



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, April 6, 2023

CALL TO ORDER

Chair Kious called the meeting to order at 7:02 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 Craig Murray Steve Burdo (joined at 7:10 P.M.)
Alternate Commissioners Present:	Richard Savel (seated as a regular) Tod Moody
Marin LAFCo Staff Present:	Jason Fried, Executive Officer Jeren Seibel, Deputy Executive Officer
Marin LAFCo Counsel Present:	Malathy Subramanian
Commissioners Absent:	
Alternate Members Absent:	Stephanie Moulton-Peters Stephen Burke

AGENDA REVIEW

EO Fried Suggested that items 3 and 4 be reversed due to public being present for item 4.
Approved by the Chair.

PUBLIC OPEN TIME

Chair Kious 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 February 9, 2022 Regular Meeting
2. Commission Ratification of Payments from February 1, 2023, to March 31, 2023

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

PUBLIC HEARING ITEMS

3. Approval of Resolution 23-03, Annexation of 3606 Paradise Drive (APN: 058-011-13) to Sanitary District 5 (LAFCo File #1371) with Waiver of Notice, Hearing, and Protest Proceedings and Finding it Exempt from CEQA pursuant to State CEQA Guidelines Section 15303, Class 3

Executive Officer Fried presented the application to the Commission and explained that the application, being in the unincorporated Paradise Drive area, included a signed dual annexation agreement. EO Fried recommended the application be approved as proposed.

Chair Kiouss opened up public comment. Recognizing no hands raised, Chair Kiouss closed public comment.

Approved: M/S by Vice-Chair Coler and Commissioner Lucan to approve the annexation of 3606 Paradise Drive with conditions.

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

4. Approval of Resolution 23-02, Annexation of 255 Margarita Drive (APN: 016-011-29) to San Rafael Sanitation District (LAFCo File #1370) with Waiver of Notice, Hearing, and Protest Proceedings and Finding it Exempt from CEQA pursuant to State CEQA Guidelines Section 15319

EO Fried explained to the Commission that this would be the third iteration of this particular application. EO Fried outlined a letter to the applicant from the Sanitary District explaining final steps needing to be completed. EO Fried went on to tell the Commission that the applicant had reached out requesting that the hearing be delayed due to being out of the country. He recommended the Commission deny the request to delay in order to avoid the Sanitary District disconnecting the property.

Commissioner Lucan announced that he would be recusing himself from this item due to receiving a campaign contribution from the applicant.

Chair Kiouss agreed with EO Fried that he would recommend denying the request to delay. Vice-Chair Coler concurred with the Chair. Commissioner Murray requested to hear from the representative from San Rafael Sanitation District, General Manager Doris Toy. GM Toy stated that the District had gone out to the property for an inspection. She outlined all that the property owner had done and that she believed the applicant would be able to meet the remaining conditions by the determined deadline.

Vice-Chair Coler asked if the District was committed to disconnecting the property if conditions weren't met by April 29th, to which GM Toy responded that yes, the District would disconnect.

Approved: M/S by Commissioner Rodoni and Commissioner Murray to approve the annexation of 255 Margarita Drive with conditions.

Ayes: Chair Kiouss, Vice-Chair Coler, Commissioners Burdo, Murray, Rodoni, Savel

Nays: None

Abstain: None

Absent: Lucan

Motion approved unanimously

5. Approval of the Golden Gate Corridor Region Municipal Service Review

Deputy EO Seibel outlined all of the items for approval before the Commission, including the final draft of the MSR, the updated work plan, as well as the resolutions for the spheres of influence for each of the agencies involved. He went on to tell the Commission that no additional public comments had been received on the draft since the previous meeting.

The Chair opened the item up for public comment. One member of the public, Clifford Waldeck made a short comment.

Approved: M/S by Commissioner Burdo and Vice-Chair Coler to approve the Final Draft of the Golden Gate Corridor MSR as well as all of the attached resolutions and work plan.

Ayes: Chair Kiouss, Vice-Chair Coler, Commissioners Lucan, Burdo, Murray, Rodoni, Savel

Nays: None

Abstain: None

Absent: None

Motion approved unanimously

6. Adoption of Proposed Operating Draft Budget for Fiscal Year 2023-2024

EO Fried yielded to the Chair of the Budget Committee, Commissioner Rodoni, to begin the item. Commissioner Rodoni thanks Commissioners Moody and Burke for serving on the Committee and that the Committee was in agreement that Commission should move forward with the budget as proposed. EO Fried explained to the Commission that it would be a fairly "status quo" budget, save for the change for Marin LAFCo out of the Marin Map system. He went on to ask if, given the current state of inflation, if the Commission would be willing to go higher on a cost of living increase for staff that is higher than the 3% that Marin County had collectively bargained with its units. EO Fried requested a cost of living increase of 3.5%. He went on to state that, when all is said and done, he believes that the total requested increase in Agency Contributions would be around 5.5%. Commissioner Rodoni confirmed that all of this was consistent with what was discussed in the Committee meeting.

Commissioner Coler requested a reminder of what the cost of living increase for staff was the previous fiscal year, to which EO Fried informed her that it was 3.5%. Commissioner Coler suggested that this year's cost of living increase for staff should be 4% as there are only 2 staff members.

Chair Kiouss opened up the item for public comment. Seeing none, he brought the item back to the Commission.

Chair Kiouss asked for clarification on whether the cost of living increase should be discussed during closed session later or if it should be determined at that time. EO Fried and legal counsel confirmed that it should be determined during the discussion of this item.

