

MINUTES - MARIN LOCAL AGENCY FORMATION COMMISSION

On February 10, 2005, the regular meeting of the Marin Local Agency Formation Commission was held at the San Rafael Council Chambers, 1400 Fifth Avenue, San Rafael. Chairperson Blanchfield called the meeting to order at 7:04 p.m.

ROLL CALL

Commissioners Present: Susan Adams (7:08)
Einar Asbo
Jeffry Blanchfield
Barbara Heller
Steve Kinsey
Dennis J. Rodoni
Jeff Slavitz

Absent: Charles McGlashan

Alternate Commissioners
Present but not seated: Chris Burdick

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

1. **Public Comment** - None

CONSENT CALENDAR ITEM(S)

2. **Regular Meeting Minutes, December 9, 2004**
3. **Financial Reports - December 2004 and January 2005**
4. **Annexation of the Lands of Hodge at Hill Road to Novato Sanitary District (File #1258):**
5. **Annexation of the Lands of Daneshpajouh to Richardson Bay Sanitary District (File #1263):**
6. **Annexation of the Lands of Benesi to Novato Sanitary District (File #1264):**

M/S Slavitz - Rodoni to approve the consent calendar.

Commissioner Kinsey abstained.

Approved unanimously.

PUBLIC HEARING**7. Annexation of the City of Belvedere to Sanitary District #5 (Tiburon)
(File #1262):**

The Executive Officer reported that the governing boards of the City of Belvedere and Sanitary District #5 (Tiburon) have jointly applied for annexation. The proposal would be for Sanitary District #5 to provide sewage collection, treatment and disposal services to the residents of the City of Belvedere in the same way it now provides service to the residents of the Town of Tiburon. The Executive Officer stated that since the costs of sewer service in Belvedere were different than in Tiburon due to the age of the systems, the need for pumping and other factors, the District would need to retain a separate rate zone for the residents of the City of Belvedere. The City Council would set rates effective for the coming year. After annexation, the District Board would set rates in the two rate zones as necessary.

The Executive Officer added that to ensure an efficient transition, the City and the District had included in their application a proposed set of terms and conditions that would provide for the financial feasibility and equity of transfer of service responsibility. If this proposal were approved, final terms and conditions would be set by the Commission and made a part of its resolution of approval. The terms would then be enforced by the recordation of documents completing the annexation proceedings if the conditions are met or by withholding recordation if the conditions are not met.

The proposed annexation included a request for amendment of the sphere of influence of Sanitary District #5 to include the City of Belvedere's incorporated area. Such an amendment would be necessary to precede the Commission's approval in order for the annexation to be consistent with adopted spheres of influence as required by the Cortese-Knox Act.

The alternative to this proposal would be for the Commission to deny approval of the sphere amendment and the proposed annexation in favor of the possible future establishment of Sanitary District #5 as a subsidiary district of the Town of Tiburon. Although the establishment of such a subsidiary district might be desirable in some ways, it would not allow the residents of the City of Belvedere to have representation on the Sanitary District #5 governing board.

Staff recommended the Commission adopt two resolutions, one approving the requested sphere of influence amendment and the other for the proposed annexation of the City of Belvedere to Sanitary District #5.

Chairperson Blanchfield invited representatives from the City of Belvedere and Sanitary District #5 to provide additional information to staff's presentation. The City and District replied there was no need for further comment.

Chairperson Blanchfield then opened the hearing for public comment. There was no public comment.

Commissioner Adams requested additional clarification on the rate differential and changes in property assessments. The Executive Officer responded that the City of Belvedere needed to be maintained as a separate rate zone due to the topography and age of the system. Additionally, the rate for Belvedere would take into account the fact that no property tax revenues would be transferred from the City to the District.

Commissioner Adams then inquired as to why this consolidation alternative was not included in the Southern Marin Sewer Alternatives study and if this proposal were approved, would it have an impact on the outcome of the study. The Executive Officer responded that the City of Belvedere and Sanitary District #5 had already been studying the impacts of the consolidation of the two agencies when the study began and that it should have no impact on the outcome of the study.

Commissioner Heller asked for clarification on how the elections for the governing board of Sanitary District #5 will take place after the consolidation. The Executive Officer responded that since this was an annexation, the District's governing board could not be expanded. However, the residents of the City of Belvedere would be eligible to run for election to the District's Board of Directors and to vote in District elections.

Commissioner Rodoni stated that he supported the proposal. However, since the annexation was not clearly noted as an action item on the Commission's agenda, he would abstain from voting on the proposal.

