



# 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, October 11, 2018

Marin Clean Energy | Charles McGlashan Room | 1125 Tamalpais Avenue, San Rafael, California

### CALL TO ORDER BY COMMISSION CHAIR

Chair McEntee called the meeting to order at 7:02 pm.

### ROLL CALL BY COMMISSION CLERK

Roll was called. A quorum was present of the following commissioners:

**Regular Present:** Commissioners Sashi McEntee, Chair; Craig Murray, Vice Chair; Sloan Bailey; Damon Connolly; Lew Kious; Dennis Rodoni, Chris Skelton

**Alternates Present:** Matt Brown

**Absent:** Jack Baker

**Counsel Present:** Malathy Subramanian

**Staff Present:** Jason Fried, Interim Executive Officer; Veda Florez, Interim Administrative Associate

### AGENDA REVIEW

Chair McEntee asked if there were any requested changes to the agenda. No requests were made.

**APPROVED;** M/S Commissioners Murray/Connolly moved to accept the agenda as written.

**Ayes:** Commissioners McEntee, Murray, Bailey, Connolly, Kious, Rodoni, Skelton

**Noes:** None **Absent:** None **Abstaining:** None

**Motion was approved 7-0**

### PUBLIC OPEN TIME

Chair McEntee asked if there was any public comment on this item. Hearing none, the Chair closed public comment.

### CLOSED SESSION (7:10 PM)

PUBLIC EMPLOYEE APPOINTMENT (Gov. Code 54957)

Title: Executive Officer

CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code 54957.6)

Agency Designated Representatives: Chair McEntee and Commissioner Connolly

Unrepresented Employee: Executive Officer

**RETURN TO OPEN SESSION (7:20 PM)**

**There were no actions taken in the closed session; therefore the Commission had nothing to report.**

**CONSENT CALENDAR ITEMS (discussion and possible action)**

All items calendared as consent are considered ministerial or non-substantive and subject to a single motion approval. The Chair or designee will also consider requests from the Commission to pull an item for discussion.

**The Commission pulled Items 1.**

**Chair McEntee asked if there was any public comment on this item. Hearing none, the Chair closed public comment.**

**APPROVED; M/S Commissioner Bailey and Rodoni moved to accept the Consent Calendar to include Items 2.**

**Ayes: Commissioners McEntee, Murray, Bailey, Connolly, Kious, Rodoni, Skelton**

**Noes: None Absent: None Abstaining: None**

**Motion was approved 7-0**

**2. Commission Ratification of Payments from August 1, 2018 to September 30, 2018**

**Chair McEntee asked if there was any public comment on this item. Hearing none, the Chair closed public comment.**

**1. Approval of Minutes for August 8, 2018 and September 12<sup>th</sup> Workshop**

**Chair McEntee noted minor grammatical changes and outlined the following needed change to the September 12<sup>th</sup> Workshop minutes. Page 3; Paragraph 5; Line 4: strike "adoption of a countywide sphere of influence update." Change to: "spheres of influence affecting the entire county."**

**APPROVED; M/S Commissioner Bailey and Connolly moved to accept the changes to the September 12<sup>th</sup> Workshop minutes.**

**Ayes: Commissioners McEntee, Murray, Bailey, Connolly, Kious, Rodoni, Skelton**

**Noes: None Absent: None Abstaining: None**

**Motion was approved 7-0**

**BUSINESS ITEMS (discussion and possible action)**

Business Items involve administrative, budgetary, legislative or personnel matters and may or may not be subjected to public hearings.

**3. Resolution of Commendation for Retiring Commissioner Jeffry Blanchfield**

Chair McEntee read the Resolution of Commendation (18-04) for Jeffry Blanchfield.

Chair McEntee asked if there was any public comment on this item. Hearing none, the Chair closed public comment.

**APPROVED; M/S Commissioner Rodoni and Skelton moved to accept the Resolution.**

**Ayes: Commissioners McEntee, Murray, Bailey, Connolly, Kious, Rodoni, Skelton**

**Noes: None Absent: None Abstaining: None**

**Motion was approved 7-0**

**4. Review of Application #1338 - 610 Calle De La Mesa regarding detachment from the City of Novato (Information Only)**

IEO Fried presented background information on this application.

Commissioner Murray inquired if this will be a simple tax exchange.

Commissioner Bailey inquired if neighboring properties have the same property line issue.

Commissioner Skelton mentioned our opportunity to work with the City of Novato.

Staff will return in December with more information and has been in communications with staff from the City of Novato.

Chair McEntee asked if there was public comment.

