



# Marin Local Agency Formation Commission

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

### NOTICE OF REGULAR MEETING AND AGENDA

#### Marin Local Agency Formation Commission

**Thursday, August 12, 2021 ▪ 7:00 PM**

**\*\*\* BY VIRTUAL TELECONFERENCE ONLY \*\*\***

Pursuant to the provisions of California Governor's Executive Order N-29-20, issued on March 17, 2020, this meeting will be held by teleconference only. No physical location will be available for this meeting. However, members of the public will be able to access and participate in the meeting.

#### **PUBLIC ACCESS AND PUBLIC COMMENT INSTRUCTIONS**

##### **PUBLIC ACCESS**

Members of the public may access and watch a live stream of the meeting on Zoom at <https://zoom.us/j/4350473750>. Alternately, the public may listen in to the meeting by dialing (669) 900-6833 and entering Meeting ID 4350473750# when prompted.

**WRITTEN PUBLIC COMMENTS** may be submitted by email to [staff@marinlafco.org](mailto:staff@marinlafco.org). Written comments will be distributed to the Commission as quickly as possible. Please note that documents may take up to 24 hours to be posted to the agenda on the LAFCo website.

**SPOKEN PUBLIC COMMENTS** will be accepted through the teleconference meeting. To address the Commission, click on the link <https://zoom.us/j/4350473750> to access the Zoom-based meeting.

1. You will be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
2. When the Commission calls for the item on which you wish to speak, click on "raise hand" icon. Staff will activate and unmute speakers in turn. Speakers will be notified shortly before they are called to speak.
3. When called, please limit your remarks to the time limit allotted (3 minutes).

#### **CALL TO ORDER BY CHAIR**

#### **ROLL CALL BY CLERK**

#### **AGENDA REVIEW**

The Chair or designee will consider any requests to remove or rearrange items by members.

#### **PUBLIC OPEN TIME**

This portion of the meeting is reserved for persons desiring to address the Commission on any matter not on the current agenda. All statements that require a response will be referred to staff for reply in writing or will be placed on the Commission's agenda for consideration at a later meeting. Speakers are limited to three minutes.

### **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.

1. Approval of Minutes for June 10, 2021, Regular Meeting
2. Commission Ratification of Payments from June 1, 2021, to July 31, 2021

### **PUBLIC HEARING**

3. Approval of Resolution 21-13, Annexation of 666 Sequoia Valley Road (APN 046-192-07) to Homestead Valley Sanitary District (LAFCo File #1355)
4. Approval of Resolution 21-14, Annexation of 105 Roblar Drive (APN 157-400-14) to Novato Sanitary District (LAFCo File #1356)
5. Approval of Resolution 21-15, Annexation of 2090 Vineyard Road (APN 132-291-32) to Novato Sanitary District (LAFCo File #1357)
6. Approval of Resolution 21-16, Annexation of 32 Fairway Drive (APN 016-021-50) to San Rafael Sanitary District (LAFCo File #1358)

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

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

7. Approvals on Items Related to CALAFCO Conference in October 2021
  - a) Approval of voting delegates to CALAFCO conference
  - b) Nominations to CALAFCO Board of Directors
  - c) Marin LAFCo Position on CALAFCO Regional Make-Up
8. Approvals for Marin LAFCo to enter into an MOU with SECURE
9. Approval of Restated Fourth Amendment to Executive Officer Employment Agreement
10. Creation of Working Groups and the Potential Application of the Brown Act and Options for the Commission to Consider

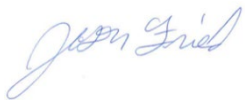
### **EXECUTIVE OFFICER REPORT (verbal report only)**

- a) Budget Update for FY 2020-2021 and FY 2021-2022
- b) Current and Pending Proposals
- c) Correspondences

### **COMMISSIONER ANNOUNCEMENTS AND REQUESTS**

## ADJOURNMENT TO NEXT MEETING

October 7, 2021| 7:00 P.M.



Attest: Jason Fried  
Executive Officer

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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.

### Marin LAFCo

Administrative Office  
1401 Los Gamos Drive, Suite 220  
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# Marin Local Agency Formation Commission

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

### AGENDA REPORT

August 12, 2021

Item No. 1 (Consent Item)

**TO:** Local Agency Formation Commission

**FROM:** Olivia Gingold, Clerk/Junior Analyst

**SUBJECT:** Approval of Minutes for June 10, 2021, Regular Meeting

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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 action minutes for the April 8 regular meeting accurately reflect the Commission's actions as recorded by staff. A video recording of the meeting is also available online for viewing at <https://www.marinlafco.org/meetings>

### Staff Recommendation for Action

1. Staff recommendation – Approve the draft minutes prepared for the June 10, 2021 meeting with any desired corrections or clarifications.
2. Alternative option – Continue consideration of the item to the next regular meeting and provide direction to staff, as needed.

### Procedures for Consideration

This item has been placed on the agenda as part of the consent calendar. Accordingly, a successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation as provided unless otherwise specified by the Commission.

#### Attachment:

- 1) Draft Minutes for June 10, 2021

**Administrative Office**  
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**Damon Connolly, Regular**  
County of Marin

**Judy Arnold, Regular**  
County of Marin

**Dennis Rodoni, Alternate**  
County of Marin

**Sashi McEntee, Chair**  
City of Mill Valley

**Barbara Coler, Regular**  
Town of Fairfax

**James Campbell, Alternate**  
City of Belvedere

**Lew Kiou, Vice Chair**  
Almonte Sanitary District

**Craig K. Murray, Regular**  
Las Gallinas Valley Sanitary

**Tod Moody, Alternate**  
Sanitary District #5

**Larry Loder, Regular**  
Public Member

**Richard Savel, Alternate**  
Public Member





# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

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**DRAFT**

## NOTICE OF REGULAR MEETING MINUTES

### Marin Local Agency Formation Commission

**Thursday, June 10, 2021**

#### **CALL TO ORDER**

Chair McEntee called the meeting to order at 7:06 P.M.

#### **ROLL CALL BY COMMISSION CLERK**

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

|                                  |  |
|----------------------------------|--|
| Commissioners Present:           | Sashi McEntee, Chair<br>Craig K. Murray, Vice-Chair<br>Lew Kious<br>Barbara Coler<br>Damon Connolly<br>Judy Arnold |
| Alternate Commissioners Present: | Tod Moody<br>Richard Savel   |
| Marin LAFCo Staff Present:       | Jason Fried, Executive Officer<br>Jeren Seibel, Deputy Executive Officer<br>Olivia Gingold, Clerk/Junior Analyst   |
| Marin LAFCo Counsel Present:     | Mala Subramanian   |
| Commissioner Absent:             | Larry Loder  |
| Alternate Members Absent:        | Dennis Rodoni<br>James Campbell  |

#### **AGENDA REVIEW**

Approved: M/S by Commissioners Kious and Coler to accept the agenda as is.  
Ayes: Commissioners McEntee, Murray, Connolly, Arnold, Coler, Kious, and Savel  
Nays: None  
Abstain: None  
Absent: Loder  
Motion approved unanimously.

#### **PUBLIC OPEN TIME**

Chair McEntee opened the public comment period. Hearing no request for comment, Chair closed the public open time.

## CONSENT CALENDAR ITEMS

1. Approval of Minutes for April 8, 2021, Regular Meeting
2. Commission Ratification of Payments from April 1, 2021, to May 31, 2021

Approved: M/S by Commissioners Arnold and Murray to accept the consent calendar including the 2 amendments to the minutes that were recommended by Commissioners Coler and Murray.

Ayes: Commissioners McEntee, Murray, Arnold Kious, Coler, Savel, and Connolly

Nays: None

Abstain: None

Motion approved unanimously.

## PUBLIC HEARING ITEMS

3. Approval of Resolution 21-05, Annexation of 345 Highland Ave to San Rafael Sanitary District (LAFCo File #1354)

EO Fried noted that this was a fairly straightforward application. The application was received in April 2021, includes one Single-Family construction, the applicant needs to connect to the Sanitary District to move off of septic. All Agency Reviews received were positive or neutral. The owners consented to signing dual annexation. Staff recommended approval of the application.

Vice Chair Murray wanted to confirm that Dual Annexations were being tracked, Clerk/Jr. Analyst Gingold confirmed that she was working to build a column in LAFCo's application log and EO Fried added that the intention was to eventually create a map layer.

Commissioner Savel noted that the application could not be approved as submitted because the petition was incomplete and the resolution was inaccurate. He noted some discrepancies between acreage, and no pagination on the map. It was resolved that Exhibit "B" would be added to the map, and that the discrepancies in acreage were resolved by a +/- for some of the acreages, versus a definitive number for others. Legal Counsel confirmed that none of the discrepancies warranted denying the application, Staff confirmed that the resolution's exhibit order would be fixed and Exhibit B would be labeled.

Approved: M/S by Commissioners Coler and Murray to approve the annexation of 345 Highland Ave. to SRSD and to approve the attached resolution with a small amendment.

Ayes: Commissioners Murray, Connolly, Arnold, Coler, Kious, Savel, and McEntee

Nays: None

Abstain: None

Motion approved unanimously.

4. Review and Approval of Final Draft Twin Cities Region Municipal Service Review

DEO Seibel noted that no new public comments were received after the presentation of the public draft. Some suggested edits from a Commissioner and a request for a change of the CSA 16 description from the public were received and added to the report. One item was added to the workplan, one carried over from the previous MSR, and 2 SOI amendments were added to Larkspur and Corte Madera to correct the Greenbrae Boardwalk. Vice Chair Murray acknowledged that the Greenbrae Boardwalk amendment was a good correction.

Chair McEntee opened public hearing. No public comment was made and the public hearing was closed.

Approved: M/S by Commissioners Coler and Murray to approve the MSR and attached resolutions, Items 4a through f.

Ayes: Commissioners Murray, Connolly, Arnold, Coler, Kious, Savel, and McEntee

Nays: None

Abstain: None

Motion approved unanimously.

5. Adoption of Final Operating Budget for Fiscal Year 21-22

Committee Chair Kious noted that the Budget Committee met, went through the budget with detail, and was confident that the budget is the appropriate budget for the Commission. EO Fried noted that 4 line items in the expense side got adjusted due to developments that occurred after the prior meeting, including the salary line item, the general insurance line item, the membership and dues item, and the professional services line item. Considering all of these adjustments and the carry forward balance, the dues for membership would only be slightly higher than last year for LAFCo member paying agencies.

Vice Chair Murray asked a question about the professional services line item. EO Fried confirmed that that item was related to the audit coming up.

Chair McEntee opened public hearing No public comment was made so public hearing was closed.

Approved: M/S by Commissioners Arnold and Kious to approve the budget.

Ayes: Commissioners Murray, Connolly, Arnold, Coler, Kious, Loder, and McEntee

Nays: None

Abstain: None

Motion approved unanimously.

6. Approval of Resolution 21-11, Update to Marin LAFCo Fee Schedule

Committee Chair Kious noted that the previous fee schedule had been significantly revised. He felt comfortable that the current fee schedule is an appropriate fee schedule, working to make the fee schedule clear to the public and ensure that the rates are properly supported and justified. EO Fried noted that the main change was the hourly rate to staff, as well as a small change to the pre-application time put in by staff. The total increase was relatively nominal, at somewhere around a 2%/year raise.

Vice Chair Murray asked if we checked against other LAFCOs, EO Fried said no. Vice Chair Murray also wanted to know if admin costs were being passed over to agencies when third-party fees are being collected. EO Fried clarified that most checks have forms associated with them, and the applicant is being charged a fee for staff filling out that form, so admin fees are being collected as a component of the applicant's total LAFCo fees.

Commissioner Coler recommended that amending item 7 so it does not only say "checks" may be pertinent once online payment systems are offered by LAFCo. EO Fried confirmed this change would happen once the online payment system was set up.

Chairman McEntee opened public hearing. No public comment was made so public hearing was closed

Approved: M/S by Commissioners Coler and Kious to approve the amended fee schedule.

Ayes: Commissioners Murray, Connolly, Arnold, Coler, Kious, Savel, and McEntee

Nays: None

Abstain: None

Motion approved unanimously.

## BUSINESS ITEMS

### 7. Discussion and Possible Actions on Working Group for Marin City Incorporation

EO Fried stated that a group interested in incorporation had approached LAFCo. His research revealed that incorporations have been rare – especially since the 2007/2008 economic downturn changed how incorporations work, as well as state changes that decreased funds available to new incorporations. The biggest hurdle for incorporation is cost – not only for forming but also for maintaining and running a city – so EO Fried proposed a Pre-Fiscal Analysis (PFA) which has been done by other LAFCos in the State as well. This PFA will consider short- and long-term costs and potential revenue streams to draw a conclusion on the viability of this project. This could prevent the community group from investing time and money into this project unless the PFA reveals that the incorporation is fiscally viable, or at least identify issues that need to be addressed before incorporation is pursued. Staff's recommendation was to treat this like a LAFCo working group. The only difference is that this working group will require an outside consultant. An RFP process will be done, a consultant will be identified, and the advocates group will fund this consultant while staff time would be donated, although most of the work will be done by the consultant. EO Fried also asked the Commission how they would prefer to navigate Legal Counsel charges. Finally he wanted to see if the Commission wanted to see the RFP.

Vice Chair Murray noted that there are a number of things that need to be reviewed, and the fiscal analysis is a critical point surrounding whether or not the incorporation would be viable.

Commissioner Arnold wanted to know what part of the area wanted to incorporate and if the community group was working to leave anyone out. EO Fried noted that any part that is unincorporated can be included and that area is surrounded by other jurisdictions which would not be included. Right now the Marin City CSD boundary is likely to be the rough incorporation boundary.

Commissioner Coler wanted to know if LAFCo would ask for an upfront deposit. EO Fried responded that the cost will be known through the RFP process, and that the community group would be required to fund the process as it goes on but details have not been determined yet.

Chairman McEntee asked if there were plans to move the Golden Gate Area MSR up along with this incorporation process. EO Fried responded no. Chairman McEntee also wanted to know if the Consultant would analyze options other than incorporation. EO Fried responded that the advocates groups want planning power which is something a CSD cannot do, annexation to another City was the last choice of the advocates group so that avenue does not need to be analyzed.

Legal Counsel Subramanian noted to the Commission that the working group would be subject to the Brown Act. There was some clarification by EO Fried and Chairman McEntee around this reminder. If incorporation would be viable, Chairman McEntee asked and Legal Counsel Subramanian confirmed that the advocates group would be considered an "applicant".

Chairman McEntee opened the public comment, No public comment was made  
Chairman McEntee asked the Commission how they felt about the three factors staff had brought to be considered.

Commissioner Kiouss, Coler, and Arnold spoke in strong support of pursuing this matter, and supported the staff suggestions EO Fried had proposed.

Alternate Commissioner Moody agreed with Commissioner Murray that there should be an upper limit on staff hours, while Commissioner Connolly said that it was too soon to necessarily put an arbitrary limit on things.

EO Fried made some clarifications that reassured the Commissioners that this had a natural cap but if it progressed further that it would enter application territory in which cases charges would begin to be incurred.

Chairman McEntee said that she does not feel it is necessary to see the RFP. Commissioner Kious agreed with Chairman McEntee, and also supported Commissioner Connolly's comments feeling that EO Fried was sensible enough to manage the quantity of time invested in the working group.

Approved: M/S by Commissioners Kious and Coler to approve the personnel handbook with staff recommendations.

Ayes: Commissioners Murray, Connolly, Arnold, Coler, Kious, Loder, and McEntee

Nays: None

Abstain: None

Motion approved unanimously.

#### 8. Approval of Resolution 21-12, Creation of Staff Salary Classifications

EO Fried introduced the fee schedule, noting that Staff Salary Classifications seemed good to create as LAFCo continues to move more and more out of the County's HR services and payroll system. EO Fried worked off of County classifications but combined them to make them more appropriate for the size of Marin LAFCo, creating 3 classifications, and then leaving the Executive Officer in a different vein.

Vice Chair Murray wanted to confirm that these classifications would not compromise hiring and promotion flexibility. He also wanted to confirm that Staff still had the option to unionize if they wanted to and that these classifications would not hinder that effort if it ever arose.

EO Fried clarified that when he mentioned PEPR in his staff report, he meant to reference MCERA. He also remarked that the salary ranges that were created were directly tied to the County, and that this would not prevent unionization, and that he has supported and continues to support unionization should staff ever desire that.

Legal Counsel Subramanian clarified that LAFCo has been using this system, they were simply making it formal now by creating these salary classifications.

Chairman McEntee wanted to know if this was under the discretion of the Executive Officer. Legal Counsel Subramanian clarified that changes to expand or change the range would have to be done via resolution through the Commission and any hiring decisions by EO would have to be done within the classifications and salary ranges in this schedule.

Chairman McEntee opened public comment, no public comment was made.

Approved: M/S by Commissioners Connolly and Arnold to approve the staff salary classifications.

Ayes: Commissioners Murray, Connolly, Arnold, Coler, Kious, Savel, and McEntee

Nays: None

Abstain: None

Motion approved unanimously.

#### 9. Approval of Fourth Amendment to Executive Officer Employment Agreement

The Fourth Amendment to the Executive Officer's Employment Agreement was presented with a salary increase. The salary would be effective July 1, if the Commission were to approve it. There was a question about the percentage increase in the EO's salary. The Commission authorized its negotiators, Chair McEntee and Commissioner Connolly, to negotiate the EO's salary increase and the negotiators negotiated his salary within the Commission-authorized amount.

Chairman McEntee opened public comment, no public comment was made.

Approved: M/S by Commissioners Murray and Kious to approve the staff salary classifications.  
Ayes: Commissioners Murray, Connolly, Arnold, Coler, Kious, Savel, and McEntee  
Nays: None  
Abstain: None  
Motion approved unanimously.

10. Approval of Consent to Assignment Agreement with Marin Mac Tech, Inc. and Fort Point IT, LLC

EO Fried introduced the item, commenting that Marin LAFCo has been using Marin Mac Tech for a number of years but the LAFCo office over the last year has been transitioning to PCs and as the office transitions to PCs, the owner of Marin Mac Tech has asked LAFCo to transition to his PC company, Fort Point LLC, instead. The terms and conditions of the contract will remain the same, the recipient of the check is the only thing that will change.

Vice Chair Murray asked if Commissioners would need to transition off of iPads. EO Fried confirmed that Commissioners could remain on iPads and if they needed help, Marin MacTech would still be available for Mac help since it is owned by the same company as Fort Point IT.

Chairman McEntee asked how payment worked, EO Fried noted that there was a monthly fee paid to Marin Mac Tech and it included all the services listed in Exhibit A of the contract. Chairman McEntee asked to see the fee schedule for Fort Point IT included with items like this in the future.

Chairman McEntee opened public comment, no public comment was made.

Approved: M/S by Commissioners Murray and Coler to approve.  
Ayes: Commissioners Murray, Connolly, Arnold, Coler, Kious, Savel, and McEntee  
Nays: None  
Abstain: None  
Motion approved unanimously.

11. Approval of Marin LAFCo Position on Legislative for 2021

Commissioner Coler introduced the report, noting that there are 32 bills all of which alignment with CALAFCO was recommended, all of those bills received priority 3 meaning no real action needed to be taken by LAFCo, while another received a priority 2.

Commissioner Connolly wanted to know what the higher priority item was about.

Commissioner Kious answered that it removed the part of state government code that allowed Marin LAFCo to force the consolidation without protest of sewer districts in Southern Marin.

It was clarified by EO Fried that a Priority 2 allows LAFCo to go to Sacramento and explain the bill, if need be, and take a handful of other actions that are not done with Priority 3 items.

Chairman McEntee opened the public comment. No public comment was made.

Approved: M/S by Commissioners Arnold and Kious to approve the legislative committee's recommendations.  
Ayes: Commissioners Murray, Connolly, Arnold, Coler, Kious, Savel, and McEntee  
Nays: None  
Abstain: None  
Motion approved unanimously.

## 12. Workshop Report

Chairman McEntee gave the report, making comments on the turnout to the workshop, and commending the workshop sponsors for the role they played in spreading the word and increasing turnout. She noted that this may not be an annual item but that this workshop shows the concept can be executed when the need arises. Vice Chair Murray made a commendation as well.

Chairman McEntee opened the public comment. No public comment was made .

## 13. Election of Chair and Vice-Chair

Chairman McEntee opened public comment. No public comment was made.

Commissioner Coler commended the work Chairman McEntee has done and nominated Chairman McEntee to be Chair. Commissioner Kious seconded the motion.

Approved: M/S by Commissioners Coler and Kious to nominate Sashi McEntee as Chair.

Ayes: Commissioners Murray, Connolly, Arnold, Coler, Kious, Savel, and McEntee

Nays: None

Abstain: None

Motion approved unanimously.

Commissioner Savel nominated Vice Chair Murray for the Vice Chair position. Motion failed due to lack of a second.

Commissioner Coler nominated Commissioner Kious for the Vice Chair position, and Commissioner Connolly seconded the nomination of Commissioner Kious with acknowledgement that both Commissioners were outstanding choices.

Commissioner Arnold called the question.

Approved: M/S by Commissioners Coler and Connolly to nominate Commissioner Kious as Vice Chair.

Ayes: Commissioners Connolly, Arnold, Coler, McEntee, Kious

Nays: Savel

Abstain: Murray

Motion approved.

Chairman McEntee said some words commending Commissioner Murray.

## 14. Discussion and Possible Approval of Nominations for 2021 CALAFCO Annual Awards

EO Fried introduced the CALAFCO awards, highlighting a reworking of the awards and also the fact that unlike usual, this awards ceremony will cover work done in FY 19-20 and FY 20-21 because there was no awards ceremony held in 2020. Staff recommended nominating Marin LAFCo for the Mike Gotch Award, but yielded to the Commission to make the determination.

Commissioner Coler suggested nominating Executive Officer Fried for outstanding LAFCo Professional, citing a list of the EO's accomplishments. Chairman McEntee agreed. Commissioner Kious supported as well.

Vice Chair Murray nominated Chairman McEntee for Outstanding Commissioner, citing some of her accomplishments as well.

Chairman McEntee opened public comment , hearing none she closed public comment.

There was a small discussion about whether to pursue all 3, the Mike Gotch, the Outstanding Commissioner, and the Outstanding LAFCo Professional Award or pick 2.

It was agreed that Outstanding LAFCo Professional and Outstanding Commissioner would be pursued, and that Commissioner Kious, Chairman McEntee, Commissioner Murray, and EO Fried would work together to prepare the 2 nominations.

Approved: M/S by Commissioners Murray and Kious for the 2 nominations for LAFCo Outstanding Professional and LAFCo Outstanding Commissioner forming a subcommittee to prepare those nominations.

Ayes: Commissioners Murray, Connolly, Arnold, Coler, Kious, Savel, and McEntee

Nays: None

Abstain: None

Motion approved unanimously.

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

a) Budget Update FY 2020-2021

EO Fried noted that almost all line items were on or under budget, except for one that was slightly higher than expected, and that LAFCo has an unusually high carry forward budget.

b) Current and Pending Proposals

Clerk/Jr. Analyst introduced one incoming application, and mentioned another few expected to come.

c) LAFCo Working Group Updates (Verbal Report)

Small updates were made about the working groups, including mention of some good discussions in some of the groups, as well as pushing forward some other groups that were stalled because of COVID. Specific mention was made of the Upper Ross Valley area JPA fire department because Ross Valley Fire decided not to rebuild its fire house, so that working group is will wait until Ross Valley Fire figures logistics out with its fire house.

EO Fried made another few small announcements about 9/80 for staff and staff vacation time upcoming. He also mentioned in-person meetings will likely be coming soon. He also introduced the beginning of LAFCo's online web-based library.

#### **COMMISSIONER ANNOUNCEMENTS AND REQUESTS**

Chair McEntee asked for announcements and requests. Commissioner Savel asked for a moment of silence for Helen Putnam.

Chair McEntee adjourned the meeting at 9:23 P.M.

#### **ADJOURNMENT TO NEXT MEETING**

Thursday, August 12<sup>th</sup>, 2021

Zoom

Attest:       Olivia Gingold  
                  Clerk/Junior Analyst



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**Marin LAFCo**

Administrative Office

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# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

**AGENDA REPORT**  
August 12, 2021  
Item No. 2 (Consent Item)

**TO:** Local Agency Formation Commission  
**FROM:** Jason Fried, Executive Officer  
**SUBJECT:** Commission Ratification of Payments from June 1, 2021, to July 31, 2021

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## Background

Marin LAFCo adopted a Policy Handbook delegating the Executive Officer to make purchases and related procurements necessary in overseeing the day-to-day business of the agency. The Policy Handbook also directs all payments made by the Executive Officer to be reconciled by LAFCo's contracted bookkeeper. Additionally, all payments are to be reported to the Commission at the next available Commission meeting for formal ratification.

This following item is presented for the Commission to consider the ratification of all payments made by the Executive Officer between June 1, 2021, and July 31, 2021, totaling \$90,359.08. The payments are detailed in the attachment.

## Staff Recommendation for Action

1. Staff Recommendation - Ratify the payments made by the Executive Officer between June 1, 2021, and July 31, 2021, as shown in attachment.
2. Alternate Option - Continue consideration of the item to the next regular meeting and provide direction to staff as needed.

