues

This account covers the Commission's annual dues for ongoing membership with several

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<sup>2</sup> The original budgeted amount in the Administrative Unit totaled \$86,114. This total was subsequently amended to \$90,614 with the increase - \$4,500 – being drawn from the Salaries/Benefits Unit.

outside agencies and organizations as previously authorized by the members. This includes MarinMap and CALAFCO memberships. The Commission budgeted \$14,556 in this account for 2017-2018 based on recent actual trends. Actual expenses in this account through the first seven months totaled \$14,025 or 96.4% of the budgeted amount and tied to providing full payment of all budgeted costs with the exception of Marin Television. Staff anticipates all budgeted costs will be paid and the Commission will finish with a \$0 ending balance.

- General Insurance

This account covers the Commission's contract cost to participate in SDRMA's risk-pool for general liability coverage to meet future claims and losses tied to third-party injuries and property damages. The Commission budgeted \$3,993 in this account in 2017-2018 based on the prior year's charge. Actual expenses through the first seven months totaled \$3,993 or 100% of the budgeted amount and tied to providing full payment upon receipt of an invoice in August. No other invoices are expected, and accordingly the Commission should finish the fiscal year with an ending balance of \$0.

- Communication Services

This account principally covers the Commission's three traditional communicative expenses, internet/network provision, website hosting, and office telephone/facsimile lines. The Commission budgeted \$8,236 in this account for 2017-2018. Actual expenses in this account through the first seven months totaled \$5,209 or 63% of the budgeted amount with the costs primarily associated with rental totals for postage solutions and a final payment to resolve a claim with AT&T. Staff anticipates year-end expenses totaling \$8,236 and resulting in an ending balance of \$0.

- Office and Equipment

This account covers the Commission's general overhead costs ranging from basic material supplies to office furniture. The Commission amended its budget to \$23,066 in this account for 2017-2018 based on projected year-end totals. Actual expenses in this account through the first seven months totaled \$20,216 or 87.6% of the budgeted amount. Nearly two-thirds of these expenses are attributed to the purchase, delivery and set up of a new computer network system and computers for four workstations; costs that had been amended to the budget this fiscal year. It is projected the Commission will ultimately expend \$25,000 in this account through June, and result in a year-end deficit of (\$1,934) or (8%).

- Training

This account covers ongoing education services for Commissioners and staff. The Commission budgeted \$1,250 in this account for 2017-2018. Actual expenses in this account through the first seven months totaled \$1,350 or 108% of the budgeted amount with the costs tied to the Interim Executive Officer completing a certificate program from eCornell in Measuring and Improving Business Performance. No additional expenses are expected within this account through June and producing a year-end deficit balance of (\$100) or (7.4%).

▪ Graphic/Website Design

This account covers the Commission’s general costs tied to utilizing professional services for all specified graphic and website design or edits. The Commission budgeted \$11,613 in this account in 2017-2018 with nearly all funds earmarked for the design, launch and maintenance of the new website. Actual expenses in this account through the first seven months totaled \$11,217 or 97% of the budgeted amount and predominately tied to paying in full the second of four annual installment payments to CivicPlus for website design and ongoing support services. Limited additional costs are expected, and as such the Commission is projected to finish with an ending balance of \$0.

**Summary of Operating Revenues**

The Commission’s budgeted operating revenue total for 2017-2018 is \$546,781. Actual revenues collected through the first seven months totaled \$523,076. This amount represents 96% of the budgeted total with 50% of the fiscal year complete. A summary comparison of budgeted to actual operating revenues follows.

<b>Revenue Unit</b>	<b>Adopted</b>	<b>Actuals Through 1/31</b>	<b>Percent Collected</b>	<b>Amount Outstanding</b>
1) Intergovernmental	514,781	514,781	100%	-
2) Service Charges	30,000	8,296	28%	21,704
3) Interest Earnings	2,000	544	0%	1,456
<b>Total</b>	<b>\$546,781</b>	<b>\$523,076</b>	<b>96%</b>	<b>\$23,705</b>

Actuals through the first seven months and related analysis suggest the Commission’s year-end revenue totals will tally \$546,781 and result in an ending balance of \$0. An expanded discussion on the budgeted and actual revenues through the first seven months in the main revenue units follows.

**Intergovernmental Fees Unit**

The Commission budgeted \$514,781 in the Intergovernmental Fees Unit for 2017- 2018. This total budgeted amount was to be divided into three equal shares at \$171,594 and invoiced among the County of Marin, 11 cities/towns, and 30 independent special districts as provided under State statute. All invoices are received. Accordingly, the Commission will finish with an ending balance of \$514,780 or 100% of the budgeted amount.

**Application Fees Unit**

The Commission budgeted \$30,000 in the Application Fees Unit for 2017-2018. Through the first seven months \$8,296 in application fees have been collected. Staff anticipates – and at least for budgeting purposes – the account ultimately tallying \$30,000 and result in a year-end balance of \$0.

**Interest Unit**

The Commission budgeted \$2,000 in the Interest Unit for 2017-2018. Through the first seven months \$544 of interest earnings by the County Treasurer have been collected. Staff anticipates –

and at least for budgeting purposes – the account ultimately tallying \$2,000 and result in a year-end balance of \$0.

Activity through the first seven months of the fiscal year indicates the Commission is proceeding as planned while also – and advantageously – on pace to eliminate its budgeted net operating deficit of (\$10,000) and finish with a surplus of \$13,685. This projected improvement is largely tied to accruing salary and related benefit savings associated with the continued leave of one the Commission’s three budgeted positions and the departure of the Executive Officer. These saving in salary and benefits – and among other potential uses – is expected to help absorb significant projected overruns in general administrative and office expenses with the latter tied to the purchase of a new computer networking system and ongoing support services.

### **Alternatives for Action**

The following alternatives are available to the Commission:

#### Alternative One (Recommended):

Accept and file the report as presented and provide direction as needed to staff with respect to any related matters for future consideration.

#### Alternative Two:

Continue consideration of the report to a future meeting and provide direction for more information as needed.

### **Recommendation**

It is recommended the Commission proceed with the actions outlined in the preceding section as Alternative One.

### **Procedures for Consideration**

This item has been placed on the agenda as part of the consent calendar. Accordingly, a successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

Respectfully,



Rachel Jones  
Interim Executive Officer

#### Attachments:

- 1) 2017-2018 General Ledger through January 31, 2018



Account	Description							% of Budget				
4710510	Agency Contributions	348,366	348,367	387,528	387,528	470,362	469,161	514,781	514,781	514,781	100.0%	514,781
		348,366	348,367	387,528	387,528	470,362	469,161	514,781	514,781	514,781	100.0%	514,781
<b>Service Charges</b>												
4640333	Application Fees	25,000	15,536	25,000	17,424	30,000	23,778	30,000	30,000	8,279	27.6%	30,000
4710631	Miscellaneous	-		226	365	-	-	-	-	-	-	-
		25,000	15,536	25,226	17,789	30,000	23,778	30,000	30,000	8,279	27.6%	30,000
<b>Investments</b>												
	Interest	1,500	700	1,500	769	1,500	1,417	2,000	2,000	544	27.2%	2,000
		1,500	700	1,500	769	1,500	1,417	2,000	2,000	-	0.0%	2,000
<b>REVENUE TOTALS</b>		<b>374,866</b>	<b>364,603</b>	<b>414,254</b>	<b>406,086</b>	<b>501,862</b>	<b>494,356</b>	<b>546,781</b>	<b>546,781</b>	<b>523,603</b>	<b>95.8%</b>	<b>546,781</b>
<b>OPERATING NET</b>		-	6,064	(56,000)	(55,713)	(25,000)	14,299	(10,000)	(10,000)			13,685.28
(negative amounts reflect draw down on reserves)												
<b>AUDITED FUND BALANCE</b>												
As of June 30th		\$ 196,618.00		\$ 177,137.00								



# Marin Local Agency Formation Commission

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

### AGENDA REPORT

February 8, 2018

Item No. 4 (Consent / Information)

February 2, 2018

**TO:** Marin Commissioners

**FROM:** Rachel Jones, Interim Executive Officer

**SUBJECT: Update on Municipal Service Review: San Rafael / Lucas Valley Regional Study**  
The Commission will receive a brief update on work to date as well as pending next steps for Marin LAFCO's scheduled municipal service review on public services in the San Rafael / Lucas Valley communities. The update is being presented for information only and in anticipation of bringing forward agency profiles as early as the next regular meeting.

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The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 directs Local Agency Formation Commissions (LAFCOs) to regularly prepare municipal service reviews in conjunction with updating each local agency's sphere of influence. The legislative intent of the municipal service review and its five-year cycle requirement is to proactively inform LAFCOs and the general public therein with regard to the availability and sufficiency of governmental services relative to need. Municipal service reviews may also lead LAFCOs to take other actions under their authority, such as forming, consolidating, or dissolving one or more local government agencies.

### Background

Marin LAFCO's ("Commission") current study schedule was adopted in August 2017 and calendars municipal service reviews and sphere of influence updates through 2021-2022. This includes the calendaring of a regional municipal service review on public services provided within the San Rafael / Lucas Valley area. The Commission reaffirmed the need and intent to proceed with the study as part of the current work plan with the stated expectation that the document independently evaluates the availability, adequacy, and performance of municipal services in the region relative to the Commission's regional growth management duties.

### Discussion

Consistent with adopted policy the Commission approved a formal scope of analysis for the municipal service review on governmental services in San Rafael / Lucas Valley region at its February 2016 meeting. The lack of anticipated progress is primarily the result of unexpected staffing shortfalls marked by the departure of the Executive Officer and the ongoing leave of the Clerk beginning in November 2015. The scope of analysis outlines five sequential phases of the study to provide a transparent roadmap in completing the municipal service review ranging from

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Las Gallinas Valley Sanitary

Lew Kious, Alternate  
Almonte Sanitary District

Jeffrey Blanchfield, Chair  
Public Member

Chris Skelton, Alternate  
Public Member

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prescribing content to timelines. The scope of analysis also formally identifies those public agencies to be included in the study. These agencies are listed below.

**City of San Rafael**

**Marinwood Community Services District**

**CSA No. 6 (Gallinas Creek)**

**CSA No. 9 (Northbridge)**

**CSA No. 13 (Lucas Valley)**

**CSA No. 18 (Las Gallinas)**

**CSA No. 19 (San Rafael)**

**CSA No. 23 (Terra Linda)**

Staff estimates the San Rafael / Lucas Valley study is set to be presented at the next regular meeting relative to the timelines prescribed in the approved scope of analysis. Currently staff remains in the midst of Phase Two and this includes working with District Managers of each affected agency to receive technical edits and feedback in preparing individual profiles for each agency. To date this includes holding multiple meetings as well as performing associated data collection with GIS. Staff nevertheless, believes much of Phase Two is near completion in terms of necessary data collection along with identifying performance metrics and the next month some needed catch up will be sustained. This includes staff's measured expectation of being able to start presenting agency profiles to the Commission as early as the next regular meeting.

### **Information**

This item is for the Commission to receive a brief update from staff on the work to date as well as pending next steps of the regional San Rafael / Lucas Valley study. The update is being presented for information only and in anticipation of bringing forward agency profiles as part of the second phase at the next regular meeting.



# Marin Local Agency Formation Commission

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

### AGENDA REPORT

February 8, 2018

Item No. 5 (Consent / Action)

February 2, 2018

**TO:** Marin Commissioners

**FROM:** Rachel Jones, Interim Executive Officer

**SUBJECT: Progress Report on 2017-2018 Work Plan**

The Commission will receive a progress report on accomplishing specific projects established as part of the adopted work plan for 2017-2018. The report is being presented to the Commission to formally receive and file as well as provide direction to staff as needed.

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Local Agency Formation Commissions (LAFCOs) are responsible for regulating the formation and development of local government agencies and municipal service areas under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH). This includes timing the establishment, expansion and reorganization of local government and their public services to meet current and future community needs. LAFCOs inform their regulatory powers through various administrative and planning activities with an increasing emphasis on performance measurement.

### Background

Marin LAFCO's ("Commission") current fiscal year work plan was adopted at a noticed public hearing held on June 8, 2017. The work plan is divided into two distinct categories – statutory and administrative – with one of three priority rankings: high; moderate; or low. The underlying intent of the work plan is to serve as a management tool to allocate Commission resources in an accountable and transparent manner over the corresponding 12-month period. Further, while it is a stand-alone document, the work plan should be reviewed in relationship to the adopted operating budget given the planned goals and activities are facilitated and or limited accordingly.

This item provides the Commission with a status update on the two-dozen plus targeted projects established for the fiscal year with a specific emphasis on the “top ten”: the projects that represent the highest priority to complete during the fiscal year as determined by the membership. This includes identifying the projects already completed, underway or pending in the accompanying attachment. The report and the referenced attachment is being presented for the Commission to formally receive and file while also providing additional direction to staff as appropriate.

## **Discussion**

The Commission has initiated work on six of the two-dozen plus projects and has completed seven projects included in the adopted work plan. This includes the completion of four high priority projects and highlighted by establishing bookkeeping services, the appointment of Commission Counsel and the recruitment of a temporary hire to supplement the Commission Clerk position. With the departure of the Executive Officer, additional support is needed to prioritize resources in addressing LAFCO's duties and responsibilities. Other notable projects underway include the Commission's 2016-2017 Audit, the municipal service review on San Rafael and Lucas Valley, and contracting payroll services with an outside vendor.

## **Alternatives for Action**

The following alternatives are available to the Commission:

### Alternative One (Recommended):

Accept and file the report as presented.

### Alternative Two:

Continue consideration of the report to a future meeting and provide direction to staff for more information as needed.

## **Procedures for Consideration**

This item has been placed on the agenda as part of the consent calendar. Accordingly, a successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation as provided unless otherwise specified by the Commission.

Respectfully,



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Rachel Jones  
Interim Executive Officer

### Attachments:

- 1) 2017-2018 Work Plan with Notations



# Marin Local Agency Formation Commission

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

### 2017-2018 Work Plan

#### Introduction:

Local Agency Formation Commissions (LAFCOs) operate under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”) and are delegated broad regulatory and planning responsibilities by the Legislature to oversee the formation and subsequent development of local government agencies and their municipal service areas. Common regulatory functions include approving boundary change and outside service requests. Common planning functions include preparing studies to independently evaluate the availability, performance, and need for urban services and establishing spheres of influence – which are the Legislature’s version of urban growth boundaries and gatekeepers to future boundary changes – for all cities and special districts. All regulatory and planning activities undertaken by LAFCOs may be conditioned and must be consistent with administrative policies and procedures.

#### Objective:

This document represents Marin LAFCO’s (“Commission”) formal 2017-2018 Work Plan. The Workplan draws on the Commission’s existing strategic plan and other germane and time-demanding projects identified by the Executive Officer and vetted with the Budget Committee (McEntee, Murray, and Rodoni) in the course of developing an operating budget for the fiscal year. The Workplan is divided into two distinct categories – statutory and administrative – with one of three priority rankings: high, moderate, or low. The underlying intent of the Workplan is to serve as a management tool to allocate Commission resources in an accountable and transparent manner over the 12 month period. Further, while it is a stand-alone document, the Workplan should be reviewed in relationship to the adopted operating budget given the planned goals and activities are facilitated and or limited accordingly.

#### Executive Summary:

The 2017-2018 Workplan continues to guide the Commission to prioritize resources in addressing statutory duties and responsibilities. Most notably this includes p two comprehensive municipal service reviews involving the San Rafael/Lucas Valley and Novato regions. Commission initiated reorganizations involving Murray Park and San Quentin Village Sewer Maintenance Districts are also scheduled. Notable new administrative projects include filling staff positions, performing policy updates, and establishing long-term bookkeeping and payroll protocols instep with the Commission’s recent transition to a stand-alone accounting system. A limited number of projects have also been identified as low priorities with the policy intention therein for the Commission to address – such as updating the application packet and establishing social media polices and protocols – as resources allow.

Priority	Urgency	Type	Status	Project	Key Issues	Status
1	High	Statutory	New	Commission Counsel Appointment	Statutory Need for Commission to Appoint Counsel   RFP Process	C
2	High	Statutory	Rollover	New Website Design and Implementation	Required to Maintain Website; Serves as Main Communicative Tool   Focus on Branding	C
3	High	Administrative	New	Contract Bookkeeping Services	Need Long-Term Bookkeeping Solution in Step with New Finance System	C
4	High	Statutory	Rollover	General MSR on San Rafael/Lucas Valley Region	First MSR for Region since 2005   Community Outreach in Islands	U
5	High	Statutory	Rollover	General MSR on Novato Region	First MSR for Region since 2002   Community Outreach and UGB Compatibility	P
6	High	Statutory	New	Policy Review: Personnel Procedures	Existing Policies Tie LAFCO to County; Need to Scaledown	U
7	High	Administrative	New	MPSMD and SQVSMD Reorganization	Discretionary; Consistent with Recommendation of Central Marin Wastewater Study	P
8	High	Administrative	New	Recruit and Hire New Staff Member	Fill and/or Supplement Commission Clerk Position	C
9	High	Statutory	New	Sphere Updates for Central Marin WW Agencies	First SOI Updates for Most Agencies Since 2005   RVSD; CMSD; SRSD; and LGVSD	U
10	High	Administrative	New	Evaluate Pension Contract with CalPERS	Explore Cost-Savings Opportunity; Potential Synch with OPEB Relationship	P
11	Moderate	Administrative	New	Prepare Informational Report on JPAs	Post Enactment of SB 1266; Enhance Repository on Local Governmental Services	U
12	Moderate	Administrative	New	Policy Review: Dual Annexation Policy	Follows San Rafael and Novato Region MSRs; Define Substantially Surrounded	P
13	Moderate	Administrative	New	Establish Contract Payroll Services	County Desiring Separation with Outside Users; Address Benefits and Holdings	U
14	Moderate	Administrative	New	2016-2017 Audit	Best Practice   First Audit of QuickBooks System	U
15	Moderate	Administrative	New	E-Agenda Packets	Simplify Agenda Packet Production through E-Tablets   Purchase and Training	C
16	Moderate	Administrative	New	Host 2018 CALAFCO Staff Workshop	April 2018   Expected 120 Plus Attendees	U
17	Moderate	Administrative	New	Memorialize Employer Benefit Contracts	Potential MOU with County or Other to Memorialize Benefit Services	P
18	Moderate	Administrative	New	Evaluate Contract Human Resource Services	Reconcile Government Agency with Scale	P
19	Low	Statutory	Rollover	Mutual Water Companies	AB 54 Implementation; Onus on Mutual to Cooperate	P
20	Low	Statutory	Rollover	Disadvantaged Unincorporated Communities	SB 244 Implementation; Coordinate with CALAFCO	P
21	Low	Administrative	Rollover	Update Application Packet	Current Application Dated; Need to Address New Requirements; Make User Friendly	P
22	Low	Administrative	Rollover	Social Media Polices and Protocols	Expand Outreach to Capture Alternate Media Forums	C
23	Low	Administrative	Rollover	Local Agency Directory	Current Directory Out of Date and Limited to Browser   Opportunity to Show Value	P
24	Low	Administrative	New	Review GIS Needs and Options	Existing Benefit of MarinMap Relative to Cost Merits Review; Address Data Limitations	P
25	Low	Administrative	Rollover	Special District Selection Committee	Assist in Re-establishing Special Selection Committee in Marin County	P

**Status Notations:**

C: Completed

U: Underway

P: Pending



**Marin Local Agency Formation Commission**  
**Regional Service Planning | Subdivision of the State of California**

**AGENDA REPORT**

February 8, 2018

Item No. 6 (Consent / Information)

February 2, 2018

**TO:** Marin Commissioners  
**FROM:** Rachel Jones, Interim Executive Officer  
**SUBJECT:** **Current and Pending Proposals**

The Commission will receive a report identifying active proposals on file with Marin LAFCO as required under statute. The report also identifies pending local agency proposals to help telegraph future workload. The report is being presented to the Commission for information only.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”) delegates Local Agency Formation Commissions (LAFCOs) with regulatory and planning duties to coordinate the formation and development of local government agencies and their municipal services. This includes approving or disapproving boundary changes involving the formation, expansion, merger, and dissolution of cities, towns and special districts as well as sphere of influence amendments. It also includes overseeing outside service extensions. Proposals involving jurisdictional changes filed by landowners or registered voters must be put on the agenda as information items before any action may be considered by LAFCO at a subsequent meeting.

