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February 7, 2017

Chair Jeffrey Blanchfield and Members of the Commission
Marin Local Agency Formation Commission (LAFCO)
1401 Los Gamos Drive, Suite 220
San Rafael, CA 94903

SUBJECT: Draft Amendments to Policies on Outside Service Extensions

Dear Chair Blanchfield:

The Town of Corte Madera and the City of Larkspur appreciate the opportunity to review and comment on the staff report for Agenda Item No. 12, *Draft Amendments to Policies on Outside Service Extensions*. Commissioners may be aware that these draft amendments are of particular interest to our agencies as we are in the process of forming a joint powers authority (JPA) to deliver fire protection services to our communities, and the Executive Officer and Special Counsel to Marin LAFCO have jointly opined that Government Code Section 56134 applies to this process.

We applaud the Executive Officer's proposal to provide exemptions to the application requirements under Section 56134 when specified criteria are met; providing exemptions recognizes that there are conditions under which the agencies entering into interagency agreements are acting responsibly to improve service delivery in their communities, and that asking the taxpayers to fund a LAFCO review of such agreements is not the best use of their money.

With particular consideration to avoiding undue burdens on the taxpayers in our communities, we respectfully request that the Commission consider establishing a set of criteria by which qualifying formations of JPAs are exempt from LAFCO review under Section 56134. The criteria we suggest are:

- The boundaries of the proposed JPA will be coterminous with the boundaries of the member agencies. (*No new service territory is established by the formation of the JPA.*)
- The member agencies and the represented safety employees affected by the JPA formation have negotiated a Transition Agreement and a Memorandum of Understanding, and these agreements have been ratified by the affected employee groups. (*The change in employment status caused by the JPA has the support of the affected employee groups.*)
- The proposed JPA does not create conflicts with adopted LAFCO recommendations about fire service reorganizations in Marin County.
- The proposed JPA does not create conflicts with any active reorganization application on file with LAFCO.

It is our belief that any proposed JPA formation that meets the above criteria fulfills the legislative intent of Senate Bill 239 in that it neither extends fire protection services outside of existing service territories nor imposes unacceptable employment conditions on sworn fire personnel.

The Executive Officer has suggested to us that the review of a proposed JPA formation would not require the breadth of analysis LAFCO might apply to many other forms of reorganization, and that there is a very good chance the cost to the member agencies for their application to LAFCO could be contained to \$10,000 or less. While we are appreciative of the Executive Officer's efforts to create a review process that is narrower and less costly in scope, we strongly believe that the application costs could better benefit the taxpayers by funding fire prevention services.

Thank you for your consideration.

Sincerely,



Todd Cusimano, Corte Madera Town Manager



Dan Schwarz, Larkspur City Manager

c: Corte Madera Councilmembers
 Larkspur Councilmembers
 LAFCO EO K. Simonds
 County/City Managers
 Marin Fire Chiefs