



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## NOTICE OF REGULAR MEETING AND AGENDA

### Marin Local Agency Formation Commission

Thursday, December 12, 2019

Marin Clean Energy | Charles McGlashan Room | 1125 Tamalpais Avenue, San Rafael, California

#### **7:00 P.M. CALL TO ORDER BY CHAIR**

#### **ROLL CALL BY COMMISSION CLERK**

#### **AGENDA REVIEW**

The Chair or designee will consider any requests to remove or rearrange items by members.

#### **PUBLIC OPEN TIME**

This portion of the meeting is reserved for persons desiring to address the Commission on any matter not on the current agenda. All statements that require a response will be referred to staff for reply in writing or will be placed on the Commission's agenda for consideration at a later meeting. Speakers are limited to three minutes.

#### **CONSENT CALENDAR ITEMS (discussion and possible action)**

All items calendared as consent are considered ministerial or non-substantive and subject to a single motion approval. The Chair or designee will also consider requests from the Commission to pull an item for discussion.

1. Approval of Minutes for October 10, 2019, Special Meeting
2. Commission Ratification of Payments from October 1, 2019, to November 30, 2019
3. Approval of Marin LAFCo Meeting Schedule for Calendar Year 2020

#### **PUBLIC HEARING**

4. Municipal Service Review – Second Draft of the Novato Region Municipal Service Review [Information only]
5. Adoption of Resolution 19-08 Reorganization of Murray Park Sewer Maintenance District to Ross Valley Sanitary District (File#1344) Pursuant to a CEQA Exemption
6. A. Adoption of Resolution 19-07 Reorganization of 4576 Paradise Drive to Town of Tiburon and Corte Madera Sanitary District #2 (File#1342) Pursuant to a CEQA Exemption; or  
B. Adoption of Resolution 19-XX Approving Annexation of 4576 Paradise Drive to the Corte Madera Sanitary District #2 (File #1342) Pursuant to a CEQA Exemption; and/or  
C. Adoption of Resolution 19-XX Approving Annexation of 4576 Paradise Drive to the Town of Tiburon (File #1342) Pursuant to a CEQA Exemption

#### **BUSINESS ITEMS (discussion and possible action)**

Business Items involve administrative, budgetary, legislative or personnel matters and may or may not be subject to public hearings.

7. Approval of Contract with Alyssa Schiffman for Bookkeeping Services
8. CALAFCO Requests Affirmation for State Government Code Section 56375.2

**EXECUTIVE OFFICER REPORT (discussion and possible action)**

- a) Budget Update FY 2019-2020
- b) Current and Pending Proposals
- c) Update on MSR(s) [Verbal Report Only]
- d) Strategic Planning Workshop [Verbal Report Only]

**COMMISSIONER ANNOUNCEMENTS AND REQUESTS**

**ADJOURNMENT TO NEXT MEETING**

Strategic Planning Workshop - Wednesday, January 8, 2020 | 9:00 A.M.

Marin Clean Energy | Charles McGlashan Room | 1125 Tamalpais Avenue, San Rafael, CA



Attest: Jason Fried  
Executive Officer

Any writings or documents pertaining to an open session item provided to a majority of the Commission less than 72 hours prior to a regular meeting shall be made available for public inspection at Marin LAFCo Administrative Office, 1401 Los Gamos Drive, Suite 220, San Rafael, CA 94903, during normal business hours.

Pursuant to GC Section 84308, if you wish to participate in the above proceedings, you or your agent are prohibited from making a campaign contribution of \$250 or more to any Commissioner. This prohibition begins on the date you begin to actively support or oppose an application before LAFCo and continues until 3 months after a final decision is rendered by LAFCo. If you or your agent have made a contribution of \$250 or more to any Commissioner during the 12 months preceding the decision, in the proceeding that Commissioner must disqualify himself or herself from the decision. However, disqualification is not required if the Commissioner returns that campaign contribution within 30 days of learning both about the contribution and the fact that you are a participant in the proceedings. Separately, any person with a disability under the Americans with Disabilities Act (ADA) may receive a copy of the agenda or a copy of all the documents constituting the agenda packet for a meeting upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting. Please contact the LAFCo office at least three (3) working days prior to the meeting for any requested arraignments or accommodations.

**Marin LAFCo**

Administrative Office  
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W: [marinlafco.org](http://marinlafco.org)

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# Marin Local Agency Formation Commission

## Regional Service Planning | Subdivision of the State of California

### AGENDA REPORT

December 12, 2019

Item No. 1 (Consent Item)

**TO:** Local Agency Formation Commission

**FROM:** Candice Bozzard, Clerk to the Commission

**SUBJECT:** **Approval of Minutes for October 10, 2019 Special Meeting**

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### Background

The Ralph M. Brown Act was enacted by the State Legislature in 1953 and establishes standards and processes therein for the public to attend and participate in meetings of local government bodies as well as those local legislative bodies created by State law; the latter category applying to LAFCos.

### Discussion

The action minutes for the October 10<sup>th</sup> special meeting accurately reflect the Commission's actions as recorded by staff. A video recording of the meetings are also available online for viewing at <http://marinlafco.org/AgendaCenter>

### Staff Recommendation for Action

1. Staff recommendation – Approve the draft minutes prepared for the October 10, 2019 meeting with any desired corrections or clarifications.
2. Alternative option – Continue consideration of the item to the next regular meeting and provide direction to staff, as needed.

### Procedures for Consideration

This item has been placed on the agenda as part of the consent calendar. Accordingly, a successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation as provided unless otherwise specified by the Commission.

#### Attachment:

- 1) Draft Minutes for October 10, 2019

**Administrative Office**  
Jason Fried, Executive Officer  
1401 Los Gamos Drive, Suite 220  
San Rafael, California 94903  
T: 415-448-5877 E: [staff@marinlafco.org](mailto:staff@marinlafco.org)  
[www.marinlafco.org](http://www.marinlafco.org)

**Damon Connolly, Regular**  
County of Marin

**Dennis J. Rodoni, Regular**  
County of Marin

**Judy Arnold, Alternate**  
County of Marin

**Sashi McEntee, Chair**  
City of Mill Valley

**Sloan Bailey, Regular**  
Town of Corte Madera

**Matthew Brown, Alternate**  
Town of San Anselmo

**Craig K. Murray, Vice Chair**  
Las Gallinas Valley Sanitary

**Lew Kiious, Regular**  
Almonte Sanitary District

**Tod Moody, Alternate**  
Sanitary District #5

**Larry Loder, Regular**  
Public Member

**Chris Skelton, Alternate**  
Public Member



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

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**DRAFT**

## NOTICE OF SPECIAL MEETING MINUTES

### Marin Local Agency Formation Commission

**Thursday, October 10, 2019**

Novato City Hall Council Chambers | 901 Sherman Avenue | Novato, California

#### **CALL TO ORDER**

Chair McEntee called the meeting to order at 7:05 pm.

#### **ROLL CALL BY COMMISSION CLERK**

Roll was taken and quorum was met. The following were in attendance:

Commissioners Present: Sashi McEntee, Chair  
Sloan Bailey  
Dennis Rodoni  
Lew Kious  
Judy Arnold (7:45)  
Larry Loder  
Tod Moody

Alternate Commissioners Present: Matt Brown

Marin LAFCo Staff Present: Jason Fried, Executive Officer  
Candice Bozzard, Commission Clerk  
Jeren Seibel, Policy Analyst

Marin LAFCo Counsel Present: Mala Subramanian

Members Absent: Craig K. Murray, Vice-Chair  
Damon Connolly

#### **AGENDA REVIEW**

Executive Officer suggested placing agenda item 5 before item 4.

Approved: M/S by Commissioners Bailey and Kious to accept the agenda as amended.

Ayes: Commissioners McEntee, Moody, Bailey, Kious, Rodoni, Loder

Nays: None

Abstain: None

Absent: Commissioners Connolly, Arnold

Motion approved unanimously.

## PUBLIC OPEN TIME

Chair McEntee opened public comment, hearing none, Chair closed public open time.

## CONSENT CALENDAR ITEMS

1. Approval of Minutes for August 8, 2019, Regular Meeting Minutes
2. Commission Ratification of Payments from August 1, 2019, through September 30, 2019

Approved; M/S by Commissioners Kious and Moody to accept the consent calendar.

Ayes: Commissioners McEntee, Moody, Bailey, Kious, Rodoni, Loder

Nays: None

Abstain: Bailey (only from the Minutes)

Absent: Commissioners Connolly, Arnold

Motion approved.

## PUBLIC HEARING

3. Municipal Service Review Presentation by Planwest – Novato Area Municipal Service Review (Information Item Only)

George Williamson of Planwest gave his presentation regarding the first draft of the Novato Area Municipal Service Review report.

Chair McEntee opened the public hearing.

- Bob Abeling – Requested an extension to the comment period for the report.
- Craig Knowlton, Indian Valley Association – Stressed his opposition for annexation of the unincorporated area to the City of Novato.

It was agreed by the Commission to extend the deadline for public comment to October 31, 2019.

Several Commissioners concurred that due to the uniqueness of the Novato Urban Growth Boundary, more information should be incorporated in the next draft.

5. Adoption of Resolution 19-07, Reorganization of 4576 Paradise Drive, Including Annexation to the Town of Tiburon and Corte Madera Sanitary District #2 (LAFCo file #1342) Pursuant to CEQA Exemption

Executive Officer Fried recapped his written report regarding the application and recommended the Commission's approval with the condition the applicant must complete the pre-zoning process.

The Commissioners discussed Government Code section 56668 and the pre-zoning procedure.

Chair McEntee opened the public hearing.

- Eric Crandall, Applicant – Commented on his confusion regarding the Town of Tiburon’s hesitation for approval.
- Eli Flushman, Assistant City Attorney for Town of Tiburon - Pointed out that the Town of Tiburon is under no obligation to initiate the pre-zoning process. Responsibility lies on the applicant.
- Sung Kwon, Town of Tiburon Community Development Director – When Commissioner Bailey asked about any substantive issues the Town of Tiburon has for this application, Mr. Kwon responded that any substantial issues would be discovered during the pre-zoning process.

Hearing no more comments, Chair McEntee closed the public hearing.

Chair McEntee reopened public comment to pose a question to the Town of Tiburon staff.

Approved; M/S by Commissioners Bailey and Arnold to reopen the public hearing.

Ayes: Commissioners McEntee, Moody, Bailey, Kious, Rodoni, Loder, Arnold

Nays: None

Abstain: None

Absent: None

Motion approved unanimously.

Commissioners inquired about the timeline for a pre-zoning application to be processed.

- Sung Kwon, Town of Tiburon Community Development Director – Responded there were too many variables to give a specific timeframe.

Chair McEntee closed the public hearing.

Given the disinclination by the Town of Tiburon, Commissioners recommended to postpone action on the application to the December 12, 2019 meeting.

Approved; M/S by Commissioners Bailey and Arnold to delay any action involving this application to the December 12, 2019 Commission meeting.

Ayes: Commissioners McEntee, Moody, Bailey, Kious, Rodoni, Loder, Arnold

Nays: None

Abstain: None

Absent: None

Motion approved unanimously.

4. Final Draft - San Rafael Area Municipal Service Review

- a. Approve Work Plan Resulting from Report
- b. Adopt Resolution 19-06, Final Draft of the San Rafael Municipal Service Review

The Executive Officer reiterated his written report and noted the changes made to the draft report.

Chair McEntee opened the public hearing.

- Stephen Nestel, Marinwood Resident – Mr. Nestel asked the Commission to examine in-depth the Marinwood Community Services District governmental structure.
- Leyla Hill, Los Ranchitos – Ms. Hill commented on how appreciative she was with staff during the process for the San Rafael MSR.

Hearing no more comments, Chair McEntee closed the public hearing.

Approved; M/S by Commissioners Arnold and Kious to adopt Resolution 19-06, approving the final draft of the San Rafael MSR, allowing staff to make non substantive changes and to accept the work plan.

Ayes: Commissioners McEntee, Moody, Bailey, Kious, Rodoni, Loder, Arnold

Nays: None

Abstain: None

Absent: None

Motion approved unanimously.

#### 6. Commendation for Matt Brown

The Commissioners expressed their gratitude to Matt Brown for his dedication and insight during his time as Alternate City Member.

Approved; M/S by Commissioners Bailey and Arnold to approve the commendation.

Ayes: Commissioners McEntee, Arnold, Moody, Bailey, Kious, Rodoni, Loder, Arnold

Nays: None

Abstain: None

Absent: None

Motion approved unanimously.

#### 7. CALAFCO Related Items

##### a. Voting Delegates

Approved; M/S by Commissioners Bailey and Rodoni to approve Chair McEntee as the voting delegate at the CALAFCO conference.

Ayes: Commissioners McEntee, Arnold, Moody, Bailey, Kious, Rodoni, Loder, Arnold

Nays: None

Abstain: None

Absent: None

Motion approved unanimously



**b. Membership Dues Structure Changes**

CALAFCO proposed a new membership dues policy, which would create a major discrepancy in fees for several other LAFCo's throughout the state. The draft policy will be presented at the general session at the CALAFCO conference for consideration.

It was discussed by the Commission and determined the Chair will vote in favor of the proposed dues structure.

**EXECUTIVE OFFICER REPORT (discussion and possible action)****a) Budget Update FY FY 2019-2020**

Current budget on track.

**b) Current and Pending Proposals**

For File #1342, the 1-year extension deadline is soon; will be on the December agenda for action or another extension. On the horizon is the application from Murray Park Sewer Maintenance District.

**c) Update on MSR(S) [Verbal Report Only]**

The Peninsula MSR might be presented at the December meeting.

**d) Strategic Planning Workshop**

Suggested items for discussion were the implications surrounding SOIs and perhaps a brief conversation about MSRs.

**COMMISSIONER ANNOUNCEMENTS AND REQUESTS**

Hearing no announcements or requests, the Chair called for adjournment.

Chair McEntee adjourned the meeting at 9:10 pm.

**ADJOURNMENT TO NEXT MEETING**

Thursday, December 12, 2019 | 7:00 pm

Marin Clean Energy | Charles McGlashan Room | 1125 Tamalpais Avenue, San Rafael, CA

Attest: Candice Bozzard  
Commission Clerk

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# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

**AGENDA REPORT**  
December 12, 2019  
Item No. 2 (Consent Item)

**TO:** Local Agency Formation Commission

**FROM:** Jason Fried, Executive Officer

**SUBJECT:** Commission Ratification of Payments from October 1, 2019 to November 30, 2019

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## Background

Marin LAFCo adopted a Policy Handbook delegating the Executive Officer to make purchases and related procurements necessary in overseeing the day-to-day business of the agency. The Policy Handbook also directs all payments made by the Executive Officer to be reconciled by LAFCo's contracted bookkeeper. Additionally, all payments are to be reported to the Commission at the next available Commission meeting for formal ratification.

This following item is presented for the Commission to consider the ratification of all payments made by the Executive Officer between October 1, 2019, and November 30, 2019, totaling \$48,978.55. The payments are detailed in the attachment.

## Staff Recommendation for Action

1. Staff Recommendation - Ratify the payments made by the Executive Officer between October 1, 2019, and November 30, 2019, as shown in attachment.
2. Alternate Option - Continue consideration of the item to the next regular meeting and provide direction to staff as needed.

## Procedures for Consideration

This item has been placed on the agenda as part of the consent calendar. Accordingly, a successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

### Attachment:

- 1) Payments from October 1, 2019, to November 30, 2019

#### Administrative Office

Jason Fried, Executive Officer  
1401 Los Gatos Drive, Suite 220  
San Rafael, California 94903  
T: 415-448-5877 E: [staff@marinlafco.org](mailto:staff@marinlafco.org)  
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Damon Connolly, Regular  
County of Marin

Dennis J. Rodoni, Regular  
County of Marin

Judy Arnold, Alternate  
County of Marin

Sashi McEntee, Chair  
City of Mill Valley

Sloan Bailey, Regular  
Town of Corte Madera

Barbara Coler, Alternate  
Town of Fairfax

Craig K. Murray, Vice Chair  
Las Gallinas Valley Sanitary

Lew Kious, Regular  
Almonte Sanitary District

Tod Moody, Alternate  
Sanitary District #5

Larry Loder, Regular  
Public Member

Chris Skelton, Alternate  
Public Member

1:04 PM

12/04/19

Accrual Basis

**Marin Local Agency Formation Commission**  
**Expenses by Vendor Detail**  
 October through November 2019

Type	Date	Num	Memo	Account	Clr	Split	Amount	Balance
<b>ALHAMBRA &amp; SIERRA SPRINGS</b>								
Check	10/02/2019	20262	Invoice # 159...	5220110 · Office Su...		1111300 · 403...	129.10	129.10
Total ALHAMBRA & SIERRA SPRINGS							129.10	129.10
<b>ARNOLD, JUDY</b>								
Check	10/17/2019	20277	Oct 2019 Co...	5211533 · Commissi...		1111300 · 403...	125.00	125.00
Total ARNOLD, JUDY							125.00	125.00
<b>Bailey, Sloan</b>								
Check	10/17/2019	20275	Oct 2019 Co...	5211533 · Commissi...		1111300 · 403...	125.00	125.00
Total Bailey, Sloan							125.00	125.00
<b>BARBIER SECURITY GROUP</b>								
Check	11/19/2019	20287	Invoice #17211	5210110 · Professio...		1111300 · 403...	160.00	160.00
Total BARBIER SECURITY GROUP							160.00	160.00
<b>BEST BEST &amp; KRIEGER LLP</b>								
Check	10/17/2019	20269	Invoice # 861...	5210131 · Legal Ser...		1111300 · 403...	1,163.00	1,163.00
Check	11/19/2019	10022	Invoice - #863...	5210131 · Legal Ser...		1111200 · 401...	3,449.20	4,612.20
Total BEST BEST & KRIEGER LLP							4,612.20	4,612.20
<b>BOZZARD, CANDICE</b>								
Check	11/19/2019	20284	CSDA Conf r...	5211440 · Travel - ...		1111300 · 403...	901.58	901.58
Total BOZZARD, CANDICE							901.58	901.58
<b>CA SPECIAL DISTRICT ASSOCIATION</b>								
Check	10/17/2019	20268	2020 Member...	5211330 · Members...		1111300 · 403...	1,446.00	1,446.00
Total CA SPECIAL DISTRICT ASSOCIATION							1,446.00	1,446.00
<b>COMCAST</b>								
Check	10/02/2019	20263	Bill Date Sept...	5210710 · Communi...		1111300 · 403...	42.50	42.50
Check	10/31/2019	20282	Bill Date Oct 12	5210710 · Communi...		1111300 · 403...	192.58	235.08
Check	11/19/2019	20285	Bill Date Oct 12	5210710 · Communi...		1111300 · 403...	192.58	427.66
Total COMCAST							427.66	427.66
<b>COMMUNITY MEDIA CENTER OF MARIN</b>								
Check	10/17/2019	20270	Vender Order ...	5210710 · Communi...		1111300 · 403...	900.00	900.00
Total COMMUNITY MEDIA CENTER OF MARIN							900.00	900.00
<b>Fried, Jason</b>								
Check	10/08/2019	20265	Aug and Sept ...	5211440 · Travel - ...		1111300 · 403...	84.68	84.68
Total Fried, Jason							84.68	84.68
<b>GRAF VAN &amp; STORAGE INC</b>								
Check	10/02/2019	20261	Invoice # 101...	5211215 · Rent - St...		1111300 · 403...	27.32	27.32
Check	10/03/2019	20264	Invoice # 061...	5211215 · Rent - St...		1111300 · 403...	26.14	53.46
Total GRAF VAN & STORAGE INC							53.46	53.46
<b>Indoff Incorporated</b>								
Check	10/08/2019	20266	Invoice #3296...	5220110 · Office Su...		1111300 · 403...	63.64	63.64
Check	10/17/2019	20267	Invoice #3299...	5220110 · Office Su...		1111300 · 403...	58.32	121.96
Total Indoff Incorporated							121.96	121.96
<b>KIOUS, LEWIS</b>								
Check	10/17/2019	20272	Oct 2019 Co...	5211533 · Commissi...		1111300 · 403...	125.00	125.00
Total KIOUS, LEWIS							125.00	125.00
<b>LODER, LAWRENCE</b>								
Check	10/17/2019	20271	Oct 2019 Co...	5211533 · Commissi...		1111300 · 403...	125.00	125.00
Total LODER, LAWRENCE							125.00	125.00
<b>Marin CLEAN ENERGY</b>								
Check	11/19/2019	20289	Invoice - LAF...	5211510 · Misc Serv...		1111300 · 403...	514.84	514.84
Total Marin CLEAN ENERGY							514.84	514.84

**Marin Local Agency Formation Commission**  
**Expenses by Vendor Detail**  
 October through November 2019

Type	Date	Num	Memo	Account	Clr	Split	Amount	Balance
<b>Marin County Tax Collector</b>								
Check	10/31/2019	20281	Account # 17...	5210131 · Legal Ser...		1111300 · 403...	385.00	385.00
Total Marin County Tax Collector							385.00	385.00
<b>MARIN MAC TECH</b>								
Check	10/31/2019	20283	Invoice # 155...	5210710 · Communi...		1111300 · 403...	785.80	785.80
Check	11/19/2019	20286	Invoice # 163...	5210710 · Communi...		1111300 · 403...	785.86	1,571.66
Total MARIN MAC TECH							1,571.66	1,571.66
<b>Matt Brown</b>								
Check	10/17/2019	20273	Oct 2019 Co...	5211533 · Commissi...		1111300 · 403...	125.00	125.00
Total Matt Brown							125.00	125.00
<b>McENTEE, SASHI</b>								
Check	10/17/2019	20278	Oct 2019 Co...	5211533 · Commissi...		1111300 · 403...	125.00	125.00
Total McENTEE, SASHI							125.00	125.00
<b>MOODY, TOD</b>								
Check	10/17/2019	20276	Oct 2019 Co...	5211533 · Commissi...		1111300 · 403...	125.00	125.00
Total MOODY, TOD							125.00	125.00
<b>PAYROLL</b>								
Check	10/04/2019	1049		5110110 · Sal - Reg...		1110110 · Equi...	9,942.85	9,942.85
Check	10/04/2019	1049		5110323 · Sick Leave		1110110 · Equi...	306.00	10,248.85
Check	10/04/2019	1049		5110324 · Vacation ...		1110110 · Equi...	0.00	10,248.85
Check	10/04/2019	1049		5110313 · Holiday P...		1110110 · Equi...	81.10	10,329.95
Check	10/04/2019	1049		5110328 · Personal ...		1110110 · Equi...	1,338.15	11,668.10
Check	10/04/2019	1049		511350 · Manageme...		1110110 · Equi...	0.00	11,668.10
Check	10/04/2019	1049		5110335 · Vacation...		1110110 · Equi...	0.00	11,668.10
Check	10/04/2019	1049		5130520 · Co Ret C...		1110110 · Equi...	641.50	12,309.60
Check	10/04/2019	1049		5130521 · Co Ret C...		1110110 · Equi...	1,532.82	13,842.42
Check	10/04/2019	1049		5130110 · Ben-Med...		1110110 · Equi...	74.26	13,916.68
Check	10/04/2019	1049		5130120 · County of...		1110110 · Equi...	708.66	14,625.34
Check	10/04/2019	1049		5130210 · Dental In...		1110110 · Equi...	117.17	14,742.51
Check	10/04/2019	1049		5130310 · Vision Se...		1110110 · Equi...	12.16	14,754.67
Check	10/04/2019	1049		5130410 · Benefits -...		1110110 · Equi...	10.16	14,764.83
Check	10/04/2019	1049		5140140 · Payroll Tax		1110110 · Equi...	171.15	14,935.98
Check	10/04/2019	1049		5130524 · Benefits -...		1110110 · Equi...	203.16	15,139.14
Check	10/04/2019	1049		5130640 · Unused F...		1110110 · Equi...	110.09	15,249.23
Check	10/18/2019	2615		5110110 · Sal - Reg...		1110110 · Equi...	10,230.33	25,479.56
Check	10/18/2019	2615		5110323 · Sick Leave		1110110 · Equi...	0.00	25,479.56
Check	10/18/2019	2615		5110324 · Vacation ...		1110110 · Equi...	0.00	25,479.56
Check	10/18/2019	2615		5110313 · Holiday P...		1110110 · Equi...	283.85	25,763.41
Check	10/18/2019	2615		5110328 · Personal ...		1110110 · Equi...	1,153.92	26,917.33
Check	10/18/2019	2615		511350 · Manageme...		1110110 · Equi...	0.00	26,917.33
Check	10/18/2019	2615		5110335 · Vacation...		1110110 · Equi...	0.00	26,917.33
Check	10/18/2019	2615		5130520 · Co Ret C...		1110110 · Equi...	641.50	27,558.83
Check	10/18/2019	2615		5130521 · Co Ret C...		1110110 · Equi...	1,532.82	29,091.65
Check	10/18/2019	2615		5130110 · Ben-Med...		1110110 · Equi...	74.26	29,165.91
Check	10/18/2019	2615		5130120 · County of...		1110110 · Equi...	708.66	29,874.57
Check	10/18/2019	2615		5130210 · Dental In...		1110110 · Equi...	117.17	29,991.74
Check	10/18/2019	2615		5130310 · Vision Se...		1110110 · Equi...	12.16	30,003.90
Check	10/18/2019	2615		5130410 · Benefits -...		1110110 · Equi...	10.16	30,014.06
Check	10/18/2019	2615		5140140 · Payroll Tax		1110110 · Equi...	171.13	30,185.19
Check	10/18/2019	2615		5130524 · Benefits -...		1110110 · Equi...	203.16	30,388.35
Check	10/18/2019	2615		5130640 · Unused F...		1110110 · Equi...	110.09	30,498.44
Total PAYROLL							30,498.44	30,498.44
<b>RICOH USA INC</b>								
Check	11/19/2019	20288	Invoice # 505...	5220110 · Office Su...		1111300 · 403...	152.77	152.77
Total RICOH USA INC							152.77	152.77
<b>RODONI, DENNIS JAMES</b>								
Check	10/17/2019	20274	Oct 2019 Co...	5211533 · Commissi...		1111300 · 403...	125.00	125.00
Total RODONI, DENNIS JAMES							125.00	125.00
<b>SCHIFFMANN, ALYSSA</b>								
Check	11/19/2019	20290	Invoice # 85	5210110 · Professio...		1111300 · 403...	390.00	390.00
Total SCHIFFMANN, ALYSSA							390.00	390.00

1:04 PM

12/04/19

Accrual Basis

**Marin Local Agency Formation Commission**  
**Expenses by Vendor Detail**  
October through November 2019

Type	Date	Num	Memo	Account	Clr	Split	Amount	Balance
<b>SECURITY MORTGAGE GROUP 2</b>								
Check	10/02/2019	20259	Oct 2019 Rent	5211270 · Office Le...		1111300 · 403...	2,714.60	2,714.60
Check	10/31/2019	20280	Nov 2019 Rent	5211270 · Office Le...		1111300 · 403...	2,714.60	5,429.20
Total SECURITY MORTGAGE GROUP 2							5,429.20	5,429.20
<b>Streamline</b>								
Check	10/02/2019	20260	Invoice #1018...	5210710 · Communi...		1111300 · 403...	100.00	100.00
Check	10/31/2019	20279	Invoice #1022...	5210710 · Communi...		1111300 · 403...	100.00	200.00
Total Streamline							200.00	200.00
<b>TOTAL</b>							<b>48,978.55</b>	<b>48,978.55</b>



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

**AGENDA REPORT**  
December 12, 2019  
Item No. 3 (Consent Item)

**TO:** Local Agency Formation Commission

**FROM:** Jason Fried, Executive Officer

**SUBJECT:** Approval of the of Marin LAFCo Meeting Schedule for Calendar Year 2020

---

## Background

Annually Marin LAFCo must approve the regular meeting schedule. LAFCo has held regular meetings, starting in February, on the second Thursday of the even months at 7:00 P.M. at the Marin Clean Energy Office (1125 Tamalpais Avenue, San Rafael). Meeting locations may change when a public draft of a Municipal Service Review (MSR) is being presented in order to meet in the area covered by the Municipal Service Review.

Attached is the year 2020 Commission Calendar, which includes regular Commission meetings, government holidays, and other events such as the CALAFCO Conference and Staff Workshop.

In addition, the Commission has scheduled a workshop for January 8, 2019, at 9:00 A.M in the McGlashan Room in the Marin Clean Energy office at 1125 Tamalpais Avenue in San Rafael.

## Staff Recommendation for Action

1. Staff Recommendation - Approve the attached meeting calendar.
2. Alternate Option – Make changes to proposed schedule of meetings.

## Procedures for Consideration

This item has been placed on the agenda as part of the consent calendar. Accordingly, a successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation as provided unless otherwise specified by the Commission.

### Attachment:

- 1) Marin LAFCo 2020 Meeting and Event Calendar

#### Administrative Office

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1401 Los Gatos Drive, Suite 220  
San Rafael, California 94903  
T: 415-448-5877 E: staff@marinlafco.org  
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Judy Arnold, Alternate  
County of Marin

Sashi McEntee, Chair  
City of Mill Valley  
Sloan Bailey, Regular  
Town of Corte Madera  
Barbara Coler, Alternate  
Town of Fairfax

Craig K. Murray, Vice Chair  
Las Gallinas Valley Sanitary  
Lew Kious, Regular  
Almonte Sanitary District  
Tod Moody, Alternate  
Sanitary District #5

Larry Loder, Regular  
Public Member  
Chris Skelton, Alternate  
Public Member

# Marin LAFCo 2020 Meeting and Event Calendar

## January

January 1 Office Closed, New Year's Day  
January 8 9:00 AM Strategic Planning Workshop – Marin Clean Energy, San Rafael  
January 21 Office Closed, Martin Luther King Jr. Day

---

## February

February 13 7:00 PM Regular Commission Meeting - Marin Clean Energy, San Rafael  
February 17 Office Closed, Presidents' Day

---

## March

March 25-27 CALAFCO Staff Workshop – Newport Beach, CA

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## April

April 9 7:00 PM Regular Commission Meeting - Marin Clean Energy, San Rafael

---

## May

May 25 Office Closed, Memorial Day

---

## June

June 11 7:00 PM Regular Commission Meeting - Marin Clean Energy, San Rafael

---

## July

July 3 Office Closed, Independence Day

---

## August

August 13 7:00 PM Regular Commission Meeting - Marin Clean Energy

---

## September

September 7 Office Closed, Labor Day

---

## October

October 8 7:00 PM Regular Commission Meeting - Marin Clean Energy, San Rafael  
October 21-23 CALAFCO Conference - Hyatt Regency, Monterey

---

## November

November 11 Office Closed, Veterans Day  
November 26 - 27 Office Closed, Thanksgiving

---

## December

December 10 7:00 PM Regular Commission Meeting - Marin Clean Energy, San Rafael  
December 24 Office Closed at Noon, Christmas Eve  
December 25 Office Closed, Christmas Day  
December 31 Office Closed at Noon, New Year's Eve





# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

**AGENDA REPORT**  
December 12, 2019  
Item No. 4 (Public Hearing)

**TO:** Local Agency Formation Commission

**FROM:** Jason Fried, Executive Officer

**SUBJECT:** Municipal Service Review – Second Draft of the Novato Region Municipal Service Review

---

## Background

At the October meeting of LAFCo, Planwest presented the draft of the Novato Area Municipal Service Review. Public comment period was extended on that draft until October 31, 2019. After public comment period ended staff worked with Planwest to address concerns raised (see attached chart). A revised draft (attached) was released on November 25, 2019. Given the concerns raised in the first draft, staff decided to have a review period for the revised draft. Given the holidays, a longer than typically needed period was given on public comment on this revised draft, with an updated deadline of January 15, 2020.

Once public comment is completed, any additional comments will be reviewed and a final draft shall be presented to the Commission for review and approval.

This is an informational item only; no action is needed.

### Attachment:

1. Revised Draft Novato Area Municipal Service Review
2. Chart of comments
3. Comment letters received through December 4, 2019.

#### Administrative Office

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Damon Connolly, Regular  
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Judy Arnold, Alternate  
County of Marin

Sashi McEntee, Chair  
City of Mill Valley

Sloan Bailey, Regular  
Town of Corte Madera

Barbara Coler, Alternate  
Town of Fairfax

Craig K. Murray, Vice Chair  
Las Gallinas Valley Sanitary

Lew Kiouss, Regular  
Almonte Sanitary District

Tod Moody, Alternate  
Sanitary District #5

Larry Loder, Regular  
Public Member

Chris Skelton, Alternate  
Public Member



# Marin Local Agency Formation Commission

Municipal Service Review  
Novato Region

Revised Draft November 2019

---

## PREFACE

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This Municipal Services Review (MSR) documents and analyzes the services provided by local governmental agencies in the Novato area. Specifically, this report evaluates the adequacy and efficiency of local government structure and boundaries within the region and provides a basis for boundary planning decisions by the Marin Local Agency Formation Commission (LAFCo).

### Context

Marin LAFCo is required to prepare this MSR in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56000, et seq.), which took effect on January 1, 2001. The MSR reviews services provided by public agencies—cities and special districts—whose boundaries and governance are subject to LAFCo. The analysis and recommendations included herein serve to promote and coordinate the efficient delivery of local government services and encourage the preservation of open space and agricultural lands.

### Commissioners, Staff, Municipal Services Review Preparers

#### Commissioners

Sashi McEntee, Chair	City	City of Mill Valley
Craig Murray, Vice Chair	Special District	Las Gallinas Valley Sanitary District
Damon Connolly	County	District 1 Supervisor
Dennis Rodoni	County	District 4 Supervisor
Sloan Bailey	City	Town of Corte Madera
Lew Kious	Special District	Almonte Sanitary District
Larry Loder	Public	Commission
Chris Skelton	Public Alternate	Commission
Tod Moody	Special District Alternate	Sanitary District #5
Matt Brown	City Alternate	City of San Anselmo
Judy Arnold	County Alternate	District 5 Supervisor

#### Staff

Jason Fried	Executive Director
Candice Bozzard	Commission Clerk
Jeren Seibel	Policy Analyst

#### MSR Preparers



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## 1.0 INTRODUCTION

---

### 1.1 ROLE AND RESPONSIBILITY OF LAFCO

Local Agency Formation Commissions (LAFCOs) were established in 1963 and are political subdivisions of the State of California responsible for providing regional growth management oversight in all 58 counties. LAFCOs' authority is currently codified under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH"), which specifies regulatory and planning powers delegated by the Legislature to coordinate and oversee the establishment, expansion, and organization of cities and special districts as well as their municipal service areas.

LAFCOs' regulatory and planning powers are set to fulfill specific purposes and objectives that collectively construct the Legislature's regional growth management priorities under Government Code (G.C.) Section 56301. This statute reads:

*"Among the purposes of the commission are discouraging urban sprawl, preserving open space and prime agricultural lands, efficiently providing governmental services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances. One of the objects of the commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local agencies in each county and to shape the development of local agencies so as to advantageously provide for the present and future needs of each county and its communities."*

LAFCO decisions are legislative in nature and not subject to an outside appeal process. LAFCOs also have broad powers with respect to conditioning regulatory and planning approvals so long as not establishing any terms that directly control land uses, densities, or subdivision requirements.

#### Regulatory Responsibilities

LAFCOs' principal regulatory responsibility involves approving or disapproving all jurisdictional changes involving the establishment, expansion, and reorganization of cities and most special districts.<sup>1</sup> More recently LAFCOs have been tasked with also overseeing the approval process for cities and districts to provide new or extended services beyond their jurisdictional boundaries by contract or agreement as well as district actions to either activate a new service or divest an existing service. LAFCOs generally exercise their regulatory authority in response to applications submitted by the affected agencies, landowners, or registered voters.

Recent CKH amendments, however, now authorize and encourage LAFCOs to initiate on their own jurisdictional changes to form, consolidate, and dissolve special districts consistent with current and future community needs. The following table provides a complete list of LAFCOs' regulatory authority.

---

<sup>1</sup> CKH defines "special district" to mean any agency of the State formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. All special districts in California are subject to LAFCO with the following exceptions: school districts; community college districts; assessment districts; improvement districts; community facilities districts; and air pollution control districts.



**Table 1-1: LAFCO Regulatory Powers**

LAFCo Regulatory Powers	
• City Incorporations / Disincorporations	• City and District Annexations
• District Formations / Dissolutions	• City and District Detachments
• City and District Consolidations	• Merge/Establish Subsidiary Districts
• City and District Outside Service Extensions	• District Service Activations / Divestitures

## Planning Responsibilities

LAFCOs inform their regulatory actions through two central planning responsibilities: (a) making sphere of influence (“sphere”) determinations and (b) preparing municipal service reviews. Sphere determinations have been a core planning function of LAFCOs since 1971 and effectively serve as the Legislature’s version of “urban growth boundaries” with regard to cumulatively delineating the appropriate interface between urban and non-urban uses within each county. Municipal service reviews, in contrast, are a relatively new planning responsibility enacted as part of CKH and are intended to inform – among other activities – sphere determinations. The Legislature mandates, notably, all sphere changes as of 2001 be accompanied by preceding municipal service reviews to help ensure LAFCOs are effectively aligning governmental services with current and anticipated community needs.

### 1.2 MUNICIPAL SERVICE REVIEWS

Municipal service reviews were a centerpiece to CKH’s enactment in 2001 and are comprehensive studies of the availability, range, and performance of governmental services provided within a defined geographic area. LAFCOs generally prepare municipal service reviews to explicitly inform subsequent sphere determinations. LAFCOs also prepare municipal service reviews irrespective of making any specific sphere determinations in order to obtain and furnish information to contribute to the overall orderly development of local communities. Municipal service reviews vary in scope and can focus on a particular agency or governmental service. LAFCOs may use the information generated from municipal service reviews to initiate other actions under their authority, such as forming, consolidating, or dissolving one or more local agencies.

All municipal service reviews – regardless of their intended purpose – culminate with LAFCOs preparing written statements addressing seven specific service factors listed under G.C. Section 56430. This includes, most notably, infrastructure needs or deficiencies, growth and population trends, and financial standing. The seven mandated service factors are summarized in the following table.

**Table 1-2: Mandatory Determinations**

<b>Mandatory Determinations / Municipal Service Reviews (Government Code Section 56430)</b>
1. Growth and population projections for the affected area.
2. Location and characteristics of any disadvantaged unincorporated communities within or contiguous to affected spheres of influence.
3. Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies.
4. Financial ability of agencies to provide services.
5. Status and opportunities for shared facilities.
6. Accountability for community service needs, including structure and operational efficiencies.
7. Matters relating to effective or efficient service delivery as required by LAFCo policy.

### **1.3 MARIN LAFCO COMPOSITION**

Marin LAFCo is governed by a 7-member board comprising two county supervisors, two city councilmembers, two independent special district members, and one representative of the general public. Each group also appoints one “alternate” member. Each member must exercise their independent judgment, separate from their appointing group, on behalf of the interests of all residents, landowners, and the public. Marin LAFCo’s current commission membership is provided below in Table 2-3.

**Table 1-3: Marin LAFCo Commission Membership**

<b>Name</b>	<b>Position</b>	<b>Agency Affiliation</b>
Sashi McEntee, Chair	City	<i>City of Mill Valley</i>
Craig Murray, Vice Chair	Special District	<i>Las Gallinas Valley Sanitary District</i>
Damon Connolly	County	<i>District 1 Supervisor</i>
Dennis Rodoni	County	<i>District 4 Supervisor</i>
Sloan Bailey	City	<i>Town of Corte Madera</i>
Lew Kious	Special District	<i>Almonte Sanitary District</i>
Larry Loder	Public	<i>Commission</i>
Chris Skelton	Public Alternate	<i>Commission</i>
Tod Moody	Special District Alternate	<i>Sanitary District #5</i>
Matt Brown	City Alternate	<i>City of San Anselmo</i>
Judy Arnold	County Alternate	<i>District 5 Supervisor</i>

Marin LAFCo is independent of local government and employs its own staff. Its offices are located at 1401 Los Gamos Drive, Suite 220 in San Rafael. Information on Marin LAFCo’s functions and activities, including reorganization applications, are available by calling 415-448-5877 by e-mail to [staff@marinlafco.org](mailto:staff@marinlafco.org) or by visiting [www.marinlafco.org](http://www.marinlafco.org).

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## 2.0 EXECUTIVE SUMMARY

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This study represents Marin LAFCo’s scheduled regional municipal service review of local agencies in the Novato region of eastern central Marin County. The underlying aim of the study is to produce an independent assessment of municipal services in the area over the next five to ten years relative to the Commission’s regional growth management duties and responsibilities. The information generated as part of the study will be directly used by the Commission in (a) guiding subsequent sphere of influence updates, (b) informing future boundary changes, and – if merited – (c) initiating government reorganizations, such as special district formations, consolidations, and/or dissolutions.

### 2.1 AFFECTED PUBLIC AGENCIES

This report focuses on seven agencies operating in the Novato Region as listed below.

**Table 2-1: Agencies in Novato Regional MSR**

Novato Regional MSR
City of Novato
Novato Sanitary District
Novato Fire Protection District
Bel Marin Keys Community Service District
CSA No. 1 (Loma Verde)
CSA No. 20 (Indian Valley)
CSA No. 25 (County Parks)

Together, these agencies provide a range of municipal services to the communities in which they serve, including:

#### Water

Water services include access to, treatment of, and distribution of water for municipal purposes. The Study Area is entirely within the North Marin Water District and the District is the sole purveyor of municipal water to the area. An in-depth review of countywide water services, including the North Marin Water District, was prepared by Marin LAFCo in 2016.

#### Wastewater

Wastewater services include collection, transmission, and treatment of wastewater. Within the Study Area, the Novato Sanitary District is the sole public provider of wastewater services. See Section 6 for a review of the District’s services.

#### Fire Protection and Emergency Services

Fire protection and emergency services consist of firefighting and fire prevention, emergency medical response, hospital service, ambulance, and rescue services. These services are somewhat

interrelated in nature and overlap in functional application. The Novato Fire Protection District is the primary service provider for fire protection and emergency services in the current study area.

### **Park and Recreation Services**

Parks and recreation services include the provision and maintenance of parks and recreation services. This also includes open space management. Open Space land is commonly set aside for recreation and stormwater management purposes, as well as for natural resource protection, preservation of cultural and historic resources, preservation of scenic vistas, and many other reasons. In the current study area, much of the open space land is managed by the Marin County Department of Parks and Open Space which is not included in this MSR. Other entities that provide park and recreation services in the study area include the City of Novato, Bel Marin Keys Community Service District, County Service Area (CSA) No. 1 – Loma Verde, and CSA No. 20 – Indian Valley.

### **Channel Maintenance**

Channel maintenance includes periodic dredging of creek channels. For the current study area, Bel Marin Keys Community Service District is the only district that provides channel maintenance.

### **Roadway Services**

Roadway services include construction, maintenance, planning of roads, and roadway lighting. In addition to the City of Novato, districts that provide Roadway Services include Bel Marin Keys Community Service District and County Service Area No. 1 – Loma Verde.

## **2.2 PLANS, POLICIES, STUDIES**

Key references and information sources for this study were gathered for each district considered. The references utilized in this study include published reports; review of agency files and databases (agendas, minutes, budgets, contracts, audits, etc.); Master Plans; Capital Improvement Plans; engineering reports; EIRs; finance studies; general plans; and state and regional agency information (permits, reviews, communications, regulatory requirements, etc.). Additionally, the consulting team, in coordination with the LAFCo Executive Officer, contacted each agency with requests for information.

The MSR study area includes communities within the City as well as unincorporated areas adjacent to the city. In the areas entirely outside of the City, Marin County has the primary authority over local land-use and development policies (and growth). The City of Novato has authority over land use and development policies within the City. City, County, and Community plans were vital for the collection of baseline and background data for each agency. The following is a list of documents used in the preparation of this MSR:

- City and County General Plans
- Specific Plans
- Community Plans
- Agency databases and online archives (agendas, meeting minutes, website information)

### **2.3 AGENCY AND PUBLIC PARTICIPATION**

Consistent with the approved scope of work, this study has been prepared with an emphasis in soliciting outside public review and comment as well as multiple opportunities for input from the affected agencies. These efforts are summarized below. This included information requests sent to individual agencies, draft agency profiles also sent to agencies, and review of the draft report prior to Commission action.