## Procedures for Consideration

This item has been placed on the agenda as part of the consent calendar. Accordingly, a successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

### Attachment:

- 1) Payments from June 1, 2021, to July 31, 2021

#### Administrative Office

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Damon Connolly, Regular  
County of Marin

Judy Arnold, Regular  
County of Marin

Dennis Rodoni, Alternate  
County of Marin

Sashi McEntee, Chair  
City of Mill Valley

Barbara Coler, Regular  
Town of Fairfax

James Campbell, Alternate  
City of Belvedere

Lew Kious, Vice Chair  
Almonte Sanitary District

Craig K. Murray, Regular  
Las Gallinas Valley Sanitary

Tod Moody, Alternate  
Sanitary District #5

Larry Loder, Regular  
Public Member

Richard Savel, Alternate  
Public Member

**Marin Local Agency Formation Commission**  
**Expenses by Vendor Detail**  
 June through July 2021

08/02/21

Accrual Basis

| Type                                   | Date       | Num      | Memo               | Account                  | Amount   | Balance  |
|--|------------|----------|--------------------|--------------------------|----------|----------|
| <b>A and P Moving, Inc.</b>            |            |          |                    |                          |          |          |
| Check                                  | 06/10/2021 | 20595    | Invoice # 405...   | 65 · Rent - Storage      | 40.00    | 40.00    |
| Check                                  | 07/07/2021 | 20614    | Invoice # 405...   | 65 · Rent - Storage      | 97.60    | 137.60   |
| Total A and P Moving, Inc.             |            |          |                    |                          | 137.60   | 137.60   |
| <b>ARNOLD, JUDY</b>                    |            |          |                    |                          |          |          |
| Check                                  | 06/28/2021 | 20607    | June 2021 Co...    | 05 · Commissioner ...    | 125.00   | 125.00   |
| Total ARNOLD, JUDY                     |            |          |                    |                          | 125.00   | 125.00   |
| <b>BANK OF MARIN CC</b>                |            |          |                    |                          |          |          |
| Credit Card Charge                     | 06/17/2021 |          | wayfair            | 50 · Office Supplies ... | 37.21    | 37.21    |
| Credit Card Charge                     | 06/17/2021 |          | marin ij           | 35 · Misc Services       | 9.95     | 47.16    |
| Credit Card Charge                     | 06/17/2021 |          | water              | 50 · Office Supplies ... | 34.50    | 81.66    |
| Credit Card Charge                     | 06/17/2021 |          | streamline         | 20 · IT & Communic...    | 100.00   | 181.66   |
| Credit Card Charge                     | 06/17/2021 |          | adobe              | 20 · IT & Communic...    | 65.96    | 247.62   |
| Credit Card Charge                     | 06/17/2021 |          | zoom               | 20 · IT & Communic...    | 14.99    | 262.61   |
| Credit Card Charge                     | 06/17/2021 |          | verizon            | 20 · IT & Communic...    | 121.28   | 383.89   |
| Credit Card Charge                     | 06/17/2021 |          | staples            | 50 · Office Supplies ... | 14.64    | 398.53   |
| Total BANK OF MARIN CC                 |            |          |                    |                          | 398.53   | 398.53   |
| <b>BEST BEST &amp; KRIEGER LLP</b>     |            |          |                    |                          |          |          |
| Check                                  | 06/17/2021 | 20597    | Invoice #9073...   | 25 · Legal Services      | 2,227.10 | 2,227.10 |
| Check                                  | 07/14/2021 | 20619    | Invoice #9073...   | 25 · Legal Services      | 2,069.93 | 4,297.03 |
| Total BEST BEST & KRIEGER LLP          |            |          |                    |                          | 4,297.03 | 4,297.03 |
| <b>CALAFCO</b>                         |            |          |                    |                          |          |          |
| Check                                  | 07/01/2021 | 10030    | Invoice 21-21      | 30 · Memberships &...    | 4,611.00 | 4,611.00 |
| Total CALAFCO                          |            |          |                    |                          | 4,611.00 | 4,611.00 |
| <b>CHP</b>                             |            |          |                    |                          |          |          |
| Deposit                                | 07/14/2021 | 016-1... | storage recov...   | 4640333 · Fees for ...   | -43.00   | -43.00   |
| Total CHP                              |            |          |                    |                          | -43.00   | -43.00   |
| <b>Coler, Barbara</b>                  |            |          |                    |                          |          |          |
| Check                                  | 06/17/2021 | 20604    | May 2021 Leg...    | 05 · Commissioner ...    | 250.00   | 250.00   |
| Total Coler, Barbara                   |            |          |                    |                          | 250.00   | 250.00   |
| <b>COMCAST</b>                         |            |          |                    |                          |          |          |
| Check                                  | 06/28/2021 | 20606    | Bill Date Jun ...  | 20 · IT & Communic...    | 74.58    | 74.58    |
| Check                                  | 07/22/2021 | 20620    | Bill Date Jul 1... | 20 · IT & Communic...    | 105.05   | 179.63   |
| Total COMCAST                          |            |          |                    |                          | 179.63   | 179.63   |
| <b>COMMUNITY MEDIA CENTER OF MARIN</b> |            |          |                    |                          |          |          |
| Check                                  | 07/01/2021 | 20613    | Vendor Order ...   | 20 · IT & Communic...    | 525.00   | 525.00   |
| Total COMMUNITY MEDIA CENTER OF MARIN  |            |          |                    |                          | 525.00   | 525.00   |
| <b>CONNECT YOUR CARE</b>               |            |          |                    |                          |          |          |
| General Journal                        | 06/30/2021 | AP       | COBRA              | 513215 · Health Ins...   | 3.33     | 3.33     |
| Check                                  | 07/14/2021 | eft      | COBRA ADMIN        | 513215 · Health Ins...   | 1.11     | 4.44     |
| Total CONNECT YOUR CARE                |            |          |                    |                          | 4.44     | 4.44     |
| <b>CONNOLLY, DAMON</b>                 |            |          |                    |                          |          |          |
| Check                                  | 06/17/2021 | 20603    | June 2021 Co...    | 05 · Commissioner ...    | 125.00   | 125.00   |
| Total CONNOLLY, DAMON                  |            |          |                    |                          | 125.00   | 125.00   |
| <b>Davis Farr LLP</b>                  |            |          |                    |                          |          |          |
| Check                                  | 07/14/2021 | 10032    | Invoice 10169      | 55 · Professional Se...  | 4,500.00 | 4,500.00 |
| Total Davis Farr LLP                   |            |          |                    |                          | 4,500.00 | 4,500.00 |

**Marin Local Agency Formation Commission**  
**Expenses by Vendor Detail**  
 June through July 2021

08/02/21

Accrual Basis

| Type                                 | Date       | Num   | Memo              | Account                  | Amount   | Balance  |
|--------------------------------------|------------|-------|-------------------|--------------------------|----------|----------|
| <b>Delta Dental of California</b>    |            |       |                   |                          |          |          |
| Check                                | 06/09/2021 | eft   |                   | 5130210 · Dental In...   | 72.93    | 72.93    |
| General Journal                      | 06/30/2021 | AP    |                   | 5130210 · Dental In...   | -72.93   | 0.00     |
| Check                                | 07/08/2021 | eft   |                   | 5130210 · Dental In...   | 145.86   | 145.86   |
| Check                                | 07/21/2021 | eft   |                   | 5130210 · Dental In...   | 72.93    | 218.79   |
| Total Delta Dental of California     |            |       |                   |                          | 218.79   | 218.79   |
| <b>FP MAILING SOLUTIONS</b>          |            |       |                   |                          |          |          |
| Check                                | 06/17/2021 | 20599 | Invoice # RI 1... | 50 · Office Supplies ... | 162.60   | 162.60   |
| Total FP MAILING SOLUTIONS           |            |       |                   |                          | 162.60   | 162.60   |
| <b>Kaiser Foundation Health Plan</b> |            |       |                   |                          |          |          |
| Check                                | 07/07/2021 | 20615 | June 2021 sta...  | 513215 · Health Ins...   | 355.15   | 355.15   |
| Check                                | 07/23/2021 | eft   |                   | 513215 · Health Ins...   | 730.03   | 1,085.18 |
| Total Kaiser Foundation Health Plan  |            |       |                   |                          | 1,085.18 | 1,085.18 |
| <b>KIOUS, LEWIS</b>                  |            |       |                   |                          |          |          |
| Check                                | 06/17/2021 | 20601 | June 2021 Co...   | 05 · Commissioner ...    | 125.00   | 125.00   |
| Total KIOUS, LEWIS                   |            |       |                   |                          | 125.00   | 125.00   |
| <b>MARIN INDEPENDENT JOURNAL</b>     |            |       |                   |                          |          |          |
| Check                                | 06/10/2021 | 20594 | Invoice # 000...  | 60 · Publications/No...  | 89.36    | 89.36    |
| Total MARIN INDEPENDENT JOURNAL      |            |       |                   |                          | 89.36    | 89.36    |
| <b>MARIN MAC TECH</b>                |            |       |                   |                          |          |          |
| Check                                | 06/10/2021 | 20593 | Invoice # 2381    | 20 · IT & Communic...    | 137.96   | 137.96   |
| Check                                | 06/17/2021 | 20598 | Invoice # 3450    | 20 · IT & Communic...    | 645.00   | 782.96   |
| General Journal                      | 06/30/2021 | AP    |                   | 40 · Office Equipme...   | 2,532.33 | 3,315.29 |
| Check                                | 07/07/2021 | 20616 | Invoice # 2391    | 40 · Office Equipme...   | 137.96   | 3,453.25 |
| Check                                | 07/22/2021 | 20621 | Invoice # 352...  | 40 · Office Equipme...   | 139.86   | 3,593.11 |
| Check                                | 07/22/2021 | 20621 | Invoice # 352...  | 20 · IT & Communic...    | 645.00   | 4,238.11 |
| Total MARIN MAC TECH                 |            |       |                   |                          | 4,238.11 | 4,238.11 |
| <b>McENTEE, SASHI</b>                |            |       |                   |                          |          |          |
| General Journal                      | 06/30/2021 | AP    |                   | 05 · Commissioner ...    | 125.00   | 125.00   |
| Total McENTEE, SASHI                 |            |       |                   |                          | 125.00   | 125.00   |
| <b>MOODY, TOD</b>                    |            |       |                   |                          |          |          |
| Check                                | 06/17/2021 | 20602 | June 2021 Co...   | 05 · Commissioner ...    | 125.00   | 125.00   |
| Total MOODY, TOD                     |            |       |                   |                          | 125.00   | 125.00   |
| <b>MURRAY, CRAIG K</b>               |            |       |                   |                          |          |          |
| General Journal                      | 06/30/2021 | AP    |                   | 05 · Commissioner ...    | 375.00   | 375.00   |
| Total MURRAY, CRAIG K                |            |       |                   |                          | 375.00   | 375.00   |
| <b>PAYCHEX</b>                       |            |       |                   |                          |          |          |
| Check                                | 06/11/2021 | eft   |                   | 35 · Misc Services       | 45.10    | 45.10    |
| Check                                | 06/25/2021 | eft   |                   | 35 · Misc Services       | 45.10    | 90.20    |
| Check                                | 07/09/2021 | eft   |                   | 35 · Misc Services       | 47.35    | 137.55   |
| Check                                | 07/23/2021 | eft   |                   | 35 · Misc Services       | 47.35    | 184.90   |
| Total PAYCHEX                        |            |       |                   |                          | 184.90   | 184.90   |

**Marin Local Agency Formation Commission**  
**Expenses by Vendor Detail**  
 June through July 2021

08/02/21

Accrual Basis

| Type   | Date       | Num   | Memo             | Account                 | Amount           | Balance          |
|--|------------|-------|------------------|-------------------------|------------------|------------------|
| <b>PAYROLL</b>                                   |            |       |                  |                         |                  |                  |
| Check  | 06/11/2021 | eft   | 5/16-5/29/21     | 5110110 · Sal - Reg...  | 11,217.90        | 11,217.90        |
| Check  | 06/11/2021 | eft   | 5/16-5/29/21     | 516150 · Auto Allow...  | 350.00           | 11,567.90        |
| Check  | 06/11/2021 | eft   | 5/16-5/29/21     | 5130640 · Unused F...   | 100.00           | 11,667.90        |
| Check  | 06/11/2021 | eft   | kaiser jeren     | 513215 · Health Ins...  | 374.88           | 12,042.78        |
| Check  | 06/11/2021 | eft   | teamsters jason  | 513215 · Health Ins...  | 381.44           | 12,424.22        |
| Check  | 06/11/2021 | eft   | 5/16-5/29/21     | 512125 · Co Ret Co...   | 1,430.28         | 13,854.50        |
| Check  | 06/25/2021 | eft   | 5/30-6/12/21     | 5110110 · Sal - Reg...  | 11,217.90        | 25,072.40        |
| Check  | 06/25/2021 | eft   | 5/30-6/12/21     | 516150 · Auto Allow...  | 0.00             | 25,072.40        |
| Check  | 06/25/2021 | eft   | 5/30-6/12/21     | 5130640 · Unused F...   | 100.00           | 25,172.40        |
| Check  | 06/25/2021 | eft   | kaiser jeren     | 513215 · Health Ins...  | 374.88           | 25,547.28        |
| Check  | 06/25/2021 | eft   | teamsters jason  | 513215 · Health Ins...  | 381.44           | 25,928.72        |
| Check  | 06/25/2021 | eft   | 5/30-6/12/21     | 512125 · Co Ret Co...   | 1,430.28         | 27,359.00        |
| Check  | 07/09/2021 | eft   | 6/13-6/26/21     | 5110110 · Sal - Reg...  | 11,217.90        | 38,576.90        |
| Check  | 07/09/2021 | eft   | 6/13-6/26/21     | 516150 · Auto Allow...  | 350.00           | 38,926.90        |
| Check  | 07/09/2021 | eft   | 6/13-6/26/21     | 5130640 · Unused F...   | 100.00           | 39,026.90        |
| Check  | 07/09/2021 | eft   | 6/13-6/26/21     | 512125 · Co Ret Co...   | 1,430.28         | 40,457.18        |
| Check  | 07/23/2021 | eft   | 6/27-7/10/21     | 5110110 · Sal - Reg...  | 11,217.90        | 51,675.08        |
| Check  | 07/23/2021 | eft   | 6/27-7/10/21     | 516150 · Auto Allow...  | 0.00             | 51,675.08        |
| Check  | 07/23/2021 | eft   | 6/27-7/10/21     | 5130640 · Unused F...   | 100.00           | 51,775.08        |
| Check  | 07/23/2021 | eft   | 6/27-7/10/21     | 512125 · Co Ret Co...   | 1,430.28         | 53,205.36        |
| Total PAYROLL                                    |            |       |                  |                         | 53,205.36        | 53,205.36        |
| <b>PAYROLL TAXES</b>                             |            |       |                  |                         |                  |                  |
| Check  | 06/11/2021 | eft   | 5/16-5/29/21     | 515115 · Medicare T...  | 169.83           | 169.83           |
| Check  | 06/25/2021 | eft   | 5/30-6/12/21     | 515115 · Medicare T...  | 164.76           | 334.59           |
| Check  | 07/09/2021 | eft   | 6/13-6/26/21     | 515115 · Medicare T...  | 169.83           | 504.42           |
| Check  | 07/23/2021 | eft   | 6/27-7/10/21     | 515115 · Medicare T...  | 164.76           | 669.18           |
| Total PAYROLL TAXES                              |            |       |                  |                         | 669.18           | 669.18           |
| <b>RICCIARDI, R J</b>                            |            |       |                  |                         |                  |                  |
| General Journal                                  | 06/30/2021 | AP    |                  | 55 · Professional Se... | 720.00           | 720.00           |
| Total RICCIARDI, R J                             |            |       |                  |                         | 720.00           | 720.00           |
| <b>Richard Savel</b>                             |            |       |                  |                         |                  |                  |
| Check  | 06/17/2021 | 20600 | June 2021 Co...  | 05 · Commissioner ...   | 125.00           | 125.00           |
| Total Richard Savel                              |            |       |                  |                         | 125.00           | 125.00           |
| <b>SCHIFFMANN, ALYSSA</b>                        |            |       |                  |                         |                  |                  |
| Check  | 06/28/2021 | 20605 | Invoice # 137    | 55 · Professional Se... | 2,177.50         | 2,177.50         |
| Total SCHIFFMANN, ALYSSA                         |            |       |                  |                         | 2,177.50         | 2,177.50         |
| <b>SECURITY MORTGAGE GROUP 2</b>                 |            |       |                  |                         |                  |                  |
| Check  | 06/01/2021 | 20591 | June 2021 Rent   | 45 · Office Lease/Rent  | 2,873.03         | 2,873.03         |
| Check  | 07/01/2021 | 20610 | July 2021 Rent   | 45 · Office Lease/Rent  | 2,873.03         | 5,746.06         |
| Total SECURITY MORTGAGE GROUP 2                  |            |       |                  |                         | 5,746.06         | 5,746.06         |
| <b>SPECIAL DISTRICT RISK MANAGEMENT AUTHORIT</b> |            |       |                  |                         |                  |                  |
| Check  | 07/01/2021 | 10031 | Invoice # 699... | 15 · General Insuran... | 5,546.12         | 5,546.12         |
| Total SPECIAL DISTRICT RISK MANAGEMENT AUTHORIT  |            |       |                  |                         | 5,546.12         | 5,546.12         |
| <b>The Hartford</b>                              |            |       |                  |                         |                  |                  |
| Check  | 06/10/2021 | 20596 | Invoice #1889... | 5130110 · Life Insur... | 157.74           | 157.74           |
| Check  | 07/07/2021 | 20618 | Invoice #1889... | 5130110 · Life Insur... | 157.74           | 315.48           |
| Total The Hartford                               |            |       |                  |                         | 315.48           | 315.48           |
| <b>VSP</b>                                       |            |       |                  |                         |                  |                  |
| Check  | 07/06/2021 | eft   |                  | 5130310 · Vision Se...  | 15.21            | 15.21            |
| Total VSP  |            |       |                  |                         | 15.21            | 15.21            |
| <b>TOTAL</b>                                     |            |       |                  |                         | <b>90,359.08</b> | <b>90,359.08</b> |



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## AGENDA REPORT

August 12, 2021

Item No. 3 (Public Hearing)

**TO:** Local Agency Formation Commission

**FROM:** Olivia Gingold, Clerk/Jr. Analyst

**SUBJECT:** Approval of Resolution 21-13, Annexation of 666 Sequoia Valley Road. (APN 046-192-07) to Homestead Valley Sanitary District (File #1355)

### Background

Marin LAFCo has received an application from Matthew Farnsworth and Andreia Fargas (“applicant”) requesting approval to annex a lot, approximately .47 acres, that is moving off septic into the Homestead Valley Sanitary District (HVSD). Connection would require an easement, for which the applicants have confirmed that their neighbors have agreed to. The affected territory is in an unincorporated area near Mill Valley with a situs address of 666 Sequoia Valley Road (APN 046-192-07). The proposal, as stated by the applicant, is for connection to HVSD. This parcel is not located in an unincorporated island. Staff has requested comments from HVSD, along with other interested agencies. All comments were in support or neutral. Staff recommends approving this application.

### Staff Recommendation for Action

1. Staff recommendation – Approve the requested annexation of 666 Sequoia Valley Road and approve the attached Resolution No. 21-13.
2. Alternate Option 1 – Deny the request.
3. Alternate Option 2 – Continue consideration of the item to the next regular meeting, and provide direction to staff, as needed.

### Attachments:

- 1) Resolution #21-13
- 2) Application Packet

#### Administrative Office

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1401 Los Gatos Drive, Suite 220  
San Rafael, California 94903  
T: 415-448-5877 E: staff@marinlafco.org  
www.marinlafco.org

Damon Connolly, Regular  
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Almonte Sanitary District

Craig K. Murray, Regular  
Las Gallinas Valley Sanitary

Tod Moody, Alternate  
Sanitary District #5

Larry Loder, Regular  
Public Member

Richard Savel, Alternate  
Public Member

**MARIN LOCAL AGENCY FORMATION COMMISSION**

RESOLUTION 21-13

**RESOLUTION APPROVING AN ANNEXATION OF 666 SEQUOIA VALLEY ROAD TO HOMESTEAD VALLEY SANITARY DISTRICT WITH WAIVER OF NOTICE, HEARING AND PROTEST PROCEEDINGS**

“Annexation of 666 Sequoia Valley Road (APN 046-192-07) to Homestead Valley Sanitary District (LAFCo File No. 1355)”

**WHEREAS** Matthew Farnsworth and Andreia Fargas, hereinafter referred to as “Property Owners,” have filed a validated landowner petition with the Marin Local Agency Formation Commission, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS** the proposal seeks Commission approval to annex approximately .47 acres of incorporated land to Homestead Valley Sanitary District; and

**WHEREAS** the affected territory represents an entire lot developed with an existing single-family residence located at 666 Sequoia Valley Road and identified by the County of Marin Assessor’s Office as APN 046-192-07 (“Property”); and

**WHEREAS** the Commission’s staff has reviewed the proposal and prepared a report with recommendations; and

**WHEREAS** the staff’s report and recommendations on the proposal have been presented to the Commission in the manner provided by law; and

**WHEREAS** the Commission considered all the factors required by law under Government Code Section 56668 and 56668.3 and adopted local policies and procedures.

**WHEREAS** the proposal is for an annexation of territory that is uninhabited, and no affected local agency has submitted a written demand for notice and hearing as provided for in Government Code section 56662(a).

**NOW THEREFORE**, the Marin Local Agency Formation **DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

Section 1. The boundaries, as set forth in the proposal, are hereby approved as submitted and are as described and depicted in Exhibits “A” and “B” attached hereto and by this reference incorporated herein.

1. Approve the proposed annexation of 666 Sequoia Valley Road (APN 046-192-07) to the Homestead Valley Sanitary District (File #1355) as shown and described on Exhibits “A” and “B”.

Section 2. The territory includes .470 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: “Annexation of 666 Sequoia Valley Road (APN 046-192-07) to Homestead Valley Sanitary District (LAFCo File No. 1355)”.

Section 3. The proposal is consistent with the adopted spheres of influence of Homestead Valley Sanitary District.

Section 4. The Executive Officer is hereby authorized to waive notice and hearing, and protest proceedings and complete reorganization proceedings.

Section 5. As Lead Agency under CEQA for the proposed annexation of APN: 046-192-07 to Homestead Valley Sanitary District, LAFCo finds that the Project is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15319 (a).

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission on August 12, 2021 by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Sashi McEntee, Chair

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Malathy Subramanian, LAFCo Counsel

Attachments to Resolution No. 21-13

- a) Exhibit A – Legal Description
- b) Exhibit B – Map



# "EXHIBIT A"

ANNEXATION NO. 2021-\_\_\_\_\_

## ANNEXATION TO HOMESTEAD VALLEY SANITARY DISTRICT

### GEOGRAPHIC DESCRIPTION

All that certain real property, situate in the County of Marin, State of California, described as follows:

Beginning at a point on the westerly line of Sequoia Valley Road, said point being the northeasterly comer of Lot 47, as said lot and drive are shown upon that certain Map entitled, "Map of Marin View Acres, Marin County, California", filed June 23, 1910 in Book 3 of Maps at page 49, In the Office of the County Recorder of the County of Marin also being the a point on the existing Homestead Valley Sanitary District boundary;

Thence, South 82°56'00" West 138.00 feet along said existing sanitation district boundary ;

Thence, leaving said sanitation district boundary South 00°15'25" East 124.94 feet;

Thence, North 85°14'53" East 37.97 feet to a point on said district boundary;

Thence, continuing North 85°14'53" East 112.03 feet along said existing sanitation district boundary to Sequoia Valley Road;

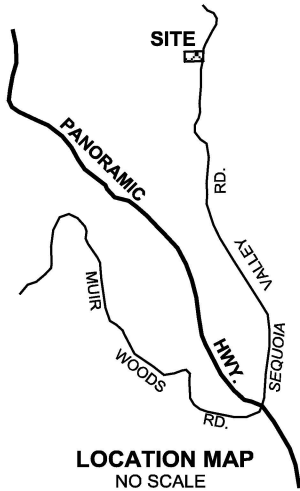
Thence, North 32°04'00" West 76.99 feet along said existing sanitation district boundary and Sequoia Valley Road;

Thence North 23°23'00" East, a distance of 70.00 feet along said existing sanitation district boundary and Sequoia Valley Road to the Point of Beginning, containing 0.47 Acres more or less.

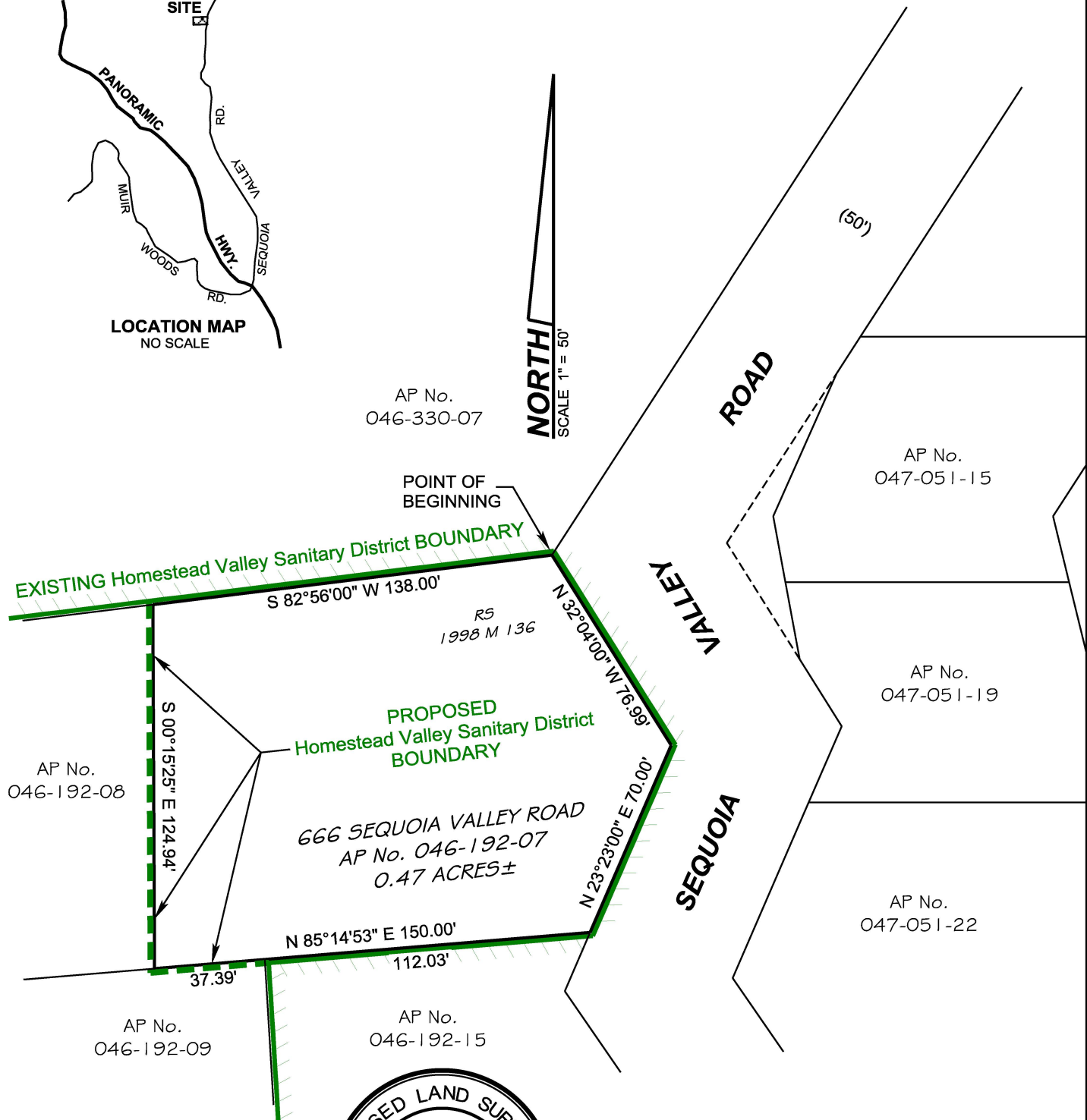
*For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.*



# "EXHIBIT B"



NORTH  
SCALE 1" = 50'



## ANNEXATION No. 2021-\_\_\_\_\_

LAFCO RESOLUTION No.: \_\_\_\_\_  
666 SEQUOIA VALLEY ROAD  
A.P No. 046-192-07  
LYING WITHIN LOT 41 OF THE SAUSALITO RANCHO  
COUNTY OF MARIN STATE OF CALIFORNIA

MIKE BUTI  
LAND SURVEYOR  
SONOMA, CALIFORNIA



ALL DISTANCES SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.



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

MARIN LAFCO

I. PETITION FOR PROCEEDING PURSUANT TO THE CORTESE-KNOX-HERTZBERG ACT  
LOCAL GOVERNMENT REORGANIZATION ACT OF 2000

The undersigned hereby petition(s) the Marin Local Agency Formation Commission for approval of a proposed change or organization or reorganization and stipulates as follows:

1. This proposal is made pursuant to Part 3, Division 3, and Title 5 of the California Government Code (commencing with Section 56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000).
2. The specific change(s) of organization proposed (i.e. Annexation, Detachment, Reorganization, etc.) is/are Annexation into Homestead Valley Sanitary District.
3. The boundaries of the territory(ies) included in the proposal are as described in Exhibits "A" and "B" attached hereto and by this reference incorporated herein.
4. The territory(ies) included in the proposal is/are:  
 Inhabited (12 or more registered voters)  
 Uninhabited (11 or fewer registered voters)
5. This proposal is  or is not  consistent with the sphere(s) of influence of the affected city and/or district(s).
6. The reason(s) for the proposed Annexation (ie. Annexation, Detachment, Reorganization, etc.) is/are to abandon the existing failing septic system and to connect the existing residence to the existing sewer connection on the neighbors property at 663 Sequoia Valley road. This neighbors are willing to give an easement across their property to connect to the existing 6" sewer line on their property.
7. The proposal is requested to be made subject to the following terms and conditions:  
Homestead Valley Sanitary District has the capacity to serve this property.
8. The persons signing this petition have signed as:  
 Registered voters  
 Owners of the land  
 On behalf of the Board, City, District, or Agency

Matthew Farnsworth  
Print Name

Signature

5/7/21  
Date



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

**II. LANDOWNERS SIGNATURES**  
 (§56700, et seq.)

We the undersigned landowners hereby request proceedings be initiated pursuant to Government Code §56000, et seq. for the change(s) of organization described on the attached Proposal Application.

