



NOTICE OF REGULAR MEETING MINUTES

Marin Local Agency Formation Commission

Thursday, October 13, 2022

CALL TO ORDER

Chair Kious called the meeting to order at 7:00 P.M.

ROLL CALL BY COMMISSION CLERK

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

Commissioners Present:	Lew Kious, Chair Barbara Coler, Vice-Chair Dennis Rodoni Larry Loder
Alternate Commissioners Present:	James Campbell (seated as a regular) Tod Moody (seated as a regular) Richard Savel
Marin LAFCo Staff Present:	Jason Fried, Executive Officer Jeren Seibel, Deputy Executive Officer Stephanie Pratt, Clerk/Jr. Analyst
Marin LAFCo Counsel Present:	Malathy Subramanian
Commissioners Absent:	Judy Arnold Craig Murray
Alternate Members Absent:	Damon Connolly

AGENDA REVIEW

Approved: M/S by Commissioners Vice Chair Coler and Commissioner Loder to approve the agenda.

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Rodoni, Loder, Campbell, Moody

Nays: None

Abstain: None

Absent: Commissioners Arnold and Connolly

Motion approved unanimously.

PUBLIC OPEN TIME

Chair Kious opened the public open time period. Hearing no request to speak, Chair Kious closed the public open time.

CONSENT CALENDAR ITEMS

1. Approval of Minutes for July 27, 2022 Workshop and August 11, 2022 Regular Meeting
2. Commission Ratification of Payments from August 1, 2022 to September 30, 2022
3. Approval of Resolution 22-29 Allowing for Video and Teleconference Meeting during COVID-19 State of Emergency Under AB361
4. Accept and File GASB 75 Report prepared by MacLeod Watts
5. Addition of the Central Marin Sanitation Agencies to the Current Study Schedule

EO Fried stated that the original packet was amended to show the correct date of the previous month on Item 3 after being brought to attention by Vice-Chair Coler.

Chair Kious opened the public comment. Hearing no request to speak, Chair Kious closed the public comment.

Approved: M/S by Commissioners Campbell and Loder to approve the Consent Calendar.

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Rodoni, Loder, Campbell, Moody

Nays: None

Abstain: None

Absent: Commissioners Arnold and Connolly

Motion approved unanimously.

PUBLIC HEARING ITEMS

6. Approval of Resolution 22-30, Annexation of 255 Margarita Drive (APN: 016-011-29) to San Rafael Sanitation District (LAFCo File #1367) with Waiver of Notice, Hearing, and Protest Proceedings

EO Fried reported that this was initially before the Commission in 2015 as a connection due to an emergency health order. The property owner did not follow the plans nor guidelines that were originally submitted. They had not applied for appropriate extensions either, so the application based on state government code was terminated. The property owner is still not compliant after many discussions. On 9.1.22 a new application was received. However, it has two outstanding issues:

- 1) The Applicant has not told us how he plans to connect either with current easement or get a new easement.
- 2) The County Surveyor showed errors in both the map and legal description. The Applicant said they will work with the original person that was used and have them make the corrections. EO Fried suggested Resolution 22-30 be amended in Section 3, showing a condition of approval to be a compliant map and legal description be submitted to LAFCo no later than 12/9.22. The Commission can at that point either grant the extension or not.

Neither the Applicant nor a representative was present.

Vice Chair Coler asked about why the day after the meeting instead of the day prior to the meeting for an extension is being suggested by staff and EO Fried explained that if the Applicant needs an extension the Commission would need to approve an extension so making the deadline. If the day before is used then the applicant has no ability to ask for an extension since by state government code the applicant is automatically deemed terminated and the applicant would need to start over. By doing the day after the Commission has the ability to grant an extension if requested and the Commission deems warranted. If nothing done, the application will automatically be terminated by State code.

Counsel's assessment agreed with moving the Resolution forward with the conditions. The Resolution will lapse after the next meeting if conditions are not met or an extension is not granted.

Chair Kious opened the Public Hearing for comment.

San Rafael Sanitation District Manager Doris Toy was present and concurred with the 12/9/22 deadline. She reported that her staff had reached the neighbor after the applicant said he was unable to reach them. The neighbor admitted he had been busy but stated he will reach out to applicant next week. She offered the District's assistance as a mediator or in other ways in order to reach an agreement with the applicant. District Manager Toy reiterated support for LAFCo and the District's willingness to move to disconnect if that is where the Commission is ready to go. If the stated conditions are not met nor an extension is not requested by 12/8/22, the Board is ready to move ahead with a public hearing to disconnect.

Chair Kious thanked District Manager Toy. Seeing no other public comment Chair Kious closed the hearing and brought it back to the Board.

Chair Kious mentioned a correction needed on Resolution 22-30; needed to include the word "Commission" in the "Therefore" section that was inadvertently omitted.

Approved: M/S by Vice-Chair Coler and Commissioner Campbell to approve the annexation of 255 Margarita Drive (APN: 016-011-29) to San Rafael Sanitation District (LAFCo File #1367) with Waiver of Notice, Hearing, and Protest Proceedings with the conditions as noted, including new conditions by EO Fried and the correction to the Resolution as noted by Chair Kious.

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Rodoni, Loder, Campbell, Moody

Nays: None

Abstain: None

Absent: Commissioners Arnold and Connolly

Motion approved unanimously.

EXECUTIVE OFFICER REPORT (discussion and possible action)

a) Budget Update FY 2022-2023

EO Fried added that we now have confirmation from the County stating all agencies have submitted their payments in time based on Government Codes and this will be shown in the report at our next meeting.

b) Current and Pending Proposals

EO Fried reported there is one pending proposal for an annexation into a sewer district. Additionally Mill Valley and Southern Marin Fire consolidation of their fire department is still going through their process. Assuming they complete the process by the end of October, this will go onto the December meeting agenda as well. EO Fried mentioned that the Commission should expect an unusually longer meeting in December due to complicated application with the fire department consolidation, three Commissioners tenure of service will be ending, as well as the possibility of the presentation of the Golden Gate MSR.

c) CALAFCO Update

The newsletter is in the packet. They are holding their annual Conference next week and Vice-Chair Coler and EO Fried will be attending and representing Marin LAFCo and will report on that at the December meeting.

COMMISSIONER ANNOUNCEMENTS AND REQUESTS

Chair Kious stated there were none, EO Fried stated no hands raised so nothing to report.

CLOSED SESSION

Chair Kious reported that since there was an agreement of how to proceed with Item 6 there would be no need for the Closed Session.

Approved: M/S by Vice-Chair Coler and Commissioner Campbell to table the Closed Session.

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Rodoni, Loder, Campbell, Moody

Nays: None

Abstain: None

Absent: Commissioners Arnold and Connolly

Motion approved unanimously.

Chair Kious adjourned the meeting at 7:28 P.M.

ADJOURNMENT TO NEXT MEETING

Thursday, December 8, 2022 at 7:00 P.M.

Attest: Stephanie Pratt
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.

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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