This MSR is posted on the Commission's website ([www.marinlafco.org](http://www.marinlafco.org)). It may also be reviewed at the LAFCo office located at 1401 Los Gamos Drive, Suite 220 in San Rafael during open hours.

Table 2-2: Novato Regional Agencies' Meeting Information

Novato Regional Municipal Service Review - Agency Transparency					
Agency	Governing Body	Meeting Date/Time	Meeting Location	Televised/Streaming	Website
City of Novato	City Council	2nd and 4th Tuesday at 6:00pm	Novato City Hall Council Chambers 901 Sherman Avenue Novato, CA 94945	Televised live on local Ch 27. Rebroadcast on Ch 27 and Horizon Cable Ch 70. Live online at Council website.	<a href="https://novato.org/government/city-council">https://novato.org/government/city-council</a>
Novato Sanitary District	Board of Directors	2nd Monday at 5:30pm	NSD District Office 500 Davidson Street Novato, CA 94945	N/A	<a href="http://www.novatosan.com/board-agendas-and-minutes/our-board">http://www.novatosan.com/board-agendas-and-minutes/our-board</a>
<b>Novato Fire Protection District</b>	Board of Directors	1st Wednesday at 6:00pm	Fire Station 61 Berthinier Conference Rm 7025 Redwood Boulevard Novato, CA 94945	N/A	<a href="https://www.novatofire.org/about-us/board-of-directors">https://www.novatofire.org/about-us/board-of-directors</a>
<b>Bel Marin Keys Community Service District</b>	Board of Directors	3rd Thursday at 7:30pm	BMK Community Center 4 Montego Key Novato, CA 94945	N/A	<a href="http://www.bmkcsd.us/bmk-csd/board-of-directors/">http://www.bmkcsd.us/bmk-csd/board-of-directors/</a>
<b>County Service Area No. 1 Loma Verde</b>	County Board of Supervisors	2nd and 4th Tuesday at 9:00am	County of Marin Civic Building 3501 Civic Center Drive - Suite 329, San Rafael, CA 94903	Webcasts available on Board of Supervisors website.	<a href="https://www.marincounty.org/depts/bs/meeting-archive">https://www.marincounty.org/depts/bs/meeting-archive</a>
<b>County Service Area No. 20 Indian Valley</b>	Advisory Board	Once per year or more as needed	Novato Fire District Administrative Building - Cavallero Conference Room 95 Rowland Way Novato, CA 94945	N/A	<a href="https://www.marincountyparks.org/about-us/boards-and-commissions/csa20">https://www.marincountyparks.org/about-us/boards-and-commissions/csa20</a>
<b>County Service Area No. 25 Mount Burdell (Inactive)</b>	County Board of Supervisors	2nd and 4th Tuesday at 9:00am	County of Marin Civic Building 3501 Civic Center Drive - Suite 329, San Rafael, CA 94903	Webcasts available on Board of Supervisors website.	<a href="https://www.marincounty.org/depts/bs/meeting-archive">https://www.marincounty.org/depts/bs/meeting-archive</a>

## 2.4 WRITTEN DETERMINATIONS

The Commission is directed to prepare written determinations to address the multiple governance factors enumerated under G.C. Section 56430 anytime it prepares a municipal service review. These determinations are similar to findings and serve as independent statements based on information collected, analyzed, and presented in this study's subsequent sections. The underlying intent of the determinations is to identify all pertinent issues relating to the planning, delivery, and funding of municipal services as it relates to the Commission's role and responsibilities. An explanation of these seven determination categories is provided below.

### 1. Growth and Population

This determination evaluates existing and projected population estimates for the City of Novato and the adjacent unincorporated communities within the study area. The ability of each provider to accommodate growth and demand projections is considered in each agency profile.

### 2. Location and Characteristics of any Disadvantaged Unincorporated Communities Within or Contiguous to the Sphere of Influence.

This determination was added by Senate Bill (SB) 244, which became effective in January 2012. A disadvantaged community is defined as an inhabited community of 12 or more registered voters having a median household income of 80 percent or less than the statewide median household income.

### 3. Capacity and Infrastructure

Also discussed is the adequacy and quality of the services provided by each agency, including whether sufficient infrastructure and capital are in place (or planned for) to accommodate planned future growth and expansions. This is detailed for each provider.

### 4. Financing

This determination provides an analysis of the financial structure and health of each service provider, including the consideration of rates and service operations, as well as other factors affecting the financial health and stability of each provider. Other factors considered include those that affect the financing of needed infrastructure improvements and compliance with existing requirements relative to financial reporting and management.

### 5. Shared Facilities

Opportunities for districts to share facilities are described throughout this MSR. Practices and opportunities that may help to reduce or eliminate unnecessary costs are examined, along with cost avoidance measures that are already being utilized. Occurrences of facilities sharing are listed and assessed for more efficient delivery of services.

### 6. Government Structure and Local Accountability

Accountability and governance are described in Chapter 4 for each provider. This subsection addresses the adequacy and appropriateness of existing boundaries and spheres of influence and evaluates the ability of each service provider to meet its demands under its

existing government structure. Also included is an evaluation of compliance by each provider with public meeting and records laws (Brown Act).

**7. Other Matters Related to Effective or Efficient Service Delivery, as Required by Commission Policy**

Marin LAFCo has specified the sustainability of local agencies as a priority matter for consideration in this MSR. Sustainable local governments that take practical steps to protect the environment and our natural resources through land conservations, water recycling and reuse, preservation of open space and opting to use renewable energy are the key players in determining the sustainability of the region.

In addition, other matters for consideration could relate to the potential future SOI determination and/or additional effort to review potential advantages or disadvantages of consolidation or reorganization.

A summary of determinations regarding each of the above categories are provided in Chapter 11 of this document and will be considered by Marin LAFCo in assessing potential future changes to an SOI or other reorganization.



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## **3.0 SERVICES EVALUATION AND DETERMINATIONS**

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### **3.1 REGIONAL MUNICIPAL SERVICES**

In conducting a service review, the commission shall comprehensively review all of the agencies that provide the identified service or services within the designated geographic area. Services reviewed, on a regional scale, provide LAFCo with a broader understanding of service adequacy and efficiency. Evaluations consider service levels, service demand, financing challenges and opportunities, infrastructure needs and deficiencies, opportunities for shared facilities, and governance structure options. The commission may assess various alternatives for improving efficiency and affordability of infrastructure and service delivery within and contiguous to the sphere of influence, including, but not limited to, the consolidation of governmental agencies. Written determinations address mandatory factors required under the statute.

#### **1) Regional Considerations for Fire & Emergency Response Services**

Fire protection and emergency response services in the Novato region are provided by the Novato Fire Protection District. The FPD maintains a budget of over \$30 million dollars that is spread over five distinct divisions. The FPD is able to support 78 staff that work at five fire stations and one administrative building.

The FPD participates in a number of regional collaborations including the Marin Emergency Radio Authority and jointly operates an Emergency Operations Center with the City of Novato. It also has several automatic aid agreements in place with regional emergency response agencies including the Marin County Fire Chiefs Mutual Aid Agreement which allows for county-wide mobilization during emergencies.

Currently, the FPD is seeking funding to fill vacancies in its Risk Reduction, Prevention, and Mitigation division. By expanding this division, the FPD would be able to better support residents in the Wildland Urban Interface by conducting hazard assessments and drafting fuel reduction plans. This could decrease the number of losses associated with wildland fires which is a growing threat to communities all throughout California.

#### **2) Regional Considerations for Wastewater and Solid Waste Collection Services**

The Novato Sanitary District provides wastewater collection and recycled water services. It also provides solid waste collection services through a contract agreement with Recology Sonoma Marin. NSD operates a central treatment facility that was recently upgraded in 2011 and maintains hundreds of miles of pipeline throughout the Novato region. It is also able to provide approximately 165 million gallons of recycled water that is delivered by the North Marin Water District.

Recent upgrades to the Novato WWTP have allowed NSD to improve their level of service while also planning for future development and growth in the region. The NSD has also been working on upgrading its sewer collection system since 2000. With hundreds of miles of pipeline in a range of conditions, upgrades will continue to take place. In FY 2019-20 the NSD will complete a Collection System Master Plan that will identify needed improvements to its collection system.

Having this long-range planning document will allow the NSD to adequately budget for needed upgrades over the next decade and seek out additional funding as needed for larger projects.

### **3) Regional Considerations for Parks and Recreation Services**

Parks and recreation remain an integral part of the communities in the Novato region. The region has ample opportunity for recreation and could better serve residents in some areas by conducting long-term planning and considering governance structure and boundary changes.

#### *Long-Term Planning*

Parks and recreation services in the Novato region are mainly overseen by the City of Novato and the Marin County Department of Parks and Open Space. Additional park and recreation services are provided by Bel Marin Keys. These agencies have developed long-term planning documents that help guide capital improvement projects throughout the region. Another agency, CSA No. 20, could also benefit from such a document. CSA 20 exists for the purpose of enhancing features and amenities within the Indian Valley Open Space Preserve, which is managed by Marin County Open Space District. While CSA 20 reports that the utilize the current Marin County Open Space District planning documents to help inform decisions made by the Advisory Board. A long-term planning document specific to the Indian Valley Preserve, such as a list of project priorities, could help inform decisions made by the Advisory Board and help track management of funds and services.

#### *Governance Structure and Boundaries*

The Marin County Department of Parks and Open Space manages much of the open space area in the Novato Region including areas within the boundaries of CSAs Nos. 1, 20, and 25. This provides for consolidated management responsibilities and coordinated planning. In the case of CSA No. 25, all lands purchased by the CSA were transferred to the Open Space District which is now the Marin County Department of Parks and Open Space. As such, CSA No. 25 has no assets, revenue, or expenditures. It meets the criteria set forth by the State Controller's Office for an inactive district and is eligible for the State's inactive district list which would lead to the dissolution of the district. As the CSA has accomplished its original goal of land acquisition and no longer provides services to the region, this is a reasonable course of action.

#### *Funding*

In recent years the recreation facilities in the Novato region have benefited from Measure A funds. However, these funds are due to sunset in 2021. The City has also noted that revenues for Parks and Recreation and other City departments are highly dependent on community participation in programs. The cost of providing these services is anticipated to increase at a greater rate than revenues. Both the County and the City may consider researching additional long-term funding mechanisms, such as another bond measure or extension of the existing sales tax measure (Measure A), to continue funding park and recreation services in the Novato region.

#### **4) Regional Considerations for Police Services**

The City of Novato Police Department serves residents within and directly adjacent to the City's boundary. Unincorporated areas of the Novato region are served by the Marin County Sheriff Office from their patrol unit's Main Station in the City of San Rafael and the California Highway Patrol.

The City of Novato Police Department maintains a police force of approximately 20 patrol units and runs a range of community engagement efforts. Community efforts such as the Novato Response Team focus on crime prevention and neighborhood safety. The efforts of the police force have contributed to lower crime rates and very low citizen complaints. The department has an annual budget of over \$15.5 million which accounts for approximately 38% of the City's General Fund budget.

#### **5) Regional Considerations for Roads & Street Lighting Services**

The City of Novato Public Works Department is responsible for maintaining City facilities including roads, traffic signals, and thousands of street lights. The department works to improve pedestrian crossings, convert lights to LED in an effort to conserve energy, maintain adequate retaining walls, and repave roads along with many other regular maintenance and improvement projects.

Road maintenance outside of the City of Novato is the responsibility of Marin County. Major access roads to unincorporated areas include Bel Marin Keys Boulevard in Bel Marin Keys, Alameda de la Loma in Loma Verde, Harbor Drive in Black Point, Atherton Avenue in Green Point, and Indian Valley Road in Indian Valley. Major state roads include Highway 101 and Highway 37 which are maintained by Caltrans.

One issue that may arise in the future is the inundation of roads by sea-level rise. While much of Novato is anticipated to not be impacted by sea-level rise, according to the Marin Shoreline Sea Level Rise Vulnerability Assessment for the Novato region, some areas along San Pablo Bay and the Petaluma River could be impacted. In the event of 10" of sea-level rise and a 100-year Storm Surge event, approximately half of Bel Marin Keys Streets and portions of Green Point could see substantial flooding.

Another issue arising with road and street lighting services is the City's ability to continue funding departments at current and anticipated future levels. The City has noted that the rising cost of employee compensation, contributions to medical premiums, and workers compensation is exceeding revenue increases which may lead to funding deficits. The City may want to look at other sources of long-term revenue to help offset these rising costs.

#### **6) Regional Considerations for Dredging Services**

Dredging takes place in navigable creeks and rivers in the region. Bel Marin Keys CSD provides maintenance dredging services for its North Lagoon and portions of Novato Creek near flood control structures. Additional dredging in the region is conducted by the US Army Corps of Engineers along the Petaluma River.

Bel Marin Keys CSD has been able to secure funding for regular maintenance of their North Lagoon through passing of Measure D. However, Novato Creek remains largely unfunded. The last dredging that took place in 2005 and was funded by the passing of Measure F. Ideally the creek is dredged on a 20-year cycle to maintain the navigation channel. When the next major dredging of the creek is scheduled the CSD will need to consider additional funding options such as another bond measure or potential cost-sharing opportunities.

## **7) Regional Considerations for Planning**

The City of Novato is the major jurisdiction within the document's study area. While the largest in the area, water and sewer service are provided by other agencies. The provision of these services, along with land use authority, are some of the major factors determining development and growth. This means that growth on the unincorporated edges of the city is not generally at the discretion of the city, making it challenging for them to plan and provide for growth on their boundaries.

While Novato cannot have direct control over the unincorporated lands surrounding the City, there are tools available to them to further establish their region of interest. The Governor's Office of Planning and Research (OPR) recommends that cities establish a planning area as a part of their general plan development. The planning area may include regions that are outside of the City's SOI but that may impact the City if development occurs..

The City of Novato may be impacted by development in unincorporated areas due to increased population around the City and use of City amenities. As such, it would be advantageous to define a Planning Area in which the City is included in the development process through either notification, comment, or other agreed upon process. This type of planning area does not give the City of Novato the authority to approve or disapprove of any proposals but simply the chance to know about local projects. The City of Novato should work together with the County and surrounding communities to delineate a Novato Planning Area and consider establishing formal agreements for processing development proposals in this area.

## **3.2 MUNICIPAL SERVICE REVIEW DETERMINATIONS**

### **1) Growth and population projections for the affected area.**

- a) Projected near-future growth is expected to be moderate. According to the Association of Bay Area Governments, the Novato population is expected to increase to a total population of 53,900 by 2025 with an estimated annual growth rate of 0.3 percent.

### **2) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.**

- a) There are no identified DUCs within the Study Area.

### **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 Novato, Novato Sanitary District, Novato Fire Protection District, Bel Marin Keys CSD, and the County Service Areas all prepare annual budgets and prepare financial statements in accordance with established governmental accounting standards. The City Council, NSD, FPD, and CSD Boards, 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, Chief Engineer, Fire Chief, 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, NSD, FPD, and CSD Boards, 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, NSD, FPD, CSD, and County by independent certified public accounting firms.
- c) While additional revenues are needed to provide some 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) The Marin County Department of Parks and Open Space provides shared services for CSA Nos. 1 and 20 by managing open space areas and preserves within the CSAs' boundaries.
- b) The Novato Sanitary District is able to provide recycled water to the region that is distributed by the North Marin Water District.
- c) The Novato Fire Protection District operates an Emergency Operations Center jointly with the City of Novato and participates in multiple regional agreements for aid and operations.

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

- a) CSA No. 20 may consider a long-term planning document outlining special project needs within the boundaries of the CSA that include fuel reduction, trail realignment, and parking solutions along with other projects as deemed appropriate by the Advisory Board.

**7) Any other matter related to effective or efficient service delivery, as required by commission policy.**

- a) No other matters relating to the effective or efficient service delivery have been identified.

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## 4.0 REGIONAL SETTING

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The MSR study area consists of Marin County's northern 101 corridor at the intersection of Highway 37 serving the Novato, Bel Marin Keys, Green Point-Black Point, Indian Valley, and Loma Verde communities. Seven public agencies, including three County Service Areas (CSA), are included. Not evaluated but located within the study area is the North Marin Water District which was recently reviewed by LAFCo in 2017.

Several communities lie within and adjacent to the Novato Study Area. Most are served by a number of municipal service providers established over time to meet local service needs. There are limited service overlaps within the Novato region. Fire and emergency medical services are provided by the Novato Fire Protection District, sanitary services are generally provided by the Novato Sanitary District except in areas with onsite services, and water is provided by North Marin Water District. There are several agencies that manage park and recreation services, including open space management.

The City of Novato primarily provides police, parks and recreation, road, flood control, and street lighting services within the city's corporate limits. The City encompasses approximately 28 square miles with an additional 2 square miles in its sphere of influence. In and around the City are several unincorporated pocket areas known as *unincorporated islands*, which are discussed below.

A limited number of CSAs serve parts of the region. Of the three present only two are currently active, CSA No. 1 – Loma Verde and CSA No. 20 – Indian Valley. These were primarily developed to fund open space acquisition, however, other services are provided as discussed further under their agency profiles.

South of the study area are the communities of Marinwood, St. Vincents, and the City of San Rafael which were recently reviewed by LAFCo in the San Rafael Regional MSR. To the north of the study area is Sonoma County and the City of Petaluma along the Petaluma River. To the east and west of the study area are San Pablo Bay and large areas of open space and agricultural lands, respectively.

### 4.1 UNINCORPORATED ISLANDS

The State Legislature has recognized that pockets of unincorporated territory that are surrounded or substantially surrounded by incorporated cities, typically known as "islands", create governance and service delivery inefficiencies and deficiencies. Marin LAFCo's Unincorporated Island policy encourages annexations of islands to cities, where supported by the island community, to further reduce and/or eliminate islands to provide more orderly local governmental boundaries and cost-efficiencies. However, Marin LAFCo will not independently proceed with an entire island annexation to the City of Novato where local residents have voiced opposition. In addition, the City of Novato has a voter-approved Urban Growth Boundary (UGB) that limits growth of the City. With some very limited exceptions a City voter supported UGB amendment would be required before any annexation of areas outside that boundary could take place. More information on the UGB can be found in Section 5.3.

There are five unincorporated islands in the City of Novato region, including Bel Marin Keys, Black Point, Green Point, Indian Valley, and Loma Verde. Each of these neighborhoods are described in more detail in the discussion below.

## **Black Point**

The Black Point planning area, along with its immediate neighbor Green Point, is an island of unincorporated territory along the Marin and Sanoma county line, bordered by the City of Novato on one side and San Pablo Bay on the other. The unincorporated Black Point neighborhood abuts the unincorporated Green Point neighborhood, the Petaluma River, and the northeast jurisdictional limits of Novato (See Figure 3-1). The area is primarily rural-residential, surrounded by open space.

Zoning in the area is primarily Agricultural Limited 2 and Open Area<sup>2</sup> which allows for the rural residential nature of the community. Basic services in the area include water and fire protection. The community is within the Novato Sanitary District SOI but does not currently receive service from them. Instead, residents rely on onsite wastewater treatment systems.

Black Point has many natural resources and associated hazards. Almost the entire area is within the Wildland Urban Interface and susceptible to wildland fires. The Novato Fire Protection District works collaboratively with county and other local fire agencies to help educate residents about the risk of wildland fires. The community is also located next to the San Andreas Fault Zone but it is primarily on soil that would not greatly amplify shaking and has a very low liquefaction rating<sup>3</sup>. Another hazard of concern is flooding. Most of the community is located on higher elevation hill areas that are not within the 100-year flood zone<sup>4</sup>, however, some portions of the community along the tidal marshes could be susceptible to flooding and potential impacts from sea-level rise.

The community, through the Black Point Improvement Club, has informed LAFCo that they do not wish to be annexed into the City of Novato in order to limit development and maintain the rural community setting . This is also the reason why Novato Sanitary District wastewater service has not been extended to the area. Onsite water treatment systems limit the development of higher occupancy residential areas due to their limited capacity .

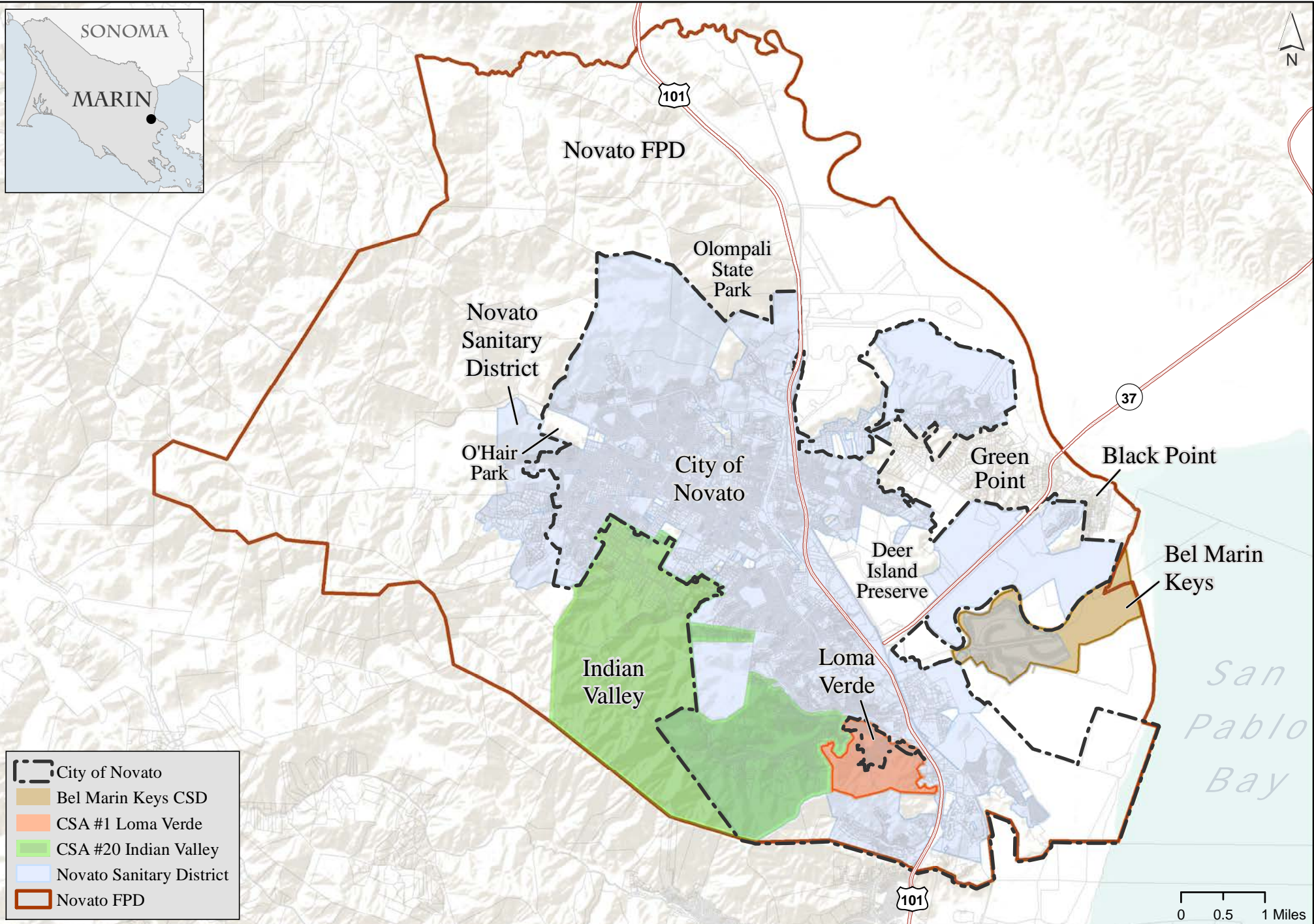
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<sup>2</sup> Marin Map Viewer, County Unincorporated Zoning.

<sup>3</sup> Ibid, pgs. 36-39.

<sup>4</sup> Ibid, pg. 41.





# Novato Regional Service Providers

Mapping provided by:  
**PLANWEST PARTNERS, INC.**  
 Map Date: 6/18/2019

Figure  
 4-1

Sources: Boundaries, Roads, Parcels: Marin Map GIS.

## **Green Point**

The unincorporated community of Green Point is adjacent to the Black Point neighborhood. Paralleling the Petaluma River, it is bounded on the south by the flat uninhabited bay plains, which separates the community from the City of Novato. Principal access to Green Point is via State Route 37, which separates Green Point and Black Point.

Green Point largely developed within the last forty years with large residential lots interspersed with agriculture and large swaths of open space<sup>5</sup>. According to Marin County's Green Point Community Plan, the neighborhood has historically retained a rural sense of place, with an absence of urban services and amenities.

The Black Point Improvement Club (BPIC), a local community group that is, in part, made of people who live in this unincorporated island of Green Point, has informed LAFCo that they do not want to be incorporated into the City of Novato.

## **Bel Marin Keys**

The unincorporated community of Bel Marin Keys is located in the southeast Novato region between Highway 37 and Highway 101 and is primarily served by the Bel Marin Keys CSD (see profile in Section 8). The community is estimated to cover approximately one square mile and has an estimated 700 housing units. In 1982 Marin LAFCo excluded the Bel Marin Keys area from the City of Novato's SOI. The 2002 LAFCo Municipal Service Review for the region noted that the Bel Marin Key's residents desire for the exclusive use of its waterways and the City's desire to avoid the cost liability and service responsibility associated with Bel Marin Keys' waterways fostered a mutual interest in maintaining the community separate from the city.

While the 2002 MSR mentioned "exclusive use" of the waterways, this is not an accurate depiction of what occurs under the Clean Water Act. The Clean Water act allows the general public passage thought the locks if they desire use of the lagoons. The Bel Marin Keys' residents desire is to maintain controlled and limited access to the waterways in accordance with all government regulations and ordinances.

The Bel Marin Keys CSD Board of Directors, on behalf of its membership, has informed LAFCo that they do not want to be annexed into the City of Novato.

## **Loma Verde**

The Loma Verde neighborhood is located in the southern portion of Novato. Made up of primarily single-family homes with some apartments and townhomes, the neighborhood's developed residential area is unincorporated but completely surrounded by the City of Novato, and within the City's SOI. Adjacent to, and associated with the neighborhood is the Loma Verde Open Space preserve. The preserve itself is within Novato city limits. Both the preserve and unincorporated Loma Verde neighborhood are within the boundaries of CSA 1. See Section 9 for further discussion of CSA 1.

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<sup>5</sup> Marin County. 2016 Green Point Community Plan. Adopted by the Marin County Board of Supervisors on July 26, 2016. Pg. 26

While there is no official neighborhood group for the Loma Verde area, residents have reached out to LAFCo to indicate they do not want their island annexed into the City of Novato.

### Indian Valley

As defined in the Marin Countywide Plan and Indian Valley Specific Plan, Indian Valley is comprised of the approximately 630-acre unincorporated portion of the Novato area lying south of Mill Road between Pacheco Avenue and Trumbull Avenue, extending to the boundary of the agricultural and open space preserves to the south.

Land ownership in Indian Valley is principally single-family housing with parcel sizes ranging from one to nearly 45 acres. Other uses include equestrian activity, orchards and livestock (cattle, sheep) pasture and grazing. There is no multi-family use, no institutional use, and no commercial use other than home-office oriented businesses and several horse stables and plant nurseries.

The Indian Valley Association (IVA) is a local community group made up of people who live in this unincorporated island. The IVA leadership, on behalf of its membership, has informed LAFCo that they do not want to be annexed into the City of Novato. IVA also does not want wastewater service from Novato Sanitary District to be extended to the area. Onsite water treatment systems limit the development of higher occupancy residential areas due to their limited capacity and is the preferred method for the community.

## 4.2 GROWTH AND POPULATION

LAFCo is required to make MSR determinations on growth and population. When planning for the provision of future services and infrastructure it is important to have ready access to accurate growth and population projections. This MSR also identifies and considers disadvantaged communities and growth and population data contribute to that analysis. The region's growth rates are based on historical development patterns, the County and Marin's general plans, regional estimates from the Association of Bay Area Governments and California Department of Finance, and information provided by special districts.

### Land Use

Marin County is generally considered an "infill" county, with new development guided to existing urbanized areas. The Marin Countywide Plan (2007) serves to guide the conservation and development of Marin County through policies that protect open space and "community separators" in the city-centered corridors. Marin County's 520 square miles is only 11% developed with urban uses, and only 5% of the remaining land is potentially developable under existing policies. Agricultural lands make up 36% of the County's total area, parklands 33%, and the remaining 15% in public or private open space use<sup>6</sup>.

The Novato Region outside the City commercial areas has a rural atmosphere largely because of its low population density and the high amount of open space and parks in and near the city.

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<sup>6</sup> Marin LAFCo. Novato Regional Municipal Service Review. 2006.

Novato’s population density is about one-half that of San Rafael and is nearly one-third that of Petaluma or Vallejo<sup>7</sup>.

## **Current Population**

Marin County experienced progressive growth between 1950 and 1960 when the population jumped substantially from 85,619 to 146, 820, an increase of 72%. Compared to other Bay Area counties, Marin County has since experienced slow population growth rates between three and five percent<sup>8</sup>. Overall Marin remains the slowest growing county in the Bay Area.

The City of Novato accounts for the majority of the Study Area population, with an estimated population of 55,655 in 2018<sup>9</sup>. The Black Point–Green Point Census Designated Place (CDP) encompasses both communities, which are also within the Study Area. Together they have an estimated population of 1,544<sup>10</sup>.

## **Projected Growth and Development**

According to 2013 projections by the Association of Bay Area Governments (ABAG), the Novato population is expected to increase to a total population of 53,900 by 2025 with an estimated annual growth rate of 0.3 percent. ABAG projected the population of Marin County as a whole to increase by 14,191 for a total population of 266,600 in 2025.

## **Disadvantaged Unincorporated Communities**

LAFCo is required to evaluate disadvantaged unincorporated communities (DUCs) as part of this review, including the location and characteristics of any such communities within or contiguous to the SOIs established in the Study Area. A DUC is an unincorporated geographic area with 12 or more registered voters with a median household income of 80% or less of the statewide median household income. The identification of DUCs is intended to ensure that the needs of these communities are met when considering service extensions and/or annexations in unincorporated areas. There are no identified DUCs within the Study Area.

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<sup>7</sup> City of Novato Adopted Budget 2018/19. Pg. 11.

<sup>8</sup> Marin LAFCo. Novato Regional Municipal Service Review. 2006.

<sup>9</sup> U.S. Census Bureau, Population Division. Annual Estimates of the Resident Population: April 1, 2010 to July 1, 2018.

[https://factfinder.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml?src=bkmk](https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml?src=bkmk)

<sup>10</sup> U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates.

[https://factfinder.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml?src=bkmk](https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml?src=bkmk)

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## 5.0 CITY OF NOVATO

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### 5.1 OVERVIEW

The City of Novato, California is the northernmost city in Marin County, approximately twenty-nine miles north of San Francisco and thirty-seven miles northwest of Oakland. Characterized by a low population density (persons per acre) and a high amount of open space and parks in and near the city, Novato’s jurisdictional boundary covers twenty-eight square miles with a population of 55,655<sup>11</sup>. The city’s population density is about one-half that of San Rafael and is nearly one-third that of Petaluma or Vallejo<sup>12</sup>.

Novato provides a range of municipal services, including streets and street lighting; land use planning; recreation, park, and open space; and law enforcement. Other municipal services to the city are provided by several special districts.

Table 5-1: City of Novato Overview

City of Novato Overview	
<b>City Manager:</b>	Adam McGill (Acting)
<b>Main Office:</b>	922 Machin Avenue, Novato
<b>Council Chambers:</b>	901 Sherman Avenue, Novato
<b>Formation Date:</b>	January 20, 1960
<b>Services Provided:</b>	Police, Parks & Recreation, Roads, Flood Control, Street Lighting
<b>City Boundary:</b>	28 sq. mi. city limit, 2 sq. mi. SOI
<b>Population Served:</b>	55,655

### 5.2 FORMATION AND DEVELOPMENT

During the latter half of the 19th century, fruit orchards and the new Northwestern Pacific Railroad Depot spurred development in the Novato region. In 1888, land grants were subdivided into lots and parcels, providing the footprint of the new town along the railroad tracks. By the end of the nineteenth century, Novato had a well-developed downtown with residential development concentrated around the railroad and Grant Avenue.

The 1920s saw the continued development of Novato. The Sanitary District was formed and sidewalks were paved. The Great Depression brought a halt to Novato’s economic growth and development, until the construction of Hamilton Field in 1932 (a United States Air Force base decommissioned in 1974), and subsequently World War II, which brought an abundance of new jobs to Novato.

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<sup>11</sup> United States Census Bureau. *Quickfacts City of Novato*. Population estimates, July 1, 2018.

<sup>12</sup> City of Novato Adopted Budget FY 2018-19, “Compiled”.

Novato incorporated on January 20, 1960, as a General Law city. Residential development in the 1960s and 1970s spread outward along Novato Boulevard, as the City’s population increased from 17,900 in 1960 to nearly 44,000 by 1980.

Today, the existing land use in Novato is predominately residential in the valley areas west of Highway 101 and in neighborhoods east of the freeway. Most units are single-family detached homes on lots under one acre in size. In the last two decades, the re-use of the Hamilton Army Airfield added over 2,100 new homes to Novato<sup>13</sup>.

### 5.3 CITY BOUNDARY AND SPHERE OF INFLUENCE

The current City of Novato jurisdictional boundary is roughly 28 square miles (17,857 acres) in size and largely defined by area topography . The northeast portion of the city abuts the Petaluma River and the Marin/Sonoma County line. The eastern extent of the city is surrounded by San Pablo Bay while the western and the southern extents are defined by open space preserves, steep topography, and Big Rock Ridge.

Marin LAFCo originally established a City of Novato sphere of influence (SOI) in 1982. At that time, it included most of the unincorporated territory surrounding the city, extending to cover open space areas within the City’s drainage and viewshed. Notably, it did not include the Bel Marin Keys area. In 2002, the Commission conducted a municipal service review and sphere of influence update. The updated sphere excluded publicly owned open space as well as the Indian Valley, Black Point, and Green Point neighborhoods, reflecting the city’s adopted Urban Growth Boundary (UGB)<sup>14</sup>. The Commission’s 2007 update reaffirmed the 2002 sphere, recommending no change. No sphere changes have occurred since.

As discussed in Section 2, a SOI is a boundary determined by LAFCo that establishes the probable city service area limit. The current SOI is coterminous with present city boundaries with four exceptions (comprising a total of 1,384 acres): (1) the Loma Verde neighborhood, the unincorporated portion of CSA #1 Loma Verde; (2) the Vineyard Road area; (3) Atherton Avenue between U.S. 101 and Bugeia Lane, and (4) portions of the St. Vincent properties abutting Novato to the south.<sup>15</sup> See Figure 5-1. The County has designated approximately 56 percent of this land for very low- and low-density residential use and 27 percent for open space and conservation<sup>16</sup>. Other unincorporated islands described in Section 4.1 above are not in the City SOI.

#### *Urban Growth Boundary*

Within a city’s jurisdictional boundary (also determined by LAFCo) a city may also develop policies and define areas such as an Urban Growth Boundary (UGB), to guide development and services extension . In 1997 the voters of Novato adopted an UGB to constrain the expansion of

<sup>13</sup> City of Novato. Draft General Plan 2035. 2016. Pgs. 1-3 & 1-4.

<sup>14</sup> Marin LAFCo. *Periodic Update – Adopted Sphere of Influence for Cities and Special Districts in the Novato Area*. September 28, 2007.

<sup>15</sup> City of Novato. *General Plan 2035 Policy White Paper, Urban Growth Boundary*. April 142014.  
<https://novato.org/home/showdocument?id=11898>

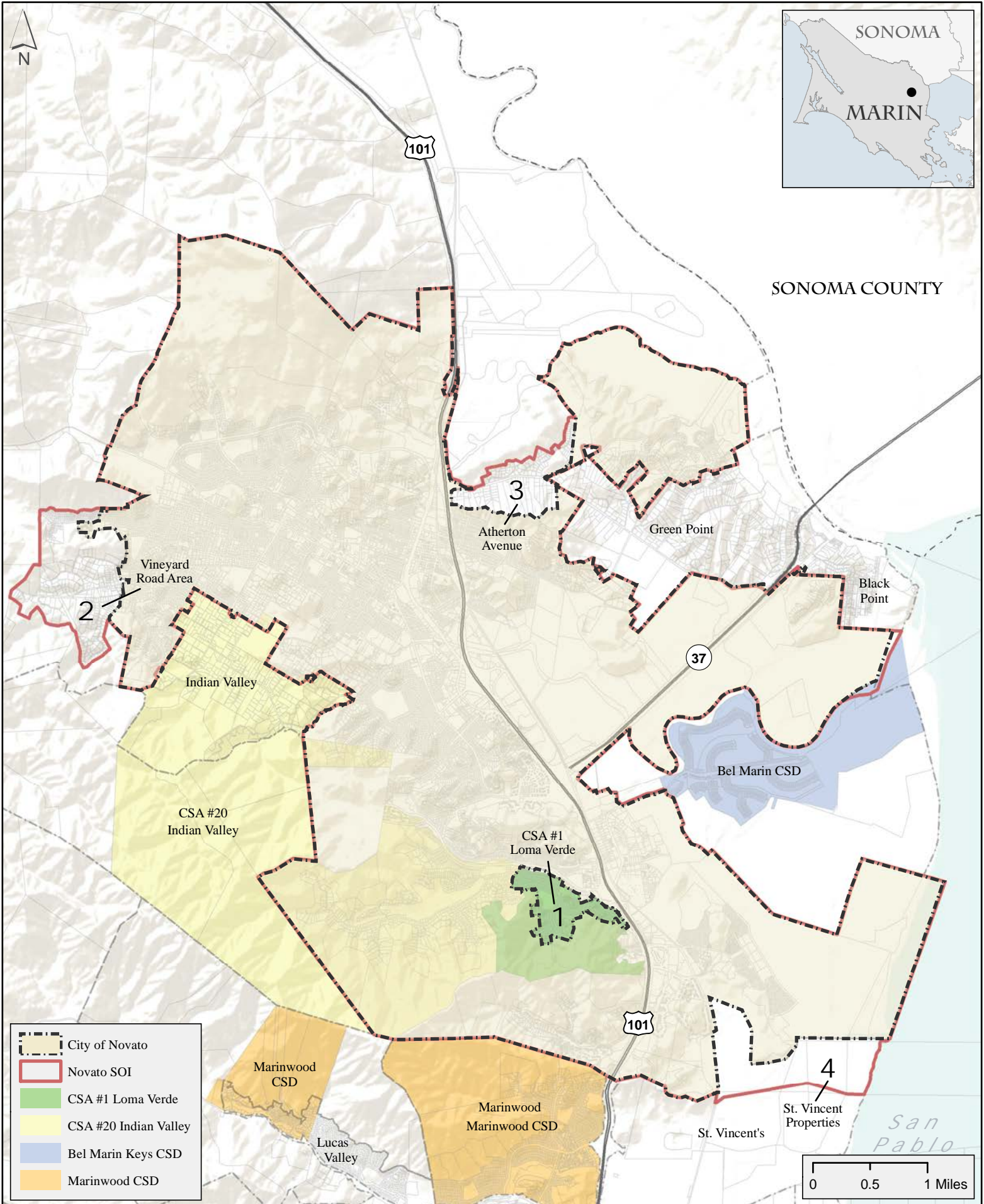
<sup>16</sup> City of Novato. Draft General Plan 2035. 2016. Pg. 2-21.

“urban” development (e.g., that which required sewer and water utilities) into the rural areas surrounding the incorporated City limits.

Initially established in 1997, Novato citizens reaffirmed the UGB and its associated policies to continue through 2037 via ballot Measure D in 2017. Established as coterminous with the city limit, there have been several minor amendments to the UGB to annex single or small groups of property to the city. The UGB is to protect the area from City development, maintain agricultural uses, and maintain open space separators between itself and other nearby cities by limiting land use beyond the boundary to non-urban uses such as agricultural, conservation, parkland, and open space, with limited exceptions.

Novato’s UGB guides city decisions on land within its jurisdiction, however, given that the majority of land the UGB aims to protect is outside of the city’s jurisdictional boundary, and the city does not directly provide services like water and sewer (development-related services), land use and development in unincorporated areas surrounding are not directly within the Novato’s control. The City has the ability to comment on projects that occur outside the city limits but within its SOI. However, given that SOI is currently set to be generally coterminous with the city limit line and UGB (with exception of unincorporated areas discussed above), much of the unincorporated land bordering Novato is not required to concurrently annex to the City if seeking annexation to the Sanitary and/or Water Districts. Accordingly, while not required to do so, Marin LAFCo does send single-district annexations noticing to neighboring jurisdictions, it does not carry the same weight in the decision-making process when the jurisdiction has no planning oversight.

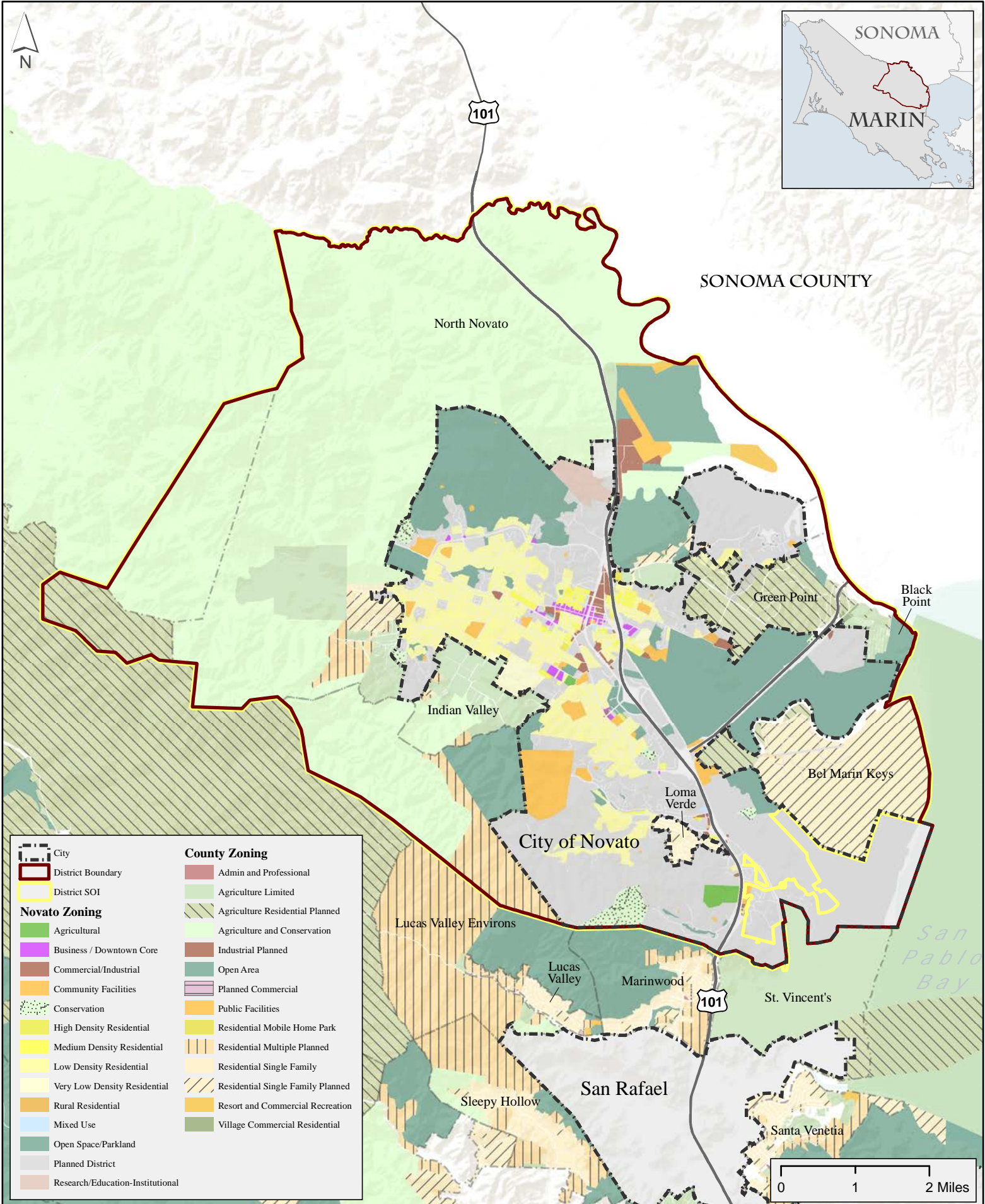
While the City does not have land-use authority over the unincorporated lands surrounding the City, there are tools available to them to further establish their region of interest. The Governor’s Office of Planning and Research (OPR) recommends that cities establish a planning area as a part of their General Plan. Should the City wish to have a more active role in land use decisions outside of its UGB, they could consider working together with the County and surrounding local agencies to delineate a Novato planning area and consider establishing formal agreements for processing development proposals within the area.



