



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## NOTICE

### POLICY AND PERSONNEL COMMITTEE MEETING AND AGENDA

January 6, 2022  
3:00 P.M.

#### **Appointed Members**

Sashi McEntee | Damon Connolly | James Campbell

**\*\*\* 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).

**1:00 PM CALL TO ORDER** - Chair to call the meeting to order

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

##### **Administrative Office**

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

Damon Connolly, Regular  
County of Marin

Judy Arnold, Regular  
County of Marin

Dennis J. 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, Public  
Public Member

Richard Savel, Alternate  
Public Member

**PUBLIC COMMENT**

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

**BUSINESS ITEMS**

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

1. Approval of November 13, 2020, Committee Meeting Minutes
2. Approval of Resolution 22-01 Allowing for Video and Teleconference Meetings during COVID-19 State of Emergency Under AB 361
3. Discussion and Possible Amendments to Policy Handbook
  - a. Review of and Possible Change to LAFCo Policy 3.4 B's Reimbursement Language
  - b. Review of and Possible Change to LAFCo Policy 3.10(B) Regarding Reserves
  - c. Review of and Possible Change to LAFCo Policy 3.13(B) Regarding County Account
  - d. Review of and Possible Change to LAFCo Policy 4.9 Regarding Outside Service Agreements
  - e. Possible Addition of Electronic Signature Requirements
4. Discussion and Possible Amendments to Fee Schedule

**ADJOURNMENT**

ATTEST:



---

Olivia Gingold  
Clerk/Jr. Analyst

Any writings or documents pertaining to an open session item provided to a majority of the Commission less than 72 hours prior to a regular meeting shall be made available for public inspection at Marin LAFCo Administrative Office, 1401 Los Gamos Drive, Suite 220, San Rafael, CA 94903, during normal business hours.

Pursuant to GC Section 84308, if you wish to participate in the above proceedings, you or your agent are prohibited from making a campaign contribution of \$250 or more to any Commissioner. This prohibition begins on the date you begin to actively support or oppose an application before LAFCo and continues until 3 months after a final decision is rendered by LAFCo. If you or your agent have made a contribution of \$250 or more to any Commissioner during the 12 months preceding the decision, in the proceeding that Commissioner must disqualify himself or herself from the decision. However, disqualification is not required if the Commissioner returns that campaign contribution within 30 days of learning both about the contribution and the fact that you are a participant in the proceedings. Separately, any person with a disability under the Americans with Disabilities Act (ADA) may receive a copy of the agenda or a copy of all the documents constituting the agenda packet for a meeting upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting. Please contact the LAFCo office at least three (3) working days prior to the meeting for any requested arrangements or accommodations.

#### Marin LAFCo

Administrative Office

1401 Los Gamos Drive, Suite 220

San Rafael California 94903

T: 415-448-5877

E: [staff@marinlafco.org](mailto:staff@marinlafco.org)

W: [marinlafco.org](http://marinlafco.org)



# Marin Local Agency Formation Commission

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

### AGENDA REPORT

January 6, 2022

Item No. 1 (Business)

**TO:** Policy and Personnel Committee

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

**SUBJECT:** Approve the November 13, 2020 Committee Meeting Minutes

---

### 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. The “Brown Act” requires – and among other items – public agencies to maintain minutes for all meetings.

### Discussion

The draft minutes for the November 13, 2020 Committee meeting accurately reflect the Committee’s actions as recorded by staff and are attached. A copy of the approved meeting minutes is available online.

### Staff Recommendation for Action

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

### Attachment:

- 1) Draft Minutes for November 13, 2020

**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 J. 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



**DRAFT**

**POLICY AND PERSONNEL COMMITTEE MEETING MINUTES**

Friday, November 13, 2020  
via Zoom

**Appointed Members**

Tod Moody (Chair) | Damon Connolly | Sashi McEntee

**CALL TO ORDER**

Executive Officer Fried called the meeting to order at 1:03 p.m.

**ROLL CALL**

Clerk/Jr. Analyst Gingold called roll.

**PUBLIC COMMENT**

EO Fried noted that he had received no written comment, and no hands were raised. As such, Chair Moody closed public comment.

**BUSINESS ITEMS**

**1. Approval of August 4, 2020 Meeting Minutes**

Approved; M/S by Commissioners McEntee and Connolly to approve the August 4, 2020 meeting minutes.

