



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

NOTICE OF REGULAR MEETING MINUTES

Marin Local Agency Formation Commission

Thursday, June 9, 2022, 7:00 P.M.

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:	Chair McEntee Vice Chair Kious Commissioner Rodoni Commissioner Arnold Commissioner Coler Commissioner Murray Commissioner Loder
Alternate Commissioners Present:	Alternate Commissioner Campbell Alternate Commissioner Moody Alternate Commissioner Savel
Marin LAFCo Staff Present:	Executive Officer Fried Deputy Executive Officer Seibel Clerk/Jr. Analyst Gingold
Marin LAFCo Counsel Present:	Legal Counsel Subramanian
Commissioners Absent:	None
Alternate Members Absent:	Alternate Commissioner Connolly

AGENDA REVIEW

Chair McEntee called for any requests for changes to the agenda from the Commission. Hearing none, she asked for any requests from public. None were heard.

Approved: M/S by Commissioners Coler and Murray to approve the agenda as presented.

Ayes: McEntee, Kious, Arnold, Rodoni, Coler, Murray, Loder

Nays: None

Abstain: None

Absent: None

Motion approved.

PUBLIC OPEN TIME

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

CONSENT CALENDAR ITEMS

1. Approval of Minutes for April 14, 2022, Regular Meeting
2. Commission Ratification of Payments from April 1, 2022, through May 31, 2022
3. Approval of Resolution 22-12 Allowing for Video and Teleconference Meetings during COVID-19 State of Emergency Under AB 361
4. Approval of Resolution 22-13 Determining Insufficient Protest for LAFCo File 1363 and Ordering the Change of Organization of CSA 18

Chair McEntee called for requests from the Commission to pull any items from Consent. Hearing none, she asked for any requests from public, none were heard. There were no deliberative comments from the Commission.

Approved: M/S by Commissioners Arnold and Murray to approve the consent calendar.

Ayes: McEntee, Kious, Arnold, Rodoni, Coler, Murray, Loder

Nays: None

Abstain: None

Absent: None

Motion approved.

PUBLIC HEARING ITEMS

5. Approval of Resolution 22-14, Annexation of 15 Stirrup Lane (APN 146-020-14) to Novato Sanitary District (LAFCo File #1365)

Clerk/Jr. Analyst gave the staff report, presenting relevant background information on the application as enumerated in the provided staff report.

Chair McEntee called for questions from the Commissioner, none were heard.

Chair McEntee then opened public comment, noting that the applicant and a representative were in attendance and asking if they wanted to say anything in regards to the application. No comments were made.

There were no deliberative comments from the Commission

Approved: M/S by Commissioners Arnold and Kious to approve Resolution 22-15, annexation of 15 Stirrup Lane to Novato Sanitary District

Ayes: McEntee, Kious, Arnold, Rodoni, Coler, Murray, Loder

Nays: None

Abstain: None

Absent: None

Motion approved.

6. Approval of the West Marin Marin Region Municipal Service Review

DEO Seibel gave the report, noting that public comment on the report had closed on April 29, 2022. He summarized the comments received between the April meeting and the close of public comment, and gave a summary of those public comments and the edits in the MSR these comments inspired. He also presented which items were added to the work plan as a result of the MSR.

Chair McEntee called for comments from the Commission, none were heard.

Chair McEntee then opened public hearing, no requests to comment were made.

Commissioner Coler made a deliberative comment requesting the addition of certain language to Resolution 22-22, noting that this language addition had been discussed with staff and approved by legal counsel.

Approved: M/S by Commissioners Arnold and Kious to approve Resolutions 22-15 through 22-25, as amended.

Ayes: McEntee, Kious, Arnold, Rodoni, Coler, Murray, Loder

Nays: None

Abstain: None

Absent: None

Motion approved.

7. Approval of Resolution 22-26, Annexation of 21 & 23 Church Street (APN 102-100-01) to Tomales Village Community Services District (LAFCo File #1366)

Clerk/Jr. Analyst Gingold gave the staff report, highlighting background information on the application and making additional comments on an issue with the submitted map and legal description and a condition of approval in the resolution as a result of this map and legal description issue.

Commissioner Coler asked a question about the legal description.

Vice Chair Kious raised concern with approving in advance.

Commissioner Rodoni made a clarification about septic.

There was a discussion between the applicant and the Commission on the status of the map and legal description and how long to give the applicant to complete the terms. 90 days, 6 months, and 1 year were discussed. 1 year, which is standard, was settled on because the time to complete a map and legal description can be highly variable and is largely outside of the applicant's control.

Approved: M/S by Commissioners Rodoni and Coler to approve Resolution 22-26 with the condition that a satisfactory map and legal description are received within one year of the resolution's approval.

Ayes: McEntee, Kious, Arnold, Rodoni, Coler, Murray, Loder

Nays: None

Abstain: None

Absent: None

Motion approved.

8. Adoption of Final Operating Budget for Fiscal Year 2022-23

EO deferred to the Budget Chair for initial comments. Budget Chair Kious made comments. EO Fried highlighted the most significant line-item changes from the previous budget hearing and noted the impact this would have on agency contributions for the 22-23 fiscal year. He made some additional qualifying comments on a handful of other line items.

Chair McEntee called for questions from the Commission, none were heard. Chair then opened public hearing, no comments from the public were made and the public hearing was closed.