# City of Novato Overview

Figure 5-1





# Novato Fire Protection District Zoning

Figure 5-2

Date: 6/24/2019

Sources: Boundaries, Roads, Parcels: Marin Map GIS.

## 5.4 MUNICIPAL SERVICES

The City of Novato and the surrounding area is served by a variety of public services and facilities. Many services are provided by independent public agencies other than the City: water supply is provided by the North Marin Water District; wastewater collection and treatment, and trash collection and recycling are provided by the Novato Sanitary District; fire protection is provided by the Novato Fire Protection District; Flood Control is provided by the Marin County Flood Control & Water Conservation District; schools are provided by the Novato Unified School District; and libraries are provided by the Marin County Free Library District. The Pacific Gas & Electric Company provides electricity and natural gas distribution, and Marin Clean Energy provides an alternative energy source. City facilities encompass 50 acres of parks, including a historic cemetery, 22 athletic fields, two storm drain pump stations and a public swimming pool as well as public buildings including City Hall, City Administrative offices, a police station, a corporation yard, Margaret Todd Senior Center, three museums, an art studio complex, two gymnasiums, and several historical structures in City's downtown area.

The City of Novato provides the following municipal services:

- Land use planning
- Stormwater drainage
- Streets and street lighting
- Recreation, park, and open space
- Law enforcement

The below sections describe the provision of services by Novato in more detail.

### Land Use Planning

The Community Development Department is charged with providing city land use planning services. They assist the City Council, and ultimately the community, in planning for the City's future development, and reviewing proposed development projects for conformance with the City's adopted policies and ordinances and environmental laws. The Department also provides ongoing monitoring of deed restricted housing stock, including resales and rentals, and implementation of various housing programs contained in the Housing Element.

Within the department are several divisions:

- Building Division - Provides building permitting and inspection processes
- Code Enforcement Division - Enforces the Novato Municipal Code
- Planning Division - Develops and administers the City's General Plan, zoning regulations, and planning permit processes.

The primary City planning vehicle is the General Plan, the foundation for establishing goals, purposes, zoning, and activities allowed within the city. The City's General Plan was last completely updated and approved by City Council in December 1996. General Plan Elements have been updated since, such as the Housing Element. Since 2016, Novato has been updating the plan and a Draft General Plan 2035 is available on the city website.

## Streets and Street Lighting

The City's Public Works Department provides design, construction, maintenance and operation of public use facilities, including all roads and street lighting. The Public Works Director serves as the City Engineer and manages the Administrative, Engineering and Maintenance Divisions. The Department employs 55.5 full-time equivalents (FTE) positions and maintains facilities, including parking lots, roads, parks, traffic signals, and street lights.

Of the \$9.5 million Public Works operating budget, approximately \$1.6 Million (16.8%) are Streets and Street Lighting expenses. Of the \$28 million in Capital Improvement Project Expenses programmed for fiscal year 2019-20, \$19 Million (67.8%) is slated for Streets and Street Lighting related projects. In the 2018-19 fiscal year, the department completed the following projects:

- Renovated the Dogbone Meadow dog park;
- Enhanced 7 pedestrian crossings and refreshed all school-zone crosswalks and signage;
- Completed Vineyard Rd. Improvements;
- Rebuilt retaining wall along Sunset Parkway;
- Built a Marin Valley Mobile Country Club retaining wall and walkway installations;
- Performed LED lighting upgrades to save \$20-30K in annual costs;
- Reduced flooding by pre-emptive storm drain maintenance; and
- Refurbished Pioneer Park restrooms

Department Goals for Fiscal Year 2019/20 include:

- Finalize Storm Drain Master Plan;
- Develop 2020 Annual Pavement Rehabilitation Program;
- Complete a fire-wise assessment of city-owned properties in conjunction with NFPD;
- Develop annual defensible space clearance program;
- Begin construction on Hill Recreation Area Central Hub Project;
- Review and update City's Development Impact and Public Works fees for services;
- Forecast long-range infrastructure funding needs;
- Repave Nave Drive and complete right-of-way acquisition for Grant Ave. Bridge Project;
- Increase the number of Parking Spaces downtown;
- Begin implementation of a Computer Maintenance Management System;
- Increase # of fuel-efficient vehicles in City fleet; and
- Continue organic sheet mulching and explore other options for eco-friendly weed control.

## Recreation, Park, and Open Space

The Parks, Recreation & Community Services Department has oversight of City park and recreation facilities, programs, special events, classes, and childcare services. It offers a range of social and recreational programs and activities for all ages. From sports leagues and facility rentals to youth classes and senior events. They also manage park use.

The Department employs 23.3 FTE positions and oversees the operations of a range of facilities. The Culture and Recreation expenses for the city are budgeted \$5.3 million (13% of the General Fund expenditures) for the 2019-20 fiscal year.

City park facilities include 439 acres of parks at 29 park sites or approximately 8.5 acres per one thousand residents. Parks in Novato feature, among other amenities, hiking trails, playgrounds, playing fields, outdoor courts, amphitheater, a skate park, a dog park, a community swimming pool, and picnic areas.

## Law Enforcement

The City of Novato provides law enforcement, dispatch, and emergency preparedness services to all areas within the city limit and response to nearby unincorporated neighborhoods as necessary. The Novato Police Department is located at 909 Machin Avenue in Novato. As a full-service agency, NPD is divided into the Operations Division and the Administrative Services Division each led by a Police Captain. The Novato Police Department maintains its own Dispatch Center. Dispatchers receive and handle calls, including 911 calls, 24 hours a day.

Projected expenditures for 2019 are 17 million (41% of the General Fund expenditures), similar to the 2018-19 adopted budget. There are approximately 82 staff in the department including 61 sworn personnel (including two school resource officers), and a volunteer program<sup>17</sup>. This equates to 1.10 full-time sworn officers per 1,000 population. This is comparable to the San Rafael average of 1.07 full-time sworn officers per 1,000 population.

Department community engagement efforts include the Minors Access to Alcohol Prevention and Bicycle/Pedestrian Safety programs. The Novato Response Team is a special police team focused on crime prevention and intervention. It meets with residents to provide crime prevention tips, visits schools to mentor youth and reduce gang involvement and works with property owners of multifamily housing to ensure the safety of their residents and the surrounding community.

## 5.5 ORGANIZATIONAL STRUCTURE

The City of Novato was incorporated on January 20, 1960, as a general law city. The City Council is made up of five members, elected at large, serving four-year terms. The Mayor is selected from

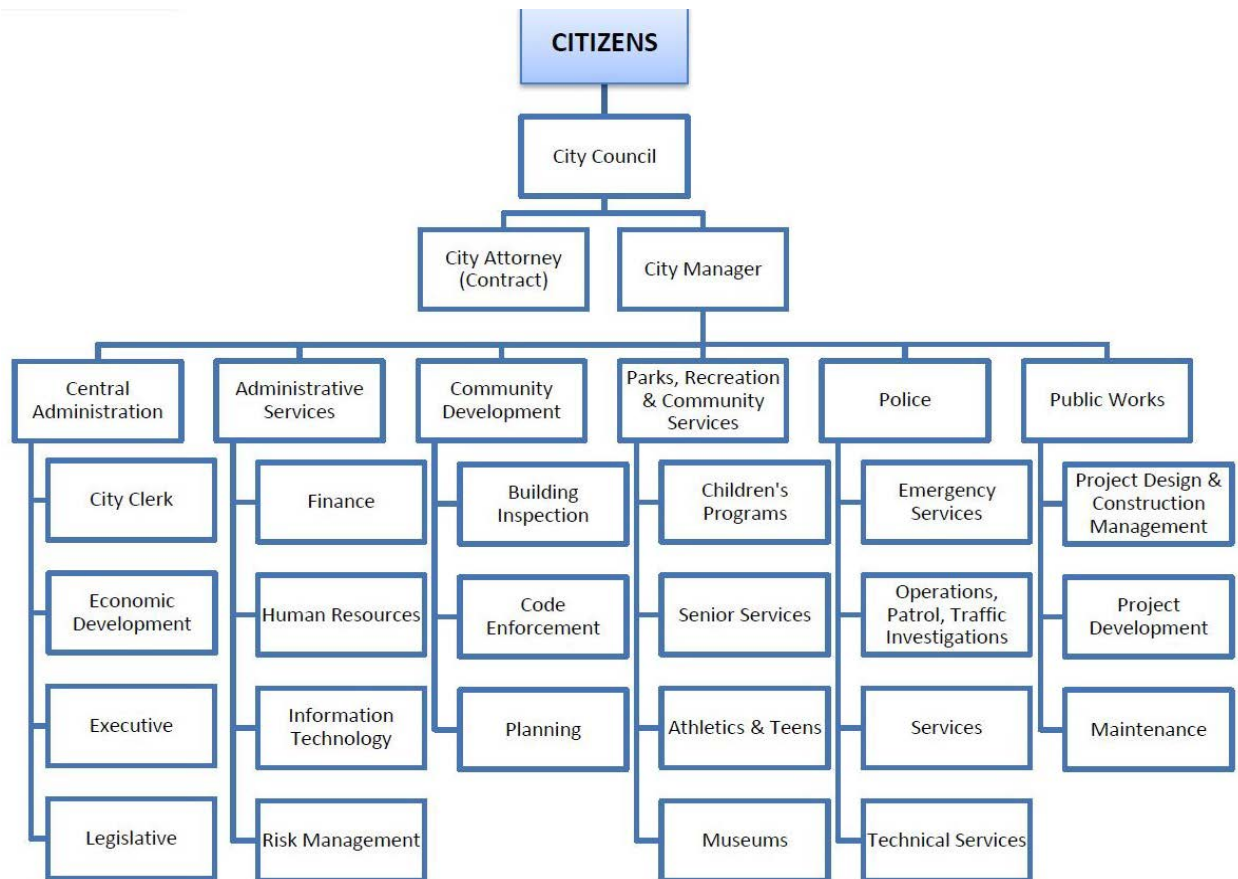
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<sup>17</sup> City of Novato website. Police Department "About Us" page. Accessed July 3, 2019. <https://novato.org/government/police-department/about-us>

City Council members for a one-year term The Council operates under a council-manager form of government and directly appoint both the City Manager and the City Attorney.

City Council duties also include establishing legislation and policies governing the city; adopting all ordinances, resolutions, and major contracts; approving and modifying annual budgets; making appointments to advisory boards; commissions and committees. City Council meetings are scheduled the second and fourth Tuesday every month at 6:00 p.m. in the Novato City Hall Council Chambers located at 901 Sherman Avenue and are televised.

**Figure 5-3: City of Novato Organizational Structure**



### Staffing and City Operations

The City Manager is responsible for city operations management and policy implementation on behalf of the City Council. The City Manager is an at-will employee and administers the City of Novato’s departments. The City has 208.67 FTE employees and delivers municipal services through six departments: Central Administration, Police, Community Development, Public Works, Parks & Recreation, and Community Services<sup>18</sup>.

<sup>18</sup> City of Novato Comprehensive Annual Financial Report for the Year Ended June 30, 2018. Pg. ii.

## 5.6 ACCOUNTABILITY AND TRANSPARENCY

### Meetings and Agendas

When conducting service reviews and reviewing proposals, LAFCo considers an agency's accountability for community service needs, including governmental structure, operational efficiencies, financial resources, and promoting public access.

The City offers multiple ways to keep citizens informed about services, meetings, finances and decision-making processes. Public notices are posted on the website. Past meeting agendas and meeting minutes may be found in the Public Meetings section of the City's website. The public may also provide verbal comments or complaints by phone or in person at City Hall during business hours and/or at City Council meetings during the public comment period.

## 5.7 FINANCIAL OVERVIEW

The City of Novato prepares an annual report on the City's financial statements in accordance with established governmental accounting standards. The most recent audited financial statement was prepared by the independent certified public accounting firm, Mann, Urrutia, Nelson, CPAs & Associates, LLP, for the fiscal year ending on June 30, 2018.

The City adopts an annual budget effective July 1 for the ensuing fiscal year. The budget reflects estimated revenues and expenditures. Appropriations and spending authorizations for projects in the capital projects funds and some special revenue funds are approved by the City Council on a multi-year basis. The City Council may amend the budget 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. The City Manager is authorized to transfer budgeted amounts between accounts, departments or funds; the Council must approve any increase in the City's operating expenditures, appropriations for capital projects, and transfers between major funds and reportable fund groups.

### Revenues and Expenditures

The Fiscal Year (FY) 2019-2020 general fund expenditure budget for Novato is \$42.7 million (including appropriations and transfers out to other funds). See Figure 5-3. The expenditure budget is supported predominantly by a projected revenue of \$41.7 million. See Figure 5-4.

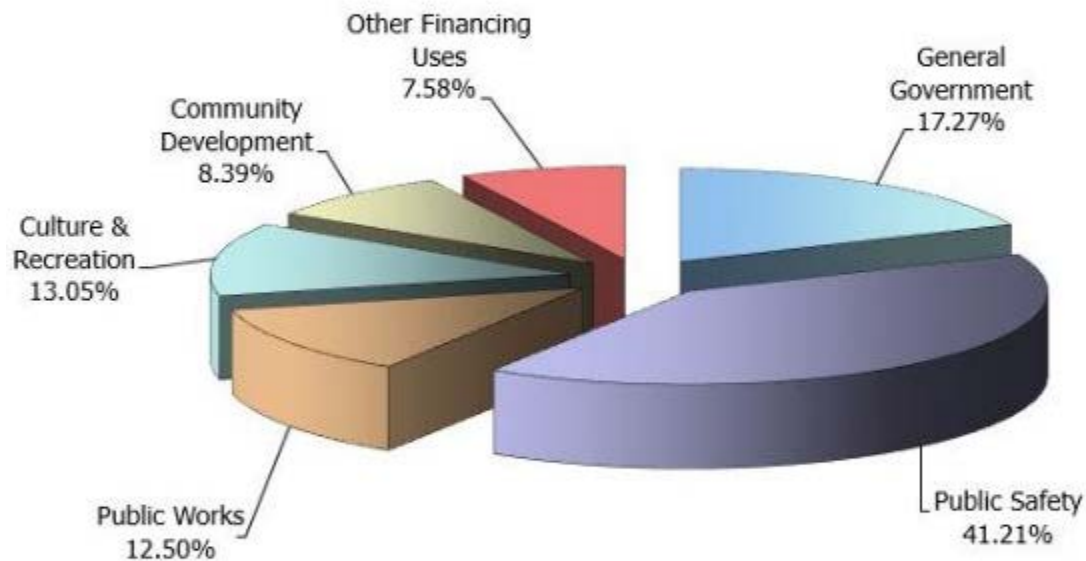
The FY 2019/20 budget is balanced and does not require the use of one-time reserves for ongoing expenditures, however, in the Final Budget adoption staff report, city staff noted that the City faces fiscal challenges that will remain unless the Council implements new revenue sources that create a sustainable revenue stream over future years. According to the report, approximately 70% of the city's expenditures are personnel costs which are appropriated for the purposes of providing services and programs for the residents of Novato. The city will either need to reduce personnel costs to a level that would offset future expenditure increases and/or evaluate and implement

multiple revenue growth strategies that will generate sufficient revenue to meet the future projected expenditure increases to the General Fund.

Based on the FY 2017/18 Comprehensive Annual Financial Report, as of June 30, 2018 the City had a net pension liability of \$47,489,946. Large net pension liabilities are a common occurrence among local governments and prompted the Marin County Local Government Reform of Pensions and Other Post-Employment Benefits study that was released in September 2019. The City will be looking into the recommendations of the report and strategizing on how best to pay down pension liabilities.

Figure 5-4: Novato General Fund Budget Expenditures

### General Fund Appropriations by Function Fiscal Year 2019/20



Function	Budget
General Government	\$7,797,120
Public Safety	17,125,853
Public Works	5,150,278
Culture & Recreation	5,376,717
Community Development	3,633,606
Other Financing Uses	3,124,777
<b>Total</b>	<b>\$42,208,351</b>

Figure source: City of Novato website, Finance page. Accessed July 12, 2019.

Figure 5-5: Novato General Fund Budget Revenues

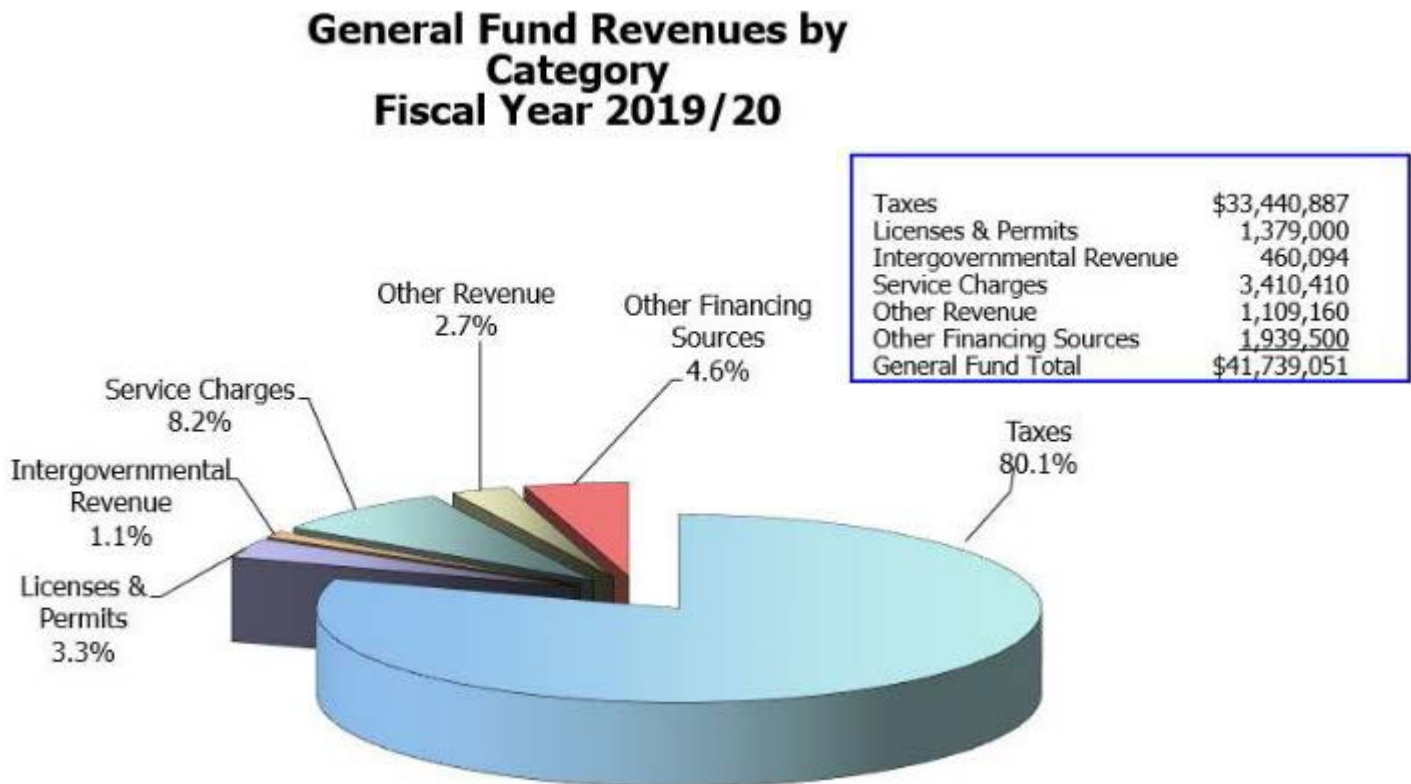


Figure source: City of Novato website, Finance page. Accessed July 12, 2019.

## 5.8 SUSTAINABILITY

The City of Novato was one of the first cities in Marin to adopt a Climate Action Plan in 2009. Since that time, they have worked to integrate sustainability actions into city operations and the community at large. Major past accomplishments include converting more than 4,000 streetlights to energy-efficient LEDs and switching over to Deep Green 100% renewable energy at all city facilities.

Currently housed within the Central Administration Department, Novato maintains a Sustainability Division which focuses on implementing the City's Climate Change Action Plan, reducing greenhouse gas emissions and preserving natural resources in City operations and throughout the community. They have a Sustainability Coordinator who implements an internal staff Green Team, secures Green Business Certification for City operations, and provides support for community sustainability-related events.

Current division activities include: a range of education and outreach programs with a focus on reducing greenhouse gas emissions, adding electric vehicles to the city fleet, retrofitting several municipal buildings to be more energy and water efficient, reducing the environmental impact of city purchasing decisions, exploring options to increase municipal solar electricity generation, and rolling out a green commute program for city staff.



In the 2019/20 fiscal year, the City has prioritized the following items:

- Update the Climate Action Plan;
- Establish energy efficiency, water conservation and waste reduction targets for each City-owned Facility;
- Manage the Reimagining Citizenship program, fostering the next generation of community leaders;
- Implement expanded recycling programs at Hamilton Community Center and Margaret Todd Senior Center;
- Continue the Green Film Series and other public outreach and education events;
- Develop and implement targeted community action campaigns focused on renewable electricity, idling, food waste, and school travel;
- Support the implementation of the Clean Fleet Policy;
- Develop a community-wide Electric Vehicle Strategy; and
- Identify City-owned properties suitable for solar installations.

Recent program accomplishments noted in the FY 2019/20 budget include:

- Implemented lighting upgrade in the police station;
- Conducted quarterly Climate Action Roundtable meetings with the community;
- Hosted North Bay Climate Action Summit at the Buck Institute Marin/Sonoma Climate Action Summit, in conjunction with the state Global Climate Action Summit;
- Organized inaugural Green Living Festival to celebrate Earth Day;
- Submitted successful grant application to Cal Recycle for county-wide food waste prevention; and
- Established two community (Organic Waste and School Travel) and two staff (Green Facilities and Green Fleet) working groups to tackle sustainability issues.

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## 6.0 NOVATO SANITARY DISTRICT

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### 6.1 OVERVIEW

The Novato Sanitary District (NSD) was one of the first agencies formed in the Novato Region. The NSD boundary includes the city of Novato and surrounding populated areas. Being adjacent to San Pablo Bay provides for unique conservation activities, in that Recycled water can be transferred to wetland and agricultural sites to help promote restoration and farming (pasture) activities and to reduce treated water volumes discharged into the bay.

NSD was originally formed to manage solid waste in the Novato region. Now, NSD provides wastewater collection, solid waste disposal by a franchise agreement, and recycled water distributed by the North Marin Water District. In the upcoming years, NSD will continue to collaborate with other North Bay region wastewater and water service providers to increase recycled water use and share facilities.

Table 6-1: Novato Sanitary District Overview

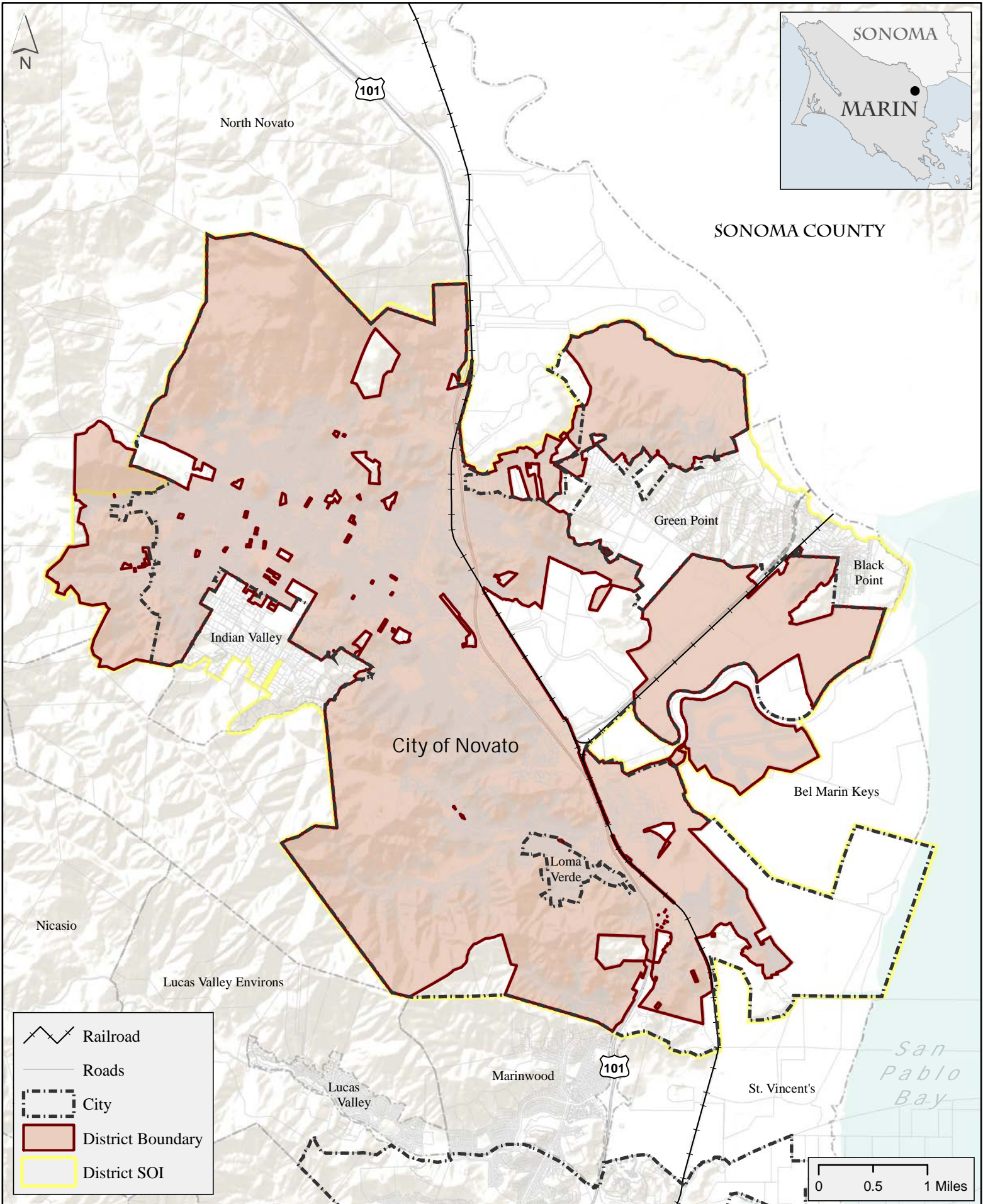
Novato Sanitary District	
<b>Primary Contact</b>	Sandeep Karkal, General Manager – Chief Engineer
<b>Phone</b>	(415) 892-1694
<b>Office Location:</b>	500 Davidson Street, Novato, CA 94945
<b>Formation Date</b>	1925
<b>Services Provided</b>	Wastewater Treatment, Recycled Water, Solid Waste Collection
<b>Service Area</b>	31.26 sq. mi.

### 6.2 FORMATION AND DEVELOPMENT

The NSD was formed in October 1925 after approval in a special election held September 30, 1925<sup>19</sup>. The district was formed to provide oversight to sanitary systems in Novato, primarily solid waste disposal. Later on, in 1949, a collection system and primary treatment plant were built to serve community needs. Most recently, in 2011, NSD consolidated its aging Ignacio and Novato treatment plants into an upgraded facility at the Novato Treatment Plant (NTP) site. The upgraded plant is more energy-efficient and has the capacity to meet projected future needs.

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<sup>19</sup> Marin County Board of Supervisors, Meeting Minutes October 5, 1925, Minute Book pg. 80.

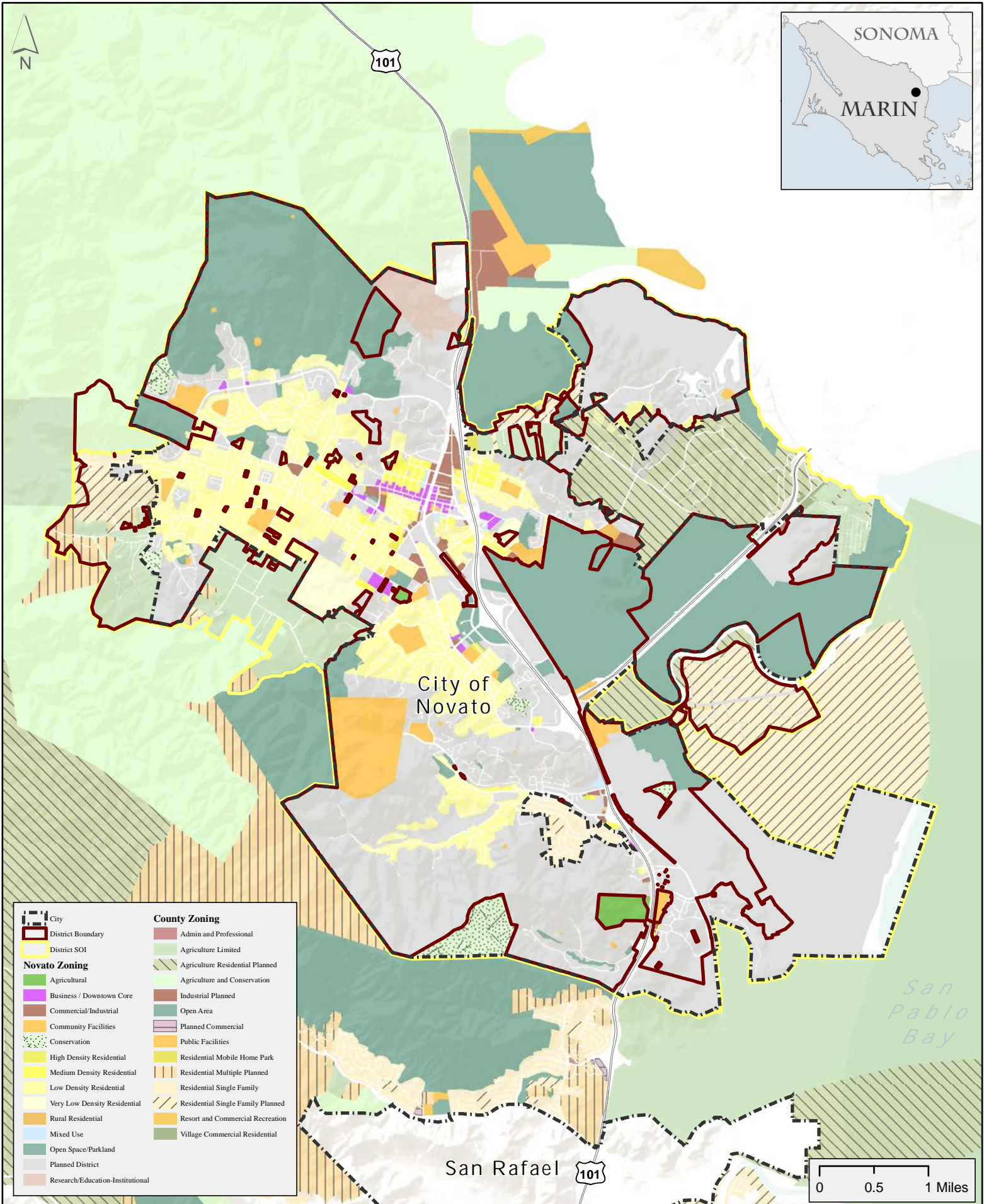


# Novato Sanitary District

Figure 6-1

Date: 6/24/2019

Sources: Boundaries, Roads, Parcels: Marin Map GIS.



# Novato Sanitary District Zoning

Figure 6-2

Date: 6/21/2019



### **6.3 DISTRICT BOUNDARY AND SPHERE OF INFLUENCE**

Novato Sanitary District's SOI is not coterminous with the outer edges of its jurisdictional boundary. The NSD SOI includes several unincorporated areas around the City of Novato, but not in the City SOI, including Green Point, Black Point, and Indian Valley. The original district boundary encompassed a small portion of Novato. Over the years, multiple annexations took place as Novato expanded. The current boundary totals 20,006.4 acres which equates to 31.26 square miles. NSD serves communities within the City of Novato and those directly adjacent to the City boundary including Bel Marin Keys, Loma Verde, and neighborhoods surrounding Verissimo Hills Preserve and Ohair Park.

Within the NSD boundary, there are several parcels and small areas that are not included as part of the district. These properties have on-site wastewater systems and do not require NSD connections. They do remain within the NSD SOI in the event that future connections are needed.

### **6.4 MUNICIPAL SERVICES**

#### **Wastewater**

NSD owns and operates a wastewater collection system, a municipal wastewater treatment plant (WWTP), and an effluent discharge outfall. The WWTP is the Novato Treatment Plant, which is currently designed for an average dry weather flow of 7.0 MGD. This plant was significantly upgraded and placed into service in 2011. Also, in 2010 NSD entered into an agreement with Veolia Water to operate the NSD treatment facilities on a contract basis. In 2018 the WWTP processed a total of 1,569.28 million gallons of wastewater. The maximum monthly flow was 200.92 million gallons in March and the minimum was 100.90 million gallons in September<sup>20</sup>.

NSD's wastewater collection system collects and transports wastewater flows to the WWTP through a series of gravity sewers and interceptors, pump stations, and force mains. The combined collection and conveyance systems include a total of about 235 miles of sewers with about 212 miles of gravity sewer lines ranging from 6-inch to 48-inch diameter, about 23 miles of force mains, 5 main pump stations, and 33 lift stations. The pump stations vary in capacity from about 50 GPM to about 5 MGD, and individual pumps range from 3 hp to 90 hp<sup>21</sup>.

Over the last two decades, NSD has been working on upgrading its aging facilities. The WWTP was upgraded in 2011 and the sewer collection system and pump stations have been going through upgrades since 2000. In FY 2019-20 NSD is anticipated to complete a Collection System Master Plan (CSMP) that will further identify needed improvements to its collection system for the next 10-20 years.

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<sup>20</sup> 2018 Annual Operations and Maintenance Report for the Novato Sanitary District, Veolia Water West Operating Services, Inc., March 2019, pg. 22.

<sup>21</sup> Novato Sanitary District, Sewer system Management Plan, August 2018, pg. I-1 to I-2.

## Rates

Residential rates for sewer service are calculated using Equivalent Dwelling Units (EDU) and the customer's water usage during the winter months. Rates are broken down into three tiers Low, Average, and high water-use. Details are provided below in Table 6-2.

**Table 6-2: Novato Sanitary District Residential Sewer Service Charges**

Tier	Percent of Average Winter Water Use	EDU	Cost per EDU 2018-2019
<b>Low</b>	25% or less	0.6	\$370
<b>Average</b>	26% to 199%	1.0	\$615
<b>High</b>	200% or more	1.8	\$1,105

Non-residential rates are based on building square footage, water use, and building type. A full non-residential categories and rates list is on the NSD website under Sewer Service Charges. Rates are scheduled to increase annually for both residential and non-residential service over the next few years. While the rates are set to increase, NSD works to keep customer costs down by maintaining a small staff, pursuing grants to cover project costs, and seeking low-interest loans for large capital improvements.

## Recycled Water

The NSD participates in the North Bay Water Reuse Authority (NBWRA) which is a collaboration of several local agencies serving the North Bay region. NBWRA is implementing recycled water programs in two major phases that focus on infrastructure upgrades, storage, and providing recycled water for landscaping, agriculture, and wetland restoration. In Phase 1, NSD added recycled water production capacity and began to provide recycled water for distribution by the North Main Water District (NMWD)<sup>22</sup>. In Phase 2, NSD will potentially work towards expanding its recycled water production capacity in conjunction with NMWD<sup>23</sup>.

In 2018 NSD produced 165.414 million gallons of recycled water that was delivered by the North Marin Water District<sup>24</sup>. The NSD works with North Marin Water District and Las Gallinas Valley Sanitary District to provide recycled water to large landscaped areas, golf courses, school and park areas, and several commercial uses. Additionally, during the summer months (June 1 to August 31) NSD sends its secondary treated effluent to its effluent storage ponds located near Deer Island, north of Hwy 37. This water is used to irrigate approximately 800 acres of pasture land that the NSD leases for grazing operations. The irrigation operations reduce the volume of treated water discharged into the bay. In 2018, 243 million gallons of treated effluent was used for irrigation.

<sup>22</sup> North Bay Water Reuse Program, Project Descriptions, <http://www.nbwra.org/project-descriptions/>.

<sup>23</sup> North Bay Water Reuse Program, Program Overview – Summer 2015, <http://www.nbwra.org/wp/wp-content/uploads/NBWRA-Program-Overview-Summer-2105.pdf>.

<sup>24</sup> 2018 Annual Operations and Maintenance Report for the Novato Sanitary District, Veolia Water West Operating Services, Inc., March 2019, pg. 20.

## Solid Waste Management

NSD contracts with a franchise service provider, Recology Sonoma-Marín (Recology), that manages recycling, composting, and garbage collection in the region. Recology has a “Waste Zero” vision that works by diverting waste from landfills. They utilize a three-bin system that includes compost, recycle, and trash. In 2018, the total waste generated and picked up by Recology was 55,046 tons, with 24,850 tons (45.14%) diverted through recycling processes.

The original franchise agreement was made with Novato Disposal Service in 2011. Since then, Recology bought out Novato Disposal Service and took over the remainder of the agreement which extends through December 31, 2025. Recology performs the responsibilities and duties as described in the agreement with the understanding that fees will be collected from customers for services rendered. Recology does not receive payment from NSD as part of the agreement<sup>25</sup>.

### Rates

Solid waste disposal rates are based on residential and commercial customer bin size and are charged on a monthly basis. Current rates are provided below in Table 6-3. A full list of residential and commercial rates along with extra services are on the Recology website<sup>26</sup>.

**Table 6-3: Recology Solid Waste Disposal Rates**

Residential Carts	20 gal	32 gal	64 gal	96 gal
<b>Residential Rates</b>	\$13.26	\$21.20	\$42.37	\$63.58
<b>Extra Pick Ups</b>	\$6.50	\$6.50	\$6.50	\$6.50
Commercial Cart	20 gal	32 gal	64 gal	96 gal
<b>Garbage Rate</b>	-	\$22.96	\$44.07	\$66.09
<b>Compost Rate</b>	-	-	\$33.05	\$49.57

*Note: All rates are per month and based on one collection per week. Additional charges apply for more frequent collections and commercial/multi-family units.*

## 6.5 ORGANIZATIONAL STRUCTURE

### Board of Directors

NSD is overseen by a five-member Board of Directors that are elected to four-year terms. The NSD is currently seeking changes to how the board members are elected. Previously, members were elected at large. Now, the board members will be elected by region within the NSD boundary.

Board members are entitled to compensation for their participation. Members receive \$225 per meeting or per day if multiple meetings are scheduled on the same day. The current Board members are listed below in Table 6-4.

<sup>25</sup> Amended and Restated Agreement Between Novato Sanitary District and Novato Disposal Service, Inc. for Solid Waste Collection, Processing, Diversion and Disposal, March 2011, pg. 49.

<sup>26</sup> <https://www.recolgy.com/recolgy-sonoma-marin/novato/rates/>.

**Table 6-4: Novato Sanitary District Board Members**

<b>Member</b>	<b>Position</b>	<b>Experience</b>	<b>Term</b>
<b>Carole Dillon-Knutson</b>	President	Geotechnical Consulting	2022
<b>Jerry Peters</b>	Director	Airline and Property Management	2020
<b>Jean Mariani</b>	Director	Budget and Finance Management	2020
<b>William C. Long</b>	President Pro-tem	Technical and Marketing Management	2022
<b>Tim Fuelle</b>	Director	Civil Engineering Project Management	2022

### **Staffing and District Operations**

NSD currently supports 23.32 Full-Time Equivalent employees including a General Manager that oversees operations<sup>27</sup>. Operations are organized into several divisions including Project/Plant Management, Field Services, Collection Systems, and Engineering.

## **6.6 ACCOUNTABILITY AND TRANSPARENCY**

### **Meetings and Agendas**

Board meetings are held on the second Monday of every month at 5:30 pm at the District office. Meeting agendas, minutes, and handouts are on the District webpage ([www.novatosan.com](http://www.novatosan.com)). The current meeting agenda is displayed on the homepage for easy access.

### **Annual Budget Review**

NSD provides an annual budget to the Board for review and consideration. An independent financial auditor, Maze & Associates, has conducted the most recent annual audit of NSD’s financial statements. Both the annual budget approved by the Board and the financial audit can be found online on NSD’s website.

## **6.7 FINANCIAL OVERVIEW**

NSD’s primary source of revenues is from service fees. Additional revenue sources include property taxes, rental fees, and grants. Major expenses include the operation of the wastewater treatment plant and collection system, infrastructure upgrades, and administrative and engineering operations. A summary of NSD’s financials is provided below in Tables 6-5 and 6-6.

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<sup>27</sup> Novato Sanitary District, Board of Directors Meeting Packet, June 10, 2019, pg. 108.



Table 6-5: Novato Sanitary District Financial Audit Summary

Revenues	FY 2015-16 Actuals	FY 2016-17 Actuals	FY 2017-18 Actuals
Sewer Service Fees	\$16,222,876	\$16,843,212	\$17,655,740
Other Service Fees	\$207,416	\$193,006	\$147,410
Permit & Inspection Fees	\$46,283	\$28,479	\$27,141
Recycled Water Facility	\$100,433	\$177,285	\$138,258
AB939 – Solid Waste	\$11,513	\$354,134	\$376,426
Property Taxes	\$2,155,476	\$2,292,988	\$2,360,251
Franchise Fees	\$51,059	\$52,485	\$54,358
Rental Revenue	\$101,530	\$94,439	\$77,732
Interest Earnings	\$71,592	\$136,595	\$312,886
Gain/(Loss) on Assets	\$0	\$1,627	(\$34,250)
Grant Revenue	\$0	\$51,069	\$257,183
Other Non-Op Revenue	\$	\$227,891	\$0
<b>Total Revenues</b>	<b>\$19,299,289</b>	<b>\$20,453,210</b>	<b>\$21,373,135</b>
Expenditures	FY 2015-16 Actuals	FY 2016-17 Actuals	FY 2017-18 Actuals
Operating Expenses	\$8,392,467	\$9,173,987	\$9,131,926
Depreciation Expense	\$5,661,922	\$5,744,111	\$5,793,254
Non-Operating Expense	\$2,533,440	\$2,513,064	\$2,390,042
<b>Total Expenditures</b>	<b>\$16,587,829</b>	<b>\$17,431,162</b>	<b>\$17,315,222</b>
<b>Net Total</b>	<b>\$2,711,460</b>	<b>\$3,022,048</b>	<b>\$4,057,913</b>

As seen from Table 6-6 below, NSD requires significant annual capital expense budgeting. However, annual capital expenditures follow a very different spending trajectory than regular annual operating expenditures, and tend to be extremely “lumpy” on an annual basis over short time periods (although they tend to even out over longer periods). Therefore, while Table 6-6 shows net annual deficits from a budgeting perspective, the audited financials of Table 6-5 illustrate a more “typical” and “actual” sustainable revenues/expenditures picture.

District has an overall financial rating of “AAA” as assigned by Standard & Poors’ (S&P) Rating Services, which is highest rating offered by S&P, and reflects S&P’s confidence & belief in NSD’s financial strength and stability. In addition, the Government Finance Officers Association (GFOA) has awarded NSD its prestigious Award and Financial Reporting achievement (AFRA) and Certificate of Achievement for Excellence in Financial Reporting for NSD’s Comprehensive Annual Financial Reports (CAFRs) for the past eight years. This award is generally recognized as the highest form of recognition in governmental accounting and financial reporting, and its attainment for eight years in a row represents a significant accomplishment by a government and its management.

## Revenue

NSD’s primary revenue source is service fees. As discussed above in Section 5.5, there is a tiered rate structure based on winter water use. In FY 2017-18 sewer service fees totaled over \$17.7 million accounting for 83% of NSD’s total revenue. Fees for sewer services are billed annually on the County of Marin’s property tax bills<sup>28</sup>. An additional 11% of NSD’s total revenue comes from property taxes which in FY 2017-18 totaled \$2,360,251.

