

MINUTES - MARIN LOCAL AGENCY FORMATION COMMISSION

On August 12, 2004, 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 7:06 p.m.

ROLL CALL

Commissioners Present: Susan Adams
Einar Asbo
Jeffry Blanchfield
Barbara Heller
Dennis J. Rodoni
Jeffrey Slavitz

Absent: Annette Rose

Alternate Commissioners
Present but not seated: Chris Burdick

Staff present: Peter Banning, Executive Officer
Candice Bozzard, Clerical Assistant

1. Public Comment

- Michael Maguire, 306 Durant Way, Mill Valley - Mr. Maguire suggested that the Tamalpais Community Services District's planned \$5 - \$7 million capital improvements in Tennessee Valley as recommended by Newt Engineering in a 2001 study, should receive greater public review.

NOTICE OF APPLICATION (Information Only)

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

Annexation of the Lands of Kopstein, Young & Hartnett to Tiburon Sanitary District
(File #1257)

Commissioner Rodoni noted that the parcel map had incorrectly identified the Novato Sanitary District.

CONSENT CALENDAR ITEM(S)

3. **Regular Meeting Minutes, July 8, 2004**
4. **Financial Reports – July 2004**
5. **Reorganization of the Lands of 411 Margarita LP to San Rafael Sanitation District (File #1230)**

Commissioner Adams requested that item 5, “Reorganization of the Lands of 411 Margarita LP to San Rafael Sanitation District (File #1230),” be pulled from the consent calendar for discussion.

M/S Rodoni – Adams to approve the consent calendar except for the “Reorganization of the Lands of 411 Margarita LP to San Rafael Sanitation District (File #1230).”

Approved unanimously.

Commissioner Adams clarified that both parcels would be annexed to the City of San Rafael’s sphere of influence.

Staff responded that both parcels would be in the City of San Rafael and the San Rafael Sanitary District’s sphere of influence at the end of this proposal.

M/S Rodoni – Adams to approve item 5, “Reorganization of the Lands of 411 Margarita LP to San Rafael Sanitation District (File #1230).”

Approved unanimously.

CONTINUED PUBLIC HEARING(S)

6. **Southern Marin Service Review and Sphere-of-Influence Update**

The Executive Officer stated that this hearing was a continuation in a series of public hearings on the sphere of influence of cities and special districts in southern Marin. The Commission took action on three city spheres of influence last month and continued action on the Mill Valley sphere. Last month, the Commission also opened the public hearing on the spheres of influence of the Tamalpais Valley and Marin City Community Services District and the Strawberry Recreation District.

Staff recommended that the Commission open the public hearing on the recommended spheres of influence of the Tiburon and Southern Marin Fire Protection Districts and continue action to next month. Under staff’s recommendations, the

existing spheres of influence of these agencies would remain the same except for adding an interim sphere designation to allow for future consolidation.

The staff recommendation for the Tamalpais Community Services District is to reaffirm its sphere of influence without change. The Marin City Community Services District and the Strawberry Recreation District recommendation would be to amend the interim spheres of influence to be "coterminous" or equal to the districts' boundaries.

The current Mill Valley sphere of influence includes the unincorporated area of Mill Valley, Tamalpais Valley, Alto and Homestead Sanitary Districts, and the Muir Woods Park Community. The staff recommendation is to remove Tamalpais Valley and the Muir Woods Park area, except for the 45 unincorporated parcels with access from Edgewood Avenue. This recommendation is based on the desirability of having the parcels on both sides of the street be in one jurisdiction. Staff also recommends the exclusion of the Tam Junction commercial area and Bothin Marsh from the Mill Valley sphere of influence.

Commissioner Heller noted that all the spheres of influence in the county would be reexamined in five years.

The Commission then reviewed and discussed, the concerns surrounding Edgewood Avenue remaining in the City of Mill Valley's sphere of influence.

The Chairman then opened the item for public comment.

