

MINUTES - MARIN LOCAL AGENCY FORMATION COMMISSION

On January 12, 2006, 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 7:01 p.m.

Chair Blanchfield introduced and welcomed Commissioner Carla Condon, Marin LAFCO's new Alternate City Member from the Town of Corte Madera.

ROLL CALL

Commissioners Present: Susan Adams
Einar Asbo
Jeffry Blanchfield
Barbara Heller
Charles McGlashan
George Quesada
Jeff Slavitz

Commissioners Absent: Dennis J. Rodoni

Alternate Commissioners
Seated in the Audience: Carla Condon

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

1. Public Comment - None

NOTICE OF APPLICATION (Information Only)

2. New Application(s) have been received for the following proposal:
 - Annexation of the Lands of Keran, Ghazi & Ferris to Tiburon Sanitary District (File #1271)
 - Annexation of the Lands of Forgan to San Rafael Sanitation District (File #1272)

CONSENT CALENDAR ITEM(S)

3. **Meeting Minutes - December 8, 2005**
4. **Financial Report - December 2005**
5. **Annexation of the Lands of Donnelly to Novato Sanitary District (File #1270)**

Commissioner Heller questioned what issue SB 1024 was regarding in the Minutes from the previous meeting. The Executive Officer responded that Senate Bill 1024 was about streamlining housing requirements under CEQA regulations.

Commissioner Adams asked why budget item 2477 "Mileage and Reimbursements" was so high for the month of December. The Clerk to the Commission responded that it was due to a correction of allocations as well as mileage reimbursements for October and November paid out to staff in December.

M/S Quesada - Heller to approve the consent calendar.

Commissioners Slavitz and Quesada abstained from voting on the meeting minutes of December 8, 2005.

Motion approved.

AGENDA ITEM(S)

6. **Recognition of Service:**

Chair Blanchfield commended Commissioner Waldeck for his work with the Commission. Commissioner Waldeck remarked that he enjoyed his term as the Alternate City Member and working with the Commissioners and staff.

M/S Adams - Asbo to approve the Recognition of Service for Commissioner Waldeck.

Approved unanimously.

7. **Study Session - Water District Presentation:**

Chair Blanchfield called on the Executive Officer for his report.

The Executive Officer reported that the Commission would be holding its annual strategic planning retreat on February 3rd and one of the areas of the Commission's work program that was difficult to plan had been defining the necessary scope of the service review and sphere of influence study for Marin Municipal and North Marin

Water Districts. The Executive Officer noted that all the urbanized areas in Marin County were already in the boundaries of one or the other of the two major water districts. Another reason for the difficulty in planning was there was no obvious advantage to re-structuring the relationship between the two districts through consolidation since the population growth and urban development was unlikely to create management problems.

- Chris DeGabriel, District Manager for North Marin Water District - Mr. DeGabriel handed out an overview of North Marin Water District and then went over the different points outlined in the materials.

Commissioner Heller inquired on the length of time North Marin Water District (NMWD) was contracted with the Sonoma County Water Agency (Russian River). Mr. DeGabriel responded that the contract with the Sonoma County Water Agency (SCWA) was set to expire in the year 2040. Commissioner Heller then inquired what would happen if SCWA needed all of their water in the future. Mr. DeGabriel responded that was not an immediate concern since there was an ample supply of water for both NMWD and MMWD and that presently SCWA did not have adequate storage facilities.

Commissioner Adams asked if the environmental impact issues had been addressed. Mr. DeGabriel responded that NMWD consulted with Noah Fisheries (formerly National Marin Fisheries) to conduct a biological assessment to determine the necessary changes that were needed for the protection and restoration of the Russian River fisheries. Commissioner Adams inquired about the recycled wastewater program. Mr. DeGabriel remarked that the Stone Tree Golf Course would be the first project for North Marin Water District to use recycled wastewater. Commissioner Adams questioned what the role NMWD had in the overall watershed drainage system in the County. Mr. DeGabriel responded that NMWD had limited watershed stewardship responsibility however NMWD had flood control agreements with other local agencies in the Marin and Sonoma Counties.

- Paul Helliker, General Manager for Marin Municipal Water District - Mr. Helliker handed out materials and discussed the outline of the structure and objectives of the Marin Municipal Water District.

