

## MINUTES – MARIN LOCAL AGENCY FORMATION COMMISSION

On October 11, 2001, the regular meeting 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: Mogens Bach  
Jeffry Blanchfield  
Judy Chapman  
Barbara Heller  
Cynthia Murray  
Dennis J. Rodoni

Absent: John Kress

Alternate Commissioners  
Present but not seated: Richard Rubin

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

### ROLL CALL

1. **Public Comment** - None

### NOTICE OF APPLICATION (Information Only)

2. The following application was presented to the Commission for information only pursuant to the Cortese-Knox-Hertzberg Act:  
Annexation of the Lands of Poole to Sanitary District #5 (Tiburon) (File #1210).

### CONSENT CALENDAR ITEM(S)

3. **Regular Meeting Minutes, September 13, 2001**  
4. **Financial Report**

M/S Heller – Chapman for approval of the consent calendar.

Approved unanimously.

## **CONTINUED PUBLIC HEARING(S)**

### **5. Novato Area Boundary Policy Study**

The Executive Officer reported that after two years of workshops, agency meetings, agency comments and revisions, the Commission had achieved a draft Dual Annexation Policy which was predominantly acceptable to the affected agencies. Staff recommended that the public hearing be closed after public comment and that the Commission act on the proposed Dual Annexation Policy as presented by the Policy Subcommittee.

Commissioner Chapman as Policy Subcommittee Chair also stated that this policy had been reviewed for an extensive time and a decision should be made on the policy at this meeting. She stated that the Policy Subcommittee had been very mindful that this policy must be applied throughout the County and the proposed draft had addressed comments from all affected agencies.

Public comment was received from:

- Hank Barner, 427 Grandview, Novato – Mr. Barner stated there would be difficulty in applying the policy since it is based upon several faulty premises. He stated under the Cortese-Knox-Hertzberg definition, a sphere of influence is an area which is expected to be annexed within a five-year period, yet almost all of the spheres of influence set for Marin County have no expected time limit. In Novato, the Urban Growth Boundary indicates no annexations are anticipated for the next 16 years. Mr. Barner stated another faulty premise is that cities are more able to provide services than other agencies. He stated that Novato Sanitary District is best able to provide sanitary services for the Novato area. He suggested an addition to the policy to allow land located within the city's sphere of influence to be provided sanitary services by the agency best able to provide services.

Commissioner Heller asked if it were not an objective of the Cortese-Knox-Hertzberg and an overall policy of LAFCOs to promote multi-purpose local government agencies over single-purposed agencies. Mr. Barner and Commissioner Murray disagreed as applied to the Novato area.

Subsequent discussion determined that the issue in Novato rests more on the changes to the SOI rather than the Dual Annexation Policy. Mr. Banning stated that the draft Novato SOI is near completion and will be given to the SOI Subcommittee for review in the near future.

- Ron Apple, Novato area resident – Mr. Apple had directed a letter to the Commissioners and spoke only to ask the Commission to give consideration to this letter. The letter supported retention of the Indian Valley and Black Point/Green Point communities in the Novato Sanitary District SOI and removal of those communities from the City of Novato's SOI.
- Tom Lai, Marin Co. Planning – Mr. Lai summarized his letter outlining comments on the proposed revision of the Dual Annexation Policy. The letter addressed the SOI issue rather than a direct comment on the proposed change to the policy currently under consideration. Mr. Lai stated the staff of his office wished to convey their concern that not reducing the SOI of the City of Novato back to the UGB might create a problem in the Black Point/Green Point area as they did not have General Plan or Community Plan policies to support extension of urban level services. That issue would be addressed by the County within the next three years, possibly with an update to the Community Plan. In Indian Valley, the specific plan anticipated sewer extension and they had started to update their plan to reinforce the rural character should sewer service be extended. Mr. Lai's recommendation was to retain the Novato Sanitary District SOI in the communities discussed and reduce City's SOI to match the UGB.

M/S Chapman – Rodoni to close the public hearing.

Approved unanimously.

M/S Rodoni – Chapman to adopt the staff and Policy Subcommittee's recommendation for revision of the Dual Annexation Policy.

Approved unanimously.

