



NOTICE OF REGULAR MEETING MINUTES

Marin Local Agency Formation Commission

Thursday, December 10, 2020

CALL TO ORDER

Chair McEntee called the meeting to order at 7:04 P.M.

ROLL CALL BY COMMISSION CLERK

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

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

Alternate Commissioners Present: Tod Moody
James Campbell

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

Marin LAFCo Counsel Present: Mala Subramanian

Alternate Member Absent: Dennis Rodoni
Chris Skelton

AGENDA REVIEW

Executive Officer Fried suggested that item 4 be moved to the front of the consent calendar items as there were public members in attendance to speak on that item, Chair McEntee recommended keeping the agenda as is.

Approved: M/S by Commissioners Arnold and Kious to accept the agenda as is.

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

Nays: None

Abstain: None

Absent: Arnold

Motion approved unanimously.

PUBLIC OPEN TIME

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

CONSENT CALENDAR ITEMS

1. Approval of Minutes for October 8, 2020, Regular Meeting

Commissioner Coler asked to change adjourn to “December 12” to adjourn to “December 10”

2. Commission Ratification of Payments from August 1, 2020, to September 30, 2020

Approved: M/S by Commissioners Kious and Arnold to accept consent calendar items 1 and 2.

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

Nays: None

Abstain: None

Motion approved unanimously.

3. Approval of Calendar for 2021

Chair McEntee pulled this for discussion because the April meeting fell during spring break for Marin County schools. A number of dates, including all 5 Thursdays in April were discussed but none were possible for the entire Commission so the item was continued for deliberation. No public comment was offered. A discussion was also had about major/minor holidays and checking for major holidays before making the Meeting Calendar. A Doodle poll was proposed between the December 2020 and February 2021 meetings to determine the April meeting date.

Approved: M/S by Commissioners Coler and Arnold to approve the schedule except for the April meeting and finalize the April date at the February meeting.

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

Nays: None

Abstain: None

Motion approved unanimously.

PUBLIC HEARING ITEMS

4. Approval of Extension of Application File 1346 Paradise Drive Annexation to Tiburon

EO Fried reminded the Commission of the details of this application, which was divided into 2 parts so the sanitary district annexation could proceed while the Town of Tiburon took longer to do the pre-zoning. COVID slowed things down and the person who was in charge of planning left so this delayed the pre-zoning process. The applicant is requesting an extension and staff is recommending approval of this extension. There were no questions from the Commissioners and no public comment was made.

Approved: M/S by Commissioners Murray and Loder to approve the extension of application file 1346

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

Nays: None

Abstain: None

Motion approved unanimously.

5. Approval of Resolution to Initiate Proceedings Dissolving CSA 23

Executive Officer summarized the purpose of CSA 23, noting that the CSA has served its purpose of purchasing land and that it hasn't collected any money or had any activity since the '90s. The land has since been transferred into the Marin County Open Space District. The only reason this CSA took so long to be identified as inactive was because it had some money in its account which was accruing interest. This gave the illusion of the district being active. The district was brought to the State Controller's Office's attention, and the list was issued in November, designated CSA 23 as inactive. He noted that the San Rafael Municipal Service Review had made a finding consistent with that of the State Controller's Office. Today's meeting will initiate the proceedings to dissolve, the February meeting will be when the Commission can formally dissolve the CSA. Staff recommends accepting the initiation of the dissolution consistent with SCO and MSR findings.

Murray asked whether or not County real estate staff had reviewed this to ensure all of the assets of the CSA had transferred properly. EO Fried responded that County real estate hadn't been asked. All of the transfers had been finished in the 90's so EO Fried is skeptical that anyone still works at County Real Estate who worked directly on this matter but he did confirm that the County views all of the assets as transferred, the remaining small amount of money in the CSA's account will be used to help pay for the dissolution process. It was clarified that the CSA owns no land so any parcels still in the CSA are private parcels that paid off the bond initially issued to pay off the land and that County had verified this.

Commissioner Connolly wanted to clarify that there has been a check-in with the County and because it was covered in the MSR the public had been given time to comment on it.

No public comment was made for this item.

Approved: M/S by Commissioners Coler and Kious to approve the resolution initiating the proceedings to dissolve CSA 23.

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

Nays: None

Abstain: None

Motion approved unanimously.

6. Approval of Resolution to Initiate Proceedings Dissolving CSA 25

EO Fried noted that this CSA is nearly the exact same as CSA 23, except it's up in the Novato area. The staff report remains consistent with the previous staff report for CSA 23.

Chair McEntee opened public comment, none was made.

Approved: M/S by Commissioners Coler and Arnold to approve the resolution initiating the proceedings to dissolve CSA 25.

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

Nays: None

Abstain: None

Motion approved unanimously.

BUSINESS ITEMS

7. Review and Approval of Amendments for the LAFCo Policy Handbook

Minor edits made to the policy handbook, most of them dealing with changes to LAFCo's banking system because LAFCo now does its own payroll. Added in a section clarifying that LAFCo created a new account for payroll auto-pay and eventually benefits. Also updated process for selection of special district members, and other small edits. EO Fried yielded to Chair of Committee for comments but he had nothing to add.

Chair McEntee asked if there were any questions from the Commission, but none were heard. Public Comment was opened but no comments were offered and it was closed again.

Approved: M/S by Commissioners Kious and Arnold to approve the edits to the Policy Handbook.

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

Nays: None

Abstain: None

Motion approved unanimously.