Commissioner Burdo asked for more information on what the staff salary step scale looks like. EO Fried explained that positions are on 5-step scales.

Commissioner Rodoni added clarification that the Budget Committee recommended a cost of living increase of 3%, not 3.5%.

Approved: M/S by Vice Chair Coler and Commissioner Burdo to approve the budget as recommended with a 4% cost of living increase for staff.

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

Nays: None

Abstain: None

Absent: None

Motion approved unanimously

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

EO Fried requested that all of the applicants present take their seats at the table behind their name tags. Alternate Commissioner Savel announced that he would not be participating in the interview process as he had decided not to run for another term.

EO Fried explained that originally there had been eight total applicants, however, two (including Commissioner Savel) had dropped out. Of the 6 remaining applicants, two could not make it to the meeting: Larry Chu and the other, Veda Florez. EO Fried explained that the Commission could ask any number of questions they would like to, but all candidates would have to be asked each of the questions decided on.

Of the provided suggested questions, the Commission determined that questions one, three, four, and five would be asked of each candidate. Each of the four present candidates were asked each of the four chosen questions and given two minutes to respond to each question.

Following the answering of questions, Vice-Chair Coler spoke about the qualifications of candidate Larry Chu, who was unable to attend the meeting for in-person interviews. Commissioner Murray added additional information about candidate Chu.

Commissioner Rodoni spoke about the candidate, Veda Florez, who also could not be in attendance to be interviewed. Commissioner Rodoni went on to say that he was uncomfortable considering candidates who were not in attendance to be interviewed and that he would not vote for a candidate that was not present. He expressed that only candidates who were present to be interviewed should be considered, and if others felt differently then the recruitment should be reopened. Commissioner Lucan echoed Commissioner Rodoni's concerns.

Chair Kious requested advisement from staff and Legal Counsel on whether the item could be continued to the next meeting without requiring the four present candidates to return to be interviewed at the next meeting while allowing for the two missing candidates to show up to be interviewed with the same four questions before deliberation of candidates. Staff informed him that this was a possibility.

Approved: M/S by Vice Chair Coler and Commissioner Lucan to continue the item to the June meeting.

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

Nays: None

Abstain: None

Absent: None

Motion approved unanimously

BUSINESS ITEMS

8. Review and Approval of Work Plan for Fiscal Year 2023-2024

EO Fried deferred to the Committee Chair, Commissioner Rodoni, who deferred back to the EO. The EO clarified a needed correction to the order of the MSRs. He requested clarification from the Commission on whether or not staff should continue to work on the fire and police studies while short-staffed. Commissioner Coler commented that those pieces of work felt more in line with the work that the Civil Grand Jury does and that staff should not continue to focus on those items at this time.

Commissioner Rodoni requested that additional information be listed on the plan in the future for what staff member is responsible for each item as well as a general idea of the time spent on the item.

While EO Fried requested that the Commission make a formal decision on whether or not to move forward with fire and police studies, Chair Kiouss commented that item would be held over and no decision on that would be made at that meeting.

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

Approved: M/S by Commissioner Murray and Commissioner Rodoni to approve the work plan as proposed.

Ayes: Chair Kiouss, Vice-Chair Coler, Commissioners Lucan, Burdo, Murray, Rodoni, Savel

Nays: None

Abstain: None

Absent: None

Motion approved unanimously

9. Approval of Extension of Office Lease for 1401 Los Gatos Drive, Suite 220

EO Fried outlined the proposed office lease extension that he was recommending as well as explaining the different research he did through the process of considering other options.

The chair opened the item up for public comment. Seeing none, the item was returned to the Commission for deliberation.

Approved: M/S by Commissioner Murray and Vice Chair Coler approve the proposed lease agreement.

Ayes: Chair Kiouss, Vice-Chair Coler, Commissioners Lucan, Murray, Burdo, Savel

Nays: None

Abstain: None

Absent: Rodoni

Motion approved unanimously

10. Accept and File Marin LAFCo Audit for Fiscal Year 2021-2022 and Authorization for Fiscal Year 2022-2023

EO Fried noted that the auditor had given Marin LAFCo a fairly clean billing as well as improvement from the previous year with only 1 item of closing process being flagged to be cleaned up for the following year's books closings.

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

Approved: M/S by Commissioner Lucan and Commissioner Burdo to approve staff's recommendation to accept and file Marin LAFCo Audit for Fiscal Year 2021-2022 and Authorization for Fiscal Year 2022-2023

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

Nays: None

Abstain: None

Absent: None

Motion approved unanimously

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. A few line items are over budget are minimally over.
- b) Current and Pending Proposals
Two new applications that will be heard at the June meeting with one in Mill Valley and the other in Novato.
- c) General Update Open Commission Seats 2023
CSDA has completed their elections with Chair Kious maintaining his seat and replacing Alternate Commissioner Moody will be Cathryn Hilliard from Southern Marin Fire Protection District.
- d) CALAFCO Update
Staff workshop coming up at the end of April that EO Fried will be attending where EO Fried will be the moderator for multiple round table discussions.

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 reported out that the items discussed in closed session will be continued to the June meeting.

COMMISSIONER ANNOUNCEMENTS AND REQUESTS

No announcements or requests were made.

Chair Kious adjourned the meeting at 9:35 P.M.

ADJOURNMENT TO NEXT MEETING

Thursday, June 8, 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 Gatos 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 Gatos Drive, Suite 220
San Rafael California 94903

T: 415-448-5877
E: staff@marinlafco.org
W: marinlafco.org
