

MINUTES - MARIN LOCAL AGENCY FORMATION COMMISSION

On March 14, 2002, 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 7:09 p.m.

ROLL CALL

Commissioners Present: Jeffrey Blanchfield
Judy Chapman
Pat Eklund (7:13 p.m.)
John Kress
Cynthia Murray
Dennis J. Rodoni
Jeffrey Slavitz

Absent: Barbara Heller

Alternate Commissioners

Present but not seated: Richard Rubin

Staff present: Peter Banning, Executive Officer
Dory Adams, Clerk to the Commission

1. Public Comment - None

NOTICE OF APPLICATION (Information Only)

2. New application(s) were received for the following proposals:

Annexation of the Reclamation Lands of Las Gallinas Valley Sanitary District to Las Gallinas Valley Sanitary District (File #1216)

CONSENT CALENDAR ITEM(S)

3. *Regular Meeting Minutes, February 14, 2002
4. *Financial Report

M/S Murray - Chapman to approve the consent calendar. Commissioner Slavitz abstained from the February 14, 2002 meeting minutes.

Approved unanimously.

[Commissioner Eklund joined the meeting at 7:13 p.m.]

CONTINUED PUBLIC HEARING(S)

5. Policies, Procedures and Guidelines

The Executive Officer explained that adoption of the policies for spheres of influence would be the last step in completion of the Commission's review of all policies, procedures and guidelines as required by AB2838. Staff and the Policy Committee recommended that public hearing be continued through April or May and that the members of the Commission offer their comments on the draft prior to the next meeting.

M/S Murray - Eklund to continue the public hearing on policies, procedures and guidelines to the next hearing.

Approved unanimously.

PUBLIC HEARING(S)

6. Reorganization of Hamilton Field Water Service Area including Detachment from Marin Municipal Water District and Annexation to North Marin Water District (File #1214)

The Chairman, with the consent of the Commission, moved this item to later in the hearing since some members of the public had received information stating the Commission meeting would begin at 7:30 p.m.

7. FY 2002-3 Budget and Work Plan

The Executive Officer reported that the staff had drafted a status quo budget assuming no significant program or staffing changes and that performance of service reviews and sphere-of-influence studies would be done in-house with the same level of consultant services. The work plan was based on objectives from the strategic planning retreat in January. The Budget Committee determined that, in a year of budget uncertainty, total expenditures should be held to the same as the previous year. The Committee chose to offset increases due to inflation and other factors by reducing allocations for legal expenses and conferences.

The past year's budget had included an appropriation of \$95,000 from reserves, thereby reducing the funding needed from the County, cities and special districts. For the current year budget, only \$5,000 would be available. Therefore, cost appropriations from the County, cities and special districts would increase.

The Commission discussed mapping-related costs and the membership fee for MarinMap.

M/S Murray - Kress to approve the preliminary budget for distribution to the County, cities and special districts for a 60-day review and comment period.

Approved unanimously.

6. **Reorganization of Hamilton Field Water Service Area including Detachment from Marin Municipal Water District and Annexation to North Marin Water District (File #1214)**

The Executive Officer reported that the proposal consisted of detachment of territory from Marin Municipal Water District (MMWD) and annexation of the same area to North Marin Water District (NMWD). The proposal area included 980 acres with approximately 350 dwelling units. The jurisdictions of the two water districts overlapped in the Hamilton area, which was the only area within the City of Novato served by MMWD. The application was submitted by a resolution of the Board of NMWD. He stated the proposal had the support of both water districts and an agreement for the transfer of water service facilities had been executed by the Boards of the two water districts pending LAFCO approval of the proposal.

Staff had anticipated public concern for the impact on water rates, which would decrease slightly if the proposal were approved. However, the concern which arose was about the content of the water supply - specifically, that water in the proposed area would no longer be fluoridated. The Executive Officer stated he thought the fluoridation issue should remain under the discretion of the Boards of Directors of the two water districts.

Commissioner Murray noted that the issue of fluoridation was out of the purview of the Commission.

