

MarinBuilders General Contractor

General Contractor and Construction Management

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Peter Banning
Marin Local Agency Formation Commission
165 North Redwood Drive, Suite 160
San Rafael, CA 94903

Re: Paradise Sewer Line, May 10 LAFCO Meeting

Dear Peter,

I have received the draft agreement from Sanitary District No. 5 which provides terms and conditions of a reimbursement for the Paradise Sewer line. I agree to sign this document once the District approves it on Monday, May 7, 2007.

The Paradise Drive neighborhood is in dire need of sewer service. I appreciate your hard work and the LAFCO subcommittee's hard work to get all parties together where this proposal can be approved, hopefully for the May 10, 2007 LAFCO commission.

I am dedicated to building this sewer line subject to the LAFCO approval and would like to suggest that there be no conditions of approval in order to not burden this already difficult process. The San 5 Agreement provides for a framework under which I agree to work. Many of the issues you were previously concerned about are made moot, as San 5 is going to protect the future sign ups. Persons who want to sign up between now and San 5 takeover can enter into right to use agreements with Paradise Sewer Extension LLC for \$ 10,000 per connection, which I agree to make available to those who want to sign up between now and turnover. I will offer a right to connect fee to any one in the neighborhood who desires hook up before turnover for a fixed price of \$10,000 per single family home.

The construction may be accomplished using horizontal drilling, in parts of the run. However I do not believe that it is either necessary or appropriate for LAFCO to get into this type of micro management. Construction is already overseen by the conditions of the encroachment permit, by county public works and by San 5. I do not think it wise for LAFCO to interfere with the engineer's or the contractor's ability to choose among the available techniques to get this job done in the best way that meets the mitigation measures described in the initial study and the plans and specifications. Further, since I have committed with SD 5 to a maximum price, it makes no sense to start adding conditions that might interfere with my ability to do the work within that maximum price. If any such language becomes necessary in your opinion, perhaps it could be limited to words such as "contractor will use his best efforts to minimize road work by utilizing horizontal drilling where he and his engineers determine is practical, feasible, and economical." I think

however that it would be better to leave the drilling and trenching methods to the combined determination of public works, San 5, the engineer, and the contractor. One more cook could spoil the broth!

It would appear that many neighbors are hesitant to sign up for the sewer until all other parties acted, such as San 5, LAFCO and the Town of Tiburon. This is a bit of a “chicken and egg” situation, if LAFCO approves, then neighbors will sign up. Therefore making a LAFCO approval conditioned on neighborhood sign ups is an unnecessary burden on the proponent. This is particularly true as many neighbors are looking for reasons to wait. I will build the line with or without neighborhood sign ups and I will always offer a fixed price before turnover. San 5 will create and administer the pricing after turnover. In the past, neighbors typically wait until the last minute and then sign up when the line is really present and available to use. I believe that this proposal would never have happened had I not believed strongly in the project and spent a great deal of my own personal money and time to get this close to being done. I will suffer great loss and hardship if I am not able to proceed promptly as per my application. Unnecessary and unduly burdensome conditions which were not in the original recommendations may cause expense, conflict and possible failure. I have agreed to all terms and conditions to get this done including the possibility of building the line at a loss.

I hope that your updated staff report will support few or no conditions other than SD 5's adoption of the resolution they apparently propose to adopt next week. I hope all of the LAFCO members will support my application, with a yes vote and with no conditions or just the San 5 adoption condition.

I have provided transparency, and all of the items that were requested by you and by Lafco Members at prior meetings.

Thank you in advance for your anticipated support.

Sincerely,

Mark Jansheski