

MINUTES - MARIN LOCAL AGENCY FORMATION COMMISSION

On November 13, 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. Chair Blanchfield called the meeting to order at 7:03 p.m.

ROLL CALL

Commissioners Present: Susan Adams
Einar Asbo
Jeffry Blanchfield
Carla Condon*
Barbara Heller (7:15)
Charles McGlashan (7:06)
Fred Hannahs
Jeff Slavitz

Commissioners Absent: Dennis Rodoni

Alternate Commissioners
Present: Christopher Burdick (7:22)

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

*Commissioner Condon was seated until Commissioner Heller arrived.

1. **Public Comment** - None.

CONSENT CALENDAR ITEM(S)

2. **Regular Meeting Minutes - September 11, 2008**
3. **Financial Reports - September and October 2008**

M/S Adams - Slavitz to approve the consent calendar including a minor revision to the Minutes.

Commissioners McGlashan and Slavitz abstained from the Minutes.

Approved unanimously.

CONTINUED PUBLIC HEARING(S)**4. Marin Resource Conservation District Service Review and Sphere of Influence Update:**

Staff stated that the public hearing for this item had been continued from the September 11, 2008 meeting to allow for further public comment. In the written report staff recommended that the Commission reaffirm the existing coterminous sphere of influence for the Marin Resource Conservation District (MRCD). However, on November 12, 2008, staff attended the MRCD Board of Directors meeting to discuss the service review and sphere of influence report. After some discussion, the MRCD Board of Directors requested additional information on agricultural activity outside the present boundary of the District in order to make its recommendation to LAFCO. Staff therefore recommended continuing the public hearing until the next Commission meeting to allow for further review by the MRCD Board of Directors to consider the implications of expanding the MRCD sphere of influence.

M/S Adams - McGlashan to continue the public hearing on Marin Resource Conservation District Service Review and Sphere of Influence update to the next Commission meeting.

Approved unanimously.

BUSINESS ITEM(S)**5. Sewer Agency of Southern Marin (SASM):**

The Executive Officer added to his written report that the Regional Water Quality Control Board and the Sewerage Agency of Southern Marin (SASM) were continuing to negotiate a possible reduction in fines for sewage spills and other mitigations. A public hearing on the proposed fines and the nature of supplemental environmental projects (SEPs) had been scheduled for December 10th. The Commission's letter of September 23rd suggested that the Regional Board and SASM agencies should consider the long-term effectiveness of actively pursuing cost savings through consolidation and that the SEP program should allocate a portion of the fine toward organizational reform. Staff pointed out that with the approval of the Commission's 2005 service review and SOI study that LAFCO encouraged SASM agencies to discuss functional consolidation and that since 2005, there had been only minimal effort by the agencies to do so.

The Executive Officer pointed out that with the current Regional Board actions, some SASM agencies have begun discussing moves toward some type of consolidation.

Staff proposed that the LAFCO Commission appoint a subcommittee to respond to or participate in the Regional Board's public hearings in order to assert its policies and research findings from the 2005 study. Chair Blanchfield asked what the benefit would be of appointing a subcommittee. Staff responded that the subcommittee would respond to possible proposals arising from any Regional Board decisions during periods when the Commission had no scheduled meeting.

Commissioner Asbo disagreed with the 2005 study regarding political consolidation being the right course of action. He stated that conclusions outlined in the report were not accurate or logical for the southern Marin sewer districts. Commissioner Asbo felt that at this juncture, expenditures by the SASM agencies should be focused on long term repair and maintenance of the sewer lines and not organizational consolidation. Commissioner Asbo also commented that steps had been made toward the agencies working together.

Chair Blanchfield pointed out that there had been no objection regarding the letter of September 23, 2008 sent to the Regional Board outlining the 2005 report and comments that the Commission had made in previous meetings. Chair Blanchfield reiterated that the Commission needed to continue to speak as a unified agency on this issue.

Several Commissioners felt that there had been little movement by the southern Marin sewage agencies to become more efficient and integrated. The sewage spill created an opportunity to reinitiate discussion of functional consolidation among SASM agencies.

Chair Blanchfield opened the discussion to the public.