- Mr. Ed San Diego, Former City Manager of the City of Belvedere - Mr. San Diego stated for the record that the City of Belvedere would not contest that the proposal was not set as an action item. Mr. San Diego replied to Commissioner Adams's question regarding the rate differential, by stating that the sewer service charge will fund 100% of the City of Belvedere's costs associated with sewage collection, disposal and treatment and the District will receive property tax to help augment their sewer service charge. Mr. San Diego then responded to Commissioner Rodoni's concern about public notification by stating that both the City of Belvedere and Sanitary District #5 went through two public hearings prior to adopting the resolution requesting the annexation.
- Mr. Paul Causey - Former District Manager of Sanitary District #5 - Mr. Causey added to Mr. San Diego's statement that the district placed two articles in the Ark Newspaper and had meetings separately with the Town of Tiburon to discuss the issues related to long term services.

Commissioner Adams asked Commissioner Slavitz to comment on the proposal. Commissioner Slavitz stated that the Town of Tiburon was in support of the annexation.

Chairperson Blanchfield then called for further public comment. There was none.

M/S Slavitz - Adams to close the public hearing.

Approved unanimously.

M/S Slavitz - Adams to adopt the resolution amending the sphere of influence.

Ayes: Commissioners Adams, Asbo, Blanchfield, Heller, Kinsey, Slavitz

Noes: None

Abstain: Commissioner Rodoni

Motion approved.

M/S Slavitz – Adams to adopt the resolution of the annexation of the City of Belvedere to Sanitary District #5.

Ayes: Commissioners Adams, Asbo, Blanchfield, Heller, Kinsey, Slavitz

Noes: None

Abstain: Commissioner Rodoni

Motion approved.

Chairperson Blanchfield then requested to move agenda item #8 (Strategic Plan Review) to after the Executive Officer's progress report to allow more time for discussion.

COMMISSIONERS' REPORTS

None.

EXECUTIVE OFFICER'S REPORT

9. Progress Reports

The Executive Officer added the following to his written report:

- There had been 12 ballots cast as of February 10, 2005, for the Special District Member election.
- The election process had begun for the Alternate Public Member seat. Nominations close March 14th and interviews will be conducted at the April 14th Commission meeting.
- Staff had set up a new website usage tracking system with WebTrends.
- The Executive Officer had set up meetings with the Fire Chiefs of San Rafael, Marinwood Community Services District, Marin County Fire and Novato Fire Protection District to discuss fire protection issues and the potential need for special study.
- Staff had just received the first draft of the administrative draft for the Southern Marin Sewer Alternatives Study and will be reviewing it over the next few days.

- CALAFCO and the California Special Districts Association were actively involved with Senate Bill 135 (Kehoe), which impacts the enabling legislation for community services districts.
- Staff continued to receive questions regarding the Marin/Sonoma Mosquito Abatement District annexation.
- Litigation between the City of San Rafael and Las Gallinas Valley Sanitary District had concluded. The Court ruled in favor of the City of San Rafael.

BUSINESS ITEM(S)

8. Strategic Plan Review:

The Executive Officer reported that he added the dates of completion and edited the Key Outcomes memo received from the facilitator of the Strategic Plan Workshop. Commissioner Asbo requested that the date of the completion for the SOI Committee be changed from March 4th to March 3rd.

Chairman Blanchfield noted that a member of the public had requested the opportunity to comment.

- John Leonard, Mill Valley – Mr. Leonard stated that he believed that if LAFCO helped to create an inter-jurisdictional county-wide planning agency, it could play an important role in assisting with transportation alternatives and other issues throughout Marin.

Commissioner Adams asked if Commissioner Kinsey had any additional comment on the transportation issue. Commissioner Kinsey stated that the Transportation Authority was currently planning a public workshop for March 5, 2005, to discuss its organizational structure including its relationship with the county-wide planning agency.

Commissioner Asbo asked Mr. Leonard if he perceived LAFCO's role for the new agency to be in a policy or advisory capacity. Mr. Leonard responded that he felt that LAFCO should take an advisory role and bring in views of the special districts.

Commissioner Adams suggested that there was a definite need for an agency that would serve to communicate the knowledge of the county-wide plans on issues such as water use efficiency, transportation, and clean energy.

Chairperson Blanchfield directed staff to attend the March 5th workshop and report the outcome to the commission.

M/S Adams - Asbo to accept the Strategic Plan including the date change of March 4th to March 3rd.

Approved unanimously.

ADJOURNMENT

M/S Adams - Heller to adjourn.

Approved unanimously.

The meeting was adjourned at 8:01 p.m. The next regular LAFCO meeting was scheduled for Thursday, March 10, 2005.

Respectfully submitted,

PETER V. BANNING, Executive Officer

ATTEST:

JEFFRY BLANCHFIELD, Chairperson