

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 78-34

RESOLUTION MAKING DETERMINATIONS AND APPROVING A
REQUEST OF THE MARIN COUNTY BOARD OF SUPERVISORS THAT THE
MARIN COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT IS
"NOT A DISTRICT"

WHEREAS, an application has been submitted by the Marin County Board of Supervisors for the Lafco determination that the Marin County Flood Control and Water Conservation District is not a district for the purposes of the District Reorganization Act, filed in conformance with Section 56015 of the Government Code; and,

WHEREAS, the Commission's Executive Officer has received said application; and,

WHEREAS, at the time and in the form and manner prescribed by law and Section 4 of Lafco's adopted Rules and Regulations, the Executive Officer has given notice of a special meeting by this Commission to consider said proposal; and,

WHEREAS, the Executive Officer has prepared a written report and recommendation, distributing same to all affected agencies, interested parties, and the press; and,

WHEREAS, the public hearing on said proposal was held by this Commission upon the date and at the time and place specified in said notice of special meeting, the Commission considered staff's report, and all interested persons present were afforded an opportunity to speak and be heard on the matter.

NOW, THEREFORE, the Local Agency Formation Commission of the County of Marin, DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

Section 1. The proposal is hereby conditionally approved.

Section 2. The Commission has adopted the findings stipulated in Section 56016 of the Government Code which provide that the Marin County Flood Control and Water Conservation District is not engaged in the following activities:

- A. In the distribution and sale for any purpose, other than for the purpose of resale, of water or of gas or electricity for light, heat or power;
- B. In furnishing sanitary sewer service or garbage and refuse collection service to the ultimate users thereof;
- C. In providing fire or police protection; or,
- D. In the acquisition, construction, maintenance, lighting or operation of streets and highways, street and highway improvements or park and recreation facilities, except as an incident to the exercise of other lawful powers of the applicant.

Section 3. Based upon the Commission's determination that the Marin County Flood Control and Water Conservation District is "not a district", previous boundary change actions shall not be subject to the provisions of the District Reorganization Act (Section 56000 et seq of the Government Code).

Section 4. Said proposal is approved subject to the condition that the agency shall submit application to Lafco for review, pursuant to provisions contained within the District Reorganization Act (Section 56000 et seq of the Government Code), should said agency engage in any of those activities enumerated in Section 2 of this resolution.

Section 5. The proposal is categorically exempt pursuant to Section 15120 contained in the Public Resources Code pertaining to changes in organization of local agencies.

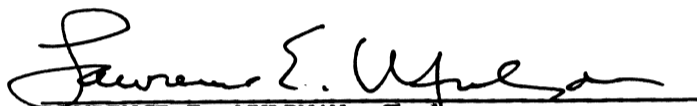
Section 6. The Executive Officer is hereby authorized to mail certified copies of this resolution in the manner and as prescribed by law.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on this 1st day of November 1978 by the following vote:


AYES: Commissioners Haehl, Rice, Roumiguere, Violich and Mulryan.

NOES: None

ABSENT: None


LAWRENCE E. MULRYAN, Chairman
Marin Local Agency Formation Commission

ATTEST:


WARREN K. NELSON, Executive Officer

DATE: November 2, 1978