**Information / Discussion**

**Current Proposals | Approved and Awaiting Term Completions**

The following proposal was previously approved by Marin LAFCO (“Commission”) but remains active given not all approval terms established by the membership have been met. CKH provides applicants one calendar year to complete approval terms or receive extension approvals before the proposals are automatically terminated.

- **Reorganization of Mesa Road | Bolinas Community Public Utility District (LAFCO File No. 1337)**

The Commission received a proposal by the affected landowner (Brad Drury) requesting annexation approval of 276 Mesa Road (188-170-54) in the unincorporated coastal community of Bolinas to the Bolinas Community Public Utility District. The affected territory is approximately 20.6 acres in size and is currently undeveloped. The stated purpose of the proposal is to provide water service to the affected territory in order for the development of a single-family residence. The Commission approved the proposal with amendments to include the entire public right-of-way extending to 276 Mesa Road on October 12, 2017 with additional terms. Terms remain outstanding as of date and therefore remains active.

- **Annexation of 1501 Lucas Valley Road | Marin Municipal Water District (LAFCO File No. 1324)**  
The Commission received a proposal by the affected landowner (Andre Souang) requesting approval to annex approximately 61.3 acres of unincorporated/improved territory (164-280-35) located at 1501 Lucas Valley Road to Marin Municipal Water District (MMWD). The applicant requested annexation to MMWD to provide a reliable source of domestic water service given concerns regarding the continued use of an onsite well. The Commission approved the proposal without amendments and additional terms at its December 14, 2017 meeting. Terms remain outstanding as of date and therefore the proposal remains active.
  
- **Reorganization of 238 Summit Drive et al | Corte Madera Sanitary District and Ross Valley Sanitary District (LAFCO File No. 1336)**  
This proposal was filed by Sanitary District No. 2 (Corte Madera) requesting approval to annex four incorporated parcels in the Town of Corte Madera totaling 4.5 acres to Sanitary District No. 2 and Ross Valley Sanitary District. The proposal's purpose is to formalize and rationalize current public wastewater services provided in the affected territory through earlier actions outside of Marin LAFCO. The Commission approved the proposal with amendments to include an adjacent public right-of-way along Summit Drive on June 8, 2017 with standard terms. Terms remain outstanding as of date and therefore the proposal remains active.
  
- **Annexation of 700 and 726 Sequoia Valley Road | Homestead Valley Sanitary District (LAFCO File No. 1322)**  
This proposal was filed by the Homestead Valley Sanitary District requesting approval to annex approximately 1.1 acres of unincorporated territory. The stated purpose of the proposal is to align HVSD's existing jurisdictional boundary with its existing service area given the affected territory and its two developed residential parcels at 700 (046-231-07) and 726 (046-301-01) Sequoia Valley Road connected to the District through non-conforming connections in the early 1990s. The Commission approved the proposal with amendments to include adjacent portions of the public right-of-way along Sequoia Valley Road and Panoramic Highway on June 9, 2016 with standard terms. Terms remain outstanding as of date and therefore the proposal remains active. The Commission separately approved a one-year extension to complete the terms in June 2017.

### **Current Proposals | Under Review and Awaiting Hearing**

There are currently two active proposals on file with the Commission that remain under administrative review and awaiting hearings as of the date of this report.

- **Annexation of 255 Margarita Drive | San Rafael Sanitation District (LAFCO File No. 1328)**  
The Commission has received a proposal by the affected landowner (Paul Thompson) requesting annexation approval of 255 Margarita Drive (016-011-29) in the unincorporated island community of Country Club to the San Rafael Sanitation District. The affected territory is approximately 1.1 acres in size and currently developed with a single-family residence. It has also recently established service with the San Rafael Sanitation District as part of a LAFCO approved outside service extension due to evidence of a failing septic system. The outside service extension was conditioned – among other items – on the applicant applying to LAFCO to annex the affected territory to the San Rafael Sanitation

District as a permanent means to public wastewater service.<sup>1</sup> The application remains incomplete at this time and awaits consent determination by SRSD.

▪ **Reorganization of 400 Upper Toyon Road |  
City of San Rafael and Town of Ross (LAFCO File No. 1335)**

The Commission has received a proposal from the affected landowner (Raphael de Balmann) requesting approval to reorganize one incorporated parcel totaling 2.5 acres located at 400 Upper Toyon Drive (012-121-28) in the City of San Rafael. The proposed reorganization involves the detachment of the affected territory and concurrent annexation therein to the Town of Ross. The affected territory is developed to date with a four-bedroom single family residence and accessible through a privately-owned and maintained road located atop a ridge at approximately 520 feet. The stated purpose of the proposal is to match the affected territory with the applicant's preferred municipality given the communities of interests with Ross. Concurrent sphere of influence amendments would be needed to accommodate the request. The application is currently under administrative review and is deemed incomplete at this time.

### Pending Proposals

There are two potential new proposals staff believes *may* be submitted to the Commission in the near future from local agencies based on ongoing discussions with proponents (emphasis added). These potential proposals are summarized below to aid the Commission in telegraphing the agency's impending workload.

▪ **Police Power Activation |  
Muir Beach Community Services District**

The Muir Beach Community Services District – which presently provides water, fire, and recreation services – has conveyed interest on a potential proposal to activate the District's latent police powers. This interest is borne from the District's desire to establish and maintain more effective traffic / parking control either directly or by contract with an existing law enforcement agency. The interest – which has been effectuated in areas like Pebble Beach (Monterey County) – responds to an increasing problem with visitors to Muir Beach where illegal / haphazard parking has become a public nuisance to community residents.

▪ **Conditions, Covenants and Restrictions Service Power Activation |  
Bel Marin Community Services District**

The Bel Marin Community Services District, which presently provides park and recreation, reclamation and lighting services, received special legislation through Assembly Bill 1995 (Levine) to add enforcement of conditions, covenants and restrictions (CCRs) as a latent power under its principal act. The special legislation became effective January 1, 2015 with the intent the District will proceed to apply for formal activation approval with Marin LAFCO as part of an agreement with the local home owner associations.

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<sup>1</sup> The outside service extension originally extended for one calendar year through August 13, 2016 before receiving separate six-month extensions that currently run one full calendar year to August 13, 2017. An additional six-month extension was granted as part of the August 10, 2017 meeting.

### **Commission Review**

This item has been placed on the agenda as part of the consent calendar for information only as required under State law. The Commission is invited to discuss the item and provide direction to staff on any related matter as needed for future discussion and or action.

Attachments: none



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## AGENDA REPORT

February 8, 2018

Item No. 7 (Consent / Information)

February 2, 2018

**TO:** Marin Commissioners

**FROM:** Rachel Jones, Interim Executive Officer

**SUBJECT:** **Joint Powers Authority | Final Notice of Agreements and Amendments**

The Commission will receive an update on its report identifying Joint Powers Authorities (JPAs) within Marin County that provide a municipal service as part of the requirements imposed by Senate Bill 1266. Staff has identified through the State Controller’s office all of the JPAs within the County that provide a local municipal service consistent with Government Code Section 56047.7, and has provided notice to those JPAs that have not submitted copies of their agreements and amendments with Marin LAFCO. The report is being presented to the Commission for information only.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”) delegates Local Agency Formation Commissions (LAFCOs) with regulatory and planning duties to coordinate the formation and development of local government agencies and their municipal services. This includes approving or disapproving boundary changes involving the formation, expansion, merger, and dissolution of cities, towns and special districts as well as sphere of influence amendments. It is also includes overseeing outside service extensions. Proposals involving jurisdictional changes filed by landowners or registered voters must be put on the agenda as information items before any action may be considered by LAFCO at a subsequent meeting.

### Information / Discussion

Effective January 1, 2017 Senate Bill No. 1266 amended the current Joint Exercise Powers Act by requiring Joint Powers Authorities (JPAs) to file a copy of the full text of its agreement, and any amendments made to the agreement with the local LAFCO in which the JPA is providing its services. JPAs that fail to submit their agreements will be prohibited from issuing bonds or incurring indebtedness of any kind. The new requirement set by SB 1266 apply to JPAs that;

1. Provide municipal services as defined in the Cortse-Knox-Hertzberg Local Government Reorganization Act of 2000
2. The JPA includes a city, county, and or district. CKH defines a JPA as “an agency or entity formed pursuant to the Joint Exercise of Powers Act that is formed for the local performance of governmental functions that includes the provisions of municipal services.” G.C. Section (56047.7)

As referenced not all JPAs are subject to SB 1266. The legislation is purposefully limited to those JPAs with a county, city, town, or special district member in which the entity provides a local municipal service consistent with Government Code Section 56047.7. Towards this end, and for purposes of limiting the scope of potential reporting entities, Marin LAFCO internally defines the provision of “municipal services” to include any service or related function listed under Government Code Section 61100.

Staff has identified through the State Controller’s Office at least ten JPAs, consistent with the aforementioned standards, that have not filed copies of their agreements and amendments with LAFCO. Staff has submitted formal notice to all of the ten agencies of the SB 1266 requirements with a filing deadline of March 1, 2018.

### **Commission Review**

This item has been placed on the agenda as part of the consent calendar for information only as required under State law. The Commission is invited to discuss the item and provide direction to staff on any related matter as needed for future discussion and or action.

#### Attachments:

- 1) Formal Notice of SB 1266
- 2) Senate Bill 1266 as Chaptered
- 3) Government Code Section 56047.7
- 4) Government Code Section 61100



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## MEMORANDUM

January 19, 2018

**TO:** Joint Powers of Authorities (JPAs)  
- Belvedere-Tiburon Joint Recreation Committee District  
- Belvedere-Tiburon Library Agency  
- Central Marin Police Authority  
- Fire House Community Park Agency  
- Marin County Major Crimes Task Force  
- Marinnet Consortium JPA  
- Richardson Bay Regional Agency  
- Ross Valley Fire Department  
- Ross Valley Paramedic Authority  
- Southern Marin Emergency Medical-Paramedic System

**FROM:** Rachel Jones, Interim Executive Officer

**SUBJECT:** **Senate Bill 1266 (McGuire) |**  
Reporting Requirements for Certain Joint Power Authorities

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This memorandum provides formal notice by the Marin Local Agency Formation Commission (LAFCO) of the filing requirements established under Senate Bill 1266 (McGuire). This legislation was effective on January 1, 2017 and amends the Joint Exercise of Powers Act to establish new reporting procedures in which certain joint power agencies (JPAs) shall now file their agreements and any subsequent amendments with LAFCOs and within certain prescribed time periods. The legislation follows the recommendations of an earlier Legislative Analyst's Office report and intended to further assist LAFCOs in meeting their long-standing directive to document, assess, and facilitate shared local public service opportunities in all 58 counties. The legislation similarly advances the Legislature's interest in LAFCOs serving as community resources by developing more inclusive repositories on local government services for the benefit of the general public. Failure to comply with the new reporting requirements will prohibit a subject JPA from issuing any bonds or incur indebtedness of any kind.

As referenced not all JPAs are subject to SB 1266. The legislation is purposefully limited to those JPAs with a county, city, town, or special district member in which the entity provides a local municipal service consistent with Government Code Section 56047.7. Towards this end, and for purposes of limiting the scope of potential reporting entities, Marin LAFCO internally defines the provision of "municipal services" to include any service or related function listed under Government Code Section 61100. Additionally, and to expedite the reporting process, Marin LAFCO encourages all respondents to provide copies of their agreements and amendments in electronic format to Interim Executive Officer Rachel Jones at [rjones@marinlafco.org](mailto:rjones@marinlafco.org). All submittals will be followed by formal acknowledgments by Marin LAFCO for agency records.

Attachments:

- 1) Senate Bill 1266 as Chaptered
- 2) Government Code Section 56047.7
- 3) Government Code Section 61100

**ATTACHMENT ONE**

**Senate Bill No. 1266**

CHAPTER 173

An act to amend Section 6503.6 of, and to add Section 6503.8 to, the Government Code, relating to local government.

[Approved by Governor August 22, 2016. Filed with  
Secretary of State August 22, 2016.]

legislative counsel's digest

SB 1266, McGuire. Joint Exercise of Powers Act: agreements: filings.

The Joint Exercise of Powers Act generally authorizes 2 or more public agencies, by agreement, to jointly exercise any common power, which is generally termed a joint powers agreement. When a joint powers agreement provides for the creation of an agency or entity, separate from the parties to the agreement and responsible for its administration, existing law requires that agency or entity to cause a notice of the agreement or amendment to be prepared and filed, as specified, with the Secretary of State. Existing law requires an agency or entity that files a notice of agreement or amendment with the Secretary of State to also file a copy of the original joint powers agreement, and any amendment to the agreement, with the Controller.

This bill would require an agency or entity required to file documents with the Controller, as described above, that meets the definition of a joint powers authority or joint powers agency, as specified, that was formed for the purpose of providing municipal services and that includes a local agency member, as specified, to also file a copy of the agreement or amendment to the agreement with the local agency formation commission in each county within which all or any part of a local agency member's territory is located within 30 days after the effective date of the agreement or amendment to the agreement. The bill would also require an agency or entity that meets the definition of a joint powers authority or joint powers agency, as specified, that was formed for the purpose of providing municipal services prior to the effective date of this act and that includes a local agency member, as specified, to file a copy of the agreement and any amendments to the agreement with the local agency formation commission in each county within which all or any part of a local agency member's territory is located no later than July 1, 2017. This bill would prohibit an agency or entity administering an agreement or amendment that has failed to make the required filings within the specified timeframes from issuing bonds or incurring any indebtedness until those filings have been made.

By requiring specified joint powers agencies to file certain documents with a local agency formation commission, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*The people of the State of California do enact as follows:*

SECTION 1. Section 6503.6 of the Government Code is amended to read:

6503.6. (a) When an agency or entity files a notice of agreement or amendment to the agreement with the office of the Secretary of State pursuant to Section 6503.5, the agency or entity shall file a copy of the full text of the original joint powers agreement, and any amendment to the agreement, with the Controller. An agency or entity that meets the definition of a joint powers authority or joint powers agency under Section 56047.7 that was formed for the purpose of providing municipal services and that includes a local agency member that is a city, district, or county shall, within 30 days after the effective date of the agreement or amendment to the agreement, file a copy of the agreement or amendment to the agreement with the local agency formation commission in each county within which all or any part of a local agency member's territory is located.

(b) Notwithstanding any other provision of this chapter, any agency or entity administering a joint powers agreement or amendment to such an agreement, which agreement or amendment becomes effective on or after the effective date of this section, which fails to file the notice with a local agency formation commission required by this section within 30 days after the effective date of the agreement or amendment shall not thereafter, and until those filings are completed, issue any bonds or incur indebtedness of any kind.

SEC. 2. Section 6503.8 is added to the Government Code, to read:

6503.8. (a) No later than July 1, 2017, an agency or entity that meets the definition of a joint powers authority or joint powers agency under Section 56047.7 that was formed for the purpose of providing municipal services prior to the effective date of this section, and that includes a local agency member that is a city, district, or county, shall cause a copy of the agreement and any amendments to the agreement to be filed with the local agency formation commission in each county within which all or any part of a local agency member's territory is located.

(b) Notwithstanding any other provision of this chapter, any agency or entity administering a joint powers agreement or amendment to such an agreement, which fails to file the notice with a local agency formation commission required by this section on or before July 1, 2017, shall not thereafter, and until those filings are completed, issue any bonds or incur indebtedness of any kind.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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**ATTACHMENT TWO**



**GOVERNMENT CODE-GOV**

**TITLE 5. LOCAL AGENCIES [50001 - 57550] ( Title 5 added by Stats. 1949, Ch. 81.)**

**DIVISION 3. CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT**

**REORGANIZATION ACT OF 2000 [56000 - 57550] ( Heading of Division 3 amended by Stats. 2001, Ch. 388, Sec. 1. )**

**PART 1. GENERAL [56000 - 56160] ( Part 1 added by Stats. 1985, Ch. 541, Sec. 3. )**

**CHAPTER 2. Definitions [56010 - 56081] ( Chapter 2 added by Stats. 1985, Ch. 541, Sec. 3. )**

"Joint powers agency" or "joint powers authority" means an agency or entity formed pursuant to the Joint Exercise of Powers Act (Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1) that is formed for the

- • local performance of governmental functions that include the provision of municipal services.

*(Added by Stats. 2014, Ch. 21, Sec. 1. Effective January 1, 2015.)*

## ATTACHMENT THREE



### GOVERNMENT CODE-GOV

#### **TITLE 6. DISTRICTS [58000 - 62208]** ( Title 6 added by Stats. 1951, Ch. 331.)

**DIVISION 3. COMMUNITY SERVICES DISTRICTS [61000 - 61250]** ( Division 3 repealed and added by Stats. 2005, Ch. 249, Sec. 3. )

**PART 3. PURPOSES, SERVICES, AND FACILITIES [61100 - 61226.5]** ( Part 3 repealed and added by Stats. 2005, Ch. 249, Sec. 3. )

**CHAPTER 1. Authorized Services and Facilities [61100 - 61107]** ( Chapter 1 repealed and added by Stats. 2005, Ch. 249, Sec. 3. )

Within its boundaries, a district may do any of the following:

- 61100.** (a) Supply water for any beneficial uses, in the same manner as a municipal water district , formed pursuant to the Municipal Water District Law of 1911, Division 20 (commencing with Section 71000) of the Water Code. In the case of any conflict between that division and this division , the provisions of this division shall prevail.
- (b) Collect, treat, or dispose of sewage, wastewater, recycled water, and storm water, in the same manner as a sanitary district, formed pursuant to the Sanitary District Act of 1923, Division 6 (commencing with Section 6400) of the Health and Safety Code. In the case of any conflict between that division and this division, the provisions of this division shall prevail.
- (c) Collect, transfer, and dispose of solid waste, and provide solid waste handling services, including, but not limited to, source reduction, recycling, and composting activities, pursuant to Division 30 (commencing with Section 40000), and consistent with Section 41821.2 of the Public Resources Code.
- (d) Provide fire protection services, rescue services, hazardous material emergency response services, and ambulance services in the same manner as a fire protection district, formed pursuant to the Fire Protection District Law, Part 2.7 (commencing with Section 13800) of Division 12 of the Health and Safety Code.
- (e) Acquire, construct, improve, maintain, and operate recreation facilities, including , but not limited to, parks and open space, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law, Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code.
- (f) Organize, promote, conduct, and advertise programs of community recreation, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law, Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code.
- (g) Acquire, construct, improve, maintain, and operate street lighting and landscaping on public property, public rights-of-way, and public easements.
- (h) Provide for the surveillance, prevention, abatement, and control of vectors and vectorborne diseases in the same manner as a mosquito abatement and vector control district formed pursuant to the Mosquito Abatement and Vector Control District Law, Chapter 1 (commencing with Section 2000) of Division 3 of the Health and Safety Code.
- (i) Provide police protection and law enforcement services by establishing and operating a police department that employs peace officers pursuant to Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.
- (j) Provide security services, including, but not limited to, burglar and fire alarm services, to protect lives and property.
- (k) Provide library services, in the same manner as a library district formed pursuant to either Chapter 8 (commencing with Section 19400) or Chapter 9 (commencing with Section 19600) of Part 11 of the Education Code.

