



NOTICE OF REGULAR MEETING MINUTES

Marin Local Agency Formation Commission

Thursday, June 8, 2023

CALL TO ORDER

Chair Kious called the meeting to order at 7:01 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
 Eric Lucan
 Dennis Rodoni
 Steve Burdo (joined at 7:05 P.M.)

Alternate Commissioners Present: Richard Savel (seated as a regular)
 Cathryn Hilliard (seated as a regular)

Marin LAFCo Staff Present: Jason Fried, Executive Officer
 Jeren Seibel, Deputy Executive Officer

Marin LAFCo Counsel Present: Malathy Subramanian

Commissioners Absent: Craig Murray

Alternate Members Absent: Stephanie Moulton-Peters
 Stephen Burke

AGENDA REVIEW

EO Fried Suggested that items 12 and 13 be moved ahead of closed session due to the applicants for each item being present, as well as item 6 as former Commissioner Moody was present to receive his proclamation.

Moved by Vice-Chair Coler, seconded by Commissioner Rodoni, and passed unanimously.

PUBLIC OPEN TIME

Chair Kious opened the public open time period. Hannah Lee spoke on her positive experience working with LAFCo staff in her time working with the County of Marin. The Chair thanked Miss Lee for her comments, seeing no other members of the public wishing to speak, Chair closed the public open time.

CONSENT CALENDAR ITEMS

1. Approval of Minutes for April 6, 2023 Regular Meeting
2. Commission Ratification of Payments from April 1, 2023, to May 31, 2023
3. Update and Approval of Marin LAFCo Meeting Location and Amend the Policy Handbook Accordingly
4. Approval of Legislative Committee Recommendations Related to LAFCo Bills

Approved: M/S by Commissioner Lucan and Commissioner Rodoni to approve the consent calendar
Ayes: Chair Kious, Vice-Chair Coler, Commissioners Lucan, Rodoni, Savel, Burdo, Hilliard
Nays: None
Abstain: None
Absent: None
Motion approved unanimously.

BUSINESS ITEMS

5. Approval of Proclamation for Tod Moody

DEO Seibel read the proclamation for Tod Moody, after which former Commissioner Moody thanked the Commission and staff for their efforts and for making his time on the Commission enjoyable.

Approved: M/S by Vice-Chair Coler and Commissioner Hilliard to approve the proclamation for Tod Moody.

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Lucan, Rodoni, Savel, Burdo, Hilliard
Nays: None
Abstain: None
Absent: None
Motion approved unanimously.

PUBLIC HEARING ITEMS

6. Approval of Resolution 23-12, Reorganization of East Blithedale right of way adjacent to 2, 45, and 55 Kipling Drive to the City of Mill Valley (LAFCo File #1372) with Waiver of Notice, Hearing, and Protest Proceedings and Finding it Exempt from CEQA pursuant to State CEQA Guidelines Section 15319(a)

EO Fried explained to the Commission that this area is being annexed by the City of Mill Valley for ease of street maintenance moving forward. The parcels will also be removed from the Richardson Bay Sanitary District as well as the Alto Sanitary District as the City of Mill Valley has its own sewer collection service.

Chair Kious opened and closed the public hearing seeing no members of the public wishing to comment.

Approved: M/S by Chair Kious and Commissioner Lucan to approve the annexation of East Blithedale right of way with the updated map and legal description provided.

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Burdo, Rodoni, Savel, Lucan, Hilliard
Nays: None
Abstain: None
Absent: None
Motion approved unanimously

7. Approval of Resolution 23-13, Annexation of 10 Friendly Lane (APN: 141-101-23) to Novato Sanitary District (LAFCo File 1373) with Waiver of Notice, Hearing, and Protest Proceedings and Finding it Exempt from CEQA pursuant to State CEQA Guidelines Section 15319

EO Fried outlined that this parcel was a simple application for annexation to the Novato Sanitary District and that the parcel is already in the City of Novato, and that an updated map and legal description had been received on that day and had been included in the Commissioner's agenda packets.

