

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO 10-02

ADOPTION OF DETERMINATIONS
FOR THE TOMALES AREA SERVICE REVIEW

WHEREAS, Section 56430 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires that Local Agency Formation Commissions (LAFCOs) conduct service reviews prior to, or in conjunction with, consideration of actions to establish a Sphere of Influence (SOI) as defined in Section 56076, and in accordance with Section 56425 or 56426.5, or update an SOI pursuant to Section 56425; and

WHEREAS, as part of such reviews, LAFCOs must compile and evaluate service-related information and make written determinations regarding infrastructure needs or deficiencies, growth and population projections for the affected area, financing constraints and opportunities for shared facilities, government structure options, including advantages and disadvantages of consolidation or reorganization of service providers, evaluation of management efficiencies, and local accountability and governance; and

WHEREAS, Marin Local Agency Formation Commission initiated a service review of local government services in the Tomales area as part of their overall program to complete all sphere of influence and service reviews by January 1, 2008; and

WHEREAS, Marin LAFCO consulted with affected and interested agencies, interested parties; and

WHEREAS, Marin LAFCO gathered and compiled the information necessary to conduct the required review and independently evaluated such information; and

WHEREAS, Marin LAFCO issued a Draft Service Review on September 4, 2009 and provided for public review of said document; and

WHEREAS, Marin LAFCO considered the data, recommendations and determinations contained in the *Tomales Area Service Review and Sphere of Influence Update* report at a noticed public hearing on September 10, 2009 and November 12, 2009 and received all oral testimony and evidence, which were made, presented or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to the review, its data, recommendations and determinations; and

WHEREAS, the Tomales Area Service Review collects and analyzes information on local government services in order to provide information to the public and to assist Marin LAFCO in its periodic review of adopted spheres of influence.

NOW, THEREFORE, the Marin Local Agency Formation Commission **DOES HEREBY RESOLVE, DETERMINE AND ORDER**, based upon the information contained in the Executive Officer's report, correspondence from affected agencies and information received during the public hearings, as follows:

Section 1. Pursuant to powers provided in Section 56430 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the Marin Local Agency Formation Commission adopts written determinations as set forth in Exhibit A.

Section 2. In separate action, the Commission has adopted a Mitigated Negative Declaration of Environmental Impact prepared for this project and adopted the Mitigation Monitoring and Reporting Plan identifying those agencies that are responsible for compliance and that are empowered to sanction non-compliance.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on this 11th day of March, 2010, by the following vote:

AYES: Commissioners Adams, Asbo, Blanchfield, Heller, McGlashan, Rodoni, Slavitz

NOES: None

ABSENT: None


JEFFRY BLANCHFIELD, Chairperson

ATTEST:

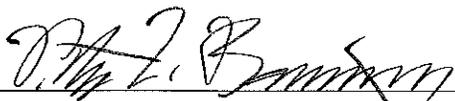

PETER V. BANNING, Executive Officer

EXHIBIT A

Statement of Written Determinations Tomales Area Service Review

1. Regarding Growth and population projections for the affected area, the Commission determines:

The Tomales Village Community Plan area includes a population of 210 and approximately 100 housing units. Under current general plan and zoning designations, growth in Tomales could reach a maximum population of 342 and a maximum of 131 housing units. Annual growth in Tomales averages one housing unit per year.

2. Regarding, present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies, the Commission determines:

Title 22 of the Clean Water Act requires that treated wastewater used for irrigating school district sports fields utilize a tertiary treatment process. Project plans were approved by the State and a grant approved for Phase II of development of an advanced secondary system producing a more clarified effluent. This project consisted of converting a single treatment pond into a three stage pond system which will treat the wastewater through a natural biological process. This is the first step needed to implement tertiary treatment. Included in the project were sludge removal, adding pond liners, and system construction. This project also involves replacing two high lift pumps for pumping treated water up to the storage ponds, installing new level meter alarms, and updating the alarm and monitoring system. The new three pond clarifying system went into service in the spring of 2009. Overall, sewer collection and treatment facilities have sufficient capacity to provide service in the Tomales area under current general plan and zoning provisions.

With respect to the District's park facilities, the outcomes of the playground safety audit determined the need for new playground equipment in order to meet state regulations. Equipment replacement was completed in 2009.

3. Regarding Financial ability of agencies to provide services, the Commission determines:

Tomales Village CSD's revenue is derived primarily from sewer fees. Sewer fee revenues represent 75% of total operating revenues. Other District revenues are derived from Capital Improvements charges from Shoreline Unified School District and intergovernmental revenues. Because the district was formed after California voters passed Proposition 13 in 1978, the district receives no property tax revenues. Supplementing what it receives in sewer fees, the district receives revenues from grants and donations.

Fees for sewer service may be adjusted at the discretion of District governing board (under the provisions of Proposition 218) to cover increases in service costs. The District's ability to operate and maintain recreational facilities is dependent on less predictable and potentially insufficient sources of revenue.

4. Regarding status of, and opportunities for, shared facilities, the Commission determines:

The Tomales Village CSD is a member of the California Special District Association and has access to the Association's buying power. Also, insurance is provided through the Special District Risk Management Authority, a Joint Powers Agency with approximately 175 special districts throughout California.

Staff has not identified any other significant cost avoidance opportunities in sewer or recreation services in the Tomales study area that could result from changes of organization anticipated by adopted spheres of influence or other changes in relationships between local agencies.

5. Regarding accountability for community service needs, including governmental structure and operational efficiencies, the Commission determines:

Tomales Village CSD is the only special district providing service in the Tomales area. The District was formed in 1999 to provide sewer service previously provided by the North Marin Water District. Except for dissolution of Tomales Village CSD and re-annexation of its service area to North Marin Water District or the provision of the District's sewer and recreation services by the County of Marin, no feasible alternative government structure alternatives can be identified for the Tomales area. The TVCSD governing board is accountable to Tomales residents for sewer and recreation services. The very limited government structure alternatives would reduce local accountability for those services.