Name and Address of Applicant: Andreia Vargas and Matthew Farnsworth  
666 Sequoia Valley Road  
Mill Valley, ca 94941

Contact Number: (415) 847-4656 Email: farnsworthlandscaping@gmail.com


Agent Representative (optional)

I/We hereby authorize Mike Buti to act as my/our agent to process all phases of the LAFCo action relating to the parcels listed below.

Name and Address of Agent: Mike Buti  
280 Perkins Street  
Sonoma, CA 95476

Contact Number: (707) 939-9141 Email: mbuti@comcast.net

**All** owners of each parcel **must** sign. Original signatures are required.

  
 \_\_\_\_\_  
 Property Owner Signature

5/7/21  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Property Owner Signature

5/7/21  
 \_\_\_\_\_  
 Date

\_\_\_\_\_  
 Property Owner Signature

\_\_\_\_\_  
 Date





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

Additional Notification Approval (Optional)

I/We hereby authorize, that in addition to the application representative, the persons listed below are granted permission to receive copies of application notices, and reports.

\_\_\_\_\_  
Property Owner Signature

Please provide the names, email addresses, and phone numbers of any persons who are to be furnished copies of the Agenda, Executive Officer's Report, and Notice of Hearings. This includes name, title, email address, and phone number of key staff you've worked with/talked to. This allows LAFCo to send information directly to the key person in each agency who is relevant to the application:

Please Print Name

Email Address

Phone Number

Andreia Vargas    deia.bvargas@gmail.com    415-830-2029

Matthew Farnsworth    farnsworthlandscaping@gmail.com    415-847-4656

Mike Buti    mbuti@comcast.net    707-938-9141

Bonner Beuhler    manager@homsteadvalleysd.org    415-725-7852

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**MARIN LAFCO**  
**III. APPLICATION QUESTIONNAIRE**

In accordance with requirements set forth in the California Government Code, the Commission must review specific factors in its consideration of this proposal. In order to facilitate the Commission's review, please respond to the following questions:

**GENERAL INFORMATION**

1. Please check the method by which this application was initiated:  
 Petition (Landowner)  
 Resolution of Application (City/Town or District)
  
2. Does the application possess 100% written consent of each property owner in the subject territory? Yes  No
  
3. A. This application is being submitted for the following boundary change:  
(BE SPECIFIC: For example, "annexation," "reorganization")  
Annexation into Homestead Valley Sanitary District.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- B. The reason for the proposed action(s) being requested:  
(BE SPECIFIC: For example, "Annexation to sewer district for construction of three homes")  
Annexation to sewer district due to failins septic system.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
4. State general location of proposal:  
666 Sequoia Valley Road  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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

5. Is the proposal within a city's boundaries?  
 Yes \_\_\_ Which city? \_\_\_\_\_  
 No  If the proposal is adjacent to a city, provide city name: \_\_\_\_\_

6. Is the subject territory located within an island of unincorporated territory?  
 Yes \_\_\_ No  If applicable, indicate city \_\_\_\_\_  
 \_\_\_\_\_

7. Would this proposal create an island of unincorporated territory? Yes \_\_\_ No   
 If yes, please justify proposed boundary change: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

8. Provide the following information regarding the area proposed for annexation:  
 (Attach additional if needed)

| A. <u>Assessor's Parcel Number(s)</u> | <u>Site Address(es)</u> |
|---------------------------------------|-------------------------|
| 046-192-07                            | 666 Sequoia Valley Road |
| _____                                 | _____                   |
| _____                                 | _____                   |
| _____                                 | _____                   |
| _____                                 | _____                   |

B. Total number of parcels included in this application: one

9. Total land area in acres: 0.47 Acres±



**LAND USE AND DEVELOPMENT POTENTIAL**

1. Describe any special land use concerns:

Connect to sanitary sewer due to failing septic system.

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2. Indicate current land use: (such as: number of dwellings, permits currently held, etc.)

One Single family home exists on this property.

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3. Indicate the current zoning (either city/town or county) title and densities permitted:

County - R1-B3; 20,000 SF Minimum Lot Size

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4. Has the area been rezoned? No \_\_\_\_\_ N/A  Yes \_\_\_\_\_

What is the rezoning classification, title and densities permitted?

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5. Describe the specific development potential of the property: (Number of units allowed in zoning)

The zoning designation is Residential Single Family. The subject property is currently developed with a single family home.

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# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## ENVIRONMENT

1. Is the site presently zoned, or designated for, or engaged in agricultural use?

Yes \_\_\_\_\_ No

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

2. Will the proposal result in a reduction of public or private open space?

Yes \_\_\_\_\_ No

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

3. Will service extension accomplished by this proposal induce growth in:

- |                    |           |  |           |
|--------------------|-----------|--|-----------|
| A. This site?      | Yes _____ | No <input checked="" type="checkbox"/> | N/A _____ |
| B. Adjacent sites? | Yes _____ | No <input checked="" type="checkbox"/> | N/A _____ |
| C. Unincorporated? | Yes _____ | No <input checked="" type="checkbox"/> |           |
| D. Incorporated?   | Yes _____ | No <input checked="" type="checkbox"/> |           |

4. State general description of site topography: Sloping hillside property.  
\_\_\_\_\_  
\_\_\_\_\_

5. Indicated Lead Agency for this project: Homestead Valley Sanitary District  
\_\_\_\_\_

6. Indicate Environmental Determination by Lead Agency: Categorically exempt  
with respect to (indicate project) Annexation into Homestead Valley Sanitary District.  
Dated: \_\_\_\_\_

**(COPY OF ENVIRONMENTAL DOCUMENTS MUST BE SUBMITTED WITH APPLICATION.)**



**IV. INDEMNIFICATION AGREEMENT**

As part of this Application, Applicant and its successors and assigns, shall indemnify, defend and hold harmless, LAFCo, its officials, officers, employees, agents, representatives, contractors and assigns from and against any and all claims, demands, liability, judgments, damages (including consequential damages), awards, interests, attorneys' fees, costs and expenses of whatsoever kind or nature, at any time arising out of, or in any way connected with any legal challenges to or appeals associated with LAFCo's review and/or approval of the Application (collectively, "Indemnification Costs"). Applicant's obligation to indemnify, defend and hold harmless LAFCo, its officials, officers, employees, agents, representatives, contractors and assigns under this Agreement shall apply regardless of fault, to any acts or omissions, or negligent conduct, whether active or passive, on the part of the Applicant, LAFCo, its officials, officers, employees, agents, representatives, contractor or assigns. Applicant's obligation to defend LAFCo, its officials, officers, employees, agents, representatives, contractor or assigns under this Agreement shall be at Applicant's sole expense and using counsel selected or approved by LAFCo in LAFCo's sole discretion.

In the event of a lawsuit, Applicant will be notified by LAFCo within three (3) business days of being served. An invoice will be submitted to the Applicant by LAFCo for an amount between \$10,000 and \$25,000 to cover a portion of the Indemnification Costs ("Reserve"), which shall depend upon the estimated cost to resolve the matter and shall be determined in LAFCo's sole discretion. Applicant shall pay the Reserve to LAFCo within seven (7) calendar days of LAFCo's request. The Reserve shall be applied against LAFCo's final bill for the Indemnification Costs, with any unused portion to be returned to Applicant. LAFCo shall bill Applicant month for the Indemnification Costs, which shall be paid to LAFCo no later than 15 calendar days after receipt of LAFCo's bill. LAFCo may stop defending the matter, if at any time LAFCo has not received timely payment of the Reserve and/or the Indemnification Costs. This will not relieve Applicant of any of its obligations pursuant to this Agreement.

As the Applicant I hereby attest with signature,



Applicant Signature

5/7/21  
Date

MATTHEW FRANSWORTH

Print Name

OWNER  
Title



**V. PLAN FOR PROVIDING SERVICES**  
(For City/Town or District Only)

This section to be completed by a city/town or district representative for all **applications initiated by resolution or as required by Executive Officer.**

1. Enumerate and describe services to be extended to the affected territory:

Police: \_\_\_\_\_

Fire: \_\_\_\_\_

Sewer: Homestead Valley Sanitary District will provide sewer collection service.

Water: \_\_\_\_\_

Other: \_\_\_\_\_

2. Advise whether any of the affected agencies serving or expected to serve this site are current operating at or near capacity: Homestead Valley Sanitary District, capacity not an issue.

\_\_\_\_\_  
\_\_\_\_\_

3. Describe the level and range of services: Homestead Valley Sanitary District will provide just sewer collection service.

\_\_\_\_\_  
\_\_\_\_\_

4. Indicate when services can/will be extended to the affected territory:

Homestead Valley Sanitary District can accept sewer service immediately.

\_\_\_\_\_  
\_\_\_\_\_

5. Note any improvements or upgrading of structures, roads, sewer or water facilities, or other conditions required within the affected territory: Applicant will connect to existing common lateral serving 667, 663 & 659 Sequoia Valley Road.

\_\_\_\_\_  
\_\_\_\_\_



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

6. Describe financial arrangements for construction and operation of services extended to the affected territory. Will the territory be subject to any special taxes, charges or fees? (If so, please specify.)

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This section completed by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Agency

\_\_\_\_\_  
Contact Email

\_\_\_\_\_  
Contact Number





# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

**AGENDA REPORT**  
August 12, 2021  
Item No. 4 (Public Hearing)

**TO:** Local Agency Formation Commission

**FROM:** Olivia Gingold, Clerk/Jr. Analyst

**SUBJECT:** Approval of Resolution 21-14, Annexation of 105 Roblar Drive (APN 157-400-14 ) to Novato Sanitary District (File #1356)

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## Background

Marin LAFCo has received an application from Sonoma Marin Area Rail Transit, hereinafter referred to as “applicant”, requesting approval to annex a lot, approximately .82 acres, that is moving off septic into the Novato Sanitary District (NSD). The affected territory is incorporated in the City of Novato with a situs address of 105 Roblar Drive (APN 157-400-14). The proposal, as stated by the applicant, is for connection to NSD. Staff has requested comments from NSD, along with other interested agencies. The Sanitary District submitted some stipulations for the applicant to agree to in order to connect to the Sanitary District. The request letter is attached to the staff report. Staff worked with the applicant and NSD staff to address these concerns. The applicant and NSD have come to an agreement, and NSD is in support of this application. All other comments received were in support or neutral. Staff recommends approving this application.

## Staff Recommendation for Action

1. Staff recommendation – Approve the requested annexation of 105 Roblar Drive and approve the attached Resolution No. 21-14.
2. Alternate Option 1 – Deny the request.
3. Alternate Option 2 – Continue consideration of the item to the next regular meeting, and provide direction to staff, as needed.

## Attachments:

- 1) Resolution #21-14
- 2) Application Packet
- 3) Letter from Novato Sanitary District

### Administrative Office

Jason Fried, Executive Officer  
1401 Los Gatos Drive, Suite 220  
San Rafael, California 94903  
T: 415-448-5877 E: staff@marinlafco.org  
www.marinlafco.org

Damon Connolly, Regular  
County of Marin

Judy Arnold, Regular  
County of Marin

Dennis Rodoni, Alternate  
County of Marin

Sashi McEntee, Chair  
City of Mill Valley

Barbara Coler, Regular  
Town of Fairfax

James Campbell, Alternate  
City of Belvedere

Lew Kious, Vice Chair  
Almonte Sanitary District

Craig K. Murray, Regular  
Las Gallinas Valley Sanitary

Tod Moody, Alternate  
Sanitary District #5

Larry Loder, Regular  
Public Member

Richard Savel, Alternate  
Public Member

**MARIN LOCAL AGENCY FORMATION COMMISSION**

RESOLUTION 21-14

**RESOLUTION APPROVING AN ANNEXATION OF 105 ROBLAR DRIVE TO NOVATO SANITARY DISTRICT WITH WAIVER OF NOTICE, HEARING AND PROTEST PROCEEDINGS**

“Annexation of 105 Roblar Road (APN 157-400-14) to Novato Sanitary District (LAFCo File No. 1356)”

**WHEREAS** Sonoma Marin Area Rail Transit (SMART), hereinafter referred to as “Applicant,” has filed a validated landowner petition with the Marin Local Agency Formation Commission, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS** the proposal seeks Commission approval to annex approximately .820 acres of incorporated land to Novato Sanitary District; and

**WHEREAS** the affected territory represents an entire lot developed for equipment storage and crew break facilities, located at 105 Roblar Drive and identified by the County of Marin Assessor’s Office as 157-400-14 (“Property”); and

**WHEREAS** the Commission’s staff has reviewed the proposal and prepared a report with recommendations; and

**WHEREAS** the staff’s report and recommendations on the proposal have been presented to the Commission in the manner provided by law; and

**WHEREAS** the Commission considered all the factors required by law under Government Code Section 56668 and 56668.3 and adopted local policies and procedures.

**WHEREAS** the proposal is for an annexation of territory that is uninhabited, and no affected local agency has submitted a written demand for notice and hearing as provided for in Government Code section 56662(a).

**NOW THEREFORE**, the Marin Local Agency Formation **DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

Section 1. The boundaries, as set forth in the proposal, are hereby approved as submitted and are as described and depicted in Exhibits “A” and “B” attached hereto and by this reference incorporated herein.

1. Approve the proposed annexation of 105 Roblar Drive (APN 157-400-14) to the Novato Sanitary District (File #1356) as shown and described on Exhibits “A” and “B”.

Section 2. The territory includes .820 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: “Annexation of 105 Roblar Drive (APN 157-400-14) to Novato Sanitary District (LAFCo File No. 1356)”.

Section 3. The proposal is consistent with the adopted spheres of influence of Novato Sanitary District.

Section 4. The Executive Officer is hereby authorized to waive notice and hearing, and protest proceedings and complete reorganization proceedings.

Section 5. As Responsible Agency under CEQA for the proposed annexation of APN: 157-400-14 to Novato Sanitary District LAFCo finds that the Project is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15319 (a).

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission on August 12, 2021 by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Sashi McEntee, Chair

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Malathy Subramanian, LAFCo Counsel

Attachments to Resolution No. 21-14

- a) Exhibit A - Legal Description
- b) Exhibit B - Map

Exhibit 'A'

Annexation of APN 157-400-14  
into Novato Sanitation District  
LAFCo File No. 2021-1356 Legal Description

All that certain real property, situated in a portion of the Rancho San Jose, City of Novato, County of Marin, State of California, more particularly described as follows:

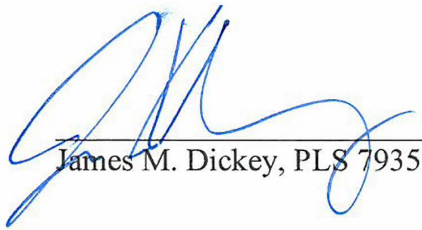
BEGINNING at an angle point on the lands of the Sonoma Marin Area Rail Transit District boundary as described in Parcel 43 of Document Number 2006-0018841 of Official Records, Marin County Records; thence North 50° 08' 29" East, 20.00 feet, thence on a non-tangent curve to the right from a tangent that bears South 39° 51'31" East; along a curve to the right with a radius of 3774.52 feet, through an angle of 0° 36'10", an arc length of 39.71 feet; thence North 7° 36'14" East, 81.25 feet; thence South 50° 50'45" East, 352.85 feet; thence South 39° 09' 15" West 139.66 feet; thence on a non-tangent curve to the right from a tangent that bears South 44° 03'57" East, along a curve to the right with a radius of 3794.51 feet, through an angle of 4° 12'25", an arc length of 278.61 feet to the POINT OF BEGINNING.

Containing 0.82 acres, more or less.

END OF DESCRIPTION

Being APN 157-400-14

Prepared by Cinquini & Passarino, Inc.

  
James M. Dickey, PLS 7935



7/18/2021  
Date



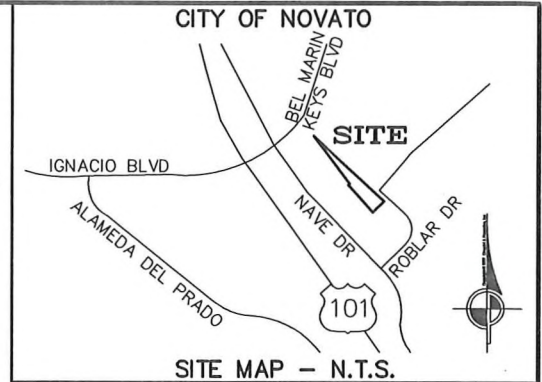
# EXHIBIT 'B'

THIS DIAGRAM IS FOR GRAPHIC PURPOSES ONLY. ANY ERRORS OR OMISSIONS SHALL NOT AFFECT THE LEGAL DESCRIPTION.

## BASIS OF BEARINGS

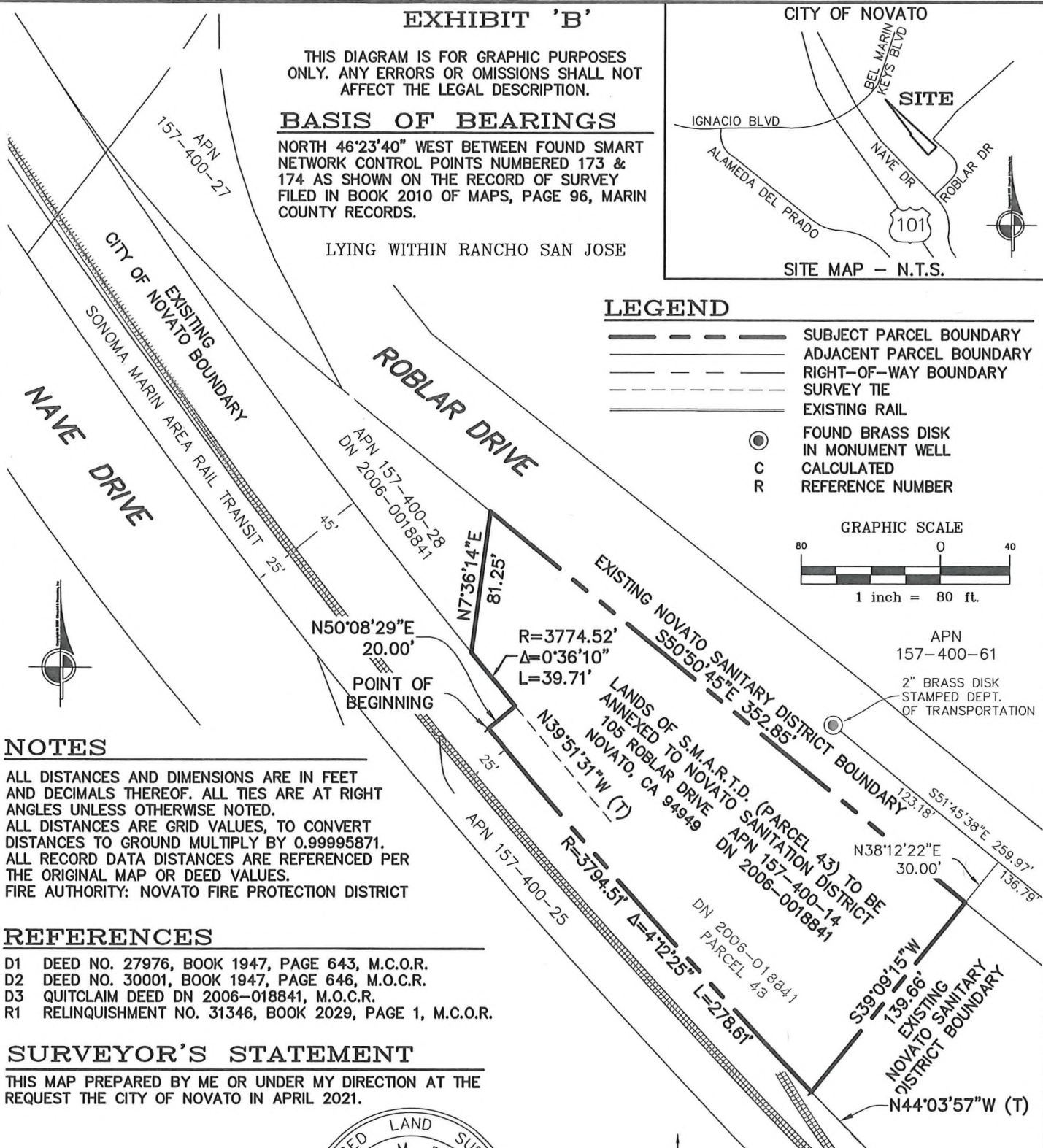
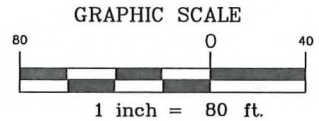
NORTH 46°23'40" WEST BETWEEN FOUND SMART NETWORK CONTROL POINTS NUMBERED 173 & 174 AS SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 2010 OF MAPS, PAGE 96, MARIN COUNTY RECORDS.

LYING WITHIN RANCHO SAN JOSE



## LEGEND

- SUBJECT PARCEL BOUNDARY
- ADJACENT PARCEL BOUNDARY
- RIGHT-OF-WAY BOUNDARY
- SURVEY TIE
- EXISTING RAIL
- FOUND BRASS DISK
- IN MONUMENT WELL
- CALCULATED
- REFERENCE NUMBER



## NOTES

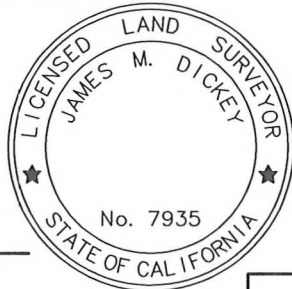
ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS THEREOF. ALL TIES ARE AT RIGHT ANGLES UNLESS OTHERWISE NOTED.  
 ALL DISTANCES ARE GRID VALUES, TO CONVERT DISTANCES TO GROUND MULTIPLY BY 0.99995871.  
 ALL RECORD DATA DISTANCES ARE REFERENCED PER THE ORIGINAL MAP OR DEED VALUES.  
 FIRE AUTHORITY: NOVATO FIRE PROTECTION DISTRICT

## REFERENCES

- D1 DEED NO. 27976, BOOK 1947, PAGE 643, M.C.O.R.
- D2 DEED NO. 30001, BOOK 1947, PAGE 646, M.C.O.R.
- D3 QUITCLAIM DEED DN 2006-018841, M.C.O.R.
- R1 RELINQUISHMENT NO. 31346, BOOK 2029, PAGE 1, M.C.O.R.

## SURVEYOR'S STATEMENT

THIS MAP PREPARED BY ME OR UNDER MY DIRECTION AT THE REQUEST THE CITY OF NOVATO IN APRIL 2021.



*[Signature]*  
 JAMES M. DICKEY P.L.S. 7935  
 EXP. DATE 12/31/21  
 DATE: 7/8/2021

**CINQUINI & PASSARINO, INC.**  
**LAND SURVEYING**

- ▲ BOUNDARY
- ▲ TOPOGRAPHIC
- ▲ CONSTRUCTION
- ▲ SUBDIVISIONS

1360 No. Dutton Ave.  
 Santa Rosa, Ca. 95401  
 Phone: (707) 542-6268  
 Fax: (707) 542-2106  
 WWW.CINQUINIPASSARINO.COM

|                                      |                                |                                  |
|--------------------------------------|--------------------------------|----------------------------------|
| MARIN COUNTY LAFCO FILE NO.          |                                |                                  |
| 105 ROBLAR DRIVE<br>NOVATO, CA 94949 | DRAWN BY: SAJ<br>SCALE: 1"=80' | CHECKED BY: JMD<br>DATE: 6/17/21 |
| ANNEXATION EXHIBIT B                 | JOB #: 8579-19                 | PAGE: 2 OF 2                     |



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

**MARIN LAFCO**

**I. PETITION FOR PROCEEDING PURSUANT TO THE CORTESE-KNOX-HERTZBERG ACT  
 LOCAL GOVERNMENT REORGANIZATION ACT OF 2000**

The undersigned hereby petition(s) the Marin Local Agency Formation Commission for approval of a proposed change or organization or reorganization and stipulates as follows:

1. This proposal is made pursuant to Part 3, Division 3, and Title 5 of the California Government Code (commencing with Section 56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000).
2. The specific change(s) of organization proposed (i.e. Annexation, Detachment, Reorganization, etc.) is/are Annexation
3. The boundaries of the territory(ies) included in the proposal are as described in Exhibits "A" and "B" attached hereto and by this reference incorporated herein.
4. The territory(ies) included in the proposal is/are:
  - Inhabited (12 or more registered voters)
  - Uninhabited (11 or fewer registered voters)
5. This proposal is  or is not  consistent with the sphere(s) of influence of the affected city and/or district(s).
6. The reason(s) for the proposed Annexation (ie. Annexation, Detachment, Reorganization, etc.) is/are Permanent connection of SMART's equipment storage and crew break facility at 105 Roblar Dr. Novato, CA to Novato Sanitary District's (NSD) sewer system to receive sewer services; current temporary connection made and inspected by NSD under NSD Permit 021382, dated 10/01/2012.
7. The proposal is requested to be made subject to the following terms and conditions:
 

Temporary connection was made under a previous agrmt with the Novato Fire Dist. who was leasing from SMART under Permit 021382- 10/1/2012.
8. The persons signing this petition have signed as:
  - Registered voters
  - Owners of the land
  - On behalf of the Board, City, District, or Agency

Farhad Mansourian- General Manager SMART

Print Name

Signature

5-27-2021

Date



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

**II. LANDOWNERS SIGNATURES**  
 (§56700, et seq.)

We the undersigned landowners hereby request proceedings be initiated pursuant to Government Code §56000, et seq. for the change(s) of organization described on the attached Proposal Application.

Name and Address of Applicant: Farhad Mansourian for  
Sonoma-Marín Area Rail Transit (SMART)  
5401 Old Redwood Highway, Suite 200, Petaluma, CA 94954

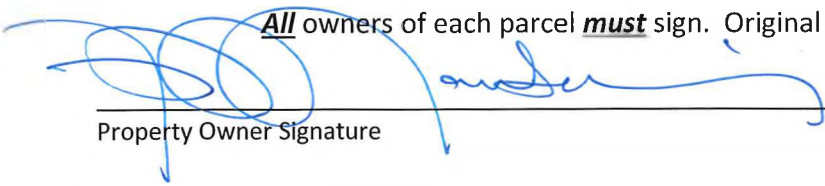
Contact Number: (707) 794-3330 Email: fmansourian@sonomamarintrain.org

Agent Representative (optional)  
 I/We hereby authorize Felice Nina Diamzon to act as my/our agent to process all phases of the LAFCo action relating to the parcels listed below.