- (l) Acquire, construct, improve, and maintain streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks, and any incidental works. A district shall not acquire, construct, improve, or maintain any work owned by another public agency unless that other public agency gives its written consent.
- (m) Convert existing overhead electric and communications facilities, with the consent of the public agency or public utility that owns the facilities, to underground locations pursuant to Chapter 28 (commencing with Section 5896.1) of Part 3 of Division 7 of the Streets and Highways Code.
- (n) Provide emergency medical services pursuant to the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, Division 2.5 (commencing with Section 1797) of the Health and Safety Code.
- (o) Provide and maintain public airports and landing places for aerial traffic, in the same manner as an airport district formed pursuant to the California Airport District Act, Part 2 (commencing with Section 22001) of Division 9 of the Public Utilities Code.
- (p) Provide transportation services.
- (q) Abate graffiti.
- (r) Plan, design, construct, improve, maintain, and operate flood protection facilities. A district shall not plan, design, construct, improve, maintain, or operate flood protection facilities within the boundaries of another special district that provides those facilities unless the other special district gives its written consent. A district shall not plan, design, construct, improve, maintain, or operate flood protection facilities in unincorporated territory unless the board of supervisors gives its written consent. A district shall not plan, design, construct, improve, maintain, or operate flood protection facilities within a city unless the city council gives its written consent.
- (s) Acquire, construct, improve, maintain, and operate community facilities, including, but not limited to, community centers, libraries, theaters, museums, cultural facilities, and child care facilities.
- (t) Abate weeds and rubbish pursuant to Part 5 (commencing Section 14875) of the Health and Safety Code. For that purpose, the board of directors shall be deemed to be a "board of supervisors" and district employees shall be deemed to be the "persons" designated by Section 14890 of the Health and Safety Code.
- (u) Acquire, construct, improve, maintain, and operate hydroelectric power generating facilities and transmission lines, consistent with the district's water supply and wastewater operations. The power generated shall be used for district purposes, or sold to a public utility or another public agency that generates, uses, or sells electrical power. A district shall not acquire hydroelectric power generating facilities unless the facilities' owner agrees.
- (v) Acquire, construct, improve, maintain, and operate television translator facilities.
- (w) Remove snow from public streets, roads, easements, and rights-of-way. A district may remove snow from public streets, roads, easements, and rights-of-way owned by another public agency, only with the written consent of that other public agency.
- (x) Provide animal control services pursuant to Section 30501 of the Food and Agricultural Code. Whenever the term "board of supervisors," "county," "county clerk," or "animal control officer" is used in Division 14 (commencing with Section 30501) of the Food and Agricultural Code, those terms shall also be deemed to include the board of directors of a district, a district, the general manager of the district, or the animal control officer of a district, respectively. A district shall not provide animal control services in unincorporated territory unless the county board of supervisors gives its written consent. A district shall not provide animal control services within a city unless the city council gives its written consent.
- (y) Control, abate, and eradicate pests, in the same manner as a pest abatement district, formed pursuant to Chapter 8 (commencing with Section 2800) of Division 3 of the Health and Safety Code. A district's program to control, abate, or eradicate local pine bark beetle infestations shall be consistent with any required plan or program approved by the Department of Forestry and Fire Protection.
- (z) Construct, maintain, and operate mailboxes on a district's property or rights-of-way.
- (aa) Provide mail delivery service under contract to the United States Postal Service.

(ab) Own, operate, improve, and maintain cemeteries and provide interment services, in the same manner as a public cemetery district, formed pursuant to the Public Cemetery District Law, Part 4 (commencing with Section 9000) of Division 8 of the Health and Safety Code.

(ac) Finance the operations of area planning commissions formed pursuant to Section 65101.

(ad) Finance the operations of municipal advisory councils formed pursuant to Section 31010.

(ae) Acquire, own, improve, maintain, and operate land within or without the district for habitat mitigation or other environmental protection purposes to mitigate the effects of projects undertaken by the district.

(at) If a private person or entity is unable or unwilling to deploy broadband service, construct, own, improve, maintain, and operate broadband facilities and to provide broadband services. For purposes of this section, broadband has the same meaning as in subdivision (a) of Section 5830 of the Public Utilities Code. The district shall first make a reasonable effort to identify a private person or entity willing to deploy service. The authority granted by this subdivision shall expire when a private person or entity is ready, willing, and able to acquire, construct, improve, maintain, and operate broadband facilities and to provide broadband services, and to sell those services at a comparable cost and quality of service as provided by the district. At that time, the district shall do one of the following:

(1) Diligently transfer its title, ownership, maintenance, control, and operation of those broadband facilities and services at a fair market value to that private person or entity.

(2) Lease the operation of those broadband facilities at a fair market value to that private person or entity.

*(Amended by Stats. 2008, Ch. 70, Sec. 1. Effective January 1, 2009.)*



# Marin Local Agency Formation Commission

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

### AGENDA REPORT

February 8, 2018

Item No. 8 (Consent / Action)

February 2, 2018

**TO:** Marin Commissioners  
**FROM:** Rachel Jones, Interim Executive Officer

**SUBJECT: Request for Time Extension to Complete Approval Terms |  
347 and 355 Margarita Drive to the San Rafael Sanitation District**

The Commission will consider an applicant's request for a time extension to complete the terms established by Marin LAFCO in approving the annexation of territory 347 and 355 Margarita Drive to the San Rafael Sanitation District on February 9, 2017. Staff believes the request is reasonable and recommends approval of a six-month extension. The affected parcels are identified by the County of Marin as 016-011-18 and 016-011-19.

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Local Agency Formation Commissions (LAFCOs) are responsible under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH") to regulate the formation and development of cities, towns, and special districts as well as their municipal service areas. This includes approving or disapproving proposed changes of organization, such as boundary changes, consistent with adopted policies and procedures pursuant to California Government Code (G.C.) Section 56375. LAFCOs are authorized to exercise broad discretion in amending as well as establishing conditions in approving changes of organization as long as they do not directly regulate land use. Additionally, G.C. Section 57001 specifies certificate of completions must be recorded for all change of organization proposals within one calendar year of approval or be automatically terminated unless LAFCO grants a time extension.

### Background

At its February 9, 2017 meeting, Marin LAFCO ("Commission") considered a proposal from landowner Mt. Tam Property Capital Investments and John Porzio ("applicant") requesting annexation approval involving two unincorporated legal parcels totaling 0.92 and 0.89 acres to the San Rafael Sanitation District (SRSD). The requested approval ultimately sought to establish public wastewater service to the applicants' developed residences and replace aging septic systems. The Commission approved the proposal with the amendment for the applicant to record an agreement to run with the affected territory consenting to future annexation to the City of San Rafael.

### Discussion

This item is for the Commission to consider a request by the applicants for a six-month time extension necessary to complete all approval terms established for the proposal given the

approaching deadline to record a certificate of completion. Specifically, more time is requested to allow the applicant to submit a legal map and geographic description consistent with the State Board of Equalization standards. The applicants have remained in regular contact with staff throughout the process and in doing so show good faith in addressing the Commission's interests. Accordingly, a six-month time extension is recommended and would extend the deadline to August 6, 2018.

### **Alternatives for Action**

The following alternatives are available to the Commission:

#### Alternative One (Recommended):

Approve the requested time extension for a specific time period; six months is recommended by staff.

#### Alternative Two:

Deny the requested time extension. This will terminate the Commission's prior proposal approval assuming the terms remain outstanding and such a certificate of completion cannot be recorded by February 9, 2018.

### **Recommendation**

It is recommended the Commission proceed with the actions outlined in the preceding section as Alternative One.

### **Procedures for Consideration**

This item has been placed on the agenda as part of the consent calendar. Accordingly, a successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

Respectfully,



Rachel Jones  
Interim Executive Officer

Attachments: none.



# Marin Local Agency Formation Commission

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

### AGENDA REPORT

February 8, 2018

Item No. 9 (Consent / Action)

February 2, 2018

**TO:** Marin Commissioners

**FROM:** Rachel Jones, Interim Executive Officer

**SUBJECT: Postponement of Committee Assignments**

The Commission will consider postponing appointments / reappointments to all of Marin LAFCO's standing committees for the 2018 calendar year until the recruitment of the Executive Officer position has been completed. This includes the (a) Policy and Personnel, (b) Legislative, (c) Public and Technical Information, and (d) Budget Committees.

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The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 directs Local Agency Formation Commissions (LAFCOs) to exercise their prescribed regulatory and planning responsibilities to effectively facilitate orderly municipal growth and development within their respective jurisdictions. This includes establishing and updating, as needed, local policies and procedures as well as other administrative tools to ensure that the implementation of LAFCO law is responsive to local needs and circumstances as determined by the membership.

### Background

Marin LAFCO ("Commission") utilizes four standing committees to help evaluate and inform the membership on various administrative and policy matters. These committees are Budget and Work Plan, Policy and Personnel, Legislative, and Public and Technical Information. It is the practice of the Commission to review and make appointments / reappointments to these Committees at the beginning of each calendar year. Staff proposes to defer committee assignments until the completion of the recruitment for the Executive Officer position has been completed in step with the postponement of the annual workshop. This will allow the Policy Committee to stay on its current timeline to continue its role in the recruitment process of the Executive Officer position.

### Discussion

This item is for the Commission to formally postpone committee assignments until a permanent Executive Officer has been appointed by the membership. The anticipated workload of the Policy Committee by way of the recruitment for an Executive Officer suggests that it would be appropriate to hold the current committee assignments consistent to the 2017 calendar year until the expected position is filled.

## **Alternatives for Action**

The following alternative actions are available to the Commission.

### Alternative Action One (Recommended)

Postpone appointments for all of the following Committees for the 2018 calendar year until the executive search process has been fulfilled: Policy and Personnel, Technical and Information, Legislative, and Budget.

### Alternative Action Two

Continue consideration of this item to a future meeting and provide direction to staff with respect to providing additional information as needed.

## **Recommendation**

Postpone appointments as appropriate with additional direction as needed. This recommendation is consistent with Alternative Action One.

## **Procedures for Consideration**

This item has been placed on the agenda as part of the consent calendar. Accordingly, a successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

- 1) Receive verbal report from staff (discretionary)
- 2) Invite comments from any interested audience members (voluntarily); and
- 3) Discuss item and consider action on recommendation.

Respectfully,



Rachel Jones  
Interim Executive Officer

Attachments: none



**Marin Local Agency Formation Commission**  
**Regional Service Planning | Subdivision of the State of California**

**AGENDA REPORT**

February 8, 2018

Item No. 10 (Public Hearing / Action)

February 2, 2018

**TO:** Marin Commissioners  
**FROM:** Rachel Jones, Interim Executive Officer  
**SUBJECT:** **Policy Amendments | Special District Appointments to Consolidated Redevelopment Oversight Board**

The Commission will consider recommended amendments to its existing policies governing the administration of the Procedures for Special District Appointments. The amendments address new legislation for LAFCO to conduct elections to appoint a special district representative to a consolidated oversight board tasked with completing the remaining activities of the three successor redevelopment agencies in Marin County. The amendments have been developed with feedback from the Policy and Personnel Committee and establish specific eligibility, allowances, and procedures in conducting an election ahead of the July 1, 2018 appointment deadline.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 directs Local Agency Formation Commissions (LAFCOs) to exercise their prescribed regulatory and planning responsibilities to effectively facilitate orderly municipal growth and development within their respective jurisdictions. This includes establishing and updating, as needed, local policies and procedures as well as other administrative tools to ensure that the implementation of LAFCO law is responsive to local needs and circumstances as determined by the membership.

**Background**

Redevelopment agencies (RDAs) in California were established in 1945 as a means for cities, towns, and counties to expedite the acquisition and or funding of public work projects to improve disenfranchised areas. The underlying legislative intent in creating RDAs was to empower local officials to foster economic development through the use of local property tax proceeds. Markedly, once established, property tax revenue generated within a designated area became stationary with regard to the monies distributed among other local agencies – such as school and special districts – with the incremental increases going forward getting redirected to RDAs.

**Dissolution Proceedings Enacted Under AB X26 | Transition to Successor Agencies**

In June 2011, the Legislature passed Assembly Bill X26 with the Governor’s signature as a budget trailer bill to freeze the 400 plus RDAs in California and their authority to initiate any new projects. The legislation also initiated a gradual dissolution process in which oversight of RDAs were transferred

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**Damon Connolly, Regular**  
 County of Marin  
**Dennis J. Rodoni, Regular**  
 County of Marin  
**Judy Arnold, Alternate**  
 County of Marin

**Carla Condon, Vice Chair**  
 Town of Corte Madera  
**Sashi McEntee, Regular**  
 City of Mill Valley  
**Matthew Brown, Alternate**  
 Town of San Anselmo

**Jack Baker, Regular**  
 North Marin Water District  
**Craig K. Murray, Regular**  
 Las Gallinas Valley Sanitary  
**Lew Kious, Alternate**  
 Almonte Sanitary District

**Jeffrey Blanchfield, Chair**  
 Public Member  
**Chris Skelton, Alternate**  
 Public Member

to successor boards with the legislative task of drawing down preexisting projects. Increment property tax revenues generated within RDAs were also now redirected to a single countywide fund known as the Redevelopment Property Tax Trust Fund (RPTTF) and administered by local auditor-controller offices.<sup>1</sup>

### Redevelopment in Marin County | Successor Agencies and Affected Special Districts

There are three successor agencies to RDAs in the County of Marin, which includes the City of San Rafael and City of Novato. The County of Marin has also one successor agency. Additionally, within three successor agencies there are seven special districts that are part of the property tax roll, and as such eligible to receive residual payments from the RPTTF. These eligible seven special districts are as follows.

#### RPTTF Eligible Special Districts in Marin County

**Marin / Sonoma Mosquito & Vector Control District**

**Marin City Community Services District**

**Novato Fire Protection District**

**Novato Sanitary District**

**North Marin Water District**

**San Rafael Sanitation District**

**Sausalito-Marin City Sanitary District**

\*Dependent Special Districts in which the legislative body consists of members that are officers of a county or another local agency or appointees of those officers are not included in this list.

### Discussion

This item is for Marin LAFCO to consider proposed amendments to its existing policies to guide the election of a special district representative to serve as one of seven voting members on the Marin County Consolidated Redevelopment Oversight Board. The prompt for these amendments is drawn from Senate Bill 107, which was passed by the Legislature with the Governor's signature in September 2015 and mandates the consolidation of all three successor agencies in Marin County by July 1, 2018. Markedly, the legislation calls for the appointment of the special district representative to be conducted by Marin LAFCO. The proposed amendments have been developed with feedback from LAFCO's Policy Committee and address ambiguity in the legislation with respect to appointment eligibility, standards, and procedures. Pertinently, proceeding with the amendments is consistent with Government Code Section 56300 and its direction to LAFCOs to adopt local policies to clarify and or specify the implementation of State law while taking into account local conditions.

<sup>1</sup> Successor agencies are now tasked with filing annual requests to the State to draw monies out of the local RPTTF through the auditor-controller offices to meet preexisting RDA obligations. The remaining or residual monies within the RPTTF are set aside for distribution among other local agencies with pre-Proposition 13 property tax allocations.

- Eligibility Criteria: RPTTF and Non RPTTF Districts  
State law does not make explicit whether only RPTTF eligible special districts are permitted to participate in the appointment process. Staff believes it would be reasonable to limit the participation to only those seven special district eligible for restored property tax proceedings as a result of the ultimate dissolution of RDAs.
  
- Eligibility Criteria of Nominees  
State law does not specify whether an appointee must be a board member of an eligible special district or whether other representatives – staff, public, etc. – are permitted. Staff believes the participation should be limited to only elected or appointed board members as a means to help refine the nominee pool to those most directly familiar with special district finances and accountable constituents.
  
- Role – if any – of Alternates  
State law does not explicitly contemplate the role of alternates to the Oversight Board. Given the potential for an appointee to be unavailable at times or need to resign, staff believes it would be reasonable to allow for an alternate to ensure local representation and avoid the potential of the Governor filling a vacated seat as allowed under State law.
  
- Appointment Process  
State law does not outline an appointment process for seating a special district representative to the Oversight Board. Staff believes it would be reasonable to follow existing LAFCO policies in holding mail elections for appointments to the Commission with certain modifications. This includes:
  - Allowing the Executive Officer to transmit all election materials by e-mail with prior concurrence of the presiding special district officer or the designated alternate.
  
  - Providing that majority of votes is not necessary for an appointment so long as a voting quorum is achieved. The nominee receiving the most votes among all ballots received will be appointed as the representative.

The proposed policies are reflected in track-change form in Attachment One.

The enactment of SB 107 marks the latest and presumably final act by the Legislature in achieving the planned dissolution of RDA activities in California. This legislation – and unlike earlier dissolution phases – carves out an important implementing role for special districts with respect to the authority to appoint one of the seven voting members on the Marin County Consolidated Redevelopment Oversight Board. The proposed policies address outstanding questions left unaddressed by the legislation and help ensure Marin LAFCO responsively implements the appointment with deference to the feedback provided by the Policy Committee.

### **Alternatives for Action**

The following alternative actions are available to the Commission.

#### Alternative Action One (Recommended)

Approve the proposed policy amendments as provided in Attachment One with any desired changes.

#### Alternative Action Two

Continue the item to a future meeting and provide direction to staff with respect to any additional analysis or information requested.

### **Recommendation**

It is recommended the Commission proceed with Alternative Action One as outlined in the preceding section.

### **Procedures for Consideration**

This item has been placed on the agenda for action as part of a noticed public hearing. The following procedures, accordingly, are recommended in the Commission's consideration.

- 1) Receive verbal report from staff (discretionary)
- 2) Invite comments from any interested audience members (mandatory); and
- 3) Close the public hearing, discuss item and consider action on recommendation.

Respectfully,



Rachel Jones  
Interim Executive Officer

Attachments: Proposed Policy Amendments – Track Change

# CHAPTER THREE

## LAFCO BUSINESS AND OPERATIONS

### 3.1 SELECTION OF COMMISSIONERS

Marin LAFCO has eleven Commissioners divided between seven regular and four alternate members. Regular members have voting authority and consist of two members of the County of Marin Board of Supervisors (selected by the Board of Supervisors), two city council members (selected by the City Selection Committee), two special district board members (selected by the 30 special districts) and one public member (selected by the other six regular members). For each of the four categories of LAFCO membership, an alternate member is appointed to serve in the absence of a regular member.

The nine county, city, and district members on Marin LAFCO are elected officials appointed by their respective authorities. These nine elected officials appoint two public members on Marin LAFCO.

Selection procedures for all four member categories – public, special district, city/town, and county – on Marin LAFCO as well as other appointments are summarized below.

#### A. Procedures for Selection of Public Members

The public member and alternate public member shall be appointed by a majority vote of the regular LAFCO County, City, and Special District members. This procedure shall be followed upon expiration or replacement of the regular or alternate public member.

1. Ninety (90) days prior to an appointment, the Executive Officer shall issue a news release announcing the pending vacancy on the Commission and solicitation of applications.
2. The news release shall be mailed to the Marin Independent Journal and local newspapers within Marin County. Additionally, the news release shall be mailed to all current regular and alternate members of Marin LAFCO, all local governments within Marin County and to community organizations including homeowners' associations and civic groups on file with the Marin LAFCO.
3. The application period shall be thirty (30) days and shall begin upon the date legal notice appears in the Independent Journal. Among other things, the news release shall outline the function and purpose of the Commission, indicate the application filing period and invite interested persons to contact the Executive Officer for an application and information concerning the general duties and responsibilities of the public member.

4. Interviews for pending vacancies for expiring terms shall be held during the month of April prior to the May expiration date of the current member's term of office. A standard list of questions should be asked to each candidate as agreed to by the Commission. As required by the Ralph Brown Act, interviews shall be conducted in public sessions and formal selection shall be confirmed at the next regular meeting.
5. With respect to selection and eligibility criteria, and in addition to requirements under Government Code the public member shall be a resident-voter of Marin County and not currently an officer or employee of a local agency subject to Marin LAFCO jurisdiction. The public member shall also not concurrently hold any elected or appointed office with a local government agency that makes or informs land use or municipal service decisions while serving on the Commission. In selecting the public member, the Commission shall consider the candidate's qualifications as described in his or her letter of interest and the reasons listed for wanting to serve as a member of the Commission.
6. In the event a vacancy occurs during the public member's term of office, a new appointment shall be made for the unexpired term in a timely manner. The Commission may:
  - a) Select a new member from the applications previously submitted for the current appointment, provided not more than twelve (12) months have passed since such applications were filed with the Commission.
  - b) Direct the Executive Officer to send out a news release announcing the vacancy and solicit applications for future consideration by the Commission;  
or
  - c) Appoint the alternate public member to serve as regular public member for the remainder of the regular member's term of office.