Table 6-6: Novato Sanitary District Budget Overview

Revenues	FY 2016-17 Budget	FY 2017-18 Budget	FY 2018-19 Budget
<b>Operating Revenue</b>	\$10,108,692	\$10,654,033	\$11,282,802
<b>Capital Revenue</b>	\$10,015,352	\$10,926,445	\$11,035,274
<b>Total Revenues</b>	<b>\$20,124,044</b>	<b>\$21,580,478</b>	<b>\$22,318,076</b>
Expenditures	FY 2016-17 Budget	FY 2017-18 Budget	FY 2018-19 Budget
<b>Operating Expense</b>	\$9,972,648	\$10,329,235	\$10,740,490
<b>Capital Expense</b>	\$4,675,000	\$5,680,000	\$6,803,000
<b>Debt Service</b>	\$7,059,705	\$7,043,504	\$6,839,456
<b>Total Expenditures</b>	<b>\$21,707,353</b>	<b>\$23,052,739</b>	<b>\$24,382,946</b>
<b>Net Total</b>	<b>(\$1,583,309)</b>	<b>(\$1,472,261)</b>	<b>(\$2,064,870)</b>

## Debt

NSD has several long-term debt obligations including Wastewater Revenue Certificates of Participation totaling \$13,410,000 and a State Revolving Fund Loan totaling \$59,463,938 as of June 30, 2018<sup>29</sup>. The NSD’s total debt is \$74,518,409 as of June 30, 2018.

NSD issued Refunding Bonds in 2017 to refund the 2011 Wastewater Revenue Certificates of Participation. These bonds have an interest rate of 2.03% that is payable twice per year<sup>30</sup>. In 2008, NSD was granted a loan for \$81,329,083 in order to construct upgrades to the Novato Treatment Plant. This loan is being repaid at a rate of 2.40% interest. For FY 2018-19 the anticipated principal paid is \$3,951,834 and the anticipated interest paid is \$1,427,123. The loan is scheduled to be paid in full by 2031<sup>31</sup>.

Additional NSD liabilities include pension plans and other post-employment benefits for retirees. NSD contributes to the California Public Employees Retirement System (CalPERS) which provides various retirement to members and beneficiaries. For FY 2017-18 NSD employer contributions totaled \$327,385. As of June 30, 2018, NSD had a total net pension liability of \$5,544,711<sup>32</sup>. NSD also pays a portion of the cost of health insurance for retirees under any group

<sup>28</sup> Novato Sanitary District Comprehensive Annual Financial Report FY 2017-18 and FY 2016-17, pg. 19.

<sup>29</sup> Ibid. pg. 29.

<sup>30</sup> Ibid. pg. 31.

<sup>31</sup> Ibid. pg. 30.

<sup>32</sup> Ibid. pg. 40.

plan offered by CalPERS, subject to certain restrictions. In 2018 there were a total of 19 active place members and 34 retirees/beneficiaries receiving benefits<sup>33</sup>.

### **Financial Planning/Capital Improvement**

NSD provides a two-year Capital Improvement Budget for Board review and approval. This budget outlines projects scheduled to take place over the next two fiscal years and the funding mechanisms for each project. For the 2018-2020 budget, major projects include the North Bay Water Reuse Authority Phase 2 project implementation, which will be partially funded by the US Bureau of Reclamation WaterSMART program, capacity expansion of the Recycled Water Facility, and continued replacement of collection system components and laterals.

The largest cost centers for the Capital Improvement Program (CIP) are Collection System Improvements, budgeted at \$2.45 million for FY 2018-19 and the Recycled Water Facility Expansion, budgeted for \$2.02 million in FY 2018-19<sup>34</sup>. CIP projects are reviewed on an annual basis and the Board is made aware of any changes for the upcoming fiscal years. Major initiatives are also identified in NSD's annual financial audit. This allows NSD to adequately prepare and budget for needed system upgrades.

## **6.8 SUSTAINABILITY**

Local agencies play a critical role in protecting natural resources and the environment through land conservation, water recycling, preserving open space, and renewable energy projects. NSD is working closely with other wastewater and water providers in the north bay region through the North Bay Water Reuse Authority. As discussed above in Section 5.5 – Recycled Water, NSD has already upgraded its recycled water capacity. Also, in the upcoming years, NSD will be working with the State Coastal Conservancy to potentially provide treated effluent to propagate and sustain a brackish marsh at the former Bel Main Keys V and Hamilton Air Force base sites.

The upgraded WWTP also decreased NSD energy use. It is estimated that approximately 528 MWh of energy is saved annually<sup>35</sup> which equates to 373 metric tons of carbon dioxide equivalent saved<sup>36</sup>. The NSD will continue to work towards its vision of “Collecting and transforming Novato’s wastewater and solid waste into more valuable resources.”

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<sup>33</sup> Ibid. pg. 34

<sup>34</sup> Novato Sanitary District, Capital Improvement Program Committee Agenda Packet, May 31, 2018, pg. 13.

<sup>35</sup> Novato Sanitary Wastewater Facilities Upgrade Project PowerPoint Presentation, July 2010, slide 21.

<sup>36</sup> United States Environmental Protection Agency, Energy and the Environment, Greenhouse Gas Equivalencies Calculator, <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>.

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## 7.0 NOVATO FIRE PROTECTION DISTRICT

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### 7.1 OVERVIEW

The Novato Fire Protection District (NFPD) was established in 1926 as an independent Special District from what was originally a volunteer fire department. The NFPD boundary encompasses approximately 71 square miles in northern Marin County, California. This includes all of the City of Novato and surrounding unincorporated areas to the east, north, and west. The District has a population of approximately 66,000 persons. The last Municipal Service Review for the NFPD was conducted in fall 2007 as part of the Novato Area Periodic Update.

Currently, the primary NFPD function is to provide structural fire and emergency medical response to the City of Novato and surrounding areas as shown in Figure 7-1. The NFPD also participates in many automatic and mutual aid agreements with nearby fire districts and responds to wildland fires as needed. The main administration building is also the site of the City of Novato and NFPD Joint Emergency Operations Center (EOC) during major disasters.

The NFPD has close community ties and many of its members voluntarily support a number of Novato Fire Foundation programs including youth programs, toy drives, and education activities. As part of its community outreach program, the NFPD hosts an annual open house and participates in and provides medical services at the Novato Chamber of Commerce Art & Wine Festival where the community can visit any station to view equipment and interact with personnel.

Table 7-1: Novato Fire Protection District Overview

Novato Fire Protection District			
<b>Primary Contact</b>	Chief Bill Tyler	<b>Phone</b>	(415) 878-2690
<b>Office Location:</b>	95 Rowland Way, Novato, CA 94945		
<b>Formation Date</b>	1926		
<b>Services Provided</b>	Fire Protection and Emergency Response		
<b>Service Area</b>	~71 mi <sup>2</sup>	<b>Population Served</b>	~66,000

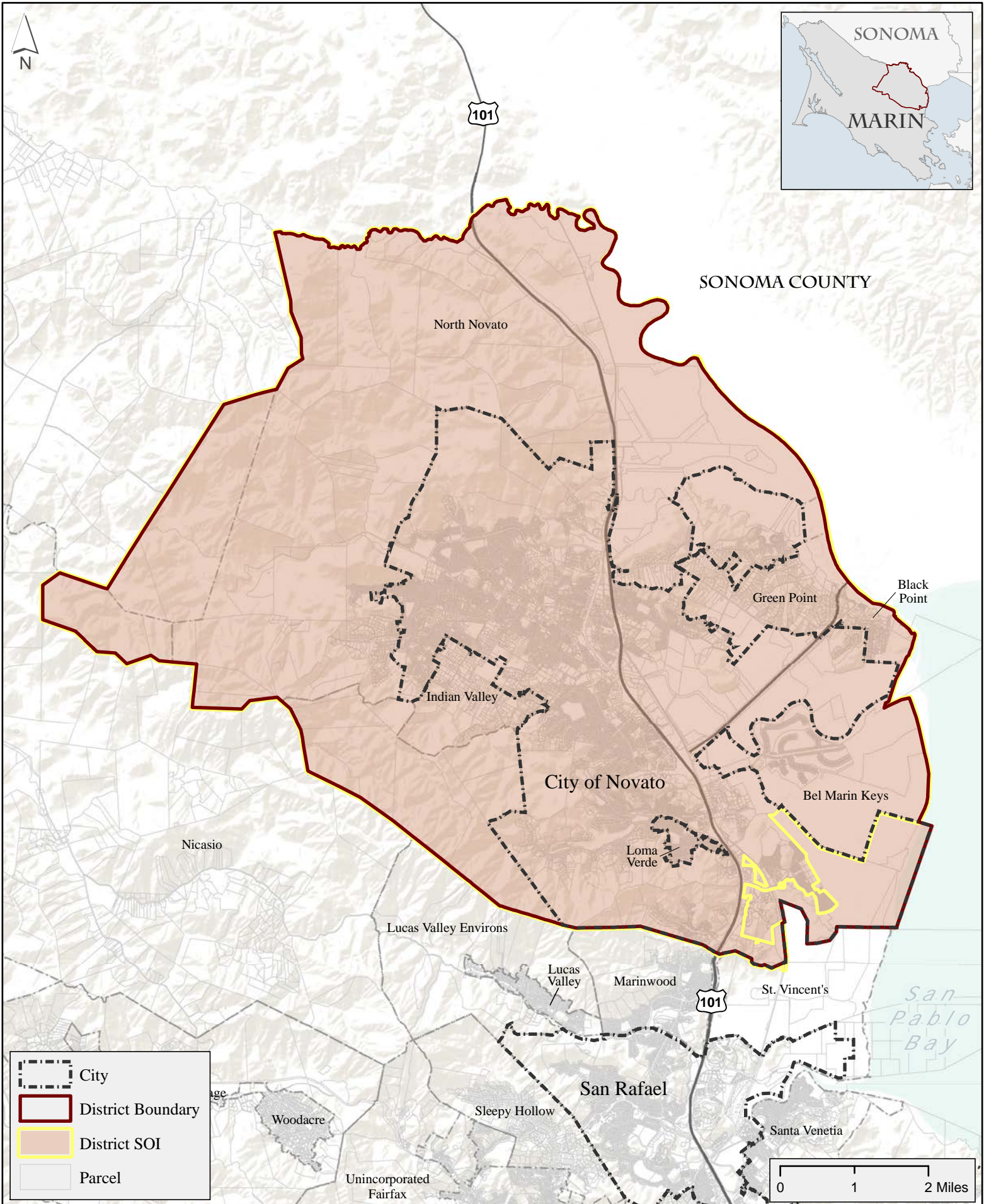
### 7.2 FORMATION AND DEVELOPMENT

NFPD formation was the result of community interest to provide basic services even before the town of Novato was created. Prior to the NFPD, a small volunteer fire department, formed in 1894<sup>37</sup>, served the area with hose carts and a chemical engine. After Novato was granted township, the NFPD was established and its first commissioners appointed on July 7, 1926<sup>38</sup>. It was established as an independent Special District whose legal authority and responsibilities are contained in the State of California Health and Safety Code Sections 13800 – 13970.

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<sup>37</sup> Novato Fire Protection District Website. "Historical Timeline" page, Accessed June 20, 2019 - <https://www.novatofire.org/about-us/history/historical-timeline>

<sup>38</sup> Marin County Board of Supervisors, Regular Meeting Minutes, July 7, 1926, pg. 134.

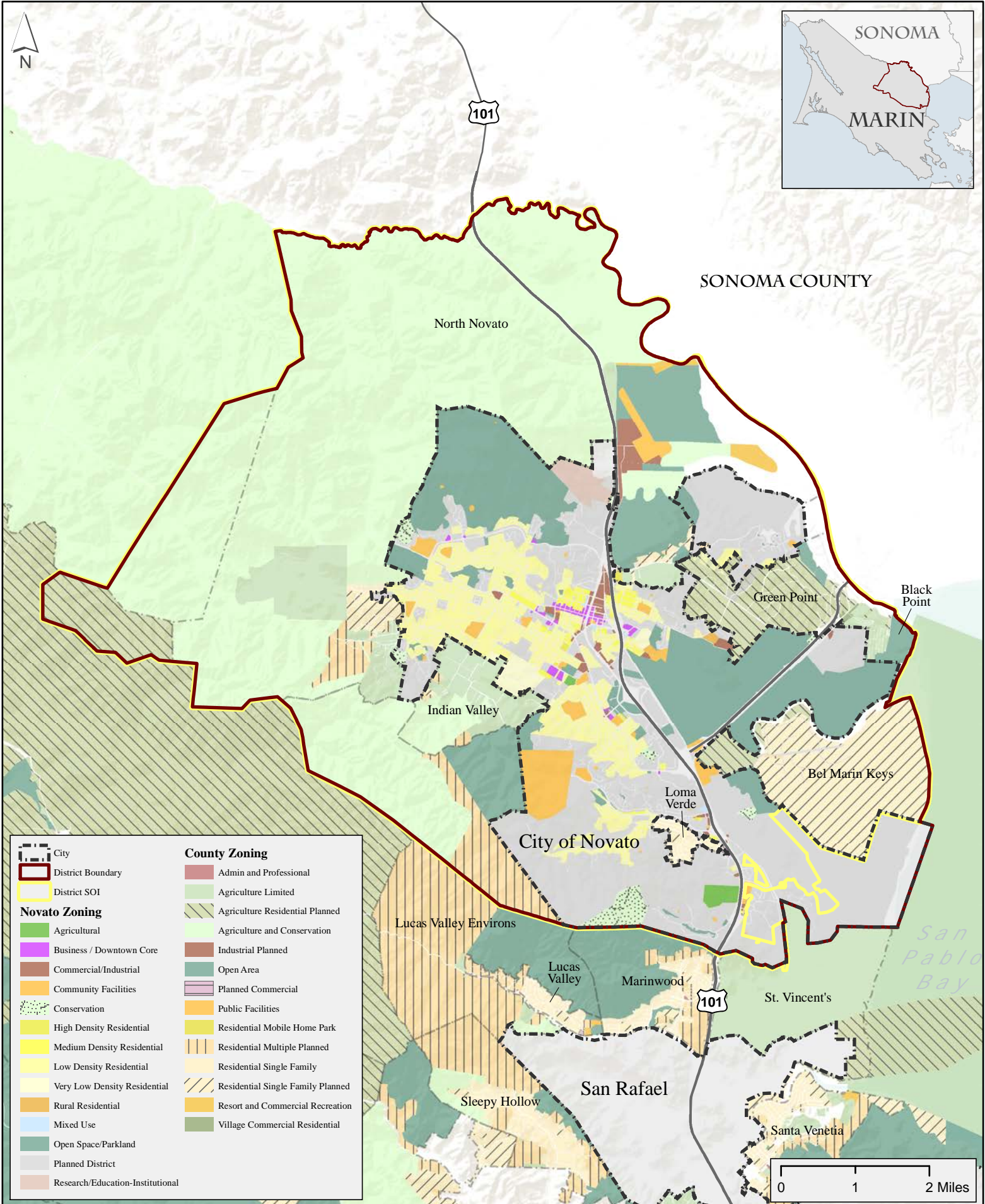


# Novato Fire Protection District

Figure 7-1

Date: 6/24/2019

Sources: Boundaries, Roads, Parcels: Marin Map GIS.



# Novato Fire Protection District Zoning

Figure 7-2

Date: 6/24/2019

Sources: Boundaries, Roads, Parcels: Marin Map GIS.



### **7.3 DISTRICT BOUNDARY AND SPHERE OF INFLUENCE**

NFPD’s service boundary, which currently encompasses 71 square miles includes all of the City of Novato and outlying areas east to San Pablo Bay and up to the Sonoma County line. The current Sphere of Influence encompasses 69.5 square miles. In 1977 the Hamilton Air Force Base was detached from the NFPD boundary, however, in 1999 the Ninth Circuit U.S. Court of Appeals determined that the detachment was not valid. In 2009, Marin LAFCo rescinded the action on the “Hamilton Field and Rafael Village Detachment” with LAFCo Board Resolution No. 09-03. This action rescinded the NFPD boundary change but did not account for the SOI which was determined after the 1977 decision. Therefore, the NFPD boundary is currently larger than the SOI.

There are County and City designated land uses in and around the NFPD’s service boundary. Within the City of Novato boundary, land use authority falls under city jurisdiction. Unincorporated areas within the District are subject to Marin County Land use authority. Land use within the city is predominantly residential<sup>39</sup> but also includes commercial and mixed-use areas; business and industrial areas; and community and natural resource lands. The predominant land uses in unincorporated district territory are generally comprised of agricultural, public facility, open space, rural residential, and low-density residential lands Figure 7-2.

### **7.4 MUNICIPAL SERVICES**

#### **Fire Protection and Emergency Response**

The FPD provides fire protection, emergency response, and paramedic services. Incident call types include emergency medical response, fire, service calls, good intention calls, natural disasters, and hazardous materials/conditions. The District has five stations with personnel covering three shifts. Each shift has one Battalion Chief, five Captains and five engine companies including a cross staffed truck and Type 3 engines. Staffing includes two front line paramedic ambulances, each staffed with two firefighter/paramedics. The District also has a Risk Reduction, Prevention, and Mitigation division, as well as Training and EMS divisions.

NFPD has been awarded a Class 1 Public Protection Classification rating by the Insurance Services Office (ISO), an organization that independently evaluates municipal fire protection efforts throughout the United States. An ISO rating of 1 is the highest possible that can be given to any fire department using this metric. Insurance companies often use ISO information combined with other factors to establish local property insurance rates – generally offering lower fire policy premiums in communities with better protection.

The NFPD receives an average of 5,259.5 calls per year (2008 – 2018) with the majority being for Rescue/ Emergency Medical<sup>40</sup>. The call volume has increased steadily over the last five years

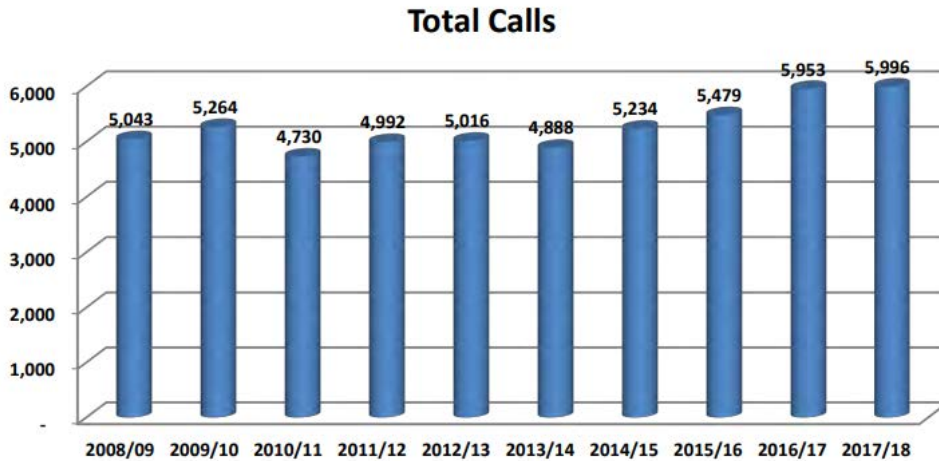
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<sup>39</sup> City of Novato General Plan 2035. 2016. Pg. 1-4

<sup>40</sup> Novato Fire Protection District, Comprehensive Annual financial Report for the Year Ended June 30, 2018, pg. 78.

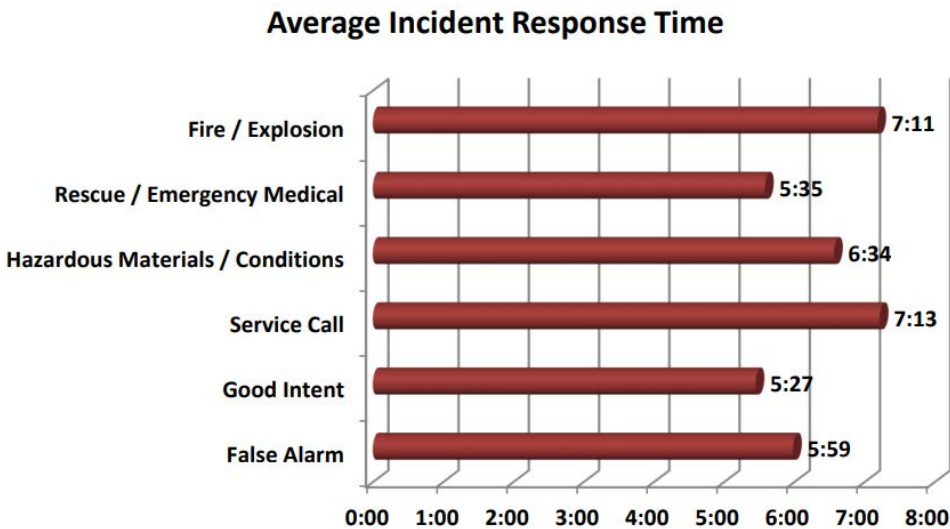
from 4,888 calls in 2013/14 to 5,996 in 2017/18. A summary of call numbers over the last 10 years is shown below in Figure 7-3.

Figure 7-3: NFPD Total Calls per Fiscal Year<sup>41</sup>



During FY 2017-18 the NFPD responded to 5,996 incidents. Of these, 68 percent were for emergency medical services and 2 percent were for fires. The average reported response time was 5 minutes 35 seconds for emergency medical services and 7 minutes 11 seconds for fires<sup>42</sup>. A summary of incidents and response times is provided below in Figures 7-3 and 7-4.

Figure 7-4: NFPD Response Times by Incident Type (2018)<sup>43</sup>



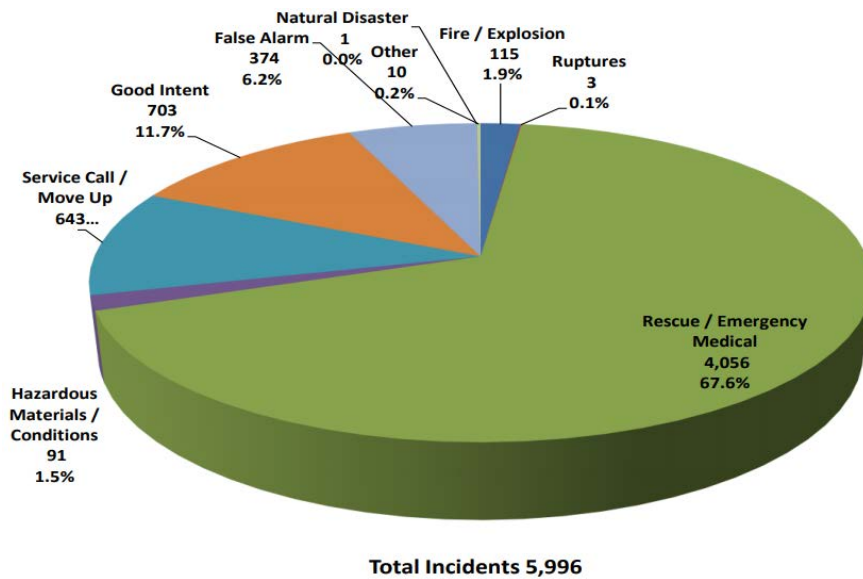
<sup>41</sup> Ibid.

<sup>42</sup> Novato Fire Protection District, Popular Annual Financial Report, Fiscal Year Ended June 30, 2018. <https://www.novatofire.org/home/showdocument?id=8606>

<sup>43</sup> Ibid.



Figure 7-5: NFDPP Emergency Responses by Incident Type (2018)<sup>44</sup>



The NFPD currently contracts with the Marin County Sheriff’s Department for dispatch services. Additionally, the City of Novato dispatch will route calls that come in for structural fire and/or medical services to the County Sheriff’s Department. This helps ensure that services are provided efficiently throughout the FPD service area.

### Facilities and Apparatuses

The NFPD owns, operates and maintains one administrative building and five stations as listed below:

- Administration Building - 95 Rowland Way, Novato, CA 94945
- Station 61 - 7025 Redwood Boulevard, Novato, CA 94945
- Station 62 - 450 Atherton Avenue, Novato, CA 94945
- Station 63 - 65 San Ramon Way, Novato, CA 94945
- Station 64 - 319 Enfrente Road, Novato, CA 94949
- Station 65 - 5 Bolling Drive, Novato, CA 94949

A facilities assessment was conducted in 2014 for all NFPD owned buildings. The assessment identified the current building status and upcoming repair and/or replace needs. Station 64 was not included in this assessment as it was being rebuilt at the time of the assessment.

During the assessment, many of the buildings were found to be in fair to good condition with lifecycle replacements of building systems needed within the next 10 years<sup>45</sup>. Having these

<sup>44</sup> Ibid, pg. 8.

<sup>45</sup> EMG, Facility Condition Assessment of - Administration Building, Fire Station 61, Fire Station 62, Fire Station 63, Fire Station 65, 2014.

assessments allows the NFPD to plan ahead for major facility upgrades. Currently, the NFPD has completed the renovation of fire station 62’s kitchen and full replacement and upgraded to the station’s septic system. In addition, the fire district’s training tower locate at fire station 62 is currently being replaced, and two new training classrooms are being installed with a completion date of spring of 2020.<sup>46</sup>.

The NFPD has a variety of apparatus that serve the community ranging from support vehicles to paramedic trucks. The NFPD’s apparatus listed by station is provided below<sup>47</sup>.

*Station 61:* Type 1 engine, Ambulance, Water Tender, B/C Command vehicle, Reserve Ambulance, Off-Road Utility, Reserve Type 1 Engine

*Station 62:* Type 1 Engine, 1 Reserve Type 1, 1 Ambulance, Golf Cart

*Station 63:* Type 1 engine, Type 3 engine, 1 Reserve Ambulance, Off-Road Utility

*Station 64:* Type 1 engine, Ladder Truck, Ambulance

*Station 65:* Type 1 engine, Type 3 engine, Medium Duty Rescue Unit, Off-Road Utility

Additionally, the Risk Reduction Prevention and Mitigation Division (RPM) utilizes several SUVs for inspections, investigations, and fire response. For Public Education purposes, the District maintains a utility vehicle and a golf cart. There are two pool vehicles (a hybrid car and a 12-passenger van) utilized for administrative needs.

The NFPD utilizes a Vehicle Replacement Plan<sup>48</sup> to ensure that all vehicles remain in sound working order and are replaced when needed. Operations vehicles are replaced based on years of front-line service and are then placed in reserve. Table 7-2 summarizes the service time for each vehicle type. Having a Vehicle Replacement Plan allows the NFPD to adequately plan for upcoming replacement costs and ensures that service needs can be fulfilled.

**Table 7-2: NFPD Vehicle Service Times**

Vehicle Type	Front-line Service (years)	Reserve (years)
<b>All Engine Types</b>	15	5
<b>Ambulances</b>	5	5
<b>Aerial Trucks</b>	20	5
<b>Rescue</b>	20	-
<b>Water Tender</b>	25	-

<sup>46</sup> Chief Bill Tyler, Personal Communication, October 7, 2019.

<sup>47</sup> Novato Fire Protection District, Comprehensive Annual Financial Report for the Year Ended June 30, 2018.

<sup>48</sup> Novato Fire Protection District, NFPD Fire Policy Manual, Policy 704.

<b>Command Vehicles</b>	5	-
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### Other Service Providers

The NFPD is a member of the Marin Emergency Radio Authority (MERA) which is a countywide public safety and emergency radio system that allows emergency response agencies to communicate effectively with each other.

The NFPD jointly operates the EOC with the City of Novato at the NFPD administrative office. During a major emergency or disaster, the EOC provides a central location of authority and information with face-to-face coordination among personnel.

To the north of Novato is the City of Petaluma which provides emergency response services in Sonoma County and participates in an automatic aid agreement with the NFPD for the response to wildland fires in the Mutual Threat Zone. To the south of Novato is the San Rafael region which has multiple emergency response agencies including Marinwood CSD, adjacent to the NFPD boundary, and the City of San Rafael.

Several automatic and mutual aid agreements are in place to ensure a high level of service to area residents. The NFPD currently has agreements with Lakeville Volunteer Fire Company; Marinwood Community Services District; Petaluma Fire Department; San Antonio Volunteer Fire Company; Marin County Fire Department. The NFPD also is a party to a Mutual Threat Zone agreement with CalFire, Marin County Fire Department, and Sonoma County Fire – San Antonio that outlines a joint response to vegetation fires in the area of Highway 101 near the Sonoma and Marin County line<sup>49</sup>. In the event of extraordinary events, the NFPD is also party to the Marin County Fire Chiefs Mutual Aid Agreement which provides for county-wide mutual assistance and mobilization during emergencies<sup>50</sup>.

Additional public services in the area include water service provided by the North Marin Water District and sewer service provided by Novato Sanitary District. The City of Novato provides a range of municipal services including parks and recreation and police services.

## 7.5 ORGANIZATION STRUCTURE

### Board of Directors

The NFPD has a five-member board that is elected to a four-year term. Elections for Board members are now by-division elections so that each Board member represents a specific defined area within the NFPD.

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<sup>49</sup> County Line Mutual Threat Zone Between Marin County Fire Department, Novato Fire Protection District, Sonoma County Fire Department, and California Department of Forestry and Fire Protection, June 2018.

<sup>50</sup> Marin County Fire Chiefs Mutual Aid Agreement, Draft May 28, 2019.

**Table 7-3: NFPD Board of Supervisors**

<b>Member</b>	<b>Position</b>	<b>Experience</b>	<b>Term Expiration</b>
<b>James Galli</b> (jgalli@novatofire.org)	President	Battalion Chief	December 2020
<b>Lj Silverman</b> (ljsilverman@novatofire.org)	Vice-President	Firefighter/Paramedic	December 2020
<b>Steve Metcho</b> (smetcho@novatofire.org)	Secretary	Firefighter	December 2020
<b>William “Bill” Davis</b> (bdavis@novatofire.org)	Director	Registered Nurse	December 2022
<b>Bruce Goines</b> (bgoines@novatofire.org)	Director	USFS Fire Service	December 2022

The Board of Directors maintains current certificates for the CA Local Agency Ethics and California Sexual Harassment Prevention for Supervisors programs. Certificates for each of the board members can be found on the NFPD website.

According to the Board of Directors’ policy (Policy 225), members are paid a sum of \$200 per meeting (effective November 2019), workshop, study session, special meeting, and committee meeting up to a maximum of 4 meetings per month<sup>51</sup>. Information on meeting dates and payments is provided on the NFPD website.

The Board of Directors is guided by Policy 223 which provides general duties of the board, roles and responsibilities, and training, both required and suggested.

### **Staffing and District Operations**

The NFPD currently staffs 78 employees working at five fire stations and one administrative building. Stations are regularly staffed with a combination of battalion chiefs, captains, engineers, firefighter/paramedics.

Currently, the NFPD is seeking to fill vacancies in their RPM Division. Additional staffing positions that are desired, but do not yet have permanent funding, are additional fire inspectors, and an administrative Training Captain. Two fulltime limited term Wildfire Mitigation Specialists have been recently hired to complete additional defensible space inspections and structural ignitability evaluations of homes and businesses in Novato. The Wildfire Mitigation Specialists are responsible for conducting hazard assessments, providing vegetation management assessment and prescriptions, and drafting fuel reduction plans for the wildland-urban interface areas of the NFPD. The Training Captain would be responsible for creating and implementing a fire training

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<sup>51</sup> NFPD Fire Policy Manual, Policy 225, Board of Directors.

program. The NFPD is currently looking into long-term strategies to fund these additional positions.

## **7.6 ACCOUNTABILITY AND TRANSPARENCY**

Over the past several years, the NFPD has made it a priority to maintain high accountability and transparency with all its activities. The NFPD website ([www.novatofire.org](http://www.novatofire.org)) provides information on Board meetings, financial reports, stations, history, employment, and more.

### **Meetings and Agendas**

The NFPD Board meets on the first Wednesday of every month at 6:00 pm at Fire Station 61 located at 7025 Redwood Boulevard in Novato. Special meetings are held as needed to go over specific topics such as the annual budget. Meeting agendas and minutes can be found on the NFPD website ([www.novatofire.org](http://www.novatofire.org)).

### **Annual Budget Review**

The NFPD prepares and adopts annual budgets covering revenues, operating, and capital expenses and fund balances. The NFPD takes into consideration five distinct divisions when preparing the annual budget: Emergency Medical Services, Risk Reduction Prevention & Mitigation, Operations, Organization Resources & Support, and Training. The NFPD vision statement is “To position the Fire District operationally and financially to create a sustainable future”.

## **7.7 FINANCIAL OVERVIEW**

Almost all annual district revenue (84%), comes from property taxes. Additional revenue comes from service charges, State and Federal Government aid, sale of assets, California Office of Emergency Services reimbursements, ambulance billing, and other miscellaneous sources. The NFPD aims to provide a high level of community service while maintaining sustainable fiscal practices. As is shown in Table 7-4, the past three years of audits show budget surpluses that help build the general fund.

### **Revenue**

Revenue sources for the NFPD come primarily from a portion of the 1% property tax and a parcel tax originally approved by voters in 1991 and later amended in 2002<sup>52</sup>. Of the 1% property tax, the NFPD receives an average of 14.5%<sup>53</sup> which amounts to approximately \$20.3 million for FY 2017-18. The voter-approved special tax is adjusted every year for inflation based on increases in the CPI and Board Approval. For FY 2018-19 the parcel tax rate is 9.16 cents per square foot for residential parcels and 13.73 cents per square foot for commercial/ industrial parcels. The FY

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<sup>52</sup> County of Marin, Elections Department, Past Elections Results and Information, <https://www.marincounty.org/depts/rv/election-info/past-elections?tabnum=10>.

<sup>53</sup> County of Marin, Tax Distribution Percentages – City of Novato, <https://www.marincounty.org/depts/df/novato>.

2017-18 tax rate was set at 8.87 cents per square foot residential and 13.30 cents per square foot commercial/industrial which amounted to approximately \$5.4 million for the NFPD.

Table 7-4: NFPD Financial Audit Summary

Revenues	FY 2015-16 Audit	FY 2016-17 Audit	FY 2017-18 Audit
<b>Charges for Services</b>	\$3,867,554	\$3,780,142	\$4,531,999
<b>Capital Grants and Contributions</b>	\$27,862	\$70,722	\$0
<b>Property Taxes</b>	\$23,712,159	\$25,009,489	\$25,684,707
<b>Investment Earnings</b>	\$29,950	\$55,464	\$133,664
<b>Non-Restricted Grants</b>	\$86,993	\$84,983	\$84,756
<b>Miscellaneous</b>	\$170,767	\$164,000	\$252,398
<b>Total Revenues</b>	<b>\$27,895,285</b>	<b>\$29,164,800</b>	<b>\$30,687,524</b>
Expenditures	FY 2015-16 Audit	FY 2016-17 Audit	FY 2017-18 Audit
<b>Personnel</b>	\$15,431,417	\$22,140,885	\$22,990,911
<b>Material and Services</b>	\$4,378,374	\$3,777,604	\$3,883,965
<b>Depreciation</b>	\$1,442,580	\$1,458,984	\$1,386,291
<b>Dept Fiscal Charges Interest</b>	\$115,486	\$97,736	\$79,334
<b>Total Expenditures</b>	<b>\$21,367,857</b>	<b>\$27,475,209</b>	<b>\$28,340,501</b>
<b>Net Total</b>	<b>\$6,527,428</b>	<b>\$1,689,591</b>	<b>\$2,347,023</b>

Other sources of revenue for the district include but are not limited to, service charges, capital grants and contributions, investment earnings, ambulance service fees, and Office of Emergency Services reimbursements. The NFPD financials summary can be found in Tables 7-4 and 7-5.

## Debt

The FPD spends approximately \$750,000 per year on debt service including principal and interest payments. Current debt obligations include the administration building mortgage and loan payments for Station 64 construction which was completed in September 2015<sup>54</sup>. As of June 30, 2018, the FPD had approximately \$3,315,000 in outstanding debt which included \$164,000 for a ladder truck that was paid off in FY 2018-19. According to the June 30, 2019 unaudited financial statements, the NFPD has outstanding debt totaling \$2,637,000.

The NFPD also provides a pension plan for employees and is part of the Marin County Employees' Retirement Association (MCERA). MCERA provides retirement, disability, and death benefits based on the employee's years of service, age, and final compensation. As of June 30, 2018, the

<sup>54</sup> Ibid. pg. 9308-12.

NFPD Net Pension Liability was \$15,629,033 which is a decrease of approximately \$2.8 million from the prior year. The NFPD pension funded ratio is 89.2% which is among the highest ratio for fire districts<sup>55</sup>. In addition to the pension plan, the NFPD provides post-retirement health care benefits to its retirees. For FY 17-18 the NFPD contributed \$1,502,716 to the plan which has 73 active members and 90 inactive employees or beneficiaries that are currently receiving benefit payments.

The NFPD maintains a District credit card with a credit limit of \$175,000. As of July 11, 2018, the available credit was \$164,490. The card balance is typically paid in full every month so that no interest is accrued.

**Table 7-5: NFPD Approved Budget Summary**

<b>Revenues</b>	<b>FY 2016-17 Adopted</b>	<b>FY 2017-18 Adopted</b>	<b>FY 2018-19 Adopted</b>
<b>Property Taxes</b>	\$24,684,811	\$25,839,858	\$26,546,170
<b>Interest</b>	\$16,032	\$34,830	\$68,084
<b>Intergovernmental</b>	\$389,766	\$329,983	\$329,756
<b>Charges for Services</b>	\$2,549,898	\$2,765,678	\$2,352,653
<b>Other</b>	\$686,608	\$433,001	\$1,191,503
<b>Total Revenues</b>	<b>\$28,327,115</b>	<b>\$29,403,350</b>	<b>\$30,488,166</b>
<b>Expenditures</b>	<b>FY 2016-17 Adopted</b>	<b>FY 2017-18 Adopted</b>	<b>FY 2017-18 Adopted</b>
<b>Personnel</b>	\$22,475,443	\$23,741,066	\$25,120,276
<b>Services and Supplies</b>	\$4,001,875	\$4,154,266	\$4,146,723
<b>Debt Service</b>	\$820,500	\$757,300	\$747,300
<b>Total Expenditures</b>	<b>\$27,297,818</b>	<b>\$28,652,632</b>	<b>\$30,014,299</b>
<b>Net Total</b>	<b>\$1,029,297</b>	<b>\$750,718</b>	<b>\$473,867</b>

## Financial Audit

The NFPD contracts with an outside accounting firm, currently Maze & Associates, to prepare an annual report for each fiscal year to review the District’s financial statements in accordance with established governmental accounting standards. The most recent audited financial statement was prepared for the fiscal year ending June 30, 2018.

## Financial Planning/Capital Improvement

The NFPD maintains several designated reserve accounts as shown in Table 7-6. The NFPD also maintains a committed fund that provides contingency funding in situations where actual revenue

<sup>55</sup> Cheiron, MCERA Actuarial Valuation Report as of June 30, 2018.

is 15% or more below expected revenue, or when a state of emergency is declared by the District Board or County of Marin for an area that falls within District boundaries. As of June 30, 2018, the balance for that fund was \$4,199,942.

Table 7-6: NFPD Reserve Funds

Reserve Fund	Balance <sup>56</sup>
EMS Capital Equipment Reserve	\$100,000
Unemployment Insurance	\$35,100
Management Information Systems	\$210,000
Apparatus and Equipment Replacement	\$3,322,000
Facility Capital Improvement	\$500,000
Retirement Unfunded Liability	\$2,110,000
Worker’s Compensation Fund	\$1,038,000
Retiree Health Benefits	\$3,095,594
Wildfire Mitigation Fund	\$738,000
Protective Equipment Reserve	\$180,000
Compensated Absences	\$830,035
<b>Total</b>	<b>\$12,158,729</b>

## 7.8 WILDLAND FIRE PREPAREDNESS

Local agencies such as the NFPD play a critical role in protecting natural resources and the environment. Extended periods of drought, changing climate patterns, wind and low humidity have the potential to increase the occurrence and severity of wildland fires which could threaten structures and lives in the Wildland Urban Interface.

The NFPD participated in the Community Wildfire Protection Plan that was released in 2016. This was a collaborative effort among fire agencies in the county, local fire organizations including FIRESafe Marin, land management agencies, and community stakeholders. Through this effort, areas of concern throughout the county were identified based on population, fire behavior, vegetation, and other factors. Additionally, several goals were stated and associated action items were created to better prepare the county for wildland fires. One such goal is to “Increase awareness, knowledge, and actions implemented by individuals and communities to reduce human loss and property damage from wildland fires, such as defensible space and fuels reduction activities, and fire prevention through fire safe building standards”<sup>57</sup>. The NFPD is working

<sup>56</sup> Fund balances as of June 30, 2019. Novato Fire Protection District Preliminary Unaudited Financial Statements, Note 7.

<sup>57</sup> Marin County Fire Department and FIRESafe Marin, Community Wildfire Protection Plan, July 2016, Appendix D.



towards providing more education to the community about this topic and staffing of the RPM Division would further aid in the implementation of this goal.

Consistent with the Community Wildfire Protection Plan, the “Lessons Learned from North Bay Fire Siege” report, and the 2019 “Marin Civil Grand Jury Report on Wildfire Preparedness,” stress the importance of a countywide, multi-agency approach to better protect county residents. The deadliest and most destructive wildfires in the state’s history have occurred in recent years, and Marin’s wildlands and lush vegetation leave the Novato region particularly vulnerable. Given the changing climate and increased risk of wildfires, NFPD has been partnering with FIRESafe Marin, fire agencies, the county, and cities and towns in Marin to develop a countywide Wildfire Prevention program and authority to coordinate and oversee the ongoing programs to make the community safer and better prepared.

A countywide coalition that includes the cooperation of all Marin fire and city/town agencies and the county has proposed a new joint powers agreement (JPA) and funding measure that would raise approximately \$21 million per year dedicated to local wildfire prevention. The JPA agreement would consist of local fire agencies, cities and towns, and the County. The mission of the Marin Wildfire Prevention Authority would be to fund and oversee the following efforts:

- Wildfire detection and evacuation system improvements
- Vegetation management and fire hazard reduction
- Defensible space and home hardening evaluations
- Public education and neighborhood wildfire preparedness
- Local specific wildfire prevention efforts

The NFPD will continue to work with the other partner agencies to ensure the highest level of safety and service for residents within Marin County.

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## 8.0 BEL MARIN KEYS COMMUNITY SERVICE DISTRICT

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### 8.1 OVERVIEW

The Bel Marin Keys Community Services District (CSD) is located in the southeast Novato region between Highway 37 and Highway 101 and is accessed by Bel Marin Keys Boulevard. Within the westerly portion of the CSD is a unique community with lagoons that provides water access and recreation to Bel Marin Keys residents. It also maintains two locks that provide access to Novato Creek which flows into San Pablo Bay. The easterly portion of the CSD is California State Coastal Conservancy land with San Pablo Bay frontage that is pwine

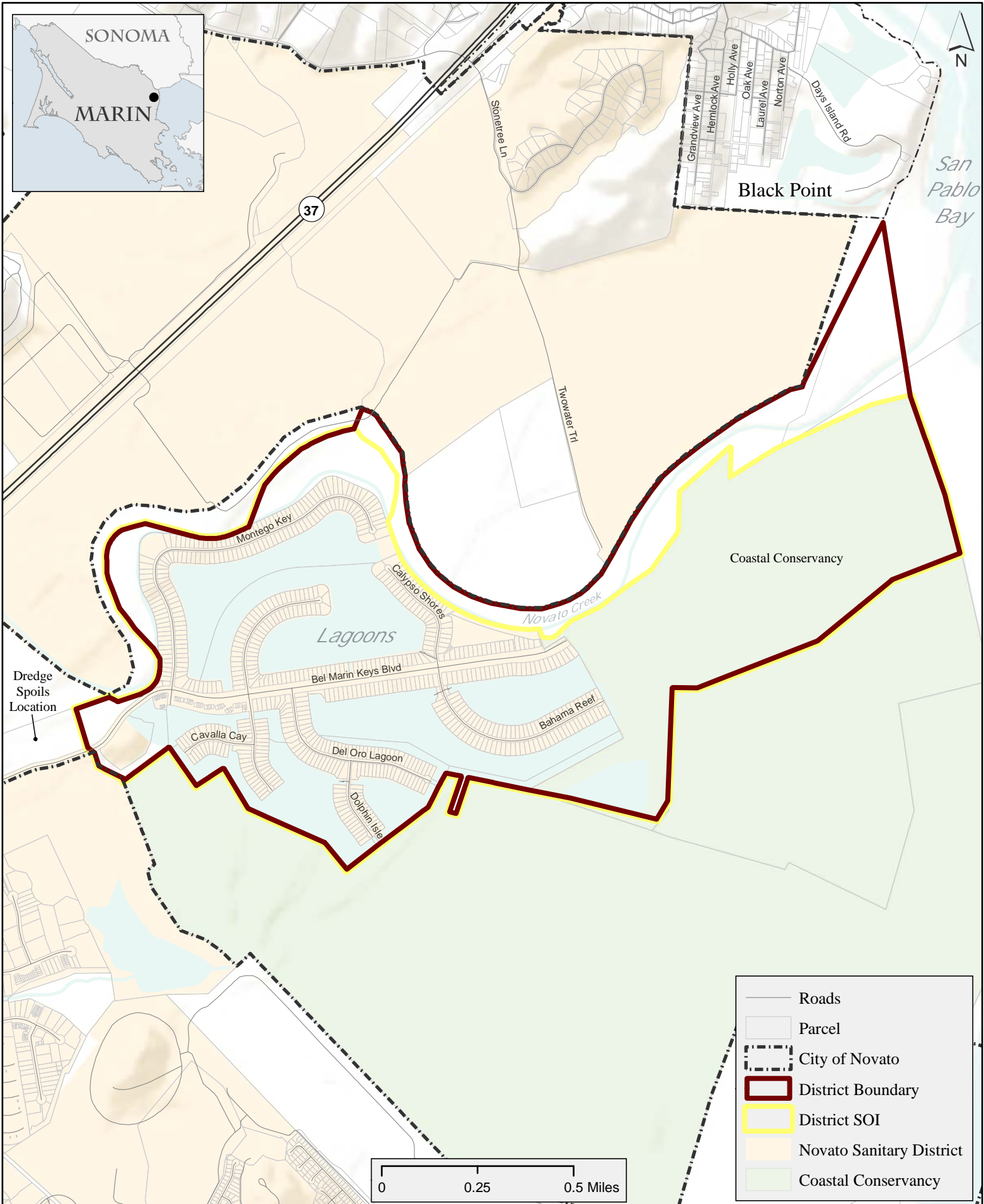
of the larger Hamilton Wetlands Restoration effort.