Commissioner Adams questioned the relationship between the water district and Las Gallinas Valley Sanitary District (LGVSD) regarding the recycled wastewater project. Mr. Helliker responded that Marin Municipal Water District (MMWD) was responsible for taking the wastewater flow from LGVSD beginning in April until October, treating and then distributing the recycled wastewater. Commissioner Adams asked if MMWD was using cost effective opportunities for placement of the new pipes for the recycled wastewater. Mr. Helliker responded that whenever possible MMWD was using all opportunities for placement of the recycled wastewater pipes. Commissioner Adams then inquired about the desalination project. Mr. Helliker

responded that MMWD was presently operating its first pilot plant and the results would be available by late spring.

8. **Community Services District Inventory of Services:**

The Executive Officer reported that Senate Bill 135, which became effective on January 1, 2006, gave LAFCO authority over the provision of new services by community services districts. The Executive Officer explained that under the Community Services District Law (GCS 61000 et seq.), the definition of a "latent power" was a service the local agency formation commission determined was not provided for prior to January 1, 2006. In the beginning of November 2005, staff sent a formal request to each of the six community service districts requesting a list of all its currently provided services. Staff noted that in the case of Marin City Community Services District, the District included in its response several services that were authorized in the original resolution approving formation of the District, but had not actually been provided by Marin City Community Services District. The services of fire protection, police, security alarm, library and emergency medial services all fell under the definition of latent powers and therefore had not been included on the list of currently provided services as outlined in staff's written report. The Executive Officer had already discussed this with Mr. Johnathon Logan, General Manager of Marin City Community Services District.

Staff recommended that the Commission accept the table attached to the written staff report as the currently exercised powers of each Community Services Districts in Marin County as well as the baseline for the application of latent powers provisions of the new law.

Chair Blanchfield opened the public hearing.

- Mr. Jon Elam, General Manager, Tamalpais Community Services District - Mr. Elam stated that as a result of the storm in January the Tamalpais Community Services District had begun a new working partnership with the County of Marin Flood Control District. Mr. Elam also stated that he thought it interesting that Emergency Preparedness was not listed as one of the "powers" for a community services districts.

Commissioner Adams asked if the district had worked with local fire agencies to have citizens in the community participate in the DART or CERT programs. Commissioner Adams also mentioned that the Board of Supervisors had possible funding opportunities for emergency preparedness available.

- Mr. Everett Brandan, Marin-City Community Services District – Mr. Brendan suggested that the Commission consider holding a workshop for the community services districts to further explain the new legislation, the definition of latent powers and how the provisions of SB 135 affected community services districts.

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

M/S Adams – Slavitz to approve staff's recommendation.

Approved unanimously.

COMMISSIONER'S REPORT

Commissioner Asbo noted that he was attending the Marin County Special District Association meeting on the last Friday of January and extended an invitation to the other Commissioners.

Commissioner Adams reported that FEMA had completed a tour of Marin County and gave the County high praise regarding their presentation of the damage caused by storm that occurred in the first part of January.

EXECUTIVE OFFICER'S REPORT

9. Progress Report:

The Executive Officer added the following information to his written report:

- Staff met with Jim Stark and Dennis O'Brien regarding the St. Vincent's property.
- CALAFCO had invited the Executive Officer to participate in CALAFCO University presentations. The Executive Officer said he would be interested pending the Commission's approval. The Commissioners encouraged the Executive Officer to participate.
- The Lucas Valley Ranch Annexation a few years ago had never detached from the County Service Area #31 (CSA) for fire services as part of the reorganization process. Staff noted that the omission should be corrected by detaching the property from the CSA.

Commissioner Adams requested clarification regarding staff's work with the Town of Tiburon and the County of Marin on a maintenance agreement for Paradise Drive. Commissioner Slavitz explained that annexing the developing parcels to the Town of Tiburon would divide the maintenance responsibility for the roadway and create pockets in the boundary between the Town of Tiburon and the County of Marin. Staff suggested that the subject be placed on the agenda and discussed further at the Strategic Planning Workshop. The Commissioners agreed.

ADJOURNMENT

M/S Adams - Asbo to adjourn.

Approved unanimously.

The meeting was adjourned at 9:15 p.m. The next regular LAFCO meeting was scheduled for Thursday, March 09, 2006 at 7:00pm at the San Rafael Council Chambers.

Respectfully submitted,

PETER V. BANNING, Executive Officer

ATTEST:

JEFFRY BLANCHFIELD, Chair