## **B. Procedures for Selection of Special District Members**

Government Code §56332(c)(1) provides for selection of regular and alternate special district members by a mail ballot process when the Executive Officer determines that a meeting of the Special District Selection Committee is not feasible. Meetings of the Marin County Special District Selection Committee have previously failed to reach a quorum, indicating the infeasibility of Selection Committee meetings. Accordingly, it is the policy of Marin LAFCO to conduct selection proceedings of regular and alternate special district members by a mail ballot process consistent with the procedures outlined below.

1. The Executive Officer shall initiate the mail ballot selection process for special district members 180 days prior to the pending expiration of the term of a special district member or immediately upon notification the eligibility of a special district member on Marin LAFCO will end prior to the expiration of his or her term.
2. The Executive Officer shall initiate the mail ballot process by distributing to each independent special district a call for nominations, including a schedule of the selection process and a copy of this policy. Nominations must be submitted in writing by special district governing boards within 60 days of the date of the call for nominations. The submittal of a nomination must include a statement of the candidate's qualifications. With the prior concurrence of any special district, the Executive Officer may transmit these materials to and receive nominations from that special district by electronic mail.
3. Within five working days of the close of the nomination period, the Executive Officer shall distribute by certified mail one ballot to each independent special district. The distribution of ballots shall include a statement of qualifications for each candidate on the ballot.
4. Ballots may be submitted by mail or facsimile or electronic mail within 60 days of distribution of the ballots. A majority of independent special district must cast ballots to select a special district member. Selection shall be made by majority of votes cast and a majority of independent special districts in Marin County.
5. Ballots cast by each special district must bear the signature of the district's presiding officer. If the presiding officer is unavailable, the district board may authorize another member of the board to cast the district's vote. Ballots may be returned to the Marin LAFCO office by mail or by facsimile or electronic mail.
6. All ballots and other records of each selection process shall be retained in the Marin LAFCO office for at least four years and shall be immediately available for public inspection.
7. When more than two candidates are nominated, the ballot form shall provide for selection by majority of votes cast through an "instant runoff" as follows:
  - a) Each district casting a vote shall rank the candidates in order of their preference. District boards would simply indicate a "1" next to their first choice, a "2" next to their second choice, a "3" next to their third choice etc.

- b) In counting the votes by the Executive Officer, all first choice votes are counted. If any candidate receives over 50 percent of the first choice votes, that candidate is selected as special district member.
  - c) If no candidate receives a majority, then the candidate with the fewest "1" votes is eliminated. The ballots of the supporters of the eliminated candidate are then transferred to whichever of the remaining candidates they marked for their second choice. This process shall be continued until one candidate receives a majority and is selected as special district member.
8. Should a vacancy occur during a special district member's term of office, a new appointment shall be made for the unexpired term of the special district member or alternate member according to the process above.

### C. Procedures for Selection of City/Town Members

Government Code §56325(b) provides for appointment of two LAFCO members each of whom shall be a serving mayor or council member of a city/town within Marin County. City/Town members shall be appointed by the City Selection Committee according to the procedures adopted by that body.

### D. Procedures for Selection of County Members

Government Code §56325(a) provides for the appointment of two LAFCO members each of whom shall be a serving member of the County of Marin Board of Supervisors. Appointment of LAFCO members by and from the membership of the Board of Supervisors is according to the procedures determined by that body.

### E. Procedures for Selection of Alternate Commissioners

Alternate members for county, city/town, special district and public members of the Commission shall be selected using the same procedures and selection criteria used for regular members. Alternate members shall serve and vote on the Commission in the event of absence or disqualification of the regular member.

### F. Other Appointments

#### Appointments to Consolidated Redevelopment Oversight Board | Senate Bill 107

Effective July 1, 2018, the three redevelopment oversight boards in Marin County will be consolidated into one seven-member board pursuant to Section 34179(i) of the Health and Safety Code. Accordingly, Marin LAFCO is to conduct the selection proceedings for one of the seven members of the consolidated redevelopment

oversight board. The following eligibility, standards, and procedures shall guide the selection process.

▪ Nominee Criteria

Only representatives from (a) independent special districts as defined under section 56044 of the California Government Code that are also (b) enrolled in the Redevelopment Property Tax Trust Fund administered by the County of Marin Auditor-Controller's Office are eligible for appointments.

▪ Board Members Only

Only representatives that are elected or appointed board members from qualifying special districts are eligible for appointments.

▪ Alternate Appointment

An alternate shall be made for purposes of serving and voting in the absence of the regular representative. The alternate shall also immediately assume the regular appointment term should the incumbent resign and or is otherwise no longer eligible to participate.

▪ Procedures for Appointments Before July 1, 2018 Deadline

The Executive Officer shall initiate the inaugural election of regular and alternate representatives consistent with the procedures provided for the selection of special district members to the Commission no later than March 1, 2018 subject to the following modifications.

- Nominations must be submitted by the presiding officer of the special district or their designated alternate within 45 days of the date of the call for nominations.
- Ballots must be submitted to the Marin LAFCO Executive Officer by mail or e-mail within 45 days of distribution of the ballots.
- The Marin LAFCO Executive Officer shall transmit all election materials by e-mail with prior concurrence of the presiding officer of the special district or their designated alternate.
- A majority of votes is not necessary for an appointment so long as a voting quorum is achieved. The nominee receiving the most votes among all ballots received will be appointed as the regular representative. The

nominee with the second most votes among all ballots received will be appointed alternate.

- Within three business days of the deadline passing for ballots to be returned, the Marin LAFCO Executive Officer shall provide formal notice to all presiding officers of the election results. The Marin LAFCO Executive Officer shall also immediately provide formal notice of the associated appointments to the Marin County Auditor-Controller's Office.



# Marin Local Agency Formation Commission

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

### AGENDA REPORT

February 8, 2018

Item No. 11 (Business / Action)

February 2, 2018

**TO:** Marin Commissioners

**FROM:** Rachel Jones, Interim Executive Officer

**SUBJECT:** **Approval of a New Payroll Accounting System and Related Actions**

The Commission will consider approving a new payroll accounting system marked by the transitioning away from the County of Marin to an independent process directly managed by Marin LAFCO through ADP Payroll Solutions. It is also requested that the Commission authorize the Executive Officer to enter into a contract with ADP to provide payroll and related services as part of this transition through the end of the calendar year.

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Local Agency Formation Commissions (LAFCOs) are responsible under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”) to establish written policies and procedures in providing regional growth management services in all 58 counties in California. LAFCOs are also authorized to make their own provisions – including entering into contracts and agreements and without going through the Department of General Services – for all necessary staffing and service needs therein.

### Background

It has been the long-standing practice of Marin LAFCO (“Commission”) to use the County of Marin and the services of the Finance Department to account for payroll and human resources services. These services date back to the Commission’s initial creation in 1963 and through Marin LAFCO’s subsequent action to become formally independent of the County in 1999. Markedly, the functional result of the existing practice has allowed the Commission to exercise accounting payroll of Marin LAFCO through the County’s controls and procedures.

In December 2014, the County of Marin entered into a contract with Tyler Technologies to design and implement a new financial management software system known as “Munis” that went into effect as of July 1, 2016. This allowed for the Commission to transition to QuickBooks and enter into a contract with Southern Marin Fire Protection District and subsequently, bookkeeper, Alyssa Schiffmann. The County of Marin is currently undergoing the second phase of the transition process – the Human Resources and Payroll phase. As a result of preparing for the Human Resources – Payroll phase of the system implementation, the County of Marin has determined that it is no longer feasible to support Marin LAFCO and manage the payroll processing and reporting functions for outside users.

Pertinently, effective by the end of the first quarter of this calendar year, the County of Marin will discontinue all payroll and human resources support services to all outside users given the County’s resources and challenges in cost-recovery.

The County of Marin has implemented a recommended transition plan for its outside users, (i.e., Marin LAFCO) to seek the services of ADP. The County of Marin will oversee the transferal of all of LAFCO’s payroll and accounting information to the platform ahead of the deadline of March 11<sup>th</sup>. The County has also offered to cover the first-year costs of the service. Below is an outline underlining the annual costs of the ADP Payroll System.

**ADP Annual Payroll Services Costs**

One-Time Set Up Cost	\$25.00	
Cost per Bi-Weekly Pay Run	65.06	
Annual W-2 and Delivery	67.00	
<b>Estimated Annual Payroll Cost</b>	<b>1,758.56</b>	
2018 Year 1	1,393.20	(Promotional 1 <sup>st</sup> Yr Discount: 4 Months Free)
2019 Year 2	1,758.56	
2020 Year 3	1,758.56	
<b>TOTAL</b>	<b>\$4,910.32</b>	

**Discussion**

This item is for the Commission to approve a new payroll management system and related actions that are marked by transitioning away from the County of Marin and to a standalone process directly managed by Marin LAFCO through ADP. Other requested actions include the Commission to authorize the Executive Officer to enter into a contract agreement with ADP to provide payroll and related human resources services as part of this transition through the end of the calendar year.

Staff requests the Commission authorize the Executive Officer to follow the recommendations of the County and enter into an agreement with ADP to provide payroll management and related human resources. The annual cost of the support agreement is \$1,393.20, with the County of Marin covering the first-year costs. Staff assumes at this time until further information is provided that the agreement runs in 12-month increments and automatically extends into the following year unless cancelled in writing 30 days prior to the renewal date.

### **Alternatives for Action**

The following alternative actions are available to the Commission.

#### Alternative Action One (Recommended)

Approve the transition of Marin LAFCO's payroll management system to ADP;

Authorize the Executive Officer to enter into an agreement with ADP to provide payroll and related management services to Marin LAFCO through March 11, 2019 at a cost of \$1,393.20.

#### Alternative Action Two

Continue consideration to a future meeting and provide direction to staff on additional information needs as desired.

### **Recommendation**

It is recommended the Commission proceed with Alternative Action One as outlined in the preceding section.

### **Procedures for Consideration**

Staff has placed this item for action as part of the business calendar. The following procedures, accordingly, are recommended with respect to the Commission's consideration.

- 1) Receive verbal report from staff (discretionary)
- 2) Invite comments from any interested audience members (voluntarily); and
- 3) Discuss item and consider action on recommendation.

Respectfully,



Rachel Jones  
Interim Executive Officer

Attachments: none

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**Marin Local Agency Formation Commission**  
**Regional Service Planning | Subdivision of the State of California**

**AGENDA REPORT**

February 8, 2018

Item No. 12 (Business / Action)

February 2, 2018

**TO:** Marin Commissioners

**FROM:** Rachel Jones, Interim Executive Officer  
 The Policy Committee

**SUBJECT: Ratification on Selection of Executive Search Firm and Other Related Actions**

The Commission will consider formal ratification of the Policy Committee’s recommendation and selection of Peckham & McKenney for professional services tied to the recruitment of the Executive Officer position. This includes entering into a contract agreement of \$29,000 and authorizing the Policy Committee to administer the recruitment process.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”) directs Local Agency Formation Commissions (LAFCOs) to plan and coordinate the orderly formation and development of local governmental agencies and services within their jurisdictions. State law specifies LAFCOs are individually responsible for making their own provisions for personnel and facilities. In making their own provisions, LAFCOs may choose to contract with a public or private entity.

**Background**

On November 27, 2017, the Commission issued a Request for Proposals (RFP) for executive search firms to provide recruitment services tied to the appointment of an Executive Officer. The RFP was circulated to a vendor list developed by staff and in consultation with other governmental agencies that had recently performed their own bid process. Marin LAFCO ultimately received two proposals by the January 8<sup>th</sup> deadline. All proposals were reviewed by the Policy Committee (Blanchfield, Baker, Connolly) relative to the criteria outlined in the RFP. The Committee interviewed the two candidates and selected Peckham & McKenney as the best overall match with regards to the experience and expertise for the role.

**Discussion**

This item is for the Commission to consider taking formal action to ratify the Policy Committee’s selection and recommendation of Peckham & McKenney for professional services tied to the recruitment of the Executive Officer. This includes entering into a contract with Peckham & McKenney. Key services outlined in the contract include preparing a compensation study, developing and modifying a job brochure, screening applicants, scheduling interviews, and performing related personnel functions. The proposal outlines an estimated 14-week recruitment process. The contract includes a total cost of \$29,000; an upfront payment of \$9,666.67 and the remainder to be billed in two separate monthly invoices. It is also recommended the Policy Committee work exclusively with the

firm for the entirety of the recruitment process.

The Policy Committee's selection and recommendation of Peckham & McKenney for executive search services followed a standard RFP process and within the established policies set by the Commission. Formal ratification is recommended to support the Policy Committee's selection, and also, authorize the Commission to enter into a contract agreement with Peckham & McKenney to provide executive search services for the recruitment of the Executive Officer position.

### **Alternatives for Action**

The following alternative actions are available to the Commission.

#### Alternative Action One

Ratify the approval of the Policy Committee's selection and recommendation of Peckham & McKenney for professional services in the recruitment of the Executive Officer position with Marin LAFCO; and

Enter into a contract agreement with Peckham & McKenney for a total cost of \$29,000 to provide professional services.

#### Alternative Action Two

Continue consideration of the item to the next regular meeting and provide direction to staff for additional information as needed.

### **Recommendation**

Staff recommends the Commission proceed with Alternative Action One as outlined in the preceding section.

### **Procedures for Consideration**

This item has been placed on the agenda for action as part of the regular business calendar. The following procedures, accordingly, are recommended in the consideration of this item:

- 1) Receive verbal report from staff;
- 2) Invite comments from any interested audience members (voluntarily); and
- 3) Discuss item and consider action on recommendation.

Respectfully,



Rachel Jones  
Interim Executive Officer

Attachments: Proposal – Peckham & McKenney



January 8, 2018

Ms. Rachel Jones, Interim Executive Officer  
Marin County Local Agency Formation Commission  
Via [rjones@marinlafco.org](mailto:rjones@marinlafco.org)

Dear Ms. Jones:

Thank you for the opportunity to express our interest in assisting you and the Marin LAFCO Commission in the recruitment of a new Executive Officer. Peckham & McKenney brings over 50 years' combined experience in local government executive search, and we have placed hundreds of City and County Managers, Executive Directors, and key executives throughout the Western United States. Based on our extensive experience, we are fully prepared to team with the Commission in order to ensure a successful outcome.

As you may know, we placed Keene Simonds as the Executive Officer of the San Diego LAFCO this past year. Executive Recruiter Clay Phillips conducted this search, and he is immediately available to work with the Marin LAFCO. Clay brings extensive experience leading the City of Escondido as City Manager and selecting and assembling an executive team that is highly revered in the San Diego region. Having completed 30 years of service with the City, Clay has been working with Peckham & McKenney for the past two years and has conducted numerous executive level searches.

Clay will be fully supported by Peckham & McKenney. Our firm has established a solid reputation and strong track record in the industry. As your Recruiter, we work to understand the organizational culture and its needs, actively recruit and then evaluate candidates accordingly, and recommend outstanding candidates for your consideration.

The attached proposal remains valid for at least 90 days and includes more detailed information regarding the firm, the search process and timeline, cost of services, our guarantee, and client references. If selected, we do not have any potential conflict of interest in conducting this search process. Our proposal provides clear information regarding our firm, the scope of services (we will provide all services requested within the Marin LAFCO RFP), search schedule (approximately 14 weeks), cost of services (\$29,000 all inclusive), client references, and placement guarantee. We look forward to the opportunity to work with you on this important search process.

Sincerely,

***Bobbi C. Peckham***

Bobbi C. Peckham, President  
Peckham & McKenney, Inc.  
[www.peckhamandmckenney.com](http://www.peckhamandmckenney.com)  
(866) 912-1919 toll-free; (916) 730-2014 (cell)

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## INTRODUCTION

Peckham & McKenney, Inc. provides executive search services to local government agencies throughout the Western United States and is headquartered in Roseville, California. The firm was established as a partnership in June 2004 and incorporated in 2014 by Bobbi Peckham and Phil McKenney, who serve as the firm’s President and Chief Operating Officer, respectively. In addition, we have Executive Recruiters based in Colorado, Texas, and Southern California. We are supported by an Operations Manager, research specialists, a marketing and design professional, web technician, and distribution staff. Peckham & McKenney is the only executive search firm that offers a toll-free number (866-912-1919) for the convenience of our clients and candidates.

Peckham & McKenney was established on the premise that an executive search and consulting firm must be dedicated to providing its clients and candidates with professional service, as well as a personal, hands-on approach. Our business philosophy centers upon the understanding that this is a “people” related industry and that attention to others’ needs is the key to providing effective customer service. Not only are we committed to providing our clients with well-qualified candidates, but we also take pride in treating both our clients and candidates with utmost respect. This commitment has lead to multi-year retainer agreements with a number of agencies, as well as numerous client and candidate testimonials to their experiences with us, which you can find on our web site at [www.PeckhamAndMcKenney.com](http://www.PeckhamAndMcKenney.com).

At Peckham & McKenney, we are committed to local government and sensitive to the challenges and issues faced by our clients and candidates. As such, we serve as the Administrator for the Credentialed Government Leader program for the Municipal Management Associations of Northern & Southern California. We also actively support Women Leading Government as well as assist in the annual Women’s Leadership Summit. In addition, we have provided numerous workshops and training sessions in California and Colorado to up-and-comers on resume and interview preparation and general career guidance.