Table 8-1: Bel Marin Keys CSD Overview

Bel Marin Keys CSD			
<b>Primary Contact</b>	Noemi Camargo-Martinez	<b>Phone</b>	(415) 883-4222
<b>Office Location:</b>	4 Montego Key, Novato, CA 94949		
<b>Formation Date</b>	1961		
<b>Services Provided</b>	Lagoon Maintenance (including marine infrastructure and dredging), Public Facilities, Parks and Recreation (Open Space), Flood Protection Facilities, Street Lighting		
<b>Service Area</b>	4 sq. mi.	<b>Population Served</b>	1,530

The CSD provides a multitude of community services either directly or through contracts. Services and facilities include, but are not limited to, Novato Creek maintenance dredging, north and south lagoon maintenance, maintenance and operation of marine infrastructure assets, operation of a community center complete with kitchen and bar, four boat ramps of which three can be accessed by residents, eight parks, six open space areas, two islands, and street lighting maintenance. Water, wastewater, and fire services are provided by other agencies.

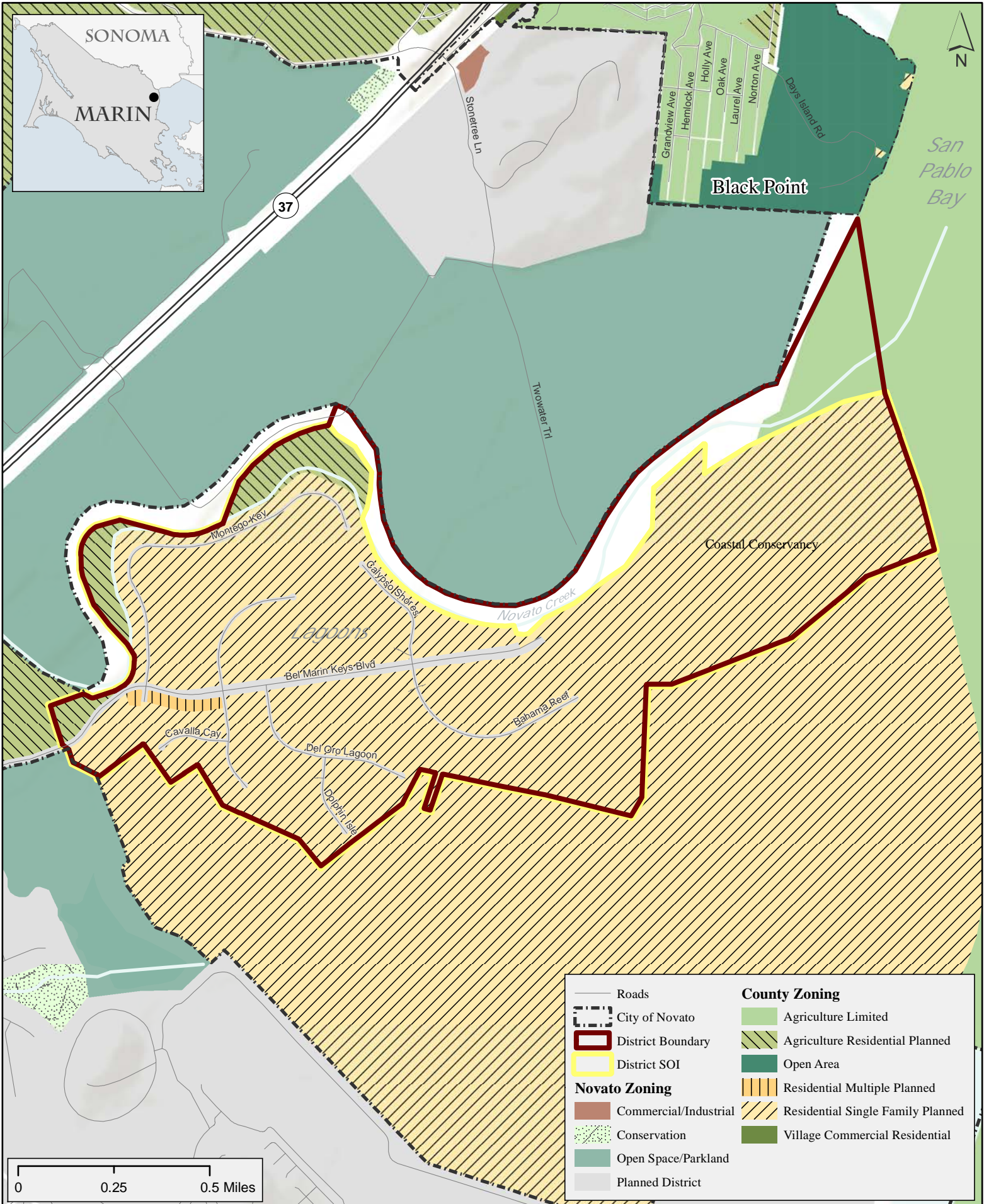
Services and facilities listed above require planning, budgeting, and in some cases permitting. Major projects such as levee maintenance and dredging require coordination with several agencies and stakeholders to ensure compliance with state and federal regulations. The CSD manages these projects and regular maintenance activities with a small staff and contract management services.



# Bel Marin Keys Community Services District

Figure 8-1

Date: 6/24/2019



# Bel Marin Keys Community Services District

Figure 8-2

Date: 6/21/2019

Sources: Boundaries, Roads, Parcels: Marin Map GIS.

## **8.2 FORMATION AND DEVELOPMENT**

Bel Marin Keys CSD was formed in 1961 to provide services for the new Bel Marin Keys housing development. Basic infrastructure was purchased by Marin County, after construction by the developer, using proceeds from the sale of serial bonds<sup>58,59</sup>. Once initial construction of infrastructure was completed, certain systems were conveyed from the County to the appropriate agency. Lagoons were transferred to the CSD, the water supply system was transferred to the North Marin Water District and the sewer system was transferred to the Novato Sanitary District<sup>60</sup>.

In 1980, approximately 90 acres to the south of the original CSD was annexed for the development of Bel Marin Keys Unit IV. There were plans to develop additional land to the south and east as Bel Marin Keys Unit V. However, after years of deliberation, the parcels were purchased by the California State Coastal Conservancy and are now part of a greater wetland restoration effort taking place in the region.

## **8.3 DISTRICT BOUNDARY AND SPHERE OF INFLUENCE**

Bel Marin Keys CSD's jurisdictional boundary is larger than its current sphere of influence. The boundary includes the Bel Marin Keys housing development, portions of Novato Creek, and California State Coastal Conservancy lands bordering San Pablo Bay. The boundary encompasses a total of 990 acres and the SOI encompasses a total of 855 acres.

## **8.4 POPULATION AND GROWTH**

Bel Marin Keys is located in Census Blocks 1001, 1001, 1005, and 1006 of Tract 1043 in Marin County. According to the 2010 US Census, these blocks had a total population of 1,530. Since the sale of Bel Marin Keys V to the California Coastal Conservancy, there is no longer potential for further development in the area.

## **8.5 MUNICIPAL SERVICES**

The CSD currently provides several services to the community including lagoon maintenance, marine infrastructure operation and maintenance, dredging, and parks and recreation. The CSD also owns and maintains a community center equipped with a full kitchen, bathrooms, and a bar. Additionally, the CSD provides street lighting through a contract with DC Electric.

### **Lagoon Maintenance**

After initial waterways construction by developers, the lagoons were turned over to the CSD for management and maintenance. Waterways are tested for pathogens, in accordance with County of Marin Recreational Standards, once a month typically when a lagoon flushing event occurs. The lagoons are mechanically maintained at prescribed set water elevations and water quality is maintained by exchanging water (flushing) to and from Novato Creek. A flushing schedule is

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<sup>58</sup> Marin County Board of Supervisors, Resolution 6981, October 24, 1961.

<sup>59</sup> Marin County Board of Supervisors, Resolution 6980, October 24, 1961.

<sup>60</sup> Ibid.

posted in the quarterly newsletter and signs are posted at the navigation locks to advise residents not to enter waters near the lock areas when flushing is occurring. Additional lagoon maintenance includes monthly inspection of buoys, regular inspection of the CSD's four boat ramps, debris removal, aquatic vegetation control, CSD dock inspections, and easement compliance along with other water-related maintenance items.

There are two navigation locks owned and maintained by the CSD. The south lock was originally built in 1985 and the north lock was built in 1974. These locks maintain and allow for lagoon water level management within the CSD while providing residents Novato Creek access. They also assist with seasonal flood control. The locks are operated by a controlled access system that residents receive after going through training on how to use the system.

In addition to lagoon maintenance, the CSD surveys Novato Creek performs debris removal in the creek and has previously conducted dredging to maintain adequate navigational depths and removal accreted materials from flood control structures.

The CSD also maintains the levee surrounding the south lagoon which is an 11,000-foot-long levee owned by the California State Coastal Conservancy (SCC) and bordering SCC land known as BMK V. The BMK V development was originally going to provide tax income for south levee maintenance. Now that the SCC owns the land, there is no revenue to support this maintenance. The CSD is currently working with the SCC to address levee improvement funding specific to cost incurred by the CSD. There is a project scheduled to be undertaken by the SCC in summer 2019<sup>61</sup> on the BMK V parcel.

## **Dredging**

The CSD is responsible for dredging areas of the Bel Marin Keys lagoons and Novato Creek for water quality, flood control, and watercraft access. Maintenance dredging as undertaken requires planning, financing, permitting, dredging, and dredge material placement.

### *Planning*

The last dredging event conducted by the CSD in Novato Creek was in 2005. The last dredging of the north lagoon was conducted in 2007. There are areas within the north lagoon that have a propensity for sediment accretion and as such, the CSD monitors and will conduct maintenance dredging as needed and budgets allow. Novato Creek is ideally dredged on a 20-year cycle although there is no specific funding for this<sup>62</sup>.

A detailed October 2017 hydrographic survey mapped the Novato Creek channel with contours and comparisons to December 2013 and July 2016 hydrographic surveys to depict channel

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<sup>61</sup> California State Coastal Conservancy, Projects, San Francisco Bay Area: <https://scc.ca.gov/projects/san-francisco-bay/>.

<sup>62</sup> Personal Communication, Noemi Camargo-Martinez – District Manager, June 3, 2019 and June 19, 2019.

changes. The 2017 survey results provide information on where future dredging activities may need to take place<sup>63</sup>.

### *Financing*

The District funds dredging activities for the lagoons through Measure D that was passed in 2001 and is discussed in further detail under Finances. Planned 2019 dredging activities include portions of Novato Creek around flood control structures which will be funded by Measure D. Other creek areas are currently not funded through Measure D. The last Novato Creek channel dredging, completed in 2005, was funded through bond Measure F which is also discussed below.

### *Permitting*

In 2017 the CSD applied to the US Army Corps of Engineers for a 10-year maintenance dredging permit that included North Lagoon and portions of Novato Creek. The CSD is still operating under this permit and continues to work with other regulatory agencies such as the San Francisco Bay Regional Water Quality Control Board and the San Francisco Bay Conservation and Development Commission.

### *Dredging Activities*

The CSD procures dredging services under public contracting guidelines as discussed under Contracting below. Prior dredging, summarized in Table 8-2, has utilized hydraulic dredge methods to remove build-up sediment. The dredged material is then pumped through a slurry pipeline and deposited at the nearby disposal site discussed below<sup>64</sup>.

**Table 8-2: Bel Marin Keys Dredging History**

<b>Year</b>	<b>Location</b>	<b>Approximate Volume (cubic yards)</b>
<b>1985</b>	Novato Creek	40,000
<b>2001</b>	North Lagoon	15,000
<b>2005</b>	Novato Creek	100,000
<b>2007</b>	North Lagoon	220,000

### *Dredge Disposal*

Dredged material from both the lagoons and the creek has been deposited on a 22-acre parcel owned and operated by the CSD to the west of Bel Marin Keys permitted as a Dredged Materials Management Site (DMMS)<sup>65</sup>. The DMMS is adjacent to and runs along the north edge of Bel Marin Keys Boulevard across from Pacheco Pond. This parcel is outside of the CSD boundary.

<sup>63</sup> CLE Engineering, Novato Creek Condition Hydrographic Survey- October 2017, January 5, 2018.

<sup>64</sup> US Army Corps of Engineers, San Francisco District, SPN-2006-22397N Bel Marin Keys Maintenance Dredging, June 9, 2017.

<sup>65</sup> Ibid.

## Parks and Recreation

The CSD owns 37 parcels within its boundary, many of which are maintained as park or open space areas. There are currently eight parks, six open space areas, and two islands. In 2012 county voters approved a sales tax (Measure A) to help fund park and recreation improvements in Marin County. The CSD receives an apportionment of those tax funds for Bel Marin Keys park and open space improvements.

The CSD held a community meeting to identify priority areas for Measure A funding and developed a timeline of improvements for many of the parks. The highest priority park identified by the community meeting was Montego Park. Residents indicated that a new multipurpose court and bocce ball course were desired. Replacement of existing tennis courts was completed in 2018 and other park and open space facilities will continue to be upgraded as funds become available.

The CSD offers play equipment in several park areas and has recently expanded its All Ages Fitness areas. These areas offer workout stations that include sit-up stations, chin-up bars, cycling, and other equipment to help promote fitness for all ages and abilities.

A continuing issue with park facilities, including Montego Park, is drainage. Flooding occurs in areas during high rainfall and limits accessibility to park facilities. The CSD has utilized pumps in the past to keep park areas free of water and is currently working on drainage upgrades that will provide a long-term solution to flooding issues.

Park and other landscaped areas are maintained through a contract with an outside company. The annual cost of landscaping in the CSD is approximately \$60,000. Additional areas maintained by the CSD include a moat, two front entry areas, a parking lot, two offices, and a community center.

## 8.6 ORGANIZATIONAL STRUCTURE

### Board of Directors

Bel Marin Keys was formed as an independent special district and maintains a five-member Board of Directors elected to serve four-year terms. A current list of Board members is provided below in Table 8-3. Board members receive compensation of \$100 per meeting for their participation.

Table 8-3: Bel Marin Keys Board of Supervisors

Member	Position	Experience	Term
Vince Lattanzio	President	Landscape Design	2022
Darrick T. Chase	Vice-President	Family Law	2020
Mark Montobbio	Director	Law	2022
Mercy Angelopulos	Director	Technical Communications	2020
Cheryl Furst	Director	Business Management	2020



## **Staffing and District Operations**

The CSD has one full-time staff member and one part-time staff member. Other staffing services, including a waterways manager, is provided by contract through Foth-CLE Engineering Group, LLC that is renewed every five years. Annual contract services are approximately \$120,000 for waterways management, \$100,000 for engineering and permitting, and \$20,000 for parks design and engineering.

## **8.7 ACCOUNTABILITY AND TRANSPARENCY**

### **Meetings and Agendas**

Board meetings are held the third Thursday of every month at the Community Center at 4 Montego Key in Novato. Board meeting agendas and minutes are posted on the CSD website for public access (<http://www.bmkcsd.us/agendas>).

### **Annual Budget Review**

The CSD provides an annual budget to the Board for review and consideration. Separate budgets are prepared for the general obligation fund and Measure D funds. The CSD has a Measure D oversight subcommittee that meets semi-annually to accurately track and report the revenue and expenditures for Measure D which is specifically for lagoon maintenance. Separate reporting is conducted on Measure A in accordance with Marin County requirements. An independent financial auditor conducts an annual audit of the CSD's financial statements. The last audit, by R.J. Ricciardi, Inc., was conducted for the fiscal year ending June 30, 2018. Budgets and audits can be found on the CSD's website.

## **8.8 FINANCIAL OVERVIEW**

Bel Marin Keys CSD is funded through a portion of the ad valorem property tax for properties served, two bond measures, and one parcel tax passed by voters in the CSD. Primary expenditures are for lagoons, marine infrastructure, Novato Creek, and park maintenance. See Table 8-4 for District revenues and expenses. Notably, in Fiscal Year 2017-18, the District had a significant increase in expenses. This is attributed to several unexpected capital outlay expenses for a culvert replacement and new tennis court. Such expenditures are not expected to be an annual occurrence in the future.

### **Revenues**

The main source of revenue for the CSD is a portion of the ad valorem property tax collected and distributed by the County of Marin, special taxes, and bond measures (Measures A, D, E, & F) approved by voters living in the CSD boundary, or in the case of Measure A, the county. Taxes account for 99% of the CSD revenues with the other 1% coming from investment income and other revenue.

Measure A is a countywide measure that was approved by voters in 2012 and applies a one-quarter cent sales tax in order to fund county park areas<sup>66</sup>. Once passed, the measure would be effective for nine (9) years making the sunset date November 2021. The CSD receives a portion of this tax to fund maintenance and improvements to park areas. In FY 2017-18 the total revenue from Measure A was \$57,461.

Measure D was passed by voters in November 2001 and levies a Parcel Tax that increases at a rate of 2% every year with no sunset date to provide regular long-term revenue for the CSD. This tax is to be used for operation and maintenance of the CSD's marine facilities<sup>67</sup>. In FY 2017-18 the total revenue from Measure D was \$481,488.

Measure E was passed by voters in November 2001 and allowed for the issuance of \$2,600,000 in special tax bonds to finance improvements to the CSD's shared and public marine facilities for Community Facilities District No. 2001-1 (Marine Facilities Improvements). The bonds are to be repaid by a special tax levied on properties in CFD No. 2001-1 that is not to exceed \$385 per parcel<sup>68</sup>. In FY 2017-18 the total revenue from Measure E was \$227,643 which was then passed through for loan payments. Once the bond refinancing loan is repaid, the special tax will no longer be levied.

Measure F was passed by voters in November 2001 and allowed for the issuance of \$5,600,000 in special tax bonds to finance improvements to the CSD's marine facilities for CFD No. 2001-2 (Dredging and Marine Improvements). More specifically, the bonds funded dredging of lagoons and Novato Creek, training walls in Novato Creek, water circulation system upgrades, and necessary extensions of private and public docks and piers. The bonds are to be repaid by a special tax levied on properties in CFD No. 2001-2 according to their area designation. Maximum annual tax rates range from \$330 to \$1,131<sup>69</sup>. In FY 2017-18 the total revenue from Measure F was \$455,495 which was then passed through for loan payments. Once the bond refinancing loan is repaid, the special tax will no longer be levied.

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<sup>66</sup> County of Marin, Past Elections Results and Information, November 6, 2012, Ballot Measure A.

<sup>67</sup> County of Marin, Past Elections Results and Information, November 6, 2001, Ballot Measure D.

<sup>68</sup> Ibid, Ballot Measure E.

<sup>69</sup> Ibid, Ballot Measure F.

Table 8-4: Bel Marin Keys CSD Financial Audit Summary

Revenues	FY 2015-16 Actuals	FY 2016-17 Actuals	FY 2017-18 Actuals
<b>General Fund</b>	\$506,039	\$521,319	\$543,639
<b>Measure A</b>	\$53,351	\$81,480	\$57,461
<b>Measure D</b>	\$469,739	\$476,631	\$493,324
<b>Measure E and F</b>	\$686,274	\$686,218	\$683,351
<b>Total Revenues</b>	<b>\$1,715,403</b>	<b>\$1,765,648</b>	<b>\$1,777,775</b>
Expenditures	FY 2015-16 Actuals	FY 2016-17 Actuals	FY 2017-18 Actuals
<b>Measure A</b>	\$36,835	\$31,071	\$78,709
<b>Measure D</b>	\$126,970	\$153,999	\$148,961
<b>Loan Payments</b>	\$639,761	\$639,764	\$639,761
<b>Projects I and II</b>	\$182,564	\$92,159	\$126,609
<b>Maintenance</b>	\$237,206	\$405,031	\$269,190
<b>Capital Outlay</b>	\$51,696	\$50,825	\$562,736
<b>Other</b>	\$340,479	\$303,293	\$323,964
<b>Total Expenditures</b>	<b>\$1,615,511</b>	<b>\$1,676,142</b>	<b>\$2,149,930</b>
<b>Net Total</b>	<b>\$99,892</b>	<b>\$89,506</b>	<b>(\$372,155)</b>

Measures D, E, And F were all proposed and passed in 2001 in order to provide needed funding for the CSD. Prior to these measures, there was not enough revenue to cover rising maintenance activities costs. Measure D now provides a long-term source of income for maintenance activities including water testing, lock maintenance, maintenance dredging, and annual management of the waterways. Measures E and F provided bond funding for large capital improvement projects and major dredging that was needed at the time. For FY 2017-18 Measure D taxes were \$686.38 per parcel, Measure E taxes were \$350.76 per parcel, and Measure F taxes ranged from \$287.26 to \$984.52 per parcel depending on location<sup>70</sup>. The total CSD taxes for these measures totaled \$1,321.40 to \$2,021.66. This does not include basic property tax or Measure A estimates.

<sup>70</sup> County of Marin, Department of Finance, Property Tax Bill Tax Roll Year 2017-18, <https://apps.marincounty.org/TaxBillOnline>.

Table 8-5: Bel Marin Keys CSD Budget Summary

Revenues	FY 2016-17 Adopted Budget	FY 2017-18 Adopted Budget	FY 2018-19 Adopted Budget
<b>Operating</b>	\$400,120	\$410,120	\$466,720
<b>Capital Improvement</b>	\$-	\$365,000	\$160,000
<b>Measure D</b>	\$450,235	\$468,971	\$481,000
<b>Total Revenues</b>	<b>\$850,355</b>	<b>\$1,244,091</b>	<b>\$1,107,720</b>
Expenditures	FY 2016-17 Adopted Budget	FY 2017-18 Adopted Budget	FY 2018-19 Adopted Budget
<b>Maintenance</b>	\$120,400	\$122,200	\$202,040
<b>Payroll Expenses*</b>	\$138,096	\$137,206	\$156,718
<b>Professional Fees</b>	\$38,700	\$39,200	\$37,500
<b>Utilities</b>	\$27,376	\$28,156	\$29,536
<b>General Operating</b>			
<b>Capital Improvement</b>	\$-	\$365,000	\$128,000
<b>Measure D</b>	\$262,000	\$236,614	\$244,050
<b>Other</b>	\$64,458	\$63,632	\$26,734
<b>Total Expenditures</b>	<b>\$651,030</b>	<b>\$992,008</b>	<b>\$824,578</b>
<b>Net Total</b>	<b>\$199,325</b>	<b>\$252,083</b>	<b>\$283,142</b>

\*This includes employee benefits and director fees.

## Debt

The CSD has a long-term lease-finance agreement with PG&E with a loan balance of \$19,084 as of June 30, 2018, and two commercial loans with the Bank of Marin to re-finance Measure E and F Special Tax bonds. Those loans had a combined balance of \$2,698,165 as of June 30, 2018.

## Contracting

The CSD participates in the California Uniform Public Construction Cost Accounting Program. Under this program, the CSD maintains an Informal Bid List of contracts that receive notices on projects taking place within the CSD. This program allows for contracting flexibility that eases costs to the CSD while still maintaining a competitive bid process.

## Long-term Planning

The CSD is currently preparing a Capital Improvement Plan which is set to be finalized by Fall 2019. This plan will identify priority needs for the CSD and provide a schedule of improvements for several fiscal years allowing the CSD to plan ahead for future improvements.

## 8.9 SUSTAINABILITY

Bel Marin Keys has been working with residents on sustainable practices for both land and water. Community groups come together to help reduce household carbon footprints and the CSD has offered Clean and Green Boating seminars. Boating seminars include education of effective spill cleanup, safe fueling practices, reducing marine debris and proper sewage disposal.

Neighborhood groups have also worked with other organizations including the Greenbelt Alliance, Marin Conservation League, and Sierra Club to gain voter approval on laws that limit urban sprawl and maintain open spaces for community benefit.

Flooding remains an important issue to the CSD as high spring rain levels have caused levee breaches in adjacent neighboring parcels. The CSD will continue to work with other local agencies in order to identify critical needs and conduct flood control projects.

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## 9.0 COUNTY SERVICE AREA NO. 1 (LOMA VERDE)

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### 9.1 OVERVIEW

CSA No. 1 is located south of Ignacio Boulevard as shown in Figure 9-1. The northerly developed Loma Verde neighborhood and Loma Verde Elementary School portions are unincorporated and the southerly Loma Verde Preserve portion is in the City of Novato. The neighborhood, which is completely surrounded by the City of Novato, is made up of mostly single-family homes with some apartments and townhomes. The main roads through the CSA are Alameda De La Loma which runs east and west, and Alameda Del Prado that runs parallel to Highway 101.

The CSA provides street light maintenance throughout the unincorporated area through a contract administered by the Marin General Services Authority, meridian maintenance along Alameda Del Prado, and has acquired open space for the county.

Table 9-1: CSA No. 1 Overview

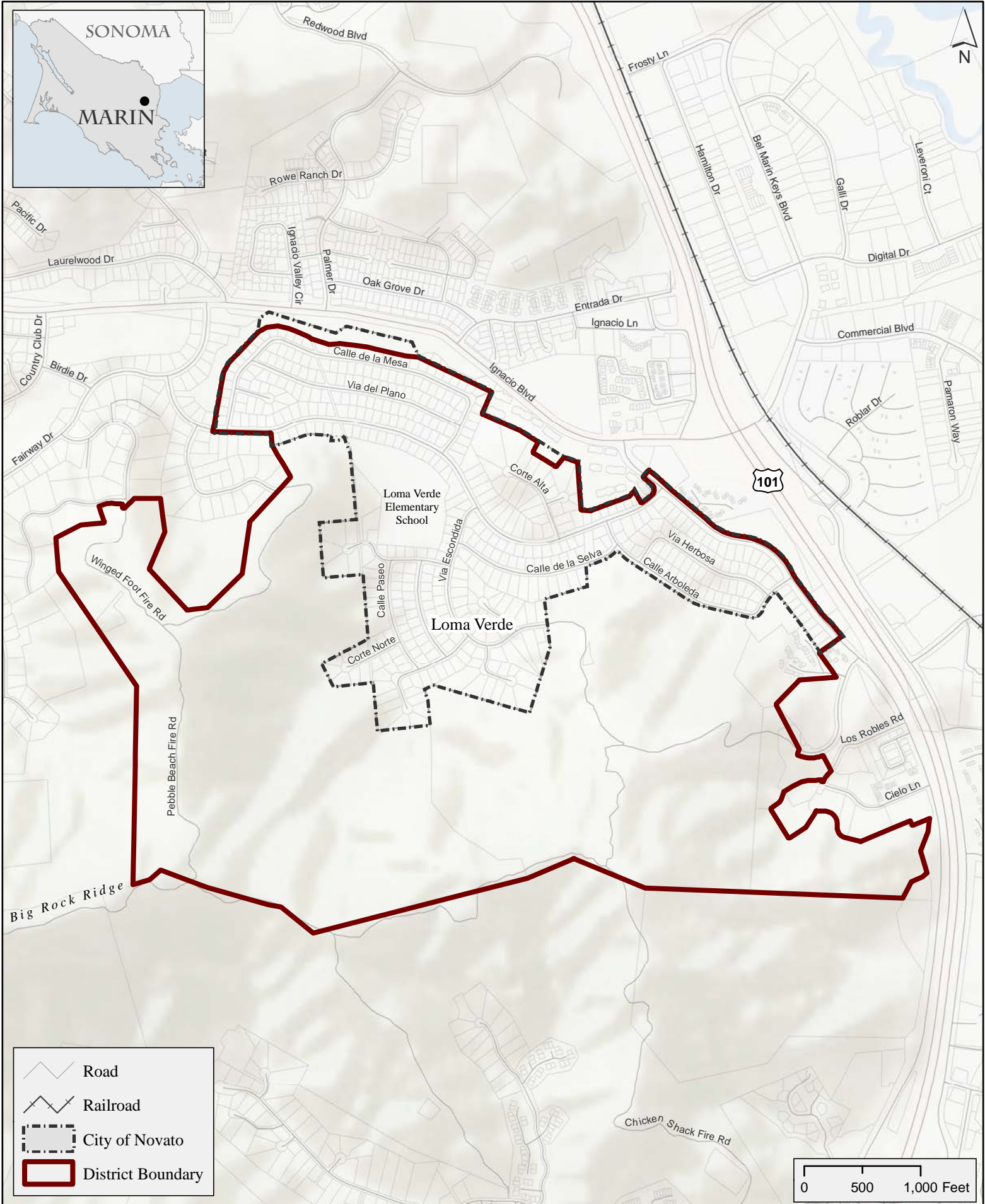
CSA No. 6 – Loma Verde			
<b>Primary Contact</b>	Michael Frost – Deputy Director of Public Works		
<b>Phone</b>	(415) 473-3725	<b>Email</b>	mfrost@marincounty.org
<b>Office Location</b>	3501 Civic Center Drive, San Rafael, CA 94903		
<b>Formation Date</b>	1956		
<b>Services Provided</b>	Meridian Maintenance, Lighting, Open Space Street		
<b>Service Area</b>	503 acres		

### 9.2 FORMATION AND DEVELOPMENT

CSA No. 1 was formed by Marin County Board Resolution No. 4294 on January 1956 in order to provide County services to the area. Upon formation, no designation of specific services was made. In later years, specific resolutions were made to define services as lighting and parkway maintenance. In 1974 additional parcels were annexed to the CSA in order to provide open space for the community. This land acquisition was funded by the sale of bonds that were repaid by a special tax levied on properties within the CSA. Bonds were originally set to mature no later than 1995, at which point taxes would no longer be collected for bond repayment<sup>71</sup>.

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<sup>71</sup> Marin County Board of Supervisors, Resolution No. 75-74, March 18, 1975.

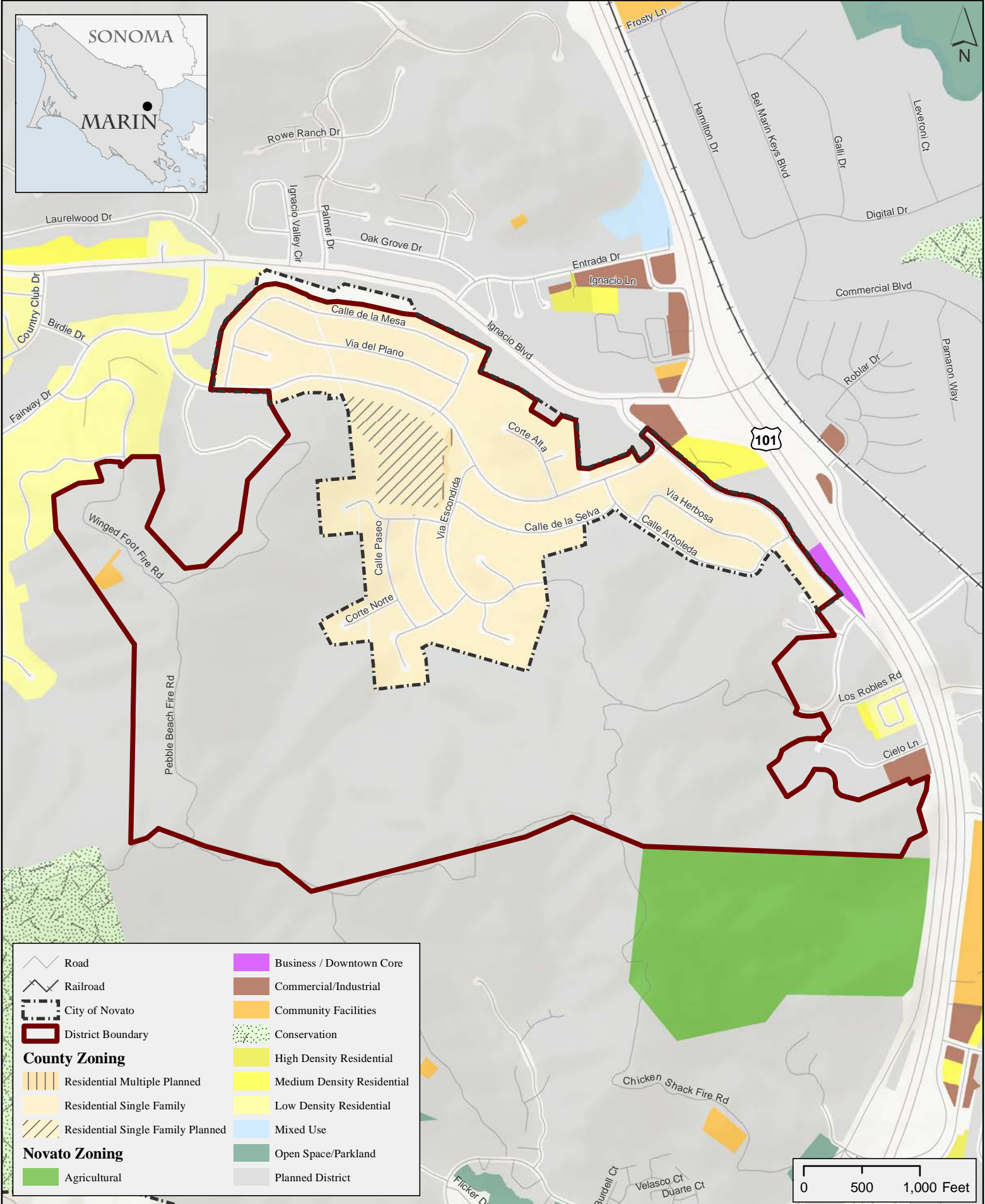


# CSA No. 1 - Loma Verde

Figure 9-1

Date: 6/25/2019

Sources: Boundaries, Roads, Parcels: Marin Map GIS.



# CSA No. 1 - Loma Verde Zoning

Figure 9-2

Date: 6/24/2019

Sources: Boundaries, Roads, Parcels: Marin Map GIS.



### 9.3 DISTRICT BOUNDARY AND SPHERE OF INFLUENCE

CSA No. 1’s jurisdictional boundary encompasses approximately 503 acres, a portion of which is within the Novato city boundary. The sphere of influence is coterminous. The original boundary encompassed only the Loma Verde neighborhood. In 1974, approximately 100 acres of land, now known as the Loma Verde Preserve, was annexed to the CSA for open space land acquisition and management. At the same time, the open space land was annexed, the original CSA boundary was designated as a CSA improvement district where taxes could be levied for services provided<sup>72</sup>.

The Loma Verde neighborhood and elementary school are not part of the City of Novato. However, the surrounding open space is within the City. Land use in and around the CSA is primarily Open Space Low-Density Residential and public facility for the elementary school site.

### 9.4 MUNICIPAL SERVICES

#### Street Lighting and Maintenance

The County contracts with a private landscaping firm that provides services for many different areas in the region. Included in this larger contract is a small portion for landscaping maintenance of Alameda Del Prado in CSA No. 1. From Ignacio Boulevard to Posada Del Sol there is a meridian down Alameda Del Prado with trees, shrubs, and flowering plants that require regular maintenance. A maintenance schedule summary is provided below in Table 9-2.

Table 9-2: Summary of Maintenance Frequency for CSA No. 1

Maintenance Activity	Weekly	Monthly	Quarterly	Bi-Annually	Annually	As Needed
Irrigation (Mar-Oct)	X					
Fertilization					X	
Pruning					X	
Pest/Weed Control						X
Litter/Trash Removal	X					X
Curb and Gutter Cleaning						X
Irrigation System Inspection (Apr-Oct)		X				

There are approximately 101 street lights in CSA No. 1 maintained as part of the Marin County Street Light network through a county contract with DC Electric that is funded and administered by the Marin General Service Authority. The original contract was entered into in August 2015 and is renewed annually. Under this contract, lights are replaced every five years or more

<sup>72</sup> Marin County Board of Supervisors, Resolution No. 74-129, May 7, 1974.

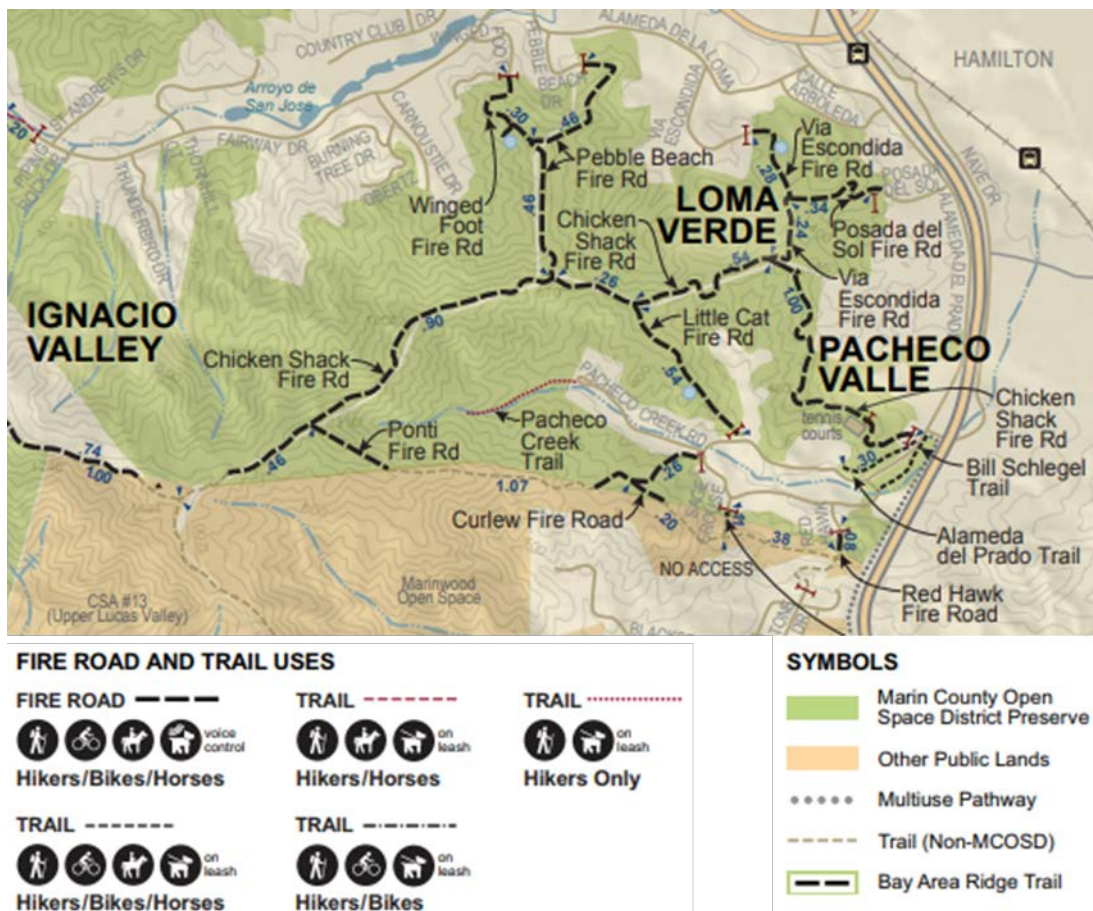
frequently as needed. Other street maintenance is overseen by the County Department of Public Works.

### Recreation (Open Space Acquisition)

Loma Verde Preserve is south of the Loma Verde neighborhood. The preserve covers the northeast slope of Big Rock Ridge and offers dog-friendly hiking and horseback riding. It can be accessed at several points in CSA No. 1 including Pebble Beach Drive, Winged Foot Drive, Via Escondida, and Posada Del Sol. Many other footpaths also lead off of neighborhood streets into the preserve.

As discussed previously, the preserve was purchased with bond funds through CSA No. 1. It is approximately 100 acres in size and adjoins Ignacio Valley, Pacheco Valle, and Marinwood to provide large contiguous open space access for area residents. The Marin County Department of Parks and Open Space now manages the Loma Verde preserve as part of its open space system. A map of the preserve and connecting trails is provided in Figure 9-3.

Figure 9-3: Loma Verde Open Space Preserve Map<sup>73</sup>



<sup>73</sup> Marin County Department of Parks and Open Space, Loma Verde Preserve Map, February 27, 2019.

## 9.5 ORGANIZATIONAL STRUCTURE

### Board of Directors

CSA No. 1 was formed as a dependent special district with the Marin County Board of Supervisors as its governing body. The five county supervisors are elected to four-year terms of office with no term limits. Government Code Section (25212) grants the Board of Supervisors rights and powers to administer service areas.

The Board of Supervisors meets the second and fourth Tuesday every month at 9:00 a.m. in the County of Marin Civic Building located at 3501 Civic Center Drive, Suite 329 in San Rafael. A current listing of members along with respective backgrounds can be found below in Table 9-3.

Table 9-3: County of Marin Board of Supervisors

Member	Position	Experience	Term
<b>Damon Connolly (District 1)</b>	Supervisor	Government	Expires January 2023
<b>Katie Rice (District 2)</b>	Vice-President	Government	Expires January 2021
<b>Kate Sears (District 3)</b>	President	Attorney	Expires January 2022
<b>Dennis Rodoni (District 4)</b>	2 <sup>nd</sup> Vice-President	Construction	Expires January 2021
<b>Judy Arnold (District 5)</b>	Supervisor	Government	Expires January 2023

### Staffing and District Operations

As a dependent special district of the County, all administrative services are provided by county departments, including legal counsel and compilation of financial transaction reports for the State Controller's Office required under Government Code Section (53891). District projects are overseen by county senior and principal engineers.

CSA No. 1 is primarily managed by the Department of Public Works which oversees the street lighting contract which is primarily held by the Marin General Services Authority. The Department of Parks and Open Space manages the meridian maintenance contract and the open space is managed as part of the county's broader open space program.

## 9.6 ACCOUNTABILITY AND TRANSPARENCY

### Meetings and Agendas

The Board of Supervisors meeting agendas, minutes, and recordings can be found online on the Marin County website. Board documents such as resolutions and ordinances can also be found on the Board of Supervisors page of Marin County's website.

### Annual Budget Review

The County of Marin contracts with an independent financial auditor, Clifton Larson Allen, to conduct an annual financial report. CSA No. 1 is included in the report under the Budgetary Comparison Schedule for County Service Areas Fund. The latest audit was prepared for the year ending June 30, 2018.

Every year the County Department of Public Works develops a CSA budget and presents it to the Board of Supervisors for review and approval. It is based on prior years' expenses and anticipated upcoming fiscal year infrastructure upgrades and maintenance costs.

