



**Marin Local Agency Formation Commission**  
**Regional Service Planning | Subdivision of the State of California**

**NOTICE**

**AD HOC DUC COMMITTEE MEETING AND AGENDA**

Monday, July 22, 2019  
1401 Los Gamos Drive Suite 220  
San Rafael, California 94903

**Appointed Members**

Craig K. Murray (Chair) | Dennis Rodoni (Vice Chair) | Chris Skelton

2:00 PM – Call to Order by Chair

**ROLL CALL BY COMMISSION CLERK**

**PUBLIC COMMENT**

This portion of the meeting is reserved for persons desiring to address the committee on any relevant matter not listed on this agenda and that are within the jurisdiction of the committee. Speakers are limited to three minutes.

**BUSINESS ITEMS**

The Committee is scheduled to discuss and provide direction on the following items.

1. Approval of the May 8, 2019 Committee Meeting Minutes
2. Discussion of Disadvantaged Unincorporated Communities in Marin County

**ADJOURNMENT**

ATTEST:

\_\_\_\_\_  
Jason Fried  
Executive Officer

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Judy Arnold, Alternate  
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Sashi McEntee, Chair  
City of Mill Valley

Sloan Bailey, Regular  
Town of Corte Madera

Matthew Brown, Alternate  
City of San Anselmo

Craig K. Murray, Vice Chair  
Las Gallinas Valley Sanitary

Lew Kious, Regular  
Almonte Sanitary Districtg

Tod Moody, Alternate  
Sanitary District #5

Larry Loder, Public  
Public Member

Chris Skelton, Alternate  
Public Member

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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# Marin Local Agency Formation Commission

## Regional Service Planning | Subdivision of the State of California

### AGENDA REPORT

July 22, 2019

Item No. 1 (Business)

**TO:** Ad Hoc Disadvantaged Unincorporated Communities Committee

**FROM:** Candice Bozzard, Commission Clerk

**SUBJECT:** Approval of the May 8, 2019 Committee Meeting Minutes

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### Background

The Ralph M. Brown Act was enacted by the State Legislature in 1953 and establishes standards and processes therein for the public to attend and participate in meetings of local government bodies as well as those local legislative bodies created by State law; the latter category applying to LAFCos.

### Discussion

The draft minutes for the May 8, 2019 DUC Committee meeting accurately reflect the Committee's actions as recorded by staff and are attached. A copy of the approved meeting minutes are available online.

### Staff Recommendation for Action

1. **Staff recommendation** – Approve the draft minutes prepared for the May 8, 2019 meeting with any desired corrections or clarifications.
2. Alternative Option - Continue consideration of the item to the next committee meeting and provide direction to staff, as needed.

### Attachment:

- 1) Draft Minutes for May 8, 2019

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**Chris Skelton, Alternate**  
Public Member



**Marin Local Agency Formation Commission**  
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**DRAFT**

AD HOC DUC COMMITTEE MEETING MINUTES

Wednesday, May 8, 2019  
1401 Los Gamos Drive Suite 220  
San Rafael, California 94903

**Appointed Members**

Craig K. Murray (Chair) | Dennis Rodoni (Vice Chair) | Chris Skelton

**CALL TO ORDER**

Executive Officer Fried called the meeting to order at 2:04 PM.

**ROLL CALL BY COMMISSION CLERK**

Roll was taken. Commissioner Skelton (2:20 PM).

**PUBLIC COMMENT**

Executive Officer Fried asked for any public comment. Hearing none, Executive Officer Fried closed the public comment.

**BUSINESS ITEMS**

**1. Appointment of Committee Chair and Vice-Chair**

APPROVED; M/S by Commissioners Rodoni and Murray to appoint Craig K. Murray as Committee Chair and Dennis Rodoni as Vice-Chair.

Ayes: Commissioners Murray, Rodoni

Noes: None

Absent: Commission Skelton

Abstaining: None

Motion was approved by majority vote.

**2. Discussion of Disadvantaged Unincorporated Communities in Marin County**

Policy Analyst Seibel gave an extensive background on the history of SB244 and the “meaning” of Disadvantaged Unincorporated Communities (DUCs) in Marin County as well as definitions used by other LAFCo’s throughout the state. The committee was shown

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maps using 2016 block-group data that outlined 3 areas in the county as disadvantaged unincorporated communities: Inverness, Marin City, and Point Reyes Station.

The Committee had an in-depth discussion on the principals involved for the classification of a disadvantaged community, and how the economic diversity of Marin County might skew the categorical benchmarks. One of the topics included which year to derive the data from, whether it was 2010 census data or the American Community Survey Median Household Income data at the block group level. Another area was if Marin LAFCo came up with a different definition for “DUC” how would this affect those unincorporated communities on receiving possible grants in the future. It was stated by staff that the term was only a LAFCo reference and would not impact those communities in the State’s determinations.

Chair Murray recommended that staff check the current Housing Element to try to gain a more thorough understanding of how the County has begun to deal with disadvantaged communities.