Ayes: Commissioners Connolly, McEntee, Moody

Noes: None

Absent: None

Abstaining: None

Motion was approved unanimously.

**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 J. Rodoni, Alternate  
County of Marin

Sashi McEntee, Chair  
City of Mill Valley

Barbara Coler, Regular  
Town of Fairfax

James Campbell, Alternate  
City of Belvedere

Craig K. Murray, Vice Chair  
Las Gallinas Valley Sanitary

Lew Kiouss, Regular  
Almonte Sanitary District

Tod Moody, Alternate  
Sanitary District #5

Larry Loder, Public  
Public Member

Chris Skelton, Alternate  
Public Member

## **2. Review and Approval of a New Personnel Handbook**

EO Fried introduced the item, noting 6 items that needed brief discussion.

Chair Moody made some clarifying comments on 2.3f and 6.3d, which EO Fried responded to.

Chair McEntee asked EO Fried if he was comfortable with the “80” hours for the accrual rate in 6.3d(a), which EO Fried confirmed had not been “okay-ed” by the County but that 80 hours was standard for LCW.

Commissioner McEntee clarified what situations LAFCo may anticipate having an overtime-eligible employee, to which EO Fried gave some examples.

Chair Moody opened a discussion about personal leave, vacation, holidays, and floating holidays, noting that private sector employees do not have personal time, but that the personal time is utilized to offer an extra week of vacation that is not eligible for payout.

EO Fried directed attention to pages 39 and 40, noting that management leave had been removed meaning it would not be accrued in the future.

EO Fried then read the changes to personal leave, pausing at various points for discussion.

The first discussion was about what the definition of a regular employee should be.

Commissioner Connolly asked what best practice was, which EO Fried replied to. Chair McEntee also asked a clarifying question about the difference between a full-time employee and a regular employee, noting she wanted a standard definition. The Committee also wanted to know if personal leave would be proportional to hours worked.

The next discussion was about whether or not an employee should receive personal leave before passing probation. Chair McEntee was against accrued personal leave before probation, there was a small discussion about what the County does, why the County does it, and why LAFCo does not have the same abilities that County has. Chair Moody was in favor of giving the 40 hours before probation, noting that in a small office it felt like a relatively low risk. Commissioner Connolly also expressed concern with waiting until after probation. Chair Moody clarified that private sector does not get any personal leave, so the personal leave seemed additive as it is. There was some more clarifying discussion from the Committee. Chair McEntee spoke in favor of waiting until after the probationary period to offer personal leave. Chair Moody concurred. Commissioner Connolly spoke in favor of offering personal leave before the probationary period, expressing concern with not offering the leave time for the first 6 months worked, but recognized that his vote was 1 to 2.

The Committee tried to figure out how to remedy that problem, but without a County MOU, it was not feasible. EO Fried brought up the Sick Leave section, policy 8.2 on page 41.

He first asked if language could be added to allow employees to use their sick time to care for a significant person in their life that they may not be legally bound to. Chair McEntee asked if that could be permitted on a discretionary basis, EO Fried preferred definitive language to prevent the appearance of favoritism or any other issues that could arise. Commissioner Connolly was open to that option, Chair Moody and Commissioner McEntee concurred if it could be accomplished within a designated time limit. Chair McEntee asked a handful of additional clarifying questions that EO Fried replied to. Chair Moody asked that the policy be structured in a way that the full Commission not end up in the details of the policy.

EO Fried moved the discussion to sick time accrual and whether or not to cap it. Commissioner McEntee spoke in favor. Chair McEntee asked that city managers be consulted to determine what is typical of a cap.

EO Fried asked whether or not employees should be prevented from using sick-time prior to their 90<sup>th</sup> day of employment, it was decided that they should not be and that this should be removed from the policy handbook.

EO Fried also asked if there should be a policy that allows employees to borrow sick time before it is accrued. The Committee was in favor.

EO Fried referenced 8.3g, asking the Committee if benefits should or should not continue while an employee is on unpaid leave. There was some clarifying discussion about what situations unpaid leave would occur due to. There was also some clarification about how difficult it would be for LAFCo staff to pivot between paying and not paying an employee's benefits, as well as clarification in the policy language presented. The Committee spoke in favor of not continuing to pay an employee's benefits while on unpaid leave.

EO Fried shared 10.1d and asked that the Committee read the policy and confirm they were okay with the outlined process. There was a brief discussion about how the previous Skelly hearing had been handled, and the pros and cons of different approaches to the Skelly hearing.