The Chairperson opened the hearing for public comment. The following people spoke to the Commission:

➤ Chris DeGabriele, General Manager - NMWD: Mr. DeGabriele stated the issues addressed by the proposed reorganization of the water district boundaries at Hamilton Field had been ongoing beginning as early as 1959 when the original Capehart housing was constructed and MMWD held a contract with the federal government to provide water service even though that area was within NMWD territory. Since the Capehart area was being redeveloped by the Hamilton Air Force Base Reuse Plan, the opportunity arose to settle the discrepancy. The two districts came to an understanding and executed an agreement in December 2001.

Mr. DeGabriele stated their district had received approximately ten inquiries from residents in the Hamilton Field area since notice of the proposal was published in February. Only one of the calls was from a consumer in the affected area. Most calls were for information and two were requests that the Board put fluoridation on the ballot. He expressed the Board's opinion that fluoridation should be decision made by the public through a vote of the people.

Commissioner Eklund asked Mr. DeGabriele if submitting a petition the NMWD was the correct method for residents to pursue fluoridation of the water. Mr. DeGabriele responded that they could petition the Board or on their own initiative propose a referendum for a ballot measure.

➤ Howard Pollick, Co-Chair of the California Fluoridation Task Force: Mr. Pollick stated that he was a clinical professor at the School of Dentistry at the University of California/San Francisco and was opposed to the reorganization. He stated that fluoridation was approved by referendum of MMWD voters twice, therefore he felt NMWD had an obligation to continue to fluoridate the water supply to those residents transferring from MMWD. He opined that a referendum should hold the force of law. He stated that the water district had the power to fluoridate the water. Two-thirds of the population of the United States consisting of over 10,000 communities had added fluoridation to their water, most of which began by administrative council and not referendum. Also, his understanding was that the change of water supply had already occurred during the previous month.

➤ Gail Meyers of 2 Carmel Drive, Novato: Ms. Meyers asked the Commission if the water change had already occurred. She stated she thought the Commission should just leave things the way they were and questioned the Commission's authority to approve the change.

➤ Edwin Zinman, Sausalito resident: Speaking on behalf of his daughter's family who are residents of Hamilton Field, he asked that the Commission either deny the proposal or approve the proposal with the condition that the water district provide fluoridation. He stated that the \$60 per year and the burden of remembering daily treatments for supplemental fluoride was prohibitive to young families. He read from the notice received by his daughter on February 13th that the water would be transferred beginning February 21st and stated this was not adequate notice of the change.

➤ Dr. John Smith, San Anselmo dentist: Dr. Smith stated he was asked to come to the hearing by the dental society. He wanted to add his support of the existing fluoridation. As a dentist, he felt concern for children who benefit from fluoride.

➤ Craig Murray, San Rafael resident: Mr. Murray stated he just wanted to speak in support the North Marin residents who wanted fluoridated water and did not approve of the substandard service that would be available after the transfer.

Commissioner Murray stated, as a consumer in the area, she highly disagreed with the reference to substandard service.

➤ Dr. August Colenbrander of 644 Atherton Avenue, Novato: Dr. Colenbrander stated the reasons for the transfer were not adequately described and he wondered if the impact on dental health had been considered by environmental health authorities.

The Executive Officer explained the need to correct disorderly boundaries between the two water districts. With regard to the environmental impact, the proposal was determined exempt from the California Environmental Quality Act since only the boundary would change, not the area to which water service was extended.

Chairman Blanchfield asked Mr. DeGabriele if the water service being received in the proposal area was already being provided by NMWD. Mr. DeGabriele stated the service had changed on February 21st to coincide with the end of the billing period. As for benefits of the reorganization previously questioned by Dr. Colenbrander, he wanted to add that there was a cost savings to customers from the reorganization.

Commissioner Slavitz asked Mr. DeGabriele about the practicality of fluoridating the water in this area. Mr. DeGabriele stated there were no local facilities currently to accommodate fluoridation of the supply for the proposal area only or for the NMWD service area in general.

