

## MINUTES - MARIN LOCAL AGENCY FORMATION COMMISSION

On September 12, 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 7:08 p.m.

### ROLL CALL

Commissioners Present: Jeffrey Blanchfield  
Judy Chapman  
Pat Eklund  
Barbara Heller  
John Kress  
Cynthia Murray  
Dennis J. Rodoni

Absent: Jeffrey Slavitz

Alternate Commissioners  
Present but not seated: Richard Rubin

Staff present: Peter Banning, Executive Officer  
Dory (Adams) Miller, Clerk to the Commission  
Lyn Slauson, 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 Jonsen to Novato Sanitary District (File #1232)  
Annexation of the Lands of Kopstein to Tiburon Sanitary District (File #1233)  
Annexation of the Lands of McLaughlin to Novato Sanitary District (File #1234)  
Annexation of the Lands of Keran to Tiburon Sanitary District (File #1235)  
Annexation of the Lands of Burns to San Rafael Sanitation District (File #1236)  
Annexation of the Lands of Arvai to Novato Sanitary District (File #1237)  
Annexation of the Lands of Ryder to the City of Mill Valley (File #1238)

**CONSENT CALENDAR ITEM(S)**

3. **Regular Meeting Minutes, July 11, 2002**
4. **Financial Reports** - June 2002/End of FY2002-03; July 2002; and August 2002
5. **Annexation of the Lands of Poole to Tiburon Sanitary District (File #1210)**
6. **Annexation of the Lands of Drath to San Rafael Sanitation District (File #1215)**

M/S Murray - Eklund to approve the consent calendar. Commissioner Kress abstained from voting on the minutes.

Approved unanimously.

**AGENDA ITEM(S)**

7. **Annexation of the Lands of Clever to Novato Sanitary District (File #1229)**

Commissioner Murray stated she would have to recuse herself from this item due to a potential conflict of interest.

The Executive Officer reported that the proposal requested annexation of 18.29 acres to Novato Sanitary District (NSD) to provide sewer service for construction of six single-family homes. The County had issued a tentative subdivision map and design review approvals for the project and adopted a Negative Declaration of Environmental Impact. Conditions of development approval included annexation of new residential units to the Novato Sanitary District. The six homes would be clustered on one-acre parcels near the Atherton Avenue end of the parcel and the remaining twelve acres would be preserved as non-developable open space.

Mr. Banning reported that the area proposed for annexation to NSD was within the sphere of influence of the Novato Sanitary District and the City of Novato. The proposal area was contiguous to the City boundary at the top of a ridge away from the road and there could be no access through the City. If the Commission required concurrent annexation of this area to the City of Novato under its Dual Annexation Policy, annexation to the City would create an awkward boundary and be inefficient for the City to serve. Staff recommended approval of the proposed annexation to Novato Sanitary District subject to the condition that the Commission's Dual Annexation Policy be implemented through an agreement between the proponent and the City providing for future annexation of area to the City.

Ben Smith of Waterford & Associates as representative for the applicant came forward and stated the applicants would comply with any conditions of approval.

Commissioner Rodoni asked staff to expand on the Novato Community Development Agency's comments concerning the Urban Growth Boundary (UGB). The Executive Officer stated the UGB Ordinance did not anticipate annexation to the City within a 20-year period and that it would not support annexations to the sewer district in unincorporated areas outside of the city limits during that 20-year period. Commissioner Eklund stated the UGB Ordinance allowed for annexations to the sanitary district in certain situations, but that this proposal did not fall within any of that criteria.

M/S Heller - Chapman to close the public hearing. Commissioner Murray abstained from the vote.

Approved unanimously.

M/S Chapman - Heller for approval of Resolution 02-26 making determinations and approving annexation of the lands of Clever to Novato Sanitary District.

Approved unanimously. (Commissioner Murray abstained.)

## **BUSINESS ITEM(S)**

### **8. Resignation of Alternate Public Member Richard Rubin**

Commissioner Rubin stated that he would need to resign his membership due to his election to the Strawberry Recreation District Board. He had submitted a letter of intent to the CALAFCO Executive Board and would be able to complete his service as Co-Chair of the Program Committee for the 2002 CALAFCO Fall Conference before his resignation would be in effect.

The Commission directed staff to proceed toward selection of a replacement according to the adopted policies, procedures and guidelines.

### **9. CALAFCO Fall Conference**

Commissioner Rubin stated the conference would have panels and discussion centered around Smart Growth issues, secessions in Los Angeles County, housing and water issues, service review requirements and recent legislation affecting LAFCOs. He described the program and speakers expected. LAFCOs would be asked to present case studies that other LAFCOs would benefit from sharing.

**10. Commission Schedule for October and November**

Staff recommended canceling the October meeting due to lack of business and limited staff preparation time due to scheduled vacation. Staff also recommended a change of the November meeting date from the 14<sup>th</sup> to the 7<sup>th</sup> due to conflict with the CALAFCO conference held from November 13<sup>th</sup>-15<sup>th</sup>. The Commission approved the recommended changes.

**11. Merit Salary Increase**

The Executive Officer reported that the Clerk to the Commission had received a favorable performance review and recommended a merit increase. Commissioner Chapman remarked on the unusual size of pay increase when combined with the cost of living increase granted earlier this year. The Executive Officer noted that this would bring the Clerk to the Commission to the highest level of Step 5 for that classification.

M/S Eklund - Heller to approve the merit increase for the Clerk to the Commission.

Approved unanimously.

**COMMISSIONER'S REPORTS**

Commissioner Murray reported that the CSAC conference would be the week after the CALAFCO conference, also in Santa Barbara, during which there would be a section on LAFCOs. She stated that Governor and the State legislature were looking at "Smart Growth" and how housing was being organized to accommodate the 15 to 20 million projected increase in State population; LAFCO would be playing a role in that discussion.

**12. Legislative Committee Report**

Commissioner Rubin reported on the following legislation:

AB1948 (Kelly) dealing with how County Auditors apportion the special districts' one-third share of the LAFCO budget.

AB2227 which would clarify the changes to the Cortese-Knox-Hertzberg Act, particularly annexations to cities and special districts affecting Williamson Act lands.

Amendment to the Mello Roos Act had been requested to restrict annexations to community facilities districts and territories dedicated to agricultural or open space use.

AB680 (Steinberg) proposing to establish regional sales tax sharing arrangements that affect twenty cities in six counties.

**EXECUTIVE OFFICER’S REPORTS**

13. **Progress Reports**

The Executive Officer reported that he and Commissioner Heller had attended a meeting of the Civil Grand Jury that afternoon. Commissioner Heller stated that the Grand Jury was trying to assimilate the structure of local government in Marin County and would have a great amount of information to absorb. She stated she felt the Executive Officer had given a good overview of LAFCO responsibilities.

**ADJOURNMENT**

M/S Eklund – Murray to adjourn.

Approved unanimously.

The meeting was adjourned at 7:58 p.m. The next regular LAFCO meeting was scheduled for Thursday, November 7, 2002.

Respectfully submitted,

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PETER V. BANNING, Executive Officer

ATTEST:

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BARBARA HELLER, Acting Chairperson