

MINUTES - MARIN LOCAL AGENCY FORMATION COMMISSION

On February 9, 2012, the regular meeting of the Marin Local Agency Formation Commission was held at the San Rafael Council Chambers, 1400 Fifth Avenue in San Rafael. Chair Blanchfield called the meeting to order at 7:06 p.m.

ROLL CALL

Commissioners Present: Judy Arnold
Einar Asbo
Jeffry Blanchfield
Carla Condon
Barbara Heller
Dennis J. Rodoni
Kathrin Sears

Alternate Commissioners
Present: Christopher Burdick
Craig K. Murray
Herb Weiner

Staff present: Peter Banning, Executive Officer
Candice Bozzard, Clerk to the Commission
David Zaltsman, Legal Counsel

Chair Blanchfield welcomed Herb Weiner, newly appointed Alternate City Member.

1. **Public Comment** - No comments from the public.

ACTION OR POSSIBLE ACTION ITEMS

CONSENT CALENDAR ITEM(S)

2. **Regular Meeting Minutes - January 12, 2012**
3. **Financial Reports - January 2012**

It was requested by Commissioner Murray to pull the meeting minutes from the Consent Calendar for amendment. Chair Blanchfield noted that as the Commissioners did not have time to review Commissioner Murray's suggested changes, the January 12, 2012 meeting minutes should be continued to the next the meeting.

M/S Arnold - Asbo to approve the January Financial Report.

Approved unanimously.

With a consensus of the Commission, Chair Blanchfield switched the order of agenda items 4 and 5.

PUBLIC HEARING(S)

5. **Reconsideration of Commission Approval: Annexation of the City of Sausalito to the Southern Marin Fire Protection District (File #1304):**

The Executive Officer briefly recapitulated the history surrounding the annexation and the policy and procedures regarding the reconsideration of approved proposals approved. Staff recommended that the Commission deny the petition for reconsideration as the request did not offer new or different facts that could not have been presented previously as required under the Cortese-Knox-Hertzberg Act and because the information and assertions presented in the request did not accurately reflect the outcome of the annexation.

Chair Blanchfield asked if any Commissioner had any additional questions of staff. There being none, the Chair opened the hearing for public comment.

- Mike Kelly, Mayor of the City of Sausalito – Mr. Kelly stated that he had been involved in the annexation oversight committee for the past 8 years. Mr. Kelly went on to say that the allegation of potential “double-dipping” by firefighters transferring from employment in Sausalito to employment at Southern Marin Fire was categorically false. Mr. Kelly continued that all required information on the pension cost implications of the annexation had been provided in several forms including holding two workshops and being posted on the City of Sausalito’s website. He added that the MCERA/CalPERS percentages used by the proponents were inaccurate. Lastly, Mr. Kelly said moving forward with the annexation was in the best interest of the City of Sausalito residents and encouraged the Commission to deny the request for reconsideration.
- John Flavin, Resident of the City of Sausalito – Mr. Flavin declared that he filed a protest regarding the notification of the meeting and did not want his comments to waive that complaint. Mr. Flavin went on to state that he disapproved of the annexation on the grounds that “double - dipping” was possible and that an independent analysis of the financial projections was not properly conducted. He stressed that the City of Sausalito did not live up to its obligation to its citizens and asked that the Commission to reconsider its decision to approve the annexation.
- Charlie Francis, Director of Administrative Services for the City of Sausalito – Mr. Francis emphasized to the Commission that no new substantive information had been presented by the proponents. The City informed its residents of the implications of annexing to SMFPD on numerous occasions and in multiple ways. He indicated that the City had conducted an

independent analysis by actuaries, Bartels Associates and legal expert, Michael Colantuono. Mr. Francis urged the Commission to support the annexation of the City of Sausalito to the Southern Marin Fire Protection District.