Name and Address of Agent: F. Nina Diamzon  
5401 Old Redwood Highway, Suite 200, Petaluma, CA 94954

Contact Number: (707) 794-3071 Email: ndiamzon@sonomamarintrain.org

**All** owners of each parcel **must** sign. Original signatures are required.



Property Owner Signature

5-27-2021  
 Date

Property Owner Signature

Date

Property Owner Signature

Date

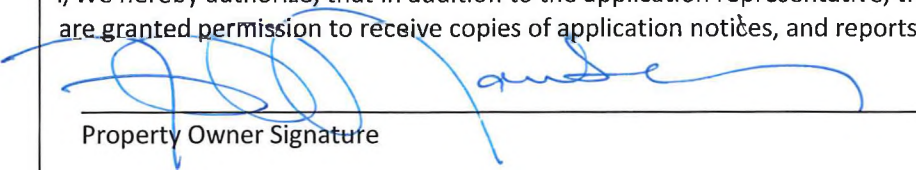




**Marin Local Agency Formation Commission**  
Regional Service Planning | Subdivision of the State of California

Additional Notification Approval (Optional)

I/We hereby authorize, that in addition to the application representative, the persons listed below are granted permission to receive copies of application notices, and reports.

  
\_\_\_\_\_  
Property Owner Signature

Please provide the names, email addresses, and phone numbers of any persons who are to be furnished copies of the Agenda, Executive Officer's Report, and Notice of Hearings. This includes name, title, email address, and phone number of key staff you've worked with/talked to. This allows LAFCo to send information directly to the key person in each agency who is relevant to the application:

Please Print Name

Email Address

Phone Number

Farhad Mansourian [fmansourian@sonomamarintrain.org](mailto:fmansourian@sonomamarintrain.org) 707-794-3330

Nina Diamzon [ndiamzon@sonomamarintrain.org](mailto:ndiamzon@sonomamarintrain.org) 707-794-3071

Erik Brown [erikb@novatosan.com](mailto:erikb@novatosan.com) 415-892-1694

Laura Creamer [laurac@novatosan.com](mailto:laurac@novatosan.com)



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

**MARIN LAFCO**  
**III. APPLICATION QUESTIONNAIRE**

In accordance with requirements set forth in the California Government Code, the Commission must review specific factors in its consideration of this proposal. In order to facilitate the Commission’s review, please respond to the following questions:

**GENERAL INFORMATION**

1. Please check the method by which this application was initiated:  
 Petition (Landowner)  
 Resolution of Application (City/Town or District)
  
2. Does the application possess 100% written consent of each property owner in the subject territory? Yes  No
  
3. A. This application is being submitted for the following boundary change:  
 (BE SPECIFIC: For example, “annexation,” “reorganization”)  
 Annexation  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
- B. The reason for the proposed action(s) being requested:  
 (BE SPECIFIC: For example, “Annexation to sewer district for construction of three homes”)  
 Permanent connection of SMART’s equipment storage and crew break facility at 105 Roblar Drive, Novato to Novato Sanitary District’s (NSD) sewer system to receive sewer services permanently; current temporary connection made and inspected by NSD under NSD Permit 021382, dated 10/1/2012 with previous tenant Novato Fire District.  
 \_\_\_\_\_  
 \_\_\_\_\_
  
4. State general location of proposal:  
 105 Roblar Drive, Novato CA. (Marin APN 157-400-14 and -28), 575 feet south of Bel Marin Keys Blvd.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



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

5. Is the proposal within a city's boundaries?

Yes  Which city? Novato

No  If the proposal is adjacent to a city, provide city name: \_\_\_\_\_

6. Is the subject territory located within an island of unincorporated territory?

Yes  No  If applicable, indicate city \_\_\_\_\_

7. Would this proposal create an island of unincorporated territory? Yes  No   
If yes, please justify proposed boundary change: \_\_\_\_\_

8. Provide the following information regarding the area proposed for annexation:  
(Attach additional if needed)

A. Assessor's Parcel Number(s)

157-400-14

Site Address(es)

105 Roblar Drive, Novato, CA

B. Total number of parcels included in this application: one

9. Total land area in acres: .82 acres to be annexed of the 1.03 acres total for location.



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

**LAND USE AND DEVELOPMENT POTENTIAL**

1. Describe any special land use concerns:

None

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2. Indicate current land use: (such as: number of dwellings, permits currently held, etc.)

One enclosed metal building, one metal carport, one double wide trailer currently used by SMART for equipment storage and crew break facilities; temporary sewer service installed by and inspected by Novato Sanitary District under NSD Permit 021382, October , 2012.

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3. Indicate the current zoning (either city/town or county) title and densities permitted:

Within "Light Industrial/Office" zone per Novato General Plan; shown as "Planned District" on Novato Zoning maps (no master plan approved); default use with no master plan is agricultural, density = 1 dwelling per 60 acres property owned by the Sonoma Marin Area Rail Transit (SMART) District.

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4. Has the area been rezoned? No \_\_\_\_\_ N/A  Yes \_\_\_\_\_

What is the rezoning classification, title and densities permitted?

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5. Describe the specific development potential of the property: (Number of units allowed in zoning)

If re-zoned Light Industrial/Office, potential for light industrial or office building(s) covering up to 60% of the lot size, with FAR of 0.4 and height of up to 35 feet. (Novato Municipal Code 19.12.040)

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

**ENVIRONMENT**

1. Is the site presently zoned, or designated for, or engaged in agricultural use?

Yes \_\_\_\_\_ No  X

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

2. Will the proposal result in a reduction of public or private open space?

Yes \_\_\_\_\_ No  X

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

3. Will service extension accomplished by this proposal induce growth in:

- |                    |           |               |           |
|--------------------|-----------|---------------|-----------|
| A. This site?      | Yes _____ | No <u> X </u> | N/A _____ |
| B. Adjacent sites? | Yes _____ | No <u> X </u> | N/A _____ |
| C. Unincorporated? | Yes _____ | No <u> X </u> |           |
| D. Incorporated?   | Yes _____ | No <u> X </u> |           |

4. State general description of site topography:  Flat   
\_\_\_\_\_  
\_\_\_\_\_

5. Indicated Lead Agency for this project:  Sonoma-Marín Area Rail Transit District   
\_\_\_\_\_

6. Indicate Environmental Determination by Lead Agency:  Significant impact; mitigation required   
with respect to (indicate project)  SMART improvement of rail corridor for passenger rail service (Larkspur - Cloverdale)   
Dated:  June 2006 (FEIR) and March 2008 (SEIR)

**(COPY OF ENVIRONMENTAL DOCUMENTS MUST BE SUBMITTED WITH APPLICATION.)**



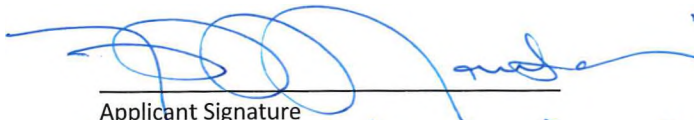


**IV. INDEMNIFICATION AGREEMENT**

As part of this Application, Applicant and its successors and assigns, shall indemnify, defend and hold harmless, LAFCo, its officials, officers, employees, agents, representatives, contractors and assigns from and against any and all claims, demands, liability, judgments, damages (including consequential damages), awards, interests, attorneys’ fees, costs and expenses of whatsoever kind or nature, at any time arising out of, or in any way connected with any legal challenges to or appeals associated with LAFCo’s review and/or approval of the Application (collectively, “Indemnification Costs”). Applicant’s obligation to indemnify, defend and hold harmless LAFCo, its officials, officers, employees, agents, representatives, contractors and assigns under this Agreement shall apply regardless of fault, to any acts or omissions, or negligent conduct, whether active or passive, on the part of the Applicant, LAFCo, its officials, officers, employees, agents, representatives, contractor or assigns. Applicant’s obligation to defend LAFCo, its officials, officers, employees, agents, representatives, contractor or assigns under this Agreement shall be at Applicant’s sole expense and using counsel selected or approved by LAFCo in LAFCo’s sole discretion.

In the event of a lawsuit, Applicant will be notified by LAFCo within three (3) business days of being served. An invoice will be submitted to the Applicant by LAFCo for an amount between \$10,000 and \$25,000 to cover a portion of the Indemnification Costs (“Reserve”), which shall depend upon the estimated cost to resolve the matter and shall be determined in LAFCo’s sole discretion. Applicant shall pay the Reserve to LAFCo within seven (7) calendar days of LAFCo’s request. The Reserve shall be applied against LAFCo’s final bill for the Indemnification Costs, with any unused portion to be returned to Applicant. LAFCo shall bill Applicant month for the Indemnification Costs, which shall be paid to LAFCo no later than 15 calendar days after receipt of LAFCo’s bill. LAFCo may stop defending the matter, if at any time LAFCo has not received timely payment of the Reserve and/or the Indemnification Costs. This will not relieve Applicant of any of its obligations pursuant to this Agreement.

As the Applicant I hereby attest with signature,

  
 Applicant Signature \_\_\_\_\_ Date 5-27-2021  
FARHAD MANSOURIAN \_\_\_\_\_  
 Print Name Title General Manager



# NOVATO SANITARY DISTRICT

500 DAVIDSON STREET \* NOVATO \* CALIFORNIA 94945 \* PHONE (415) 892-1694 \* FAX (415) 898-2279  
www.novatosan.com

## BOARD OF DIRECTORS

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WILLIAM C. LONG  
A. GERALD PETERS

SANDEEP KARKAL, P.E.  
General Manager-Chief Engineer

RACHEL HUNDLEY  
Legal Counsel

**SUBJECT: Request for Proposal Review and Comment**  
Annexation of 105 Roblar Drive, Novato (APN 157-400-14) to Novato Sanitary District  
(LAFCo File #1356)

The Marin Local Agency Formation Commission (LAFCo) is reviewing a proposed boundary change pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. Marin LAFCo respectfully requests each listed affected and interested agency to review the following proposal summary and attached application materials and offer any comments – such as technical advisements, requested conditions, or related recommendations – no later than **Friday, July 30th**.

Upon its completion of review of the proposed annexation of the subject property, the Novato Sanitary District (District) has the following comments and conditions of approval for this proposed Annexation.

- 1.) The District has adequate capacity to serve the proposed Annexation
- 2.) The subject property was connected to the public sewer main within Roblar Road on a temporary basis to serve a temporary fire station for Novato Fire District. The project's structures were to be demolished and the temporary sewer lateral was to be capped and abandoned after the Novato Fire District completed its new Fire House. The New Fire station located at 5 Bolling Drive was completed and connected to the public sewer on 09/2004.
- 3.) At the time of the temporary lateral connection, the Sanitary District did not require that the Fire District pay the Connection Fees. For this property's sewer connection rights to be made permanent, a District connection permit must be applied for, and the connection fees paid.
- 4.) The temporary sewer lateral connection to the District manhole K24001 currently cascades into the manhole and does not meet District Standards. To allow this property's sewer lateral connection to become permanent, the existing lateral must be inspected via CCTV, and the point of connection must be modified to a Standard Drop Connection.

With the above items addressed, the District has no other requirements or objections to this proposed Annexation to the Novato Sanitary District.

  
\_\_\_\_\_  
Sandeep Karkal  
General Manager-Chief Engineer



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## AGENDA REPORT

August 12, 2021

Item No. 5 (Public Hearing)

**TO:** Local Agency Formation Commission

**FROM:** Olivia Gingold, Clerk/Jr. Analyst

**SUBJECT:** Approval of Resolution 21-15, Annexation of 2090 Vineyard Road (APN 132-291-32) to Novato Sanitary District (File #1357)

### Background

Marin LAFCo has received an application from Janet Sternberger (“applicant”) requesting approval to annex a lot, approximately .40 acres, into the Novato Sanitary District (NSD). This parcel is incorporated in the City of Novato with a situs address 2090 Vineyard Road (APN 132-291-32). The proposal, as stated by the applicant, is for connection to NSD. Staff has requested comments from NSD, along with other interested agencies. All comments were in support or neutral. Staff recommends approving this application.

### Staff Recommendation for Action

1. Staff recommendation – Approve the requested annexation of 2090 Vineyard Road and approve the attached Resolution No. 21-15.
2. Alternate Option 1 – Deny the request.
3. Alternate Option 2 – Continue consideration of the item to the next regular meeting, and provide direction to staff, as needed.

### Attachments:

- 1) Resolution #21-15
- 2) Application Packet

#### Administrative Office

Jason Fried, Executive Officer  
1401 Los Gatos Drive, Suite 220  
San Rafael, California 94903  
T: 415-448-5877 E: staff@marinlafco.org  
www.marinlafco.org

Damon Connolly, Regular  
County of Marin

Judy Arnold, Regular  
County of Marin

Dennis Rodoni, Alternate  
County of Marin

Sashi McEntee, Chair  
City of Mill Valley

Barbara Coler, Regular  
Town of Fairfax

James Campbell, Alternate  
City of Belvedere

Lew Kious, Vice Chair  
Almonte Sanitary District

Craig K. Murray, Regular  
Las Gallinas Valley Sanitary

Tod Moody, Alternate  
Sanitary District #5

Larry Loder, Regular  
Public Member

Richard Savel, Alternate  
Public Member

**MARIN LOCAL AGENCY FORMATION COMMISSION**

RESOLUTION 21-15

**RESOLUTION APPROVING AN ANNEXATION OF 2090 VINEYARD ROAD TO NOVATO SANITARY DISTRICT WITH WAIVER OF NOTICE, HEARING AND PROTEST PROCEEDINGS**

“Annexation of 2090 Vineyard Road (APN 132-291-32) to Novato Sanitary District (LAFCo File No. 1357)”

**WHEREAS** Janet Sternberger, hereinafter referred to as “Property Owner,” has filed a validated landowner petition with the Marin Local Agency Formation Commission, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS** the proposal seeks Commission approval to annex approximately .40 acres of incorporated land to Novato Sanitary District; and

**WHEREAS** the affected territory represents an entire lot developed with an existing single-family residence located at 2090 Vineyard Road and identified by the County of Marin Assessor’s Office as APN 132-291-32 (“Property”); and

**WHEREAS** the Commission’s staff has reviewed the proposal and prepared a report with recommendations; and

**WHEREAS** the staff’s report and recommendations on the proposal have been presented to the Commission in the manner provided by law; and

**WHEREAS** the Commission considered all the factors required by law under Government Code Section 56668 and 56668.3 and adopted local policies and procedures.

**WHEREAS** the proposal is for an annexation of territory that is uninhabited, and no affected local agency has submitted a written demand for notice and hearing as provided for in Government Code section 56662(a).

**NOW THEREFORE**, the Marin Local Agency Formation **DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

Section 1. The boundaries, as set forth in the proposal, are hereby approved as submitted and are as described and depicted in Exhibits “A” and “B” attached hereto and by this reference incorporated herein.

1. Approve the proposed annexation of 666 Sequoia Valley Road (APN 132-291-32) to the Novato District (File #1357) as shown and described on Exhibits “A” and “B”.

Section 2. The territory includes .40 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: “Annexation of 666 Sequoia Valley Road (APN 132-291-32) Novato Sanitary District (LAFCo File No. 1357)”.

Section 3. The proposal is consistent with the adopted spheres of influence of Novato Sanitary District.

Section 4. The Executive Officer is hereby authorized to waive notice and hearing, and protest proceedings and complete reorganization proceedings.

Section 5. As Lead Agency under CEQA for the proposed annexation of APN: 132-291-32 to Novato Sanitary District, LAFCo finds that the Project is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15319 (a).

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission on August 12, 2021 by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Sashi McEntee, Chair

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Malathy Subramanian, LAFCo Counsel

Attachments to Resolution No. 21-15

- a) Exhibit A – Legal Description
- b) Exhibit B – Map



# RAY CARLSON

AND ASSOCIATES, INC.

Mapping for a Better World

Annexation NO. 2021-

Annexation to Novato Sanitation District

Description

All that certain real property, situate in the County of Marin, described as follows:

Beginning at the southwest corner of Lands of Sternberger as described in document no 2011-023490 recorded May 10, 2011 in Marin County Records, being APN 132-291-32 also being on the existing boundary line of Novato Sanitation District; thence along the existing district boundary line North 09 degrees 52 minutes East, 150.00 feet; thence South 80 degrees 07 minutes 24 seconds East 124.609 feet to the east boundary line of the said Sternberger lands; thence leaving the district boundary line South 09 degrees 52 minutes West, 127.67 feet to the north right of way line of Vineyard Road; thence along the said right of way line South 89 degrees 43 minutes West, 126.59 feet to the point of beginning.

This description is based on that Record of Survey filed in Book 4 of Surveys, at page 10 of Marin County Records.

Containing 17500 square feet more or less.

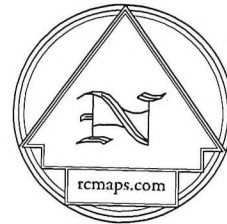
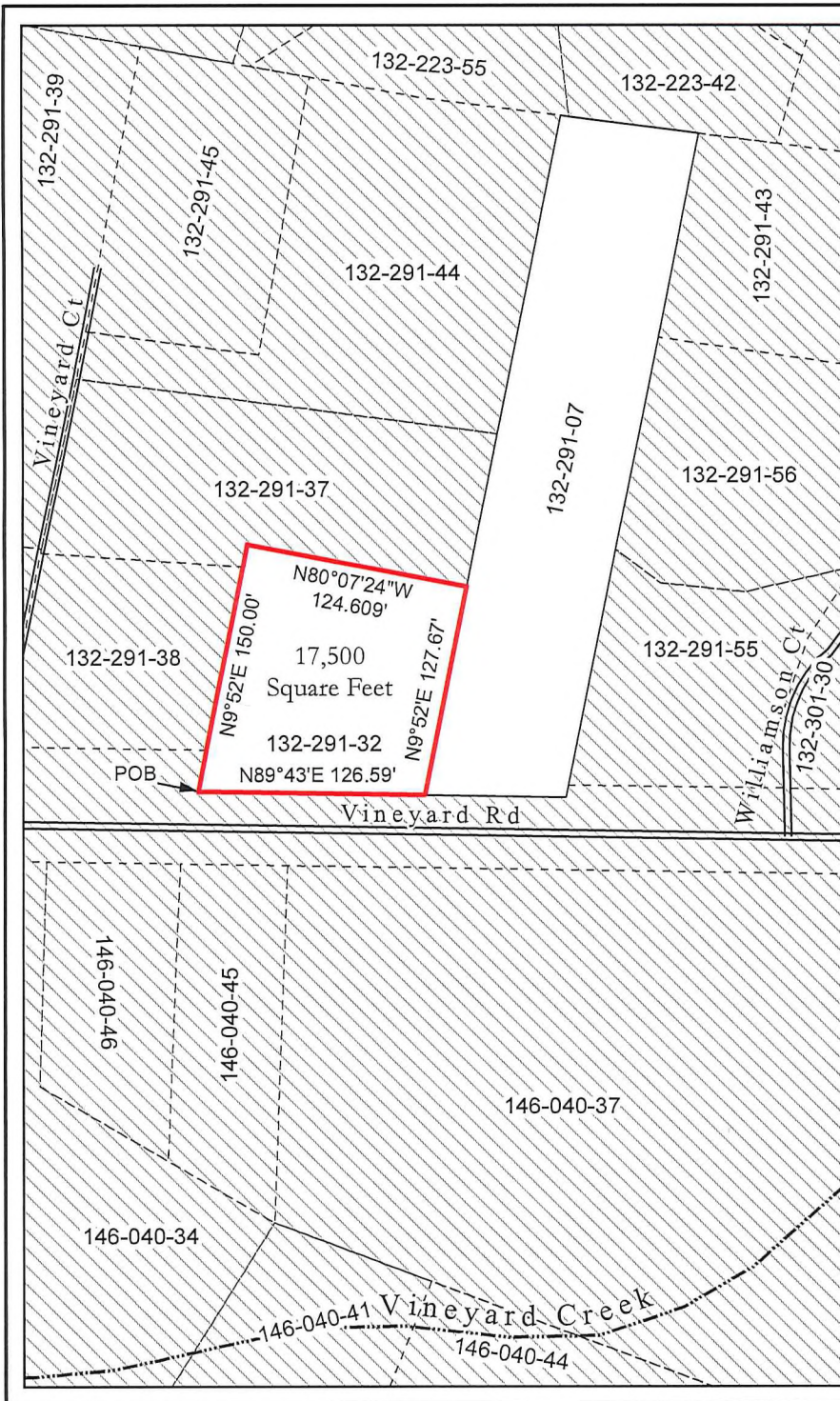
For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

APN 132-291-32  
March 24, 2021  
Job 2021-042

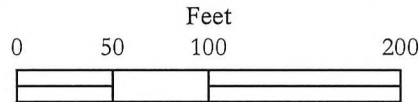




Exhibit "B"



1 inch = 100 feet



Primary Layers

POB Point of Beginning

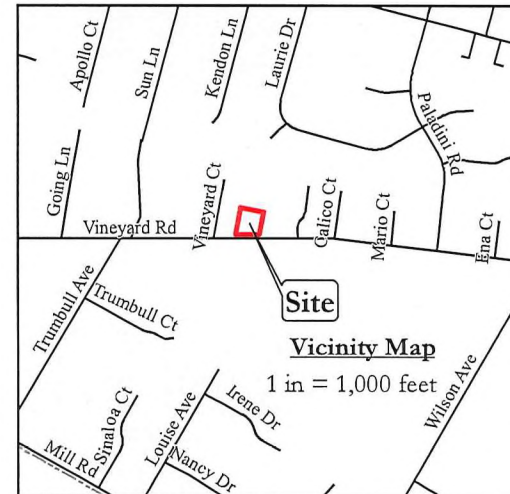
Parcel To Annex

Adjoiner AP

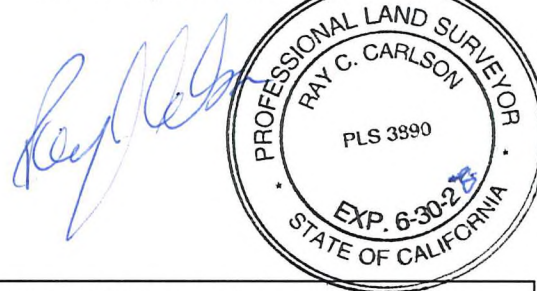
Streams

Roads

Novato Sanitary District



For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an



Lands of Sternberger  
Annexation 2021-

BEING A PORTION OF THE RANCHO NOVATO  
CONTAINING 17,500 SQUARE FEET, MORE OR LESS



**RAY CARLSON**  
AND ASSOCIATES, INC.

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APN 132-291-32 ©May 13, 2021 JOB NO. 2021-042 Sternberger





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

**MARIN LAFCO**

**PETITION FOR PROCEEDING PURSUANT TO THE CORTESE-KNOX-HERTZBERG ACT**  
**LOCAL GOVERNMENT REORGANIZATION ACT OF 2000**

The undersigned hereby petition(s) the Marin Local Agency Formation Commission for approval of a proposed change or organization or reorganization and stipulates as follows:

1. This proposal is made pursuant to Part 3, Division 3, and Title 5 of the California Government Code (commencing with Section 56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000).
2. The specific change(s) of organization proposed (i.e. Annexation, Detachment, Reorganization, etc.) is/are Annexation
3. The boundaries of the territory(ies) included in the proposal are as described in Exhibits "A" and "B" attached hereto and by this reference incorporated herein.
4. The territory(ies) included in the proposal is/are:  
 Inhabited (12 or more registered voters)  
 Uninhabited
5. This proposal is  or is not  consistent with the sphere(s) of influence of the affected city and/or district(s).
6. The reason(s) for the proposed Annexation (ie. Annexation, Detachment, Reorganization, etc.) is/are to connect this parcel to the sewer system that is servicing the surrounding parcels.
7. The proposal is requested to be made subject to the following terms and conditions:  
None.
8. The persons signing this petition have signed as:  
 Registered voters  
 Owners of the land

Janet Sternberger

Print Name

Signature

7/14/2021

Date



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

LANDOWNERS SIGNATURES  
(§56700, et seq.)

We the undersigned landowners hereby request proceedings be initiated pursuant to Government Code §56000, et seq. for the change(s) of organization described on the attached Proposal Application.

Name and Address of Applicant: Janet Sternberger

5 Cherne Lane

San Anselmo, CA 94960

Contact Number: ( 415 ) 609-1912 Email: janet.sternberger@gmail.com

Agent Representative (optional)  
I/We hereby authorize Michael Swicegood, P.E. to act as my/our agent to process all phases of the LAFCo action relating to the parcels listed below.


Name and Address of Agent: Michael Swicegood, P.E.

P.O. Box 924

Healdsburg, CA 95448

Contact Number: ( 707 ) 230-6063 Email: ms@swicegood-civil.com

**All** owners of each parcel **must** sign. Original signatures are required.

  
\_\_\_\_\_  
Property Owner Signature

7/14/2020  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date



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

Additional Notification Approval (Optional)

I/We hereby authorize, that in addition to the application representative, the persons listed below are granted permission to receive copies of application notices, and reports.

  
Property Owner Signature

7/14/2021

Please provide the names, email addresses, and phone numbers of any persons who are to be furnished copies of the Agenda, Executive Officer's Report, and Notice of Hearings:

| <u>Please Print Name</u>                | <u>Email Address</u>        | <u>Phone Number</u>     |
|---|-----------------------------|-------------------------|
| Janet Sternberger                       | janet.sternberger@gmail.com | (415) 609-1912          |
| Paul Sternberger                        | paul.sternberger@gmail.com  | (415) 609-1912          |
| Michael R. Swicegood, P.E.              | ms@swicegood-civil.com      | (707) 230-6063          |
| Bill Northcroft (Novato Sewer District) |                             | (415) 892-1694 ext. 108 |
|   |                             |                         |
|   |                             |                         |



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## MARIN LAFCO APPLICATION QUESTIONNAIRE

In accordance with requirements set forth in the California Government Code, the Commission must review specific factors in its consideration of this proposal. In order to facilitate the Commission's review, please respond to the following questions:

### I. GENERAL INFORMATION

3. Please check the method by which this application was initiated:

- Petition (Landowner)  
 Resolution of Application (City/Town or District)

4. Does the application possess 100% written consent of each property owner in the subject territory? Yes  No

9. A. This application is being submitted for the following boundary change:

(BE SPECIFIC: For example, "annexation," "reorganization")

Annexation

---

---

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B. The reason for the proposed action(s) being requested:

(BE SPECIFIC: For example, "Annexation to sewer district for construction of three homes")

Annexation to the sewer district that has a current area of influence that encompasses this parcel.

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4. State general location of proposal:

This parcel is on Vineyard Road situated south of Novato Bolvard and east of Wilson Avenue.

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

5. Is the proposal within a city's boundaries?

Yes  Which city? Novato

No  If the proposal is adjacent to a city, provide city name: \_\_\_\_\_

6. Is the subject territory located within an island of unincorporated territory?

Yes  No  If applicable, indicate city \_\_\_\_\_

\_\_\_\_\_

7. Would this proposal create an island of unincorporated territory? Yes  No

If yes, please justify proposed boundary change: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. Provide the following information regarding the area proposed for annexation:

(Attach additional if needed)

A. Assessor's Parcel Number(s)

132-291-32

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Site Address(es)

2090 Vineyard Road, Novato, CA 94947

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

B. Total number of parcels included in this application: 1

9. Total land area in acres: 0.40 acres





**II. LAND USE AND DEVELOPMENT POTENTIAL**

1. Describe any special land use concerns:

N/A

2. Indicate current land use: (such as: number of dwellings, permits currently held, etc.)

There is currently 1 residential structure on this parcel.