## **PUBLIC HEARING(S)**

### **6. Policies, Procedures and Guidelines**

The Executive Officer reported that the Cortese-Knox-Hertzberg Act required LAFCOs to adopt written policies, procedures and guidelines for each of the powers that it exercises by January 1, 2002. Substantial progress on drafts of policies, procedures and guidelines had been made by staff and the Policy Subcommittee before presentation to the Commission as a whole. The requirement for the adoption of policies, procedures and guidelines was intended to establish written policy and to communicate to the public on how each LAFCO would implement the Cortese-Knox-Hertzberg at the county level. It would be posted on the website and circulated widely when complete. The Executive Officer brought notice to language included in that draft that provides for a partial stipend for alternate commissioners who attend LAFCO

meetings but are not seated. The Executive Officer recommended that the Commission open the public hearing, hear any public testimony present at that meeting, and continue consideration and public hearing for additional installments in the coming months.

Commissioner Heller stated alternate commissioners should not be given a stipend unless seated on the board and asked for more research on LAFCO standards statewide. The Executive Officer stated that LAFCO practices are greatly varied on how this matter is handled statewide. Commissioner Murray agreed with Commissioner Heller, but stated the wording should be modified to state the alternates would be paid a stipend only for attending any workshops or conferences and it should be an equal stipend as for regular members for those functions.

Chairperson Blanchfield stated the Policy Subcommittee felt the Commission had been very fortunate to have such active alternate Commissioners who attend most meetings and keep informed. The Subcommittee felt that the incentive of a small stipend for alternate commissioners included in the draft policies, procedures and guidelines was appropriate.

Commissioner Rubin stated alternates should be encouraged to participate as much as possible in order to be prepared to vote when needed. He stated he contributes a great amount of time working on committees and attends as many meetings as possible.

The Executive Officer pointed out that many applications are continued over a period of months with the possibility that an alternate would be seated to vote on a continued matter. Commissioner Bach pointed out that alternates also receive the agenda packets distributed to the regular members and do take the time to review them.

Other changes were discussed pertaining to selection of alternates. The Chairperson announced the public hearing was continued to the next meeting.

## **BUSINESS ITEM(S)**

### **7. Merit Salary Increase**

The Executive Officer stated a performance review had recently been completed for the Commission Clerk. He stated her performance met or exceeded all requirements of the position and recommended a merit increase to be effective retroactively to the anniversary date of August 9<sup>th</sup>.

M/S Heller – Murray/Bach to approve the Executive Officer's recommendation.

Approved unanimously.

### **COMMISSIONERS' REPORTS**

Commissioner Rubin reminded the Commission of the upcoming CALAFCO Conference on October 31<sup>st</sup>. He informed the Commission about Senate Bill 497 (Sher/Wiggins) pertaining to the problems with Subdivision Map Act and recommended immediate correspondence be sent in support of the bill.

M/S Murray – Chapman for the Commission to find that the item arose subsequent to the posting of the Commission agenda and was an urgent matter since it could not be held to the next meeting.

Approved unanimously.

M/S Rodoni – Chapman to direct staff to respond to SB497 and send the Governor a letter that the Commission supports the bill.

Approved unanimously.

### **EXECUTIVE OFFICER'S REPORT**

#### **9. Progress Report**

The Executive Officer informed the Commission of arrangements made for the Strategic Planning Session scheduled for January 28, 2002.

Mr. Banning stated staff was completing the draft of the Novato SOI review and was preparing to give it to the SOI Subcommittee. As part of this project, the Commission had expended \$10,000 for consulting assistance previously authorized in a contract last year with Terry Watt. He recommended extending that contract by \$6,000 for completion of the project. The funds were available in the budget. The Commission concurred with the staff recommendation.

Mr. Banning stated he had met with the Civil Grand Jury, whose members indicated interest in the Service Review process especially as it affects Southern Marin.

He called attention to the financial report which indicated an increase in cost to the Department of Public Works for map checking charges. He and that department had been reviewing the process and were working to improve the result.

The Commission discussed the continued progress on website enhancement.

**ADJOURNMENT**

M/S Chapman – Bach to adjourn.

Approved unanimously.

The meeting was adjourned at 8:21 p.m. The next regular LAFCO meeting was scheduled for Thursday, November 8, 2001.

Respectfully submitted,

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PETER V. BANNING, Executive Officer

ATTEST:

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JEFFRY BLANCHFIELD, Chairperson