- Jim Irving, Fire Chief of the Southern Marin Fire Protection District – Mr. Irving pointed out the extreme unlikelihood that the Sausalito firefighters eligible for retirement would “double dip”. Mr. Irving reminded the Commission of the enhanced safety measures and the cost savings that would be realized through the annexation of the City of Sausalito to the District.
- Jonathon Leone, Councilmember City of Sausalito – Mr. Leone stated that the quality of fire service has exceeded expectation for the past seven (7) years of contract service by SMFPD. Mr. Leone summarized that discussion of pension costs and voter surveys were a distraction and that this annexation would be in the best interest of the citizens of Sausalito.
- William Pollacek, Retired Treasurer/Tax Collector Contra Costa County – Mr. Pollacek stated he had been actively involved in the field of pension reform for the past ten years and highly recommended a new, independent analysis of pension costs.

M/S Asbo – Condon to close the public hearing.

Approved unanimously.

Staff explained that the reconsideration hearing could be continued for a maximum of 35 days and the protest hearing could be continued for up to 60 days from January 23, 2012.

Commissioner Rodoni asked about the possibility of continuing the reconsideration hearing until after the protest hearing. Staff responded that under the Cortese-Knox-Hertzberg Act the request for reconsideration had to precede the protest hearing.

M/S Rodoni – Condon to direct staff to extend the protest hearing an additional 30 days.

Commissioner Sears stated concern regarding the motion to extend the protest hearing since it was not agendaized.

Mr. Zaltsman responded that if it was the desire of the Commissioners to grant more time for the petitioners to gather additional protest signatures, then the Commission would have to direct staff to continue the protest hearing.

The Executive Officer added that the parameters of the reconsideration period had already been continued past the noticed hearing date of January 23, 2012.

Mr. Zaltsman advised that under the Brown Act, the Commission should consider a motion to continue the reconsideration issue which would then force continuance of the protest hearing.

Mary Wagner, City Attorney of the City of Sausalito, asked if a motion to continue the reconsideration hearing was passed, how that could affect the protest hearing. She stated that it was to her understanding of the Cortese-Knox-Hertzberg Act that the protest hearing had to be conducted within 60 days of the written notice of that hearing, which was given December 21, 2012. Mr. Zaltsman responded that the law was unclear on what provision took precedence if the reconsideration period was continued.

Chair stated he would prefer the Commission decide on the reconsideration of the annexation at this point.

Commissioner Rodoni withdrew his motion.

M/S Arnold - Heller to deny the request for reconsideration of Resolution 11-08 approving the annexation of the City of Sausalito to the Southern Marin Fire Protection District (File #1304).

Vote was taken by roll call.

Ayes: Commissioners Arnold, Asbo, Blanchfield, Heller and Sears.

Noes: Commissioners Condon and Rodoni.

Abstain: None

Motion passed by majority vote.

BUSINESS ITEM(S)

4. Office Lease Renewal:

Staff reported that the Commission's lease of office space would expire on February 29, 2012 and a four year lease extension was offered by the landlord, Marin Community Foundation. The extension included an initial 14% rent increase, but no additional increases until February 2016. Staff recommended approval and authorization to sign the four-year lease agreement.

M/S Rodoni - Sears to approve the four-year extension and authorize the Executive Officer to sign the proposed lease on its behalf.

Approved unanimously.

COMMISSIONER REPORTS

Chair Blanchfield commented on his observation of staff's meeting with southern Marin sewer agencies on February 8, 2012 for discussion of possible terms and conditions of consolidation approval. He felt the meeting was very productive and that the Executive Officer did an excellent job of moderating the meeting. Commissioner Sears also attended the meeting and agreed with the Chair that the meeting went well. She added that she was appreciative of the input from the attendees and that Scott Smith, legal counsel and Paul Causey, consultant also offered important contributions. Commissioner Asbo felt the meeting needed to be more constructive, but he remained optimistic. Chair Blanchfield noted the cost of staffing these meetings and advised the Budget Committee to take such costs into account when working on the budget for FY2012-13.

6. EXECUTIVE OFFICERS REPORT

The Executive Officer had no additional comments to add to his written report.

ADJOURNMENT

M/S Murray - Condon to adjourn.

Approved unanimously.

The meeting was adjourned at 9:00 p.m. The next regular LAFCO meeting was scheduled for Thursday, March 8, 2012.

Respectfully submitted,

PETER V. BANNING, Executive Officer

ATTEST:

JEFFRY BLANCHFIELD, Chair