3. Indicate the current zoning (either city/town or county) title and densities permitted:

The current zoning is R1-10, residential single-family.

4. Has the area been prezoned? No \_\_\_\_\_ N/A  Yes \_\_\_\_\_

What is the prezoning classification, title and densities permitted?

5. Describe the specific development potential of the property: (Number of units allowed in zoning)

This parcel is zoned as residential and currently has a single family dwelling on the property. The parcel zoning allows for an ADU on the parcel.



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

**III. ENVIRONMENT**

1. Is the site presently zoned or, designated for, or engaged in agricultural use?

Yes \_\_\_\_\_ No  \_\_\_\_\_

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

2. Will the proposal result in a reduction of public or private open space?

Yes \_\_\_\_\_ No  \_\_\_\_\_

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

3. Will service extension accomplished by this proposal induce growth in:

- |                    |           |  |           |
|--------------------|-----------|--|-----------|
| A. This site?      | Yes _____ | No <input checked="" type="checkbox"/> _____ | N/A _____ |
| B. Adjacent sites? | Yes _____ | No <input checked="" type="checkbox"/> _____ | N/A _____ |
| C. Unincorporated? | Yes _____ | No <input checked="" type="checkbox"/> _____ |           |
| D. Incorporated?   | Yes _____ | No <input checked="" type="checkbox"/> _____ |           |

4. State general description of site topography: This parcel has an average slope of 3.39% and is relatively flat for the purpose of being residential land.  
\_\_\_\_\_  
\_\_\_\_\_

5. Indicated Lead Agency for this project: Marin LAFCo  
\_\_\_\_\_

6. Indicate Environmental Determination by Lead Agency: \_\_\_\_\_  
with respect to (indicate project) \_\_\_\_\_  
Dated: \_\_\_\_\_

**(COPY OF ENVIRONMENTAL DOCUMENTS MUST BE SUBMITTED WITH APPLICATION.)**





**III. INDEMNIFICATION AGREEMENT**

As part of this Application, Applicant and its successors and assigns, shall indemnify, defend and hold harmless, LAFCo, its officials, officers, employees, agents, representatives, contractors and assigns from and against any and all claims, demands, liability, judgments, damages (including consequential damages), awards, interests, attorneys’ fees, costs and expenses of whatsoever kind or nature, at any time arising out of, or in any way connected with any legal challenges to or appeals associated with LAFCo’s review and/or approval of the Application (collectively, “Indemnification Costs”). Applicant’s obligation to indemnify, defend and hold harmless LAFCo, its officials, officers, employees, agents, representatives, contractors and assigns under this Agreement shall apply regardless of fault, to any acts or omissions, or negligent conduct, whether active or passive, on the part of the Applicant, LAFCo, its officials, officers, employees, agents, representatives, contractor or assigns. Applicant’s obligation to defend LAFCo, its officials, officers, employees, agents, representatives, contractor or assigns under this Agreement shall be at Applicant’s sole expense and using counsel selected or approved by LAFCo in LAFCo’s sole discretion.

In the event of a lawsuit, Applicant will be notified by LAFCo within three (3) business days of being served. An invoice will be submitted to the Applicant by LAFCo for an amount between \$10,000 and \$25,000 to cover a portion of the Indemnification Costs (“Reserve”), which shall depend upon the estimated cost to resolve the matter and shall be determined in LAFCo’s sole discretion. Applicant shall pay the Reserve to LAFCo within seven (7) calendar days of LAFCo’s request. The Reserve shall be applied against LAFCo’s final bill for the Indemnification Costs, with any unused portion to be returned to Applicant. LAFCo shall bill Applicant month for the Indemnification Costs, which shall be paid to LAFCo no later than 15 calendar days after receipt of LAFCo’s bill. LAFCo may stop defending the matter, if at any time LAFCo has not received timely payment of the Reserve and/or the Indemnification Costs. This will not relieve Applicant of any of its obligations pursuant to this Agreement.

As the Applicant I hereby attest with signature,

  
\_\_\_\_\_  
Applicant Signature

Janet Sternberger  
\_\_\_\_\_  
Print Name

7/14/2021  
\_\_\_\_\_  
Date

Owner  
\_\_\_\_\_  
Title



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

**PLAN FOR PROVIDING SERVICES**  
(For City/Town or District Only)

This section to be completed by a city/town or district representative for all **applications initiated by resolution or as required by Executive Officer.**

1. Enumerate and describe services to be extended to the affected territory:

- Police: \_\_\_\_\_
- Fire: \_\_\_\_\_
- Sewer: \_\_\_\_\_
- Water: \_\_\_\_\_
- Other: \_\_\_\_\_

2. Advise whether any of the affected agencies serving or expected to serve this site are current operating at or near capacity: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

3. Describe the level and range of services: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

4. Indicate when services can/will be extended to the affected territory:

\_\_\_\_\_  
\_\_\_\_\_

5. Note any improvements or upgrading of structures, roads, sewer or water facilities, or other conditions required within the affected territory: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## AGENDA REPORT

August 12, 2021

Item No. 6 (Public Hearing)

**TO:** Local Agency Formation Commission

**FROM:** Olivia Gingold, Clerk/Jr. Analyst

**SUBJECT:** Approval of Resolution 21-16, Annexation of 32 Fairway Drive (APN 016-021-50) to San Rafael Sanitary District (File #1358)

### **Background**

Marin LAFCo has received an application from Aaron Shraybman (“applicant”) requesting approval to annex a lot, approximately 1.02 acres, that moved off septic into the San Rafael Sanitary District (SRSD). The lot is already connected to the sewer district through an Emergency Outside Service Agreement due to septic failure, reference LAFCo File 1341. The affected territory is in an unincorporated area east of San Rafael with a situs address of 32 Fairway Drive (APN 016-021-50). The proposal, as stated by the applicant, is for connection to SRSD. This parcel is located in an unincorporated island and the applicant has agreed to sign a LAFCo agreement agreeing not to oppose any future annexation of the unincorporated island they live in should the area in the future be annexed into San Rafael. Staff has requested comments from SRSD, along with other interested agencies. All comments were in support or neutral. Staff recommends approving this application.

### **Staff Recommendation for Action**

1. Staff recommendation – Approve the requested annexation of 32 Fairway Drive and approve the attached Resolution No. 21-16.
2. Alternate Option 1 – Deny the request.
3. Alternate Option 2 – Continue consideration of the item to the next regular meeting, and provide direction to staff, as needed.

### Attachments:

- 1) Resolution #21-16
- 2) Application Packet

#### Administrative Office

Jason Fried, Executive Officer  
1401 Los Gatos Drive, Suite 220  
San Rafael, California 94903  
T: 415-448-5877 E: staff@marinlafco.org  
www.marinlafco.org

Damon Connolly, Regular  
County of Marin

Judy Arnold, Regular  
County of Marin

Dennis Rodoni, Alternate  
County of Marin

Sashi McEntee, Chair  
City of Mill Valley

Barbara Coler, Regular  
Town of Fairfax

James Campbell, Alternate  
City of Belvedere

Lew Kious, Vice Chair  
Almonte Sanitary District

Craig K. Murray, Regular  
Las Gallinas Valley Sanitary

Tod Moody, Alternate  
Sanitary District #5

Larry Loder, Regular  
Public Member

Richard Savel, Alternate  
Public Member

**MARIN LOCAL AGENCY FORMATION COMMISSION**

RESOLUTION 21-16

**RESOLUTION APPROVING AN ANNEXATION OF 32 FAIRWAY DRIVE TO SAN RAFAEL SANITARY DISTRICT WITH WAIVER OF NOTICE, HEARING AND PROTEST PROCEEDINGS**

“Annexation of 32 Fairway Drive (APN 016-021-50) to San Rafael Sanitary District (LAFCo File No. 1358)”

**WHEREAS** Aaron Shraybman, hereinafter referred to as “Property Owner,” has filed a validated landowner petition with the Marin Local Agency Formation Commission, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS** the proposal seeks Commission approval to annex approximately 1.02 acres of unincorporated land to San Rafael Sanitary District; and

**WHEREAS** the affected territory represents an entire lot developed with an existing single-family residence located at 32 Fairway Drive and identified by the County of Marin Assessor’s Office as APN 016-021-50 (“Property”); and

**WHEREAS** the Commission’s staff has reviewed the proposal and prepared a report with recommendations; and

**WHEREAS** the staff’s report and recommendations on the proposal have been presented to the Commission in the manner provided by law; and

**WHEREAS** the Commission considered all the factors required by law under Government Code Section 56668 and 56668.3 and adopted local policies and procedures.

**WHEREAS** the proposal is for an annexation of territory that is uninhabited, and no affected local agency has submitted a written demand for notice and hearing as provided for in Government Code section 56662(a).

**NOW THEREFORE**, the Marin Local Agency Formation **DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

Section 1. The boundaries, as set forth in the proposal, are hereby approved as submitted and are as described and depicted in Exhibits “A” and “B” attached hereto and by this reference incorporated herein.

1. Approve the proposed annexation of 32 Fairway Drive (APN 016-021-50) to the San Rafael Sanitary District (File #1358) as shown and described on Exhibits “A” and “B”.
2. Proceedings for the annexation shall not be completed until the Property Owners execute an agreement (Exhibit C) with the Marin Local Agency Formation Commission wherein:
  - a. The Property Owners agree on behalf of themselves, their heirs, successors and assigns that, in the event any future proceedings for the annexation of the property to the City of San

Rafael shall be initiated by the City, the Property Owners shall neither directly nor indirectly oppose or protest such annexation; and

b. That the Property Owners agree that their obligations under the agreement shall run with the Property and that the Property shall be held, conveyed, hypothecated, encumbered, leased, rented, used and occupied subject to the provisions of the agreement and that the obligations undertaken by the Property Owners shall be binding on all parties having or acquiring any right, title, or interest in the Property.

Section 2. The territory includes 1.02 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: "Annexation of 32 Fairway Drive (APN 016-021-50) to San Rafael Sanitary District (LAFCo File No. 1358)".

Section 3. The proposal is consistent with the adopted spheres of influence of San Rafael Sanitary District.

Section 4. The Executive Officer is hereby authorized to waive notice and hearing, and protest proceedings and complete reorganization proceedings.

Section 5. As Lead Agency under CEQA for the proposed annexation of APN: 016-021-50 to San Rafael Sanitary District, LAFCo finds that the Project is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15319 (a).

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission on August 12, 2021 by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Sashi McEntee, Chair

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Malathy Subramanian, LAFCo Counsel

Attachments to Resolution No. 21-16

- a) Exhibit 'A' – Legal Description
- b) Exhibit 'B' – Map
- c) Exhibit 'C' – Dual Annexation Agreement

Date: 06-28-2021  
File: 2019-20-027

**EXHIBIT 'A'**  
**LEGAL DESCRIPTION**  
**SEWER ANNEXATION**  
**LAFCO FILE # \_\_\_\_\_**  
**APN 016-021-50**

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN RAFAEL, COUNTY OF MARIN, STATE OF CALIFORNIA, BEING A SEWER ANNEXATION OF THE LANDS OF SHRAYBMAN AS DESCRIBED IN DOCUMENT NUMBER 2017-0006406, MARIN COUNTY RECORDS AND AS SHOWN ON THAT CERTAIN MAP ENTITLED "PARCEL MAP LOT 77 & PTNS OF LOTS 75 & 76", MARIN COUNTY RECORDS, BEING PARCEL S, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE MOST NORTHERLY CORNER OF SAID LANDS, SOUTH 17°21'00" WEST, A DISTANCE OF 233.84 FEET;

THENCE SOUTH 37°32'15" EAST, A DISTANCE OF 102.36 FEET;

THENCE NORTH 51°32'00" EAST, A DISTANCE OF 45.00 FEET;

THENCE NORTH 61°17'00" EAST, A DISTANCE OF 94.52 FEET;

THENCE SOUTH 40°09'00" EAST, A DISTANCE OF 138.33 FEET TO FAIRWAY DRIVE AND A NON-TANGENT CURVE TO THE RIGHT WHOSE CENTER BEARS SOUTH 60°24'00" EAST;

THENCE ALONG SAID FAIRWAY DRIVE AND NON-TANGENT CURVE, HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 85°53'60", AND AN ARC LENGTH OF 45.03 FEET;

THENCE LEAVING SAID FAIRWAY DRIVE, NORTH 21°50'09" EAST, A DISTANCE OF 42.51 FEET TO A NON-TANGENT CURVE TO THE LEFT, CONCAVE TO THE SOUTHWEST WHOSE CENTER BEARS SOUTH 68°41'00" WEST;

THENCE NORTH 81°58'28" EAST, A DISTANCE OF 23.70 FEET TO TANGENT CURVE TO THE RIGHT;

THENCE ALONG SAID NON-TANGENT CURVE, HAVING A RADIUS OF 116.00 FEET, THROUGH A CENTRAL ANGLE OF 08°50'00", AND AN ARC LENGTH OF 17.88 FEET;

THENCE NORTH 30°09'00" EAST, A DISTANCE OF 26.88 FEET TO A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE, HAVING A RADIUS OF 84.00 FEET, THROUGH A CENTRAL ANGLE OF 26°26'00", AND AN ARCH LENGTH OF 38.75 FEET;

THENCE LEAVING SAID CURVE, SOUTH 86°17'00" WEST, A DISTANCE OF 32.00 FEET;

THENCE NORTH 30°58'48" EAST, A DISTANCE OF 172.59 FEET;

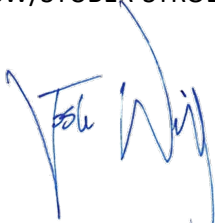
THENCE NORTH 45°13'00" WEST, A DISTANCE OF 105.80 FEET TO THE **POINT OF THE BEGINNING**;

SAID EASEMENT CONTAINING 43,521 SQUARE FEET MORE OR LESS

THIS DESCRIPTION IS FOR ANNEXATION PURPOSES ONLY

PREPARED BY:

CSW/STUBER-STROEH ENGINEERING GROUP, INC.



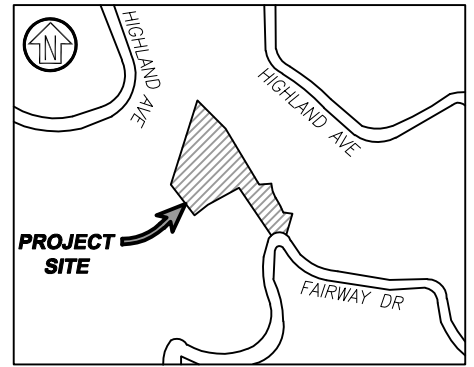
JOSH WOELBING, PLS 9387







**POINT OF BEGINNING**



**VICINITY MAP**

LANDS OF DEV  
APN 016-021-51  
(DN 2017-42655)

PARCEL L  
2 PM 35

**LANDS OF SHRAYBMAN**  
APN 016-021-50  
(DN 2017-6406)

**PARCEL S**  
2 PM 35

**AREA**  
43,521 ± S.F.

**LEGEND**

- PROPOSED ANNEXATION OF 32 FAIRWAY DRIVE INTO SAN RAFAEL SANITARY DISTRICT
- ▨ EXISTING SAN RAFAEL SANITARY DISTRICT BOUNDARY

EDGE OF SAN RAFAEL  
SANITARY DISTRICT

$\Delta=26^{\circ}26'00''$   
 $R=84.00'$   
 $L=38.75'$

$\Delta=8^{\circ}50'00''$   
 $R=116.00'$   
 $L=17.88'$

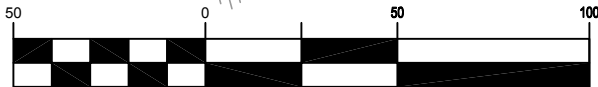
$N81^{\circ}58'28''W$   
23.70'

$N21^{\circ}50'09''E$   
42.51'

$\Delta=128^{\circ}59'53''$   
 $R=20.00'$   $L=45.03'$

LANDS OF CLAUSEN  
APN 016-021-54  
(DN 2016-18689)

EDGE OF SAN RAFAEL  
SANITARY DISTRICT



1 inch = 50 ft.

**CSW | ST2**

**CSW/Stuber-Stroeh Engineering Group, Inc.**  
Civil & Structural Engineers | Surveying & Mapping | Environmental Planning  
Land Planning | Construction Management

45 Leveroni Court  
Novato, CA 94949

tel: 415.883.9850  
fax: 415.883.9835

<http://www.csstw2.com>

© 2019

Rev. 06/29/21

Date: 06/28/21

Job No. 2019-20-027

Scale: 1" = 50'

**32 FAIRWAY SAN RAFAEL SANITARY  
DISTRICT ANNEXATION  
EXHIBIT 'B' - PARCEL S**

LAFCO FILE # \_\_\_\_\_

SAN RAFAEL MARIN COUNTY CALIFORNIA

Exhibit 'C'

AGREEMENT REGARDING ANNEXATION OF REAL PROPERTY  
TO MARIN LOCAL AGENCY FORMATION COMMISSION

This agreement is made and entering into on this 14 day of July, 2021, by and between the Marin Local Agency Formation Commission, ("LAFCo" hereafter), and Aaron Shraybman ("Owner" hereafter) and is based upon the following facts:

- (a) Owner holds title to that certain real property ("the Property" hereafter) described in Exhibit "A" attached hereto and shown for illustrative purposes only on the attached Exhibit "B"; and
- (b) Owner desires annexation to the sanitary service provided by San Rafael Sanitary District. LAFCo recognizes that at this time, annexation of this property would result in inefficient provision of services to the property, but that at some point in the future, the LAFCo may desire annexation.

NOW, THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

- 1. Owner agrees on behalf of himself, his heirs, successors and assigns that, in the event any future proceedings for annexation of the property to San Rafael shall be initiated by LAFCo, Owner shall neither directly nor indirectly oppose or protest such annexation.
- 2. Owner agrees that his obligations hereunder shall run with the Property and that the Property shall be held, conveyed, hypothecated, encumbered, leased, rented, used and occupied subject to the provisions of this Agreement and that the obligations undertaken by Owner hereunder shall be binding on all parties having or acquiring any right, title, or interest in the Property.

OWNER:

By: \_\_\_\_\_  
Property Owner

MARIN LOCAL AGENCY FORMATION COMMISSION:

By: \_\_\_\_\_  
Jason Fried, Executive Officer



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

**MARIN LAFCO**

**I. PETITION FOR PROCEEDING PURSUANT TO THE CORTESE-KNOX-HERTZBERG ACT  
LOCAL GOVERNMENT REORGANIZATION ACT OF 2000**

The undersigned hereby petition(s) the Marin Local Agency Formation Commission for approval of a proposed change or organization or reorganization and stipulates as follows:

1. This proposal is made pursuant to Part 3, Division 3, and Title 5 of the California Government Code (commencing with Section 56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000).
2. The specific change(s) of organization proposed (i.e. Annexation, Detachment, Reorganization, etc.) is/are ANNEXATION  
\_\_\_\_\_
3. The boundaries of the territory(ies) included in the proposal are as described in Exhibits "A" and "B" attached hereto and by this reference incorporated herein.
4. The territory(ies) included in the proposal is/are:  
 Inhabited (12 or more registered voters)  
 Uninhabited (11 or fewer registered voters)
5. This proposal is  or is not  consistent with the sphere(s) of influence of the affected city and/or district(s).
6. The reason(s) for the proposed ANNEXATION (ie. Annexation, Detachment, Reorganization, etc.) is/are \_\_\_\_\_  
\_\_\_\_\_
7. The proposal is requested to be made subject to the following terms and conditions:  
\_\_\_\_\_
8. The persons signing this petition have signed as:  
 Registered voters  
 Owners of the land  
 On behalf of the Board, City, District, or Agency

AARON SHRAYBMAN  
Print Name

SEE ATTACHED  
Signature

1-15-2021  
Date

94901 LOS GATOS DR  
94903

MARIN LAFCO  
PETITION FOR DETERMINING COMPLIANT TO THE CORTESI-KNOX-HERTZBERG ACT  
LOCAL GOVERNMENT REORGANIZATION ACT OF 2000

The undersigned hereby petition(s) the Marin Local Agency Formation Commission for approval of a proposed change or organization or reorganization and stipulates as follows:

- This proposal is made pursuant to Part 3, Division 3, and Title 5 of the California Government Code (commencing with Section 56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000).
- The specific change(s) of organization proposed (i.e. Annexation, Detachment, Reorganization, etc.) is/are ANNEXATION
- The boundaries of the territory(ies) included in the proposal are as described in Exhibits "A" and "B" attached hereto and by this reference incorporated herein.
- The territory(ies) included in the proposal is/are:
  - Inhabited (12 or more registered voters)
  - Uninhabited
- This proposal is  or is not  consistent with the sphere(s) of influence of the affected city and/or district(s).
- The reason(s) for the proposed ANNEXATION (ie. Annexation, Detachment, Reorganization, etc.) is/are SEPTIC FAILURE - EMERGENCY OSA
- The proposal is requested to be made subject to the following terms and conditions:
- The persons signing this petition have signed as:
  - Registered voters
  - Owners of the land

AARON SHRAYBMAN

1-15-2021

Print Name Signature Date



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

**II. LANDOWNERS SIGNATURES**  
**(§56700, et seq.)**

We the undersigned landowners hereby request proceedings be initiated pursuant to Government Code §56000, et seq. for the change(s) of organization described on the attached Proposal Application.

Name and Address of Applicant: AARON SHRAYBMAN  
32 FAIRWAY DR.  
SAN RAFAEL CA 9490-2314

Contact Number: (415) 459 1517 Email: LAXMI304@YAHOO.COM

Agent Representative (optional)

I/We hereby authorize \_\_\_\_\_ to act as my/our agent to process all phases of the LAFCo action relating to the parcels listed below.

Name and Address of Agent: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact Number: ( ) \_\_\_\_\_ Email: \_\_\_\_\_

***All*** owners of each parcel ***must*** sign. Original signatures are required.

|                          |                  |
|--------------------------|------------------|
| <u>See below.</u>        | <u>1-15-2021</u> |
| Property Owner Signature | Date             |
| Property Owner Signature | Date             |
| Property Owner Signature | Date             |



LANDOWNERS SIGNATURES  
(§56700, et seq.)


We the undersigned landowners hereby request proceedings be initiated pursuant to Government Code §56000, et seq. for the change(s) of organization described on the attached Proposal Application.

Name and Address of Applicant: AARON SHRAYBMAN  
32 FAIRWAY DR.  
SAN RAFAEL CA 94901-2314  
Contact Number: (415) 4591517 Email: LAXMI304@YAHOO.COM

Agent Representative (optional)  
I/We hereby authorize \_\_\_\_\_ to act as my/our agent to process all phases of the LAFCo action relating to the parcels listed below.

Name and Address of Agent: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Contact Number: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

**All** owners of each parcel **must** sign. Original signatures are required.

 1-15-2021  
Property Owner Signature Date  
  
\_\_\_\_\_  
Property Owner Signature Date  
  
\_\_\_\_\_  
Property Owner Signature Date





# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

### Additional Notification Approval (Optional)

I/We hereby authorize, that in addition to the application representative, the persons listed below are granted permission to receive copies of application notices, and reports.

\_\_\_\_\_  
Property Owner Signature

Please provide the names, email addresses, and phone numbers of any persons who are to be furnished copies of the Agenda, Executive Officer’s Report, and Notice of Hearings. This includes name, title, email address, and phone number of key staff you’ve worked with/talked to. This allows LAFCo to send information directly to the key person in each agency who is relevant to the application:

Please Print Name

Email Address

Phone Number

|       |       |       |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## MARIN LAFCO

### III. APPLICATION QUESTIONNAIRE

In accordance with requirements set forth in the California Government Code, the Commission must review specific factors in its consideration of this proposal. In order to facilitate the Commission's review, please respond to the following questions:

#### GENERAL INFORMATION

1. Please check the method by which this application was initiated:  
 Petition (Landowner)  
 Resolution of Application (City/Town or District)
2. Does the application possess 100% written consent of each property owner in the subject territory? Yes  No

3. A. This application is being submitted for the following boundary change:  
(BE SPECIFIC: For example, "annexation," "reorganization")

ANNEXATION

---

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---

- B. The reason for the proposed action(s) being requested:

(BE SPECIFIC: For example, "Annexation to sewer district for construction of three homes")

ANNEXATION TO SEWER DISTRICT

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4. State general location of proposal:

UNINCORPORATED AREA EAST SAN RAFAEL

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

5. Is the proposal within a city's boundaries?

Yes  Which city? \_\_\_\_\_

No  If the proposal is adjacent to a city, provide city name: SAN RAFAEL

6. Is the subject territory located within an island of unincorporated territory?

Yes  No  If applicable, indicate city \_\_\_\_\_

7. Would this proposal create an island of unincorporated territory? Yes  No

If yes, please justify proposed boundary change: \_\_\_\_\_

8. Provide the following information regarding the area proposed for annexation:

(Attach additional if needed)

A. Assessor's Parcel Number(s)

016-021-50

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Site Address(es)

32 FAIRWAY DR.

SAN RAFAEL, CA 94901-2314

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

B. Total number of parcels included in this application: 1

9. Total land area in acres: 1.02



**LAND USE AND DEVELOPMENT POTENTIAL**

1. Describe any special land use concerns:

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2. Indicate current land use: (such as: number of dwellings, permits currently held, etc.)

RESIDENCE

COUNTY

---

---

---

3. Indicate the current zoning (either city/town or county) title and densities permitted:

---

---

---

4. Has the area been rezoned? No \_\_\_\_\_ N/A \_\_\_\_\_ Yes

What is the rezoning classification, title and densities permitted?

1 HOUSE PER ACRE

---

---

---

5. Describe the specific development potential of the property: (Number of units allowed in zoning)

NONE

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# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## ENVIRONMENT

1. Is the site presently zoned, or designated for, or engaged in agricultural use?

Yes \_\_\_\_\_ No X

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

2. Will the proposal result in a reduction of public or private open space?

Yes \_\_\_\_\_ No X

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

3. Will service extension accomplished by this proposal induce growth in:

- |                    |           |             |           |
|--------------------|-----------|-------------|-----------|
| A. This site?      | Yes _____ | No <u>X</u> | N/A _____ |
| B. Adjacent sites? | Yes _____ | No <u>X</u> | N/A _____ |
| C. Unincorporated? | Yes _____ | No <u>X</u> |           |
| D. Incorporated?   | Yes _____ | No <u>X</u> |           |

4. State general description of site topography: SLOPE  
\_\_\_\_\_  
\_\_\_\_\_

5. Indicated Lead Agency for this project: SAN RAFAEL SANITARY DISTRICT  
\_\_\_\_\_

6. Indicate Environmental Determination by Lead Agency: LAFCO  
with respect to (indicate project) SEWER ANNEXATION  
Dated: 1-15-2021  
\_\_\_\_\_

**(COPY OF ENVIRONMENTAL DOCUMENTS MUST BE SUBMITTED WITH APPLICATION.)**



**IV. INDEMNIFICATION AGREEMENT**

As part of this Application, Applicant and its successors and assigns, shall indemnify, defend and hold harmless, LAFCo, its officials, officers, employees, agents, representatives, contractors and assigns from and against any and all claims, demands, liability, judgments, damages (including consequential damages), awards, interests, attorneys’ fees, costs and expenses of whatsoever kind or nature, at any time arising out of, or in any way connected with any legal challenges to or appeals associated with LAFCo’s review and/or approval of the Application (collectively, “Indemnification Costs”). Applicant’s obligation to indemnify, defend and hold harmless LAFCo, its officials, officers, employees, agents, representatives, contractors and assigns under this Agreement shall apply regardless of fault, to any acts or omissions, or negligent conduct, whether active or passive, on the part of the Applicant, LAFCo, its officials, officers, employees, agents, representatives, contractor or assigns. Applicant’s obligation to defend LAFCo, its officials, officers, employees, agents, representatives, contractor or assigns under this Agreement shall be at Applicant’s sole expense and using counsel selected or approved by LAFCo in LAFCo’s sole discretion.