Finally, EO Fried asked whether or not the Commission was comfortable with 14 days as the limit for the Policy and Personnel Committee to meet and address a grievance appeal. Chair McEntee asked how the Committee felt about 30 days instead.

Chair McEntee wanted to make sure that the official title of the Policy and Personnel Committee referenced throughout the handbook was consistent.

Chair Moody took issue with the order of layoffs because of the size of LAFCo's office, EO Fried clarified that order of layoffs was between classifications.

Chair Moody opened public comment. Seeing none, he closed public comment.

M/S McEntee, Connolly to approve policy handbook with the amendments suggested at the Committee meeting.

Ayes: Commissioners Connolly, McEntee, Moody

Noes: None

Absent: None

Abstaining: None

Motion Approved Unanimously.

### **3. Review and Approval of Amendments for the LAFCo Policy Handbook**

EO Fried covered highlights of the amendments to the policy handbook. There was the addition of a policy allowing notifications by email rather than just mail. There was also an acknowledgment of a change in the rules for special district member selection that was made by MCSDA. There was also removal of the technology committee, there was an update of the payroll system used, and removal of County as designated payroll provider.

None of the committee members had issues with any of these changes to the LAFCo Policy Handbook.

Chair Moody opened public comment. Seeing none, he closed public comment.

M/S Connolly and McEntee to approve the amendments to the Policy Handbook.

Ayes: Commissioners Connolly, McEntee, Moody

Noes: None

Absent: None

Abstaining: None

Motion Approved Unanimously



Meeting adjourned at 2:04 p.m.

ATTEST:



---

Olivia Gingold  
Clerk/Jr. Analyst



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## AGENDA REPORT

January 6, 2022

Item No. 2

**TO:** Policy & Personnel Committee

**FROM:** Jason Fried, Executive Officer

**SUBJECT: Approval of Resolution 22-01 Allowing for Video and Teleconference Meetings during COVID-19 State of Emergency Under AB 361**

---

### Background and Discussion

AB 361 was passed by the State Legislature and signed by Governor Newsom. It went into effect immediately. AB 361 continues many of the provisions related to the Brown Act that were in place under Executive Orders, which expired September 30, 2021, that allowed for video and teleconferencing during the state of emergency. Since AB 361 has been signed into law, the Commission can continue to meet virtually until such time as the Governor declares the State of Emergency due to COVID-19 over and measures to promote social distancing are no longer recommended or could return to in-person meetings sooner if desired.

On September 22, 2021, the Marin County Director of Health & Human Services recommended social distancing to enhance safety at public meetings. On October 19, 2021, Marin County's Director of Health & Human Services reaffirmed this recommendation. See attachment 2.

The proposed resolution provides the Committee with the option to continue to hold video and teleconference meetings while the state of emergency is still in effect and social distancing is recommended.

In order to continue to hold video and teleconference meetings, the Policy & Personnel Committee will need to review and make findings every thirty days or thereafter that the state of emergency continues to directly impact the ability of the members to meet safely in person and that state or local officials continue to impose or recommend measures to promote social distancing.

### Recommendation

1. Approval of Resolution 22-01 allowing for video and teleconference meetings during the COVID-19 state of emergency under AB 361.

#### Attachment:

1. Resolution 22-01 Allowing for Video and Teleconference Meetings during the COVID-19 State of Emergency Under AB 361
2. Decisions by Marin County Director of Health & Human Services

#### 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 22-01

**RESOLUTION BY THE POLICY & PERSONNEL COMMITTEE ALLOWING FOR VIDEO AND TELECONFERENCE MEETINGS DURING THE COVID-19 STATE OF EMERGENCY UNDER AB 361**

**WHEREAS**, on March 4, 2020, the Governor of the State of California proclaimed a State of Emergency for COVID-19; and

**WHEREAS**, AB 361, which was recently passed by the State Legislature and signed by Governor Newsom, effective immediately, allows the Policy & Personnel Committee to continue to meet virtually until such time as the Governor declares the State of Emergency due to COVID-19 over and the measures to promote social distancing are no longer recommended; and

**WHEREAS**, the Marin County Director of Health & Human Services has recommended social distancing to enhance safety at public meetings; and

**WHEREAS**, in light of this recommendation, the Policy & Personnel Committee desires for itself to continue to meet via video and/or teleconference; and

**WHEREAS**, pursuant to AB 361 the Policy & Personnel Committee will review the findings required to be made every 30 days or thereafter and shall not meet without making those continued findings.