The Chair opened the public hearing. Seeing no members of the public wishing to comment, he closed the public hearing.

Approved: M/S by Vice-Chair Coler and Commissioner Burdo to approve the annexation of 10 Friendly Lane with updated map and legal description to the Novato Sanitary District.

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Lucan, Burdo, Rodoni, Savel, Hilliard

Nays: None

Abstain: None

Absent: None

Motion approved unanimously

CLOSED SESSION

Public Employee Performance Evaluation (Gov. Code 54957)

Title: Executive Officer

Conference with Labor Negotiators (Gov. Code 54957.6)

Agency Designated Representative: Chair Kious and Vice Chair Coler

Unrepresented employee: Jason Fried

Chair Kious moved the Commission to closed session. Upon returning to open session, Chair Kious stated there was nothing to report from closed session.

BUSINESS ITEMS

8. Election of Chair and Vice Chair

EO Fried explained that per the Marin LAFCo Policy Handbook, the selection of Chair and Vice Chair is the sole discretion of the members of the Commission.

Commissioner Rodoni moved to re-elect Chair Kious and Vice Chair Coler.

Commissioner Lucan posed the question of whether there was any policy or history on term limits for Chair/Vice-Chair, to which EO Fried explained there was no such policy. Commissioner Lucan suggested that rotation of the positions every few years be considered in the future.

Chair Kious opened public comment. Seeing none, he closed public comment.

Approved: M/S by Commissioner Rodoni and Commissioner Burdo to elect Commissioner Kious as Chair and Commissioner Coler as Vice Chair

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Lucan, Burdo, Rodoni, Savel, Hilliard

Nays: None

Abstain: None

Absent: None

Motion approved unanimously

9. Approval of Proclamation for Richard Savel

Alternate Commissioner Savel noted that the proclamation contained information that pertained to a different member of the Commission and that the proclamation be edited. Commissioner Savel was thanked for his service on the Commission and requested to make comments at the end of the meeting under Commissioner Announcements time so as to continue to move the meeting forward at that time.

Approved: M/S by Commissioner Lucan and Commissioner Burdo to approve the proclamation for Richard Savel with amendments.

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Lucan, Burdo, Rodoni, Savel, Hilliard

Nays: None

Abstain: None

Absent: None

Motion approved unanimously

10. Accept and File MCERA Audit Report

EO Fried explained that MCERA came to Marin LAFCo to test out their new auditing system due to Marin LAFCo being a small (3-employee) agency. He went on to state that the majority of the flagged items by the audit took place prior to Marin LAFCo handling their own HR/benefits. The process allowed MCERA to find an area in its form to change to make things easier for future agencies.

Chair Kious opened the item up for public comment. Seeing none, the item returned to the Commission for deliberation.

Approved: M/S by Commissioner Lucan and Vice Chair Coler to approve the work plan as proposed.

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Lucan, Burdo, Hilliard, Rodoni, Savel

Nays: None

Abstain: None

Absent: None

Motion approved unanimously

11. Discussion and Possible Approval of Items Related to CALAFCO Annual Conference

EO Fried outlined the process of nominations for the CALAFCO Board of Directors as well as the designation of voting delegates. He also explained the awards nominations and his recommendation for the shared services program that Marin LAFCo and Santa Cruz LAFCo had recently created be nominated for the award for innovative services. He also recommended the nomination of the Deputy EO from Napa LAFCo, Dawn Middleton, for the lifetime achievement award.

Approved: M/S by Commissioner Rodoni and Commissioner Lucan to approve staff's recommendations on the award nominations and to designate Vice-Chair Coler as the voting delegate and Commissioner Burdo as the alternate.