## 9.7 FINANCIAL OVERVIEW

CSA No. 1 is funded through a portion of the ad valorem property tax for properties served. Properties taxed are those within the original CSA boundary which was designated an improvement district of the CSA in 1974<sup>74</sup>. The taxes collected are solely for meridian maintenance. The open space portion of the CSA receives funding and management through the County Department of Parks and Open Space. Street lighting is funded by the Marin General Services Authority.

Maintenance of the Alameda Del Prado meridian costs the CSA approximately \$982 per month (\$11,784 per year) depending on monthly service activities. This is a small portion of the approximately \$26,433 monthly County landscaping contract<sup>75</sup>. All other CSA activities are funded by other county sources including the Marin General Services Authority and the Marin County Department of Parks and Open Space. This allows the CSA to grow and maintain a healthy fund balance that can be used for emergency repairs or other unforeseen costs as needed.

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<sup>74</sup> Marin County Board of Supervisors, Resolution No. 74-129, May 7, 1974.

<sup>75</sup> Gardeners' Guild, County of Marin – Parks, Open Spaces & Cultural Services Landscape Maintenance, May 2019 Invoice.

Table 9-4: CSA No. 1 Financial Summary

Revenues	FY 2016-17 Actuals	FY 2017-18 Estimated	FY 2018-19 Adopted Budget
<b>Current Secured Property Tax</b>	\$41,519	\$43,276	\$34,136
<b>Use of Money and Property</b>	\$1,566	\$3,474	\$261
<b>Intergovernmental Revenues</b>	\$197	\$196	\$205
<b>Total Revenues</b>	<b>\$43,282</b>	<b>\$46,946</b>	<b>\$34,602</b>
Expenditures	FY 2016-17 Actuals	FY 2017-18 Estimated	FY 2018-19 Adopted Budget
<b>Services and Supplies</b>	\$1,016	\$3,120	\$70,500
<b>Interfund Expense</b>	\$7,298	\$7,497	\$7,080
<b>Total Expenditures</b>	<b>\$8,314</b>	<b>\$10,617</b>	<b>\$77,580</b>
<b>Net Total</b>	<b>\$34,968</b>	<b>\$36,329</b>	<b>(\$42,978)</b>
<b>Fund Balance (Start of FY)<sup>76</sup></b>	<b>\$274,532</b>	<b>\$309,521</b>	<b>\$345,851</b>

## Sustainability

Local agencies play a critical role in protecting natural resources and the environment through land conservation, water recycling, preserving open space, and renewable energy projects. CSA No. 1 provides ample open space for community residents to enjoy and utilizes water-efficient landscaping to reduce municipal water consumption. In addition, street lights were updated to LED lights in 2011 to decrease CSA and county energy usage.

<sup>76</sup> Frost, Michael – Department of Public Works, Personal Communication, June 25, 2019.

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## 10.0 COUNTY SERVICE AREA NO. 20 (INDIAN VALLEY)

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### 10.1 OVERVIEW

CSA No. 20 is located in the southwest Novato region and provides open space-related services. It encompasses over 7 square miles of both incorporated and unincorporated territory that includes the Indian Valley and Ignacio Valley Open Space Preserves which are managed by the Marin County Department of Parks and Open Space.

The CSA conducts special projects in open space areas within the CSA boundary. This includes improved trails, access, and wildland fire prevention measures for the Marin County Club and Indian Valley communities.

Table 10-1: CSA No. 20 Overview

CSA No. 20 – Indian Valley	
<b>Primary Contact</b>	Jim Chayka, Superintendent Marin County Parks
<b>Phone</b>	(415) 473-3639
<b>Office Location:</b>	Marin County Parks, 3501 Civic Center Drive, #260, San Rafael, CA 94903
<b>Formation Date</b>	1974
<b>Services Provided</b>	Parks and Recreation (Open Space Services)
<b>Service Area</b>	4,620 acres (7.2 miles)

### 10.2 FORMATION AND DEVELOPMENT

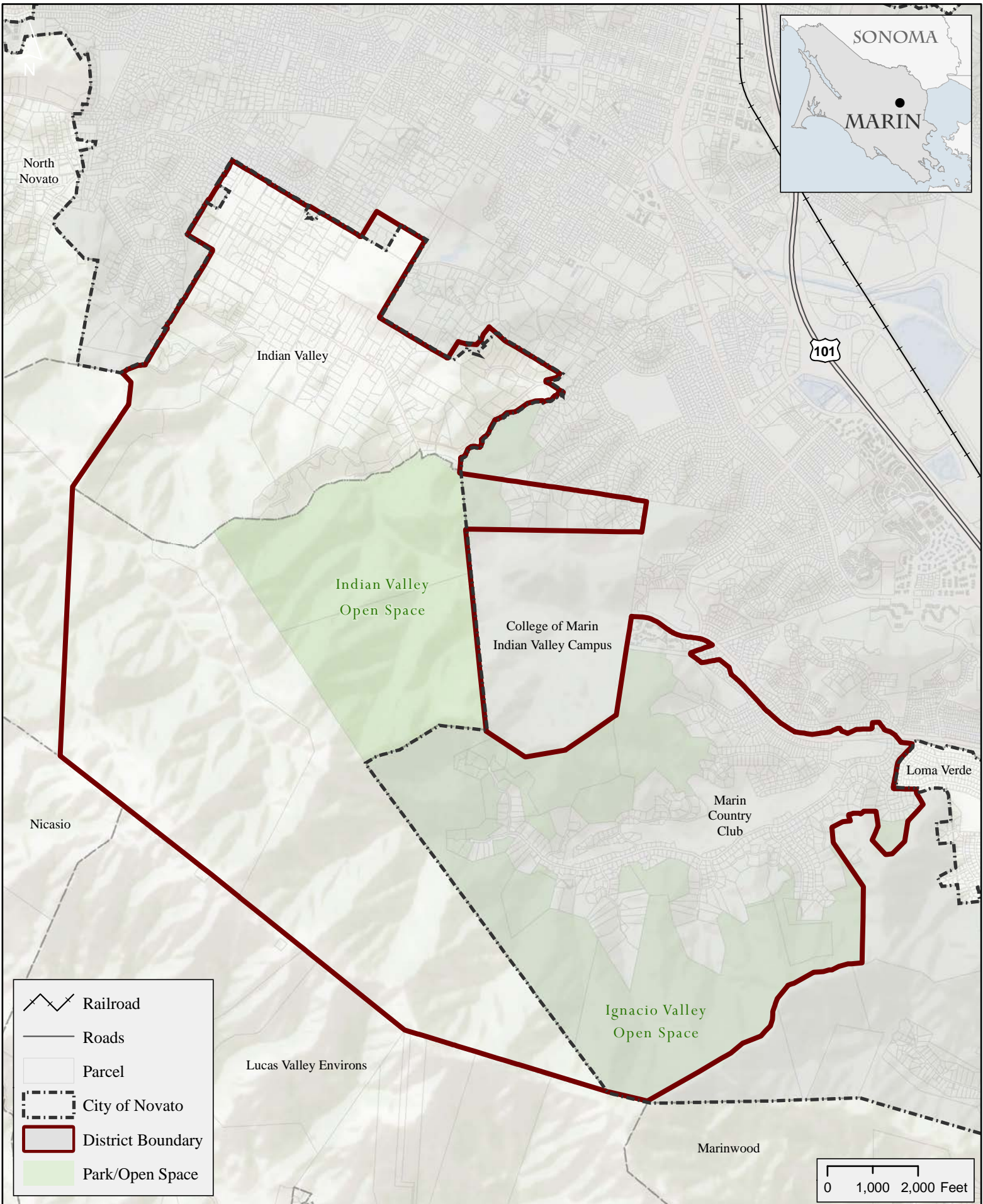
CSA No. 20 was formed by Board Resolution 74-371 in November 1974. The types of services designated by the Board at the time of formation were “Local park and recreation facilities and services”. The CSA was partially funded by a bond in 1975 for the acquisition of 1,300 acres. The bonds were scheduled to be paid in full by 1995<sup>77</sup>.

### 10.3 DISTRICT BOUNDARY AND SPHERE OF INFLUENCE

CSA No. 20’s jurisdictional boundary encompasses 4,620 acres of land. Portions of the CSA are within the City of Novato boundary and subject to the City’s Zoning. The sphere of influence is coterminous. Primary land use designations in the CSA area are Open Space, Low-Density Residential, Conservation, and Agriculture with some Community Facilities and Planned Residential. The CSA boundary surrounds the College of Marin – Indian Valley Campus off of Ignacio Boulevard which is also the main access point for much of the open space. Additional access points include Indian Valley Road to the north and Fairway Drive to the south.

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<sup>77</sup> Marin County Board of Supervisors, Resolution 75-143, May 13, 1975.

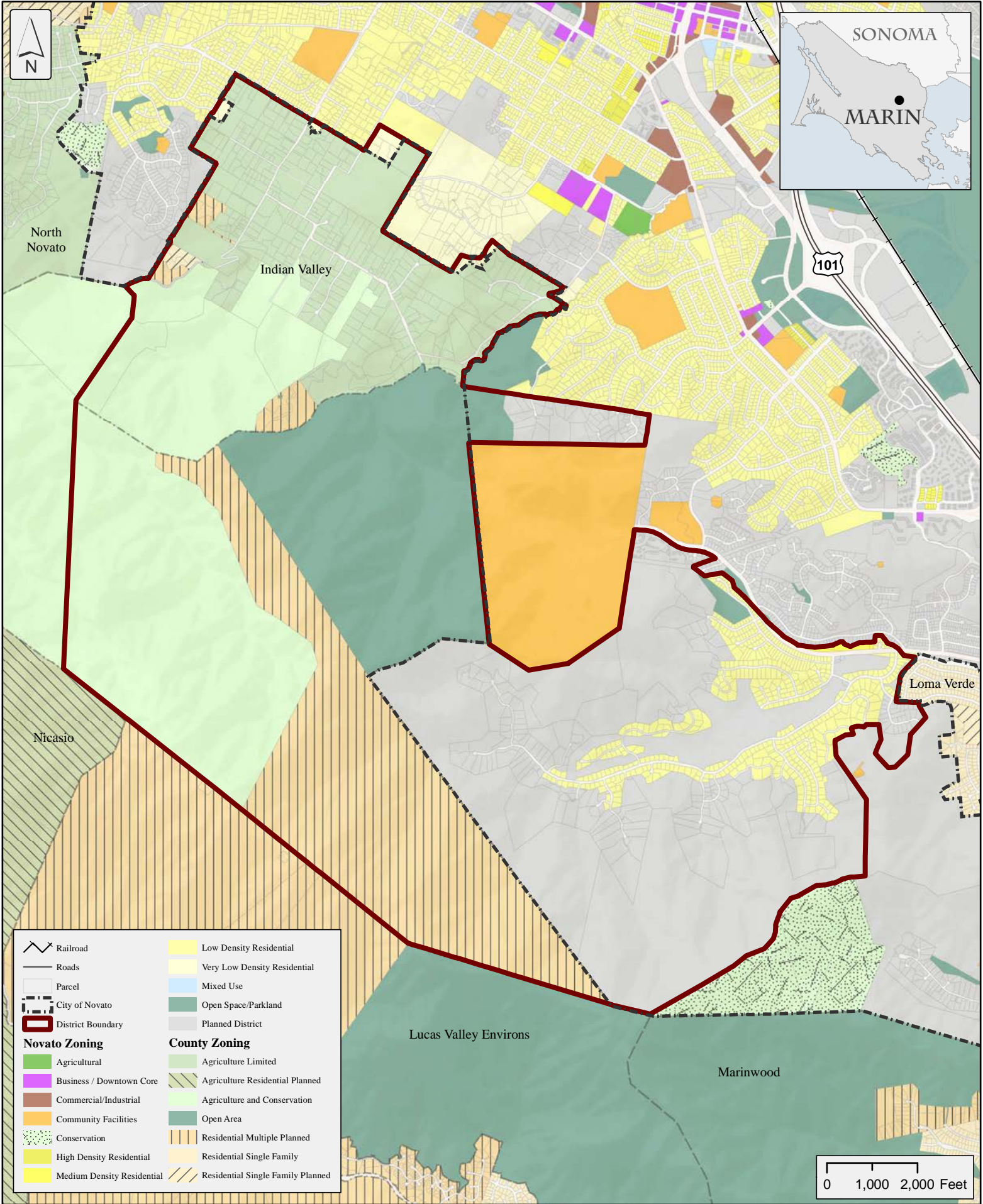


# CSA No. 20 - Indian Valley

Figure 10-1

Date: 6/25/2019

Sources: Boundaries, Roads, Parcels: Marin Map GIS.



# CSA No. 20 - Indian Valley Zoning

Figure 10-2

Date: 6/24/2019

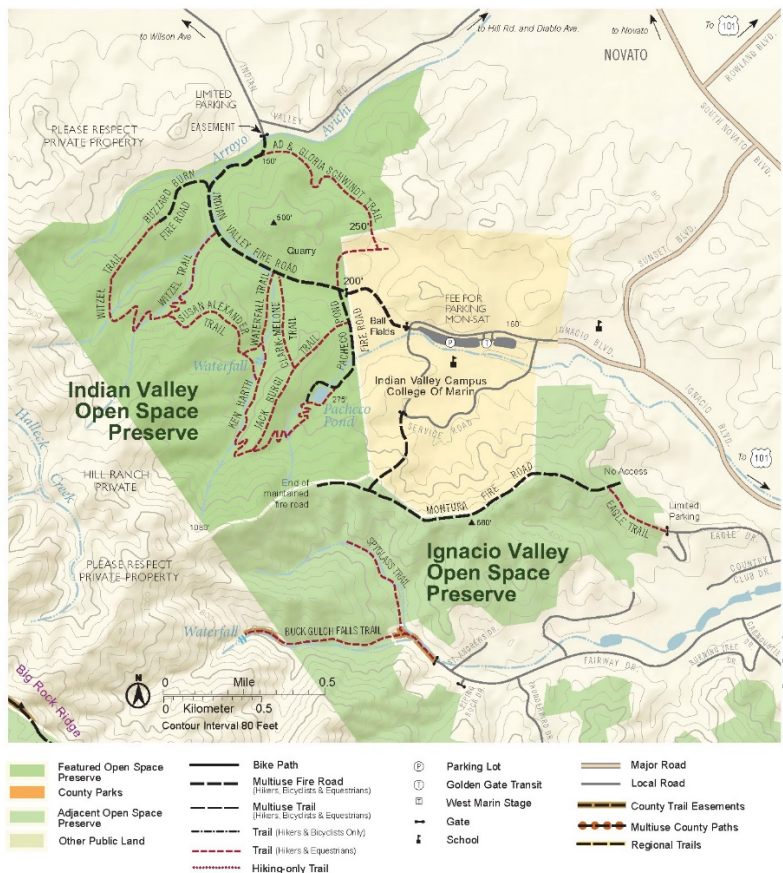


## 10.4 MUNICIPAL SERVICES

### Parks and Recreation

CSA No. 20 provides access to open space near the communities of Indian Valley and Marin County Club. The two open space preserves in the CSA, Indian Valley and Ignacio Valley, are managed as part of the larger Marin County open space system. Open space activities include biking, hiking, fishing, and horseback riding. A map of the open space area is shown in Figure 10-3.

Figure 10-3: Indian Valley and Ignacio Valley Open Space Trail Map<sup>78</sup>



Funds collected by the CSA are primarily used to conduct special projects within the CSA area at the direction of the Advisory Board and for the benefit of the communities adjacent to the preserves. Completed projects include decommissioning of illegal trails and fencing of sensitive habitats<sup>79</sup>. Recently the CSA has been looking at funding for re-alignment of Indian Valley Fire Road<sup>80</sup>. However, due to rising wildland fire concerns, the CSA is now looking at funding fire fuel reduction including removing brush, downed trees, and dead or dying trees.

<sup>78</sup> Marin County Department of Parks and Open Space, June 27, 2017.

<sup>79</sup> CSA 20 Advisory Board, Meeting Minutes for April 13, 2015.

<sup>80</sup> CSA 20 Advisory Board, Draft Meeting Minutes for September 11, 2017.

## 10.5 ORGANIZATIONAL STRUCTURE

### Board of Directors

CSA No. 20 was formed as a dependent special district with the Marin County Board of Supervisors as its governing body. A list of the current Board of Supervisors can be found in Section 8.6.

### Advisory Board

CSA No. 20 is guided by a five-member Advisory Board that meets at least once per year. Members of this board are appointed to two-year terms by the County Board of Supervisors. Current members of the advisory board are provided below in Table 10-3. The Advisory Board meets to review budget items and planned projects for the upcoming year. They also provide input to county staff and provide recommendations to the County Board of Supervisors.

Table 10-2: CSA No. 20 Advisory Board Members

Member	Position	Term
Rodney Bosche	Advisor	10-17-19
Gary Frugoli	Advisor	09-12-19
Jonathan Gasson	Advisor	10-31-19
R. Craig Knowlton	Advisor	10-17-19
Ron Witzel	Advisor	02-13-20

### Staffing and District Operations

As a dependent special district of the County, all CSA functions are provided by county departments, including legal counsel and compilation of financial transaction reports for the State Controller's Office required under Government Code Section (53891). The CSA is primarily administrated by Marin County Department of Parks and Open Space and specific CSA projects are overseen by county senior and principal engineers.

## 10.6 ACCOUNTABILITY AND TRANSPARENCY

### Meetings and Agendas

Meeting agendas, minutes, and handouts can be found on the Marin County Parks webpage under CSA No. 20 Advisory Board.

### Annual Budget Review

CSA No. 20 includes draft budgets as a hyperlink on the meeting agenda webpage. These draft budgets are excerpts from the County's MUNIS system. The CSA is also included in the County's annual financial audit under Budgetary Comparison Schedule County Service Areas Fund. The most recent audit was conducted for the year ending June 30, 2018.

## 10.7 FINANCIAL OVERVIEW

CSA No. 20 is funded through a portion of the ad valorem property tax from properties within the CSA boundary. There is no other CSA funding and expenses are limited to administration costs in most years except for when special projects, such as improving trails and fuel reduction measures, are approved by the Advisory Board. A summary of the CSA’s annual finances is provided in Table 10-5 below.

Special projects for the CSA are funded out of the reserve balance built up for the CSA. As of September 2018, the total fund balance for CSA No. 20 was \$160,745.02. Trail realignment was scheduled for FY 2018-19 which was approved at \$100,000. However, these activities were paused due to new direction from the Advisory Board. The fund balance will instead be carried over and utilized to fund fuel reduction projects in the area<sup>81</sup>.

Table 10-3: CSA No. 20 Financial Summary

Revenues	FY 2016-17 Actuals	FY 2017-18 Adopted Budget	FY 2018-19 Adopted Budget
<b>Current Secured Property Tax</b>	\$12,119	\$12,611	\$12,511
<b>Use of Money and Property</b>	\$657	\$1,446	\$200
<b>Intergovernmental Revenues</b>	\$58	\$58	\$30
<b>Total Revenues</b>	<b>\$12,834</b>	<b>\$14,115</b>	<b>\$12,741</b>
Expenditures	FY 2016-17 Actuals	FY 2017-18 Adopted Budget	FY 2018-19 Adopted Budget
<b>Services and Supplies</b>	\$0	\$0	\$100,000
<b>Capital Assets</b>	\$0	\$0	\$0
<b>Interfund Expense</b>	\$84	\$84	\$0
<b>Total Expenditures</b>	<b>\$84</b>	<b>\$84</b>	<b>\$100,000</b>
<b>Net Total</b>	<b>\$12,750</b>	<b>\$14,031</b>	<b>(\$87,259)</b>

## 10.8 SUSTAINABILITY

CSA No. 20 is primarily composed of open space lands that connect to other Marin County Department of Parks and Open Space preserves and public lands. Warmer temperatures and longer drought periods increase the potential for wildfires in these areas that may threaten structures in the CSA. Currently planned fuel reduction projects will help decrease wildfire potential and provide better protection for CSA residents

<sup>81</sup> Jim Chayka, Marin County Department of Parks and Open Space, Personal Communication, June 13, 2019.

## 11.0 COUNTY SERVICE AREA NO. 25 (MOUNT BURDELL PARK AND OPEN SPACE)

### 11.1 OVERVIEW

County Service Area No. 25 (CSA No. 25) is a dependent, single-purpose special district organized to provide park and open space services pursuant to County Service Area Law (California Government Code Section 25210 et seq.). CSA No. 25 was formed in 1975 to fund acquisition and preservation of the Mount Burdell area. This area, identified in the Marin County Parks and Open Space Strategic Plan, is an important land conservation area and a major element of a proposed greenbelt extending from Rush Creek wetlands to Stafford Lake Park. Since its formation, the Marin Open Space District, now a part of Marin County Department of Parks, has managed the Mount Burdell Preserve. CSA No. 25 currently provides no services and has no budget, fund balance, funding sources, or expenditures. As such, CSA No. 25 is considered inactive.

Table 11-1: CSA No. 25 Overview

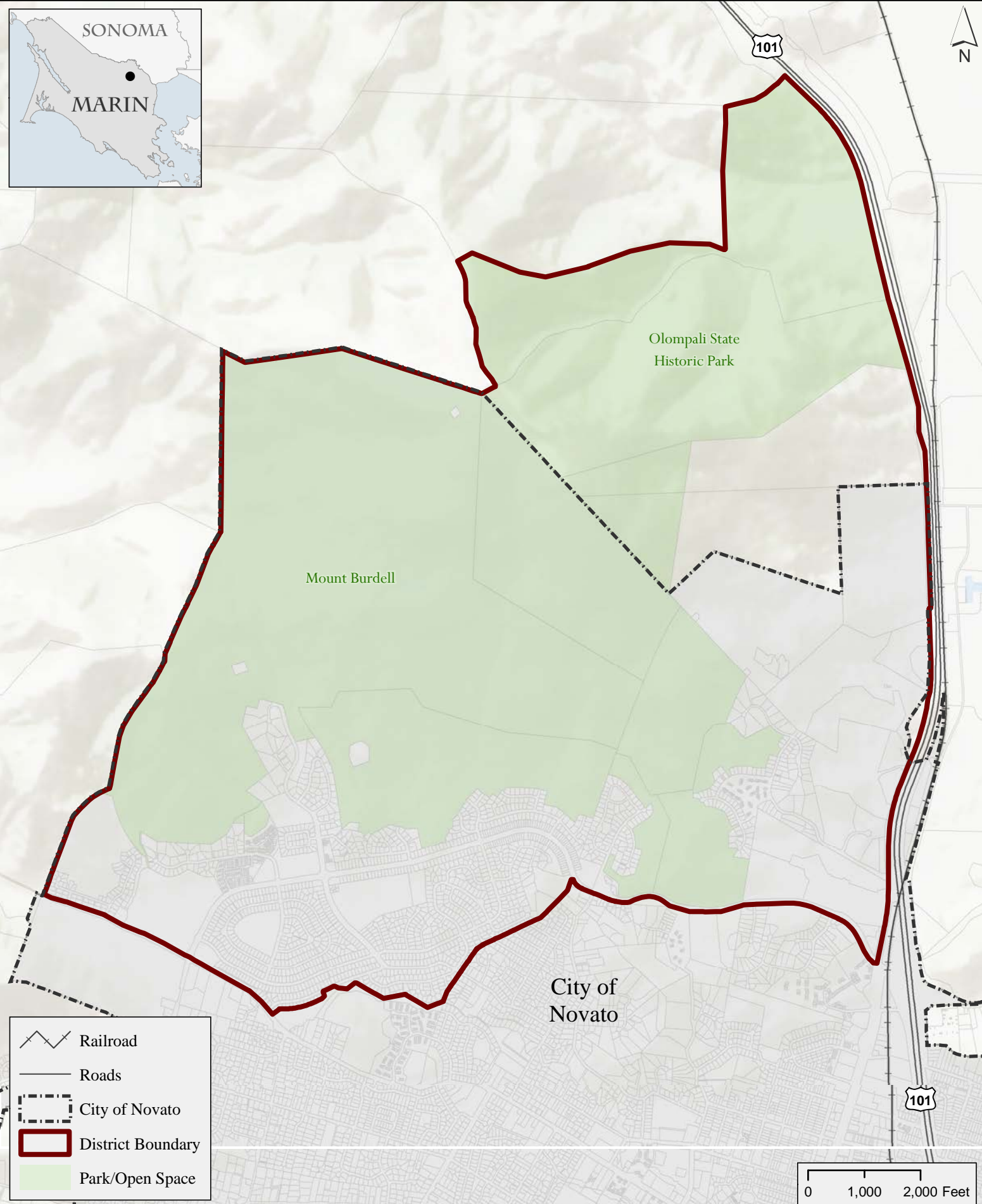
CSA No. 25 – Mount Burdell Park and Open Space			
<b>Primary Contact</b>	Jim Chayka, Superintendent Marin County Parks		
<b>Phone</b>	(415) 473-3795	<b>Email:</b>	jchayka@marincounty.org
<b>Office Location:</b>	3501 Civic Center Drive, Suite 260 San Rafael, CA 94903		
<b>Formation Date</b>	1975	<b>Services Provided</b>	Inactive






### 11.2 FORMATION AND DEVELOPMENT

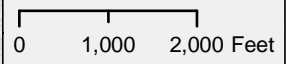
CSA No. 25 was formed in July 1975 by Board Resolution 75-224 as a means to raise funds for the purchase of several properties around Mount Burdell. The types of services authorized at its formation were local park and recreation facilities and services. The property purchase funded by the CSA included Exxon, Great Western, Nunes, and Exeter Equity holdings around Mount Burdell. Acquisition of the properties took place from 1976 to 1978 with the last property, Exeter, being purchased in February 1978<sup>82</sup>. Purchase was funded by bond sales in the amount of \$700,000 for the acquisition of the 1,266 acres and sale of land banked property as discussed below. Upon acquisition of the properties, the land was immediately conveyed to the Marin County Open Space District<sup>83</sup>.

<sup>82</sup> Marin County Department of Public Works, Board of Supervisors Memorandum Re: Joint CSA #25/ Open Space District Purchase of Exeter Equities Property – Mt. Burdell, February 9, 1978.

<sup>83</sup> Marin County Open Space District, Joint Powers Agreement with County Service Area No. 25, January 18, 1977.



-  Railroad
-  Roads
-  City of Novato
-  District Boundary
-  Park/Open Space



# CSA No. 25 - San Marin

Figure 11-1

Date: 6/28/2019

Sources: Boundaries, Roads, Parcels: Marin Map GIS.

A portion of the Exxon property, approximately 49 acres, was to be used for land banking. This property was sold to private enterprise for development purposes to help offset the cost of the total land purchase for CSA No. 25. Sale of land was expected to total no less than \$250,000. Any excess funds from the sale of this property, which occurred in 1977, was to be used to offset the purchase of additional land, primarily the Exeter property, around Mount Burdell<sup>84</sup>.

### **11.3 DISTRICT BOUNDARY AND SPHERE OF INFLUENCE**

CSA No. 25 was originally established with a boundary encompassing approximately 3,535 acres around Mount Burdell as shown in Figure 11-1. This includes the bond purchase area of 1,266 acres and additional land to the northeast which is now a portion of Olompali State Park.

### **11.4 MUNICIPAL SERVICES**

As discussed previously, CSA No. 25 was formed primarily as a funding mechanism to purchase open space parcels. In January 1977 the Marin County Open Space District and CSA No. 25 entered into a Joint Power Agreement which identified the funding commitments, ownership, and management functions for each participating agency. As part of the agreement, all lands purchased by the CSA were immediately conveyed to and managed by the Open Space District. Additionally, the Open Space District was to consult with the CSA Advisory Board on land stewardship activities<sup>85</sup>.

### **11.5 ORGANIZATIONAL STRUCTURE**

As a dependent special district, the Marin County Board of Supervisors serves as the CSA's governing body. The five-member Board of Supervisors meets the second and fourth Tuesday every month at 9:00 a.m. in the County of Marin Civic Building located at 3501 Civic Center Drive, Suite 260 in San Rafael. Upon the CSA's formation, an Advisory Board was created to consult with the Open Space District. However, that board has since been disbanded and there is no currently active Advisory Board. CSA functions would be carried out by various county departments, however, as mentioned previously, CSA No. 25 currently provides no services and is currently inactive.

### **11.6 FINANCIAL OVERVIEW**

Currently, CSA No. 25 provides no services and has no funding, no expenditures, and no fund balance. Marin County does not prepare an annual budget for this CSA. Originally, revenues generated from property taxes were used to pay off a \$700,000 general obligation bond that was used to acquire several properties for open space. Following the bond repayment, which was scheduled to be completed by 1997<sup>86</sup>, the CSA no longer has an operating budget and has since been inactive.

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<sup>84</sup> Ibid, 3.

<sup>85</sup> Ibid, 4.

<sup>86</sup> Marin County Board of Supervisors, Resolution No. 77-40, February 1, 1977.

## 11.7 GOVERNANCE STRUCTURE OPTIONS

In 2017, Senate Bill 448 (Weickowski) was passed to streamline the process for LAFCos to dissolve inactive special districts. The new legislation requires the State Controller's Office to create a list of inactive districts annually and to notify applicable LAFCos in which the inactive special districts are located. In accordance with Government Code (G.C.) Section 56879, the Commission must adopt a resolution initiating dissolution of inactive districts meeting the above definition within 90 days of notice from the State Controller's Office. Following the adoption of the resolution, the Commission must then hold a public hearing on the dissolution within an additional 90 days. Unless evidence is provided that qualifies the district as being active, the Commission must dissolve the district.

An inactive district is defined as a district that meets all the following criteria as set forth in G.C. Section 56042, as follows:

- a) The special district is as defined in Government Code Section 56036, which specifies a special district as "an agency of the state, formed for general law or special act, for the local performance of governmental or proprietary functions..."
- b) The special district has no financial transactions in the previous fiscal year.
- c) The special district has no assets and liabilities.
- d) The special district has no outstanding debts, judgements, litigation, contracts, liens, or claims.

CSA No. 25 meets the above criteria but has not yet been listed by the State Controller as inactive. Based on the County Auditor's Office determination that CSA 25 is inactive, LAFCo, in coordination with the County and the State Controller's Office, should take the appropriate steps to dissolve the district pursuant to G.C. Section 56879. Further, because CSA No. 25 has no assets, liabilities, outstanding debts, judgments, contracts or claims, there is no need to designate a successor agency for the district.

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## APPENDIX A

### NOVATO REGIONAL MSR – REFERENCES CITED

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Novato Regional Draft MSR Comments Received and Responses through December 4, 2019

Date	Name	Title	Affiliation	Comments	Responses
Aug 20, 2019 (by phone call, no letter submitted on this)	Sandeep Karkal	General Manager- Chief Engineer	Novato Sanitary District	<p>Table 6-6 shows net losses at end of each of last three years &amp; is not reflective of NSD's financial position. NSD has been planning for &amp; now executing capital improvement projects, which result in NSD's total annual expenses being larger than annual income. Capital improvement project expenses come from accrued savings, and therefore the District is not operating a net loss.</p> <hr/> <p>Update <i>Table 5-4: Novato Sanitary District Board of Directors</i>. Change the Vacant seat to Tim Fuetter, Civil Engineering Project Manager; Identify Carole Dillon-Knutson as President; and identify William Long as President Pro-tem.</p> <hr/> <p>Add : District has an overall financial rating of "AAA" as assigned by Standard &amp; Poors' (S&amp;P) Rating Services, which is highest rating offered by S&amp;P, and reflects S&amp;P's confidence &amp; belief in NSD's financial strength and stability. In addition, the Government Finance Officers Association (GFOA) has awarded NSD its prestigious Award and Financial Reporting achievement (AFRA) and Certificate of Achievement for Excellence in Financial Reporting for NSD's Comprehensive Annual Financial Reports (CAFRs) for the past eight years. This award is generally recognized as the highest form of recognition in governmental accounting and financial reporting, and its attainment for eight years in a row represents a significant accomplishment by a government and its management.</p>	<p>Explanatory note has been added to document: "Reconciling Budgeted to Audited Financials As seen from Table 6-6 above, NSD budgets require significant annual capital expense budgeting. However, annual capital expenditures follow a very different spending trajectory than regular annual operating expenditures, and tend to be extremely "lumpy" on an annual basis over short time periods (although they tend to even out over longer periods). Therefore, while Table 6-6 shows net annual deficits from a budgeting perspective, the audited financials of Table 6-5 illustrate a more "typical" and "actual" sustainable revenues/expenditures picture."</p> <hr/> <p>Table has been updated as requested.</p> <hr/> <p>Added to Section 6.7 Financial Overview</p>
Oct 7, 2019	Bill Tyler	Fire Chief	Novato Fire Protection District (NFPD)	<p>7.1 change Novato Fire Protection District to NFPD.</p> <hr/> <p>7.1 NFPD boundary is approximately 71 sq./miles</p> <hr/> <p>7.1 NFPD hosts annual open house and participates in and provides medical services at Novato Chamber of Commerce Art &amp; Wine Festival</p> <hr/> <p>7.3 Boundary 71 square miles</p> <hr/> <p>7.4 NFPD has completed fire station 62's kitchen renovation and full septic system replacement and upgrade. In addition, the station 62 training tower is currently being replaced, and two new training classrooms installed with a spring of 2020 completion date</p> <hr/> <p>7.5 NFPD Board members elections now by-district elections so each member represents a specific defined NFPD area</p> <hr/> <p>7.5 per Board of Directors' Policy 225, members are paid a sum of \$200 per meeting (Effective date November 2019)</p> <hr/> <p>7.5 NFPD is seeking to fill RPM Division vacancies. Additional staffing positions desired, but not yet having permanent funding are additional fire inspectors, and an administrative Training Captain. 2 fulltime limited term wildfire mitigation specialists recently hired to complete additional defensible space inspections and structural ignitability evaluations of Novato homes and businesses</p> <hr/> <p>7.5 The Wildfire Mitigation Specialists <u>are</u> responsible for</p> <hr/> <p>7.7 Omit "impact fees."</p>	<p>Changes made</p> <hr/> <p>Boundary number updated to 71</p> <hr/> <p>Hosting &amp; participation noted</p> <hr/> <p>Boundary number updated to 71</p> <hr/> <p>Station upgrades/ Tower replacement noted</p> <hr/> <p>Election by District noted</p> <hr/> <p>Policy update noted; changed to \$200 per meeting with a 4 meeting maximum as per updated policy.</p> <hr/> <p>Language added</p> <hr/> <p>Language added</p> <hr/> <p>Language removed</p>

Date	Name	Title	Affiliation	Comments	Responses
				<p>7.8 Suggested additional language: The deadliest and most destructive wildfires in our state’s history have occurred in recent years and Marin’s wildlands and lush vegetation are particularly vulnerable. Fire does not respect jurisdictional boundaries and immediate action and sustained commitment is needed to better protect the community. Given the changing climate and increased wildfires risk, NFPD has been partnering with FIRE Safe Marin, fire agencies, the county, and cities and towns in Marin to develop a countywide Wildfire Prevention program and authority to coordinate and oversee the ongoing programs to make the community safer and better prepared. Marin Wildfire Prevention Authority – New Marin Joint Powers Authority Consistent with the “Community Wildfire Protection Plan,” the “Lessons Learned from North Bay Fire Siege” report, and this year’s “Marin Civil Grand Jury Report on Wildfire Preparedness,” NFPD recognizes the importance of countywide, multi-agency approach to better protect residents.</p> <p>A countywide coalition that includes the cooperation of all Marin fire and city/town agencies and the county has proposed a new joint powers agreement (JPA) and funding measure that would raise approximately \$21 million per year dedicated to local wildfire prevention. The JPA agreement would consist of these local fire agencies, our cities and towns, and the County. The Marin Wildfire Prevention Authority mission would be to fund and oversee the following efforts:</p> <ul style="list-style-type: none"> <li>• Wildfire detection and evacuation system improvements</li> <li>• Vegetation management and fire hazard reduction</li> <li>• Defensible space and home hardening evaluations</li> <li>• Public education and neighborhood wildfire preparedness</li> <li>• Local specific wildfire prevention efforts</li> </ul>	Language added
Oct 08, 2019	Joe Valenti	Finance Director	Novato Fire Protection District (NFPD)	Page 49. Under Annual Budget Review, capitalize the “T” in The	Requested change incorporated.
				Page 49. "Of 1% property tax, NFPD receives an average of 17.3% which amounts to approximately \$19.5 million for FY 2017-18. The voter-approved parcel tax amount, which has no sunset date, is inflation-adjusted every year by the Board. " Change to: "Of 1% property tax, the NFPD receives an average of 14.5% which amounts to approximately \$20.3 million for FY 2017-18. The voter-approved special tax is adjusted every year for inflation based on increases in the CPI and Board approval."	Requested change incorporated.
				Page 49. Change source to County of Marin Department of Finance website, "Where Your Property Tax \$s Go" link	Requested change incorporated.
				Page 50. "Other district revenue sources include but are not limited to, service charges, capital grants and contributions, investment earnings, impact fees, and Office of Emergency Services reimbursements." Omit "impact fees." Add "ambulance service fees"	Requested change incorporated.
				Pg. 50. PP 1 under "Debt", sentence: "As of June 30, 2018 the FPD had approximately \$3,315,000 in outstanding debt." "Add .....debt, which included \$164,000 for ladder truck which was paid off in FY 2018-19. Per June 30, 2019 unaudited financial statements District had outstanding debt of \$2,637,000."	Requested change incorporated.
				Page 50. "As of June 30, 2017, the FPD Net Pension Liability was \$18,451,828 which is a decrease of approx. \$3.3 million from the prior year". Change to "As of June 30, 2018, the NFPD Net Pension Liability was \$15,629,033 a decrease of approximately \$2.8 million from the prior year."	Requested change incorporated.
				Table 7-5 Page 51. Change "Revenue from Use of Money" to "Interest"	Requested change incorporated.
				Table 7-6 Page 52. Change Retirement Unfunded Liability to <del>\$2,110,000</del> Change Worker's compensation fund to <del>\$1,038,000</del> Change Retiree Health Benefits to <del>\$3,095,594</del> Delete Future Debt Service Change Total to <del>\$12,158,729</del> . Add Wildfire Mitigation Fund <del>\$738,000</del> .	Requested change incorporated.
Footnote 58. "Fund balances as of June 30, 2018. Novato Fire Protection District Annual Audit, Note 7" change to "Fund balances as of June 30, 2019. Preliminary Unaudited Financial Statements, Note 7"	Requested change incorporated.				

Date	Name	Title	Affiliation	Comments	Responses
Oct 10, 2019	Eric Lucan (on behalf of Novato City Council)	Mayor	City of Novato	<p><b>Global Comments</b></p> <p>1. We understand that a review of county-wide water service providers was completed in 2017 so is not a part of this report. However, it would be helpful to users, if the water district boundary was included in all applicable maps.</p> <p><b>Table of Contents</b></p> <p>2. Suggest adding an identifier to CSA No. 25; i.e., "Mount Burdell Park and Open Space."</p> <p><b>Section 3.1 Affected Public Agencies</b></p> <p>3. Roadway Services (pg. 9). In order to clarify that the City provides the majority of roadway services in the study area, please include the following language at the beginning of the second sentence, "In addition to the City of Novato, Districts ...".</p> <p><b>Section 5.1 Overview</b></p> <p>4. Table 5-1 (pg. 18). Please correct "Interim" to "Acting" as the title of our City Manager.</p> <p>5. Table 5-1 (pg. 18). Please clarify that the \$42.2 million budget is our general fund budget.</p> <p><b>Section 5.3 City Boundary and Sphere of Influence</b></p> <p>6. The City Council appreciates Marin LAFCO further examining the issues surrounding our voter-adopted Urban Growth Boundary (UGB), our Sphere of Influence Boundary (SOI) and the boundaries of the other services agencies surrounding our SOI. As a result of discussions surrounding the 2017 renewal of our UGB, City staff reached out to the utility agencies to request they recognize the City's growth boundaries in their decisions on development projects and extensions of service. Both the water and sanitary district submitted formal letters advising that they would not adopt alternate policies or enter into Memorandums of Understanding with the City. In 1997, the County Board of Supervisors took a strong position by adopting a resolution supporting the City's goals. The pertinent text of that resolution (No. 97-108) reads as follows:  "NOW THEREFORE BE IT RESOLVED that the Marin County Board of Supervisors does hereby support the City of Novato in its intentions to clearly definite limits of urban development and to encourage planned and managed growth through its efforts to establish voter approved Urban Growth Boundaries; and  NOW, THEREFORE BE IT FURTHER RESOLVED that the Marin County Board of Supervisors intends to take all appropriate steps to coordinate countywide Plan policies with City of Novato General Plan and Urban Growth Boundary policies if the Urban Growth Boundary program is approved by Novato's voters."</p> <p>Because of the Board of Supervisors' previous action, City staff currently have a courtesy agreement with Marin County staff that they will advise us of projects inside the boundary of an area that City staff designated. To date, County staff have respected that agreement and referred projects to us for comment. However, we understand the limitations of City influence that occurs when development is proposed outside of our SOI. The report's recommendation to establish a "planning area" boundary separate from either our UGB or SOI, together with formal participation agreements with the other service agencies, is one we intend to pursue in order to align our goals and processes with those of the other agencies and to fully implement our voter-adopted UGB ordinance. A copy of that ordinance is attached for your reference. We will be contacting Marin LAFCo for assistance with this effort and appreciate your support.</p> <p><b>Section 5.4 Municipal Services</b></p> <p>7. (pg. 23). As a more complete account of City-owned facilities, please strike last sentence of first paragraph of section and replace with: "City facilities encompass 50 acres of parks, including a historic cemetery, 22 athletic fields, two storm drain pump station and a public swimming pool as well as public buildings including City Hall, City Administrative offices, a police station, a corporation yard, Margaret Todd Senior Center, three museums, an art studio complex, two gymnasiums and several historical structures in City's downtown area."</p>	<p>The North Marin Water District covers the entire study region and is not able to be shown appropriately on MSR maps.</p> <p>Requested change incorporated.</p> <p>Requested change incorporated.</p> <p>Requested changes incorporated. Budget line item removed as this is not included in the summary table for other agencies and is discussed in detail in a later section.</p> <p>Comment noted, no action required.</p> <p>Requested change incorporated.</p>

Date	Name	Title	Affiliation	Comments	Responses
				8. Land Use Planning (pg. 24). The last sentence in the first paragraph of this page is inaccurate. The City has no 2019-27 draft Housing Element. The Bay Area housing cycle is 2015-23, City has an adopted Housing Element for this cycle (Cycle 5).	Language updated to respond to comment.
				9. Streets and Street Lighting (pg. 24). Because the City's capital improvement program relies upon many different funding sources of which the general fund is a part, edits can provide additional clarity as to both scope and operations of Public Works Department. We suggest replacing the first two paragraphs of section with following: <b>Paragraph 1:</b> The City's Public Works Department provides design, construction, maintenance and operation of public use facilities, including all roads and street lighting. The Public Works Director serves as the City Engineer and manages the Administrative, Engineering and Maintenance Divisions. The Department employs 55.5 full-time equivalent (FTE) positions. <b>Paragraph 2:</b> Of the \$9.5 million Public Works operating budget, approximately \$1.6 Million (16.8%) are Streets and Street Lighting expenses. Of the \$28 Million in Capital Improvement Project Expenses programmed for fiscal year 2019-20, \$19 Million (67.8%) is slated for Streets and Street Lighting related projects. This paragraph also contains a sentence fragment.	Requested change incorporated.
				10. (pg. 24). Add the following FY 2019/20 Goals: (1) Finalize Storm Drain Master Plan; (2) Develop 2020 Annual Pavement Rehabilitation Program.	Requested change incorporated.
				11. Law Enforcement (pg. 25). In the second paragraph of this section, unless there was a specific reason to reference the 2017-18 budget, we suggest a reference to the more recent 2018-19 budget. These two budget years were essentially the same as it relates to services and expenditures.	Item updated to use 2018-19 budget
				12. Law Enforcement (pg. 25). Please revise the officer count to reflect the fact that the Department now has 61 sworn personnel, including two school resource officers.	Requested change incorporated.
				13. Law Enforcement (pg. 25). Though the national per capita average of sworn officers is higher than Novato's levels, crime rates in our City are lower than the national average. We would, therefore, suggest a staffing comparison be made to other localities with similar crime rates.	Added comparison to San Rafael region.
				14. (pg. 26) footnote 19. This reference should be corrected to read fiscal year ending June 30, 2018.	Requested change incorporated. Adjusted to 208.67 FTE employees.
				<b>Section 5.7 Financial Overview</b>	Requested change incorporated.
				15. (pg. 27) Similar to the previous two comments, the City's most recent audited financial statements are for the fiscal year ending June 30, 2018.	Requested change incorporated.
				16. Revenues and Expenditures (pg. 27). References to the City's budget expenditure amounts discussed in paragraphs one and two, should be clarified as to reference only "general fund" expenditures. It also appears that the report is quoting FY 18/19 numbers but displaying FY 19/20 charts.	Clarified that budget numbers are for general fund. Updated numbers to reflect FY 19/20 budget and to be consistent with figures.
				17. Figures 5-3 and 5-4 (pg. 28). Similarly, the titles of these two tables should be edited to clarify that these figures are general fund expenditures and revenues only.	Requested change incorporated.
				<b>Section 13.2 Municipal Service Review Determinations</b>	Updated population section and included sources, per comment request.
				18. (pg. 86) Though minor in scale, the population and annual growth rate numbers are inconsistent with the ABAG numbers we rely upon for our various analyses. Novato's population in 2025 is projected to be 53,925. This is a 0.22 percent annual increase over the 2020 projection of 53,325. In addition, because this number results in a population decrease in our assumptions of current City population, we feel it is prudent to cite the source of the numbers and to be clear that these are projections only and are soon to be verified through the decennial census process.	



