

MINUTES - MARIN LOCAL AGENCY FORMATION COMMISSION

On July 10, 2003, 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: Susan Adams
Jeffrey Blanchfield
Judy Chapman
Barbara Heller
Dennis J. Rodoni
Annette Rose
Jeffrey Slavitz

Alternate Commissioners
Present but not seated: Chris Burdick
Pat Eklund

Staff present: Peter Banning, Executive Officer
Dory (Adams) Miller, Clerk to the Commission
Candice Bozzard, Clerical Assistant
Terry Watt, Consultant

The Chairperson welcomed new staff member Candice Bozzard, hired as of June 2nd as clerical assistant.

1. **Public Comment** - None

NOTICE OF APPLICATION (Information Only)

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

- Annexation of the Lands of Yamagata to Novato Sanitary District (File #1246)
- Reorganization of the Lands of Lucas Valley Ranch Capital Partners LLC Including Annexations to Las Gallinas Valley Sanitary District, Marin Municipal Water District and Marinwood Community Services District (File #1247)

CONSENT CALENDAR ITEM(S)

3. **Regular Meeting Minutes, May 8, 2003**
4. **Financial Report – May 2003**
5. **Financial Report – June 2003/End of FY02-03**

M/S Chapman – Rose to adopt the consent calendar.

Approved unanimously.

AGENDA ITEM(S)

6. **Annexation of the Lands of Sproete to Novato Sanitary District (File #1244)**

The Executive Officer summarized the staff report and recommendation. The proposal, for 11.74 acres, was within the sphere of influence for the Novato Sanitary District and within the present boundary for the City of Novato. The City had just approved the subdivision application including eight new residential units. This item was not placed on the Commission's consent calendar to address the Marin Co. Department of Public Work's recommendation that the Commission amend the boundaries of the proposal to include a street right-of-way and an adjacent single parcel. Mr. Banning explained that island policies were related to unincorporated areas and islands within district boundaries were very common. If the Commission were to amend the boundary, the auditor's office would inappropriately transfer property tax to the Novato Sanitary District for an area that was not receiving service.

Staff recommended that the Commission act by resolution to:

1. Certify that it has reviewed and considered the Initial Study and Mitigated Negative Declaration of Environmental Impact prepared for this project by the City of Novato.
2. Find that changes or alterations to the project and mitigation measures to lessen environmental effects to less than significant levels as identified in the Mitigated Negative Declaration are within the responsibility of the Novato Sanitary District and the City of Novato and not LAFCO. The City of Novato, acting as lead agency, has adopted a mitigation monitoring and reporting plan in which the District staff and the staff of the City of Novato are responsible for compliance and are empowered to sanction non-compliance.

3. Make the determination approving the proposed annexation.
4. Authorize staff to complete subsequent proceedings pursuant to Government Code §57000 without notice and hearing.

Chairperson Blanchfield asked if the parcel recommended for inclusion had a record of septic failure. Mr. Banning stated there was none known.

The Chairperson opened the item for public comment. There was none.

M/S Rose - Chapman to close public comment.

Approved unanimously.

M/S Slavitz - Adams to approve the staff recommendation.

Approved unanimously.

BUSINESS ITEM(S)

7. Applicability of the Cortese-Knox-Hertzberg Act to Boundary Changes Involving Indian Tribal Lands

The Executive Officer stated the written report would be the Commission's main source of information, however he would note there would be cautions in processing applications that involved Indian lands either for annexations or for approval of an outside service agreement. Cautions described in the Best, Best & Krieger memorandum attached to the written report included advice regarding the involvement of the Bureau of Indian Affairs and the Department of the Interior. Also, the guidelines for negotiations between cities and Indian lands development interests that have to do with mitigation of the impacts of development as provided by the League of Cities would be helpful in the processing of a proposal. He stated he had been in contact with the Executive Officer of Sonoma LAFCO and agreed that they jointly would closely monitor any development in the area from the initial onset.

8. Administrative Services Committee - Review of Job Description for Commission Clerk

The Executive Officer reported that this item had been brought to the Commission by the Administrative Service Committee. The Committee had asked staff to compare the adopted job description for the Clerk to the Commission with the job

tasks that are actually performed by the staff member. The recommended changes would better reflect the evolution of the position's role. The Executive Officer also recommended that the Commission authorize review of the compensation range for the revised job description by contract with Marin County Human Resources to determine appropriateness of the pay scale for the position. The review had been estimated for two to four hours at \$50/hr.

Commissioner Heller noted that revisions to the job description reflected a change in emphasis from clerical functions to administrative tasks as expected after review with the Administrative Services Committee. Commissioner Chapman recommended that wording be changed from "automation" to "office systems automation". Commissioner Rose recommended that the job description be referred to the Marin County Human Resources to be reviewed for compliance with the American Disabilities Act (ADA) at some future date.

M/S Heller - Adams to approve the staff recommendation with the amendments.

Unanimously approved.