**NOW THEREFORE**, the Marin Local Agency Formation Commission’s Policy & Personnel Committee **DOES HEREBY RESOLVE** that on behalf of itself: (1) a state of emergency has been proclaimed by the Governor; (2) the state of emergency continues to directly impact the ability of the Commission’s legislative bodies to meet safely in person; and (3) local officials continue to recommend measures to promote social distancing.

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission's Policy and Personnel Committee on January 6, 2022 by the following vote:

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

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

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

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

---

Tod Moody, Chair

ATTEST:

APPROVED AS TO FORM:

---

Jason Fried, Executive Officer

---

Malathy Subramanian, LAFCo Counsel



DEPARTMENT OF  
**HEALTH AND HUMAN SERVICES**

Promoting and protecting health, well-being, self-sufficiency, and safety of all in Marin County.



Benita McLarin, FACHE  
DIRECTOR

20 North San Pedro Road  
Suite 2002  
San Rafael, CA 94903  
415 473 6924 T  
415 473 3344 TTY  
[www.marincounty.org/hhs](http://www.marincounty.org/hhs)

October 19, 2021

Dennis Rodoni  
President, Board of Supervisors  
3501 Civic Center Drive, 3<sup>rd</sup> Floor  
San Rafael, CA 94903

Re: Public Meetings/Social Distancing

Dear President Rodoni:

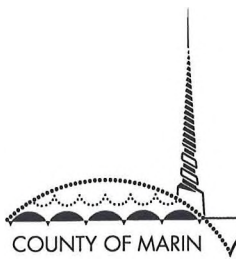
I am writing to confirm that my recommendations in the attached September 22, 2021 letter will remain in place.

Thank you for your consideration.

Respectfully,

Benita McLarin  
Director, Health & Human Services

cc: Matthew H. Hymel, CAO  
Brian E. Washington, County Counsel



DEPARTMENT OF  
**HEALTH AND HUMAN SERVICES**

Promoting and protecting health, well-being, self-sufficiency, and safety of all in Marin County.



Benita McLarin, FACHE  
DIRECTOR

20 North San Pedro Road  
Suite 2002  
San Rafael, CA 94903  
415 473 6924 T  
415 473 3344 TTY  
[www.marincounty.org/hhs](http://www.marincounty.org/hhs)

September 22, 2021

Dennis Rodoni  
President, Board of Supervisors  
3501 Civic Center Drive, 3<sup>rd</sup> Floor  
San Rafael, CA 94903

Re: Public Meetings/Social Distancing

Dear President Rodoni:

On September 20, 2021, Governor Newsom signed AB 361. The legislation provides that local agencies may continue to hold certain public meetings via video/tele-conference as they have done during the Covid-19 emergency. The legislation allows such meetings to continue during a proclaimed state of emergency if state or local officials have recommended measures to promote social distancing.

Local government meetings are indoor meetings that are sometimes crowded, involve many different and unfamiliar households, and can last many hours. Given those circumstances, I recommend a continued emphasis on social distancing measures as much as possible to make public meetings as safe as possible. These measures can include using video/tele-conferencing when it meets community needs and spacing at in-person meetings so that individuals from different households are not sitting next to each other. I will notify you if this recommendation changes while the Governor's state of emergency for COVID-19 remains in place.

Respectfully,

Benita McLarin  
Director, Health & Human Services

cc: Matthew H. Hymel, CAO  
Brian E. Washington, County Counsel



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## AGENDA REPORT

January 6, 2022

Item No. 3

**TO:** Policy & Personnel Committee

**FROM:** Jason Fried, Executive Officer

**SUBJECT:** Discussion and Possible Amendments to Policy Handbook

---

### Background

Marin LAFCo did a major revision of its Policy Handbook in April 2019 and last revised it in December 2020. LAFCo staff since then has come across a few items that we think may be worth updating or adding. Attached is a document that has all our current policy areas in which staff is suggesting a change. Those changes are in redline format. In addition, there is one new policy, electronic signature, being suggested to add to the Policy Handbook. It is not in redline format as it is all new.

Section 3.4 (B) deals with reimbursements. Currently, all staff needs to present all reimbursements to the Chair for approval. Since the current Executive Officer started, the Commission has delegated all oversight of staff to the EO. The suggested change is in line with this approach where the Chair keeps approval of reimbursement to the EO but the EO handles all other staff reimbursements.

