

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO 19-06

ADOPTION OF THE SAN RAFAEL AREA MUNICIPAL SERVICE REVIEW

WHEREAS the Marin Local Agency Formation Commission, hereinafter referred to as the "Commission", is a political subdivision of the State of California with regulatory and planning responsibilities to produce orderly growth and development under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS the Commission is responsible under Government Code Section 56430 to regularly prepare studies to independently assess the availability, performance, and need of governmental services to inform its regulatory and other planning activities; 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 a written report on the municipal service review was presented to the Commission in a manner provided by law; and

WHEREAS Marin LAFCO issued a Draft Service Review on August 8, 2019; and

WHEREAS as part of the municipal service review, the Commission is required pursuant to Government Code Section 56430(a) to make a statement of written determinations with regards to certain factors.

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

1. The Commission determines this municipal service review is a project under the California Environmental Quality Act, but qualifies for an exemption from further action as an informational document consistent with Code of Regulations Section 15306.
2. The Commission adopts the statement of written determinations generated from information presented in the written report on the municipal service review as set forth in Exhibit A.
3. The Commission refers the public to the report on the municipal service review for additional details and important context, including – but not limited to – documenting each agency's active and latent service powers.

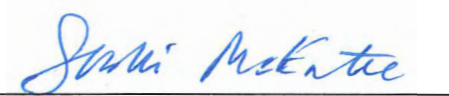
PASSED AND ADOPTED by the Marin Local Agency Formation Commission, on October 10, 2019, by the following vote:

AYES: Commissioner McEntee, Moody, Bailey, Lew Kious, Rodoni, Loder

NOES: None

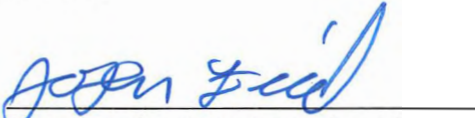
ABSTAIN: None

ABSENT: Commissioner Arnold



Sashi McEntee, Chair
Marin LAFCo

ATTEST:



Jason Fried, LAFCO Executive Officer

APPROVED AS TO FORM:



Malathy Subramanian, LAFCo Counsel

Attachments to Resolution No. 19-06

1. Exhibit A

EXHIBIT A

SAN RAFAEL REGIONAL STUDY

MUNICIPAL SERVICE REVIEW DETERMINATIONS GOVERNMENT CODE SECTION 56430

- 1) Growth and population projections for the affected area.**
 - a) Projected growth is expected to be moderate. The County's population is expected to grow approximately 13% by 2040 and the City of San Rafael population growth of approximately 19% is expected in the same time period (an additional 7,900 people). This is the highest projected population growth rate for the entire County.
 - b) The expected population and growth rate in unincorporated areas around the City of San Rafael vary depending on the area. General Plan build-out capacity for some areas, such as St. Vincent's/Silveira and San Rafael Quarry have significant future development potential, subject to additional planning, entitlement, and development in the County. The fully surrounded island pockets within San Rafael, except for Upper Sun Valley, are predominantly built out, with little relative future development potential.

- 2) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.**
 - a) Within the Study Area, several census tracts covering the Canal neighborhood of San Rafael meet the disadvantaged community criteria. However, given this neighborhood is entirely within the San Rafael city limits, it does not qualify as a DUC. No other communities within the Study Area have been identified as disadvantaged.

- 3) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.**
 - a) As noted above, there are no unincorporated communities within the Study Area that have been identified as disadvantaged.

- 4) Financial ability of agencies to provide services.**

- a) The City of San Rafael, Marinwood CSD, and the County Service Areas all prepare annual budgets and prepare financial statements in accordance with established governmental accounting standards. The City Council, CSD Board, and County Board of Supervisors may amend their budgets by resolution during the fiscal year in order to respond to emerging needs, changes in resources, or shifting priorities. Expenditures may not exceed appropriations at the fund level, which is the legal level of control.
- b) The City Manager, CSD General Manager, and County Administrative Officer are authorized to transfer budgeted amounts between accounts, departments or funds under certain circumstances, however; the City Council, CSD Board, and County Board of Supervisors must approve any increase in the operating expenditures, appropriations for capital projects, and transfers between major funds and reportable fund groups. Audited financial statements are also prepared for the City, CSD, and County by independent certified public accounting firms.
- c) While additional revenues are needed to provide services and maintain infrastructure covered in this MSR, the agencies meet their financial responsibilities to provide services.

5) Status of, and opportunities for, shared facilities.

- a) Currently, the fire service providing agencies within the study area maintain a high-level of shared services. The City of San Rafael and CSA 19 share a facility as a part of their shared fire service agreement. Further opportunity to share fire service facilities should be explored by Marinwood CSD, Marin County, and the City of San Rafael.

6) Accountability for community service needs, including governmental structure and operational efficiencies.

- a) Continued sustainability of fire services in the San Rafael region should be addressed through future planning and consideration of long-term reorganization options. Substantial planning activity should occur at both individual agency level and through a regional collaboration involving all fire-service providing agencies in the study area. A regional fire-services working group could be established with representation from each agency, other local stakeholders, and local decision-makers to lead this process. Such a working group could consider options to help ensure the sustainability of fire services in the region, including but limited to revenue needs, the efficiency of services and costs to communities, and reorganization options.
- b) Marinwood CSD may consider extending the notice of termination time period for its fire-service contracts with other agencies to provide it with more time to react and plan for significant changes in the event a contract is terminated.

- c) CSA 6 may consider a long-term planning document outlining maintenance dredging and establishing additional funding sources for regular maintenance dredging such as grants, cost-sharing, and/or a special tax.
 - d) Marin County should explore options to include CSA 13's Upper Lucas Valley open space in its Parks system management in order to better align with public perception and ensure recreation service responsibilities are consistent within its areas of responsibility.
 - e) Continuing periodic Recreation Needs surveys will help guide the City of San Rafael recreation services priorities.
 - f) Implementing City Climate Change Action Plan measures to reduce municipal water use should be considered by all park and recreation service providers in the region.
 - g) Plans to protect low lying park and recreation areas from sea level rise inundation should be prepared and implemented by applicable service in the study area.
- 7) Any other matter related to effective or efficient service delivery, as required by commission policy.**
- a) Marinwood CSD, the City of San Rafael, and Marin County all appear to be utilizing contracts for fire-services that are applicable to LAFCo Commission review per G.C. Section 56134 and should consult with Marin LAFCo Executive Officer to ensure that renewals of contract and renegotiated terms do not require further Commission action, if they have not done so already.
 - b) Within and adjacent to the City of San Rafael are communities substantially surrounded by City jurisdiction and therefore considered to be "unincorporated islands" pursuant to LAFCo policy. Marin LAFCO encourages annexations of unincorporated islands to the City of San Rafael. Whenever applicable, Marin LAFCO shall consider making amendments to city annexation proposals involving affected lands to further reduce and/or eliminate islands to provide more orderly boundaries and cost-efficiencies.