

## MINUTES - MARIN LOCAL AGENCY FORMATION COMMISSION

On July 10, 2008, the regular meeting of the Marin Local Agency Formation Commission was held at the San Rafael Council Chambers, 1400 Fifth Avenue in San Rafael. Vice Chair Heller called the meeting to order at 7:08 p.m.

### ROLL CALL

Commissioners Present: Judy Arnold  
Einar Asbo  
Christopher Burdick  
Carla Condon  
Barbara Heller  
Dennis J. Rodoni

Commissioners Absent: Susan Adams  
Jeffrey Blanchfield  
Charles McGlashan  
Jeff Slavitz

Alternate Commissioners  
Present: Fred Hannahs

Staff present: Peter Banning, Executive Officer  
Candice Bozzard, Clerk to the Commission  
Evelyn Ellis, Assistant Planner

1. Public Comment - None.

### CONSENT CALENDAR ITEM(S)

2. Regular Meeting Minutes - May 8, 2008
3. Financial Reports - May and June 2008

Executive Officer requested item 4 be removed from the Consent Calendar for further discussion.

M/S Asbo - Heller to approve items 2 and 3 of the consent calendar.

Approved unanimously.

4. **Annexation of the Lands of Hamilton Main Gate Area to Novato Sanitary District (File 1293):**

The Executive Officer reported that this item had been continued from the May meeting to allow the Sanitary District, the Novato Unified School District and the North Bay Children's Center time to draft terms and conditions that would ensure access for maintenance and improvements to existing private sewer facilities within the annexing area. The proposed terms and conditions for this proposed project were received just a few days prior to the meeting which did not leave the applicants adequate time to review and comment. Staff recommended further continuance of this application.

M/S Arnold - Rodoni to continue this item to the next Commission meeting.

Approved unanimously.

**PUBLIC HEARING(S)**

5. **Reorganization of the Lands of Clements & Banfield Including Detachment from Ross Valley Sanitary District and Annexation to San Rafael Sanitation District (File #1294):**

The Executive Officer summarized his report. The proposal requested detachment from Ross Valley Sanitary District and annexation to San Rafael Sanitation District. The 1.12 acres are located at the top of the ridge that separates the Ross Valley Sanitary District (RVSD) from the San Rafael Sanitation District (SRSD). The applicant requested annexation to SRSD, which would allow a shorter lateral to the SRSD sewer main utilizing driveway and public right of way only. This proposed application would require amendment to both the RVSD and the SRSD's spheres of influence. Staff recommended that the commission adopt a resolution amending the spheres of influence of each of the two districts and approving the proposed reorganization.

Chair Blanchfield opened the hearing for public testimony. No public comment was received.

M/S Arnold - Asbo to adopt Resolution 08-09 approving the Reorganization of the Lands of Clements & Banfield Including Detachment from Ross Valley Sanitary District and Annexation to San Rafael Sanitation District (File #1294).

Approved unanimously.

**BUSINESS ITEM(S)****6. Policy Amendments:**

The Executive Officer reported that the Commission's strategic plan calls for review of the Commission's adopted policies, procedures and guidelines. Staff proposed that the Commission consider adding policies for the withdrawal of a proposal by the applicant(s) and an indemnification of LAFCO against legal expense arising from the processing of proposals. The Executive Officer requested that the Commission defer action on withdrawal of a proposal policy due language in the Cortese Knox Hertzberg Act that would not be consistent with the proposed policy. However, staff did recommend that the Commission adopt the policy requiring applicants to sign an agreement indemnifying the Commission against any legal expense.

Commissioner Asbo asked what the intended objective for the indemnification policy was. Staff responded that the objective would be to protect LAFCO from being held financially liable for boundary decisions that benefited applicants or applicant public agencies.

Commissioner Burdick felt that the phrase "applicant" needed to be more specific. In response, staff suggested a meeting with Commissioner Burdick, the Executive Officer and legal counsel to discuss language for this policy.

Vice-Chair Heller continued the decision regarding the proposed policy amendments to the next Commission meeting.

**COMMISSIONERS' REPORTS**

There were no reports.

**EXECUTIVE OFFICER'S REPORT****7. Progress Reports:**

The Executive Officer reported on the progress of ongoing projects:

- Budget: In continued efforts for consistency between old and new accounting software systems, staff discovered a greater fund balance than projected in this year's budget adoption process. The increase in the reserve fund is approximately \$25-30,000. Also with regards to the budget, the new computer and network server were installed with costs approximately \$2,000

less than anticipated. Staff requested authorization to use the money to purchase new chairs for the Executive Officer and the Clerk.

- Interview: The Executive Officer participated in a televised panel discussion of local government affairs conducted by Donna Bjorn of the League of Women Voters on community television in early June.
- Briefing: On July 9, 2008 the Executive Officer briefed the new Civil Grand Jury.
- Upcoming Workshop: Marin LAFCO received an invitation to Assemblyman Huffman's workshop for collaborative dialogue on the sewage spills and possible long-term strategies on sewer plant operations in southern Marin. The Executive Officer stated that he would be reporting on background information on the studies conducted by the Civil Grand Jury in 2004 and LAFCO in 2005 as well as more recent events since those studies.

### ADJOURNMENT

M/S Adams - Slavitz to adjourn.

Approved unanimously.

The meeting was adjourned at 7:32 p.m. The next regular LAFCO meeting was scheduled for Thursday, August 14<sup>th</sup>, 2008.

Respectfully submitted,

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PETER V. BANNING, Executive Officer

ATTEST:

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JEFFRY BLANCHFIELD, Chair