COMMISSIONERS' REPORTS - None

EXECUTIVE OFFICER'S REPORT

9. Progress Reports

The Executive Officer reported on the following items as an expansion of his written report:

Southern Marin Service Review/SOI Update

Mr. Banning reported that the report was being built in three sections - data, service reviews and SOI.

- Data section: Near completion.
- Service reviews - fire services: The Commission had authorized staff to contract with Economic and Planning Systems on behalf of the Commission, the City of Mill Valley, the City of Sausalito and Southern Marin FPD to carry out a study on the fiscal impacts of consolidation of those fire agencies. A joint meeting was held June 4th, resulting in questions not only about fiscal study, but about the operational changes that would take place.

Commission members discussed:

- The June 4th joint meeting.
- LAFCO's role as facilitator for the study project.
- Financial efficiency versus immediate savings.
- Constituents' concern/longevity of fire agency personnel in communities.
- Public study sessions.
- Existing multiple agency response.

Mr. Banning stated he expected presentations about Phase I in September as they moved on to Phase II and the possibility that informational sessions could be incorporated into the presentations.

- Service reviews – sewer: Mr. Banning stated he would have liked to have seen similar progress toward a study with the sewer agencies but, contrary to survey results, a workshop held on May 23rd had not successfully set an additional study in motion. He anticipated a need to return to the sewer agency boards individually to reapproach the issue and rebuild momentum toward a more comprehensive study.

Chairman Blanchfield stated Commissioner Chapman, Commissioner Burdick and he had attended the sewer agency workshop. He recommended going individually to the boards to discuss further communications since group interaction did not work.

Commissioner Chapman stated the workshop which was expected to be discussion of the results of the survey began with a Sausalito/Marin City Sanitary District (SMCSD) presentation on savings from a consolidation. It was not received well since it appeared that LAFCO was promoting SMCSD's proposal. She concurred with a comment from Commissioner Heller that discussion between the special districts without attendance by LAFCO may be beneficial.

Mr. Banning stated he expected to meet with the Sphere of Influence Committee for more detail but in general expected to return to each of the boards to differentiate LAFCO's role from SMCSD's interests in the result.

Commissioner Heller stated the completion of LAFCO's Sphere of Influence Update could not be set aside for several years to allow the districts to concur. The Commission would need to decide how to report on the service reviews and the benefits of consolidation. Chairman Blanchfield stated the Commission's neutrality was essential.

- SOIs: Mr. Banning discussed some of the major questions involved in the SOI study. Mr. Banning listed meetings he would be attending and a presentation he was scheduled to give to the County Planning Commission related to the study's SOI information. He stated that if LAFCO amended cities' SOIs it had a direct effect on the County's urban service area planning. Commissioner Heller asked if changes in cities' SOIs would change the ABAG numbers. Mr. Banning responded that ABAG looked not only at jurisdictions, but also at SOIs. Therefore, not only does the County get credit for construction within its jurisdiction, but also the city for location within its SOI. Terry Watt, LAFCO's Planning Consultant, confirmed that cities and counties often both take credit for development, particularly for affordable units in their SOI. She stated the difference in Marin would be the cities were not expecting much affordable housing development so there was not an issue.

Terry Watt, Planning Consultant

The Executive Officer stated that at the last meeting, the Commission had requested more information about the Planning Consultant and her role in the study. He introduced Planning Consultant Terrell Watt.

Ms. Watt stated LAFCOs had been referred to as 'watchdogs guarding against wasteful duplication of services and haphazard annexation of territory to existing agencies.' In a more positive light, LAFCOs provided oversight for good planned growth and the well-ordered and efficient urban development patterns and service delivery. The Novato area study and the current study of Southern Marin had been directed by these principles in the public interest. The outcomes would not be automatic and could not rely on existing data without outreach to the districts and cities that provide the services if the goal was to provide an accurate and effective report.

The reports had required more outreach than had been anticipated in the Novato study and again in Southern Marin, including an extensive series of workshops, meetings and public hearings.

The study meetings facilitated three areas of result - implementation of realistic spheres for the cities and districts; new efficiencies in service provision; and building confidence in the numbers and assumptions used in the reports. She stated LAFCO's leadership role shown by this interactive process was proving itself by overcoming difficult relationships with various agencies and community groups. Further, some of the jurisdictions were relying on LAFCO's research for their trends and projections.

Current Events

Mr. Banning stated he had an appointment with the Grand Jury for a LAFCO presentation for their new members. He gave details of the upcoming CALAFCO Fall Conference. He suggested the Commission might wish to cancel the August meeting for lack of business and because of the summer season.

ADJOURNMENT

M/S Adams - Chapman to adjourn.

Approved unanimously.

The meeting was adjourned at 8:47 p.m. The next regular LAFCO meeting was scheduled for Thursday, September 11, 2003.

Respectfully submitted,

PETER V. BANNING, Executive Officer

ATTEST:

JEFFRY BLANCHFIELD, Chairperson