Co-Chair Rodoni suggested staff connect with the County to receive additional input and data regarding those areas in question.

The Committee took no official action and agreed to meet again before the August Commission meeting to discuss any findings before bringing anything to the full Commission.

Chair Murray called the meeting adjourned at 3:10 PM.

ATTEST:

\_\_\_\_\_  
Candice Bozzard  
Commission Clerk



# Marin Local Agency Formation Commission

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## AGENDA REPORT

July 22, 2019

Item No. 2 (Business Item)

**TO:** Ad Hoc Disadvantaged Unincorporated Communities Committee

**FROM:** Jeren Seibel, Policy Analyst

**SUBJECT:** Discussion of Disadvantaged Unincorporated Communities in Marin County

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### Background

Following the June Disadvantaged Unincorporated Communities (DUC) Committee meeting, as directed by members of the Committee, staff reached out to Leelee Thomas, Marin County's Housing Planning Manager. Staff met with Ms. Thomas and discussed both the County's current position on DUCs, as well as the possibility of a Marin LAFCo specific DUC policy. Ms. Thomas brought to staff's attention that the current Marin County Housing Element does not recognize any DUCs (Attachment 1). She directed staff to speak with the Housing Policy and Planning Research Specialist, and, upon doing so, it was reinforced that Marin County does not currently recognize any DUCs. The specialist did offer the caveat that Marin County pulls all data at the census tract level, which can lead to smaller pockets of lower household incomes going undetected. When questioned as to the reasoning behind pulling data at that level given the possibility of oversight, the researcher explained that the margin for error in the data grows exponentially from the tract level to the block group level.

As committee members weigh the pros and cons of the possibility of taking the idea of creating a Marin LAFCo specific DUC policy to the full Commission for consideration, it seems pertinent to reinforce that one of the main intentions of SB244 was to ensure that no city would be allowed to complete an annexation of any contiguous area that avoided a DUC. While staff was able, using 2016 Department of Water Resources block group data, to point out unincorporated areas in Marin County such as Inverness, Point Reyes Station, and Marin City that could be constituted as DUC's, none of them really hold any tangible opportunity for annexation into any nearby city other than Marin City. At this time, the adoption of a DUC policy that differs from that which is defined in SB244 would force Marin LAFCo to use data that has a much higher margin for error in its community identification process, as well as seemingly signaling to Marin County that there has been an oversight of identifying these underserved communities in their own Housing Element, whether intentional or unintentional.

It would seem prudent at this time, as staff moves through the MSR process for different regions of Marin County, to take a stance of having an added scrutiny on services being offered to areas that have, if nothing else, anecdotally been identified as disadvantaged (unincorporated or otherwise) to ensure that basic needs are being met in these areas. The Commission could revisit its stance on SB244 after the 2020

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Census data is released, and play a more collaborative role with Marin County in the identification of DUC's at that time as the County would then simultaneously be in the process of updating its housing element.

The adoption of a Marin LAFCo DUC policy that upholds the guidelines set forth in SB244 would offer staff the necessary clarity in future endeavors with DUCs. Staff's proposed language for said policy is as follows: As set forth in SB 244, Marin LAFCo will include considerations of disadvantaged unincorporated communities within a city or district SOI in statements of written determinations of MSRs. Marin LAFCo will prohibit the approval of city annexations greater than 10 acres that are contiguous to a disadvantaged unincorporated community unless the city applies to annex the disadvantaged unincorporated community as well.

**Staff Recommendation for Action**

1. Staff Recommended Action - Adopt the above DUC policy that mimics required actions set forth in SB244 with the intention for heightened scrutiny in MSR process in areas that have shown to be DUCs in more defined data sets. Revisit the policy upon the release of 2020 Census data.
2. Alternate Action - Take no action today and give instructions to staff on next steps.

Attachments:

1. Marin County Housing Element Page II-34

## Disadvantaged Communities

New State Law Addressing Disadvantaged Communities SB 244 (Wolk, 2011) requires cities and counties to identify the infrastructure and service needs of unincorporated legacy communities in their general plans at the time of the next Housing Element update. SB 244 defines an unincorporated legacy community as a place that meets the following criteria:

- Contains 10 or more dwelling units in close proximity to one another;
- Is either within a city Sphere of Influence (SOI), is an island within a city boundary, or is geographically isolated and has existed for more than 50 years; and
- Has a median household income that is 80 percent or less than the statewide median household income.

No disadvantaged unincorporated communities are located within the unincorporated area of the County. The Department of Water Resources<sup>63</sup> identified one disadvantaged community in Nicasio. However, further analysis using data from the U.S. Census Bureau 2012 American Community Survey established that the median household income of Nicasio exceeded 80% of the statewide median income, and therefore the community does not qualify as a disadvantaged community.

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<sup>63</sup> Department of Water Resources mapping tool <http://www.water.ca.gov/irwm/grants/resourceslinks.cfm>