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Lucan, Hilliard, Rodoni, Burdo, Savel

Nays: None

Abstain: None

Absent: None

Motion approved unanimously

12. Discussion and Possible Vote on SDRMA Board of Directors

EO Fried explained that while Marin LAFCo isn't a special district, SDRMA allows LAFCo a vote in their board of directors elections as they provide LAFCo with liability insurance. He explained that at least recently, the elections had run with incumbents being unopposed but this year there was one outside candidate challenging.

Both Chair Kious and Vice Chair Coler offered the opinion that the challenger did not look to have the qualifications or experience to merit voting for them over the incumbent.

Approved: M/S by Commissioner Rodoni and Commissioner Burdo to cast a vote for the incumbents.

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Lucan, Hilliard, Burdo, Savel, Rodoni

Nays: None

Abstain: None

Absent: None

Motion approved unanimously

13. Approval of Sixth Amendment to Executive Officer Employment Agreement

Legal Counsel Subramanian explained to the Commission the terms of the amendment to the employment agreement and stated that the updated longer-term employment agreement was scheduled to be brought before the Commission at the August meeting.

Chair Kious opened the item up for public comment. Seeing none, the item returned to the Commission for deliberation.

Approved: M/S by Commissioner Burdo and Commissioner Lucan to approve the sixth amendment to the Executive Officer employment agreement.

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Lucan, Hilliard, Burdo, Savel, Rodoni

Nays: None

Abstain: None

Absent: None

Motion approved unanimously

PUBLIC HEARING ITEMS

14. Adoption of Final Operating Budget for Fiscal Year 2023-2024

EO Fried yielded to Budget Committee Chair Rodoni. Commissioner Rodoni reported that only minor changes were necessary from the proposed budget that did not necessitate another Budget Committee meeting. EO Fried stated that agency contributions were reduced by approximately 1%.

Chair Kious opened the public hearing. Seeing no comments, the item was returned to the Commission for deliberation.

Approved: M/S by Vice Chair Coler and Commissioner Burdo to adopt the final operating budget for fiscal year 2023-2024.

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Lucan, Hilliard, Burdo, Savel, Rodoni

Nays: None

Abstain: None

Absent: None

Motion approved unanimously

15. Interview for LAFCo Regular and Alternate Public Member Seats and Possible Appointments

Candidate Larry Chu, who was unable to attend the prior meeting's interview, was given the opportunity to answer the same four questions that were asked of the other four questions at the prior meeting. After the interview, EO Fried explained the voting process for all of the Commissioners.

Following some discussion among the Commission members, Vice-Chair Coler nominated Larry Chu for the Regular Public Member seat which was seconded by Commissioner Lucan.

Ayes: Chair Kious, Vice-Chair Coler, Commissioners Lucan, Hilliard, Burdo, Rodoni

Nays: None

Abstain: None

Absent: None

Motion approved unanimously

Commissioner Lucan made a motion to nominate Roger Smith for the Alternate Public Member seat which was seconded by Vice-Chair Coler.

Ayes: Vice-Chair Coler, Commissioners Lucan, Hilliard, Burdo, Rodoni

Nays: Chair Kious

Abstain: None

Absent: None

Motion approved

EXECUTIVE OFFICER REPORT (discussion and possible action)

- a) Budget Update FY 2022-2023
EO Fried reported that budget was looking on track and even a little under budget at this time.
- b) Current and Pending Proposals
Currently no new proposals.
- c) CALAFCO Update (Verbal Report)
EO Fried attended the CALAFCO Workshop in April and moderated a round table discussion.
- d) Marin LAFCo Workshop (Verbal Report)
With so many new Commissioners, EO Fried recommends a workshop in January to help educate new members and have some discussion on future work plan.

COMMISSIONER ANNOUNCEMENTS AND REQUESTS

Alternate Commissioner Savel offered his thanks to the Commission and to staff for his time serving on the Commission.

Chair Kious adjourned the meeting at 9:07 P.M.

ADJOURNMENT TO NEXT MEETING

Thursday, August 10, 2023

Via Zoom

Attest: Jeren Seibel

Deputy Executive Officer

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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