### Similar Recruitments – 2004 to Present

#### City/County Manager, Executive Director, and Related

Alameda County Waste Management Authority, CA	Executive Director
American Canyon, CA	City Manager
Anderson, CA	City Manager
Antioch, CA	City Manager
Arroyo Grande, CA	City Manager
Ashland, OR	City Administrator
Auburn, CA	City Manager
Azusa, CA	City Manager
Basalt, CO	City Manager
Bell, CA	City Manager
Belmont, CA	City Manager
Belvedere, CA	City Manager
Benicia, CA	City Manager
Big Bear Lake, CA	City Manager
Brentwood, CA	City Manager
Brookings Economic Development Agency, SD	Executive Director
Buellton, CA	City Manager
Burbank, CA	City Manager
Burlingame, CA	City Manager
Calistoga, CA	City Manager
Campbell, CA	City Manager (2011 & 2016)
Carmel-by-the-Sea, CA	City Administrator
Centennial, CO	City Manager (2007 & 2017)
Cordillera Metropolitan District, CO	General Manager

Corvallis, OR	City Manager
Cupertino, CA	City Manager
Del Mar, CA	City Manager
Douglas County, NV	County Manager
Durango, CO	City Manager
Eagle County, CO	County Manager
El Dorado Hills Community Services District, CA	General Manager
Encinitas, CA	City Manager
Escondido, CA	City Manager
Eureka, CA	City Manager
Exeter, CA	City Administrator
Foothills Park & Recreation District, CO	Executive Director
Fort Lupton, CO	City Administrator
Galt, CA	City Manager
Garfield County, CO	County Manager
Gilroy, CA	City Administrator (2007 & 2016)
Glendora, CA	City Manager
Grand Junction, CO	City Manager
Greeley, CO	City Manager
Gustine, CA	City Manager
Hayward, CA	City Manager
Hughson, CA	City Manager
Indian Wells, CA	City Manager
Incline Village General Improvement District, NV	General Manager
Ketchum, ID	City Administrator
La Plata County, CO	County Manager
La Quinta, CA	City Manager
La Palma, CA	City Manager
Lone Tree, CO	City Manager
Manitou Springs Chamber of Commerce, CO	Chief Operating Officer
Martinez, CA	City Manager
McCall, ID	City Manager
Midpeninsula Regional Open Space District, Los Altos, CA	General Manager
Mill Valley, CA	City Manager
Milpitas, CA	City Manager
Moraga, CA	Town Manager (2011, 2013, & 2017)
Mountain House Community Services District, CA	General Manager
Mountain Village, CO	Town Manager
Napa County, CA	County Executive Officer
North Lake Tahoe Public Utility District, CA	General Manager (2004 & 2007)
Novato, CA	City Manager
Orinda, CA	City Manager
Pacifica, CA	City Manager
Palmdale, CA	City Manager (2011 & 2015)
Palos Verdes Estates, CA	City Manager (2007 & 2013)
Park City Municipal Corporation, UT	City Manager
Piedmont, CA	City Administrator
Placer County, CA	County Executive Officer
Pleasant Hill, CA	City Manager
Point Arena, CA	City Manager
Portola Valley, CA	Town Manager
Public Agency Risk Sharing Authority of California	General Manager/CEO (2004 & 2016)
Rancho Murieta Community Services District, CA	General Manager
Rancho Santa Fe Association, CA	Chief Administrative Officer
Redlands, CA	City Manager
Redwood City, CA	City Manager
Redwood Empire Joint Powers Insurance Authority, CA	Executive Director

Rohnert Park, CA	City Manager
San Clemente, CA	City Manager
San Diego Local Agency Formation Commission, CA	Executive Officer
San Mateo County, CA	County Manager
Santa Clara, CA	City Manager
Santa Clara County Open Space Authority, San Jose, CA	General Manager
Santa Cruz County, CA	County Administrative Officer
Sea Ranch Association, CA	Community Manager
Sedona, AZ	City Manager (2008 & 2014)
Sierra Madre, CA	City Manager
Snowmass Village, CO	Town Manager (2006 & 2013)
Solana Beach, CA	City Manager
Sonoma, CA	City Manager
South Pasadena, CA	City Manager
South Suburban Parks & Recreation District, CO	Executive Director
St. Helena, CA	City Manager
Steamboat Springs, CO	City Manager (2005 & 2008)
Sunnyvale, CA	City Manager
Telluride, CO	City Manager
Teton County, WY	County Administrator
Tracy, CA	City Manager (2007 & 2014)
Truckee, CA	Town Manager (1992 & 2017)
Tulare, CA	City Manager (2005 & 2011)
Ventura, CA	City Manager
Walnut Creek, CA	City Manager
Waterford, CA	City Administrator
West Sacramento, CA	City Manager
Western Eagle County Metropolitan Recreation District, CO	Executive Director
Windsor, CO	Town Manager
Winter Park, CO	Town Manager
Woodside, CA	Town Manager
Yakima Regional Clean Air Authority, WA	Executive Director/Air Pollution Contl Officer
Yolo County, CA	County Administrator

## **EXECUTIVE RECRUITMENT TEAM PROFILES**

### **Bobbi C. Peckham, President**

Bobbi Peckham brings 30 years' experience as an Executive Recruiter as well as 6 years of local government experience. Ms. Peckham is sought out and retained due to her high ethics, integrity, hands-on customer service, and unique ability to identify candidates that "fit" her client agencies and communities.

Ms. Peckham began her career in local government in the City Manager's office of the City of Naperville, Illinois, where she became familiar with all aspects of local government in the nation's fastest growing community at that time. Ms. Peckham was then recruited to join the Executive Search practice of a leading California recruitment firm. Later, she played an integral role in creating a national search business for what became the largest recruitment practice serving local government in the country. Here, she became Regional Director overseeing Northern California and a nine-state region. In 2004, Ms. Peckham formed Peckham & McKenney, Inc. in partnership with Phil McKenney.

Ms. Peckham received a Bachelor of Science degree in Organizational Behavior from the University of San Francisco. She is a contributing member of the International City/County Management Association, Cal-ICMA, Women Leading Government, League of Women in Government, and Municipal Management Associations of Northern & Southern California. Ms. Peckham serves on the Planning Committee for the annual *Women's Leadership Summit*, at which she coordinates and leads the highly regarded Executive Roundtable Discussions with over 30 female local government leaders. In addition, Ms. Peckham was instrumental in writing the ICMA's *Job Hunting Handbook*. Over the years, Ms. Peckham has actively supported her community, and she currently volunteers her time to the Sacramento Affiliate of *Dress for Success*, which works to empower women to achieve economic independence by providing a network of support, professional attire, and the development tools to help women thrive in work and in life.

### **Phil McKenney, Chief Operating Officer**

Phil McKenney has over 35 years' management experience and is very familiar with local government agencies, having led a county organization and having worked with numerous city governments and special districts. Mr. McKenney began his career in the resort and hospitality industry and served as General Manager for Mattakesett Properties on the island of Martha's Vineyard. He then relocated to Keystone Resort in Colorado, which is now acknowledged as a premiere all-season resort with special recognition for its level of guest services. Mr. McKenney later took over the helm of the Summit County Chamber of Commerce as their Executive Director. This hybrid-Chamber was the only countywide organization responsible for marketing all of Summit County, Colorado, home to Breckenridge, Keystone, and Copper Mountain resorts. Through his leadership and collaborative style, and working with the cities and county within Summit County, he led the Chamber to being a readily recognized and well-respected organization within Colorado and the Western United States.

Mr. McKenney was then selected by Placer County, California to lead the merger of the North Lake Tahoe Chamber of Commerce and the North Tahoe Visitors and Convention Bureau into the North Lake Tahoe Resort Association. As Executive Director of this new county organization, he represented the Tourism industry for all of North Lake Tahoe. The Resort Association is now a proactive, nationally recognized organization whose model of governance is being replicated in numerous resort communities across the Western United States.

Mr. McKenney began his career in executive recruitment in January 2003 and has since conducted hundreds of national recruitments throughout the Western states, including Colorado, Arizona, Idaho, Wyoming, Oregon, and California. Mr. McKenney has an undergraduate degree in Recreation from Slippery Rock State College as well as a Master of Business Administration from the University of Denver.

### **Clay Phillips, Executive Recruiter**

Mr. Phillips brings extensive experience leading a city of over 150,000 and selecting and assembling an executive team that is highly revered in the San Diego region. He recently completed 30 years of service with the City of Escondido, 12 years of which he served as City Manager. Mr. Phillips served in several capacities with the City of Escondido including Finance Director, Administrative Services Director, and Deputy City Manager prior to his appointment as City Manager. He began his career with the City of Santa Ana and soon became Deputy Finance Officer for the City of Irvine.

Mr. Phillips has served as the Chairman of the San Diego City Managers Association, and he has been a speaker and expert panelist for the League of California Cities as well as POST and California State University San Marcos. Mr. Phillips has significant experience in leadership development, financial management, economic development, and labor relations. In his capacity as City Manager, he has been involved with the recruitment and hiring of department heads in all areas of local government. Mr. Phillips received his undergraduate degree from Loma Linda University with majors in Business Management and Accounting and was recognized as the Alumnus of the Year by the School of Business in 2008. He also received his Master of Business Administration from Pepperdine University.

### **Andrew (Drew) Gorgey, Vice President**

Before joining Peckham & McKenney in December 2016, Drew Gorgey served in Colorado local government for nearly 20 years, including 11 years at the executive management level. Mr. Gorgey served as County Manager and County Attorney for Garfield County in Glenwood Springs, Colorado. Mr. Gorgey also served as First Assistant and Chief Deputy County Attorney in El Paso County, Colorado. In addition, he served as Interim City Manager for the City of Glenwood Springs. His strong skills in strategic planning and talent identification, recruitment, and retention have allowed organizations seeking continual improvement to realize their strategic planning objectives quickly and effectively.

Mr. Gorgey began his career in the resort and hospitality industry and served as a Corporate Trainer for The Broadmoor, a Forbes Five-Star and Triple A Five-Diamond Resort in Colorado Springs. Since his youth, Mr. Gorgey has been an enthusiastic student of leadership, dedicating substantial volunteer hours to leadership positions in various professional associations. The El Paso County Bar Association in Colorado Springs named Mr. Gorgey “Outstanding Young Lawyer” in 1999 and elected him one of the Association’s youngest Presidents in 2003-04. Mr. Gorgey twice served the Colorado Bar Association as Vice President. He is also Past President of the Association of Colorado County Administrators. Mr. Gorgey has lectured on leadership at the American Bar Association’s prestigious Bar Leadership Institute in Chicago, the Colorado Bar Association’s Bar Leadership Training course (COBALT), and the Special District Association of Colorado’s Leadership Academy, among others.

Mr. Gorgey has an undergraduate degree in English from the University of Colorado, as well as a Juris Doctor from the University of South Carolina School of Law.

### **Joshuah (Josh) Agnew, Executive Recruiter**

Josh Agnew brings extensive experience in effective hiring practices and selection of key staff, customer service, management, and leadership. Prior to joining Peckham & McKenney, Mr. Agnew served in management roles for over 16 years in both the private and non-profit sectors. Mr. Agnew was selected in 2005 to open what has become Houston’s most profitable and successful franchise in the nation. Over the course of 11 years, he grew the franchise to five times its size. His role in implementing strong systems for the hiring and development processes allowed Mr. Agnew to strategically and consistently identify, recruit, retain, and advance potential candidates and employees who were the right “fit” for the organization as a whole. Much of the management team Mr. Agnew put in place remain in those same positions or have moved into new leadership roles within the company.

Mr. Agnew then transitioned into the non-profit sector and served in various roles including direct oversight of staff, volunteers, and community groups; budgeting; facilities; and vision and mission. Mr. Agnew again focused on “fit” when hiring staff and coordinating volunteers and community groups and their leadership. Mr. Agnew is passionate about people, dedicating substantial amounts of time and support to the betterment of individuals throughout the local community. He serves on the Board of Directors for *The Refugee Project*, which equips and trains refugees relocated by the United Nations to Houston to lead meaningful and productive lives, and for *Hope Beyond Bridges*, which is dedicated to building relationships with the homeless by providing nutritious meals, hygiene kits, clothing and other assistance.

**Ellen Volmert, Executive Recruiter**

Ms. Volmert recently began her encore career in executive recruitment for cities after 36 years of local government management experience in California and Oregon. She has served as City Manager with the City of La Palma, California, Assistant City Manager with the City of Corvallis, Oregon and previous to that as Assistant to the City Manager in Baldwin Park, California and as Management Analyst in West Covina, California. Ms. Volmert brings extensive experience in executive recruitment, labor relations, human resources, risk management, communications, diversity, budgeting, and intergovernmental relations.

Ms. Volmert both leads recruitment assignments, including all assignments in the state of Oregon, and provides team support. She is a graduate of UCLA and has a Master's degree in Public Administration from Cal State Fullerton as well as maintaining credentialed city manager status from ICMA.

**Joyce Johnson, Operations Manager**

Ms. Johnson joined Peckham & McKenney in 2005 and serves as the firm's Office Manager. Ms. Johnson is complimented regularly on her strong customer orientation working with both clients and candidates alike. She oversees internal administration of the firm as well as directing contract administrative support in the areas of advertising and design, web posting, and duplication and mailing services. Prior to joining Peckham & McKenney, Ms. Johnson oversaw internal administration in the Western Region headquarters of two separate national management consulting and executive recruitment firms. She has over 30 years' experience in the field of administrative and executive support for all aspects of the executive recruitment process. Ms. Johnson holds an Associate of Arts degree from American River College.

**Cathy West-Packard, Marketing & Design Specialist**

Ms. West-Packard has provided her design and marketing skills to Peckham & McKenney Recruiters for over 25 years. She is the firm's “go-to” professional for all advertising and brochure design and creation.

**Kevin Johnson, Research Assistant**

Mr. Johnson has been a member of the team since 2009 and currently serves as a Research Assistant. He supports the firm's Recruiters through his research of local government agencies and networks, potential candidates, and current candidates prior to recommendation to our clients. Mr. Johnson mastered his researching abilities while obtaining a Bachelor of Arts in Economics from Willamette University.

**Joyce Masterson, Research Assistant**

Ms. Masterson brings nearly 30 years' experience working in the City Manager's office and as Director of Economic Development & Community Relations with the City of Escondido. She brings Peckham & McKenney extensive experience in general government administration, media relations, public information, and customer service. She has been active in various organizations over the years including the Municipal Management Assistants of Southern California and California Association of Public Information Officials. Ms. Masterson holds a Bachelor of Arts degree in Telecommunications from Brooklyn College, NY.

## THE SEARCH PROCESS

While it is our intent to customize the search and project schedule to fit the Marin LAFCO's specific needs, the search process typically includes the following key actions:

**Project Organization** – Prior to beginning the recruitment process, we will be available via conference call to discuss the recruitment process, listen to specific desires and expectations, and respond to any questions or concerns. We will discuss expected parameters of the search, the search timeline, and schedule future meeting dates. At this time, the Commission will also determine the extent of involvement of other individuals in the search process.

**Development of Candidate Profile (on-site #1)** – This phase provides for the development of a detailed Candidate Profile. We will meet individually with members of the Commission and in groups with those individuals identified in the Project Organization phase, to discuss the current and future issues and challenges facing the Marin LAFCO and the organization, in particular. The desired background and experience, leadership style and personality traits, skills and abilities of the ideal candidate will be discussed. We will also discuss expectations, goals, and objectives that will lead to the success of the new Executive Officer.

**Recruitment** – Advertisements will be placed in the appropriate industry publications and websites, and our firm will assume responsibility for presenting your opportunity in an accurate and professional manner. Full information on the position will be posted on our firm's web site as well as the Marin LAFCO's site. In addition, an attractive brochure will be prepared to market the organization and position to potential candidates. This brochure will be mailed to 300-400 industry professionals nationally, and it will also be available on our firm's web site. Copies of the brochure will also be made available to the Marin LAFCO.

The main focus of our outreach, however, will be direct phone contact with quality potential candidates. With over 50 combined years of executive search experience, we have developed an extensive candidate database that is continuously updated and utilized. Our recruiting efforts will focus on direct and aggressive recruiting of individuals within the search parameters established during the Candidate Profile Development phase. We believe direct recruiting produces the most qualified candidates.

Throughout this active search process, we will regularly notify the Marin LAFCO of the status and share questions, concerns, and comments received from potential candidates as they consider the opportunity. By doing so, we will "team" with the Commission to ensure that all issues and concerns of candidates are discussed and understood thereby eliminating "surprises" once the resume filing deadline has occurred.

As resumes are received, they will be promptly acknowledged, and we will personally respond to all inquiries. Once the resume filing deadline has passed, the Commission will be once again updated on the status of the recruitment, the number of resumes received, and our intent for preliminary interviews.

**Preliminary Interviews** – As resumes are received, supplemental questionnaires will be sent to candidates who appear to meet the Candidate Profile. Following the resume filing deadline and a thorough review of the resumes and questionnaires received, we will conduct preliminary interviews with those individuals most closely matching the Candidate Profile. An Internet search will be conducted as well as preliminary background (credit and criminal) checks.

**Recommendation of Finalists (on-site #2)** – A written recommendation of finalists will be personally presented to the Commission in a one- to two-hour meeting. The Commission will receive a full listing of all candidates who applied for the position, as well as the cover letters, resumes, and supplemental questionnaires of the recommended group of candidates for further consideration.

Once a group of finalists has been selected by the Commission, all candidates will be notified of their status. We will prepare a finalist interview schedule and notify finalist candidates accordingly. If necessary, finalists will make their own travel plans and reservations. It is customary that the Marin LAFCO reimburse finalists for round-trip airfare, car rental, and lodging necessary to attend the interviews with the Marin LAFCO. We will confirm this with the Commission at our meeting to recommend finalists.

**Final Interviews/Selection (on-site #3)** – During this phase, finalists will be interviewed by the Commission. We will provide on-site advice and facilitation assistance during the final interview process. Interview materials, including suggested interview questions, evaluation and ranking sheets will be provided for the Commission’s convenience.

An orientation session will be held with those involved prior to the finalist interviews, and we will work with the panel through a ranking process and discussion of the finalists at the end of the day. We will assist the Commission in coming to consensus on the leading two to three finalists for further consideration, and we will provide recommendations on next steps, including additional meetings with each finalist to learn more of the “fit” they may bring.

**Qualification** – Once the final candidate has been selected by the Commission, a thorough background check will be conducted that is compliant with the Fair Credit Reporting Act and Investigative Consumer Reporting Agencies Act. Peckham & McKenney utilizes the services of Sterling Talent Solutions, the world’s largest company focused entirely on conducting background checks. This investigation will verify professional work experience; degree verification; certifications; and criminal, civil, credit, and motor vehicle records. We encourage our clients to consider further vetting the candidate through a Department of Justice LiveScan in order to ensure that all known criminal history records (beyond seven years) are investigated.

Professional references will also be contacted, and a full report will be provided. This comprehensive process ensures that only the most thoroughly screened candidate is hired. In addition, negotiation assistance will be provided as requested by the Marin LAFCO.

Our ultimate goal is to exceed your expectations and successfully place a candidate who “fits” your organization’s and community’s needs now and into the future.

## SEARCH SCHEDULE

This sample schedule anticipates a 14-week process. In today's competitive recruiting environment, our goal is to make the process as efficient and effective as possible. We ask that our clients work with us to identify future meeting dates, which will be published within the Candidate Profile. This will ensure that the momentum of the search process is consistent and that all parties are available in order to lead to a successful result.

<u>ACTIVITY</u>	<u>TIME FRAME</u>
I. Project Organization <ul style="list-style-type: none"><li>• Conference call discussion of recruitment process</li><li>• Formalize project schedule</li></ul>	Pre-Recruitment
II. Development of Candidate Profile <ul style="list-style-type: none"><li>• On-site meeting with Marin LAFCO representatives to discuss Candidate Profile</li><li>• Develop Candidate Profile/Marketing Brochure and obtain approval from Marin LAFCO</li><li>• Develop advertising and recruiting plan</li></ul>	Two Weeks
III. Recruitment <ul style="list-style-type: none"><li>• Advertise, network, and electronically post in appropriate venues</li><li>• Send Candidate Profile to 300-400 industry professionals</li><li>• Post opportunity on firm's web site as well as Marin LAFCO's site</li><li>• Search for/identify/recruit individuals within the parameters of the Candidate Profile</li><li>• Respond to all inquiries and acknowledge all resumes received in a timely manner</li></ul>	Six Weeks
IV. Preliminary Interviews/Recommendation <ul style="list-style-type: none"><li>• Review resumes and supplemental questionnaires</li><li>• Conduct preliminary interviews with leading candidates</li><li>• Conduct Internet research and credit/criminal checks</li><li>• Present written recommendation of finalists to Commission</li><li>• Notify all candidates of search status</li></ul>	Three Weeks
V. Final Interviews/Selection <ul style="list-style-type: none"><li>• Schedule finalist interviews</li><li>• Design process and facilitate finalist interviews with Commission</li><li>• Assist Marin LAFCO throughout process and provide recommendations</li><li>• Commission selects candidate or leading 2-3 candidates for further consideration</li><li>• Commission conducts second interview process.</li></ul>	Two Weeks
VI. Qualification <ul style="list-style-type: none"><li>• Conduct thorough background and reference checks on leading candidate</li><li>• Negotiation assistance</li><li>• Exceed expectations and successfully place candidate who "fits."</li></ul>	One Week

## **PROFESSIONAL FEE AND EXPENSES**

### **Cost of Services**

Our all-inclusive fee to conduct the search process for your next Executive Officer is \$29,000. One-third of this fee is due as a retainer upon execution of the agreement. The remainder of the fee will be divided and billed in two separate, monthly invoices.

The all-inclusive fee includes professional fees and expenses. Expenses include out-of-pocket costs associated with administrative support/printing/copying/postage/materials, consultant travel, advertising, telephone/technology, and background checks (partial checks on recommended candidates; full background check on selected candidate). Additional expenses incurred due to requested additional meetings as well as full background checks on more than one candidate will be billed accordingly.

### **Additional Placement**

If an additional candidate from this recruitment process is selected for another position within your organization within one year of the close of this recruitment, a fee of \$5,000 will be due to Peckham & McKenney.

### **Insurance**

Peckham & McKenney carries Professional Liability Insurance (\$1,000,000 limit), Commercial General Liability Insurance (\$2,000,000 General Liability, and \$4,000,000 Products) and Automobile Liability Insurance (\$1,000,000). Our Insurance Broker is Wells Fargo Insurance, Inc., Charlotte, NC, and our coverage is provided by Sentinel Insurance Company and Hiscox Insurance Co. Limited.