Commissioner Kress asked if NMWD had considered organizing an initiative to address this issue. Mr. DeGabriele stated they would want a referendum to be initiated by the consumers. There would be two sides to the issue of fluoridation and since it is controversial, the Board of NMWD preferred to leave the initiative to the public.

Commissioner Murray pointed out that, of the comments received during the public hearing, only one speaker was a resident of the affected area.

M/S Murray - Eklund to approve the Reorganization of Hamilton Field Water Service Area including Detachment from Marin Municipal Water District and Annexation to North Marin Water District.

Approved unanimously.

8. Novato Service Review and Sphere-of-Influence Study

The Executive Officer reported that the Novato Service Review and Sphere-of-Influence Study had been a major project of the Commission for most of the past year and had been released two weeks earlier to affected agencies and interested individuals. He stated that the LAFCO staff and the Commission's consultant Terry Watt had received excellent cooperation from the City of Novato, the special service districts and the County staff.

The Staff recommendation was that the Commission receive the report and continue the public hearing through the May meeting to provide additional time for review and comment. The recommendation included that the Commission direct staff to respond to public comments during the course of the hearing and clarify the content of the report where necessary.

Although the project began as an update of the spheres of influence in the Novato area, new requirements for service reviews in the Cortese-Knox-Hertzberg Act added work to that update. The Executive Officer reviewed the nine factors in Government Code §56430 affecting LAFCO findings. Since there were few alternatives to existing structure of local governments in the area and since the agencies pursued ongoing cost savings and functional consolidation of services, the Sphere-of-Influence Committee and staff chose to take a minimal approach to the service reviews.

Regarding the sphere-of-influence update, the Executive Officer noted the basic definition of 'sphere of influence' (a plan for the probable boundary and service area of a local government agency) should be used as a guiding principle. If an agency had no intention of providing service to an area, the agency would have no basis for extending its influence under the LAFCO process. The Executive Officer pointed out that the sphere of influence recommended for the City of Novato was reduced from the 1985 sphere as it excludes areas planned for recreational or open space use, Bel Marin Keys, Black Point/Green Point and Indian Valley. The recommended reduction was a result of unincorporated area which had become permanently preserved as open space and also resulted from the Urban Growth Boundary ordinance passed by the City of Novato which would resist annexations through 2017. However, five smaller areas outside of the City's Urban Growth Boundary were included in the recommended sphere on the basis of the irregularity of the City's present boundary, the close proximity of those areas to areas served by the City and the designation of Urban Service Areas in the County's General Plan. The Executive Officer stated that, although the City's Urban Growth Boundary would exclude those areas, it was generally undesirable for LAFCO to countenance the exclusion of such unincorporated islands and corridors.

Mr. Banning explained that Gness Field was also excluded from the recommended spheres of influence of the City and the Novato Sanitary District based on the lack of demand for sewer service combined with the distance from existing sewer facilities. Also, in the County's General Plan, Gness Field was not planned for urban use. However, he said the Commission might chose to include Gness Field as a study area on an interim basis to allow for a joint planning effort between the County and City if the Commission concluded that such a planning effort would occur.

Commissioner Eklund questioned why the Marin Valley Mobile Home Park was not within the recommended sphere of influence for the Sanitary District. She stated she had been approached by residents in the area who wanted to be in the district in order to participate in the recycling program. The Executive Officer stated he had consulted with the two sanitary districts (Novato Sanitary and Las Gallinas Valley Sanitary) and had been told that service to the area would require pumping by either sanitary district. The cost of facilities necessary to upgrade and realign the service in the area to Novato Sanitary District would be substantial.

The Staff recommendation for the other service districts were coterminous with their current boundaries except County Service Area #1 which would have a zero sphere of influence. CSA#1 was providing lighting and maintenance in the Loma Verde area and would be dissolved when that area was annexed to the City of Novato.

The Chairman opened the hearing for public comment. The following comments were received:

➤ Bob Abeling of Indian Valley Associates: Mr. Abeling gave suggestions for minor corrections in the report.

