



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

NOTICE OF REGULAR MEETING MINUTES

Marin Local Agency Formation Commission

Thursday, October 12th, 2023, - 6:30 PM

6:30 PM is the new LAFCo Regular Commission Meeting start time.

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

PUBLIC ACCESS AND PUBLIC COMMENT INSTRUCTIONS FOR HYBRID ATTENDEES

In addition to in-person attendance, members of the public may access and watch a live stream of the meeting on Zoom at <https://us02web.zoom.us/j/89977868852>. Alternatively, the public may listen in to the meeting by dialing +1 669 444 9171 and entering **Meeting ID 899 7786 8852#** when prompted.

SPOKEN PUBLIC COMMENTS FOR HYBRID ATTENDEES:

Spoken comments will be accepted through the teleconference meeting. To address the Commission, click on the link <https://us02web.zoom.us/j/89977868852> 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 the "raise hand" icon. 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

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

ROLL CALL BY COMMISSION CLERK

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

Commissioners Present: Barbara Coler
Dennis Rodoni
Steve Burdo (arrived at 6:33)
Eric Lucan (arrived at 6:52)
Lew Kious
Larry Chu
Craig Murray

Alternate Commissioners Present: Roger Smith (arrived at 6:47)

Marin LAFCo Staff Present: Jason Fried
Jeren Seibel
Claire Devereux

Marin LAFCo Counsel Present: Malathy Subramanian

Commissioners Absent: None

Alternate Members Absent: Cathryn Hilliard
 Stephen Burke
 Stephanie Moulton-Peters

AGENDA REVIEW

No Change Made

PUBLIC OPEN TIME

Each item had the chair open for public comment and with no public comment, the chair closed it.

CONSENT CALENDAR ITEMS

1. Approval of Minutes for August 10, 2023, Regular Meeting
2. Commission Ratification of Payments from August 10, 2023, to September 31, 2023
3. Approval of Adjustments to Budget Line Items in the FY 23-24 Budget

Commissioner Murray requested a change to the minutes to one of the votes to correctly reflect how he voted.

Vice Chair Rodoni made a motion noting that he was not present at the last meeting but read and understood the minutes.

Approved: M/S by Commissioners Rodoni and Murray to approve the agenda with necessary changes

Ayes: Commissioners Murray, Chu, Coler, Rodoni, Burdo and Kious

Nays:

Abstain:

Absent: Lucan

Motion approved unanimously.

PUBLIC HEARING

4. Presentation of the Southern Marin Wastewater Municipal Service Review Public Draft. This is a hearing for the commission to review and make recommendations. The hearing will be continued to the next meeting.

EO Fried briefly introduced past Southern Marin Wastewater MSR, and in 2011, Marin LAFCo attempted a forced consolidation. EO stated that this time, they tried a different approach to the MSR in which, in addition to interviewing the head of staff, he talked with each of the chairs of the four SASM independent district members. EO thanked Commissioner Kious for providing help in scheduling meetings with SASM chairs.

DEO Seibel gave a brief presentation on "The What and the Why" of an MSR and the outcomes and recommendations made in the Service Review. DEO also stated that no comments were received from the public or the agencies. However, comments were received from commissioners.

Commissioner Murray asked staff if it has ever been considered to join Alto Sanitary with Richardson Bay Sanitary. Both EO Fried and Commissioner Kious stated that Alto was only interested in being their own agency.

Chair Coler brought forth the idea of changing the name of the MSR to something less broad and more specific. Coler also mentioned her concerns for the election cycle and that it may be concerning that there isn't that engagement of people standing up to be elected and to maybe consider weighted voting.

DEO stated that the question/discussion staff is asking of the commission today is about an amended or reaffirmed SOI and whether an SOI-in-common be created. An SOI-in-common is an SOI that designates that the commission believes that a single district would better serve those communities.

Chair Coler opened a public hearing. Without any public member in attendance or wishing to speak, the chair closed the public hearing.