## **CLIENT REFERENCES**

Please feel free to contact any of the following current and recent clients to inquire about their experience with Peckham & McKenney. In addition, we would be pleased to furnish the client contact and phone numbers for any past clients listed in the Attachment.

### **San Diego LAFCO – Executive Officer (2017)**

Sam Abed, Commission Chair  
(760) 839-4631; [sabed@escondido.org](mailto:sabed@escondido.org)

### **Santa Cruz County, Santa Cruz, CA – County Administrative Officer (2017)**

Board Chair John Leopold – (831) 454-2200

### **City of Sunnyvale, CA – City Manager (2017)**

Teri Silva, Assistant City Manager/Human Resources Director  
(408) 730-3001; [tsilva@sunnyvale.ca.gov](mailto:tsilva@sunnyvale.ca.gov)

### **City of Walnut Creek, CA – City Manager (2017)**

Mayor Rich Carlston  
(925) 943-5800; [carlston@walnut-creek.org](mailto:carlston@walnut-creek.org)

### **Additional References:**

Ken Nordhoff, former City Manager, City of San Rafael and Walnut Creek, CA – (415) 246-3813  
Jim Schutz, City Manager, City of San Rafael, CA – (415) 720-3920  
Jim McCann, City Manager, City of Mill Valley, CA – (415) 464-7085  
Madeline Kellner, former Council Member, City of Novato, CA – (415) 892-7151  
Michael Frank, former City Manager, City of Novato, CA – (415) 798-6073

## PLACEMENT GUARANTEE AND ETHICS

### Placement Guarantee

Our placement record is particularly strong in that 80% of the candidates we have placed since 2010 continue in those positions today. In the unlikely event, however, that a candidate recruited and recommended by our firm leaves your employment ***for any reason within the first year*** (except in the event of budgetary cutbacks, promotion, position elimination, or illness/death), we agree to provide a one-time replacement at no additional charge, except expenses.

### Ethics

Time and again, we receive unsolicited comments from clients and candidates relating to our integrity and high ethics.

- First, we believe in honesty. No client should ever appoint an individual without being fully knowledgeable of the candidate's complete background and history. Conversely, no candidate should ever enter into a new career opportunity without full disclosure of any organizational "issues."
- We strive to keep everyone involved in a recruitment process informed of the status. Not only do we provide regular updates to our clients, but we also have a reputation for keeping our candidates posted, even to the extent of informing them as to who was eventually selected.
- As recruitment professionals, we do not recruit our placements -- ***ever***. Should a placement of ours have an interest in a position for which we are recruiting, they may choose to apply. However, if they become a finalist, we ask that they speak to their supervisor (Council member or Manager) to alert them of their intent.
- During an active engagement, we do not recruit staff from our client agencies for another recruitment. Nor do we "parallel process" a candidate, thereby pitting one client against another for the same candidate.
- We do not misrepresent our client list. Only those searches that we personally conducted appear on our list.
- We are retained only by client agencies and not by our candidates. While we have a reputation for being actively involved in the profession and providing training, workshops, and general advice to candidates, we represent only our clients. In addition, we ***always*** represent and speak of our clients in a positive manner; during the recruitment engagement as well as years after.

## **EXECUTIVE SEARCHES CONDUCTED (2004 to PRESENT\*)**

(\* 100's of additional searches were conducted from 1987-2004)

### **City/County Manager, Executive Director, and Related**

Alameda County Waste Management Authority, CA	Executive Director
American Canyon, CA	City Manager
Anderson, CA	City Manager
Antioch, CA	City Manager
Arroyo Grande, CA	City Manager
Ashland, OR	City Administrator
Auburn, CA	City Manager
Azusa, CA	City Manager
Basalt, CO	City Manager
Bell, CA	City Manager
Belmont, CA	City Manager
Belvedere, CA	City Manager
Benicia, CA	City Manager
Big Bear Lake, CA	City Manager
Brentwood, CA	City Manager
Brookings Economic Development Agency, SD	Executive Director
Buellton, CA	City Manager
Burbank, CA	City Manager
Burlingame, CA	City Manager
Calistoga, CA	City Manager
Campbell, CA	City Manager (2011 & 2016)
Carmel-by-the-Sea, CA	City Administrator
Centennial, CO	City Manager (2007 & 2017)
Cordillera Metropolitan District, CO	General Manager
Corvallis, OR	City Manager
Cupertino, CA	City Manager
Del Mar, CA	City Manager
Douglas County, NV	County Manager
Durango, CO	City Manager
Eagle County, CO	County Manager
El Dorado Hills Community Services District, CA	General Manager
Encinitas, CA	City Manager
Escondido, CA	City Manager
Eureka, CA	City Manager
Exeter, CA	City Administrator
Foothills Park & Recreation District, CO	Executive Director
Fort Lupton, CO	City Administrator
Galt, CA	City Manager
Garfield County, CO	County Manager
Gilroy, CA	City Administrator (2007 & 2016)
Glendora, CA	City Manager
Grand Junction, CO	City Manager
Greeley, CO	City Manager
Gustine, CA	City Manager
Hayward, CA	City Manager
Hughson, CA	City Manager
Indian Wells, CA	City Manager
Incline Village General Improvement District, NV	General Manager
Ketchum, ID	City Administrator
La Plata County, CO	County Manager
La Quinta, CA	City Manager
La Palma, CA	City Manager
Lone Tree, CO	City Manager

Manitou Springs Chamber of Commerce, CO	Chief Operating Officer
Martinez, CA	City Manager
McCall, ID	City Manager
Midpeninsula Regional Open Space District, Los Altos, CA	General Manager
Mill Valley, CA	City Manager
Milpitas, CA	City Manager
Moraga, CA	Town Manager (2011, 2013, & 2017)
Mountain House Community Services District, CA	General Manager
Mountain Village, CO	Town Manager
Napa County, CA	County Executive Officer
North Lake Tahoe Public Utility District, CA	General Manager (2004 & 2007)
Novato, CA	City Manager
Orinda, CA	City Manager
Pacifica, CA	City Manager
Palmdale, CA	City Manager (2011 & 2015)
Palos Verdes Estates, CA	City Manager (2007 & 2013)
Park City Municipal Corporation, UT	City Manager
Piedmont, CA	City Administrator
Placer County, CA	County Executive Officer
Pleasant Hill, CA	City Manager
Point Arena, CA	City Manager
Portola Valley, CA	Town Manager
Public Agency Risk Sharing Authority of California	General Manager/CEO (2004 & 2016)
Rancho Murieta Community Services District, CA	General Manager
Rancho Santa Fe Association, CA	Chief Administrative Officer
Redlands, CA	City Manager
Redwood City, CA	City Manager
Redwood Empire Joint Powers Insurance Authority, CA	Executive Director
Rohnert Park, CA	City Manager
San Clemente, CA	City Manager
San Diego Local Agency Formation Commission, CA	Executive Officer
San Mateo County, CA	County Manager
Santa Clara, CA	City Manager
Santa Clara County Open Space Authority, San Jose, CA	General Manager
Santa Cruz County, CA	County Administrative Officer
Sea Ranch Association, CA	Community Manager
Sedona, AZ	City Manager (2008 & 2014)
Sierra Madre, CA	City Manager
Snowmass Village, CO	Town Manager (2006 & 2013)
Solana Beach, CA	City Manager
Sonoma, CA	City Manager
South Pasadena, CA	City Manager
South Suburban Parks & Recreation District, CO	Executive Director
St. Helena, CA	City Manager
Steamboat Springs, CO	City Manager (2005 & 2008)
Sunnyvale, CA	City Manager
Telluride, CO	City Manager
Teton County, WY	County Administrator
Tracy, CA	City Manager (2007 & 2014)
Truckee, CA	Town Manager (1992 & 2017)
Tulare, CA	City Manager (2005 & 2011)
Ventura, CA	City Manager
Walnut Creek, CA	City Manager
Waterford, CA	City Administrator
West Sacramento, CA	City Manager
Western Eagle County Metropolitan Recreation District, CO	Executive Director
Windsor, CO	Town Manager

Winter Park, CO  
Woodside, CA  
Yakima Regional Clean Air Authority, WA  
Yolo County, CA

Town Manager  
Town Manager  
Executive Director/Air Pollution Contl Officer  
County Administrator

**Assistant City/County Manager and Deputy Manager**

Arvada, CO  
Atherton, CA  
Bothell, WA  
Carlsbad, CA  
Concord, CA  
Contra Costa County, CA  
Daly City, CA  
Douglas County, CO  
Douglas County, NV  
Escondido, CA  
Foster City, CA  
Fremont, CA  
Gilroy, CA  
Hayward, CA  
Midpeninsula Regional Open Space District, Los Altos, CA  
Oceanside, CA  
Pacifica, CA  
Palo Alto, CA  
Porterville, CA  
Sacramento County, CA  
San Clemente, CA  
San Pablo, CA  
San Rafael, CA  
South Lake Tahoe, CA  
Tracy, CA

Deputy City Manager  
Assistant City Manager  
Assistant City Manager  
Assistant City Manager  
Assistant City Manager  
Chief Assistant County Administrator (2 Positions)  
Assistant City Manager  
Deputy County Manager  
Assistant County Manager  
Assistant City Manager  
Assistant City Manager  
Assistant City Manager  
Assistant City Administrator  
Assistant City Manager (2006, 2010 & 2016)  
Assistant General Manager (2 Positions)  
Assistant City Manager, Development Services  
Assistant City Manager  
Assistant City Manager  
Deputy City Manager  
Assistant County Administrator  
Assistant City Manager  
Assistant City Manager  
Assistant City Manager (2006 & 2015)  
Assistant City Manager  
Assistant City Manager (2007 & 2015)

**City Attorney/Legal Counsel**

Antioch, CA  
Archuleta County, CO  
Ashland, OR  
Brisbane, CA  
Burlingame, CA  
Eureka, CA  
Garfield County, CO  
Hayward, CA  
Mesa County, CO  
Midpeninsula Regional Open Space District, Los Altos, CA  
Milpitas, CA  
Mountain Village, CO  
Pleasanton, CA  
Redwood City, CA  
Richmond, CA  
San Bruno, CA  
San Pablo, CA  
Simi Valley, CA  
South Lake Tahoe, CA  
South San Joaquin Irrigation District, CA  
Yolo County, CA

City Attorney (2005 & 2015)  
County Attorney  
City Attorney  
City Attorney (contract services)  
City Attorney (2008 & 2012)  
City Attorney  
County Attorney  
City Attorney  
County Attorney  
General Counsel  
Assistant City Attorney  
Town Attorney  
City Attorney  
General Counsel  
County Counsel

**Community Development/Planning/Economic Development**

Alameda, CA	Economic Development Manager
Alhambra, CA	Director of Development Services
Ashland, OR	Community Development Director
Bell, CA	Community Development Director
Beverly Hills, CA	Community Development Director
Bothell, WA	Community Development Director
Burbank, CA	Community Development Director
Concord, CA	Principal Planner
Dana Point, CA	Community Development Director
Delano, CA	Economic Development Manager
Elk Grove, CA	Economic Development Director
Fremont, CA	Deputy Director of Community Development
Fremont, CA	Deputy Redevelopment Agency Director, Housing
Hayward, CA	Community Development Director
Hayward, CA	Economic Development Manager
Jefferson County, CO	Planning & Development Director
Laguna Niguel, CA	Director of Community Development
Livermore, CA	Economic Development Director
Long Beach, CA	Deputy Director, Development Services
Long Beach, CA	Planning Bureau Manager, Development Services
Martinez, CA	Community Development Director
Milpitas, CA	Director of Planning & Neighborhood Services
Mountain Village, CO	Director of Community Development & Housing
North Tahoe Public Utility District, CA	Planning & Engineering Manager
Novato, CA	Community Development Director
Oceanside, CA	Development Services Director
Pacifica, CA	Planning Director
Pacific Grove, CA	Community/Economic Development Director
Palo Alto, CA	Development Services Director
Pittsburg, CA	Community Development Director/City Engineer
Placer County, CA	Community Development Resources Agency Director
Rancho Palos Verdes, CA	Senior Planner
Rancho Santa Margarita, CA	Development Services Director
Reno, NV	Redevelopment Administrator
San Bernardino, CA	Director of Housing & Economic Development
San Bruno, CA	Community Development Director
San Clemente, CA	Community Development Director
San Clemente, CA	Economic Development & Housing Director
San Mateo, CA	Economic Development Manager
San Pablo, CA	Asst. to the City Manager, Economic Development
San Rafael, CA	Community Development Director
Santa Clara County, CA	Director, Planning & Development
Santa Rosa, CA	Planning & Economic Development Director
Seaside, CA	Planning Services Manager
Seaside, CA	Redevelopment Services Manager
South Lake Tahoe, CA	Development Services Director
St. Helena, CA	Planning & Community Improvement Director
Stockton, CA	Community Development Director
Teton County, CO	Planning & Development Director
Vail, CO	Director of Community Development
Walnut Creek, CA	Economic Development Manager
Walnut Creek, CA	Planning Manager
Windsor, CA	Community Development Director
Winters, CA	Community Development Director
Yuba City, CA	Development Services Director

**Public Works/Engineering and Related**

Ashland, OR  
Aurora Water, CO  
Benicia, CA  
Benicia, CA  
Big Bear Lake, CA  
Carlsbad, CA  
Concord, CA  
Concord, CA  
Fremont, CA  
Galt, CA  
Gilroy, CA  
Gonzales, CA  
Greeley, CO  
Greeley, CO  
Greenfield, CA  
Hayward, CA  
Hayward, CA  
Jefferson County, CO  
Louisville, CO  
Mariposa County, CA  
Millbrae, CA  
Millbrae, CA  
Milpitas, CA  
Morgan Hill, CA  
Pacifica, CA  
Pacifica, CA  
Port San Luis Harbor District, CA  
Rancho Palos Verdes, CA  
Rancho Palos Verdes, CA  
Sacramento County, CA  
Salt Lake City Corporation, UT  
San Jose, CA  
San Leandro, CA  
San Pablo, CA  
San Rafael, CA  
Santa Clara, CA  
South Lake Tahoe, CA  
Steamboat Springs, CO

Public Works Director  
Director of Water  
Land Use & Engineering Manager  
Public Works Director  
Assistant General Manager, Dept. of Water & Power  
Deputy Public Works Director  
Infrastructure Maintenance Manager  
Transportation Manager  
Manager of Maintenance Operations  
Public Works Director  
Building Field Services Manager  
Public Works Director  
Public Works Director  
Water & Sewer Director  
Public Works Director  
Director of Public Works  
Deputy Director of Public Works  
Airport Manager  
Public Works Director  
Public Works Director  
Deputy Public Works Director/Operations  
Development Services Engineer  
Public Works Director/City Engineer  
Engineering & Utilities Director  
Deputy Director, Public Works  
Deputy Director, Wastewater Treatment  
Facilities Manager  
Director of Public Works  
Senior Engineer  
Associate Civil Engineer  
Transportation Director  
General Services Director  
Engineering & Transportation Director  
City Engineer  
Public Works Director  
Assistant Director of Water/Sewer Utilities  
Public Works Director  
Public Works Director

**Finance Director/Controller/Treasurer**

Alhambra, CA  
American Canyon, CA  
Arvada, CO  
Atherton, CA  
Aurora, CO  
Azusa, CA  
Bell, CA  
Brentwood, CA  
Concord, CA  
Daly City, CA  
Durango, CO  
Encinitas, CA  
Fairfield, CA  
Fairfield, CA  
Greeley, CO  
Hayward, CA

Finance Director  
Administrative Services Director  
Director of Finance  
Finance Director  
Finance Director  
Director of Finance  
Finance Director  
City Treasurer/Administrative Services Director  
Budget Officer  
Director of Finance  
Finance Director  
Finance Director  
Director of Finance  
Assistant Director of Finance  
Finance Director  
Director of Finance/CFO (2006 & 2017)

Hayward Area Recreation District, CA  
 La Quinta, CA  
 Marin County, CA  
 Milpitas, CA  
 Modesto, CA  
 Oceanside, CA  
 Orange County Fire Authority, CA  
 Orange County Fire Authority, CA  
 Pacific Grove, CA  
 Pasadena, CA  
 Pittsburg, CA  
 Rancho Cordova, CA  
 Reno, NV  
 San Mateo, CA  
 San Mateo, CA  
 Santa Clara, CA  
 Santa Clarita, CA  
 Seaside, CA  
 Silverthorne, CO  
 Sonoma, CA  
 South Lake Tahoe, CA  
 Steamboat Springs, CO  
 San Mateo County, Office of Superior Court, CA  
 Winter Park, CO

Administrative Services Director  
 Finance Director  
 Assistant Director of Finance  
 Finance Director  
 Director of Finance  
 Director of Finance  
 Assistant Chief, Business Services  
 Treasurer  
 Finance Director  
 Accounting Manager  
 Finance Director  
 Assistant Finance Director  
 Finance Director  
 Finance Director  
 Deputy Director of Finance  
 Accounting Division Manager  
 Finance Manager  
 Financial Services Manager  
 Director of Finance/Administrative Services  
 Finance Director  
 Administrative Services Director  
 Finance Director  
 Finance Director  
 Finance Director

**Human Resources/Personnel**

Anaheim, CA  
 Belmont, CA  
 Benicia, CA  
 Bothell, WA  
 Brentwood, CA  
 Brookings, SD  
 Concord, CA  
 Eagle County, CO  
 Emeryville, CA  
 Encinitas, CA  
 Folsom, CA  
 Hayward, CA  
 Jefferson County, CO  
 Lakewood, CO  
 Mariposa County, CA  
 Midpeninsula Regional Open Space District, CA  
 Oceanside, CA  
 Pacific Grove, CA  
 Palo Alto, CA  
 Parker, CO  
 Porterville, CA  
 Rancho Cucamonga, CA  
 Rancho Santa Margarita, CA  
 Redwood City, CA  
 San Bruno, CA  
 San Clemente, CA  
 San Rafael, CA  
 Seaside, CA  
 Silverthorne, CO  
 South Lake Tahoe, CA

Human Resources Director  
 Human Resources Director  
 Human Resources Manager  
 Human Resources Director  
 Human Resources Director  
 Director of Human Resources  
 Human Resources Director  
 Director of Human Resources  
 Human Resources Director  
 Human Resources Manager  
 Human Resources Director  
 Human Resources Director  
 Human Resources Director  
 Human Resources Director  
 Employee Relations Director  
 Human Resources Director/Risk Manager  
 Manager of Administration/Human Resources  
 Human Resources Director  
 Human Resources Manager  
 Chief People Officer  
 Human Resources Director  
 Administrative Services Manager  
 Director of Human Resources  
 Human Resources/Risk Management Administrator  
 Human Resources Director  
 Human Resources Director  
 Human Resources Manager  
 Human Resources Director  
 Personnel Services Manager  
 Human Resources Director  
 Human Resources Manager

**Public Safety/Law Enforcement**

Alhambra, CA	Chief of Police
Alhambra, CA	Fire Chief
Antioch, CA	Police Chief
Atherton, CA	Police Chief
Bell, CA	Police Chief
Beverly Hills, CA	Police Chief
Bothell, WA	Fire Chief
Contra Costa County, CA	Chief Probation Officer
Eureka, CA	Police Chief
Galt, CA	Police Chief
Gilroy, CA	Fire Chief
Hayward, CA	Fire Chief
Lone Tree, CO	Patrol Operations Commander
Lone Tree, CO	Police Chief
Los Altos, CA	Police Captain
Menlo Park, CA	Police Chief
Milpitas, CA	Police Chief
Oceanside, CA	Fire Chief
Porterville, CA	Chief of Police
San Pablo, CA	Police Chief
San Pablo, CA	Police Commander
San Rafael, CA	Chief of Police
Santa Monica, CA	Police Chief
Silverthorne, CO	Police Chief
Sonoma Valley Fire & Rescue District, CA	Fire Chief
Springfield, OR	Police Chief
Vail, CO	Fire Chief

**Parks & Recreation**

Anaheim, CA	Director of Community Services
Bell, CA	Community Services Director
Lafayette, CA	Director of Parks & Recreation
Oxnard, CA	Cultural & Community Services Director
Pacifica, CA	Director of Parks, Beaches & Recreation
Palo Alto, CA	Community Services Director
Piedmont, CA	Recreation Director
Pleasanton, CA	Director of Parks & Community Services
Roseville, CA	Parks, Recreation & Libraries Director
San Clemente, CA	Director of Beaches, Parks & Recreation
Tracy, CA	Parks & Community Services Director

**City/County Clerk**

Hayward, CA	City Clerk
Long Beach, CA	City Clerk
Midpeninsula Regional Open Space District, CA	Clerk of the Board
Midpeninsula Regional Open Space District, CA	Public Affairs Manager
Mountain View, CA	City Clerk
Palo Alto, CA	City Clerk
Rancho Santa Margarita, CA	City Clerk
Redwood City, CA	City Clerk
San Mateo, CA	City Clerk
Walnut Creek, CA	City Clerk

**Library Director**

Boulder, CO  
Hayward, CA  
Huntington Beach, CA  
Pacific Grove, CA  
Palo Alto, CA

Library Director  
Library Director  
Library Director  
Library Director  
Library Director

**Information Technology**

Fremont, CA  
Jefferson County, CO  
San Mateo County, Office of Superior Court, CA  
San Mateo County, Office of Superior Court, CA

Information Services Technology Director  
Information Technology Director  
Information Technology Director  
Court Information Technology Manager

**Human Services**

Douglas County, CO  
Eagle County, CO  
Mariposa County, CA  
Washington County, OR

Human Services Director  
Director of Human Services  
Public Health Officer  
Director of Health & Human Services



# Marin Local Agency Formation Commission

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

### AGENDA REPORT

February 8, 2018

Item No. 13 (Business / Action)

February 2, 2018

**TO:** Marin Commissioners

**FROM:** Rachel Jones, Interim Executive Officer  
The Policy Committee

**SUBJECT: Ratification on Selection of Commission Counsel and Other Related Actions**

The Commission will consider formal ratification of the Policy Committee’s recommendation and selection of Best Best and Krieger (BBK) for legal services tied to the appointment of Commission Counsel. This includes entering into a contract agreement at a rate of \$250 per hour for general counsel services.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”) directs Local Agency Formation Commissions (LAFCOs) to plan and coordinate the orderly formation and development of local governmental agencies and services within their jurisdictions. State law specifies LAFCOs are individually responsible for making their own provisions for personnel and facilities. In making their own provisions, LAFCOs may choose to contract with a public or private entity.

