



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, December 14, 2023

Marin Wildfire Prevention Authority Meeting Room | Suite 335 | 1600 Los Gamos Drive, San Rafael, CA (Use the Main Lobby (Lobby A) entrance, which is located on the freeway side of the building.)

CALL TO ORDER

Chair Coler called the meeting to order at 6:30 P.M.

ROLL CALL BY COMMISSION CLERK

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

Commissioners Present:

Barbara Coler
Dennis Rodoni
Craig Murray
Lew Kious
Larry Chu

Alternate Commissioners Present:

Stephen Burke (seated as a regular and attended virtually, which is allowed under AB2449)
Rodger Smith

Marin LAFCo Staff Present:

Jason Fried, Executive Officer
Jeren Seibel, Deputy Executive Officer
Claire Devereux, Clerk/Jr. Policy Analyst

Marin LAFCo Counsel Present:

Malathy Subramanian

Commissioners Absent:

Eric Lucan
Steve Burdo

Alternate Members Absent:

Cathryn Hilliard
Stephanie Moulton-Peters

AGENDA REVIEW

EO Fried asked the commission to remove Item 4: Authorize the Executive Officer to Request the County Auditor to Collect the LAFCo Dues owed by delinquent special district Marin City CSD from property tax or any fee or eligible revenue owed to the district, along with any expenses incurred by the Commission or Auditor from the agenda.

Chair Coler opened the meeting for public comment. Seeing no hands raised Chair Coler Closed Public Comment.

Approved: M/S by Commissioners Murray and Chu to remove item 4 and approve the rest of the agenda

Ayes: Coler, Chu, Kious, Burke, Murray, and Rodoni

Nays:

Abstain:

Absent: Lucan

Motion approved unanimously.

PUBLIC OPEN TIME

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

CONSENT CALENDAR ITEMS

- 1) Approval of Minutes for October 12, Regular Meeting
- 2) Commission Ratification of Payments from October 1 to November 30, 2023
- 3) Approval of the 2024 Commission Calendar
- 5) Review and File Fiscal Year 2022-2023 GASB 75 Report and Approval of a Two-Year Contract with MacLeod Watts for future GASB 75 reports.

Approved: M/S by Commissioners Rodoni and Kious to approve the consent calendar with the removal of item 4.

Ayes: Coler, Chu, Kious, Burke, Murray, Rodoni

Nays:

Abstain:

Absent: Lucan

Motion: approved unanimously

PUBLIC HEARING ITEMS

- 6) Approval of Resolution 23-15, Annexation of 45 Stirrup Ln, Novato (APN:146-020-11) to the Novato Sanitary District (LAFCo File #1374) with Waiver of Notice, Hearing, and Protest Proceedings and Finding it Exempt from CEQA pursuant to State CEQA Guidelines Section 15319

EO gave a staff report stating that LAFCo got support from the county and the Novato Sanitary District but received a letter of opposition from the City of Novato. They oppose the application because they see the connection to the sewer as a municipal service, and they do not want to provide services to parcels outside the city boundaries. EO also stated that the parcel is far enough away from city boundaries that annexing isn't something LAFCo or the applicant is looking to do at this meeting. Novato also has an Urban Growth Boundary that would prohibit the annexation of the parcel. EO continued to say that nothing in the state government code would say not to allow this annexation, so staff recommends approving the application.

Chair Coler opened the public comment period. Recognizing no hands were raised, Chair Coler closed public comment.

Commissioner Coler asked for clarification on policy 4.8, which is referenced in the letter. EO stated that policy 4.8 allows LAFCo to create a delayed annexation. However, the staff is not pursuing that action because of the Urban Growth Boundary and the parcel is far enough from the city boundaries that a dual annexation would not be beneficial.

Approved: M/S by Commissioners Rodoni and Murray to support staff recommendation in approving the annexation for application 1374

Ayes: Coler, Chu, Murray, Burke, Rodoni and Kious

Nays:

Abstain:

Absent: Lucan

Motion approved unanimously.

- 7) Approval of Resolution 23-16, Annexation of 19 Tanfield Rd., Tiburon (APN: 039-081-14) to the Richardson Bay Sanitary District (LAFCo File #1375) with Waiver of Notice, Hearing, and Protest Proceedings and Finding it Exempt from CEQA pursuant to State CEQA Guidelines Section 15319

LAFCo Junior Policy Analyst Claire Devereux presented to the commission stating that the application was straightforward and received no opposition.

Chair Coler opened public comment.

Applicant Stephen Koza came forward and stated that they were residents of Marin for eight years. He had no comments but to thank the LAFCo staff for their time.

Recognizing no more hands were raised, Chair Coler closed public comment.

Commissioner Kious stated he spoke with the manager at RBSD, that the Koza's had been working with them for a couple of years, and that he is entirely in support on behalf of Richardson Bay.

Approved: M/S by Commissioners Kious and Chu to support the staff recommendation and approve Resolution
Ayes: Coler, Chu, Kious, Rodoni, Murray, and Burke

Nays:

Abstain:

Absent: Lucan

The motion was approved unanimously.