Section 3.10 (B) (ix) and (x) is in response to a request from Chair McEntee at our December 2021 meeting to review a possible policy on setting up a reserve fund for potential future litigation. Staff copied the basic policy we have for consultants and modified it to fit this issue. The exact amount is not filled in so the Committee can decide on an amount to set for this reserve. If LAFCo were to pursue litigation it could cost between \$100,000-\$150,000 depending on the details of the lawsuit. Similar amounts would be expected if LAFCo got sued. This is a large amount, compared to our overall budget. Staff would recommend the Committee pick a number in the above range. In addition, staff added a new part to the consultant reserve fund to allow the use of that fund in cases where that money has not already been allocated for a use to both help in the short term while we build to its target level but also in case more money is needed than in the litigation reserve fund.

Section 3.13 (B)(i) deals with payments from our County Account. Currently, there are only two semi-regular payments that occur from this account. The first is payments from the County Account to the LAFCo Bank of Marin account. The other is the payment to MCERA. As was noted at our December Commission meeting the County was just making these payments on our behalf from the County account. With the completion of the transition of the HR system from the County to LAFCo, it is now LAFCo staff who needs to make these payments. Given the change, it would be staff's recommendation to amend this section to allow staff to make payments to MCERA from our County account without needing to first get Commission approval. This is similar to the process the Commission has already given to staff for the transfer of funds to the Bank of Marin account.

Section 4.9 deals with the Outside Service Agreement Policy for non-fire-related matters. CKH section 56133(d), which is the section that deals with approvals of OSA, in part states:

"When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of requests made

#### 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

pursuant to this section to the executive officer. The commission or executive officer shall approve, disapprove, or approve with conditions the extended services.”

The question for the Committee is does it want to give the EO the authorization to do this per its authority underlined above? Several other LAFCo already do this with the attachment amendment being a modified version of Ventura LAFCo’s policy. Staff used this one since it most closely followed Marin LAFCo policy style. Should this new section be added then the slight change suggested in the following section would be needed. In addition the new policy section “a.” deals with emergency OSA’s. Marin LAFCo already has a policy, currently 4.9(H), for this which has the Chair’s approval. The Committee should decide if it wants to add EO authority if it wants to keep emergency OSA under the authority of the Chair or have the EO have this authority. If moving to EO then we should delete 4.9 (H) from the Policy Handbook.

Addition of new section allowing for the use of electric signature on LAFCo related matters. As LAFCo has moved towards a paperless system and updates to our system LAFCo staff has been moving us to a secure electronic signature process. The Commission has been using this system to sign its stipend forms. A formal policy should be approved to deal with this subject matter. The attached new policy is a modified version of the Mendocino LAFCo policy.

### **Recommendation**

1. Staff Recommendation - Recommend approval of the amendments to the Policy Handbook as outlined in the attachment with any changes as desired.
2. Alternative Option – Continue any part of this to a future meeting of the Committee.

### Attachment:

1. Amendments to Policy Handbook



### 3.4 (B) Expense Reimbursements

Stipends shall be in lieu of claiming reimbursements for actual expenses related to meetings. Commissioners shall receive reimbursement for reasonable and necessary expenses incurred in performance of official Commission business, including attendance at CALAFCO conferences or training sessions. Reasonable and necessary expenses shall include the costs of transportation, lodging, food, communications, training or events related to service on the Commission.

Claims for expense reimbursement for Commissioners shall be submitted to Staff for processing. Claims for expense reimbursement for the Executive Officer ~~all staff members~~ shall be submitted to the Chair for approval and returned to staff for processing. All other staff shall submit reimbursement to the Executive Officer for approval. Disputes regarding reimbursable expenses shall be resolved by the Chair or his/her designee. All expense claims shall be submitted with the use of a standard expense claim form approved for use by the Commission.

---

3.10 (B)(ix) Marin LAFCo may need to hire outside experts to assist with large specialized studies. In order to mitigate large increases in requests from member agencies, LAFCo will maintain a reserve fund to hire consultants when the Commission approves the need. LAFCo shall have a goal of building this reserve fund to \$50,000. When this fund is not at that set amount the LAFCo Chair and Budget Committee Chair shall annually review LAFCo's overall financial situation to determine if unspent funds from previous fiscal years should be transferred to this fund instead of the general reserve fund. If determined needed by the Commission, a new line item can be added to the budget to help raise money for this fund. If needed, money from this fund can be used for section 3.10 (B)(x), and only in cases where there is not enough money in the legal fund for immediate needs and the Commission has not already allocated this fund's money for use.