### Background

On November 6, 2017, the Commission issued a Request for Proposals (RFP) from qualified firms and individual attorneys to enter into a contract to provide legal representation to the Commission and its staff and serve as “Commission Counsel” as provided under Government Code Section 56384(b). The RFP was circulated to a vendor list developed by the Policy Committee and in consultation with other governmental agencies that had recently performed their own bid process. Marin LAFCO ultimately received three proposals by the November 30<sup>th</sup> deadline. All proposals were reviewed by the Policy Committee (Blanchfield, Baker, Connolly) relative to the criteria outlined in the RFP for the overall evaluation process. The Committee interviewed the three candidates and selected Best Best and Krieger as the best overall match for general and specialized legal services.

### Discussion

This item is for the Commission to consider taking formal action to ratify the Policy Committee’s selection and recommendation of Best Best and Krieger to serve as Commission Counsel. This includes entering into a contract with Best Best and Krieger for a rate of \$250 per hour for general counsel services and \$285 per hour for special counsel services. Best Best and Krieger is a valuable resource for the Commission to retain given the firm’s tenured and expansive experience providing guidance to LAFCOs in navigating CKH. Key services to be provided include review and comment upon bi-monthly agendas, prepare legal opinions on specified issues, prepare and review contracts on request, and act as a representative in all Commission matters, including litigation and administrative

proceedings as necessary.

The Policy Committee's selection and recommendation for BBK as counsel followed a standard RFP process and within the established policies set by the Commission. Formal ratification is recommended to support the Policy Committee's selection and authorize the Commission to enter into a contract agreement with BBK. The proposed recommendation ensures BBK to serve as counsel for the Commission and establishes a cost-certainty with the introduction of a flat hourly rate of \$250.

### **Alternatives for Action**

The following alternative actions are available to the Commission.

#### Alternative Action One

Ratify the approval of the Policy Committee's selection and recommendation of BBK to serve as Commission Counsel; and

Enter into a contract agreement with BBK for a rate of \$250 per hour to provide Marin LAFCO's general and special counsel services.

#### Alternative Action Two

Continue consideration of the item to the next regular meeting and provide direction to staff for additional information as needed.

### **Recommendation**

Staff recommends the Commission proceed with Alternative Action One as outlined in the preceding section.

### **Procedures for Consideration**

This item has been placed on the agenda for action as part of the regular business calendar. The following procedures, accordingly, are recommended in the consideration of this item:

- 1) Receive verbal report from staff;
- 2) Invite comments from any interested audience members (voluntarily); and
- 3) Discuss item and consider action on recommendation.

Respectfully,



Rachel Jones  
Interim Executive Officer

Attachments: Proposal – Best Best and Krieger



BEST BEST & KRIEGER  
ATTORNEYS AT LAW

[www.BBKlaw.com](http://www.BBKlaw.com)

## Proposal to Provide **Legal Counsel**

Presented to:

**The Marin Local Agency Formation Commission**

November 30, 2017

INDIAN WELLS  
IRVINE  
LOS ANGELES  
ONTARIO  
RIVERSIDE  
SACRAMENTO  
SAN DIEGO  
WALNUT CREEK  
WASHINGTON D.C.

Mala Subramanian  
2001 North Main Street, Suite 390  
Walnut Creek, California 94596  
(925) 977-3303  
[MSubramanian@bbklaw.com](mailto:MSubramanian@bbklaw.com)

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## I. ENGAGEMENT LETTER

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November 29, 2017

Rachel Jones, Interim Executive Officer  
Marin LAFCO  
1401 Los Gamos Drive, Suite 220  
San Rafael, California 94903  
[rjones@marinlafco.org](mailto:rjones@marinlafco.org)

Re: Request for Proposals for Legal Counsel

Dear Ms. Jones:

On behalf of Best Best & Krieger LLP (BB&K), I am pleased to submit this proposal outlining our qualifications to provide legal services to the Marin Local Agency Formation Commission (Marin LAFCO). We have reviewed the scope of services expected of your Commission Counsel and are confident that we are well qualified to provide all aspects of the scope. BB&K has had the honor of serving Marin LAFCO as legal counsel since 2014, and the proposed team would be privileged to continue providing legal service to Marin LAFCO.

BB&K is California's oldest and largest full-service public agency law firm. Our attorneys authored significant portions of the Cortese-Knox Act of 1985, a comprehensive re-write of California's local agency formation law in which the role and authority of California local agency formation commissions (LAFCOs) was re-defined and re-codified in the California Government Code. We have served as general counsel to the California Association of Local Agency Formation Commissions (CALAFCO) since adoption of the Cortese-Knox Act. Our firm has concentrated its practice on public agency representation for 126 years, providing counsel in a wide array of practice areas.

Our firm offers unparalleled legal experience and knowledge combined with the availability, responsiveness, and familiarity of a local firm. We currently serve as general counsel for Orange, El Dorado, Merced, San Bernardino, and Santa Clara LAFCOs in addition to CALAFCO. BB&K's focused California public agency practice has allowed us to develop efficiencies unmatched by any other California law firm.

As a full-service law firm, BB&K is able to provide comprehensive services on every legal issue that Marin LAFCO may encounter. We are recognized leaders in the state for our local agency formation practice; environmental practice, including the California Environmental Quality Act (CEQA); ethics law and conflicts of interest advice; knowledge of the Brown Act and the Public Records Act; and experience in intergovernmental relations, public agency law, and all types of personnel and employment law. BB&K also has highly qualified attorneys who practice in the areas of real estate, real property tax, special taxes and assessments, land use, planning and zoning laws, and litigation.

Our proposal will remain valid for 90 calendar days from the submission deadline of November 30, 2017.

Thank you for the opportunity to submit our qualifications. We would be honored to continue to provide legal services to Marin LAFCO by serving as Commission Counsel.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mala Subramanian', with a long horizontal flourish extending to the right.

Mala Subramanian  
of BEST BEST & KRIEGER LLP

## II. FIRM DESCRIPTION & QUALIFICATIONS SUMMARY

### A. Firm Name and Locations

BB&K is a limited liability partnership established in Riverside, California in 1891 and has been in business for 126 years. Marin LAFCO would be primarily served from our Walnut Creek office; however, BB&K has eight offices located throughout the state. We have found that office location is not as important as our communication technology, flexibility, and responsiveness when it comes to client service and developing long-term client relationships. BB&K has state-of-art teleconferencing technology that we can use to be anywhere at any time as well as video and electronic conferencing capabilities.

Our office locations are listed below:

<b>Indian Wells Office</b>	<b>Irvine Office</b>	<b>Los Angeles Office</b>
74-760 Highway 111, Ste. 200 Indian Wells, CA 92210 Phone: (760) 568-2611 Fax: (760) 340-6698	18101 Von Karman Avenue, Ste. 1000 Irvine, CA 92612 Phone: (949) 263-2600 Fax: (949) 260-0972	300 S. Grand Avenue, 25th Fl. Los Angeles, CA 90071 Phone: (213) 617-8100 Fax: (213) 617-7480
<b>Ontario Office</b>	<b>Riverside Office</b>	<b>Sacramento Office</b>
2855 Guasti Road, Ste. 400 Ontario, CA 91761 Phone: (909) 989-8584 Fax: (909) 944-1441	3390 University Avenue, 5th Fl. Riverside, CA 92502 Phone: (951) 686-1450 Fax: (951) 686-3083	500 Capitol Mall, Ste. 1700 Sacramento, CA 95814 Phone: (916) 325-4000 Fax: (916) 325-4010
<b>San Diego Office</b>	<b>Walnut Creek Office</b>	<b>Washington, D.C. Office</b>
655 West Broadway, 15th Fl. San Diego, CA 92101 Phone: (619) 525-1300 Fax: (619) 233-6118	2001 N. Main Street, Ste. 390 Walnut Creek, CA 94596 Phone: (925) 977-3300 Fax: (925) 977-1870	2000 Pennsylvania NW, Ste. 5300 Washington, DC 20006 Phone: (202) 785-0600 Fax: (202) 785-1234

### B. Firm Background and History

BB&K has provided legal services to cities, counties, special districts, LAFCOs, redevelopment agencies, school districts, joint powers authorities, and other public agencies for more than 100 years. Our firm has established a reputation as California’s preeminent full-service public agency law firm providing comprehensive services on every legal issue that may be confronted by a public agency. Our firm consists of equity and non-equity partners, of counsels, associates, and governmental affairs directors as well as administrative directors, paralegals, and administrative staff.

Our 200 attorneys currently represent more than 250 special districts as general or special counsel. Of these clients, we are general counsel to 100 special districts. BB&K also serves as city attorney to 40 cities and currently has more than 650 public agency clients.

### C. Experience and Qualifications

BB&K has served as general counsel to CALAFCO since 1985, San Bernardino County LAFCO since 1985, Orange County LAFCO since 1994, El Dorado County LAFCO since 2004, Merced County LAFCO since 2006, and Santa Clara County LAFCO since 2009. BB&K has also performed special counsel work for Los Angeles County LAFCO and Monterey County LAFCO.

Our attorneys practice every legal specialty of interest to Marin LAFCO, including, but not limited to, the following:

- The function and purpose of LAFCOs
- The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and amendments (CKH Reorganization Act)
- Adopting and defending spheres of influence
- Propositions 13 and 218 in the LAFCO context
- Revenue neutrality
- Island annexations
- Consolidations
- Advising public officials, administrators, and employees on the complex and frequently changing laws pertaining to local government administration, organization, regulations, transactions, and litigation matters relating to LAFCOs
- Pre-zoning and pre-annexation agreements
- Statutory compliance
- Contracting
- CEQA and water quality
- Personnel and employment
- Intergovernmental relations
- Real estate
- Real property taxes
- Special taxes and assessments
- Land use, planning, and zoning laws
- Ethical issues such as the Ralph M. Brown Act, the Political Reform Act, the Public Records Act, and conflicts of interest

Further, we can provide commissioners, executive officers, and staff with “in-service” seminars on areas of concern to Marin LAFCO. Our attorneys regularly write and lecture on topics of interest to public agencies, including the CKH Reorganization Act, the Ralph M. Brown Act, the Public Records Act, labor issues, the Political Reform Act and other conflict of interest issues, CEQA, and recent developments in public law and water law.

BB&K is an active member of numerous state and national public law organizations and associations, such as CALAFCO, the League of California Cities, the California State Association of Counties, the California Chapter of the American Planning Association, the Association of Environmental Professionals, and the Urban Land Institute.

Through our extensive experience providing legal counsel to various LAFCOs throughout California, BB&K attorneys are exceedingly knowledgeable about how LAFCOs operate. As detailed in this proposal, BB&K is well-versed in all aspects of LAFCO law.

### III. QUALIFICATIONS FOR SCOPE OF SERVICES

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#### A. Scope of Work Experience

##### Cortese-Knox Hertzberg Local Government Reorganization Act of 2000

BB&K is knowledgeable in all areas of the CKH Reorganization Act and understands the unique role LAFCOs play in local government. We have participated in hundreds of changes of organization on behalf of LAFCOs and represented public agency clients before LAFCOs. BB&K has assisted many LAFCOs in developing models for master fiscal analysis of incorporations and annexations of unincorporated county "islands," advising on the Comprehensive Fiscal Analysis (CFA), reviewing questions of election law, and reviewing potential utility tax measures for compliance with Propositions 13, 62, and 218.

In addition to in-depth project experience, we have unique perspective on the CKH Reorganizational Act. BB&K attorneys were involved in the legislative process when revisions were proposed to the Cortese-Knox Act of 1985 and assisted in drafting more recent versions of the act. We frequently represent CALAFCO in omnibus cleanup legislation pertinent to the act. We have also worked periodically on task forces for legislative clean up and have participated on a task force to modify and clarify the revenue neutrality statute and other provisions of the CKH Reorganization Act relating to incorporations. We regularly lead the lawyers' roundtable discussion at CALAFCO conferences.

We have played key roles in writing, reviewing, and consolidating Marin LAFCO policies concerning:

- Municipal Service Reviews
- Small Island Annexations
- Revenue Neutrality
- Proposition 218 and Annexations
- Special District Representative Elections
- LAFCO's role as CEQA Responsible Agency
- Commissioner Conflicts of Interest and Disqualification
- Legal Counsel Conflicts of Interest and Interplay of Rule of Professional Conduct 3-310 and Cortese-Knox-Hertzberg law
- Use of public funds for advocacy of LAFCO proposals

##### Public Agency Experience

Representing public agencies is the core of BB&K's practice. The firm's Municipal Law Practice Group focuses solely on helping public clients successfully maneuver through legal complexities and governmental mandates. We have unparalleled expertise in all areas of law affecting public agencies. Because BB&K has a history of extensive involvement in all aspects of municipal and special district law, we deliver advisory and litigation services in a comprehensive and cost-effective manner. Our approach ensures the highest quality and timeliest representation available in California.

## **Contracts**

We are well versed in issues relating to public contracts in the agency formation context as well as the negotiation and drafting of professional services agreements, including work by consultants of all kinds. We have significant experience writing tax-sharing agreements, joint service agreements, and development and pre-annexation agreements. Many agencies involved in these transactions use templates we have developed for LAFCOs throughout the state. In order to keep legal costs down, we have developed model contracts for virtually every contracting situation faced by our public agency clients; these model contracts allow our clients to operate effectively and with the highest level of legal protection.

## **Brown Act and Public Records Act**

BB&K has extensive experience advising clients on the interpretation and application of the Brown Act. Advice often pertains to the following:

- Requirements for agenda preparation, posting, and distribution
- Closed session topics and reporting
- Notices and agendas for special and emergency meetings
- Adding agenda items after an agenda is posted
- Conducting meetings by teleconferencing
- Application of Brown Act to committees of official bodies
- Avoiding violations and penalties

BB&K regularly advises clients on all aspects of California's Public Records Act. We routinely brief our clients on pending legislation and cases in this area. With the emergence of new technology, we regularly advise clients regarding the use of email, records retention, and the public's right to access electronic information.

BB&K attorneys frequently speak at seminars and workshops regarding updates concerning the Public Records Act and email/technology issues. Our attorneys were involved with the preparation of the League of California Cities' book on the Public Records Act. We developed a model electronic records retention policy that Calaware has proposed as a model statewide.

## **Ethics and Conflicts of Interest**

BB&K provides advice to elected and non-elected public officials regarding conflicts of interest laws, including the Political Reform Act, Government Code section 1090 (financial interests in contracts), campaign contribution conflicts under Government Code section 84308, and incompatibility of public offices. BB&K also regularly provides advice and training workshops to boards and staff members regarding conflict of interest laws.

We are informed of the most recent decisions from the Fair Political Practices Commission (FPPC). We also monitor statutory and common law changes to the law and regularly advise clients of such changes. We recently advised a LAFCO client in the adoption of a comprehensive conflict of interest policy.

## **CEQA and Environmental Law**

BB&K is a nationally recognized leader in environmental law. We represent numerous water providers and other public agencies and have experts in water rights, water quality, compliance with CEQA, endangered species, air quality, hazardous waste, and other environmental issues

BB&K's highly regarded CEQA and National Environmental Policy Act (NEPA) attorneys are capable of handling the complete environmental review and approval process for large scale public and private development projects; and they assist clients through all aspects of the CEQA, NEPA, and land use entitlement process from document preparation to any subsequent litigation. We try to minimize legal and project costs and risk from the earliest possible stage, representing clients at the pre-project planning and strategy stages. BB&K also prepares local CEQA guidelines on behalf of more than 100 public agency clients, including cities, water districts, and special districts.

More specifically, our CEQA and NEPA attorneys regularly review and prepare notices of exemption, initial studies, negative declarations, findings and statements of overriding considerations, addenda, and mitigation monitoring and reporting plans. We are also experts at writing and editing environmental impact reports (EIR) to fully comply with CEQA and NEPA requirements. If a legal challenge should arise, our lawyers are skilled in the procedural and substantive intricacies of litigating a CEQA or NEPA case, including shortened statutes of limitations, administrative record requirements, and unique briefing and oral argument strategies. We are also adept at understanding the interplay between CEQA, NEPA, and other environmental statutes, including the state and federal Endangered Species Acts and the state and federal Clean Water Acts.

## **Land Use, Planning, and Zoning**

BB&K realizes that LAFCOs do not have the same type of land use authority as cities and counties. Furthermore, we understand the processes and entitlements needed to move a project through to completion. BB&K advises clients on a wide variety of zoning, planning, and land use matters, including the development, implementation, and amendment of general and specific plans; zone changes; subdivisions; conditional use permits; variances; design review applications; development agreements; and other planning entitlements.

BB&K attorneys are also well versed in the requirements of the California Subdivision Map Act. We routinely advise our public clients to ensure their map filings and decisions conform to Subdivision Map Act requirements. In addition, we have an extensive collection of model documents accessible to our municipal subdivision practice, thereby eliminating the costly practice of producing entirely new documents for each subdivision.

We also help clients ensure that their land use determinations comply with the California Mitigation Fee Act (Assembly Bill (AB) 1600) as well as current case law. Moreover, BB&K is conversant in growth control tools and smart growth practices. In light of competing interests involved in growth control decisions, we provide clients with practical advice that encompasses more than just the legal aspects of growth control issues.

