

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 09-03

**RESOLUTION RESCINDING DETACHMENT OF TERRITORY DESIGNATED
AS THE "HAMILTON FIELD AND RAFAEL VILLAGE DETACHMENT"
FROM THE NOVATO FIRE PROTECTION DISTRICT**

WHEREAS, the Novato Fire Protection District filed an application for detachment of a portion of its jurisdictional area known as the Hamilton Air Force Base in December, 1976; and

WHEREAS, said proposal was made in the form of Resolution No. 76-6, a resolution of application adopted by the Novato Fire Protection District in accordance with the provisions of the District Reorganization Act of 1965 then in effect; and

WHEREAS, the Marin Local Agency Formation Commission approved the proposal of the Novato Fire Protection District in Resolution No. 77-11 on February 17, 1977; and

WHEREAS, the Marin Local Agency Formation Commission authorized an election to confirm or not the detachment of territory from the Novato Fire Protection District to be held within the territory to be detached and the remainder of the fire protection district; and

WHEREAS, the detachment of Hamilton Air Force Base from the Novato Fire Protection District was confirmed by voters in the designated area in November 1977; and,

WHEREAS, following the election confirming said detachment, the Executive Officer of the Marin Local Agency Formation Commission recorded the Certificate of Completion and Statement of Boundary Change for this detachment on January 30, 1978 (Marin County Official Records, Book 3328, pages 04 - 19)

WHEREAS, following detachment proceedings, the Novato Fire Protection District and the federal government as property owner of Hamilton Air Force Base entered into a contractual relationship for the provision of fire protection services to Hamilton Air Force Base for a period of approximately fifteen years; and,

WHEREAS, following dispute between Novato Fire Protection District and the federal government over continuation of the terms of the contract for fire protection service and extensive litigation, the Ninth Circuit U.S. Court of Appeals determined that the previous detachment of territory approved by Marin Local Agency Formation Commission and the election confirming the detachment were unconstitutional and

therefore invalid (Novato Fire Protection District v. United States, 181 F.3d 1135 [9th Cir. 1999]); and,

WHEREAS, the Commission is desirous of correcting public records to reflect the invalidation of its action on the "Hamilton Field and Rafael Village Detachment."

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

Section 1. The "Hamilton Field and Rafael Village Detachment" of territory from the Novato Fire Protection District (LAFCO File No. 691) is hereby rescinded.

Section 2. the Executive Officer of this Commission is hereby directed to file a Certificate of Completion with the Marin County Recorder to recognize that the "Hamilton Field and Rafael Village Detachment" has been determined to be void and without effect and that territory within the area defined in that detachment remains within the boundary of the Novato Fire Protection District.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on this 10th day of September 2009 by the following vote:

AYES: Adams, Hannahs, Blanchfield, Condon, Arnold, Slavitz

NOES: None

ABSENT: McGlashan, Asbo, Heller, Rodoni



JEFFRY BLANCHFIELD, Chairperson

ATTEST:


PETER V. BANNING, Executive Officer