3.10 (B)(x) Marin LAFCo may need to deal with litigation issues by using the court system. In order to mitigate large increases in requests from member agencies, LAFCo will maintain a reserve fund to pay for legal needs when the Commission approves the need. LAFCo shall have a goal of building this reserve fund to \$???. When this fund is not at that set amount the LAFCo Chair and Budget Committee Chair shall annually review LAFCo's overall financial situation to determine if unspent funds from previous fiscal years should be transferred to this fund instead of the general reserve fund. If determined needed by the Commission, a new line item can be added to the budget to help raise money for this fund. This fund cannot be used for regular day-to-day legal needs.

---

### 3.13 (B) Authorizations and Balance Limits

3.13 (B)(i) County Account: All deposits to this account shall be reviewed and approved by the Executive Officer or the Chair (in the absence of the Executive Officer). There shall be no balance limit on this account. Staff is authorized to transfer out of the County Account and into the Primary Operating Account on a quarterly basis the anticipated needed amount to cover costs that are part of the Commission approved budget for the upcoming quarter. Staff is also authorized to make payments to MCERA from the County Account. Any other transfers or related transactions of monies out of this account shall require majority approval by the Commission at a public meeting.

---

### 4.9 (C) Submitting a Formal Approval Request

Requests shall be made only by the affected agency and through their appointed director/manager and filed with the Executive Officer. Joint requests by two or more affected agencies are permitted. Requests shall be made in letter form and shall include all of the following information:

4.9 (C)(i) A list of all addresses and/or parcel numbers comprising the subject territory along with the accompanying zoning assignments made by the applicable land use authority;

4.9 (C)(ii) A description of how the applying agency would provide the proposed new or extended service to the subject territory. This includes any infrastructure or facility improvements and associated funding requirements necessary to provide service to the subject territory; and

4.9 (C)(iii) Any information or associated findings made pursuant to the California Environmental Quality Act

4.9 (D) LAFCo has delegated the authority to review and act on out-of-agency service agreement applications to the Executive Officer pursuant to Government Code Section 56133(d) for the following out-of-agency service applications:

a. Emergency proposals that authorize a city or district to provide new or extended services outside its sphere of influence in order to respond to an existing or impending threat to the public health or safety of the residents of the affected territory, pursuant to Government Code Section 56133(c).

b. Proposals that have been determined to be exempt from the California Environmental Quality Act.

c. Proposals that have been determined to be subject to the California Environmental Quality Act, and a Negative Declaration was prepared determining that the proposal would not have a significant effect on the environment and that no mitigation measures are required.

4.9 (D) (i) The Executive Officer may defer any decision on an out-of-agency service agreement application delegated to them pursuant to Section 4.9 (D) (ii) of this Handbook if they determine that the request involves significant public controversy or may be precedent-setting.

4.9 (D) (ii) The Executive Officer shall at the next Commission meeting inform the Commission of any approvals given under this section.

#### 4.9 (E) Request Review

The Executive Officer will provide the jurisdiction a written response within 30 days; if incomplete, the Executive Officer will identify the information needed to deem it complete. Once a request is deemed complete and if it does not fall under Section 4.9 (D) of this handbook, the Executive Officer shall prepare a written report with a recommendation for consideration by the Commission including the following three factors:

4.9 (D)(i) The ability of the applying agency to provide the requested service to the subject territory and potential impact on existing service levels;

4.9 (D)(ii) The effect on urban growth and development within and adjacent to the subject territory should the request be approved; and

4.9 (D)(iii) The consistency of the request with the Commission's adopted policies.

(If above section is approved as is then the below section should be removed from policy handbook)

#### ~~4.9 (H) Health & Safety Emergency Approval~~

~~Marin LAFCo authorizes the Chair to approve a city, town, or special district's request to provide new or extended services outside their jurisdictional boundaries under this section if there is an existing or impending public health or safety emergency. Marin LAFCo shall ratify the Chair's determination at the next regular scheduled meeting.~~

---

#### New policy for Electric Signatures

As part of Marin LAFCo's desire to go paperless, Marin LAFCo will allow the use of electronic signatures in all internal and external activities, documents, and transactions pursuant to the Uniform Electronic Transactions Act (UETA) where it is operationally feasible to do so, where existing technology permits, and where it is otherwise appropriate to do so. In such situations, affixing an electronic signature to the document in a manner consistent with this policy shall satisfy Marin LAFCo's requirements for signing a document. While the use of electronic signatures is an option, this policy does not require any staff or

Commissioner to use electronic signatures, nor can LAFCo mandate that any third party signing a document to use an electronic signature.