## Litigation Experience

The firm's civil litigation practice encompasses a broad variety of subjects, including major cases involving spheres of influence, incorporations, CEQA, land use challenges, tort liability, water resources and quality, fee and rate challenges (including Proposition 218), the Brown Act, the California Public Records Act, hazardous materials and toxic cleanup, real estate, labor and employment matters, public contracting and bidding disputes, equal protection claims, civil rights claims, and First Amendment issues. The firm's litigation attorneys practice in all federal and state courts at both the trial and appellate levels.

Our litigators focus on developing an understanding of issues and procedural requirements necessary to meet clients' goals no matter what the controversy or the stakes. We offer public agency clients a full range of litigation support in such areas as labor and employment, contracts, construction, energy, transportation, redevelopment, foreclosure, and water use.

## **B. Other Experience**

### Real Estate

BB&K maintains a full complement of attorneys specializing in real estate transactions. BB&K's real estate attorneys have extensive experience in advising developers, lenders, investors, corporations, and public agencies. Closing complex deals often requires a team approach. When our clients are faced with legal, financial, and regulatory challenges, the real estate attorneys at BB&K can draw upon the knowledge and experience of seasoned attorneys in numerous practice areas related to real estate. These areas include environmental law, public and private finance, natural resources and water rights, land use and entitlements, municipal law, litigation, bankruptcy, business transactions, and tax planning.

### Taxes and Assessments

With one of California's most extensive public agency practices; offices throughout the state; and decades of experience addressing the full range of fees, tax, and assessment matters; BB&K attorneys advise cities and special districts on revenue matters associated with the adoption, levy and defense of taxes, assessments, fees, and charges.

We help our agency clients protect, preserve, and enhance their limited public resources and revenues while making sure they meet the requirements of Propositions 13, 62, 218, and 26. Additionally, we assist clients with:

- Reviewing utility rate and fee studies and assessment engineering reports
- Interpreting and applying tax-sharing agreements
- Preparing notices of public hearings for the adoption of fees, charges, and assessments
- Complying with public hearing and protest procedures that must be followed to consider and adopt rates and charges
- Forming assessment districts
- Establishing new taxes, assessments, fees, and charges and increasing and extending existing ones

- Assuring compliance with the California Constitution and state laws governing the imposition of taxes, assessments, fees, and charges
- Financing major public infrastructure and public services
- Litigating disputes regarding applicable rules, taxes, fees, and charges

## **Elections**

BB&K provides a wide range of advice to our clients concerning local, state, and federal elections law. We routinely assist clients during all stages of the elections process, including initiative drafting, filing, publication, and circulation; spending limits; ballot arguments; campaign regulations; election contests; election timing; ballot security; recall procedures; ballot recounts; election result contests; and other post-election matters. We often provide advice to clients on the conduct of regular, special, and consolidated elections. We also advise clients on voter registration issues, candidate qualification and nomination procedures, ballot pamphlet issues, and ethics laws. We counsel clients in their redistricting efforts and assist clients with the state and federal Voting Rights Acts compliance.

Our attorneys periodically draft articles that cover key state and federal court rulings, current election law trends and news, and rules and enforcement decisions from the California FPPC and the Federal Election Commission. Our election law attorneys are always up to date on new laws and court rulings impacting voting rights, initiatives, redistricting, election-related lawsuits, and campaign finance and rules. We have provided advice used throughout the state regarding the use of public funds to further LAFCO proposals that may culminate in elections.

## **On-Call Counsel and In-Person Meetings**

BB&K understands that Marin LAFCO is seeking on-call and as-needed legal services and that there are no major outstanding legal issues present or litigation anticipated pertaining to Marin LAFCO's activities. Should we be called upon to assist with any legal issues, we will be available and prepared to work immediately. We will also be prepared to attend any in-person meetings as requested.

## **Presentations, Reports, and Other Documentation**

BB&K attorneys are familiar and comfortable with providing advice and counsel during all meetings. Our attorneys are fully acquainted with the Brown Act and other procedural rules of order and recognize that the role and responsibility of legal counsel, among other things, is to render advice about the rules of procedure and decorum at commission meetings.

Virtually every attorney in our firm is trained in resolution and ordinance drafting and statutory construction. The firm has an extensive electronic library for use in researching, drafting, and interpreting resolutions and ordinances.

Some of our more specialized work includes drafting resolutions making determinations regarding changes of organizations and reorganizations (including incorporations and special reorganizations) and preparing ordinances relating to water conservation, hillside grading, habitat conservation, growth management, density transfers, and agricultural preserves.

**C. Qualifications of Proposed Attorney Team**

We are prepared to commit our most qualified team to assist Marin LAFCO with its legal issues. This includes providing all services requested and proposed in the RFP as well as any other issues that should arise. BB&K proposes **Mala Subramanian** as lead general counsel and primary contact. Assisting Mala as needed will be **Janet E. Coleson, Scott C. Smith,** and **Joshua Nelson**. We propose that Janet attends any required meetings by Marin LAFCO because of her close proximity to Marin LAFCO. Our vast knowledge positions our team to manage and execute the legal services you desire while providing the access and responsiveness you deserve. BB&K takes pride in the high level of satisfaction our clients have expressed with the superior quality of our work, reasonable rates, and efficiency.

In addition to the proposed team, our firm has a long roster of other well-respected attorneys that could be called upon in virtually every area of practice should Marin LAFCO need further assistance.

**Mala Subramanian, Partner**

	Phone:	(925) 977-3303
	Email:	msubramanian@bbklaw.com
	Location:	Walnut Creek
	Education:	University of California, Hastings, J.D.; University of California, San Diego, B.A.
	CA Bar Number:	204185 (1999)

Mala Subramanian represents a diverse set of public agencies throughout Northern California and the Central Valley as a partner in the Municipal Law Practice Group of BB&K’s Walnut Creek office. Mala serves as city attorney for the cities of Clayton and Lafayette. She also serves as general counsel to Merced LAFCO, Santa Clara LAFCO, the Contra Costa Transportation Authority, and various joint powers authorities and special districts. Before their dissolution, she served as general counsel to several redevelopment agencies.

In addition to regularly representing clients at public meetings, Mala frequently trains clients on the Public Records Act, the Brown Act, conflicts of interest, and Assembly Bill (AB) 1234 ethics compliance. Questions regarding compliance with these laws often arise for public agencies, and the officials and staff members who serve these agencies know they can turn to Mala for timely and responsive guidance. Recognizing that training involves everyone from officials and staff members to seasoned, sophisticated veterans of the dais, Mala strives to ensure that critical training sessions are creative and interactive.

With the residential boom in California, cities are facing an increase in development projects. Mala guides clients through the various questions and hurdles that arise during these projects, including the Subdivision Map Act, the Housing Accountability Act, and others.

Transportation projects involve many different agencies, regions, and legal hurdles. Mala enjoys collaboration and works closely with other BB&K attorneys to give her clients the best advice and guidance on the many areas transportation projects touch. These areas include laws related to finance; CEQA; public contracts; and, sometimes, election law. For example, she assisted the Contra Costa Transportation Authority in its effort to place a half-cent sales tax on the November ballot.

Mala is active in the League of California Cities and served on the Brown Act Committee. She served as president of the Contra Costa County City Attorney Association and of the Bay Area City Attorney Association. In 2007, she received *the East Bay Times* "Women of Distinction Award."

**Janet E. Coleson, Partner**

	Phone:	(925) 977-3319
	Email:	<a href="mailto:janet.coleson@bbklaw.com">janet.coleson@bbklaw.com</a>
	Location:	Walnut Creek
	Education:	University of Colorado Law School, J.D.; Cornell University, Master of Regional Planning (MRP); University of California, Los Angeles, B.S.
	CA Bar Number:	160993 (1992)

Janet Coleson is a veteran public agency attorney with a long list of municipalities and agencies for which she has served. Currently, Janet serves as city attorney for the City of Pleasant Hill, town attorney for the Town of Fairfax and general counsel for the Marin/Sonoma Mosquito and Vector Control District.

Janet advises public agency clients on the full range of issues facing public entities, with a specific emphasis on land use and CEQA related issues. She has given numerous presentations and provided training on compliance with the California Public Records Act, the Brown Act and AB 1234 (ethics training).

Since Janet’s first career was as an environmental and land use planner for the cities of New York, New York and El Segundo, California, she brings a unique perspective to her advice on the legal aspects of land use planning. Janet is a member of the American Planning Association and maintains certification with the American Institute of Certified Planners.

Janet participates in the League of California Cities city attorney committees and has been the editor of the Land Use Chapter for the Municipal Law Handbook Committee and a member of the Legal Advocacy Committee. Currently, Janet is the President of the Contra Costa County City Attorney Association.

**Scott Smith, Partner**

	Phone:	(949) 263-6561
	Email:	scott.smith@bbklaw.com
	Location:	Irvine
	Education:	Brigham Young University Law School, J.D.; Utah State University, B.A., <i>valedictorian</i>
	CA Bar Number:	120736 (1985)

Scott Smith has called BB&K home since law school graduation. His municipal, land use, and environmental law practice includes work on large-scale entitlement and development agreements, growth management initiatives, project permitting, local agency formation, and land use initiatives. As a Partner in the firm’s Municipal Law Practice Group, he grew up in the firm’s Riverside office before helping to open BB&K offices in San Diego and Orange County.

The *Los Angeles Daily Journal* named Scott one of California’s top 25 land use attorneys. He was part of BB&K’s first Orange County LAFCO service team and has continued in that role for more than 20 years. Other than Marin LAFCO, Scott’s principal clients include OC LAFCO and the cities of San Clemente and Aliso Viejo, where he serves as city attorney. He has also served as city attorney in Lake Forest, Santee, La Verne, and Big Bear Lake and provided city attorney services, either as general or special counsel, to the cities of Yorba Linda, Claremont, Corona, La Verne, Fontana, and Vista. He is general counsel to the Santa Margarita Water District. He also serves as special counsel to other LAFCOs.

Scott enjoys working on complex real estate and regulatory matters, usually for public agencies. He coordinates BB&K’s service teams to acquire and consolidate real estate, review environmental impacts, obtain state and federal permits and licenses, assure water availability, and meet affordable housing goals. BB&K has quadrupled in size since Scott started, and he has played a key part in building the firm’s bench in important areas of public agency representation. His approach is to work collaboratively and constructively as he coordinates firm resources for clients. Examples of some of Scott’s most significant projects include the following:

- **Master plans and development agreements** — Working with the City of Lake Forest to prepare, negotiate, and finalize development agreements for the Opportunities Study, a comprehensive planning process to rezone nearly 838 acres to create and vest residential, retail, commercial, school, government, and park uses, with landowner/developers providing approximately \$200 million in city facilities
- **Election law** — Served as special counsel in 2016 to Los Angeles County in developing special legislation and county enactments for a special tax to address homelessness. He also advises the firm’s LAFCO clients on protest elections and city clients on issues relating to special taxes and growth management initiatives

- **Local agency formation** — Represented Orange County LAFCO in review of several cityhood applications and pre-annexation/development agreements for Newport Coast (Newport Beach), Talega (San Clemente), Tonner Hills (Brea), Bolsa Chica, and Sunset Beach (Huntington Beach)
- **Land use regulation** — Advises clients on the regulation of sensitive land uses, including vacation rentals, sober living homes, and retail marijuana dispensaries. Works on various general plans and housing element certifications
- **Retail and commercial uses** — Works to assist clients on retention of retail uses and revitalization of aging commercial centers

Scott served as president of the Orange County City Attorneys Association in 2016 and is currently the vice-chair of the California State Bar Public Law Section’s executive committee. He is co-editor in chief of the California State Bar’s public law journal.

Scott served for 10 years as general counsel to the California Chapter of the American Planning Association and trained new planners for that organization. He presented papers to the International Municipal Lawyers Association on billboard abatement, transfer of development rights, CEQA, and procedural due process. Scott served as a land use and environmental law instructor for University of California, San Diego Extension and University of California, Los Angeles Extension courses. He regularly presents ethics training to public officials.

**Joshua Nelson, Partner**

	Phone:	(916) 551-2859
	Email:	joshua.nelson@bbklaw.com
	Location:	Sacramento
	Education:	University of California, Davis School of Law, J.D.; Cornell University, B.S.
	CA Bar Number:	260803

Josh Nelson is a member of BB&K’s Municipal Law Practice Group and provides city attorney and general counsel services to a number of clients. Josh is city attorney for the cities of Gustine and Jackson. He is also general counsel for the Alpine Springs County Water District, Beckwourth Fire District, Grizzly Ranch Community Services District, North Tahoe Public Utility District, Plumas-Eureka Community Services District, and Tahoe Resource Conservation District. Josh serves as the assistant general counsel for the Citrus Heights Water District.

In addition to general governance issues, Josh focuses on Proposition 218/26 compliance and general utilities issues. He regularly represents public and private clients before the California Public Utilities Commission on energy and telecommunications matters.

## IV. WORK EXPERIENCE & REFERENCES

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### A. Work Experience

Some of our most notable projects relating to local government boundaries or land use planning in California include:

#### **Santa Clara County LAFCO v. City of Gilroy**

On January 13, 2016, Santa Clara LAFCO filed a lawsuit challenging the City of Gilroy's approval of the North Gilroy Neighborhood District Urban Service Area (USA) Amendment on grounds that the EIR certified for the USA amendment violated CEQA. Santa Clara LAFCO had specific concerns about the EIR; Santa Clara LAFCO understood that if it did not bring a lawsuit, it would have been deemed to have waived any objection to the adequacy of the EIR and required to use the EIR as certified by Gilroy when making its determinations on the USA amendment. Of specific concern to Santa Clara LAFCO was the fact that the City Agricultural Mitigation Policy was unenforceable but was put forward as a mitigation measure in the EIR. Santa Clara LAFCO was concerned that the measure would not ensure mitigation of the USA Amendment's admittedly significant impacts to agricultural resources. On January 25, 2016, the City of Gilroy rescinded its approval of the USA amendment. The parties then entered into a settlement agreement in which the City of Gilroy agreed to cover Santa Clara LAFCO's legal costs in return for Santa Clara LAFCO's dismissal of the now moot lawsuit.

#### **Settlement Agreement with City of Morgan Hill**

Santa Clara LAFCO submitted extensive comments to the City of Morgan Hill regarding the adequacy of its General Plan under CEQA. Santa Clara LAFCO was particularly concerned that the EIR failed to provide an analysis of environmental impacts of the General Plan — as it did not consider all development allowed under the General Plan — and that the City of Morgan Hill improperly treated the General Plan EIR as encompassing environmental review of the Citywide Agricultural Preservation Program and Southeast Quadrant Land Use Plan project even though that project was not analyzed in the EIR. Without addressing these comments, the city approved the General Plan. Santa Clara LAFCO authorized initiation of litigation against the city regarding the General Plan EIR and a tolling agreement to allow time to pursue a settlement in lieu of litigation. The parties reached a settlement agreement that bound the city to conduct CEQA review prior to any decision as to whether to approve USA amendments and/or annexation of property located within the city's Urban Growth Boundary and to prepare an EIR considering the potential impacts of USA amendments that could not tier from or rely in any way on the General Plan EIR.

#### **Implementation of AB 1232**

BB&K advised Marin LAFCO on a multi-year project to implement AB 1232. AB 1232 specifically authorized Marin LAFCO to initiate the "reorganization or consolidation of the Sewerage Agency of Southern Marin and its member districts" on or after January 1, 2011. Under AB 1232, Marin LAFCO was expressly authorized not only to consolidate the SASM member entities, but also to consolidate SASM itself. Section 56886 of the bill gave Marin LAFCO considerable power to reallocate assets, revenue, and taxes. Our work involved advising Marin LAFCO on the scope of alternatives available, hearings and interface with affected agencies, drafting terms and conditions, CEQA compliance, and protest provisions.

**City Incorporations**

BB&K advised OC LAFCO on a series of incorporations beginning in 1996, including Laguna Woods, Rancho Santa Margarita, and Aliso Viejo. We also worked with OC LAFCO in reviewing and approving the Rossmore incorporation. Our work interpreting and implementing California revenue neutrality statutes in these consolidations became the template used statewide for incorporations. We also played an instrumental part in modernizing Orange County’s and new cities’ approach to the inventory and transfer of county assets.

**Water District Consolidations**

BB&K advised OC LAFCO on its implementation of special legislation mandating consideration of consolidation of all Orange County water districts and a statutory “shot clock” for accomplishing that consolidation. The special legislation led to the vertical and horizontal consolidation of several water and sewer districts in Orange County, including facilitation of the terms of consolidation with affected agencies and analysis of effects of consolidation on issues ranging from debt security to employees’ rights. As a result, several districts in South Orange County were consolidated, and a redundant wholesale agency was dissolved. We also advised OC LAFCO in its review and approval of the Irvine Ranch Water District (IRWD)/Los Alisos Water District consolidation.

**B. References**

Please do not hesitate to contact any of the following references for a more in-depth discussion of our ability to provide legal services for Marin LAFCO.

<b>BB&amp;K References</b>	
<p><b>Carolyn Emery</b>, Executive Officer            OC LAFCO            2677 N. Main Street, Suite 1050            Santa Ana, CA 92705            Phone: (714) 640-5105            Email: <a href="mailto:cemery@oclafco.org">cemery@oclafco.org</a>  <a href="http://www.oclafco.ca.gov">www.oclafco.ca.gov</a></p>	<p><b>Neelima Palacherla</b>, Executive Officer            Santa Clara LAFCO            777 N. First Street, Suite 410            San Jose, CA 95110            Phone: (408) 993-4713            Email: <a href="mailto:neelima.palacherla@ceo.sccgov.org">neelima.palacherla@ceo.sccgov.org</a>  <a href="http://www.santaclaralaefco.ca.gov">www.santaclaralaefco.ca.gov</a></p>
<p><b>Bill Nicholson</b>, Executive Officer            Merced LAFCO            2222 M Street            Merced, CA 95340            Phone: (209) 769-0472            Email: <a href="mailto:BNicholson@co.merced.ca.us">BNicholson@co.merced.ca.us</a>  <a href="http://www.lafcomerced.org">www.lafcomerced.org</a></p>	

## V. RATE & FEE SCHEDULE

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BB&K has represented a variety of LAFCOs for many years. We recognize the need not only to keep legal costs under control but also to reduce costs by cooperatively implementing more cost-effective and conducive systems for delivering legal services in a timely fashion and at an affordable price. Based on our experience, we believe we can provide a full range of legal services within your budget parameters, greatly reducing the need and excessive cost of contracting with additional legal authorities.

For Marin LAFCO, we propose the following fee schedule:

### A. Hourly Rates

#### General Counsel Services

For general counsel services, we propose a rate of \$250 per hour for Attorneys and \$140 per hour for Paralegals, honoring our current rates, the same rates we have held since we began representing Marin LAFCO in 2014.

General counsel services include attending meetings; advising on general municipal or administrative law and the CKH Reorganization Act; and reviewing or preparing agendas, staff reports, resolutions, correspondence, administrative policies, and legal opinions.

#### Special Counsel Services

For special counsel services, we offer Marin LAFCO a rate of \$285 per hour for Attorneys and \$150 per hour for Paralegals. Special counsel services include the following:

- Non-routine contract negotiation matters (including non-BB&K model agreements and franchise agreements)
- Acquisition, disposal, and resolution of real estate, easements, right-of-ways, leases, licenses, and other property transactions
- Land use, development, and environmental law (CEQA) matters
- Employee relations and labor negotiation matters
- Fees, taxes, and assessments matters
- Litigation and formal administrative or other adjudicatory hearing matters
- Other matters mutually agreed upon between BB&K and Marin LAFCO

We propose to add a small Cost of Living Adjustment annually beginning after one more year of service, which would be January 2019, as shown by the U.S. Department of Labor in its *All Urban Consumers Index* set forth for the San Francisco-Oakland-San Jose areas.

**B. Reimbursements**

BB&K does not charge for routine word processing or secretarial and office costs, including telephone and fax charges. Reimbursement of costs advanced by BB&K on behalf of Marin LAFCO, as well as other expenses, will be billed at actual cost. These currently include but are not limited to mileage at the IRS authorized rate; actual expenses for being away from our offices on Marin LAFCO business; postage; legal research; and any cost of printing or reproducing documents, photographs, or other items necessary for legal representation.