Date	Name	Title	Affiliation	Comments	Responses
Oct 14, 2019	R. Craig Knowlton	Board Member	Indian Valley Associates	The IVA does not agree with the blanket classification of unincorporated areas around the City of Novato as "Unincorporated Islands". Classifying Indian Valley, Black Point and Green Point this way encourages Novato to look at annexation, especially given LAFCo's own Unincorporated Island Policy. We do not disagree with the policy, but Indian Valley is not an Unincorporated Island and should not be reflected as such in the MSR, as we are not "surrounded or substantially surrounded" by incorporated cities.	The CKH Act (Government Code section 56375.3, subdivision (b)) defines "Unincorporated Islands." When considering unincorporated territory, the CKH Act uses "surrounded" or "substantially surrounded" qualifier if territory is surrounded by city or by city and a county boundary or the Pacific Ocean. Three 3 sides and at least 70% of Indian Valley territory border is contiguous with the City of Novato. 70% is a majority of the boundary and meets the "surrounded" definition.
				Indian Valley was removed from City of Novato Sphere of Influence in 2002. In the section describing Indian Valley on Page 15 of the MSR, it is incorrectly claimed that our entire neighborhood is in the City of Novato's SOI.	Indian Valley is not in Novato SOI, language on pg. 15 updated.
				The IVA does not agree with LAFCo's position that Novato should establish a "Planning Area" (MSR Page 20), to include Indian Valley. This could further complicate an already extensive permitting process currently in place with the County of Marin. The citizens of Novato voted for the Urban Growth Boundary (UGB) for a reason, and "planning areas" and "prezoning" that was described in the October 10th presentation as ways to work around the UGB are not acceptable. Our understanding of Cortese-Knox-Hertzberg is limited, but these actions appear to encourage or enable Novato to annex our areas against our wishes.	Staff is getting information to IVA so they better understand what a Planning Area is and does and will follow up with them after they have had time to review to discuss more.
				Map on Page 32 (Novato Sanitary District Map) shows the area just south of Indian Valley as "South Novato". This is incorrect.	"South Novato" removed from map.
				Maps on pages 32 and 33 show Novato Sanitary District SOI encompassing unincorporated areas, but Novato Sanitary's own documentation (website) and section 6.3 on page 34 of the MSR indicate an SOI coterminous with the outer edges of the district	LAFCo oversees SOI boundary records, which indicate that the District's SOI is <i>not</i> coterminous with the District boundary. Language in the MSR indicating otherwise has been updated. It is unclear why the District's website specifies that their SOI is coterminous. It is recommended they update their records and contact Marin LAFCo with any questions.
				Maps on Page 41 (Novato Fire Protection District Map) and Page 42 (Novato Fire Protection District Zoning) show the area just south of Indian Valley as "South Novato". This is incorrect.	"South Novato" removed from map.
Map on Page 73 (CSA No. 20 - Indian Valley Map) and Page 74 (CSA No. 20 - Indian Valley Zoning) show the area just south of Indian Valley as "South Novato". This is incorrect.	"South Novato" removed from map.				
Oct 14, 2019	Jonathan Gasson		CSA 20	Are islands listed on page 14 part of the Novato SOI? <b>From Section 4.1, page 14</b> As defined in Marin Countywide Plan and Indian Valle Specific Plan, Indian Valley is comprised of the approximately 630-acre unincorporated portion of the Novato area lying south of Mill Road between Pacheco Avenue and Trumbull Avenue, extending to the boundary of the agricultural and open space preserves to the south. <u>This entire unincorporated neighborhood is within the City of Novato's SOI.</u> <b>From Section 5.3, page 19</b> In 2002, the Commission conducted a municipal service review and sphere of influence update. The updated sphere excluded publicly owned open space as well as the Indian Valley, Black Point, and Green Point neighborhoods, reflecting the city's adopted Urban Growth Boundary (UGB)15. The Commission's 2007 update reaffirmed the 2002 sphere, recommending no change. No sphere changes have occurred since	The listed "islands" are not within the Novato SOI. Section 4.1 has been revised to remove incorrect language. Section 5.3 is correct.
Various Dates	Steve, Patricia, Peter, Michelle, Christopher & Max Berkov; Sarah Bulgatz; Louis Bartolini; Gregory Mack; Christine Hoburg; Dale Krepole; Amy Dorie; Tom & Jan Tharsing;			All concerned citizens from the unicorperated islands in the Novato Area MSR who did not want to be annexed into Novato.	All were responded to that we were modifying the section that was giving them impression of this since it was not LAFCo's intention to suggest that would be occurring.
Oct 10, 2019	Commission		Marin LAFCo	Is the City of Novato doing enough to cover pension liabilities?	The City of Novato is encouraged to consider pension funding programs outlined in Marin County Local Government Reform of Pensions and Other Post-Employment Benefits study released September 2019. Language has been added to Section 5.7, Financial Overview.
Oct 25, 2019	Susanna Mahoney		Black Point Improvement Club	Objection to Green Point and Black Point being an Unincorporared Isalnd	The CKH Act (Government Code section 56375.3, subdivision (b)) defines "Unincorporated Islands." When considering unincorporated territory, the CKH Act uses "surrounded" or "substantially surrounded" qualifier if territory is surrounded by city or by city and a county boundary or the Pacific Ocean. Based on this defination Green point is completeded surrounded and Black Point is mostly surrounded with only a small sliver tough the Bay meeting the "surrounded" definition.
				Objection to the Novato Planning area concept mentioned in report	Staff is getting information to BPIC so they better understand what a Planning Area is and does and will follow up with them after they have had time to review to discuss
				Objection to language used around island annexation and suggested alternate language.	Staff is still working with BPIC to come up with language that meets LAFCo needs and meets the needs of the community
Oct 29, 2019	Barbara Salzman	President	Marin Audubon Society	The Marin Audubon Society owns several acres within Black Point and is seeking to purchase more in an effort to protect wetland and bayland habitats. They would like it noted that a county designation is meant to limit growth and concentrate any growth within cities. They stated that the Black Point area, due to its rural nature, narrow streets, and nautral resources, is not suitable for annexation to the City of Novato.	The comments have been received and are noted. No further action is being taken at this time.

Date	Name	Title	Affiliation	Comments	Responses
Oct 31, 2019	Steve Berkov		Indian Valley Resident	<p>On Page 14, it was noted that LAFCo's official policy encouraged annexation of "islands" ...would a proposed annexation, say to NSD, require support of all parties concerned, including within both the City of Novato, as well as all Indian Valley residents?</p> <p>Marin Environmental Health Services requires yearly monitoring of newer septic systems, such as ours, on Indian Valley; however, they have expressed concern that the older systems may fail during heavy winter rains and contaminate ground water and runoff to local streams. Novato's General Land Use Policy 11 and 11.1 state that on a case-by-case basis, and more generally, if Novato determines it necessary for public health and safety, it may decide that annexing unincorporated lands to NSD may be important to addressing this problem. In that event, LAFCo can "act favorably on the City's recommendations", as has done in a few cases in past years.</p> <p>With respect to the "planning area" concern, LAFCo has recommended that "cities establish a planning area as a part of their general plan development", and "consider establishing formal agreements for processing development proposals within the area" that covers "the unincorporated lands surrounding the City", as outlined in the last two paragraphs on page 20. On page 85, under, J, Regional Considerations for Planning, LAFCo also makes a specific proposal for Novato: "Novato should work together with the County and surrounding communities to delineate a Novato Planning Area and consider establishing formal agreements for processing development proposals for this area." Clearly, development within the Indian Valley area is currently limited by lack of an NSD sewer system as well as the prohibitions outlined in the UGB Policy, but the points outlined above concern me that it may be subject to change.</p>	<p>Annexation is encouraged when there is area resident support. Annexation to NSD would require support of Indian Valley residents except in very limited circumstances, such as a health and safety concern. Language has been added to the document to reflect the need for resident support.</p> <p>Yes, this is how Marin LAFCo can act in the event of a health and safety concern.</p> <p>Inclusion in a "planning area" is not necessarily a growth indicator. Depending on planning area agreement terms, the City's involvement would likely be commenting on applications or other land use changes. An expanded discussion of this topic has been added to the document to help clarify the matter.</p>

Sent Oct. 7, 2019

2019 Draft Municipal Services Review			
Novato Fire Protection District comments include but are not limited to:			
	Section and page #	Existing Draft Statement	Comment: Correction
1	7.1 Overview 1st paragraph and multiple references throughout all of Section 7.0, page 40	Novato Fire Protection District (FPD)	Novato Fire Protection District (NFPD) <i>Throughout the document please correct all references to the Novato Fire Protection District to NFPD.</i>
2	7.1 Overview 1st paragraph, pg 40	NFD boundary encompasses 72 sq./miles	NFD boundary is approximately 71 sq./miles
3	7.1 Overview 3rd paragraph, page 40	FPD hosts an annual open house and Art and Wine Festival	NFPD hosts an annual open house and participates in and provides medical services at the Novato Chamber of Commerce Art & Wine Festival
4	7.3 DISTRICT BOUNDARY AND SPHERE OF INFLUENCE 1 <sup>st</sup> paragraph, page 43	Which currently encompasses 70 square miles	Which currently encompasses approximately 71 square miles
5	7.4 Municipal Services, page 45/46	Currently, the FPD is looking to renovate Station 62 which is also used for training. Renovations will include a new training tower and updated classrooms47.	Currently, the NFPD has completed the renovation of fire station 62's kitchen and full replacement and upgraded to the station's septic system. In addition, the fire district's training tower locate at fire station 62 is currently being replaced, and two new training classrooms are being installed with a completion date of spring of 2020.

6	7.5 Organization Structure, Page 47	The Novato FPD has a five-member board that is elected to a four-year term. Elections for Board members were previously held at large in the FPD but are now transitioning to by-district elections so that each Board member will represent a specific area within the FPD.	The Novato Fire Protection District has a five-member board that is elected to a four-year term. Elections for Board members are now by-district elections so that each Board member represents a specific defined area within the FPD.
7	7.5 Organization Structure, Page 48	According to the Board of Directors' policy (Policy 223), members are paid a sum of \$100 per	According to the Board of Directors' policy (Policy 225), members are paid a sum of \$200 per (Effective date is November 2019)
8	7.5 Organization Structure, Page 48	Currently, the FPD is seeking to fill vacancies in their RPM Division. Additional staffing positions that are desired, but do not yet have funding, are for a Wildfire Mitigation Specialist and a Training Captain.	Currently, the NFPD is seeking to fill vacancies in their RPM Division. Additional staffing positions that are desired, but do not yet have permanent funding, are additional fire inspectors, and an administrative Training Captain. 2 fulltime limited term wildfire mitigation specialists have been recently hired to complete additional defensible space inspections and structural ignitability evaluations of homes and businesses in Novato.
9	7.5 Organization Structure, Page 48	The Wildfire Mitigation Specialist would be responsible for	The Wildfire Mitigation Specialist are responsible for
10	7.7 Financial Overview,	Other sources of	Omit "impact fees."

	Page 50	revenue for the district include but are not limited to, service charges, capital grants and contributions, investment earnings, impact fees, and Office of Emergency Services reimbursements.	
11	7.8 Wildland Fire Preparedness Page 52	Add new paragraph...	<p>The deadliest and most destructive wildfires in our state’s history have occurred in recent years, and Marin’s wildlands and lush vegetation leave us particularly vulnerable. We know that fire does not respect jurisdictional boundaries and that we need immediate action and sustained commitment to better protect our community. Given the changing climate and increased risk of wildfires, NFPD have been partnering with FIREsafe Marin, fire agencies, the county, and cities and towns in Marin to develop a countywide Wildfire Prevention program and authority to coordinate and oversee the ongoing programs to make our community safer and better prepared. <u>Marin Wildfire Prevention Authority – New Marin Joint Powers Authority</u></p> <p>Consistent with the “Community Wildfire Protection Plan,” the</p>

			<p>“Lessons Learned from North Bay Fire Siege” report, and this year’s “Marin Civil Grand Jury Report on Wildfire Preparedness,” we recognize the importance of a countywide, multi-agency approach to better protect our residents.</p> <p>A countywide coalition that includes the cooperation of all Marin fire and city/town agencies and the county has proposed a new joint powers agreement (JPA) and funding measure that would raise approximately \$21 million per year dedicated to local wildfire prevention. The JPA agreement would consist of these local fire agencies, our cities and towns, and the County. The mission of the Marin Wildfire Prevention Authority would be to fund and oversee the following efforts:</p> <ul style="list-style-type: none"><li>• Wildfire detection and evacuation system improvements</li><li>• Vegetation management and fire hazard reduction</li><li>• Defensible space</li></ul>
--	--	--	---

			<p>and home hardening evaluations</p> <ul style="list-style-type: none"><li>• Public education and neighborhood wildfire preparedness</li><li>• Local specific wildfire prevention efforts</li></ul>
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sent Oct 8, 2019

2019 Draft Municipal Services Review		
Novato Fire Protection District comments include but are not limited to:		
Section and page #	Existing Draft Statement	Comment: Correction
Page 49	Under Annual Budget Review, capitalize the "T" in The	
Page 49	Of the 1% property tax, the NFPD receives an average of 17.3% which amounts to approximately \$19.5 million for FY 2017-18. The voter-approved parcel tax amount, which has no sunset date, is inflation-adjusted every year by the Board.	Of the 1% property tax, the NFPD receives an average of 14.5% which amounts to approximately \$20.3 million for FY 2017-18. The voter-approved special tax is adjusted every year for inflation based on increases in the CPI and Board approval.
Page 49, Footnote 54	Change source to County of Marin Department of Finance website, "Where Your Property Tax Dollars Go" link	
7.7 Financial Overview, Page 50	Other sources of revenue for the district include but are not limited to, service charges, capital grants and contributions, investment earnings, impact fees, and Office of Emergency Services reimbursements.	Omit "impact fees." Add "ambulance service fees"
Page 50, Paragraph 1 under "Debt", second sentence	As of June 30, 2018 the FPD had approximately \$3,315,000 in outstanding debt.	As of June 30, 2018 the FPD had approximately \$3,315,000 in outstanding debt, which included \$164,000 for ladder truck which was paid off in FY



			2018-19. Per the June 30, 2019 unaudited financial statements the District had outstanding debt of \$2,637,000.
Page 50	As of June 30, 2017, the FPD Net Pension Liability was \$18,451,828 which is a decrease of approx. \$3.3 million from the prior year	As of June 30, 2018, the NFPD Net Pension Liability was \$15,629,033 which is a decrease of approximately \$2.8 million from the prior year.	
Table 7-5 Page 51	Change "Revenue from Use of Money" to "Interest"		
Table 7-6 Page 52	Change Retirement Unfunded Liability to \$2,110,000 Change Worker's compensation fund to \$1,038,000 Change Retiree Health Benefits to \$3,095,594 Delete Future Debt Service Change Total to \$12,158,729	Add Wildfire Mitigation Fund \$738,000	
Footnote 58	Fund balances as of June 30, 2018. Novato Fire Protection District Annual Audit, Note 7	Fund balances as of June 30, 2019. Preliminary Unaudited Financial Statements, Note 7	



**CITY OF NOVATO**  
CALIFORNIA

922 Machin Avenue  
Novato, CA 94945  
415/899-8943  
FAX 415/899-8213  
*novato.org*

Mayor  
Eric Lucan  
Mayor Pro Tem  
Denise Athas  
Councilmembers  
Pam Drew  
Pat Eklund

Acting City Manager  
Adam McGill

October 11, 2019

Jason Fried  
Executive Officer  
Marin Local Agency Formation Commission  
1401 Los Gamos, Suite 220  
San Rafael, California 94903

RE: Novato Region Municipal Service Review Public Draft

Dear Mr. Fried:

On behalf of the City Council of the City of Novato, we are submitting the following comments on the draft Novato Region Municipal Service Review (hereafter "MSR") dated August 2019. Our comments are largely focused on Section 5.0, the discussion of services provided by, and issues related to, the City of Novato. Our comments follow the general order of the report and utilize the same titles and headings for ease of reference. Where applicable, we have utilized underline/strikeout formatting.

***Global Comments***

1. We understand that a review of county-wide water service providers was completed in 2017 so is not a part of this report. However, it would be helpful to users, if the water district boundary was included in all applicable maps.

***Table of Contents***

2. Suggest adding an identifier to CSA No. 25; i.e., "Mount Burdell Park and Open Space."

***Section 3.1 Affected Public Agencies***

3. *Roadway Services* (pg. 9). In order to clarify that the City provides the majority of roadway services in the study area, please include the following language at the beginning of the second sentence, "In addition to the City of Novato, Districts ...".

***Section 5.1 Overview***

4. Table 5-1 (pg. 18). Please correct "Interim" to "Acting" as the title of our City Manager.
5. Table 5-1 (pg. 18). Please clarify that the \$42.2 million budget is our general fund budget.

***Section 5.3 City Boundary and Sphere of Influence***

6. The City Council appreciates Marin LAFCO further examining the issues surrounding our voter-adopted Urban Growth Boundary (UGB), our Sphere of Influence Boundary (SOI) and the boundaries of the other services agencies surrounding our SOI.

As a result of discussions surrounding the 2017 renewal of our UGB, City staff reached out to the utility agencies to request they recognize the City's growth boundaries in their decisions on development projects and extensions of service. Both the water and sanitary district submitted formal letters advising that they would not adopt alternate policies or enter into Memorandums of Understanding with the City.

In 1997, the County Board of Supervisors took a strong position by adopting a resolution supporting the City's goals. The pertinent text of that resolution (No. 97-108) reads as follows:

“NOW THEREFORE BE IT RESOLVED that the Marin County Board of Supervisors does hereby support the City of Novato in its intentions to clearly definite limits of urban development and to encourage planned and managed growth through its efforts to establish voter approved Urban Growth Boundaries; and

NOW, THEREFORE BE IT FURTHER RESOLVED that the Marin County Board of Supervisors intends to take all appropriate steps to coordinate countywide Plan policies with City of Novato General Plan and Urban Growth Boundary policies if the Urban Growth Boundary program is approved by Novato's voters.”

Because of the Board of Supervisors' previous action, City staff currently have a courtesy agreement with Marin County staff that they will advise us of projects inside the boundary of an area that City staff designated. To date, County staff have respected that agreement and referred projects to us for comment. However, we understand the limitations of City influence that occurs when development is proposed outside of our SOI. The report's recommendation to establish a “planning area” boundary separate from either our UGB or SOI, together with formal participation agreements with the other service agencies, is one we intend to pursue in order to align our goals and processes with those of the other agencies and to fully implement our voter-adopted UGB ordinance. A copy of that ordinance is attached for your reference. We will be contacting Marin LAFCo for assistance with this effort and appreciate your support.

#### *Section 5.4 Municipal Services*

7. (pg. 23). As a more complete account of City-owned facilities, please strike the last sentence of the first paragraph of this section and replace with: “City facilities encompass fifty acres of parks, including an historic cemetery, twenty-two athletic fields, two storm drain pump station, and a public swimming pool as well as public buildings including City Hall, City Administrative offices, a police station, a corporation yard, Margaret Todd Senior Center, three museums, an art studio complex, two gymnasiums and several historical structures in the City's downtown area.”
8. Land Use Planning (pg. 24). The last sentence in the first paragraph of this page is inaccurate. The City has no 2019-27 draft Housing Element. The Bay Area housing cycle is 2015-23 and the City has an adopted Housing Element for this cycle (Cycle 5).
9. Streets and Street Lighting (pg. 24). Because the City's capital improvement program relies upon many different funding sources of which the general fund is a part, edits can provide additional clarity as to both the scope and operations of the Public Works Department. We suggest replacing the first two paragraphs of this

section with the following:

Paragraph 1: The City's Public Works Department provides design, construction, maintenance and operation of public use facilities, including all roads and street lighting. The Public Works Director serves as the City Engineer and manages the Administrative, Engineering and Maintenance Divisions. The Department employs 55.5 full-time equivalent (FTE) positions.

Paragraph 2: Of the \$9.5 million Public Works operating budget, approximately \$1.6 Million (16.8%) are Streets and Street Lighting expenses. Of the \$28 Million in Capital Improvement Project Expenses programmed for fiscal year 2019-20, \$19 Million (67.8%) is slated for Streets and Street Lighting related projects. This paragraph also contains a sentence fragment.

10. (pg. 24). Add the following FY 2019/20 Goals: (1) Finalize Storm Drain Master Plan; (2) Develop 2020 Annual Pavement Rehabilitation Program.
11. Law Enforcement (pg. 25). In the second paragraph of this section, unless there was a specific reason to reference the 2017-18 budget, we suggest a reference to the more recent 2018-19 budget. These two budget years were essentially the same as it relates to services and expenditures.
12. Law Enforcement (pg. 25). Please revise the officer count to reflect the fact that the Department now has 61 sworn personnel, including two school resource officers.
13. Law Enforcement (pg. 25). Though the national per capita average of sworn officers is higher than Novato's levels, crime rates in our City are lower than the national average. We would, therefore, suggest a staffing comparison be made to other localities with similar crime rates.
14. (pg. 26) footnote 19. This reference should be corrected to read fiscal year ending June 30, 2018.

#### ***Section 5.7 Financial Overview***

15. (pg. 27) Similar to the previous two comments, the City's most recent audited financial statements are for the fiscal year ending June 30, 2018.
16. *Revenues and Expenditures* (pg. 27). References to the City's budget expenditure amounts discussed in paragraphs one and two, should be clarified as to reference only "general fund" expenditures. It also appears that the report is quoting FY 18/19 numbers but displaying FY 19/20 charts.
17. Figures 5-3 and 5-4 (pg. 28). Similarly, the titles of these two tables should be edited to clarify that these figures are general fund expenditures and revenues only.

#### ***Section 13.2 Municipal Service Review Determinations***

18. (pg. 86) Though minor in scale, the population and annual growth rate numbers are inconsistent with the ABAG numbers we rely upon for our various analyses. Novato's population in 2025 is projected to be 53,925. This is a 0.22 percent annual increase over the 2020 projection of 53,325. In addition, because this number results

Mr. Jason Fried  
Marin LAFCo  
RE: Novato Region MSR  
10/10/2019

Page 4 of 4

in a population decrease in our assumptions of current City population, we feel it is prudent to cite the source of the numbers and to be clear that these are projections only and are soon to be verified through the decennial census process.

Thank you for the consideration and incorporation of our comments. If you have questions or need additional information, please contact our City Manager, Adam McGill at 899-8901 or [amcgill@novato.org](mailto:amcgill@novato.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Lucan', written in a cursive style.

Eric Lucan  
Mayor

cc: Adam McGill, Acting City Manager

Attachment: City of Novato Voter Adopted Urban Growth Boundary Ordinance



Jason Fried  
Executive Officer - LAFCo  
1401 Los Gamos Drive, Suite 220  
San Rafael, CA 94903

14 October 2019

Mr. Fried,

Thank you for accommodating an extended Public Comment period given the lack of notification for areas directly affected by the report. I'm confident Indian Valley Associates (IVA) will be included in any future notifications regarding LAFCo business related to our area.

While we understand that the MSR process is required every five years, several portions of the most recent Draft MSR for the Novato Region are incorrect and have generated serious concerns within Indian Valley and other unincorporated areas neighboring the City of Novato.

The IVA does not agree with the blanket classification of unincorporated areas around the City of Novato as "Unincorporated Islands". Classifying Indian Valley, Black Point and Green Point this way encourages Novato to look at annexation, especially given LAFCo's own Unincorporated Island Policy. We do not disagree with the policy, but Indian Valley is not an Unincorporated Island and should not be reflected as such in the MSR, as we are not "surrounded or substantially surrounded" by incorporated cities.

Indian Valley was removed from the Sphere of Influence of the City of Novato in 2002. In the section describing Indian Valley on Page 15 of the MSR, it is incorrectly claimed that our entire neighborhood is in the City of Novato's SOI.

The IVA does not agree with LAFCo's position that Novato should establish a "Planning Area" (MSR Page 20), to include Indian Valley. This could further complicate an already extensive permitting process currently in place with the County of Marin. The citizens of Novato voted for the Urban Growth Boundary (UGB) for a reason, and "planning areas" and "prezoning" that was described in the October 10th presentation as ways to work around the UGB are not acceptable. Our understanding of Cortese-Knox-Hertzberg is limited, but these actions appear to encourage or enable Novato to annex our areas against our wishes.

Specific additional corrections are requested as follows:

1. Map on Page 32 (Novato Sanitary District Map) shows the area just south of Indian Valley as "South Novato". This is incorrect.



*Indian Valley - Novato, California*

2. Maps on pages 32 and 33 show Novato Sanitary District SOI encompassing unincorporated areas, but Novato Sanitary's own documentation (website) and section 6.3 on page 34 of the MSR indicate an SOI coterminous with the outer edges of the district.

3. Maps on Page 41 (Novato Fire Protection District Map) and Page 42 (Novato Fire Protection District Zoning) show the area just south of Indian Valley as "South Novato". This is incorrect.

4. Map on Page 73 (CSA No. 20 - Indian Valley Map) and Page 74 (CSA No. 20 - Indian Valley Zoning) show the area just south of Indian Valley as "South Novato". This is incorrect.

Sincerely,

R. Craig Knowlton  
Indian Valley Associates

**Subject:** Re: Update on Novato MSR  
**Date:** Monday, October 14, 2019 at 1:06:46 PM Pacific Daylight Time  
**From:** Jon Gasson  
**To:** Corde, Carla, Jason Fried  
**Attachments:** image001.gif

Carla, thanks for sending the information.

Jason, it's a pleasure to meet you.

I appreciate the confusion associated with the MSR. There is conflicting information as to the Novato SOI since Sections 4.1 and 5.3 appear to present conflicting information. See below.

Questions

Are the the island listed on page 14 part of the Novato SOI?

If yes, when did this change occur?

If no, is this MSR proposing a change to the SOI?

Best,

Jon

Jonathan Gasson  
CSA 20

From Section 4.1, page 14

As defined in the Marin Countywide Plan and Indian Valle Specific Plan, Indian Valley is comprised of the approximately 630-acre unincorporated portion of the Novato area lying south of Mill Road between Pacheco Avenue and Trumbull Avenue, extending to the boundary of the agricultural and open space preserves to the south. This entire unincorporated neighborhood is within the City of Novato's SOI.

From Section 5.3, page 19

In 2002, the Commission conducted a municipal service review and sphere of influence update. The updated sphere excluded publicly owned open space as well as the Indian Valley, Black Point, and Green Point neighborhoods, reflecting the city's adopted Urban Growth Boundary (UGB)<sup>15</sup>. The Commission's 2007 update reaffirmed the 2002 sphere, recommending no change. No sphere changes have occurred since.



**Subject:** SR MSR Public Comment

**Date:** Tuesday, October 29, 2019 at 3:09:33 PM Pacific Daylight Time

**From:** Patti Berkov

**To:** Staff

My family has owned land, and lived on Indian Valley Rd. Novato, Ca, an unincorporated part of Marin County, since 1949. Along with our neighbors Sasha Vickman and Jeffrey Talbot Brady, both of 1854 Indian Valley Rd., we all have enjoyed a relatively easy and mutually respectful relationship with the city of Novato. As such, we strenuously object to the proposed changes outlined in the recent LAFCo Municipal Services Review with the proposals regarding possible annexation of the Novato Sanitary District and the creation of a proposed "planning area" which would include Indian Valley Rd. We are very concerned that such changes would significantly, and adversely, impact the established way of life that we have all enjoyed for many years here on Indian Valley Rd. Therefore we strongly request a no vote on these proposed changes.

Sincerely,

Steven Berkov, Patricia Berkov, Peter Berkov and Michelle Berkov of 1872 Indian Valley Rd., And Christopher Berkov, Sarah Bulgatz, and Max Berkov of 1876 Indian Valley Rd.

**Subject:** Fwd: Unrest at BPIC meeting as to lafco and possible annexation talk.Lou  
**Date:** Sunday, October 13, 2019 at 10:30:21 AM Pacific Daylight Time  
**From:** Arnold, Judy  
**To:** Jason Fried

Email from Blackpoint

Sent from my iPhone

Begin forwarded message:

**From:** LOUIS BARTOLINI <[REDACTED]>  
**Date:** October 12, 2019 at 11:36:52 AM PDT  
**To:** "Arnold, Judy" <JArnold@marincounty.org>  
**Subject:** Unrest at BPIC meeting as to lafco and possible annexation talk.Lou

I've read LAFCO report and while I can't find anything specific there was significant Time discussing this issue. Also the lack of notification was really upsetting. Chair found out evening before meeting. Some felt your office should of notified impacted parties if this is an upcoming issue that would have significant impact on all residences without time for public comment.

Thanks for listening .

Lou

Sent from my iPad

Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

**Subject:** FW: LAFCo

**Date:** Monday, October 14, 2019 at 9:58:06 AM Pacific Daylight Time

**From:** Arnold, Judy

**To:** Albert, Tanya

**CC:** Jason Fried

JUDY ARNOLD  
COUNTY SUPERVISOR  
DISTRICT 5  
415-473-7331

Follow me on Facebook

-----Original Message-----

From: Gregory Mack <[REDACTED]>

Sent: Monday, October 14, 2019 9:57 AM

To: Arnold, Judy <JArnold@marincounty.org>

Subject: LAFCo

Hi Judy,

Just got word from Nextdoor (not my favorite way of collecting info :- ) that Marin LAFCo is considering incorporating Loma Verde and several other unincorporated areas around/wiiothin Novato into the City of Novato. While I'm honestly not sure how I feel about this idea, I am concerned with the lack of transparency. This is the fist I've heard of this and am also hearing that it's moving very quickly, with a potential final meeting tonight.

Can you clarify how this process came about and how we can expect it to move forward? What can I do to help?

thx

Gmack

p.s. - sorry I wasn't able to chat w/you Friday - had to run to another event.

Gregory Mack  
245 Corte Colina  
Novato, CA 94949

[REDACTED] Home

[REDACTED] Mobile

[REDACTED]

Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

**Subject:** Contact Us - Form submission received

**Date:** Monday, October 14, 2019 at 3:22:27 PM Pacific Daylight Time

**From:** noreply@getstreamline.com

**To:** Staff

**Contact Us - Form submission received**

**Your name:** Christine Hoburg

**Your email:** [REDACTED]

**Subject:** Annexation of Bel Marin Keys to Novato

**Message:** Hello, I am a resident of Bel Marin Keys. I am opposed to the annexation of Bel Marin Keys to Novato. I'd be happy to provide more details upon request. Thank you, Christine

**File upload, if applicable:**

**Subject:** Contact Us - Form submission received

**Date:** Monday, October 14, 2019 at 8:23:02 PM Pacific Daylight Time

**From:** noreply@getstreamline.com

**To:** Staff

**Contact Us - Form submission received**

**Your name:** Dale Krepole

**Your email:** [REDACTED]

**Subject:** fire prevention district

It is my understanding that the County Administrator's office is pushing a March 2020 ballot measure regarding the formation of a limited scope fire prevention district. Apparently existing fire protection districts are to decide if they will join the district (JPA). If they agree to join, the ballot measure question will be presented to the voters. If voters approve then they'll be taxed accordingly. It's my understanding that the new district (or JPA) must be approved by LAFCO. As well, according to the Government Code 53970 et seq., prior voter approval is required if their district is to join into any contract with other agencies. It appears the County of Marin is attempting to ramrod this proposal without due diligence, legal authority, and without LAFCOs knowledge. You should probably contact the powers at the County to find out if everything is being done by the books. Thank you, Dale Krepole

**Message:**

**File upload, if applicable:**

**Subject:** Comment for Draft Municipal Service Review

**Date:** Tuesday, October 15, 2019 at 11:41:34 AM Pacific Daylight Time


**From:** Amy Dorie

**To:** Staff

Dear Marin LAFCO,

Thank you for your service to our communities. As a resident of Bel Marin Keys, I would like to please voice my opposition to being annexed by the city of Novato.

Thank you,  
Amy Dorie

  
Novato, CA 94949

**Subject:** Novato Annexation

**Date:** Friday, October 25, 2019 at 12:54:30 PM Pacific Daylight Time

**From:** Tom Tharsing

**To:** Staff

Hello

My wife and I live in the Indian Valley area outside the City of Novato. We have been in Indian Valley for 32 years, prior to that in the City of Novato. We moved to Indian Valley to have some land and keep our horses here at home. Being in the County affords opportunity to live a somewhat rural lifestyle. We do not want to be in the City or even the Sphere of Influence. If we were annexed the City would slowly take away our life style. Lot sizes are large here due to lack of a sewer system, we like it that way. Please re-write the section of the Municipal Services Review to be sure Indian Valley is not in the Sphere of Influence of the City of Novato or any mention of annexation.

Thank You

Tom & Jan Tharsing

~~117-111-1111~~

Novato, Ca. 94947

**Subject:** Annexation of Indian Valley

**Date:** Tuesday, October 29, 2019 at 2:11:44 PM Pacific Daylight Time

**From:** Tyna Jensen

**To:** Staff

**CC:** [REDACTED], [REDACTED], Harbo Peter Jensen

To whom it may concern,

It has come to our attention that the City of Novato is considering the annexation of Indian Valley into the city of Novato. We are strongly opposed to any such annexation or being included in the Urban Growth Boundary (UBG).

The residents of Indian Valley addressed many of these same issues in 2002 when we were removed from the Sphere of Influence from the City of Novato. Indian Valley Associates does an excellent job of communicating with and empowering the Indian Valley community to help maintain our independent rural lifestyle. We worked for, and received, Fire Wise status which is something the City of Novato has not done.

Indian Valley is a community of people not simply a geographical location on a map. Our community works together toward the common good of its residents be they human or animal.

Respectfully,

Tyna and Harbo Jensen, residents of Indian Valley since 1985

[REDACTED]  
Novato, CA 94947- 4223





## Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | MARINAUDUBON.ORG

October 29, 2019

Jason Fried, Executive Director  
LAFCO  
1401 Los Gamos Drive  
San Rafael, CA 94903

Dear Mr. Fried:

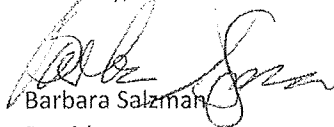
As the owner of approximately seven acres at Black Point, Marin Audubon Society submits these comments on the potential for the Black Point community to be annexed to the city of Novato. While we understand that no action can be taken on changing community jurisdictional boundaries due to Novato's urban growth boundary, we nevertheless wish to weigh in with other reasons Black Point should not be annexed.

Although sometimes blurred, the distinction between city and county jurisdiction is intended to focus development within city limits. In the case of Black Point, while there has been some development, it is still a rural-type community with considerable native woodland habitat, diked seasonal wetlands and historic baylands. Marin Audubon Society and Marin Baylands Advocates have been working to purchase and permanently protect Black Point properties, primarily seasonal wetlands and also some adjacent uplands, for many years. The properties have been purchased mainly with public donations and some grant funding as well.

Considering the wetland and woodland natural resources at Black Point, its semirural character, very narrow streets and topographic conditions, Black Point is not a community that should be targeted for increased development potential through transfer to the city of Novato.

Thank you for considering our comments and retaining them for the public record.

Sincerely,

  
Barbara Salzman  
President

Cc: Supervisor Judy Arnold



*Serving Black Point and Green Point since 1954*

Marin Local Agency Formation Commission  
1401 Los Gamos Dr, Suite 220  
San Rafael, Ca 94903

RE: Novato Municipal Services Review

October 25, 2019

Dear Commissioners,

The Black Point Improvement Club is the association of homeowners representing over 550 households in the communities of Black Point and Green Point in unincorporated Marin County. As such, LAFCo's 2019 Draft Novato Municipal Services Review is of great interest to our members. Unfortunately, we first became aware of the MSR and its contents just a few hours before the end of the public comment period and after your October 10th meeting. We appreciate the additional time now afforded to comment and hope you will consider our views when casting your votes for the final adoption of the MSR.

In the days immediately following your October meeting, leaders from BPIC, along with those from Indian Valley Associates, met with Executive Officer Fried to discuss the MSR and the growing public outcry over its potential implications for our communities. An overflow audience of concerned citizens attended and spoke at the subsequent presentation of the MSR to the Novato Sanitary District board. Mr. Fried offered assurances that despite some language to contrary in the MSR, particularly page 14, he would not recommend, nor would your commission pursue, annexation of Black Point and Green Point into the city of Novato. It is this commitment we request be clearly and without ambiguity stated in the final MSR.

We object to the identification of our community as "Unincorporated Islands" as Green Point and Black Point are not "surrounded or substantially surrounded" by the City of Novato. Should LAFCo continue to apply this classification to our communities, we find it imperative language be included in the MSR to clarify LAFCo's policy of annexing unincorporated islands will be superseded by the voters of the affected areas in this case.

In a letter dated October 23, 2019, Mr. Fried proposed some changes to the draft's language to reflect the wishes of the community. We appreciate and accept these changes with the following exception: Where it reads "LAFCo is not looking to move forward with entire island annexation" we ask it add "*partial or entire islands*". Encroachment by the City, whether piecemeal or in totality is incongruous with the area's community plan.

We agree with Indian Valley Associates' objection to the inclusion of Black Point and Green Point into the proposed "Planning Area" as stated in their letter dated October 14, 2019.

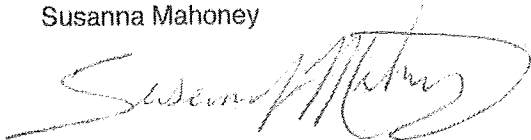
"This could further complicate an already extensive permitting process currently in place with the County of Marin. The citizens of Novato voted for the Urban Growth Boundary (UGB) for a reason, and "planning areas" and "rezoning" that was described in the October 10th presentation as ways to work around the UGB are not acceptable. Our understanding of Cortese-Knox-Hertzberg is limited, but these actions appear to encourage or enable Novato to annex our areas against our wishes."

Lastly, we feel much of the widespread fears and confusion amongst the residents in Black Point, Green Point, Bel Marin Keys, Indian Valley, and Loma Verde could have been mediated to a large extent by early inclusion of community groups in LAFCo's noticing of the public for the MSR. While we understand mass mailing is not the current practice, a simple mention on your agency's website of pending actions is inadequate to reach all affected parties. We ask you to revise your procedures to ensure future noticing is thorough, timely, and transparent.

Mr. Fried and Commissioner Arnold have been most helpful over the past few weeks and their accessibility and responsiveness are much appreciated. We look forward to ongoing dialog as it pertains to LAFCo's efforts relative to our community.

Kind regards,

Susanna Mahoney



Black Point Improvement Club  
PO Box 287, Novato, Ca 94945  
bpimprovementclub@gmail.com



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## AGENDA REPORT

December 12, 2019

Item No. 5 (Public Hearing)

**TO:** Local Agency Formation Commission

**FROM:** Jason Fried, Executive Officer

**SUBJECT:** Reorganization of Murray Park Sewer Maintenance District to Ross Valley Sanitary District (LAFCo File #1344)

### Background

In 2017, as part of the Central Marin Wastewater Services Study, LAFCo recommended the reorganization of Murray Park Sewer Maintenance District (MPSMD) to dissolve the district and annex to Ross Valley Sanitary District (RVSD). The Marin County Civil Grand Jury also issued a report in 2018 suggesting the same thing. Current LAFCo staff reached out to both MPSMD and RVSD staff to inquire about getting this moving forward. Both agencies suggested starting this process in 2019 since, by that point, RVSD was in the process of hiring a new General Manager, the lead staff person for Marin County was retiring, and a new person would be starting in January 2019. Shortly after all the new leadership was in place, LAFCo started to have discussions with both MPSMD and RVSD to work out terms of a reorganization of MPSMD into RVSD. In March 2019, with the help of Supervisor Rice, LAFCo staff met with community leaders of the Murray Park area to talk about this merger and find out what issues they may have. LAFCo then worked with the two agencies to make sure their issues were addressed and in June 2019, LAFCo staff cohosted with MPSMD and RVSD a public forum for the residents to inform them of the proposed plan and address any questions they had. Those in attendance at both meetings were mostly in support with a couple of people being more neutral because of some technical questions that could not be answered at the meeting they attended. After these meetings, LAFCo staff worked with the two agency's staffs to get everything finalized for the reorganization. All three groups then worked with Marin County Department of Finance to make sure all parts of the agreement could be implemented by them and made some minor modifications to the proposed agreement to address concerns they raised.

On September 24, 2019, the Board of Supervisors, acting as the Board of Directors for MPSMD, approved the dissolution of MPSMD and annexation to RVSD with all needed conditions. RVSD followed suit doing its approvals on October 16, 2019. Both agencies passed substantially similar resolutions and have submitted a joint application (see attachment) using government code section 56853.

MPSMD is the Lead Agency responsible for compliance with the California Environmental Quality Act and has determined that the proposed jurisdictional changes described in this resolution are categorically exempt under Article 18 Section 15320; Changes in Organization of Local Agencies. Marin LAFCo, as the responsible agency for consideration of these proposed jurisdictional changes, concurs with that determination.

#### Administrative Office

Jason Fried, Executive Officer  
1401 Los Gatos Drive, Suite 220  
San Rafael, California 94903  
T: 415-448-5877 E: staff@marinlafco.org  
www.marinlafco.org

Damon Connolly, Regular  
County of Marin

Dennis J. Rodoni, Regular  
County of Marin

Judy Arnold, Alternate  
County of Marin

Sashi McEntee, Chair  
City of Mill Valley

Sloan Bailey, Regular  
Town of Corte Madera

Barbara Coler, Alternate  
Town of Fairfax

Craig K. Murray, Vice Chair  
Las Gallinas Valley Sanitary

Lew Kious, Regular  
Almonte Sanitary District

Tod Moody, Alternate  
Sanitary District #5

Larry Loder, Regular  
Public Member

Chris Skelton, Alternate  
Public Member

The final agreement, in part, includes that all of the current ad valorem collected for MPSMD shall be given to RVSD in the future. In addition, on the date of transfer of the responsibility to RVSD of all aspects of MPSMD oversight, the fund balance that the County holds on behalf of the MPSMD shall be transferred to RVSD minus any final costs incurred by the County.

When considering an application of this nature, LAFCo needs to consider the factors in government code sections 56668 and 56668.3. This application does factor in and support several parts of section 56668. This section of government code endeavors to ensure that services being reorganized are not duplicative in nature, are considering local agency's opinions on the matter, and would support both local agency policies and LAFCo polices. Other parts of 56668 not listed above staff believes are not factors needed to consider for this particular application due to the application's intent. Those parts deal with agriculturally designated lands, transportation needs, population and density changes, general planning needs, environmental justice issues, and water supply issues.

Government code section 56668.3 has two major parts. The first part deals with applications that are submitted using government code sections 56751 or 56857. Since this application uses section 56853, this part does not pertain in this case. The second part requires the Commission to consider any objections from objections raised in protest. Since this application has the full support of both impacted agencies, the second part of 56668.3 does not need to be factored in by the Commission.

Since all local impacted or interested agencies are either supportive or neutral and this application does comply with local polices along with consolidating government services, LAFCo can state that this application follows government code sections 56668 and 56668.3.