Commissioner Kious addressed several items in the report, starting with why an annexation of Alto in Richardson Bay would not work due to the higher operational costs for Richardson Bay and, if merged, would cause an influx in costs to Alto residents. Next, Kious addressed weighted voting, citing that they have refined the SASM voting system over the years and that it works. Later, he discussed the topic of staffing that shared services between districts would not make sense financially and would not work. SASM has asked all board presidents whether they think consolidation is a good idea and if they would support it, to which they all said no. Commission Kious also wanted an addition to the MSR that brings to light all the changes made since the spills, that there have not been any since, and that EPA has loosened SASM restrictions due to such improvements.

EO stated in response that LAFCo is not pursuing a consolidation at this time.

Commissioner Burdo stated that he has had immense experience in sewerage and thanked Commissioner Kious for his input and expertise. Burdo continued to say that although there may be a different time in the future, consolidation may be necessary based on the cost of operation and other factors.

Commissioner Burdo asked if a cost analysis had been done, to which DEO Seibel and Commissioner Kious stated that there had been a cost and several other studies done in 2011.

Vice-Chair Rodoni gave some history on the 2011 consolidation attempt and stated that If consolidation were to be done, it should include Mill Valley.

Commissioner Chu stated that 13 years is not enough time to consider a new consolidation and to keep the idea of consolidation as a recommendation.

Commissioner Murray discussed functional consolidation as a recommendation, focusing on consolidating single-purpose districts.

Commissioner Lucan addressed the recommendation of moving the boards from 5 to 3, suggesting being less prescriptive and removing 5 to 3. Lucan stated that if the board struggles to retain members, decreasing the amount could affect the board's ability to vote.

Informally the commissioners, except for Commissioner Kious, agreed that SASM would benefit from a Sphere of Influence in Common instead of each agency getting its own SOI.

Approved: M/S by Commissioners Burdo and Lucan to continue the hearing to the December 14th Regular Commission Meeting.

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

Nays:

Abstain:

Absent:

Motion approved unanimously.

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.

5. Discussion Of Issues The Commission Would Like to Be Part of the January Workshop

EO introduced the item by asking commissioners what they wanted to see or discuss at the workshop.

Commissioner Murray and Rodoni suggested engagement of special districts' discussion of any new legislation.

Suggestions by Commissioner Lucan is a comparison of Marin County to others in terms of agencies LAFCo reviews.

Vice-Chair Rodoni also suggested discussing how the housing element plays a role or impacts Marin LAFCo.

EO suggested a rapid-fire section including the rotation Chair and Vice-Chair items, Juneteenth as a holiday, a public seat selection process, and committees.

6. Discussion and Approval to Change the Amount Needed for Two Signatures to \$3,500 and Change LAFCo Policy to Reflect This New Amount

No discussion occurred, and a motion was made promptly by Commissioner Burdo and seconded by Commissioner Kious.

Approved: M/S by Commissioners Burdo and Kious to approve the amount needed for two signatures for a check of \$3,500.

Ayes: Commissioners Murray, Chu, Coler, Rodoni, Lucan

Nays:

Abstain:

Absent:

Motion approved unanimously.

EXECUTIVE OFFICER REPORT

a) Budget Update

EO reported that the budget is on track.

b) Current and Pending Proposals

We received our first proposal for this fiscal year in September, which is currently in its 30-day review period.

c) CALAFCO Update (Verbal Report)

DEO Seibel talked about how Marin LAFCo wrote a letter of opposition for legislation AB 399, which is San Diego-specific. Still, CALAFCO believes it sets a precedent that negatively impacts all LAFCOs. The chair approved the letter.

EO Fried discussed CALAFCO conference reimbursements.

COMMISSIONER ANNOUNCEMENTS AND REQUESTS

ADJOURNMENT TO NEXT MEETING

Thursday, December 14, 2023

Claire Devereux

Attest:

Claire Devereux Clerk/Junior Analyst

Any writings or documents about 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 arrangements or accommodations.

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