(A) Requirements of eSignature. The choice to use electronic signatures is permitted by Marin LAFCo. In cases where electronic signatures are used, they shall have the same force and effect as the use of a "wet" or manual signature if at minimum the following criteria are met:

1. The electronic signature is unique to the person using it.
2. The electronic signature is capable of verification.
3. The electronic signature is under the sole control of the person using it.

(B) Electronic signatures are additionally constrained by the following criteria, and if any are violated, LAFCo retains the right to invalidate the electronic signature and request that a different signature method be used:

1. Email notifications requesting electronic signatures are prohibited from being forwarded.
2. The use of proxy signatures is prohibited.
3. The data must be capable of retention on behalf of the receiver.
4. Any party may request additional criteria in situations where that may be necessary, given that these criteria are communicated to the other party/parties prior to their giving consent to use electronic signatures to conduct a transaction or any other form of official business. If criteria change after consent is initially given, the initial consent is nullified, and consent must be given again under the new terms.

(C) Documents involving other parties - In the case of contracts or transactions which must be signed by outside parties, each party to the agreement must agree in advance to the use of an electronic signature. No party to a contract or other document may be forced to accept an electronic signature; they must be permitted to decide either way. Such consent may be withdrawn by the other party at any time such that future documents must be signed in hardcopy format. When a document is electronically signed by all parties, Marin LAFCo will provide a copy of the electronically-signed document to the other parties in an electronic format that is capable of being retained and printed by the other parties.

(D) Acceptable technologies and eSignature providers shall be consistent with current state legal requirements and industry best practices to ensure the security and integrity of the data and the signature.



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

**AGENDA REPORT**  
January 6, 2022  
Item No. 4

**TO:** Policy & Personnel Committee

**FROM:** Jason Fried, Executive Officer

**SUBJECT:** Discussion and Possible Amendments to Fee Schedule

---

## Background

In June of 2019, the Commission did a major overhaul of the LAFCo Fee schedule. During that overhaul, the Commission agreed to allow agencies that LAFCo has an official oversight role to have LAFCo application fees waived when the application is in response to suggestions coming from an MSR. This policy has been received well from agencies who have used it.

Since this policy has been in place staff thinks a small expansion of it may be warranted and want the Committee to discuss it. The new issue at hand is LAFCo is aware that some agencies may be providing service to property outside of its boundary. Many of these go back years. MMWD recently brought one of these applications to LAFCo which they paid for. A few are doing a review of parcels outside of their boundaries to see if they are serving any that did not get LAFCo approval. LAFCo staff has been working with them as they identify individual parcels to see if they have been annexed or not annexed into its jurisdiction. As a time saver for the Commission and a long term benefit for our member agencies staff would suggest that we create a policy in our fee schedule that gives a one-time waiver of the LAFCo fees, similar to the one for MSR applications, to help correct maps and boundaries that show who the district serves. The one part the Committee should decide on is do we want to have this pertain to parcels that have been served by the district for a period of time or exclude more recent addition? A couple of examples of this are in the brackets below.

The first paragraph is the policy that is currently followed while the second is the new paragraph staff would like to see added to the fee schedule:

When agencies bring applications to the Commission for its approval the LAFCo fees that pertain to staff time will be waived when that application is a result of a recommendation coming from a Municipal Service Review. The applicant will still be responsible for all third-party fees as part of the application process.

Each government agency that LAFCo oversees boundaries of will be given a one-time waiver of fees that pertain to staff time for an application, or group of applications, presented at the same time that bring into the jurisdiction parcels that have been served by the district (prior to 2018 or more than ten years). The applicant will still be responsible for all third-party fees as part of the application process.

## Recommendation

1. Staff Recommendation - Recommend the amendments to the Fee Schedule with any amendments so desired to the Full Commission.
2. Alternative Option – Continue any part of this to a future meeting of the Committee.
3. Alternative Option – Decide this change is not needed or warranted at this time.

---

### 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