- Michael Maguire, Durant Way, Mill Valley – Mr. Maguire stated LAFCO should consider alternatives that would reduce the functions of the Tamalpais Community Services District. It would be more effective to have Tamalpais Community Services District Board focused on parks and recreation service only.
- Del Goetz, Muir Woods Park Community Association – Ms. Goetz stated that she was opposed to any of the Edgewood Avenue area being included in the Mill Valley sphere of influence.
- Steve Thompson, Muir Woods Park Community Association – Mr. Thompson discussed points raised in his letter of August 9, 2004, on behalf of the Muir Woods Park Community Association advocating that all unincorporated territory of Muir Woods Community Park be excluded from the Mill Valley sphere.
- John Dakin, Mill Valley Homeowner – Mr. Dakin stated that Muir Woods Park should not be included in the City of Mill Valley's sphere of influence.

- Rory Walsh, City of Mill Valley Director of Planning and Building – As a representative of the City of Mill Valley, Ms. Walsh agreed with staff's recommendations.

Commissioner Adams asked Ms. Walsh that if Muir Woods Park community group formed their own special district, would the City of Mill Valley object.

Ms. Walsh did not want to speculate on that issue.

- J. Dietrich Stroeh, CSW Stuber-Stroeh Engineering Group – Mr. Stroeh remarked that for the last 25 years he had been working on septic systems in the Muir Woods Park area and from a technical standpoint a sewer system is needed.
- Keith Denebeim, President of Tamalpais Community Services District – Mr. Denebeim stated that the Tamalpais Community Services District agreed with staff's recommendation that the Tamalpais Valley area not be included in Mill Valley's sphere of influence.

Commissioners Slavitz and Adams questioned staff that if the 45 unincorporated parcels on Edgewood Avenue were removed from Mill Valley's sphere of influence, could those property owners still be included in a new special district.

Staff responded that they could be included in the boundaries of a new special district.

Commissioner Rodoni questioned that if there was a health and safety issue, would those 45 unincorporated parcels be able to annex to the City of Mill Valley.

Staff responded that if they were in the sphere of influence of the City of Mill Valley they would be able to annex. If they were not, the Commission would have to amend the sphere of influence to include them before they could annex for sewer service.

Commissioner Rodoni then asked if staff had received comments on its revised recommendation for the Mill Valley sphere splitting of Almonte Sanitary District so that the District's territory on the north and east sides of Tam Junction are excluded from the City's sphere while the rest of the District's territory is included.

Staff responded that no comments were received.

- Steve Thompson – Mr. Thompson recalled that some Muir Woods Park parcels in the past tried to annex to the City of Mill Valley and were turned down by the City.

- Mr. Maguire – Mr. Maguire added to his previous statement on Tamalpais Community Services District, that although most of the Community Services District's collection system upgrade costs were attributable to the portion of the system that flows to the SASM plant (11%), all of the residents of the District will be required to pay those costs. Mr. Maguire felt that this was inequitable.

M/S Slavitz – Asbo to close the public hearing on the sphere of influence of the City of Mill Valley and the community services districts.

Approved unanimously.

Motion by Commissioner Rodoni to approve the staff recommendation on the sphere of influence for the City of Mill Valley with the exception of the recommendation for the 45 unincorporated parcels in the Edgewood Avenue area.

Motion died for lack of second.

M/S Heller – Slavitz to approve Resolution 04-06 amending the sphere of influence of the City of Mill Valley (as shown on the revised Map 10 and to include the 45 unincorporated parcels of Muir Woods Park within the Mill Valley sphere of influence) as described in staff's recommendation.

Commissioner Heller stated her position was that the situation could be re-examined in five years and she did not believe that the Muir Woods Community would be able to move forward right away. Commissioner Heller also stated that she does not want to penalize the Edgewood Avenue property owners, but to give them two options for sewer service instead of only one.