- Bruce Baum, rate payer in the Central Marin Sanitation Agency District service area - Mr. Baum stated that he participated in three studies of consolidation of central Marin sewer agencies. Those studies determined that no benefits were achieved with sewer agency consolidation. Mr. Baum also pointed out that each district functions in a different way and should not be treated as equivalents.
- Jon Elam, General Manager of Tamalpais Community Services District - Mr. Elam stated the southern Marin study was fraught with inaccuracies and did not properly reflect the needs of southern Marin's sewer systems. Mr. Elam felt that the jurisdiction of LAFCO was to evaluate how districts are governed but that LAFCO constantly blurred issues of governance and operations. Mr. Elam added a description of recent sewer service improvements and innovations undertaken by Tamalpais CSD.

- Bonner Beuhler, District Manager for Richardson Bay Sanitary District and Almonte Sanitary District – Mr. Beuhler gave a historical overview of the southern Marin sewer agencies. Mr. Beuhler stated that great strides have been made toward improvements to avoid sewage spills and to satisfy the Regional Board's requirements.
- Loretta Figora, Board Member and Bookkeeper for Almonte Sanitary District – Ms. Figora stated that the southern Marin sewer districts have been communicating and working together to solve sewer service issues.

Commissioner Adams stated concern that if these districts did not start to work together in a more proactive way that the state legislature may take away local control.

Commissioner McGlashan believed it would be wise for LAFCO to remain informed on this issue, but felt that the Regional Board fines should be spent on improving sewer facilities. He commented that there was willingness from these districts to work together and that the eventual SEP program should not allocate resources to governance studies.

Commissioner Asbo noted that the Homestead Valley Sanitary District had sought to combine multiple sewer line repair projects to increase the scale of contracted work, but it did not result in any cost savings.

Commissioner Slavitz added that consolidation was a complicated issue and that LAFCO should stay involved. He felt that LAFCO should recognize its limitations and work within them.

Commissioner Adams said that this was an opportunity to observe how the agencies work together and suggested interval updates on that progress.

Chair Blanchfield summed up that LAFCO should remain closely informed on this issue and that it was important to maintain a united front on this matter.

Commissioner Adams suggested that a few Commissioners should attend the Regional Board meetings in addition to staff. The Executive Officer responded that he understood the differing view points of the Commission members.

Chair Blanchfield concluded that the Commission would wait until the December 11, 2008 LAFCO meeting to discuss the outcome of the December 10th Regional Board meeting before taking further action on how to proceed with this matter.

6. **Legislative Report, SB 375:**

Staff added to his written report that Senate Bill 375 (Steinberg) was consistent with LAFCO mandates on reducing urban sprawl; however the future effect would be on local government authority over land use. Staff would keep the Commission informed on the implementation of this bill.

Commissioner McGlashan recommended staff meet with Cristy Rivera to discuss a possible local workshop.

7. **Policy Amendments:**

The Executive Officer reported that staff was continuing to update the Commission's adopted policies, procedures and guidelines. Staff proposed that the Commission consider adding policies for records retention and expense reimbursements as outlined in its written report. Staff also recommended adding to the list factors for proposal consideration as required by the Cortese-Knox-Hertzberg Act updates.

Staff recommended that the Commission adopt these new policies as outlined in the staff report.

M/S Adams - Slavitz to approve the recommended policy amendments as outlined in the Executive Officer's staff report.

Approved unanimously.

COMMISSIONERS' REPORTS

No Commissioner reports were offered.

EXECUTIVE OFFICER'S REPORT

8. **Progress Reports:**

The Executive Officer reported:

- Today was Evelyn Ellis' last day with Marin LAFCO; The Commission thanked her for all her hard work and wished her luck in her new endeavors.
- Met with the southern Marin Fire Protection District and City of Sausalito as they selected a consultant to implement their consolidation.

- Noted the Commission's Strategic Planning Workshop was normally scheduled in January and would welcome any input on the structure or topics of interest for the workshop.
- Updated the Commission on the status of the Jansheski Annexation to Sanitary District #5, approved by the Commission in May 2007. He reported that Mr. Jansheski was requesting more than the original \$550,000 cap on total compensation as originally agreed on with San #5. The sewer line was completed but no other connections have been permitted by San #5.

ADJOURNMENT

M/S Adams - Slavitz to adjourn.

Approved unanimously.

The meeting was adjourned at 9:08 p.m. The next regular LAFCO meeting was scheduled for Thursday, December 11, 2008.

Respectfully submitted,

PETER V. BANNING, Executive Officer

ATTEST:

JEFFRY BLANCHFIELD, Chair