In the event of a lawsuit, Applicant will be notified by LAFCo within three (3) business days of being served. An invoice will be submitted to the Applicant by LAFCo for an amount between \$10,000 and \$25,000 to cover a portion of the Indemnification Costs (“Reserve”), which shall depend upon the estimated cost to resolve the matter and shall be determined in LAFCo’s sole discretion. Applicant shall pay the Reserve to LAFCo within seven (7) calendar days of LAFCo’s request. The Reserve shall be applied against LAFCo’s final bill for the Indemnification Costs, with any unused portion to be returned to Applicant. LAFCo shall bill Applicant month for the Indemnification Costs, which shall be paid to LAFCo no later than 15 calendar days after receipt of LAFCo’s bill. LAFCo may stop defending the matter, if at any time LAFCo has not received timely payment of the Reserve and/or the Indemnification Costs. This will not relieve Applicant of any of its obligations pursuant to this Agreement.

As the Applicant I hereby attest with signature,

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

See signature page below

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title





III. INDEMNIFICATION AGREEMENT

As part of this Application, Applicant and its successors and assigns, shall indemnify, defend and hold harmless, LAFCo, its officials, officers, employees, agents, representatives, contractors and assigns from and against any and all claims, demands, liability, judgments, damages (including consequential damages), awards, interests, attorneys' fees, costs and expenses of whatsoever kind or nature, at any time arising out of, or in any way connected with any legal challenges to or appeals associated with LAFCo's review and/or approval of the Application (collectively, "Indemnification Costs"). Applicant's obligation to indemnify, defend and hold harmless LAFCo, its officials, officers, employees, agents, representatives, contractors and assigns under this Agreement shall apply regardless of fault, to any acts or omissions, or negligent conduct, whether active or passive, on the part of the Applicant, LAFCo, its officials, officers, employees, agents, representatives, contractor or assigns. Applicant's obligation to defend LAFCo, its officials, officers, employees, agents, representatives, contractor or assigns under this Agreement shall be at Applicant's sole expense and using counsel selected or approved by LAFCo in LAFCo's sole discretion.

In the event of a lawsuit, Applicant will be notified by LAFCo within three (3) business days of being served. An invoice will be submitted to the Applicant by LAFCo for an amount between \$10,000 and \$25,000 to cover a portion of the Indemnification Costs ("Reserve"), which shall depend upon the estimated cost to resolve the matter and shall be determined in LAFCo's sole discretion. Applicant shall pay the Reserve to LAFCo within seven (7) calendar days of LAFCo's request. The Reserve shall be applied against LAFCo's final bill for the Indemnification Costs, with any unused portion to be returned to Applicant. LAFCo shall bill Applicant month for the Indemnification Costs, which shall be paid to LAFCo no later than 15 calendar days after receipt of LAFCo's bill. LAFCo may stop defending the matter, if at any time LAFCo has not received timely payment of the Reserve and/or the Indemnification Costs. This will not relieve Applicant of any of its obligations pursuant to this Agreement.

As the Applicant I hereby attest with signature,

1-15-2021

Applicant Signature

Date

AARON SHRAYBMAN

Print Name

Title



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## V. PLAN FOR PROVIDING SERVICES (For City/Town or District Only)

This section to be completed by a city/town or district representative for all **applications initiated by resolution or as required by Executive Officer.**

1. Enumerate and describe services to be extended to the affected territory:

Police: \_\_\_\_\_

Fire: \_\_\_\_\_

Sewer: \_\_\_\_\_

Water: \_\_\_\_\_

Other: \_\_\_\_\_

2. Advise whether any of the affected agencies serving or expected to serve this site are current operating at or near capacity: \_\_\_\_\_

\_\_\_\_\_

3. Describe the level and range of services: \_\_\_\_\_

\_\_\_\_\_

4. Indicate when services can/will be extended to the affected territory:

\_\_\_\_\_

5. Note any improvements or upgrading of structures, roads, sewer or water facilities, or other conditions required within the affected territory: \_\_\_\_\_

\_\_\_\_\_



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

6. Describe financial arrangements for construction and operation of services extended to the affected territory. Will the territory be subject to any special taxes, charges or fees? (If so, please specify.)

---

---

This section completed by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Agency

\_\_\_\_\_  
Contact Email

\_\_\_\_\_  
Contact Number



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## AGENDA REPORT

August 12, 2021

Item No. 7 (Business Item)

**TO:** Local Agency Formation Commission

**FROM:** Jason Fried, Executive Officer

**SUBJECT:** Approvals on Items Related to CALAFCO Conference in October 2021

### Background

The California Association of Local Agency Formation Commissions (CALAFCO) is holding its annual conference from October 6-8 in Newport Beach at the Hyatt Regency. Each year CALAFCO holds the elections for half of the seats to its Board of Directors. The Board is broken into 4 regions with each region having 4 seats, one representing each type of LAFCo member (County, City/Town, Special District, and Public Member), with 2 of the seats up for election in any given year. Marin LAFCo is part of the Coastal Region which this cycle will be electing Board members who serve as City/Town and Public members. CALAFCO has sent out the nomination forms for its board members. Staff has forwarded that information to our City/Town and Public Members to let them know. As of the writing of this staff memo, no Marin LAFCo Commissioners that are eligible for these seats have told staff they want to run for the CALAFCO Executive Board. The Commission can nominate a candidate to serve in one of these seats (see attachment 1 for full details). In order to be included in the "Nomination of Candidates" packet that is sent prior to the conference, the nomination must be submitted by September 7. This will be our only meeting prior to that deadline, so if the Commission wants to make a nomination, the August 12 meeting is the one chance as a group to do so. Nominations can also be made at the conference during the regional breakout session but will not be included on the printed ballots.

In addition, Marin LAFCo will need to designate who our voting delegate and alternate delegate at the conference will be. The voting delegate needs to be present at the regional and business meeting to vote. This year the regional meeting takes place the morning of October 7 and the business meeting will be the morning of October 8. So far, only Sashi McEntee has let staff know she will be attending the conference and no other Commissioners have indicated they will be attending this year's conference. In recent history, Marin LAFCo has used the following order: Chair, Vice-Chair, Regular Member, Alternate Member, Staff, to determine voting delegate and alternate voting delegate status. The Commission in the past has also given authority to the Chair to make any needed adjustments to the voting and alternate delegate based on changes on who will be able to attend.

For those on the Commission in 2019, you may recall that CALAFCO redid its membership fee structure. This dramatically changed the fee that some LAFCos paid and how much each region paid but did nothing to change the number of counties in each region. In 2019 the Commission wanted this brought up to CALAFCO since, as the following chart shows, our region pays almost twice the Southern Region total. The following chart was created in 2019 to show the breakdown.

#### Administrative Office

Jason Fried, Executive Officer  
1401 Los Gatos Drive, Suite 220  
San Rafael, California 94903  
T: 415-448-5877 E: staff@marinlafco.org  
www.marinlafco.org

Damon Connolly, Regular  
County of Marin

Judy Arnold, Regular  
County of Marin

Dennis Rodoni, Alternate  
County of Marin

Sashi McEntee, Chair  
City of Mill Valley

Barbara Coler, Regular  
Town of Fairfax

James Campbell, Alternate  
City of Belvedere

Lew Kious, Vice Chair  
Almonte Sanitary District

Craig K. Murray, Regular  
Las Gallinas Valley Sanitary

Tod Moody, Alternate  
Sanitary District #5

Larry Loder, Regular  
Public Member

Richard Savel, Alternate  
Public Member

| Region   | # of Counties | 2019-2020 Dues | 2020-21 Dues | Difference | % change |
|----------|---------------|----------------|--------------|------------|----------|
| Central  | 19            | \$70,719       | \$94,477     | \$23,758   | 33%      |
| Coastal  | 15            | \$87,583       | \$113,276    | \$25,693   | 29%      |
| Northern | 18            | \$25,908       | \$35,243     | \$9,335    | 36%      |
| Southern | 6             | \$55,141       | \$57,013     | \$1,872    | 3%       |
| Total    | 58            | \$239,351      | \$300,009    | \$60,658   | 25%      |

There was no conference last year and to staff's knowledge, nothing has been done about this issue by CALAFCO. Staff would like the Commission to discuss if they want to keep working on this issue or drop it. If the Commission wants to keep working on this item, the CALAFCO conference would be a good place to build support and get the E-Board of CALAFCO to start working on this matter. Staff would update the chart and create a memo to share with others at CALAFCO conference to build the support required to achieve the needed changes.

Finally, each Commissioner will need to decide if they wish to attend. Should any Commissioner plan to attend, please let staff know so proper reservations can be made on your behalf.

### **Recommendation for Action**

Staff Recommendation – Staff views these matters as a decision for the Commission. Should the Commission wish to make nominations for the CALAFCO Board of Directors they should do so tonight. In addition, the Commission should decide on who the voting and alternate delegates will be for the Conference along with any issues they wish to raise with CALAFCO.

Attachment:

- 1) CALAFCO Board of Directors Nomination packet

June 1, 2021

**To:** Local Agency Formation Commission  
Members and Alternate Members

**From:** Gay Jones, Committee Chair  
CALAFCO Board Election Committee  
CALAFCO Board of Directors

**CALAFCO**



**RE: Nominations for 2021/2022 CALAFCO Board of Directors**

Nominations are now open for the fall elections of the CALAFCO Board of Directors. Serving on the CALAFCO Board is a unique opportunity to work with other commissioners throughout the state on legislative, fiscal and operational issues that affect us all. The Board meets four to five times each year at alternate sites around the state. Any LAFCo commissioner or alternate commissioner is eligible to run for a Board seat.

CALAFCO's Election Committee is accepting nominations for the following seats on the CALAFCO Board of Directors:

**Central Region**

City Member  
Public Member

**Southern Region**

County Member  
District Member

**Northern Region**

County Member  
District Member

**Coastal Region**

City Member  
Public Member

The election will be conducted during Regional Caucuses at the CALAFCO Annual Conference prior to the Annual Membership Meeting on Thursday, October 7, 2021 at the Hyatt Regency in Newport Beach at the John Wayne Airport, CA.

**Please inform your Commission that the CALAFCO Election Committee is accepting nominations for the above-cited seats until *Tuesday, September 7, 2021 at 5:00 p.m.***

Incumbents are eligible to run for another term. Nominations received by September 7 will be included in the Election Committee's Report and will be on the ballot. The Report will be distributed to LAFCo members no later than September 23, 2021 and ballots made available to Voting Delegates at the Annual Conference. Nominations received after this date will be returned; however, nominations will be permitted from the floor during the Regional Caucuses or during at-large elections, if required, at the Annual Membership Meeting.

For those member LAFCos who cannot send a representative to the Annual Meeting an electronic ballot will be made available if requested in advance. **The ballot request must be made no later than Tuesday, September 7, 2021. Completed absentee ballots must be returned by 8:00 a.m., Monday, October 4, 2021.**

*Should your Commission nominate a candidate, the Chair of your Commission must complete the attached Nomination Form and the Candidate's Resume Form or provide the specified information in another format other than a resume. Commissions may also include a letter of recommendation or resolution in support of their nominee.*



**The nomination forms and materials must be received by the CALAFCO Executive Director no later than Tuesday, September 7, 2021 at 5:00 p.m.** Here is a summary of the deadlines for this year's nomination process:

- **June 1** – Nomination Announcement and packet sent to LAFCo membership and posted on the CALAFCO website.
- **September 7** – Completed Nomination packet due
- **September 7** – Request for an absentee/electronic ballot due
- **September 7** – Voting delegate name due to CALAFCO
- **September 23** – Distribution of the Election Committee Report (includes all completed/submitted nomination papers)
- **September 23** – Distribution of requested absentee/electronic ballots.
- **October 4** – Absentee ballots due to CALAFCO
- **October 7** - Elections

Returning the nomination form prior to the deadline ensures your nominee is placed on the ballot. Names will be listed in the order nominations were received should there be multiple candidates. Electronic filing of nomination forms and materials is encouraged to facilitate the recruitment process. Please send e-mails with forms and materials to [info@calafco.org](mailto:info@calafco.org). Alternatively, nomination forms and materials can be mailed to the address below. Please forward nominations to:

CALAFCO Election Committee c/o Executive Director  
California Association of Local Agency Formation Commissions  
1020 12<sup>th</sup> Street, Suite 222  
Sacramento, California 95814  
EMAIL: [info@calafco.org](mailto:info@calafco.org)

Questions about the election process can be sent to the Chair of the Committee, Gay Jones, at [gjones@calafco.org](mailto:gjones@calafco.org) or by calling her at 916-208-0736. You may also contact CALAFCO Executive Director Pamela Miller at [pmiller@calafco.org](mailto:pmiller@calafco.org) or by calling 916-442-6536.

Members of the 2021/2022 CALAFCO Election Committee are:

|   |   |
|---|---|
| Gay Jones, Chair<br><a href="mailto:gjones@calafco.org">gjones@calafco.org</a>  | Sacramento LAFCo (Central Region)<br>916-208-0736 |
| Blake Inscore<br><a href="mailto:binscore@calafco.org">binscore@calafco.org</a> | Del Norte LAFCo (Northern Region)<br>707-951-0517 |
| Chris Lopez<br><a href="mailto:clopez@calafco.org">clopez@calafco.org</a>       | Monterey LAFCo (Coastal Region)<br>831-755-5033   |
| David West<br><a href="mailto:dwest@calafco.org">dwest@calafco.org</a>          | Imperial LAFCo (Southern Region)<br>760-352-3411  |

Attached please find a copy of the CALAFCO Board of Directors Nomination and Election Procedures as well as the current listing of Board Members and corresponding terms of office.

*Please consider joining us!*

Enclosures

## **Board of Directors Nomination and Election Procedures and Forms**

The procedures for nominations and election of the CALAFCO Board of Directors [Board] are designed to assure full, fair and open consideration of all candidates, provide confidential balloting for contested positions and avoid excessive demands on the time of those participating in the CALAFCO Annual Conference.

The Board nomination and election procedures shall be:

### **1. APPOINTMENT OF AN ELECTION COMMITTEE:**

- a. Following the Annual Membership Meeting the Board shall appoint an Election Committee of four members of the Board. The Election Committee shall consist of one member from each region whose term is not ending.<sup>8</sup>
- b. The Board shall appoint one of the members of the Election Committee to serve as Chairman. The CALAFCO Executive Officer shall appoint a CALAFCO staff member to serve as staff for the Election Committee in cooperation with the CALAFCO Executive Director.<sup>8</sup>
- c. Each region shall designate a regional representative to serve as staff liaison to the Election Committee.<sup>8</sup>
- d. Goals of the Committee are to provide oversight of the elections process and to encourage and solicit candidates by region who represent member LAFCoS across the spectrum of geography, size, and urban suburban and rural population if there is an open seat for which no nominations papers have been received close to the deadline.<sup>8</sup>

### **2. ANNOUNCEMENT TO ALL MEMBER LAFCoS:**

- a. No later than three months prior to the Annual Membership Meeting, the Election Committee Chair shall send an announcement to each LAFCo for distribution to each commissioner and alternate. The announcement shall include the following:<sup>8</sup>
  - i. A statement clearly indicating which offices are subject to the election.
  - ii. A regional map including LAFCoS listed by region.
  - iii. The dates by which all nominations must be received by the Election Committee. The deadline shall be no later than 30 days prior to the opening of the Annual Conference. Nominations received after the closing date shall be returned to the proposing LAFCo marked "Received too late for Elections Committee action."<sup>8</sup>
  - iv. The names of the Election Committee members with the Committee Chairman's LAFCo address and phone number, and the names and contact information for each of the regional representatives.<sup>8</sup>
  - v. The address to send the nominations forms.
  - vi. A form for a Commission to use to nominate a candidate and a candidate resume form of no more than one page each to be completed for each nominee.
- b. No later than four months before the annual membership meeting, the Election Committee Chairman shall send an announcement to the Executive Director for distribution to each member LAFCo and for publication in the newsletter and on the web site. The

**Key Timeframes for  
Nominations Process**

| <u>Days*</u> |                           |
|--------------|---------------------------|
| 90           | Nomination announcement   |
| 30           | Nomination deadline       |
| 14           | Committee report released |

\*Days prior to annual membership meeting

announcement shall include the following:<sup>8</sup>

- i. A statement clearly indicating which offices are subject to the election.
  - ii. The specific date by which all nominations must be received by the Election Committee. Nominations received after the closing dates shall be returned to the proposing LAFCo marked "Received too late for Election Committee action."<sup>8</sup>
  - iii. The names of the Election Committee members with the Committee Chair's LAFCo address and phone number, and the names and contact information for each of the regional representatives.<sup>8</sup>
  - iv. Requirement that nominated individual must be a commissioner or alternate commissioner from a member in good standing within the region.
- c. A copy of these procedures shall be posted on the web site.

### **3. THE ELECTION COMMITTEE:**

- a. The Election Committee and the regional representatives have the responsibility to monitor nominations and help assure that there are adequate nominations from each region for each seat up for election. No later than two weeks prior to the Annual Conference, the Election Committee Chair shall distribute to the members the Committee Report organized by regions, including copies of all nominations and resumes, which are received prior to the end of the nomination period.<sup>8</sup>
- b. At the close of the nominations the Election Committee shall prepare regional ballots. Each region will receive a ballot specific to that region. Each region shall conduct a caucus at the Annual Conference for the purpose of electing their designated seats. Caucus elections must be held prior to the annual membership meeting at the conference. The Executive Director or assigned staff along with a member of the Election Committee shall tally ballots at each caucus and provide the Election Committee the names of the elected Board members and any open seats. In the event of a tie, the staff and Election Committee member shall immediately conduct a run-off ballot of the tied candidates.<sup>8</sup>
- c. Make available sufficient copies of the Committee Report for each Voting Delegate by the beginning of the Annual Conference.
- d. Make available blank copies of the nomination forms and resume forms to accommodate nominations from the floor at either the caucuses or the annual meeting (if an at-large election is required).
- e. Advise the Executive Director to provide "CANDIDATE" ribbons to all candidates attending the Annual Conference.<sup>8</sup>
- f. Post the candidate statements/resumes organized by region on a bulletin board near the registration desk.
- g. Regional elections shall be conducted as described in Section 4 below. The representative from the Election Committee shall serve as the Presiding Officer for the purpose of the caucus election.<sup>8</sup>
- h. Following the regional elections, in the event that there are open seats for any offices subject to the election, the Election Committee Chair shall notify the Chair of the Board of Directors that an at-large election will be required at the annual membership meeting and to provide a list of the number and category of seats requiring an at-large election.<sup>8</sup>

**4. ELECTRONIC BALLOT FOR LAFCO IN GOOD STANDING NOT ATTENDING ANNUAL MEETING<sup>6</sup>**  
Limited to the elections of the Board of Directors

- a. Any LAFCo in good standing shall have the option to request an electronic ballot if there will be no representative attending the annual meeting.
- b. LAFCOs requesting an electronic ballot shall do so in writing no later than 30 days prior to the annual meeting.
- c. The Executive Director shall distribute the electronic ballot no later than two weeks prior to the annual meeting.
- d. LAFCo must return the ballot electronically to the executive director no later than three days prior to the annual meeting.
- e. LAFCOs voting under this provision may discard their electronic ballot if a representative is able to attend the annual meeting.
- f. LAFCOs voting under this provision may only vote for the candidates nominated by the Election Committee and may not vote in any run-off elections.<sup>8</sup>

**5. AT THE TIME FOR ELECTIONS DURING THE REGIONAL CAUCUSES OR ANNUAL MEMBERSHIP MEETING:**

- a. The Election Committee Chairman, another member of the Election Committee or the Chair's designee (hereafter called the Presiding Officer) shall:<sup>8</sup>
  - i. Review the election procedure with the membership.
  - ii. Present the Election Committee Report (previously distributed).
  - iii. Call for nominations from the floor by category for those seats subject to this election:
    1. For city member.
    2. For county member.
    3. For public member.
    4. For special district member.
- b. To make a nomination from the floor, a LAFCo, which is in good standing, shall identify itself and then name the category of vacancy and individual being nominated. The nominator may make a presentation not to exceed two minutes in support of the nomination.
- c. When there are no further nominations for a category, the Presiding Officer shall close the nominations for that category.
- d. The Presiding Officer shall conduct a "Candidates Forum". Each candidate shall be given time to make a brief statement for their candidacy.
- e. The Presiding Officer shall then conduct the election:
  - i. For categories where there are the same number of candidates as vacancies, the Presiding Officer shall:

1. Name the nominees and offices for which they are nominated.
2. Call for a voice vote on all nominees and thereafter declare those unopposed candidates duly elected.
- ii. For categories where there are more candidates than vacancies, the Presiding Officer shall:
  1. Poll the LAFCoS in good standing by written ballot.
  2. Each LAFCo in good standing may cast its vote for as many nominees as there are vacancies to be filled. The vote shall be recorded on a tally sheet.
  3. Any ballots submitted electronically for candidates included in the Election Committee Report shall be added to the tally.<sup>8</sup>
  4. With assistance from CALAFCO staff, tally the votes cast and announce the results.
- iii. Election to the Board shall occur as follows:
  1. The nominee receiving the majority<sup>6</sup> of votes cast is elected.
  2. In the case of no majority, the two nominees receiving the two highest number of votes cast shall face each other in a run-off election. Electronic ballots are not included in the tally for any run-off election(s).<sup>6</sup>
  3. In case of tie votes<sup>6</sup>:
    - a. A second run-off election shall be held with the same two nominees.
    - b. If there remains a tie after the second run-off, the winner shall be determined by a draw of lots.
  4. In the case of two vacancies, any candidate receiving a majority of votes cast is elected.<sup>6</sup>
    - a. In the case of no majority for either vacancy, the three nominees receiving the three highest number of votes cast shall face each other in a run-off election.
    - b. In the case of no majority for one vacancy, the two nominees receiving the second and third highest number of votes cast shall face each other in a run-off election.
    - c. In the event of a tie, a second run-off election shall be held with the tied nominees. If there remains a tie after the second run-off election the winner shall be determined by a draw of lots.

## **6. ADDITIONAL PROCEDURES**

- a. For categories where there are more candidates than vacancies, names will be listed in the order nominated.
- b. The Election Committee Chair shall announce and introduce all Board Members elected at the Regional Caucuses at the annual business meeting.<sup>8</sup>
- c. In the event that Board seats remain unfilled after a Regional Caucus, an election will be held immediately at the annual business meeting to fill the position at-large. Nominations will be taken from the floor and the election process will follow the procedures described in Section 4 above. Any commissioner or alternate from a member LAFCo may be nominated

- for at-large seats.
- d. Seats elected at-large become subject to regional election at the expiration of the term. Only representatives from the region may be nominated for the seat.
- e. As required by the Bylaws, the members of the Board shall meet as soon as possible after election of new board members for the purpose of electing officers, determining meeting places and times for the coming year, and conducting any other necessary business.

**7. LOSS OF ELECTION IN HOME LAFCo**

Board Members and candidates who lose elections in their home office shall notify the Executive Director within 15 days of the certification of the election.

**8. FILLING BOARD VACANCIES**

Vacancies on the Board of Directors may be filled by appointment by the Board for the balance of the unexpired term. Appointees must be from the same category as the vacancy, and should be from the same region.

**FOUR REGIONS**





The counties in each of the four regions consist of the following:

**Northern Region**

Butte  
Colusa  
Del Norte  
Glenn  
Humboldt  
Lake  
Lassen  
Mendocino  
Modoc  
Nevada  
Plumas  
Shasta  
Sierra  
Siskiyou  
Sutter  
Tehama  
Trinity  
Yuba

**CONTACT:** Steve Lucas  
Butte LAFCo  
slucas@buttecounty.net

**Southern Region**

Orange  
Los Angeles  
Imperial  
Riverside  
San Bernardino  
San Diego

**CONTACT:** Gary Thompson  
Riverside LAFCo  
gthompson@lafco.org

**Coastal Region**

Alameda  
Contra Costa  
Marin  
Monterey  
Napa  
San Benito  
San Francisco  
San Luis Obispo  
San Mateo  
Santa Barbara  
Santa Clara  
Santa Cruz  
Solano  
Sonoma  
Ventura

**CONTACT:** Martha Poyatos  
San Mateo LAFCo  
mpoyatos@smcgov.org

**Central Region**

Alpine  
Amador  
Calaveras  
El Dorado  
Fresno  
Inyo  
Kern  
Kings  
Madera  
Mariposa  
Merced  
Mono  
Placer  
Sacramento  
San Joaquin  
Stanislaus  
Tulare  
Tuolumne  
Yolo

**CONTACT:** Christine Crawford, Yolo LAFCo  
christine.crawford@yolocounty.org

**CALAFCO Board Members 2020-21***(as of June 1, 2021)*

| <b>Board Member Name</b>                     | <b>LAFCo - Region</b>            | <b>Type<br/>(Term Expires)</b> |
|--|----------------------------------|--------------------------------|
| Bill Connelly - <b>Secretary</b>             | Butte - <i>Northern</i>          | County (2021)                  |
| David Couch                                  | Humboldt - <i>Northern</i>       | District (2021)                |
| Blake Inscore                                | Del Norte - <i>Northern</i>      | City (2022)                    |
| Gay Jones                                    | Sacramento - <i>Central</i>      | District (2022)                |
| Michael Kelley – <b>Chair</b>                | Imperial - <i>Southern</i>       | County (2021)                  |
| Christopher Lopez                            | Monterey – <i>Coastal</i>        | County (2022)                  |
| Daron McDaniel                               | Merced – <i>Central</i>          | County (2022)                  |
| Michael McGill – <b>Immediate Past Chair</b> | Contra Costa - <i>Coastal</i>    | District (2022)                |
| Jo MacKenzie                                 | San Diego - <i>Southern</i>      | District (2021)                |
| Margie Mohler - <b>Treasurer</b>             | Napa - <i>Coastal</i>            | City (2021)                    |
| Tom Murray                                   | San Luis Obispo - <i>Coastal</i> | Public (2021)                  |
| Anita Paque – <b>Vice Chair</b>              | Calaveras - <i>Central</i>       | Public (2021)                  |
| Daniel Parra                                 | Fresno - <i>Central</i>          | City (2021)                    |
| Josh Susman                                  | Nevada - <i>Northern</i>         | Public (2022)                  |
| Acquanetta Warren                            | San Bernardino – <i>Southern</i> | City (2022)                    |
| David West                                   | Imperial - <i>Southern</i>       | Public (2022)                  |

## Board of Directors 2021/2022 Nominations Form

### *Nomination to the CALAFCO Board of Directors*

In accordance with the Nominations and Election Procedures of CALAFCO,

\_\_\_\_\_ LAFCo of the \_\_\_\_\_ Region

Nominates \_\_\_\_\_

for the (check one)     City     County     Special District     Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual Membership Meeting of the Association.

\_\_\_\_\_  
LAFCo Chair

\_\_\_\_\_  
Date

#### **NOTICE OF DEADLINE**

Nominations must be received by **September 7, 2021** at 5:00 p.m. to be considered by the Election Committee.

