

DATE: May 7, 2004

TO: Members, Local Agency Formation Commission
Interested Agencies and Individuals

FROM: Peter Banning, Executive Officer

SUBJECT: Southern Marin Service Review & Sphere of Influence Update

The staff report and recommendation for the Southern Marin Service Review and Spheres of Influence Update was distributed under separate cover and posted on the LAFCO website on April 26, 2004. Public agencies and interested persons who have participated in the study in the past two years were sent copies. As noted in the Report's letter of transmittal, the Commission is scheduled to open the public hearing on the portion of the report relating to city spheres of influence at its May 13, 2004 meeting and extend that hearing to its meeting on July 8, 2004. Subsequent public hearings on service review and special district spheres of influence have been tentatively scheduled through autumn of this year.

The report contains descriptive material on how local government services are provided by the four cities, 12 special districts and other public agencies in the Southern Marin area and staff's recommendations for updating the sphere of influence of each of the affected agencies as required by Sections 56425 and 56430 of the Government Code.

During the public hearings, staff will recap the contents of the report and correspondence received, respond to the Commission's questions and correct reporting errors identified in testimony. The Commission will receive testimony from all interested persons on the content and recommendations in the report. The anticipated schedule of hearings is planned to allow public testimony for any of the spheres of influence under study to be heard by the Commission during at a minimum of two separate Commission meetings as shown below:

Anticipated Public Hearing Schedule

Southern Marin Service Review and Sphere of Influence Update

Cities of Belvedere, Tiburon, Mill Valley and Sausalito	May 13 and July 8, 2004
Tamalpais and Marin City Community Services Districts	July 8 and August 12, 2004
Strawberry Recreation and Park District	July 8 and August 12, 2004
Southern Marin and Tiburon Fire Protection Districts	August 12 and September 9, 2004
Sanitary Districts	Pending completion of further study

Staff's recommendations for revision of the spheres of influence of cities and special districts in southern Marin County are contained in the attached table extracted from the report's Summary and Recommendations.

Environmental Review

The report currently under consideration combines service reviews required by Government Code Section 56430 and a review of spheres of influence required by Section 56425. Service reviews must be completed in advance of, or in conjunction with, periodic review of adopted spheres of influence.

Service reviews engage LAFCO in study of all agencies that provide a municipal service within a defined geographic area of a county. Upon completion of a service review, the Commission will adopt findings on the nine criteria specified under Section 56430 and described in the report. No other action is inherent in a service review.

As a study of local government, a service review is exempt from CEQA under Section 15306 of the State CEQA Guidelines, which provides exemption:

... for data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded. [emphasis added]

In this case, the service reviews are a part of the Commission's broader review of adopted spheres of influence for local government agencies in the Southern Marin area. A review of adopted spheres of influence may require environmental review in instances where such review results in amendment of the planned boundary and service area of a local government agency. That is, if the planned boundary of a local agency is expanded to include new areas, the potential extension of service provided by that agency could have a direct or indirect effect on the environment.

In the case of this report, the proposed amendments to spheres of influence in the southern Marin area would *reduce* the area within the spheres of influence of the Town of Tiburon and the cities of Mill Valley and Sausalito (see Maps 9, 10 and 11). The proposed spheres of influence for the southern Marin special districts are either coterminous with their present boundaries or unchanged from the spheres designated by LAFCO in the mid-1980s.

The State CEQA Guidelines Section 15061 state that:

... CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The addition of new territory to the sphere of influence of a local agency might well have an indirect environmental effect by facilitating eventual annexation and extension of service to an area not previously planned to receive such service. However, reduction of area within a sphere of influence cannot create new potential environmental effects. Likewise, establishing a sphere of influence of a local agency that is the same as its present boundary indicates that no annexations are planned to take place. Various forms of consolidation of special districts described in this report are specifically exempted from CEQA under Section 15320 of the State CEQA Guidelines.

In the cases described here, no direct or indirect environmental impacts can be anticipated through the action of LAFCO to adopt the recommendations in this report. Accordingly, staff has concluded that the proposed LAFCO action (adoption of resolutions amending spheres of influence of local government agencies in southern Marin) is exempt from the California Environmental Quality Act.

Staff will accordingly prepare a Certificate of Exemption, unless otherwise directed by the Commission.

Recommended Actions

Staff recommends that the Commission:

1. Receive the staff report and continue the public hearing on the Southern Marin Service Review and Sphere of Influence Update to the July 8, 2004 Commission meeting to provide time for review and comment by affected agencies, organizations and individuals.
2. Direct staff to respond to public comments during the course of the hearing and to clarify the content of the report where necessary.

Respectfully submitted,

Peter Banning
Executive Officer