

Fairfax Town Council Minutes  
Special Meeting  
Fairfax Youth Center  
January 22, 2007

**COUNCILMEMBERS PRESENT:** Larry Bragman  
Susan Brandborg  
Mary Ann Maggiore  
Lew Tremaine  
David Weinsoff

**STAFF MEMBERS PRESENT:** Linda Kelly, Town Manager  
Jim Karpiak, Town Attorney  
Ian Roth, Finance Director  
Judy Anderson, Town Clerk

Mayor Bragman called the meeting to order at 8:05 p.m.

Approval of Agenda and Affidavit of Posting

There was a consensus of the Council to approve the agenda with the one item as presented.

Open Time

No speakers came forward.

Consideration of the conditions of annexation into Flood Control District No. 9 per Resolution No. 2463, A Resolution of the Town Council of the Town of Fairfax Providing Concurrence to the Annexation of the Town of Fairfax into the Boundaries of the Marin County Flood Control and Water Conservation District

Mayor Bragman presented an overview of the subject and reviewed the conditions of approval as outlined in Resolution No. 2463. He stated that the County Counsel had objected to the condition in the resolution that stated "said concurrence is conditioned upon the condition that the Town of Fairfax retains the right of final approval authority over any project proposed by the District within the boundaries of the Town of Fairfax." County Counsel Flageollet determined that it would constitute an "improper delegation of authority," and recommended to the Board of Supervisors that the condition not be accepted. Mayor Bragman offered to attend the Board of Supervisors meeting the following day to explain the Town's position.

There was discussion about possible language that could be used in place of the resolution language to satisfy the Board of Supervisors and still retain the Town's local control of projects in Fairfax.

In response to a suggestion that language be added that would allow for withdrawal from the District, Town Attorney Karpiak informed the Council that the State Water Code didn't allow for the addition of an "escape clause" that would allow the Town to withdraw from the Flood Control District.

Mayor Bragman led a discussion that included the following topics: ways to accomplish a change in the language to maintain local control, how to avoid taxation without representation, the

difficulty in withdrawing from the District, the modernization of the functional structure of the possible District, the status of the hydrology study, and how to protect the Town's interests.

The following citizens spoke against joining the District: Martha Ture, 186 Canyon Rd.; Frank Egger, 13 Meadow Way; and Peter Lacques, 130 Live Oak.

The following citizens also spoke to the issue: Michael Mackintosh, Marin Town and Country Club owner, Bob Lewis, 15 Nokomis, San Anselmo.

M/S, Bragman/Tremaine, Motion to direct Town Attorney Karpiak to communicate with the County Counsel on the issue and to attend the Board of Supervisors hearing to represent the Town.

AYES: Bragman, Brandborg, Tremaine, Weinsoff  
NOES: Maggiore

#### Adjournment

M/S, Weinsoff/Brandborg, Motion to adjourn.

AYES: All

Mayor Bragman adjourned the meeting at 9:37 p.m.

Respectfully submitted,

Judy Anderson, Town Clerk