Marcella Tate spoke for the property owners, who are her parents. She described the property line issues and will return to the commission meeting in December.

**5. Filling Vacant Public Seat**

Commissioner Skelton recused himself from this item.

Chair McEntee asked the public for comment.

Chris Skelton spoke as a member of the public. He asked if it would be possible to fill both seats simultaneously if the person sitting in the alternate public seat was appointed to the regular public seat. Counsel Malathy Subramanian indicated that the Commission could use the pool of applicants to fill the alternate public seat, if both seats were to become vacant.

**APPROVED; M/S Commissioner Rodoni and Connolly moved to accept staff recommendation to immediately announce both the current public open seat and the full seat at the same time.**

**Ayes: Commissioners McEntee, Murray, Bailey, Connolly, Kious, Rodoni**

Noes: None    Absent: None    Abstaining: Skelton  
Motion was approved 7-0

**6. Approval of New Workplan and Vision Statement**

Commissioner Murray asked if all special districts in San Rafael and Novato are included in the MSRs. IEO Fried replied that all special districts would be included, but only those whose MSRs were more than 2 years old would be fully updated with current information.

Commissioner Rodoni asked if all districts are included on the 5 year study schedule. Staff will report back at a future meeting on any missing districts.

Commissioner Skelton asked what are the legal requirements for an MSR. IEO Fried noted that all districts don't have to be fully explored however, he would like all districts that are mentioned in the report to show an intent to comply with legal requirements.

Chair McEntee asked if this study schedule would put Marin LAFCo out of compliance with state law requiring a 5-year review.

Counsel commented that as long as we include all districts in a plan of action we will be in good standing.

Commissioner Rodoni mentioned that extending the report timeline would be a good consideration.

IEO Fried agreed with Commissioner Rodoni's request.

Chair McEntee asked if there was any public comment on this item. Having none public comment was closed.

Commissioner Skelton comment that an application subcommittee wasn't needed. Staff is better suited handle this work in-house, and did not think it was worthwhile. Seeing no interest in the application subcommittee Chair McEntee asked if there were any Commissioners interested in an ad hoc Disadvantaged Unicorporated Community (DUC) committee. Commissioners Rodoni, Skelton, and Murray volunteered to take part in the ad hoc committee.

**APPROVED M/S Murray/Kious moved to create a DUC ad hoc committee, approve the Vision, and Mission statements, and MSR study schedule workplan for 2018-2019 and 2019-2020, with any amendments the commission wishes to make.**

Seeing no amendments, Chair McEntee called for a vote.

Ayes: Commissioners McEntee, Murray, Bailey, Connolly, Kious, Rodoni, Skelton  
Noes: None    Absent: None    Abstaining: None  
Motion was approved 7-0

**7. Approval of Contract with Planwest Partners, Inc. for MSR work**

Chair McEntee asked staff to describe the work Planwest will assume.

Planwest proposes to do the initial research, data collection and report writing. Staff will be the public face during this MSR process and plans to make public presentations at city council meetings, special district board, and general public meetings.

Commissioner Murray reported that he met with Planwest Partners at the CALAFCo meeting and he was happy to have an organization of statewide caliber working for Marin LAFCo. Commissioner Murray said that he thinks Planwest will be a good fit. He would also like the MSR reports to include summary sheets.

Chair McEntee asked Counsel to describe our current contract with Planwest Partners.

Counsel described our existing contract with Planwest Partners to provide for Interim EO and MSR services. She said that the commission just needs to authorize the MSR scope of the current contract.

Commissioner Rodoni asked if we plan to postpone filling the analyst position and what the budget impact would be for taking on these projects.

IEO Fried advised that payment to Planwest Partners would come from the unused funding from fiscal year 2017-2018. The analyst position would have a target hire date of early 2019. It is estimated that both regional MSRs would cost \$85,000 in total.

Commissioner Skelton asked for a sample of Planwest Partners work quality. Chair McEntee requested staff to provide a sample of Planwest work be sent to all members of the commission. Commissioner Skelton expressed concerns with the lack of definition of the project without benchmarks or check in points and requested these be built into the agreement.

Commissioner Murray said it would be reasonable to have benchmark payments at each of the 5 points described in the contract outline and asked staff to monitor and report back to the commission.

IEO Fried reported that plans are in place to have regular project check-ins, and regular reports to the commission.

Commissioner Kious noted that the Executive Officer is responsible for the completion of the project if these MSRs are completed by in-house staff or outsourced.

Commissioner Bailey expressed concern about the limitation to the information provided. He objected to the overall mechanics of the contract and would like a more formal agreement with detailed costs of each task. He also raised concerns about a lack of control over the work, noting a written scope is needed with a not to exceed amount.