Commissioner Slavitz also stated that he is not happy to split a community but LAFCO's job is to make orderly boundaries and believes the staff recommendation accomplishes that objective. There are alternatives for developing a sewer system for the remainder of Muir Woods Park Community and that LAFCO is not precluding a sewer system from being developed in the area.

Commissioner Adams concurred with Commissioners Heller and Slavitz. She believes that it is possible for unincorporated Edgewood Avenue to participate in the development of a sewer system. She also stated that the Commission could revisit the situation if it became necessary to address a health issue.

Chairman Blanchfield stated that he agreed with the previous Commissioners' comments. He felt this was a step forward in solving the problem and that the recommended action left options open.

The Chairman requested vote by roll call.

AYES: Commissioners Adams, Blanchfield, Asbo, Heller, and Slavitz

NOES: Commissioner Rodoni

Motion passed 5/1

M/S Adams - Rodoni to approve Staff's Recommendation to adopt Resolution 04-11 amending the sphere of influence of the Tamalpais Community Services District.

Approved unanimously.

M/S Rodoni - Adams to approve Staff's Recommendation to adopt Resolution 04-12 amending the sphere of influence of the Marin City Community Services District.

Approved unanimously.

M/S Adams - Slavitz to approve Staff's Recommendation to adopt Resolution 04-13 amending the sphere of influence of the Strawberry Recreation District.

Approved unanimously.

Chairman Blanchfield asked for Chief Stone and Chief Pearce to comment on the status of discussions on fire protection district consolidations.

- Chief Mike Stone, Southern Marin Fire Protection District - Chief Stone pointed out that many of the issues regarding consolidations have already been addressed with the exception of the retirement policy, which was still under discussion.
- Chief Richard Pearce, Tiburon Fire Protection District - Chief Pearce stated that they have been studying consolidation issues and will continue to do so.

The Chairman then opened the item for public comment. There was no additional testimony.

M/S Adams - Heller to continue the public hearing on the spheres of influence of the fire protection districts to the next meeting.

Approved unanimously.

PUBLIC HEARING(S)**7. Reorganization of the Lands of Daniels Including Annexations to the City of Novato and Novato Sanitary District (File #1255)**

The Executive Officer reported that the proposal was routine except that one of the two subject parcels was unincorporated and outside the City of Novato's sphere of influence. The Commission is therefore required to hold a public hearing to amend the sphere.

Commissioner Rodoni stated that he was initially concerned regarding the City's Urban Growth Boundary, but after research, he was satisfied. He also stated he would like Environmental Health to produce some type of document that points out specifically the facts pertaining to each proposal and outlining any problems with septic systems.

Commissioner Adams concurred with Commissioner Rodoni and requested we begin including that report in the Commissioner's packet of information.

The Chairman then opened the item for public comment.

- Dietrich Stroeh, Engineer CSW Stuber-Stroh – Mr. Stroeh stated that the septic system is failing and does need to be connected to the public sewer. There were a number of letters from Environmental Health on this particular issue and that the proposal was reviewed by the Novato City Council.

M/S Heller - Slavitz to adopt Resolution 04-09 amending the sphere of influence of the City of Novato and making determinations approving reorganization of the Lands of Daniels including annexations to the City of Novato and the Novato Sanitary District.

Approved unanimously.

Chairman Blanchfield requested that LAFCO receive some type of an analysis report from Environmental Health in the future.

8. West Marin Annexation to Marin/Sonoma Mosquito & Vector Control District

The Executive Officer summarized his report and pointed out that Marin LAFCO is not the principle county for this annexation. Sonoma LAFCO has a majority of the territory and assessed value of territory in this proposal, which gives Sonoma LAFCO authority over this proposed boundary change.

Chairman Blanchfield called on Jim Wandersheid from the Marin/Sonoma Mosquito Vector Control District to comment.