8. Review and Approval of New Personnel Handbook

The EO reported that the goal today is for the smaller personnel handbook to be replaced by this lengthier, more thorough handbook. Personnel and Policy Committee took the LCW personnel handbook template and used it as a guide, amending it as needed to fit LAFCo better, given LAFCo's unique needs and non-unionized staff status. Full complete handbook has been discussed by Policy and Personnel Committee except for three items: putting in a definition for regular employees (separate from at-will and for-cause), two options were offered for this. The second

was amending sick leave to include a wider scope of people that staff can take time off to care for, in order to not exclude employees who may be in committed long-term relationships that may not be legally defined. The person would need to be pre-designated so as to avoid abuse of the system. The final item for deliberation was whether or not to cap sick leave. LAFcos in the State, as well as special districts and municipalities in Marin County, were surveyed to determine what the appropriate cap for sick leave is.

Commissioner Moody, who is Chair of the Committee, recommended going with staff's recommendations.

Chair McEntee wanted to confirm that sick time doesn't get paid out, meaning there would be no cap on sick leave accrual but no ability to cash out when you terminate although a retirement service credit may be available. EO Fried confirmed.

No public comment was made and public comment was closed.

Vice-Chair Murray wanted to make sure the 2 analysts had the right to unionize. Chair McEntee wanted to know if there was anything in the handbook that would preclude employees from unionizing. EO Fried responded that there is currently nothing stopping staff from unionizing. He clarified that Staff is aware of this and has chosen not to unionize for the time being.

Commissioner Coler wanted to confirm that staff had FMLA, and wanted to know if there was an advance notice regarding a special sick leave designee for staff to prevent abuses. It was confirmed that staff did have FMLA and that advance notice was requisite in being able to take sick leave off for someone other than parents, legal partners, and other immediate family to prevent abuses. A discussion was had about the advance notice and whether or not it was too lenient or open to abuses, it was ultimately decided that it was not too lenient, particularly because requiring a doctor's note for longer sick time off is another check and balance that prevents abuse of the system.

Approved: M/S by Commissioners Kious and Connolly to approve the personnel handbook with staff recommendations.

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

Nays: None

Abstain: None

Motion approved unanimously.

9. Approval of a Revised 5-year Study Schedule and Update on MSRs

Clerk/Jr. Analyst Gingold noted that she was doing an update of how recently SOIs had been updated. Some issues were noticed including the fact that during the review of 2016/17 agencies, although the MSRs were approved, the SOIs weren't approved or reamended which led to a deeper look at the study schedule. Some West Marin agencies had been missed in the initial study schedule, while some agencies that had been studied in the water study provided other services that weren't reviewed in the water study. Agencies were added to West Marin making it a really large study that would need to either be done in a year-long time period or split up into two separate reviews.

A multi-regional services study was also created in lieu of some other smaller studies. The biggest items for review by the commission were whether or not a multi-regional services study sounded logical, should CSA 31 and Marin County Resources and Conservation District be included in the multi-regional study or in West Marin because although they are technically countywide they work mostly in West Marin, and finally, should West Marin be a year-long study or split into two smaller studies based on some common factor.

Commissioner Coler wanted to know if the Ross Valley area study could be changed to the Upper Ross Valley study on the schedule, and that Central Marin Fire Authority needed to be added to Twin Cities. Coler agreed with leaving West Marin year long but felt that CSA 31 covers mostly West Marin and should be moved to that study for continuity.

EO Fried clarified that CSA 31 is countywide and very comprehensive. He not only has concerns that it would slow West Marin down but also felt that the review of CSA 31 would bring about a discussion of unincorporated pockets that CSA 31 officially services but that are usually responded to by other local departments instead. These pockets are what make CSA 31 countywide and it is likely after the upcoming review CSA 31 will truly be a West Marin agency but remains multi-regional for the time being.

Commissioner Coler felt that with that information it was reasonable to keep CSA 31 as multi-regional.

Vice-Chair Murray made a comment that the Resource and Conservation District traditionally assisted agriculture in West Marin but he knew it was coming over the hill slowly to help water districts. He acknowledged that it did make the most sense to keep them in West Marin for now.

It was also acknowledged that the study schedule could be amended in the next round based on changes in the service areas of these agencies.

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

There was a bit more discussion about splitting West Marin up but it was determined that it made sense to keep it as a single report.

Approved: M/S by Commissioners Coler and Arnold to approve the updated MSR with that addition of name change for Upper Ross Valley report and addition of CMFA to Twin Cities study.

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

Nays: None

Abstain: None

Motion approved unanimously

EXECUTIVE OFFICER REPORT (discussion and possible action)

a) Budget Update FY 2020-2021

Staff stated budget was on track – should have spent 45% at this point in the year and staff is currently at 36%. Some categories have gone over 45% but overall staff is within and even under budget.

b) Current and Pending Proposals

New application came in which is in 30-day review, as well as 2 CSA additions that were included in agenda today. A couple other pending apps remain outstanding.

c) Discussion of LAFCo Annual Workshop [Verbal Report Only]

After reaching out to other LAFCo's about a joint workshop, 4 showed interest but since then 2 have fallen through. Alameda LAFCo remains interested, but it was decided that a county-wide workshop was a better approach for Marin LAFCo with a focus on shared services, aiming for nothing more than 3 hours via Zoom to enhance participation.

EO Fried also noted that he had brought up due increases to CALAFCO and the board and its makeup because it didn't seem properly distributed anymore with the correlation between due size versus board representation.

EO Fried also mentioned a new stipend signature software that will be utilized.

COMMISSIONER ANNOUNCEMENTS AND REQUESTS

Vice-Chair Murray made a comment on the issues with the CALAFCO representation. Hearing no other requests or announcements, the Chair called for an adjournment.

Chair McEntee adjourned the meeting at 8:26 P.M.

ADJOURNMENT TO NEXT MEETING

Thursday, February 11th, 2020

Zoom

Attest: Olivia Gingold
 Clerk/Junior Analyst

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

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