Counsel replied that a more comprehensive contract can be written to include a detailed scope of services, not to exceed amounts, and options for multiple drafts and/or if necessary hearings.

Commissioner Skelton asked if both MSRs would be written concurrently or consecutively. Staff responded that it would be the commission's determination.

Chair McEntee rescinded the motion.

Chair McEntee if there was any public comment on this item.

Judy Schriebman asked how JPAs fit into the MSRs.

Seeing no other comments, Chair McEntee closed public comment.

APPROVED M/S Bailey/Kious moved to begin the San Rafael MSR first, then proceed with the Novato MSR for a not-to-exceed amount of \$85,000.

Ayes: Commissioners McEntee, Murray, Bailey, Connolly, Kious, Rodoni, Skelton

Noes: None Absent: None Abstaining: None

Motion was approved 7-0

**8. Approval of Executive Officer Employment Agreement**

**9. Termination of Certain Services from Planwest Partners, Inc. Professional Services Agreement Related to Executive Officer Services**

Counsel asked Item 8 and 9 be moved to the December 2018 regular commission meeting.

Chair McEntee asked if there was any public comment on this item. Hearing none, the Chair closed public comment.

APPROVED M/S Connolly/Bailey moved to defer Item 8 and 9 to the December 2018 regular commission meeting.

Ayes: Commissioners McEntee, Murray, Bailey, Connolly, Kious, Rodoni, Skelton

Noes: None Absent: None Abstaining: None

Motion was approved 7-0

**10. Reaffirmation of Personnel Policies**

Counsel reported that a comprehensive update will come back to the commission in future meetings.

Chair McEntee asked if there was any public comment on this item. Hearing none, the Chair closed public comment.

APPROVED M/S Murray/Rodoni moved reaffirm the 2013 personel policies.

Ayes: Commissioners McEntee, Murray, Bailey, Connolly, Kious, Rodoni, Skelton

Noes: None Absent: None Abstaining: None

Motion was approved 7-0

**EXECUTIVE OFFICER REPORT (discussion and possible action)**

**A. Last Budget Update for FY 2017-2018**

Chair McEntee asked the figure of the operating reserves.

IEO Fried reported a reserve target is 20% of our operating budget, approximately \$120,000.

**B. Budget Update FY 2018-2019**

Commissioner Murray inquired about the four districts that have not paid their 2018-19 dues.

IEO Fried reports four of the smaller special districts are outstanding, and he is comfortable to give these districts more time to pay their dues.

**C. Committee Assignments**

IEO Fried presented the committee assignments prepared by Chair McEntee. Staff is currently working to establish a meeting of each committee.

**D. Current and Pending Proposals**

Commissioner Murray asked if target completion dates could be added to the list.

IEO Fried reported that it is difficult to project completion dates, however, dates can be added when available.

**E. Report on CALAFCo Conference**

IEO Fried reported that Chair McEntee and Vice Chair Murray attended the conference with Interim Executive Officer Fried. IEO went on to say George Williamson from Planwest Partners won an award for best staff, and Best, Best, and Krieger won an award for best associate member. He noted that the conference highlighted the topics discussed at the Marin LAFCo September workshop and that he thought our work was on target with the expectation discussed at the state level.

Chair McEntee reported on a general session on the aftermath of a natural disaster and the need for annexation and consolidation that come up after a natural disaster going on to say that there was much discussion on consolidation of fire protection districts throughout the state.

Chair McEntee noted work being done between CALAFCo and the Special District Association to create greater alignment. She also noted each LAFCo is very different, and work has to be customized policies according to our local needs.

Vice Chair Murray reported on recent legislation that was on the Governor's desk before being vetoed. He was hopeful for additional funding for LAFCos across the state. He also noted urban boundaries that each county encounters.

Chair McEntee asked if there was any public comment on this item. Hearing none, the Chair closed public comment.

**COMMISSIONER ANNOUNCEMENTS AND REQUESTS**

**APPROVED M/S Connolly/Rodoni moved to adjourn the meeting.**

**Ayes: Commissioners McEntee, Murray, Bailey, Connolly, Kious, Rodoni, Skelton**

**Noes: None Absent: None Abstaining: None**

**Motion was approved 7-0**

**ADJOURNMENT TO NEXT MEETING**

Thursday, December 13, 2018 | 7:00 pm

Marin Clean Energy | Charles McGlashan Room | 1125 Tamalpais Avenue, San Rafael, CA



Attest: Jason Fried  
Interim Executive Officer

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**Marin LAFCo**

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