Send completed nominations to:

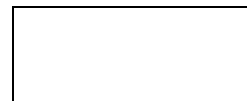
CALAFCO Election Committee

CALAFCO

1020 12<sup>th</sup> Street, Suite 222

Sacramento, CA 95814

Or email to: [info@calafco.org](mailto:info@calafco.org)



**Board of Directors  
2021/2022 Candidate Resume Form  
(Complete both pages)**

Nominated By: \_\_\_\_\_ LAFCo Date: \_\_\_\_\_

Region (please check one):  Northern  Coastal  Central  Southern

Category (please check one):  City  County  Special District  Public

Candidate Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Office \_\_\_\_\_ Mobile \_\_\_\_\_

e-mail \_\_\_\_\_

Personal and Professional Background:

LAFCo Experience:

CALAFCO or State-level Experience:

Availability:

Other Related Activities and Comments:

**NOTICE OF DEADLINE**

Nominations must be received by **September 7, 2021**  
at 5:00 p.m. to be considered by the Election Committee.  
Send completed nominations to:  
CALAFCO Election Committee  
CALAFCO  
1020 12<sup>th</sup> Street, Suite 222  
Sacramento, CA 95814

Or email to: [info@calafco.org](mailto:info@calafco.org)



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

**AGENDA REPORT**  
August 12, 2021  
Item No. 8 (Business Item)

**TO:** Local Agency Formation Commission  
**FROM:** Jason Fried, Executive Officer  
**SUBJECT:** Approvals for Marin LAFCo to enter into an MOU with SECURE

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## Background

Marin LAFCo for some time now has been working to go paperless whenever possible. Most of the LAFCo application process can be done paperless now. One of the steps that can't be done paperless is the filling of the Certificate of Completion with the County Recorders Office. In the early 2000s, four Southern California county recorders offices created the Statewide Electronic Courier Universal Recording Environment (SECURE). SECURE allows for the electronic filing of all documents with county recorders offices that have joined the system. Since its creation, a dozen other counties' recorders offices have joined SECURE, including Marin County.

In order to use SECURE, an agency needs to have certain IT standards in place. Fort Point, our IT consultants, have reviewed the requirements and have told staff we either currently have the items in place or they can modify our current set-up to allow for us to meet all of the requirements to use the system. In addition, LAFCo needs to agree to the attached MOU with SECURE.

By joining SECURE it will allow staff to remotely file all Certificates of Completion remotely, saving staff time.

## Recommendation for Action

Staff Recommendation Option 1 - Authorize the Executive Officer to sign the attached MOU with SECURE.

Alternative Option 2 – Make no decision today and give staff instructions on next steps.

Attachment:

- 1) MOU with SECURE

### Administrative Office

Jason Fried, Executive Officer  
1401 Los Gatos Drive, Suite 220  
San Rafael, California 94903  
T: 415-448-5877 E: staff@marinlafco.org  
www.marinlafco.org

Damon Connolly, Regular  
County of Marin

Judy Arnold, Regular  
County of Marin

Dennis Rodoni, Alternate  
County of Marin

Sashi McEntee, Chair  
City of Mill Valley

Barbara Coler, Regular  
Town of Fairfax

James Campbell, Alternate  
City of Belvedere

Lew Kious, Vice Chair  
Almonte Sanitary District

Craig K. Murray, Regular  
Las Gallinas Valley Sanitary

Tod Moody, Alternate  
Sanitary District #5

Larry Loder, Regular  
Public Member

Richard Savel, Alternate  
Public Member



**MEMORANDUM OF UNDERSTANDING  
BETWEEN OWNER COUNTIES AND GOVERNMENT PARTICIPANTS  
FOR THE USE OF THE SECURE GOVERNMENT TO GOVERNMENT (G2G)  
PORTAL**

THIS MEMORANDUM OF UNDERSTANDING (“**MOU**” or “**Agreement**”), made and entered into on \_\_\_\_\_, is between the counties of Los Angeles, Orange, Riverside, and San Diego (hereinafter collectively referred to as “**Owners**”) that own the Statewide Electronic Courier Universal Recording Environment (“**SECURE**”) with the Orange County Clerk-Recorder acting on their behalf as the Lead County, and \_\_\_\_\_ the submitting party (“**Government Agency**”), recording electronically through the SECURE Government to Government (**G2G**) Portal. The Owners and Government Agency are collectively referred to as the “Parties.” **Please write information above in pen. SECURE Support will type it into the final before it is fully executed.**

**WHEREAS**, California Government Code Section 27279(b) states “[t]he recorder of any county may, in lieu of a written paper, accept for recording digitized images, digital images, or both, of a recordable instrument, paper, or notice if [. . .] [t]he requester and addressee for delivery of the recorded images are the same and can be readily identified as a local or state government entity, or an agency, branch, or instrumentality of the federal government.”

**WHEREAS**, the Counties of Orange, Los Angeles, Riverside and San Diego are the Owners of the SECURE G2G Portal; and

**WHEREAS**, the SECURE G2G Portal functions as a separate portal under the same security framework as the existing SECURE system; and

**WHEREAS**, the Counties of Orange, Los Angeles, Riverside and San Diego entered into an agreement dated August 19, 2008 to share the ownership and ongoing maintenance of a multi-county G2G electronic recording portal; and

**WHEREAS**, Orange County is the “Lead County” in supporting this SECURE G2G Portal and is responsible for executing any agreements with participants with the approval of the other Owners.

**NOW THEREFORE**, the Parties, for and in consideration of the mutual promises and agreements herein continued, do agree to the following:

**1. DEFINITIONS**

- A. Owners:** means the Counties of Los Angeles, Orange, Riverside and San Diego Counties.
- B. Lead County:** means the County of Orange as the designated lead in developing and supporting the multi-county system and responsible for handling the administrative

functions, negotiating and executing any contract relating to the support and maintenance of SECURE.

- C. Partner County or Partner Counties:** means non-owner counties that have contracted to use SECURE.
- D. SECURE G2G Portal:** means the SECURE Government to Government Portal.
- E. Government Agency:** means a government entity, other government agency, or a county department of the Owners that submits batches of documents electronically to an Owner or Partner County using the SECURE G2G Portal for the purpose of electronically recording under this MOU.
- F. SECURE:** means the Statewide Electronic Courier Universal Recording Environment used by multiple counties to electronically receive and return documents for recording.
- G. Government to Government:** means the acts of a county recorder recording a document for a Government Agency through the SECURE G2G Portal.
- H. Operational Issues:** means issues regarding the business rules that dictate what can be recorded by an individual Owner county or Partner County.
- I. Technical Issues:** means issues regarding how the SECURE G2G Portal electronically receives and returns recordable documents.
- J. Infrastructure:** means the non-software components used to electronically receive and return recordable documents through the SECURE G2G Portal.

## **2. PURPOSE**

The purpose of this MOU is to define the requirements, rules and policies needed for Parties to share in the use of the SECURE G2G Portal to electronically record documents in a secure electronic recording environment.

## **3. TERM**

This Agreement shall become effective upon the signature of the Parties for a term of 5 years unless terminated in writing by either party in accordance with this Agreement. The parties, by written agreement, may extend the agreement for no more than one additional year.

## **4. FEES and COST**

Government Agency is exempt from fees for SECURE G2G Portal system use, maintenance and technical support. Government Agency may be held responsible to pay any other applicable fees, taxes, and other charges, however denominated, for the recordation of

documents. Government Agency is responsible for startup costs, which may include reimbursements for setup and tokens if applicable.

## **5. Eligibility**

Established Government Agencies at the local, state or federal level, as defined below, will be allowed to submit legal documents for electronic recording through the SECURE G2G Portal pursuant to California Government Code section 27279(b), which states in part “[t]he recorder of any county may, in lieu of a written paper, accept for recording digitized images, digital images, or both, of a recordable instrument, paper, or notice if [. . .] [t]he requester and addressee for delivery of the recorded images are the same and can be readily identified as a local or state government entity, or an agency, branch, or instrumentality of the federal government.”

## **6. SECURE G2G Portal Recording Requirements**

SECURE G2G Portal recording requirements and specifications are generally set forth in Attachment A and Attachment B, incorporated herein by reference, to this Agreement.

- 6.1 Government Agency shall comply with any and all requirements and specifications of the Agreement and in Attachments A and B (collectively Attachments).
- 6.2 Government Agency understands that the requirements and specifications may change from time to time.
- 6.3 Government Agency understands that the requirements and specifications set forth in the attachments could be specific to individual Owner or Partner Counties.
- 6.4 Government Agency acknowledges that the recording requirements and specifications contained in the attachments may not be exhaustive of the recording requirements for the individual Owners and Partner Counties.
- 6.5 Owners will provide written notice to the Government Agency within 30 days if there are any changes to the requirements or specifications.
- 6.6 Attachment A – Provides the technical specifications including submission methods, communication protocol security framework and imaging standards.
- 6.7 Attachment B – Contains the processing schedules, hours of operation, policies, sample document types and authority, technical service contact and security incident contact information for electronic recording with each individual Owner or Partner County.

## **7. Government Agency Acknowledgments and Responsibilities**

- 7.1 Government Agency must supply all electronic recording equipment, i.e., computer, monitor, scanner, printer, an internet connection and a token from the Lead County, if applicable.

- 7.2 The electronic documents or records shall be considered the “original” record of the transaction in substitution for, and with the same intended effect as, paper documents or records. In the case that such documents or records bear a digital or electronic signature, those signatures shall have the same effect as paper documents or records bearing handwritten signatures.
- 7.3 Government Agency is responsible for the accuracy, completeness and content of documents submitted for recording through the G2G portal.
- 7.4 Government Agency shall immediately notify Lead County of any security incident, including but not limited to attempts at or actual unauthorized access which could compromise or otherwise adversely affect SECURE’s data systems.
- 7.5 Government Agency shall ensure that all security measures and credentials implemented are protected. Government Agency assumes all responsibility for documents submitted through unique credentials provided to Government Agency for the purposes of engaging in G2G recording.
- 7.6 Government Agency is responsible for receiving and verifying receipt of documents recorded to ensure that the source of the receipt is the county where the document was to be recorded.
- 7.7 Government Agency shall address all Operational Issues related to the electronic recording process with the individual Owner or Partner Counties.
- 7.8 Government Agency shall notify the Lead County of all problems involving Technical Issues. Government Agency shall work in good faith with the Lead County to resolve any Technical Issues. Resolution of Technical Issues may require Government Agency to provide onsite access to Lead County.
- 7.9 Government Agency shall comply with each county’s individual recording requirements. Government Agency’s submission of a document via the SECURE G2G Portal for transmission to a particular county for recording does not guarantee the document will be recorded by that individual county. Each Owner or Partner County may have its own specific requirements for the recordation of documents including, but not limited to, document types authorized for recording and payment methods. Documents not meeting a county’s specific requirements for recording may be rejected by the respective county.
- 7.10 Following the electronic recordation of a document, Government Agency agrees to deliver the original document and/or notify the real party in interest.

## **8. Lead County Responsibilities**

- 8.1 Lead County shall conduct ongoing monitoring of the SECURE G2G Portal to protect the integrity of the transmission process.
- 8.2 Lead County shall test and maintain the SECURE G2G Portal software and hardware.
- 8.3 If the SECURE G2G Portal experiences delays or power failures that interfere with the normal course of business, the Lead County will work with the individual Owner or Partner County and Government Agency until the problem has been remedied.
- 8.4 Lead County will coordinate the SECURE G2G Portal administration, training, policy creation, access control and establishment of contracts required for Government Agency to submit to Partner Counties.
- 8.5 Lead County shall facilitate communication between Government Agency and Owner or Partner Counties.

## **9. SECURE G2G Portal Review**

Government Agency's right to submit documents under this Agreement is subject to Owners review and acceptance of Government Agency's standards and procedures. Such approval will not be unreasonably withheld by Owners. This review is to confirm that all requirements of this Agreement are met.

## **10. General Recording Requirements**

Submission, acceptance, recording and rejection of any document must comply with all applicable federal, state and local laws. County specific recording requirements are generally set forth in Attachment B.

## **11. Suspension**

Lead County, with the concurrence of all the other Owners, may suspend Government Agency's submission of documents to the SECURE G2G Portal, restrict access, or deny access to Government Agency and any of Government Agency's individual staff members at any time in its sole discretion as it deems necessary.

Notice of suspension will be immediately provided to Government Agency by Lead County on behalf of Owners. Government Agency may resume submission upon satisfactory resolution of the reason for suspension after notification from the Lead County. Whether a matter is resolved is determined solely by the SECURE Owners.

The following is a non-exhaustive list of reasons for suspension:

- 11.1 To protect the public interest.
- 11.2 To protect the integrity of public records.

11.3 To protect real property owners from financial harm.

11.4 To prevent fraud.

11.5 For Government Agency's violation of, or to prevent the violation of, any federal, state, or local law.

11.6 For Government Agency's failure to notify Lead County of modifications which could compromise or otherwise adversely affect SECURE's data systems.

11.7 For Government Agency's default of any provision of this Agreement.

## **12. Limitation of Liability**

Owners and Partner Counties shall be held harmless from and not incur any liability for any damages whatsoever caused either directly or indirectly for:

12.1 Information electronically transmitted by the Government Agency.

12.2 Any breach of security, fraud or deceit resulting from electronic recording.

12.3 Damages resulting from software, hardware, or other equipment failure.

12.4 Delays or power failures that interfere with the normal course of electronic recording.

12.5 Restricting or terminating Government Agency's ability to electronically record documents.

12.6 Claims, disputes or legal actions concerning an electronic transaction, including, but not limited to, the accuracy, completeness or content of documents submitted for recording.

12.7 Government Agency, Owners and Partner Counties shall not be liable to each other for:

12.7.1 Any special, incidental, exemplary or consequential damages arising from or as a result of any delay, omission or error in the electronic recording transmission or receipt.

12.7.2 Any failure to perform processing of the transactions and documents where such failure is beyond the party's reasonable control (including, without limitation, any mechanical, electronic or communications failure, which prevents the parties from transmitting or receiving the electronic recording transactions).

12.7.3 Except for payment and indemnity obligations hereunder, any cessation, interruption or delay in the performance of an obligation hereunder due to



earthquake, flood, fire, storm, natural disaster, act of God, war, armed conflict, terrorist action, labor strike, lockout boycott, provided that the party relying upon this paragraph: (a) shall have given the other party written notice thereof promptly and, in any event within five (5) days of discovery thereof and, (b) shall take all reasonable steps reasonably necessary under the circumstances to mitigate the effects of the force majeure event upon which such notice is based in the event the force majeure event described in this paragraph extends for a period in excess of three (3) days.

### **13. Indemnification**

- 13.1 Owners shall not be responsible for any damage or liability occurring by reason of any acts or omissions on the part of Government Agency under or in connection with any work, authority or jurisdiction delegated or determined to be the responsibility of Government Agency under this Agreement. It is also understood and agreed that pursuant to Government Code Section 895.4, Government Agency shall fully indemnify, defend, and hold Owners and their respective officers, employees, and agents harmless from, and against, any claims, demands, liability, damages, costs (including attorney's fees), and expenses, including, without limitation, those involving bodily injury, death, or personal injury of any person or property damage of any nature whatsoever (collectively "Claims"), arising from, or related to, any acts or omissions on the part of the Government Agency under or in connection with any work, authority or jurisdiction delegated to or determined to be the responsibility of Government Agency under this Agreement, except to the extent caused by the sole negligence or willful misconduct of the Owners. This provision shall survive termination or expiration of this Agreement.
- 13.2 Notwithstanding section 13.1 above, in the event the Government Agency under this Agreement is a county department of an Owner, such Government Agency's indemnification obligations to each other Owner hereunder shall not exceed each Owner's indemnification obligations under that certain Multi-County Agreement Between the Counties of Los Angeles, Orange, Riverside, and San Diego for Shared Ownership and Ongoing Maintenance of an Electronic Recording Delivery System (the "Multi-County Agreement").
- 13.3 In the event of fraud that arises directly or indirectly from Government Agency's submission of a document through the SECURE G2G Portal for electronic recording that impacts the value of or title to real estate, Government Agency shall defend and indemnify the Owners against any Claims (as defined in section 13.1, above) for any G2G electronic recording transaction in which the Government Agency engages.

### **14. Termination**

- 14.1 Either party may terminate this Agreement for any reason by providing 30 calendar days' written notice of termination.
- 14.2 Owners may terminate this Agreement immediately if Government Agency is in default of any of the terms of this Agreement.

14.3 Notwithstanding any other provision of this Agreement, the Owners may terminate this Agreement immediately at any time in its sole discretion as it deems necessary. The following is a non-exhaustive list of reasons for termination:

14.3.1 To protect the public interest.

14.3.2 To protect the integrity of public records.

14.3.3 To protect real property owners from financial harm.

14.3.4 To prevent fraud.

14.3.5 For Government Agency's violation of, or to prevent the violation of, any federal, state or local law.

14.4 The indemnification and limitation of liability provisions of this Agreement shall survive any termination of this Agreement.

## **15. Dispute Resolution**

Owners and Government Agency will attempt, in good faith, to resolve any controversy or claim arising out of or relating to G2G electronic recording through either negotiation or mediation prior to initiating litigation.

## **16. Governing Laws and Venue**

This Agreement has been negotiated and executed in the State of California and shall be governed by and construed under the laws of the State of California. In the event of any legal action to enforce or interpret this Agreement, the sole and exclusive venue shall be a court of competent jurisdiction located in Orange County, California.

## **17. Amendment**

Any amendments or modifications to this Agreement shall be in writing duly executed by each party's authorized official, which shall become effective at a time mutually agreed upon by the Parties. No alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or Agreement not incorporated herein shall be binding on either party.

## **18. Assignment**

This Agreement shall not be assigned by a party, either in whole or in part, without prior written consent of other party. Any assignment or purported assignment of this Agreement by a party without the prior written consent of the other party will be deemed void and of no force or effect.

## **19. Entire Agreement**

This Agreement contains the entire and complete understanding of the Parties and supersedes any and all other agreements, oral or written, with respect to the terms under this Agreement.

## **20. Parties in Interest**

None of the provisions of this Agreement or any other document relating hereto provides any rights or remedies to any person other than the Parties hereto and the Partner Counties and their respective successors, transferees, assumers and assigns, if any.

## **21. Privileged and Confidential Information**

The Government Agency agrees that all personal information, which is considered privileged and confidential under state law contained within the documents submitted for recording will not be released by the Government Agency to any individual or other legal entity who would not otherwise have authorized access to such information. Any release of information by the Government Agency to any unauthorized individual or other legal entity may result in the Owners terminating this Agreement.

## **22. Waiver**

No waiver of the breach of any of the covenants, agreements, restrictions, or conditions of this Agreement by Owners shall be construed to be a waiver of any succeeding breach of the same or other covenants, agreements, restrictions, or conditions of this Agreement. No delay or omission of Owners, in exercising any right, power or remedy herein provided in the event of default shall be construed as a waiver thereof or acquiescence therein, or be construed as a waiver of a variation of any of the terms of this Agreement.

## **23. Severability**

If any term or portion of this Agreement is held to be invalid, illegal, void or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.

## **24. Sections and Attachments**

All sections and attachments referred to herein are attached hereto and incorporated by reference.

## **25. Headings**

The Agreement captions, clause, section and attachment headings used in this Agreement are inserted for convenience of reference only and are not intended to define, limit or affect the construction or interpretation of any term or provision hereof.

**26. No Presumption Against Drafter**

This Agreement is deemed to have been drafted jointly by the Parties. This Agreement shall be construed without regard to any presumption or rule requiring construction against or in favor of the party receiving a particular benefit under this Agreement. No rule of strict construction will be applied against any party or person.

**27. Notices**

Any notice requirement set forth herein shall be in writing and delivered to the appropriate party at the address listed in this subparagraph. Notice shall be given by electronic mail or deposited in the United States mail, postage prepaid, to the parties listed below. Addresses for notice may be changed from time to time by written notice to the other party. All communications shall be effective when actually received; provided, however, that nonreceipt of any communication as the result of a change in address of which the sending party was not notified or as the result of a refusal to accept delivery shall be deemed receipt of such communication. For reporting a security incident, the Government Agency shall also report the incident to the Lead County at the email address specified below.

**Government Agency**

**[GOVERNMENT AGENCY TO PROVIDE NOTICE CONTACT INFORMATION]**

**Lead County:**

Orange County Clerk-Recorder  
Attn: SECURE G2G Coordinator  
601 N. Ross Street  
Santa Ana, CA 92701  
Email: SecureSupport@rec.ocgov.com

Please write notice contact information here in pen.

SECURE will type it into the final before it is fully executed.

**28. Signatures in Counterparts:**

This MOU may be executed in counterparts by the parties. This MOU is in effect as to any signatory party upon execution and, for purposes of enforcement, true copies of signatures shall be deemed to be original signatures.

**IN WITNESS WHEREOF**, the parties hereto have caused this MOU to be executed and attested to by their proper officers thereunto duly authorized and their official seals to be hereto affixed, as of the day and year first above written.

***--Signatures Follow--***

**OWNERS**

**THE COUNTY OF ORANGE AS LEAD COUNTY:**

Approved By: Hugh Nguyen

Signature: \_\_\_\_\_  
Orange County Clerk-Recorder

Date: \_\_\_\_\_

**THE OFFICE OF THE ORANGE COUNTY COUNSEL  
APPROVED AS TO FORM**

Jacqueline Guzman

Signature: \_\_\_\_\_

Title: Deputy County Counsel

Dated: 2/24/2020

**GOVERNMENT AGENCY**

**DEPARTMENT OF (Government Agency):** \_\_\_\_\_

**COUNTY:** \_\_\_\_\_

**Approved By:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_



## Attachment A - Technical Specifications

### 1. **Submission Methods**

SECURE G2G Portal User Interface (UI) – Government Agencies who will be scanning paper or uploading image files directly into the SECURE G2G Portal must use a token for authentication. Government Agencies will receive recording confirmation via the UI. The UI allows user to upload a pre-scanned 300 DPI TIFF Group IV image or use a browser scanner TWAIN plugin.

SECURE G2G Portal Web API (API) – Government Agencies that directly connect to the API must adhere to the XSD standard. The XML files that are uploaded must include Base64 encoded 300 DPI TIFF Group IV image files. This process does not require a user to be involved in the transfer; it is an automatic process that will be programmed by the submitter in conjunction with the County. Government Agencies will receive recorded information via XML return batch.

### 2. **Communications Protocol**

HTTPS is required for the submission of instruments.

### 3. **Security Framework**

The required security framework is provided for in the SECURE G2G Portal software. The SECURE G2G Portal software shall use a minimum of 128-bit file and image encryption. Industry standard Secure Sockets Layer (SSL) and user login with password that is encrypted shall be employed. User passwords are controlled by the Government Agency and at a minimum changed at 90-day intervals to reduce security exposure.

- a) **Endpoint Security (Authentication Token)** - Government Agencies will require one token for each agency staff member that will be utilizing the UI. For use of the token to submit documents through the SECURE G2G Portal for recording electronically, please refer to the SECURE G2G Portal User Manual.

#### **b) Computers and User Accounts**

Government Agency computer(s) connected to the SECURE G2G Portal must be dedicated workstations for G2G recording only. Government Agency computers utilized for such are required to comply with a workstation checklist provided by Lead County.

Computers that connect to SECURE G2G Portal will have system and application logging enabled with a retention period of 3 months. Lead County may request reports of user access and transaction activity.

Workstations used to submit, retrieve, or, when applicable, return SECURE G2G Portal payloads are protected from unauthorized use and access. As a minimum, workstations shall meet all of the following requirements:

- Anti-malware software configured to start on system boot-up.
- All critical operating system patches applied within one month from when the patch first becomes available.
- A hardware firewall installed and maintained.
- Up to date virus scan software that shall check for definition updates every twenty-four hours.
- A full virus scan configured to run weekly at a minimum.
- Installed applications shall be limited to the purpose of performing the necessary operational needs of the recording process as defined by the County Recorder.
- Screen Lock must be configured for activation after 10 minutes of inactivity.

Shared user accounts may not be issued. At no time shall more than one person be authorized access to SECURE G2G Portal using a single SECURE G2G Portal user account or set of identity credentials. Each person shall be uniquely identified. If a user's status changes, so that access to SECURE G2G Portal is no longer required, the user's SECURE G2G Portal account and identity credentials shall be disabled and revoked, but not deleted from the system. SECURE G2G Portal user accounts and identity credentials are non-transferable.

### **c) Imaging Standards**

The following imaging standards shall be complied with:

- Documents must be scanned or uploaded at 300 DPI TIFF Group IV image or use a browser scanner TWAIN plugin.
- Documents will be scanned in portrait mode.
- All pages, including attachments, must be numbered sequentially.
- Documents must be scanned to original size.
- Document details, such as margins, font size and other similar requirements, must meet all applicable state statutes as set out in Government Code Section 27361 et seq.



# Marin Local Agency Formation Commission

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

### AGENDA REPORT

August 12, 2021

Item No. 9

**TO:** Local Agency Formation Commission

**FROM:** Mala Subramanian, General Counsel

**SUBJECT:** **Approval of Restated Fourth Amendment to Executive Officer Employment Agreement**

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### Background

The Commission approved an Employment Agreement for Executive Officer's Services with Jason Fried effective January 2, 2019 ("Employment Agreement"). On June 13, 2019 the Commission approved a First Amendment to the Employment Agreement. On August 8, 2019, the Commission approved a Second Amendment to Employment Agreement. On June 11, 2020, the Commission approved a Third Amendment to Employment Agreement. On June 10, 2021, the Commission approved a Fourth Amendment to Employment Agreement.

### Discussion

For your consideration is a Restated Fourth Amendment to the Employment Agreement that revises the Executive Officer's compensation by \$10, to \$157,716 instead of \$157,726 to allow for the compensation to be divisible by 26 pay periods. This was the amount that was negotiated and agreed upon between the Executive Officer and the labor negotiating Commissioners, Chair McEntee and Commissioner Connolly.

### Recommendation

Authorize the Chair to execute the Restated Fourth Amendment to the Employment Agreement

#### Attachments:

1. Restated Fourth Amendment to Executive Officer Employment Agreement
2. Fourth Amendment to Executive Officer Employment Agreement

**Administrative Office**  
Jason Fried, Executive Officer  
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T: 415-448-5877 E: staff@marinlafco.org  
www.marinlafco.org

**Damon Connolly, Regular**  
County of Marin

**Judy Arnold, Regular**  
County of Marin

**Dennis Rodoni, Alternate**  
County of Marin

**Sashi McEntee, Chair**  
City of Mill Valley

**Barbara Coler, Regular**  
Town of Fairfax

**James Campbell, Alternate**  
City of Belvedere

**Lew Kiou, Vice Chair**  
Almonte Sanitary District

**Craig K. Murray, Regular**  
Las Gallinas Valley Sanitary

**Tod Moody, Alternate**  
Sanitary District #5

**Larry Loder, Regular**  
Public Member

**Richard Savel, Alternate**  
Public Member

## **RESTATED FOURTH AMENDMENT TO EMPLOYMENT AGREEMENT**

This Restated Fourth Amendment to the Employment Agreement for Executive Officer is made and entered into as of August 12, 2021, by and between the Marin Local Agency Formation Commission, an Agency established by State of California (hereinafter referred to as “Commission”), and Jason Fried (hereinafter referred to as “Employee”).

### **RECITALS**

The Commission and Employee entered into an agreement, effective January 2, 2019, to hire and appoint Employee as EXECUTIVE OFFICER (“Agreement”).