➤ Susan Stompe of the Marin Conservation League (MCL): Ms. Stompe commended the Staff for the research, clear presentation and thoughtful recommendations. She stated the MCL had followed planning issues in the Novato area and had worked toward passage of the Urban Growth Boundary because of concern about potential growth in environmentally sensitive areas, specifically the Gness Field area and the Leveroni parcel on Bel Marin Keys Blvd. She stated MCL concurred with the Staff recommendation for Gness Field. MCL recommended keeping the City sphere of influence at the city limit line stating however that the Staff recommendation for Atherton, Vineyard and Loma Verde was acceptable because those areas were already developed. Indian Valley would be updating their Specific Plan to limit growth. For Black Point, MCL recommended deleting the 'interim sphere of influence' until the plan revision process could be completed for the area.

➤ Hank Barner of the Black Point Improvement Club: Mr. Barner stated that the Improvement Club had voted to support the report as it pertained to Black Point and

Green Point. The Club had formed a committee to review the community plan. Mr. Barner stated that the Club was comfortable with the high level of service currently provided by the special districts.

➤ Tom Lai, Planner with Marin County Community Development Agency: Mr. Lai also commended the staff and consultant for preparing a thorough and thoughtful report. He wanted to make three points:

1) The County supported the recommendation to leave the Black Point/Green Point area in the Sanitary District's sphere on an interim basis. The County would be initiating discussion with that community for updating their plan soon.

2) The County was also supportive of keeping the Indian Valley community within the Sanitary District's sphere. The Specific Plan for that area was expected to be adopted later in the year.

3) The County had no comments on the recommendation for Gness Field, but would be looking at the General Plan for that area although there was no immediate plan for update. Mr. Lai requested that a reference to an update by the County to the Airport Master Plan be removed since it would not be required as part of the County's airport runway project.

M/S Murray/Eklund to continue the hearing for the Novato Area Service Review and Sphere of Influence Study to the April meeting.

Approved unanimously.

BUSINESS ITEM(S)

9. Committee Selection

The Commission discussed committee membership and decided to create a Legislative Committee. The Public Information Committee would be changed as some Commissioners would be shifted to the Legislative Committee.

M/S Chapman - Murray to maintain the current list of committee members with the following exceptions: 1) addition of the Legislative Committee to be chaired by Commissioner Rubin and members to include Commissioners Eklund and Rodoni; and 2) the Public Information Committee to be chaired by Commission Murray with members to include Commissioners Slavitz and Quesada.

Approved unanimously.

Chairman Blanchfield stated the membership of the Budget Committee should be reconsidered at the next Strategic Planning Workshop. He recommended that the Budget Committee should also be charged with development of the work plan in conjunction with the budget.

10. **MarinMap Steering Committee**

The Commission discussed advantages and costs for membership with MarinMap.

M/S Kress - Chapman to appoint the Executive Officer to represent Marin LAFCO on the MarinMap Steering Committee.

Approved unanimously.

11. **Website Preview**

The Executive Officer demonstrated new features of the LAFCO website under development and reported that the new website would not be online until the website consultant had completed development of a few areas which should be in about a month. The new website maintained the simplicity of the current website, but added several new features such as a vertical menu bar; the Commission's adopted Policies, Procedures and Guidelines; a link to the Cortese-Knox-Hertzberg Act; and downloadable application forms. Documents such as agendas and minutes which were previously available would now include links to staff reports and maps. The Directory of Local Government Agencies would have clearer print selections.

Commissioner Slavitz recommended added text to the home page.

COMMISSIONERS' REPORTS

Commissioner Rubin reported on recent bills that had been introduced to the legislature.

EXECUTIVE OFFICER'S REPORT

12. **Progress Report**

The Executive Officer deferred reporting on the CALAFCO staff conference for another time.

ADJOURNMENT

M/S Kress - Rodoni to adjourn.

Approved unanimously.

The meeting was adjourned at 9:50 p.m. The next regular LAFCO meeting was scheduled for Thursday, April 11, 2002.

Respectfully submitted,

PETER V. BANNING, Executive Officer

ATTEST:

JEFFRY BLANCHFIELD, Chairperson