- Jim Wandersheid, Marin/Sonoma Mosquito Vector Control District Manager – Mr. Wandersheid spoke on the benefits of the Marin/Sonoma Mosquito Vector Control District covering the West Marin area to minimize the spread of the West Nile Virus.

Commissioner Adams questioned the environmental impact of the district's mosquito control activities.

Mr. Wandersheid responded that the materials used are designed specifically to kill mosquitoes and that they would not be harmful to fish or humans.

Commissioner Adams questioned that if there would be spraying in the area, would the public be notified.

Mr. Wandersheid responded that the District is in the process of creating a system to notify people with allergies within the area being sprayed or fogged. Fogging is also the last measure they use and is mostly used only to control a specific type of adult mosquito.

Commissioner Heller inquired about why a property tax transfer from West Marin to the district was not included to finance the cost for services.

Mr. Wandersheid responded that due to Propositions 13 and 218 new services to west Marin would be financed by a benefit assessment rather than a transfer of property tax.

M/S Adams – Asbo to approve staff writing a letter on behalf of the Commission to Sonoma LAFCO conveying the Commission's recommendation for approval of the proposed annexation.

Approved unanimously.

BUSINESS ITEM(S)

9. Cost of Living Adjustment to Staff Salaries

The Executive Officer reported the Commission's policy is to preserve comparability of compensation with similar County staff positions and that the County recently approved a 1.5% salary increase for both represented and non-represented employees. The County has also approved a change in retirement benefits to allow

greater conversion of unused sick leave to retirement service credit from 50% to 75%. In addition, staff requests the salary adjustment for the Executive Officer position be granted in the form of additional annual leave, equivalent to 31.2 hours.

Commissioner Rodoni inquired if the additional leave would affect the work program.

Staff responded that his current annual leave compensation is at three weeks; that an additional few days leave would not effect the completion of work tasks.

M/S Adams - Heller to approve the cost of living salary increases of 1.5% effective July 4, 2004 for the Commission Clerk and the Clerical Assistant positions, approve the equivalent increase of 31.2 hours in annual leave for the Executive Officer position, and adopt Resolution 04-08 approving the adjustment to retirement benefits for all eligible Commission staff.

Approved unanimously.

10. **Contract Authorization – So. Marin Sewer Service Alternatives Study**

Staff informed the Commission that the Sphere of Influence Committee and the Executive Officer conducted interviews of consultants for the Southern Marin Sewer Service Alternative Study on July 23, 2004. Staff and the Sphere of Influence Committee recommended retaining PB Consult Inc. for the study.

The Commission discussed the reasons and concerns for selecting PB Consult Inc. over the other firms.

M/S Adams - Heller to approve the recommendation of the Sphere of Influence Committee to award a contract to PB Consult Inc. for the Southern Marin Sewer Service Alternative Study and authorize the Executive Officer to execute contract documents on behalf of the Commission.

Approved unanimously.

COMMISSIONERS' REPORTS

Commissioner Adams reported that she has been in Sacramento attending meetings of the California State Association of Counties. She requested that staff review the on-line California Performance Review section on Board and Commissions for any impact on LAFCO. Commissioner Adams also reported that AB2702, the Steinberg Bill, did not pass, but a version of it may be brought up again in the January session.

EXECUTIVE OFFICER'S REPORT

11. **Progress Reports**

The Executive Officer added to his written report that Commissioner Asbo will be attending the CALAFCO Conference in September. Under those circumstances, LAFCO could still have a quorum available for the September 9th meeting.

CLOSED SESSION

12. **Performance Review for Executive Officer**

The Commission entered into closed session at 10:07 p.m. and reopened at 10:55 p.m.

The Commission continued action to the September 9, 2004 meeting.

ADJOURNMENT

The meeting was adjourned at 11:05 p.m. The next regular LAFCO meeting was scheduled for Thursday, September 9, 2004.

Respectfully submitted,

PETER V. BANNING, Executive Officer

ATTEST:

JEFFRY BLANCHFIELD, Chairperson