The Commission and Employee entered into an amendment to the Agreement, effective June 13, 2019 to extend the term of the Agreement and increase compensation (“First Amendment”).

The Commission and Employee entered into an amendment to the Agreement effective August 8, 2019 to adjust compensation to address a payroll issue related to the payment of his salary (“Second Amendment”).

The Commission and Employee entered into an amendment to the Agreement effective June 11, 2020 to extend the term of the Agreement and provide for additional revisions (“Third Amendment”).

The Commission and Employee entered into an amendment to the Agreement effective June 10, 2021 to increase compensation (“Fourth Amendment”).

The Commission and Employee desire to correct an error in the Fourth Amendment as provided for in this Restated Fourth Amendment.

In consideration of the mutual promises and covenants hereinafter contained, the parties do hereby agree as follows:

1. **Salary.** The first sentence of Section 2 is hereby amended as follows:

“Commission agrees to pay Employee for his services rendered pursuant hereto an annual base salary of \$157,716 (ONE HUNDRED FIFTY-SEVEN THOUSAND SEVEN HUNDRED SIXTEEN DOLLARS), payable in accordance with the Commission’s standard payroll practices effective July 1, 2021.”

2. Except as amended herein, all provisions of the Third Amendment, Second Amendment, First Amendment and Agreement shall remain in full force and effect and shall govern the actions of the parties under this Restated Fourth Amendment.

3. This Restated Fourth Amendment may be signed in counterparts, each of which shall constitute an original.

[Signatures on the following page]

IN WITNESS WHEREOF, the parties hereto have executed this Restated Fourth Amendment as of the date first herein above written.

By: \_\_\_\_\_  
SASHI MCENTEE, CHAIR  
MARIN LOCAL AGENCY FORMATION  
COMMISSION

By: \_\_\_\_\_  
JASON FRIED, EMPLOYEE

Approved as to form:

\_\_\_\_\_  
MALA SUBRAMANIAN  
COMMISSION COUNSEL

**FOURTH AMENDMENT TO EMPLOYMENT AGREEMENT**

This Fourth Amendment to the Employment Agreement for Executive Officer is made and entered into as of June 10, 2021, by and between the Marin Local Agency Formation Commission, an Agency established by State of California (hereinafter referred to as “Commission”), and Jason Fried (hereinafter referred to as “Employee”).

**RECITALS**

The Commission and Employee entered into an agreement, effective January 2, 2019, to hire and appoint Employee as EXECUTIVE OFFICER (“Agreement”).

The Commission and Employee entered into an amendment to the Agreement, effective June 13, 2019 to extend the term of the Agreement and increase compensation (“First Amendment”).

The Commission and Employee entered into an amendment to the Agreement effective August 8, 2019 to adjust compensation to address a payroll issue related to the payment of his salary (“Second Amendment”).

The Commission and Employee entered into an amendment to the Agreement effective June 11, 2020 to extend the term of the Agreement and provide for additional revisions (“Third Amendment”).

The Commission and Employee desire to further amend the Agreement to increase compensation (“Fourth Amendment”).

In consideration of the mutual promises and covenants hereinafter contained, the parties do hereby agree as follows:

- 1. **Salary.** The first sentence of Section 2 is hereby amended as follows:

“Commission agrees to pay Employee for his serves rendered pursuant hereto an annual base salary of \$157,726 (ONE HUNDRED FIFTY-SEVEN THOUSAND SEVEN HUNDRED TWENTY-SIX DOLLARS), payable in accordance with the Commission’s standard payroll practices effective July 1, 2021.”

- 2. Except as amended herein, all provisions of the Third Amendment, Second Amendment, First Amendment and Agreement shall remain in full force and effect and shall govern the actions of the parties under this Fourth Amendment.

- 3. This Fourth Amendment may be signed in counterparts, each of which shall constitute an original.

IN WITNESS WHEREOF, the parties hereto have executed this Fourth Amendment as of the date first herein above written.

By: \_\_\_\_\_  
SASHI MCENTEE, CHAIR  
MARIN LOCAL AGENCY FORMATION  
COMMISSION

By: \_\_\_\_\_  
JASON FRIED, EMPLOYEE

Approved as to form:

\_\_\_\_\_  
MALA SUBRAMANIAN  
COMMISSION COUNSEL



**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW

**MEMORANDUM**

**TO:** Honorable Chair and Members of the Commission  
**FROM:** Mala Subramanian, General Counsel  
**DATE:** July 30, 2021  
**RE:** Creation of Working Groups and the Potential Application of the Brown Act and Options for the Commission to Consider

**BACKGROUND**

As part of the MSR process the Commission has adopted a set of recommendations, including in some cases the creation of a Working Group. The Commission's creation of a Working Group is subject to the Brown Act as it is considered a legislative body. A legislative body is defined to include "A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body." (Gov. Code 54952(b).)

**ANALYSIS**

1. Commission Creation of a Working Group

When the Commission creates the Working Group it is considered a legislative body and is subject to the Brown Act. There is an exception to this requirement, for ad hoc committees made up of solely less than a quorum of the Commission or a legislative body. Absent that exception, the Commission's creation of the Working Group with non-Commission members is considered a legislative body subject to the Brown Act. This would require noticing the meeting and posting the agenda 72 hours in advance to allow for public participation and attendance. No minutes are required to be taken.

2. Staff Creation of a Working Group

If staff were to create a Working Group with no approval or consensus from the Commission this would not be considered a legislative body subject to the Brown Act. In this example, Staff would need to take this action on its own without seeking direction, authorization, or approval from the Commission. Therefore, if a recommendation for the creation of a working group was listed in the MSR, in order for the Brown Act to not apply, the Commission would need to take no action on this recommendation and not direct or authorize staff to create this Working Group.





**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW

3. Community Creation of a Working Group

If community members would like to create a Working Group without action by the Commission to create the Working Group, it would not be subject to the Brown Act. Such a private Working Group would not be considered a legislative body.



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## AGENDA REPORT

August 12, 2021

Executive Officer Report – Section A

**TO:** Local Agency Formation Commission  
**FROM:** Jason Fried, Executive Officer  
**SUBJECT:** Budget Update for FY 2020-2021 and FY 2021-2022

---

### Background

This budget report covers two different fiscal years, FY 20-21 and FY 21-22.

Marin Local Agency Formation Commission (LAFCo) adopted a budget for FY 2020-2021 totaling \$566,577.88. From July 1, 2020, through June 31, 2021, LAFCo has spent \$497,090.33. Our bookkeeper still needs to correct for when bills are paid and other items that will need to be closed out so this is not the final amount spent for FY 20-21. When completed we will still come in under budget having only spent about 88% of our budget for the year. Two new line items went over the estimated amount for the year. The first one is line item 40 which is for office equipment purchases. This is due to the need to replace more computers during the year than anticipated. The EO laptop ended up having a battery issue. The laptop was no longer safe to use so it was replaced along with planned replacements of other computers. This line item went over by \$741.69. Since this line item is tied to a special reserve account set up last year for the replacement of office equipment, that \$741.69 amount will be taken from that reserve to cover the overrun for this line item. The other new item is line item 55: Professional Service. Due to all the extra work that our bookkeeper has been doing helping us with the transition of benefits from the County to us, we went over by \$884.90. Finally, staff has noted in reviewing the attachment an issue with the agency contribution line item where an application fee may have been placed in this budget line item. Staff is working with the bookkeeper to review this issue.

LAFCo adopted a budget for FY 2021-2022 totaling \$561,548.17. From July 1, 2021, through July 31, 2021, LAFCo has spent \$32,046.82. This report covers 1 month, which is about 8% of the year. We have already spent 5.7% of our budget this year. Due to when pay periods occur and when our bookkeeper reconciled our books this only represents one pay period instead of two. This will be updated at our next meeting. You will note four line items are higher than the expected amount for where we are for being one month into the new FY. Two line items, Membership and Dues (30) and General Insurance (15), consist of bills that have large sums that get paid at the start of the Fiscal year in the case of line item 15 and are mostly paid for in the case of line item 30. We do have other member dues that get paid out within the calendar year so in December and January, we will get other bills to pay for this item. Two other line items right now also are higher. First is professional services (55), which is caused by us getting our first bill from DavisFarr who is doing our audit. You may recall when we were doing the budget, we increased this line item to handle extra auditing work this year. The final line item that is higher than the 8% amount is for our storage unit. We pay a monthly fee of \$40 but then pay when we need to have items pulled and delivered to the office. In addition, when we add new boxes for them to store, there are small fees to add the boxes to the system. Staff has been doing some work to make sure we have proper knowledge of what is in storage and recently added some boxes to storage. This has caused this number to be a little higher. We should be fine on this line item and will monitor it as the year moves forward. It should be noted we do charge a fee when others ask to see files that are in storage which payment to our storage company is noted here. The payment we get would be under our fees for service line item.

#### Attachment:

- 1) FY 2020-2021 and FY 2021-2022 Budget Reports

---

#### Administrative Office

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T: 415-448-5877 E: staff@marinlafco.org  
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County of Marin

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Sashi McEntee, Chair  
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Almonte Sanitary District

Craig K. Murray, Regular  
Las Gallinas Valley Sanitary

Tod Moody, Alternate  
Sanitary District #5

Larry Loder, Regular  
Public Member

Richard Savel, Alternate  
Public Member

## Marin Local Agency Formation Commission

## 21/22 BUDGET REPORT

08/02/21

July 2021 through June 2022

Accrual Basis

|  | Jul '21 - Jun 22  | Budget            | \$ Over Budget     | % of Budget   |
|--|-------------------|-------------------|--------------------|---------------|
| <b>Ordinary Income/Expense</b>           |                   |                   |                    |               |
| <b>Income</b>                            |                   |                   |                    |               |
| 4700000 · Prior Year Carryover           | 0.00              | 55,000.00         | -55,000.00         | 0.0%          |
| 4710510 · Agency Contributions           | 0.00              | 506,548.17        | -506,548.17        | 0.0%          |
| <b>Total Income</b>                      | <b>0.00</b>       | <b>561,548.17</b> | <b>-561,548.17</b> | <b>0.0%</b>   |
| <b>Expense</b>                           |                   |                   |                    |               |
| <b>Services and Supplies</b>             |                   |                   |                    |               |
| 05 · Commissioner Per Diems              | 0.00              | 10,000.00         | -10,000.00         | 0.0%          |
| 10 · Conferences                         | 0.00              | 5,000.00          | -5,000.00          | 0.0%          |
| 15 · General Insurance                   | 5,546.12          | 6,500.00          | -953.88            | 85.3%         |
| 20 · IT & Communications Services        | 1,275.05          | 17,000.00         | -15,724.95         | 7.5%          |
| 25 · Legal Services                      | 2,069.93          | 37,500.00         | -35,430.07         | 5.5%          |
| 30 · Memberships & Dues                  | 4,611.00          | 7,000.00          | -2,389.00          | 65.9%         |
| 35 · Misc Services                       | 94.70             | 2,000.00          | -1,905.30          | 4.7%          |
| 40 · Office Equipment Purchases          | 277.82            | 4,139.00          | -3,861.18          | 6.7%          |
| 45 · Office Lease/Rent                   | 2,873.03          | 34,559.17         | -31,686.14         | 8.3%          |
| 50 · Office Supplies & Postage           | 0.00              | 4,000.00          | -4,000.00          | 0.0%          |
| 55 · Professional Services               | 4,500.00          | 24,000.00         | -19,500.00         | 18.8%         |
| 60 · Publications/Notices                | 0.00              | 2,000.00          | -2,000.00          | 0.0%          |
| 65 · Rent - Storage                      | 97.60             | 650.00            | -552.40            | 15.0%         |
| 70 · Training                            | 0.00              | 1,700.00          | -1,700.00          | 0.0%          |
| 75 · Travel - Mileage                    | 0.00              | 3,500.00          | -3,500.00          | 0.0%          |
| <b>Total Services and Supplies</b>       | <b>21,345.25</b>  | <b>159,548.17</b> | <b>-138,202.92</b> | <b>13.4%</b>  |
| <b>Salary and Benefit Costs</b>          |                   |                   |                    |               |
| 5110109 · Salaries                       | 8,130.48          | 317,000.00        | -308,869.52        | 2.6%          |
| 5130120 · County of Marin - Group Health | 1,549.46          | 34,000.00         | -32,450.54         | 4.6%          |
| 5130500 · MCERA / Pension                | 1,021.63          | 45,000.00         | -43,978.37         | 2.3%          |
| 5130525 · Retiree Health                 | 0.00              | 6,000.00          | -6,000.00          | 0.0%          |
| <b>Total Salary and Benefit Costs</b>    | <b>10,701.57</b>  | <b>402,000.00</b> | <b>-391,298.43</b> | <b>2.7%</b>   |
| <b>Total Expense</b>                     | <b>32,046.82</b>  | <b>561,548.17</b> | <b>-529,501.35</b> | <b>5.7%</b>   |
| <b>Net Ordinary Income</b>               | <b>-32,046.82</b> | <b>0.00</b>       | <b>-32,046.82</b>  | <b>100.0%</b> |
| <b>Other Income/Expense</b>              |                   |                   |                    |               |
| <b>Other Income</b>                      |                   |                   |                    |               |
| 4640333 · Fees for Services              | 43.00             |                   |                    |               |
| <b>Total Other Income</b>                | <b>43.00</b>      |                   |                    |               |
| <b>Net Other Income</b>                  | <b>43.00</b>      |                   |                    |               |
| <b>Net Income</b>                        | <b>-32,003.82</b> | <b>0.00</b>       | <b>-32,003.82</b>  | <b>100.0%</b> |

## Marin Local Agency Formation Commission

## 20/21 BUDGET REPORT

08/02/21

July 2020 through June 2021

Accrual Basis

|  | Jul '20 - Jun 21  | Budget            | \$ Over Budget    | % of Budget   |
|--|-------------------|-------------------|-------------------|---------------|
| <b>Ordinary Income/Expense</b>           |                   |                   |                   |               |
| <b>Income</b>                            |                   |                   |                   |               |
| 4700000 · Prior Year Carryover           | 0.00              | 63,007.60         | -63,007.60        | 0.0%          |
| 4710510 · Agency Contributions           | 508,165.37        | 503,570.28        | 4,595.09          | 100.9%        |
| <b>Total Income</b>                      | <b>508,165.37</b> | <b>566,577.88</b> | <b>-58,412.51</b> | <b>89.7%</b>  |
| <b>Expense</b>                           |                   |                   |                   |               |
| <b>Services and Supplies</b>             |                   |                   |                   |               |
| 05 · Commissioner Per Diems              | 6,750.00          | 10,000.00         | -3,250.00         | 67.5%         |
| 10 · Conferences                         | 0.00              | 5,000.00          | -5,000.00         | 0.0%          |
| 15 · General Insurance                   | 7,032.73          | 8,000.00          | -967.27           | 87.9%         |
| 20 · IT & Communications Services        | 14,273.14         | 16,000.00         | -1,726.86         | 89.2%         |
| 25 · Legal Services                      | 31,470.70         | 45,000.00         | -13,529.30        | 69.9%         |
| 30 · Memberships & Dues                  | 13,142.00         | 13,000.00         | 142.00            | 101.1%        |
| 35 · Misc Services                       | 1,222.55          | 2,000.00          | -777.45           | 61.1%         |
| 40 · Office Equipment Purchases          | 4,880.69          | 4,139.00          | 741.69            | 117.9%        |
| 45 · Office Lease/Rent                   | 33,588.88         | 33,588.88         | 0.00              | 100.0%        |
| 50 · Office Supplies & Postage           | 2,119.47          | 4,000.00          | -1,880.53         | 53.0%         |
| 55 · Professional Services               | 20,884.90         | 20,000.00         | 884.90            | 104.4%        |
| 60 · Publications/Notices                | 905.08            | 3,000.00          | -2,094.92         | 30.2%         |
| 65 · Rent - Storage                      | 523.00            | 650.00            | -127.00           | 80.5%         |
| 70 · Training                            | 499.00            | 1,700.00          | -1,201.00         | 29.4%         |
| 75 · Travel - Mileage                    | 0.00              | 3,500.00          | -3,500.00         | 0.0%          |
| <b>Total Services and Supplies</b>       | <b>137,292.14</b> | <b>169,577.88</b> | <b>-32,285.74</b> | <b>81.0%</b>  |
| <b>Salary and Benefit Costs</b>          |                   |                   |                   |               |
| 5110109 · Salaries                       | 294,432.58        | 307,000.00        | -12,567.42        | 95.9%         |
| 5130120 · County of Marin - Group Health | 30,264.39         | 45,000.00         | -14,735.61        | 67.3%         |
| 5130500 · MCERA / Pension                |                   |                   |                   |               |
| 512125 · Co Ret Cont Tier IV             | 35,101.22         | 39,000.00         | -3,898.78         | 90.0%         |
| <b>Total 5130500 · MCERA / Pension</b>   | <b>35,101.22</b>  | <b>39,000.00</b>  | <b>-3,898.78</b>  | <b>90.0%</b>  |
| 5130525 · Retiree Health                 | 0.00              | 6,000.00          | -6,000.00         | 0.0%          |
| <b>Total Salary and Benefit Costs</b>    | <b>359,798.19</b> | <b>397,000.00</b> | <b>-37,201.81</b> | <b>90.6%</b>  |
| <b>Total Expense</b>                     | <b>497,090.33</b> | <b>566,577.88</b> | <b>-69,487.55</b> | <b>87.7%</b>  |
| <b>Net Ordinary Income</b>               | <b>11,075.04</b>  | <b>0.00</b>       | <b>11,075.04</b>  | <b>100.0%</b> |
| <b>Other Income/Expense</b>              |                   |                   |                   |               |
| <b>Other Income</b>                      |                   |                   |                   |               |
| 4410125 · Interest Earnings              | 3,477.98          |                   |                   |               |
| 4640333 · Fees for Services              | 17,588.46         |                   |                   |               |
| <b>Total Other Income</b>                | <b>21,066.44</b>  |                   |                   |               |
| <b>Net Other Income</b>                  | <b>21,066.44</b>  |                   |                   |               |
| <b>Net Income</b>                        | <b>32,141.48</b>  | <b>0.00</b>       | <b>32,141.48</b>  | <b>100.0%</b> |



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## AGENDA REPORT

August 12, 2021

Executive Officer Report – Section B

**TO:** Local Agency Formation Commission

**FROM:** Olivia Gingold, Clerk/Junior Analyst

**SUBJECT:** **Current and Pending Proposals**

---

### Background

The Commission is invited to discuss the item and provide direction to staff on any related matter as needed for future discussion and/or action.

LAFCo has received three new applications since the last Commission meeting in February for 105 Roblar Drive, 2090 Vineyard Road, and 32 Fairway Drive. These applications, along with the other application mentioned at the previous Commission meeting that was still in its 30-day review, are all being considered at today's Commission meeting. More information on LAFCo Files #1355, #1356, #1357, and #1358 can be found as part of the packet for Agenda Items #3, #4, #5, and #6.

In addition, LAFCo File 1346 (4576 Paradise Drive) has completed its pre-zoning requirements by the Town of Tiburon. The Town has forwarded all needed documents to Marin LAFCo for that application to complete its condition for approval. Staff has now sent the Certificate of Completion to Records office. You will now see this application as completed on the attached current and pending proposals chart.

#### Attachment:

- 1) Chart of Current and Pending Proposals

#### Administrative Office

Jason Fried, Executive Officer  
1401 Los Gatos Drive, Suite 220  
San Rafael, California 94903  
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Damon Connolly, Regular  
County of Marin

Judy Arnold, Regular  
County of Marin

Dennis Rodoni, Alternate  
County of Marin

Sashi McEntee, Chair  
City of Mill Valley

Barbara Coler, Regular  
Town of Fairfax

James Campbell, Alternate  
City of Belvedere

Lew Kious, Vice Chair  
Almonte Sanitary District

Craig K. Murray, Regular  
Las Gallinas Valley Sanitary

Tod Moody, Alternate  
Sanitary District #5

Larry Loder, Regular  
Public Member

Richard Savel, Alternate  
Public Member

Current and Pending Proposals

| LAFCo File # | Status                               | Proposal                              | Description  | Government Agency                  | Latest Update   |
|--------------|--------------------------------------|---------------------------------------|--|------------------------------------|---|
| 1346         | Completed                            | Annexation of 4576 Paradise Drive     | Sierra Pines Group LLC ("applicant") requesting approval to annex one lot totaling 9.575 acres to the Town of Tiburon. The affected territory is near the Town of Tiburon with a situs address of 4576 Paradise Drive (038-142-02.)  | Town of Tiburon                    | Application has been completed - condition was met with completion of pre-zoning by Tiburon.                                  |
| 1341         | Emergency OSA and Future Application | Emergency OSA                         | 32 Fairway Dr, San Rafael, had a failed septic tank which they reported to Marin County Environmental Health Services Division and needs an OSA to connect into SRSD. The applicant also plans to annex permanently into SRSD but first needs to get all needed materials, such as legal description and legal maps produced. Application has been submitted.        | San Rafael Sanitation District     | In October 2020, applicant connected to the sewer line. Applicant has submitted a permanent application, see File 1358 below. |
| 1355         | On Today's Agenda                    | Annexation of 666 Sequoia Valley Road | Landowner Matthew Farnsworth requests annexation approval of 666 Sequoia Valley Road to Homestead Valley Sanitary District. The parcel is approx. .47 acres and has a failing septic that necessitates their annexation to HVSD.   | Homestead Valley Sanitary District | Application has been received and 30-day review period has been completed.  |
| 1356         | On Today's Agenda                    | Annexation of 105 Roblar Drive        | Sonoma Marin Area Rail Transit (S.M.A.R.T.) requests annexation approval of 105 Roblar Drive to Novato Sanitary District. The parcel is approx. .82 acres, and annexing to the district may induce growth in the parcel in the form of industrial office buildings. Novato Sanitary District has submitted some terms for connection which S.M.A.R.T. has agreed to. | Novato Sanitary District           | Application has been received and 30-day review period has been completed.  |
| 1357         | On Today's Agenda                    | Annexation of 2090 Vineyard Road      | Landowner requests annexation approval of 2090 Vineyard Road to Novato Sanitary District. The parcel is approx. .40 acres.   | Novato Sanitary District           | Application has been received and 30-day review period has been completed.  |

Current and Pending Proposals

| LAFCo File # | Status               | Proposal  | Description  | Government Agency              | Latest Update  |
|--------------|----------------------|---|--|--------------------------------|--|
| 1358         | On Today's Agenda    | Annexation of 32 Fairway Drive  | 32 Fairway Dr, San Rafael, had a failed septic tank which needed an OSA to connect into San Rafael Sanitary District. This is the applicant's application to annex permanently into SRSD. The parcel is approx. 1.02 acres and has been receiving service from SRSD. | San Rafael Sanitary District   | Application has been received and 30-day review period has been completed.                 |
|              | Possible Future Item | San Quentin Village Sewer Maintenance District consolidation with Ross Valley Sanitary District | Based on past action of Marin LAFCo, discussion of possible consolidation between SQVSMD with RVSD has been deemed as seemingly in the best interest of the community of San Quentin Village customers.  | SQVSMD and RVSD                | Staff is currently reviewing outstanding issues with the staffs from both SQVSMD and RVSD. |
| 1354         | Completed            | Annexation of 345 Highland Ave.   | Landowners Jennifer and Robert Andrews (applicant) submitted an application for the annexation of 345 Highland Avenue to SRSD. The parcel is approx. .98 acres and has a failing septic that necessitates their annexation to SRSD.                                  | San Rafael Sanitation District | Item has been completed  |



Current and Pending Proposals

| LAFCo File # | Status            | Proposal                          | Description  | Government Agency              | Latest Update   |
|--------------|-------------------|-----------------------------------|--|--------------------------------|---|
| 1328         | Deemed Terminated | Annexation of 255 Margarita Drive | Landowner (Paul Thompson) requesting annexation approval of 255 Margarita Drive (016-011-29) in the unincorporated island community of Country Club to the San Rafael Sanitation District. The affected territory is approximately 1.1 acres in size and currently developed with a single-family residence. It has also established service with the SRSD as part of a LAFCo approved outside service extension due to evidence of a failing septic system. The outside service extension was conditioned – among other items – on the applicant applying to LAFCo to annex the affected territory to the San Rafael Sanitation District as a permanent means to public wastewater service. The application remains incomplete at this time and awaits consent determination by SRSD. | San Rafael Sanitation District | Application is now deemed terminated and staff is working to get SRSD to disconnect or get the applicant to resubmit application. |



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## AGENDA REPORT

August 12, 2021

Executive Officer Report – Section C

**TO:** Local Agency Formation Commission

**FROM:** Olivia Gingold, Clerk/Junior Analyst

**SUBJECT:** **Correspondences**

---

Attached you will find a letter from Davis Farr regarding our FYE 20 Audit. No other correspondence has been received.

Attachment:

- 1) Davis Farr Letter dated June 24, 2021

#### Administrative Office

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Craig K. Murray, Regular  
Las Gallinas Valley Sanitary

Tod Moody, Alternate  
Sanitary District #5

Larry Loder, Regular  
Public Member

Richard Savel, Alternate  
Public Member

**June 24, 2021**

**The Commission  
Marin Local Agency Formation Commission  
San Rafael, California**

We are in the process of performing the audit of the Marin Local Agency Formation Commission (Marin LAFCO) for the year ending June 30, 2020. Professional Auditing standards recommend that, as a part of our audit, we inquire with those whose duties include oversight of the financial reporting process (review and acceptance of audit reports, etc.) to ascertain whether or not anyone on the Commission has knowledge of matters that might have a bearing on the auditor's risk assessment for the Marin LAFCO's annual audit.

Example of these matters are:

- Known or suspected instances of employee fraud
- Areas in which the internal controls of the Marin LAFCO are thought by the Marin LAFCO Commission to be weak
- Known or suspected misstatements in the accounting records of Marin LAFCO
- Known or suspected use of improper accounting practices by Marin LAFCO
- Any awareness of pressure upon the Marin LAFCO or Marin LAFCO management with respect to achieving certain financial results
- Matters that warrant particular attention during the audit
- Information about unusual transactions or other matters relevant to the audit

Generally, the scope of the audit is limited to matters involving amounts that would be significant to the financial statements of the Marin LAFCO taken as a whole. If additional time is required to respond to the concerns of the Marin LAFCO Commission, we will estimate for Marin LAFCO the costs involved.

Please respond within 45 days from the date of this letter if the Marin LAFCO Commission has any matters to report that meet the above criteria.

Statement on Auditing Standards No. 114 requires the auditors to communicate the planned scope and timing of the audit. Additionally, at the conclusion of the audit, we plan to communicate the auditor's responsibilities under generally accepted auditing standards and significant findings from the audit.

### **Timing of Audit**

We begin the audit examination of Marin LAFCO in June 2021. We plan to have the audit complete and finalize the Financial Statements by August 31, 2021.

### **Planned Scope of Audit**

In addition to our standard audit approach, we have identified significant audit risk areas for Marin LAFCO and plan to modify our audit approach as follows:

- Risk of errors associated with recording pension and OPEB liabilities: we will review the new actuarial valuations supporting the net pension liability, the net OPEB liability and related accounts.
- We will discuss with the Marin LAFCO Management GASB 84 and evaluate the impact, if any, on the Marin LAFCO's financial statements.

If any member of the Commission has information relevant to our audit (matters involving amounts that would be significant to the financial statements of Marin LAFCO taken as a whole), please contact the undersigned at 760.298.5872 or sayala@davisfarr.com.

Sincerely,



Shannon Ayala  
Partner