There were no deliberative comments from the Commission.

Approved: M/S by Commissioners Kious and Loder to adopt the FY 22-23 budget as presented.

Ayes: McEntee, Kious, Arnold, Rodoni, Coler, Murray, Loder

Nays: None

Abstain: None

Absent: None

Motion approved.

BUSINESS ITEMS

9. Discussion of 2022 LAFCo Workshop and Primer Materials

DEO Seibel gave the report, noting that while CKH outlines what an MSR must accomplish, the approaches can vary and he has shared a handful of examples in advance of the July meeting for the Commission's review. DEO Seibel highlighted the nuances of each example's approach and noted these had been included so the Commissioners can begin to think about comments and input they'd like to bring to the July MSR Workshop. EO Fried made additional comments on expectations with the example MSRs that had been offered and noted that a room had been booked in-person for the workshop in San Rafael COVID willing.

Commissioner Coler and Commissioner McEntee made comments, respectively, on an initial reaction to one of the MSRs included and the intention surrounding MSRs moving forward. Chair McEntee also asked if agencies had been engaged with, which EO Fried Confirmed.

Commissioner Murray concurred with Commissioner Coler's comments, highlighting some pages that he felt were worth specific attention. He emphasized the importance of action items over anything else. DEO Seibel made a follow-up clarifying comment on Commissioner Murray's comments which a follow-up action item arose from.

Chair McEntee asked what the purpose of an MSR is, to which EO Fried replied.

No action or motion was necessary.

10. Approval of the Fifth Amendment to the Executive Officer Employment Agreement

Legal Counsel Subramanian gave the report, highlighting the sole revision in the amendment. No questions from commission. Chair McEntee opened

Approved: M/S by Commissioners Coler and Arnold to approve the Fifth Amendment to the EO agreement.

Ayes: McEntee, Kious, Arnold, Rodoni, Coler, Murray, Loder

Nays: None

Abstain: None

Absent: None

Motion approved.

11. Accept and File FY 20-21 Audit and Authorize 21-22 Audit

EO Fried gave the report, noting that LAFCo has successfully reduced its highlighted errors, bringing them from 4 to 1. In addition to approving the FY 20-21 audit, he also asked that the Commission approve staff to enter into an agreement for the FY 22-23 audit. No comments or questions from Commission, no public comment.

Approved: M/S by Commissioners Murray and Kious to accept and file FYE 21 Audit and authorize the Executive Officer to enter into an agreement with Davis Farr for the FYE 22 Audit.

Ayes: McEntee, Kious, Arnold, Rodoni, Coler, Murray, Loder

Nays: None

Abstain: None

Absent: None

Motion approved.

12. Discussion and Possible Approval of Recommendations from the Ad Hoc DUC Committee

DEO Seibel delegated to the Committee Chair, the Chair delegated back to DEO Seibel. DEO Seibel reported the Committee's identification of two DUCs in Marin County and presented the action items approved by the Committee to be presented to the Commission. There was a discussion between Commissioner Rodoni and EO Fried on some of the language in the staff report. Chair McEntee opened public comment. Hearing none, she closed public comment.

Approved: M/S by Commissioners Kious and Coler to approve the Ad Hoc Duc Committee's recommendations.

Ayes: McEntee, Kious, Arnold, Rodoni, Coler, Murray, Loder

Nays: None

Abstain: None

Absent: None

Motion approved.

13. Election of Chair and Vice Chair

EO Fried informed the Commission that this decision was theirs to make. The election always takes place, per policy handbook, the first meeting in May or the first meeting thereafter. Staff does not take a position. No public comment.

Commissioner Rodoni supported the slate but encouraged creating a policy in the future that mandates rotation or encourages a position term. Commissioner Coler noted that her boards do not rotate.

It was asked that EO Fried look into a future policy amendment that provides for a Chair/Vice Chair term or rotation.

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

Ayes: McEntee, Kious, Arnold, Rodoni, Coler, Murray, Loder

Nays: None

Abstain: None

Absent: None

Motion approved.

Approved: M/S by Commissioners Coler and Arnold to approve Lew Kious as Vice Chair

Ayes: McEntee, Kious, Arnold, Rodoni, Coler, Murray, Loder

Nays: None

Abstain: None

Absent: None

Motion approved.

EXECUTIVE OFFICER REPORT (discussion and possible action)

- a) Budget Update FY 2021-22
- b) Current and Pending Proposals
- c) CALAFCO Update
- d) (Verbal Report) LAFCo Staff Update

The Executive Officer gave the report, highlighting notable content from each of the four items.

Commissioner Murray asked a question about the CALAFCO Executive Officer's name.

Chair McEntee opened public comment, hearing none, she closed public comment. There were no other comments or questions from the Commission, the Commission adjourned to closed session.

CLOSED SESSION

There were no reportable actions from the closed session.

COMMISSIONER ANNOUNCEMENTS AND REQUESTS

There were no Commissioner announcements or requests.

Chair McEntee adjourned the meeting at 8:17 P.M.

ADJOURNMENT TO NEXT MEETING

Thursday, August 11, 2022

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.

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 Gamos Drive, Suite 220

San Rafael California 94903

T: 415-448-5877

E: staff@marinlafco.org

W: marinlafco.org