- 8) Approval of Sewerage Agency of Southern Marin Municipal Service Review
a) Adopt Resolution 23-17 Approving Final Draft of the Sewerage Agency of Southern Marin Municipal Service Review and Finding it Exempt from CEQA pursuant to State CEQA guidelines Section 15306, Class 6

DEO Jeren Seibel presented the final draft, the additions to the work plan, and the resolution for spheres of influence in common. Since the last meeting, there have been no more comments from the public or agencies. One major edit made was removing the suggestion to change the board size from 5 to 3 since it is in their enabling act to be a 5-member board.

Murray thanked DEO. Murray stated that having details on registered voters is important in an MSR, as 6,250 registered voters would be able to protest and trigger an election.

Coler opened a public hearing. Seeing no hands raised closed the public hearing.

After some deliberation amongst commissioners, the name was changed to The Southern Marin Wastewater Municipal Service Review (MSR)

Kious stated that although he agrees with some of the changes, he will vote against the document based on his understanding of the agencies and some statements made in the document.

Approved: M/S by Commissioners Murray and Chu to approve the final MSR with the name change.

Ayes: Coler, Chu, Murray, Burke, and Rodoni

Nays: Kious

Abstain:

Absent: Lucan

Motion approved.

b) Approve Workplan from Report

Approved: M/S by Commissioners Chu and Murray to approve the work plan

Ayes: Coler, Chu, Burke, Murray, and Rodoni

Nays: Kious

Abstain:

Absent: Lucan

Motion approved.

c) Adopt Resolution 23-18 Reaffirming the Sphere of Influence in Common of Alto, Almonte, Homestead Valley, and Richardson Bay Sanitary Districts and Finding it Exempt from CEQA Pursuant to State CEQA Guidelines Section 15061(b)(3)

Approved: M/S by Commissioners Chu and Murray to adopt Resolution 23-18

Ayes: Coler, Chu, Burke, Murray, and Rodoni

Nays: Kious

Abstain:

Absent: Lucan

Motion approved.

9) Adopt The Following Resolution Amending a Sphere of Influence for the Novato Fire Protection District

a) Resolution 23-19 Amending the Sphere of Influence of the Novato Fire Protection District and Finding it Exempt from CEQA pursuant to State CEQA Guidelines Section 15061 (b)(3)

DEO presented that while working and reviewing maps, he discovered discrepancies in jurisdictional boundaries for the Novato Fire Protection District and that this item is to fix the SOI.

Rodoni asked if there was any impact to other agencies with this change, to which DEO stated there would not be.

Murray inquired if there would be any implications to Hamilton Air Base/Federal land, to which DEO stated there would not be.

Coler opened for public comment. Seeing no raised hands, Chair Coler closed public comment.

Approved: M/S by Commissioners Murray and Rodoni to adopt resolution 23-19

Ayes: Coler, Chu, Kious, Burke, Murray, and Rodoni

Nays:

Abstain:

Absent: Lucan

Motion approved unanimously.

BUSINESS ITEMS

10) Discussion of Commission Workshop on January 12, 2024

EO gave his staff a report on the upcoming workshop and asked commissioners if there was anything else they would like to see, or change made.

Coler and Murray discussed Urban Growth Boundaries and checking with other LAFCos on their processes of handling UGBs.

EO inquired if the commission wanted to discuss charging late fees to agencies who are delinquent in paying their fees.

Chair Coler stated that late fees could appear punitive. She also inquired if the commission needed a report on GASB 75.

EO stated that the conversation surrounding the report has not happened in a while and may be beneficial.

Commissioner Rodoni mentioned having counsel do a refresher course on the Brown Act for the public and the commission's benefit.

EO stated legal counsel was not attending but could attend virtually to present. Counsel Subramanian said she was free and could be present.

Commissioner Murray suggested adding functional consolidation opportunities in Marin that the commission should look at and how it compares to other counties.

Chair Coler opened a public hearing. Seeing no hands raised, Chair Coler closed the public hearing.

EXECUTIVE OFFICER REPORT (discussion and possible action)

a) Budget Update

Marin LAFCo is under budget and looking good.

b) Current and Pending Proposals

We had two proposals heard today and one pending that will be heard in February. EO also stated that the number of applications is low for this year.

c) CALAFCO Update (Verbal)

Three commissioners and the EO attended the CALAFCO Conference.

Commissioner Murray recommends people attend and says that the tour of Monterey airport was very interesting and shows how they work with the city.

Commissioner Chu stated that LAFCo 101 was very beneficial. He also enjoyed a report on taking a risk-based approach to MSRs.

Commissioner Smith also enjoyed getting to know other Marin LAFCo members and commissioners from other counties.

EO added that he attended the Fire Chief Association and gave a presentation, which was well received by attendees.

COMMISSIONER ANNOUNCEMENTS AND REQUESTS

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

ADJOURNMENT TO NEXT MEETING

Thursday, February 8, 2024

Marin Wildfire Prevention Authority



Attest: Claire Devereux
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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