

**ROSS VALLEY SANITARY DISTRICT  
SPECIAL BOARD MEETING MINUTES**

Wednesday, January 27, 2021  
4:00 PM

Via GoToMeeting

Directors Present: Michael Boorstein  
Thomas Gaffney  
Doug Kelly  
Pamela Meigs  
Mary Sylla

Directors Absent: None

Staff/Consultants Present: Steve Moore, General Manager  
Felicia Newhouse, Assistant General Manager  
Julia Cooper, Clerk of the Board  
Andrea Clark, District Counsel  
Riley Hurd, Ragghianti & Freitas  
Bryant Sparkman, Century Urban  
Leo Ma, Century Urban  
Ross Guehring

Public Present: David Vierra  
Bill Vierra  
Robert Silvestri  
Robert Upton  
Michael Hooper  
Anthony Blanchard  
Robert Atkinson

*Note: These minutes do not represent a transcript of the meeting and are intended to be a summary of the most important points. For a complete record, please refer to the video recording of the meeting, which will be available on the District's website at [www.rvsd.org](http://www.rvsd.org).*

**Item # 1 – Call Meeting to Order and Roll Call**

The meeting was called to order by President Sylla at 4:01 p.m. The Board Clerk called roll. The Board recited the Pledge of Allegiance.

**Item # 2 – Informational Presentation III: Surplus Land Act**

GM Moore introduced this item and reviewed the previous informational presentations that came before the Board. He shared his screen and reviewed the language of the Sanitary District Act of 1923. This act recognizes land as an asset which a sanitary district can use as a means of revenue to minimize sewer service charges or finance wastewater enterprise.

District Counsel Andrea Clark shared her screen and gave a presentation regarding the Surplus Land Act (SLA). She reviewed the history and intent of the act, the summary of the act’s content, and enforcement. She described the shifting landscape and guidance that is yet to be finalized.

Director Kelly asked if the two acts are in conflict. District Counsel Clark responded that it is fair to assume that the intent of the SLA is to cooperate with stipulations of the Sanitary District Act of 1923.

Director Meigs asked for more information on the Notice of Interest and was interested in keeping the public informed. District Counsel Clark reviewed specific stipulations of the process, prioritization to public agencies, and then the District can offer a notice to the public. Director Meigs also asked about the definition of surplus land and expressed concern that the public does not know about public meetings. The Board discussed the District’s efforts for transparency.

Robert Silvestri of Mill Valley asked if non-profit housing developers are eligible to receive advance notice, and he asked if the District could circumvent the requirements of the SLA through a joint venture. District Counsel Clark said that was out of the scope of the presentation, but generally, she would hesitate to say that the SLA can be avoided through these means.

GM Moore asked if there are exemptions to these requirements, and District Counsel Clark listed a few, including the size of property or if the property is part of an exchange. She said that this is part of the guidance documents that have not been finalized. They agreed that these exemptions are narrow to require special districts to navigate this process.

GM Moore introduced the next steps, including a future informational presentation on property appraisal. The Board discussed whether that meeting should be held in open or closed session. Riley Hurd stressed the importance of retaining negotiating power during real estate transactions. Bryan Sparkman of Century Urban added that discussing property appraisal in closed session is standard procedure for public agencies.

This item was an informational presentation only; no action was taken by the Board.

**Item # 3 – Discussion and Direction on Submitting Comment Letter to City of Larkspur Planning Division regarding the General Plan Update for 2000 Larkspur Landing Circle**

**Motion:** M/s Boorstein/Gaffney to Authorize the Board President, in Coordination with Legal Counsel, to Issue the Attached Letter to the City of Larkspur Planning Division

**Vote:** Ayes: Gaffney, Boorstein, Kelly, Meigs, Sylla Noes: None. Absent: None. Abstain: None

The motion passed.

GM Moore introduced this item and reminded the Board of the last comment letter submitted to the City of Larkspur in 2018. The latest draft letter is a follow up communication acknowledging the integration of RVSD’s comments and requests for land use flexibility. This was written by staff because comments on the General Plan are due February 4. He also said that this communication responds to the Larkspur Environmental Impact Report (EIR). The Board expressed support for the letter. Director Boorstein said that he appreciated that the City of Larkspur taking initiative on the EIR

effort.

Robert Silvestri of Mill Valley made a comment about different types of EIRs that the City of Larkspur could conduct and said that the existing EIR for the property will likely be amendable. GM Moore responded that they do have a shelf life, and the 2007 version will likely require updates. Though Larkspur is conducting a Program EIR, they can make reasonable assumptions based on the specificity provided by the District. Mr. Hurd responded to this question with a summary of his informational presentation in December 2020. The Board discussed the District's intent to work with the City of Larkspur on the types of projects that will be considered for the Larkspur Landing property.

The motion as stated above carried unanimously via a roll-call vote.

**Adjourn:** The Board adjourned at 5:14 p.m.



Michael Boorstein  
Secretary of the Board

Submitted by: Julia Cooper  
Clerk of the Board