### **Staff Recommendation for Action**

1. Staff Recommendation – Approve all attached resolutions authorizing the reorganization of MPSMD into RVSD.
2. Alternate Option - Do not approve the attached resolutions and give staff instruction on what the Commission would like to do.

#### Attachments:

- 1) Resolution 19-08
- 2) Application Materials – File 1344

**MARIN LOCAL AGENCY FORMATION COMMISSION**

RESOLUTION NO. 19-08

**RESOLUTION MAKING DETERMINATIONS AND APPROVING REORGANIZATION INCLUDING ANNEXATION OF MURRAY PARK SEWER MAINTENANCE DISTRICT TO ROSS VALLEY SANITARY DISTRICT AND DISSOLUTION OF THE MURRAY PARK SEWER MAINTENANCE DISTRICT**

**WHEREAS** a proposal for the reorganization of certain territory including Murray Park Sewer Maintenance District to be annexed to the Ross Valley Sanitary District in the County of Marin and the dissolution of the Murray Park Sewer Maintenance District has been filed with the Executive Officer of this Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code; and

**WHEREAS** said proposal was made in the form of resolutions filed by Murray Park Sewer Maintenance District and Ross Valley Sanitary District; and

**WHEREAS** pursuant to Government Code Section 56853, the affected territory is inhabited; and the affected local agency that will gain territory, Ross Valley Sanitary District and Murray Park Sewer Maintenance District have consented in writing by adopting substantially similar resolutions of applications for the reorganization and no written demand has been filed. In addition, this Commission may make determinations with respect to said application with no election as there has not been the threshold number of protests; and

**WHEREAS** a public hearing by this Commission was held on the reorganization and staff's recommendations contained in that report on the date and at the time noticed thereof, and at the hearing this Commission heard and received all oral and written testimony, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to the proposal and the Executive Officer's report; and

**WHEREAS** the Executive Officer has reviewed the application and prepared a report, including a recommendation thereon, the application and report having been presented to and considered by this Commission.

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

Section 1. The Reorganization with the boundaries, as set forth in the proposal, are hereby approved as submitted and are as described and depicted in Exhibits "A" and "B" attached hereto and by this reference incorporated herein.

Section 2. Determines the reorganization has been reviewed considering the factors for evaluation under Government Code Sections 56668 and 56668.3 as provided for in the Executive Officer's report.

Section 3. Adopt the terms and conditions as provided for in Exhibit "C" attached hereto and by this reference incorporated herein.

Section 4. The territory includes 59.418 acre, is found to be inhabited, and is assigned the following distinctive short form designation: “proposed Reorganization of the Murray Park Sewer Maintenance District including annexation to Ross Valley Sanitary District (File #1344) and dissolution of the Murray Park Sewer Maintenance District”.

Section 5. The proposal is consistent with the adopted sphere of influence of the Ross Valley Sanitary District.

Section 6. The Murray Park Sewer Maintenance District is the Lead Agency status responsible for compliance with the California Environmental Quality Act and has determined that the proposed jurisdictional changes described in this resolution are categorically exempt under Article 18 Section 15320 Changes in Organization of Local Agencies. Marin LAFCo, as the responsible agency for consideration of these proposed jurisdictional changes, concurs with that determination.

Section 7. The Executive Officer is hereby authorized to complete reorganization proceedings in the manner prescribed by Section 56853 of the Government Code.

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission on this 12<sup>th</sup> day of December, 2019, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Sashi McEntee, Chair  
Marin LAFCo

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jason Fried, LAFCo Executive Officer

\_\_\_\_\_  
Malathy Subramanian, LAFCo Counsel

Attachments to Resolution No. 19-08

- a) Exhibits A, B,C



**Marin Local Agency Formation Commission**  
Regional Service Planning | Subdivision of the State of California

**MARIN LAFCO**

**PETITION FOR PROCEEDING PURSUANT TO THE CORTESE-KNOX-HERTZBERG ACT**  
**LOCAL GOVERNMENT REORGANIZATION ACT OF 2000**

The undersigned hereby petition(s) the Marin Local Agency Formation Commission for approval of a proposed change or organization or reorganization and stipulates as follows:

1. This proposal is made pursuant to Part 3, Division 3, and Title 5 of the California Government Code (commencing with Section 56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000).
2. The specific change(s) of organization proposed (i.e. Annexation, Detachment, Reorganization, etc.) is/are the annexation of all territory of the Murray Park Sewer Maintenance District to the Ross Valley Sanitary District (RVSD).
3. The boundaries of the territory(ies) included in the proposal are as described in Exhibits "A" and "B" attached hereto and by this reference incorporated herein.
4. The territory(ies) included in the proposal is/are:  
 Inhabited (12 or more registered voters)  
 Uninhabited
5. This proposal is  or is not  consistent with the sphere(s) of influence of the affected city and/or district(s).
6. The reason(s) for the proposed Annexation (ie. Annexation, Detachment, Reorganization, etc.) is/are to consolidate two special districts in Marin County which will reduce duplicative governance costs, and will centralize operations for sewer service in Murray Park with RVSD, which is the more capable service provider.
7. The proposal is requested to be made subject to the following terms and conditions:  
 1) Existing ad valorem taxes levied on the properties in the Murray Park Sewer Maintenance District be transferred to Ross Valley Sanitary District once the reorganization is complete; 2) The Murray Park Sewer Maintenance District fund balance be transferred to Ross Valley Sanitary District once the reorganization is complete; 3) The Murray Park Sewer Maintenance District sewer fees remain at their current assessment until such time Ross Valley Sanitary District performs a rate study and subsequent adjustment.
8. The persons signing this petition have signed as:  
 Registered voters  
 Owners of the land

Print Name

Signature

Date





# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## MARIN LAFCO APPLICATION QUESTIONNAIRE

In accordance with requirements set forth in the California Government Code, the Commission must review specific factors in its consideration of this proposal. In order to facilitate the Commission's review, please respond to the following questions:

### I. GENERAL INFORMATION

3. Please check the method by which this application was initiated:

- Petition (Landowner)  
 Resolution of Application (City/Town or District)

4. Does the application possess 100% written consent of each property owner in the subject territory? Yes  No

9. A. This application is being submitted for the following boundary change:

(BE SPECIFIC: For example, "annexation," "reorganization")

Re-organization of the Murray Park Sewer Maintenance District and consolidation into  
Ross Valley Sanitary District.

B. The reason for the proposed action(s) being requested:

(BE SPECIFIC: For example, "Annexation to sewer district for construction of three homes")

Consolidation of sanitation special districts in Marin County, elimination of a small dependent special  
district in favor of recognizing Ross Valley Sanitary District as the more capable service provider.

4. State general location of proposal:

Murray Park is a neighborhood located within unincorporated Kentfield in Marin County,  
adjacent to the town of Larkspur.



**Marin Local Agency Formation Commission**  
Regional Service Planning | Subdivision of the State of California

5. Is the proposal within a city's boundaries?  
Yes \_\_\_ Which city? \_\_\_\_\_  
No X If the proposal is adjacent to a city, provide city name: Larkspur
6. Is the subject territory located within an island of unincorporated territory?  
Yes X No \_\_\_ If applicable, indicate city Marin County
7. Would this proposal create an island of unincorporated territory? Yes \_\_\_ No X  
If yes, please justify proposed boundary change: \_\_\_\_\_
8. Provide the following information regarding the area proposed for annexation:  
(Attach additional if needed)
- |  |  |
|--|--|
| A. <u>Assessor's Parcel Number(s)</u>  | <u>Site Address(es)</u>                |
| <u>See attached Exhibits A &amp; B</u> | <u>See attached Exhibits A &amp; B</u> |
| _____                                  | _____                                  |
| _____                                  | _____                                  |
| _____                                  | _____                                  |
| _____                                  | _____                                  |
- B. Total number of parcels included in this application: 92
9. Total land area in acres: 59.418 Acres more or less



**Marin Local Agency Formation Commission**  
**Regional Service Planning | Subdivision of the State of California**

**III. ENVIRONMENT**

1. Is the site presently zoned or, designated for, or engaged in agricultural use?

Yes \_\_\_\_\_ No  X

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

2. Will the proposal result in a reduction of public or private open space?

Yes \_\_\_\_\_ No  X

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

3. Will service extension accomplished by this proposal induce growth in:

- |                    |           |               |                |
|--------------------|-----------|---------------|----------------|
| A. This site?      | Yes _____ | No _____      | N/A <u> X </u> |
| B. Adjacent sites? | Yes _____ | No _____      | N/A <u> X </u> |
| C. Unincorporated? | Yes _____ | No <u> X </u> |                |
| D. Incorporated?   | Yes _____ | No <u> X </u> |                |

4. State general description of site topography:  Hilly   
\_\_\_\_\_  
\_\_\_\_\_

5. Indicated Lead Agency for this project:  Murray Park Sewer Maintenance District, care of County of Marin   
\_\_\_\_\_

6. Indicate Environmental Determination by Lead Agency:  Exempt   
with respect to (indicate project)  Reorganization of the Murray Park Sewer Maintenance District   
Dated:  9/30/19 (Filed)

**(COPY OF ENVIRONMENTAL DOCUMENTS MUST BE SUBMITTED WITH APPLICATION.)**



**III. INDEMNIFICATION AGREEMENT**

As part of this Application, Applicant and its successors and assigns, shall indemnify, defend and hold harmless, LAFCo, its officials, officers, employees, agents, representatives, contractors and assigns from and against any and all claims, demands, liability, judgments, damages (including consequential damages), awards, interests, attorneys’ fees, costs and expenses of whatsoever kind or nature, at any time arising out of, or in any way connected with any legal challenges to or appeals associated with LAFCo’s review and/or approval of the Application (collectively, “Indemnification Costs”). Applicant’s obligation to indemnify, defend and hold harmless LAFCo, its officials, officers, employees, agents, representatives, contractors and assigns under this Agreement shall apply regardless of fault, to any acts or omissions, or negligent conduct, whether active or passive, on the part of the Applicant, LAFCo, its officials, officers, employees, agents, representatives, contractor or assigns. Applicant’s obligation to defend LAFCo, its officials, officers, employees, agents, representatives, contractor or assigns under this Agreement shall be at Applicant’s sole expense and using counsel selected or approved by LAFCo in LAFCo’s sole discretion.

In the event of a lawsuit, Applicant will be notified by LAFCo within three (3) business days of being served. An invoice will be submitted to the Applicant by LAFCo for an amount between \$10,000 and \$25,000 to cover a portion of the Indemnification Costs (“Reserve”), which shall depend upon the estimated cost to resolve the matter and shall be determined in LAFCo’s sole discretion. Applicant shall pay the Reserve to LAFCo within seven (7) calendar days of LAFCo’s request. The Reserve shall be applied against LAFCo’s final bill for the Indemnification Costs, with any unused portion to be returned to Applicant. LAFCo shall bill Applicant month for the Indemnification Costs, which shall be paid to LAFCo no later than 15 calendar days after receipt of LAFCo’s bill. LAFCo may stop defending the matter, if at any time LAFCo has not received timely payment of the Reserve and/or the Indemnification Costs. This will not relieve Applicant of any of its obligations pursuant to this Agreement.

As the Applicant I hereby attest with signature,

  
\_\_\_\_\_  
Applicant Signature

Anthony Williams  
\_\_\_\_\_  
Print Name

10-10-19  
\_\_\_\_\_  
Date

Assistant Director  
\_\_\_\_\_  
Title



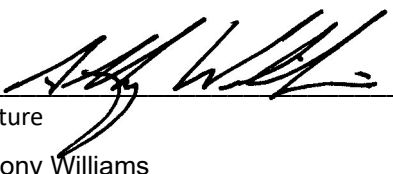
**Marin Local Agency Formation Commission**  
**Regional Service Planning | Subdivision of the State of California**

6. Describe financial arrangements for construction and operation of services extended to the affected territory. Will the territory be subject to any special taxes, charges or fees? (If so, please specify.)

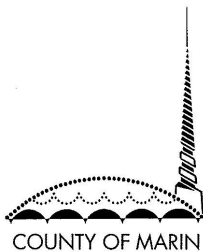
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This section completed by:

  
\_\_\_\_\_  
Signature  
Anthony Williams  
\_\_\_\_\_  
Print Name  
TWilliams@marincounty.org  
\_\_\_\_\_  
Contact Email

Assistant Director  
\_\_\_\_\_  
Title  
County of Marin, Department of Public Works  
\_\_\_\_\_  
Agency  
(415) 473-6432  
\_\_\_\_\_  
Contact Number



# DEPARTMENT OF PUBLIC WORKS

Quality, Excellence, Innovation

October 14, 2019

Raul M. Rojas  
DIRECTOR

Marin Local Agency Formation Commission  
1401 Los Gamos, Suite 220  
San Rafael, CA 94903  
Attention: Jason Fried, Executive Officer

Administration  
PO Box 4186  
San Rafael, CA 94913-4186  
415 473 6528 T  
415 473 3799 F  
415 473 3232 TTY  
CRS Dial 711  
[www.marincounty.org/pw](http://www.marincounty.org/pw)

Subject Adopted Resolution of Application by the Murray Park Sewer Maintenance District Requesting the Marin Local Agency Formation Commission to Initiate Proceedings for Reorganization of Territory

Dear Mr. Fried:

Attached please find the subject resolution from the Murray Park Sewer Maintenance (MPSMD) Board of Supervisors (serving as the MPSMD Board of Directors). This letter serves as a final part of the application from the MPSMD requesting the initiation of proceedings by your Commission under Section 56853 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Included with the subject adopted Resolution (Resolution No. 2019-114) are three exhibits: Exhibits A and B are the legal description and boundary maps for the MPSMD; and Exhibit C is a Fund Balance Transfer Agreement between MPSMD and Ross Valley Sanitary District. Also included with this letter is the Marin Local Agency Formation Commission's Application.

If there is any additional information that is needed or if we can help expedite this process, please don't hesitate to contact me. I am available via email at [twilliams@marincounty.org](mailto:twilliams@marincounty.org) or by phone at (415) 473-6432.

Respectfully,

Anthony Williams, P.E.  
Assistant District Engineer  
Murray Park Sewer Maintenance District

Attachments:

- 1) Resolution 2019-114 Application by the Murray Park Sewer Maintenance District Requesting Marin Local Agency Formation Commission to Initiate Proceedings for Reorganization of Territory (including exhibits)
- 2) Marin LAFCo Application

cc: Steven Moore, General Manager, RVSD

Accounting

Airport

Building Maintenance

Capital Projects

Certified Unified Program  
Agency (CUPA)

Communications  
Maintenance

County Garage

Disability Access

Engineering & Survey

Flood Control &  
Water Resources

Land Development

Purchasing

Real Estate

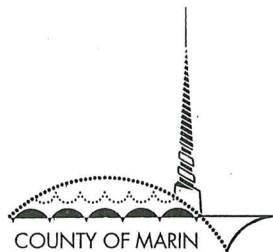
Reprographic Services

Road Maintenance

Stormwater Program

Transportation &  
Traffic Operations

Waste Management



# DEPARTMENT OF PUBLIC WORKS

Raul M. Rojas  
DIRECTOR

September 24, 2019

Administration  
PO Box 4186  
San Rafael, CA 94913-4186  
415 473 6528 T  
415 473 3799 F  
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Board of Supervisors  
County of Marin  
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Transportation &  
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Waste Management

**SUBJECT:** Public Hearing and Resolution of Application by the Murray Park Sewer Maintenance District Requesting the Marin Local Agency Formation Commission to Initiate Proceedings for Reorganization of Territory

Dear Board Members:

**RECOMMENDATION:** 1) Conduct a public hearing, consider protests, if any; 2) adopt the Resolution of Application; and 3) approve and execute the Fund Balance Transfer agreement.

**BACKGROUND:** The Murray Park Sewer Maintenance District (MPSMD) was established in 1949. The Marin County of Board of Supervisors acts as Board of Directors for the MPSMD, classifying it as a dependent special district. The Marin County Department of Public Works (DPW) provides overall management and administration of MPSMD. However, because DPW doesn't have the appropriate in-house resources or specialized equipment, annual operation and maintenance has been provided by the Ross Valley Sanitary District since 1993 through annual procurement of those services. Prior to 1993, MPSMD was maintained by the City of Larkspur under contract. DPW does manage and complete capital improvement projects as needed.

The MPSMD system is limited to a sewer collection network that consists of approximately 5,500 linear feet of gravity sewer pipe serving 89 parcels for a total of 92 living units. The system drains into the surrounding collection network owned and operated by the Ross Valley Sanitary District which provides the final transmission of the collected sewer. Eventual sewage treatment is provided by Central Marin Sanitation Agency (CMSA).

**SUMMARY:** Consolidation of sanitation special districts in Marin County has been part of an ongoing discussion of governance throughout the state of California. Several key reports have been developed over the years addressing special district governance conditions in Marin County dating back to 2005. Specifically, the following reports have addressed the need to consolidate sanitation districts in Marin County:

Quality, Excellence, Innovation  
**APPROVED**

**SEPT 24, 2019**

MARIN COUNTY  
BOARD OF SUPERVISORS OF  
THE MURRAY PARK SEWER  
MAINTENANCE DISTRICT

1. In 2005, the Central Marin Sanitation Agency, and its member districts commissioned a report titled "*Central Marin Regionalization Scenarios Evaluation*".
2. In 2014, the Marin County Civil Grand Jury published a two-part report entitled the "Scoop on Marin County Sewer Systems".
3. In 2016 and 2017, the Little Hoover Commission analyzed 2,071 of California's independent special districts and reviewed the state's role and responsibility in overseeing them. In 2017 the Commission produced the report "*Special Districts: Improving Oversight and Transparency*".
4. In July 2017, Marin Location Agency Formation Commission (LAFCo) published the "*Central Marin Wastewater Services Study*" which included the results of the wastewater services review.
5. In April 2018, the Marin County Civil Grand Jury (Grand Jury) published the "*Consolidation of Sanitation Districts*" report.

One of the explicit findings of the 2017 LAFCo study was the recommendation to reorganize MPSMD into the Ross Valley Sanitary District (RVSD). This recommendation was based primarily on the benefit of elimination of a relatively small dependent special district governed by the County of Marin and operating under antiquated statutes, in favor of recognizing RVSD as the preferred and more capable service provider going forward. The number one recommendation of the 2018 Grand Jury report was for Marin LAFCo to complete the planned reorganization of MPSMD and RVSD.

#### Funding Considerations

As of the end of Fiscal Year 2018-19, the MPSMD fund balance (Munis Fund 3010) was \$310,315. As further described below, the revenue collected from property owners in the MPSMD boundary is a combination of property tax increment and a sewer service fee.

The average annual revenue per living unit is approximately \$972 and the annual operation and maintenance cost through RVSD has been just over \$900 per living unit in recent years. Administration and management by DPW are additional annual expenses. This leaves very little funds on an annual basis to perform any necessary capital improvements. Despite a relatively healthy fund balance, major capital improvements over the next 5 to 10 years would exhaust reserves and exceed annual revenue. For example, replacing the sewer pipe network in the system is estimated to cost over one and half million dollars (>\$1.5M), which significantly exceeds available funds and therefore would require a significant sewer fee increase.

Currently, property owners within the MPSMD boundary are assessed a sewer service fee of \$472 per year. In addition, a portion of the basic 1% property tax authorized under Proposition 13 is allocated to MPSMD. If annexation of MPSMD were to proceed, the current ad valorem tax would continue to be assessed; however, it would be transferred to RVSD. No other portion of the ad valorem property tax would be affected by this reorganization.



The proposed consolidation of MPSMD into RVSD, both of which are special districts, would include a transfer of only the portion of property taxes currently allocated to the MPSMD for its operations and not affect any other tax revenue that is allocated to the County of Marin.

#### Conditions of Annexation

There are several key conditions regarding the current tax and sewer fees assessed to the property owners within the MPSMD boundary and the proposed reorganization. Those conditions include the transfer of the existing ad valorem taxes and fees levied on the properties - as well as the existing fund balance of previously collected taxes and fees to RVSD once the reorganization is completed. In addition, as a condition of the reorganization, the MPSMD sewer fees will remain at their current assessment until such time as RVSD performs a rate study for subsequent adjustment of those fees. Adoption of the attached Resolution and subsequent actions by LAFCo would result in actions by the Marin County Assessor and the Marin County Department of Finance in its capacity as the County Auditor-Controller, pursuant to Revenue and Taxation Code Section 99, to transfer all ad valorem property tax from MPSMD to RVSD.

#### Community Input

On June 4, 2019, a Community Information Meeting was held jointly by the MPSMD, LAFCo, and the RVSD to discuss the history of the two sanitary agencies as well as a proposed consolidation of the two. The meeting included a presentation by staff as well as a question and answer period for members of the public. At today's hearing, your Board will consider any written and oral objections to the proposed reorganization, and then will determine if approval of a resolution requesting LAFCo to initiate proceedings for reorganization is in order. A legal notice for today's hearing was published twice in the *Marin Independent Journal* newspaper pursuant to Government Code Section 6066.

RVSD is also holding a similar process, which included a public hearing at its October 16, 2019, RVSD Board meeting. Once both MPSMD and RVSD jointly submit an application to LAFCo, LAFCo will notice and conduct a hearing on the matter where the public will again be given an opportunity to comment. Depending on public comment received at MPSMD, RVSD, or LAFCo meetings, additional public hearings or meetings may be held as desired by any of three boards.

By adopting the attached Resolution, the Board of Directors is formally requesting initiation of the proceedings to reorganize the MPSMD into the RVSD under LAFCo's authority. It is important to note that if the reorganization is formalized, the MPSMD would subsequently dissolve and no longer exist as a dependent special district of the County of Marin. Under this process, MPSMD assumes the Lead Agency status responsible for compliance with the California Environmental Quality Act (CEQA) and has determined that the proposed jurisdictional changes described in this Resolution are categorically exempt under Article 18 Section 15320, Changes in Organization of Local Agencies, of the Act.

If the reorganization is approved by LAFCo later this year, it will be submitted to the State Board of Equalization (BOE) after the current year deadline for the BOE to finalize the reorganization through its annual process. Therefore, the reorganization will not be finalized through the BOE until fiscal year 2021. However, by approving the Fund Balance Transfer Agreement (Exhibit C to the Resolution), RVSD will assume all responsibilities of the

MPSMD after approval by the Marin LAFCo and the funds will be transferred as set forth in the Fund Balance Transfer Agreement.

**FISCAL IMPACT:** MPSMD is a dependent special district that receives revenue from ad valorem property tax increment and sewer fees from the property owners located within the MPSMD boundary (Fund 3010).

Should the reorganization be completed, the existing fund balance of previously collected taxes and fees would be transferred to RVSD. As of the end of Fiscal Year 2018-19, the MPSMD fund balance (Munis Fund 3010) was \$310,315. In addition, ad valorem property tax would be transferred to RVSD for operations. As such MPSMD would cease to exist as a dependent special district of the County of Marin and would become part of RVSD. Adoption of the Resolution will result in no impact to the County General Fund.

<b>REVIEWED BY:</b>	<input checked="" type="checkbox"/> Department of Finance	<input type="checkbox"/> N/A
	<input checked="" type="checkbox"/> County Counsel	<input type="checkbox"/> N/A
	<input type="checkbox"/> Human Resources	<input checked="" type="checkbox"/> N/A
	<input checked="" type="checkbox"/> County Administrator	<input type="checkbox"/> N/A

Respectfully submitted,



Anthony Williams, P.E.  
Assistant District Engineer  
Murray Park Sewer Maintenance District

Attachment:

Resolution 2019-\_\_\_ Application by the Murray Park Sewer Maintenance District Requesting Marin Local Agency Formation Commission to Initiate Proceedings for Reorganization of Territory

cc: Jason Fried, Executive Officer, LAFCo  
Steven Moore, General Manager, RVSD  
Roy Given, Department of Finance, Auditor-Controller  
Josh Swedberg, County Administrator's Office  
Betsy Swenerton, Department of Public Works  
Qiana Davis, Department of Public Works



**RESOLUTION NO. 2019-114**  
**A RESOLUTION OF APPLICATION BY THE MURRAY PARK SEWER MAINTENANCE DISTRICT REQUESTING THE MARIN LOCAL AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS FOR REORGANIZATION OF TERRITORY**

**WHEREAS**, the Murray Park Sewer Maintenance District desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for a reorganization which would concurrently annex all of the territory of the Murray Park Sewer Maintenance District to the Ross Valley Sanitary District and dissolve the Murray Park Sewer Maintenance District; and

**WHEREAS**, notice of intent to adopt this resolution of application has been given, and this Board has conducted a public hearing based upon this notification; and

**WHEREAS**, the principal reasons for the proposed reorganization are as follows: 1). Consolidation of sanitation special districts in Marin County has been an ongoing discussion of governance throughout the state of California for many years; 2). Several key reports have been developed over the years addressing special district governance conditions in Marin County dating back to 2005; 3). The July 2017 Marin Local Agency Formation Commission report titled *Central Marin Wastewater Services Study* recommended a reorganization of the Murray Park Sewer Maintenance District into the Ross Valley Sanitary District based primarily on the benefit of eliminating of a relatively small dependent special district governed by the County of Marin and operating under antiquated statutes, in favor of recognizing the Ross Valley Sanitary District as the preferred and more capable service provider; and 4). The number one recommendation of the April 2018 Marin County Civil Grand Jury Report titled "*Consolidation of Sanitation Districts*" was the reorganization of Murray Park Sewer Maintenance District with the Ross Valley Sanitary District; and

**WHEREAS**, the following agency or agencies would be affected by the proposed jurisdictional changes:

<u>Agency</u>	<u>Nature of Change</u>
Murray Park Sewer Maintenance District	Annexation to Ross Valley Sanitary District and Dissolution of Murray Park Sewer Maintenance District
Ross Valley Sanitary District	Annexation of Murray Park Sewer Maintenance District

and,

**WHEREAS**, the territory proposed to be reorganized is inhabited, and a map and description of the boundaries of the territory are attached hereto as Exhibits A & B and by this reference incorporated herein; and

**WHEREAS**, it is desired to provide that the proposed reorganization be subject to the following terms and conditions: 1) existing ad valorem taxes levied on the properties in the Murray Park Sewer Maintenance District will be transferred to Ross Valley Sanitary District once the reorganization is complete; 2) The Murray Park Sewer Maintenance District fund balance be

transferred to Ross Valley Sanitary District once the reorganization is complete; 3) The Murray Park Sewer Maintenance District sewer fees remain at their current assessment until such time Ross Valley Sanitary District performs a rate study and subsequent adjustment; and

**WHEREAS**, in accordance with Tax and Revenue Code Section 99, the Marin County Assessor shall provide to the Marin County Department of Finance in its capacity as the County Auditor-Controller), within 30 days of the of the adoption of a reorganization by the Marin Local Agency Formation Commission, a report which identifies the assessed valuations for the territory subject to the jurisdictional change and the tax rate area or areas in which the territory exists. The Marin County Auditor shall estimate the amount of property tax revenue generated within the territory that is the subject of the jurisdictional change during the current fiscal year, and the Marin County Auditor shall estimate what proportion of the property tax revenue is attributable to each agency pursuant to Tax and Revenue Code Sections 96.1 and 96.5; and

**WHEREAS**, within 45 days of adoption of a reorganization by the Marin Local Agency Formation Commission, the County Auditor shall notify the governing body of each agency the amount of, and allocation factors with respect to, property tax revenue estimated that is subject to a negotiated exchange. Upon receipt of the estimates the agencies shall commence negotiations to determine the amount of property tax revenues to be exchanged between and among the agencies. Except as otherwise provided, this negotiation period shall not exceed 60 days. If one of the local agencies involved in these negotiations notifies the other local agency, the County Auditor, and the Marin Local Agency Formation Commission in writing of its desire to extend the negotiating period, the negotiating period shall be 90 days; and

**WHEREAS**, the tax exchange will be limited to an exchange of property tax revenues from the annual tax increment generated in the area subject to the jurisdictional change and attributable to the agencies described above whose service area or service responsibilities will be altered by the proposed jurisdictional change; and

**WHEREAS**, as described above the existing fund balance for the Murray Park Sewer Maintenance District shall be transferred to the Ross Valley Sanitary District in accordance with the Agreement attached hereto as Exhibit C; and

**WHEREAS**, the parties understand that if the reorganization is approved by Marin Local Agency Formation Commission it will be submitted to the Board of Equalization after the deadline for the Board of Equalization to finalize the reorganization through its annual process and such process will not be finalized until fiscal year 2021, nevertheless, the SANITARY DISTRICT will assume all responsibilities of the SEWER DISTRICT after approval by the Marin Local Agency Formation Commission and the SEWER DISTRICT will transfer funds as set forth herein in Exhibit C; and

**WHEREAS**, this proposal is consistent with the adopted spheres of influence for the agencies subject to this reorganization; and,

**WHEREAS**, the Murray Park Sewer Maintenance District would cease to exist as a dependent special district of the County of Marin and would become part of the Ross Valley Sanitary District; and,

**WHEREAS**, the Murray Park Sewer Maintenance District assumes the Lead Agency status responsible for compliance with the California Environmental Quality Act and has determined that the proposed jurisdictional changes described in this Resolution is categorically exempt under Article 18 Section 15320 *Changes in Organization of Local Agencies*.



Date: July 30, 2019  
File: 1910117

**EXHIBIT 'A'**  
**RESOLUTION No. 2019- 114**  
**MURRAY PARK SEWER MAINTENANCE DISTRICT (MPSMD) RESOLUTION No. 1719**  
**ANNEXATION INTO ROSS VALLEY SANITARY DISTRICT (RVSD)**  
**(LAFCO FILE No. \_\_\_\_\_)**

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE TOWN OF LARKSPUR, COUNTY OF MARIN AND STATE OF CALIFORNIA BEING THE MURRAY PARK SEWER MAINTENANCE DISTRICT PER RESOLUTION NO. 1719 DATED AUGUST 1, 1949 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 29 AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF KENT SUBDIVISION No. 1" RECORDED IN BOOK 5 OF RECORD MAPS, PAGE 66, MARIN COUNTY RECORDS; THENCE NORTH 64°00'00" EAST, A DISTANCE OF 445.00 FEET (L1) TO THE NORTHWESTERLY CORNER OF THE LANDS OF CUNNINGHAM AS SHOWN ON 24 OS 63;

THENCE ALONG SAID 24 OS 63 THE FOLLOWING COURSES AND DISTANCES:

SOUTH 26°00'00" EAST, A DISTANCE OF 12.50 FEET (L2);

NORTH 64°00'00" EAST, A DISTANCE OF 20.08 FEET (L3);

SOUTH 34°43'41" EAST, A DISTANCE OF 118.58 FEET (L4);

NORTH 86°53'19" EAST, A DISTANCE OF 162.15 FEET TO THE WESTERLY RIGHT OF WAY OF ESTELLE AVENUE (L5);

THENCE ALONG SAID WESTERLY LINE OF ESTELLE THE FOLLOWING COURSES AND DISTANCES:

SOUTH 22°00'00" WEST, A DISTANCE OF 142.80 FEET (L6);

SOUTH 12°17'00" WEST, A DISTANCE OF 106.87 FEET (L7);

SOUTH 06°17'00" WEST, A DISTANCE OF 46.17 FEET (L8);

THENCE LEAVING SAID WESTERLY LINE OF ESTELLE AVE, SOUTH 45°02'14" EAST A DISTANCE OF 64.00 FEET (L9) TIE TO THE SOUTHEASTERLY CORNER OF THE ESTELLE AVENUE AND HILLCREST AVENUE INTERSECTION AS SHOWN ON THAT CERTAIN MAP ENTITLED "MURRAY TRACT SUBDIVISION ONE" RECORDED IN BOOK 4 OF RECORD MAPS, PAGE 73 (4 RM 73);

THENCE ALONG THE SOUTHERLY LINE OF HILLCREST AVENUE AS SHOWN ON 4 RM 73, SOUTH 83°40'00" EAST, A DISTANCE OF 129.22 FEET (L10);

THENCE SOUTH 12°10'00" EAST, A DISTANCE OF 135.25 FEET (L11);

THENCE NORTH 75°13'02" EAST, A DISTANCE OF 9.98 FEET (L12);

THENCE NORTH 89°00'00" EAST, A DISTANCE OF 41.55 FEET (L13);

SOUTH 10°55'00" WEST, A DISTANCE OF 104.44 FEET (L14) TO THE NORTHERLY LINE OF BAYO VISTA AVENUE PER 4 RM 73;

THENCE LEAVING THE NORTHERLY LINE OF BAYO VISTA AVENUE, SOUTH 43°09'03" EAST, A DISTANCE OF 57.44 FEET (L15) TO THE SOUTHERLY LINE OF BAYO VISTA AND THE EASTERLY CORNER OF LOT 17 ON SAID 4 RM 73;

THENCE ALONG THE EASTERLY LINE OF LOT 17, 4 RM 73, SOUTH 19°54'00" WEST, A DISTANCE OF 100.95 FEET (L16) TO THE NORTHERLY LINE OF FRANCES AVENUE ON SAID 4 RM 73

THENCE ALONG SAID NORTHERLY LINE OF FRANCES AVENUE THE FOLLOWING COURSES AND DISTANCES:

SOUTH 40°50'00" EAST, A DISTANCE OF 72.00 FEET (L17);

SOUTH 83°55'00" EAST, A DISTANCE OF 51.10 FEET (L18);

THENCE LEAVING SAID NORTHERLY LINE OF FRANCES AVENUE, SOUTH 26°22'33" EAST, A DISTANCE OF 51.24 FEET (L19) TO THE SOUTHERLY LINE OF FRANCES AVENUE AND THE NORTHWESTERLY CORNER OF LOT 2 ON SAID 4 RM 73;

THENCE ALONG THE WESTERLY LINE OF SAID LOT 2, SOUTH 09°26'00" EAST, A DISTANCE OF 140.70 FEET (L20) TO THE SOUTHWESTERLY CORNER AND THE NORTHERLY LINE OF BRIAR ROAD;

THENCE SOUTH 14°55'00" EAST, A DISTANCE OF 40.75 FEET (L21) TO THE NORTHEASTERLY CORNER OF PARCEL 1 PER 5 PM 98;

THENCE ALONG THE EASTERLY LINES OF SAID PARCEL 1, 5 PM 98 THE FOLLOWING COURSES AND DISTANCES:

SOUTH 07°08'00" EAST, A DISTANCE OF 83.00 FEET (L22);

SOUTH 24°58'17" EAST, A DISTANCE OF 55.33 FEET (L23);

SOUTH 61°23'47" WEST, A DISTANCE OF 104.71 FEET (L24);

THENCE LEAVING SAID PARCEL 1 OF 5 PM 98; ALONG THE EASTERLY LINE OF THE LANDS OF ARPEGGIO AS SHOWN ON 2017 OS 119; SOUTH 34°00'00" EAST, A DISTANCE OF 83.70 FEET (L25) TO THE NORTHERLY LINE OF UPPER BRIAR ROAD;

THENCE SOUTH 12°42'40" WEST, A DISTANCE OF 153.91 FEET (L26) TO THE SOUTHERLY LINE OF SAID UPPER BRIAR ROAD AND THE NORTHERLY CORNER OF LOT 17 OF 4 RM 73;

THENCE ALONG THE NORTHERLY LINE OF SAID LOT 17 OF 4 RM 73, SOUTH 71°35'00" EAST, A DISTANCE OF 121.50 FEET (L27) TO THE WESTERLY LINE OF MURRAY AVE;

THENCE SOUTH 37°03'43" EAST, A DISTANCE OF 60.33 FEET (L28) TO THE EASTERLY LINE OF SAID MURRAY AVE AND THE NORTHERLY CORNER OF THE LANDS OF CATINELLA AS SHOWN ON 2004 OS 25;

THENCE ALONG THE NORTHERLY LINES OF SAID 2004 OS 25 THE FOLLOWING COURSES AND DISTANCES:

SOUTH 26°35'00" EAST, A DISTANCE OF 50.38 FEET (L29);

SOUTH 19°34'00" EAST, A DISTANCE OF 84.32 FEET (L30);

SOUTH 46°04'00" EAST, A DISTANCE OF 205.99 FEET (L31);

SOUTH 66°04'00" EAST, A DISTANCE OF 6.06 FEET (L32);

SOUTH 41°55'00" WEST, A DISTANCE OF 136.86 FEET (L33) TO THE EASTERLY LINE OF FERN ROAD AS SHOWN ON 4 RM 73;

THENCE ALONG SAID EASTERLY LINE OF FERN ROAD THE FOLLOWING COURSES AND DISTANCES:

SOUTH 48°05'00" EAST, A DISTANCE OF 52.90 FEET (L34);

SOUTH 32°25'00" EAST, A DISTANCE OF 105.50 FEET (L35);

SOUTH 22°25'00" EAST, A DISTANCE OF 113.00 FEET (L36);

SOUTH 00°25'00" EAST, A DISTANCE OF 77.00 FEET (L37) TO THE NORTHWESTERLY CORNER OF PARCEL 2 PER 11 PM 88;

THENCE ALONG SAID PARCEL 2 OF 11 PM 88 THE FOLLOWING COURSES AND DISTANCES:

NORTH 89°35'00" EAST, A DISTANCE OF 67.84 FEET (L38);

NORTH 55°50'00" EAST, A DISTANCE OF 82.24 FEET (L39);

SOUTH 38°08'00" EAST, A DISTANCE OF 21.04 FEET (L40);

SOUTH 72°32'00" EAST, A DISTANCE OF 20.00 FEET (L41);

SOUTH 17°28'00" WEST, A DISTANCE OF 80.21 FEET (L42);

SOUTH 01°28'00" WEST, A DISTANCE OF 70.05 FEET (L43);

SOUTH 67°28'00" WEST, A DISTANCE OF 29.11 FEET (L44) TO THE EASTERLY LINE OF ROCK RIDGE ROAD;

THENCE ALONG SAID ROCK RIDGE ROAD, SOUTH 28°48'00" EAST, A DISTANCE OF 237.80 FEET (L45);

THENCE SOUTH 68°45'00" WEST, A DISTANCE OF 1017.91 FEET (L46) TO THE SOUTHEASTERLY CORNER OF PARCEL 2 ON 12 PM 83;



THENCE ALONG SAID PARCEL 2 ON 12 PM 83 THE FOLLOWING COURSES AND DISTANCES:

SOUTH 67°49'03" WEST, A DISTANCE OF 272.91 FEET (L47);

NORTH 09°20'13" WEST, A DISTANCE OF 264.24 FEET (L48);

NORTH 17°08'44" WEST, A DISTANCE OF 418.40 FEET (L49);

NORTH 17°39'59" WEST, A DISTANCE OF 218.72 FEET (L50);

NORTH 10°41'12" EAST, A DISTANCE OF 413.20 FEET (L51) TO THE EASTERLY CORNER OF PARCEL 1 ON 2004 OS 2;

THENCE ALONG THE EASTERLY LINE OF SAID 2004 OS 2, NORTH 24°43'10" WEST, A DISTANCE OF 352.44 FEET (L52) TO THE SOUTHEASTERLY CORNER OF LANDS OF WISENBAKER AS SHOWN ON 2015 OS 100;

THENCE ALONG SAID 2015 OS 100 THE FOLLOWING COURSES, DISTANCES AND CURVES:

SOUTH 65°11'51" WEST, A DISTANCE OF 8.34 FEET (L53) TO A NON TANGENT CURVE TO THE LEFT WHOSE CENTER BEARS SOUTH 69°28'28" WEST;

ALONG SAID NON-TANGENT CURVE TO THE LEFT, WITH A RADIUS OF 140.00 FEET, THROUGH A CENTRAL ANGLE OF 30°00'58", AND AN ARC LENGTH OF 73.34 FEET (C1);

NORTH 50°32'30" WEST, A DISTANCE OF 120.97 FEET (L54);

NORTH 56°14'00" WEST, A DISTANCE OF 36.65 FEET (L55) TO A CURVE TO THE RIGHT;

ALONG SAID CURVE TO THE RIGHT, WITH A RADIUS OF 30.00 FEET; THROUGH A CENTRAL ANGLE OF 53°12'00", AND AN ARC LENGTH OF 27.86 FEET (C2);

NORTH 03°02'00" WEST, A DISTANCE OF 120.28 FEET (L56) TO A CURVE TO THE LEFT;

ALONG SAID CURVE TO THE LEFT, WITH A RADIUS OF 220.00 FEET, THROUGH A CENTRAL ANGLE OF 12°43'00", AND AN ARC LENGTH OF 48.83 FEET (C3);

NORTH 15°45'00" WEST, A DISTANCE OF 147.46 FEET (L57) TO A CURVE TO THE RIGHT;

ALONG SAID CURVE TO THE RIGHT, WITH A RADIUS OF 290.00 FEET, THROUGH A CENTRAL ANGLE OF 16°53'00", AND AN ARC LENGTH OF 85.45 FEET (C4);

NORTH 01°08'00" EAST, A DISTANCE OF 11.51 FEET (L58) TO THE SOUTHWESTERLY CORNER OF SAID LOT 29 OF 5 RM 66;

THENCE ALONG LOT 29 OF 5 RM 66 THE FOLLOWING COURSES AND DISTANCES:

SOUTH 88°52'00" EAST, A DISTANCE OF 7.66 FEET (L59);

NORTH 01°08'00" EAST, A DISTANCE OF 593.40 FEET (L60) TO THE POINT OF BEGINNING;

SAID ANNEXATION AREA CONTAINING 59.418 ACRES MORE OR LESS

SEE EXHIBIT 'B' ATTACHED AND MADE A PART THEREOF

THE INTENT OF THIS DESCRIPTION IS TO ANNEX ASSESSOR PARCEL NUMBERS INSIDE THE CURRENT MURRAY PARK SEWER MAINTENANCE DISTRICT INTO ROSS VALLEY SANITARY DISTRICT

THE BEARINGS AND DISTANCES SHOWN IN THIS DESCRIPTION ARE FOR INFORMATIONAL PURPOSES ONLY AND ARE NOT INTENDED TO AFFECT THE BOUNDARIES OF THIS ANNEXATION.

SITE FALLS WITHIN THE PUNTA DE QUENTIN RANCHO

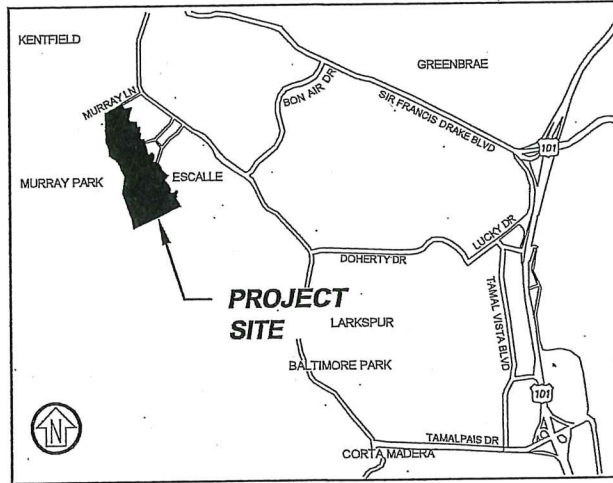
PREPARED BY:  
CSW/STUBER-STROEH ENGINEERING GROUP, INC.

  
JOSH WOELBING  
P.L.S. 9387

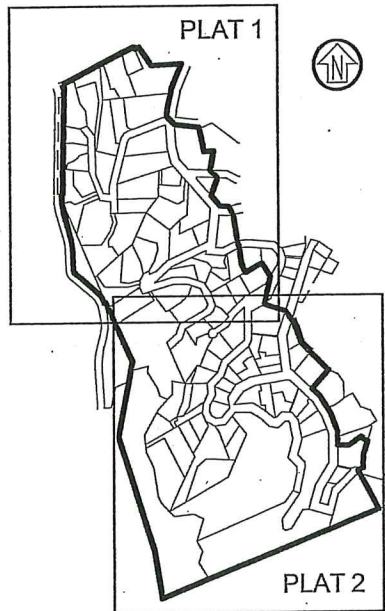


7/31/19

**EXHIBIT 'B'**  
**RESOLUTION No. 2019- 114**  
**ANNEXATION INTO ROSS VALLEY SANITARY DISTRICT (RVSD)**  
**MURRAY PARK SEWER MAINTENANCE DISTRICT RESOLUTION No. 1719**  
**(LAFCO FILE No. \_\_\_\_\_)**



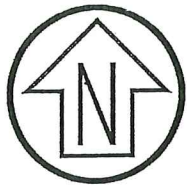
**VICINITY MAP**  
 NTS



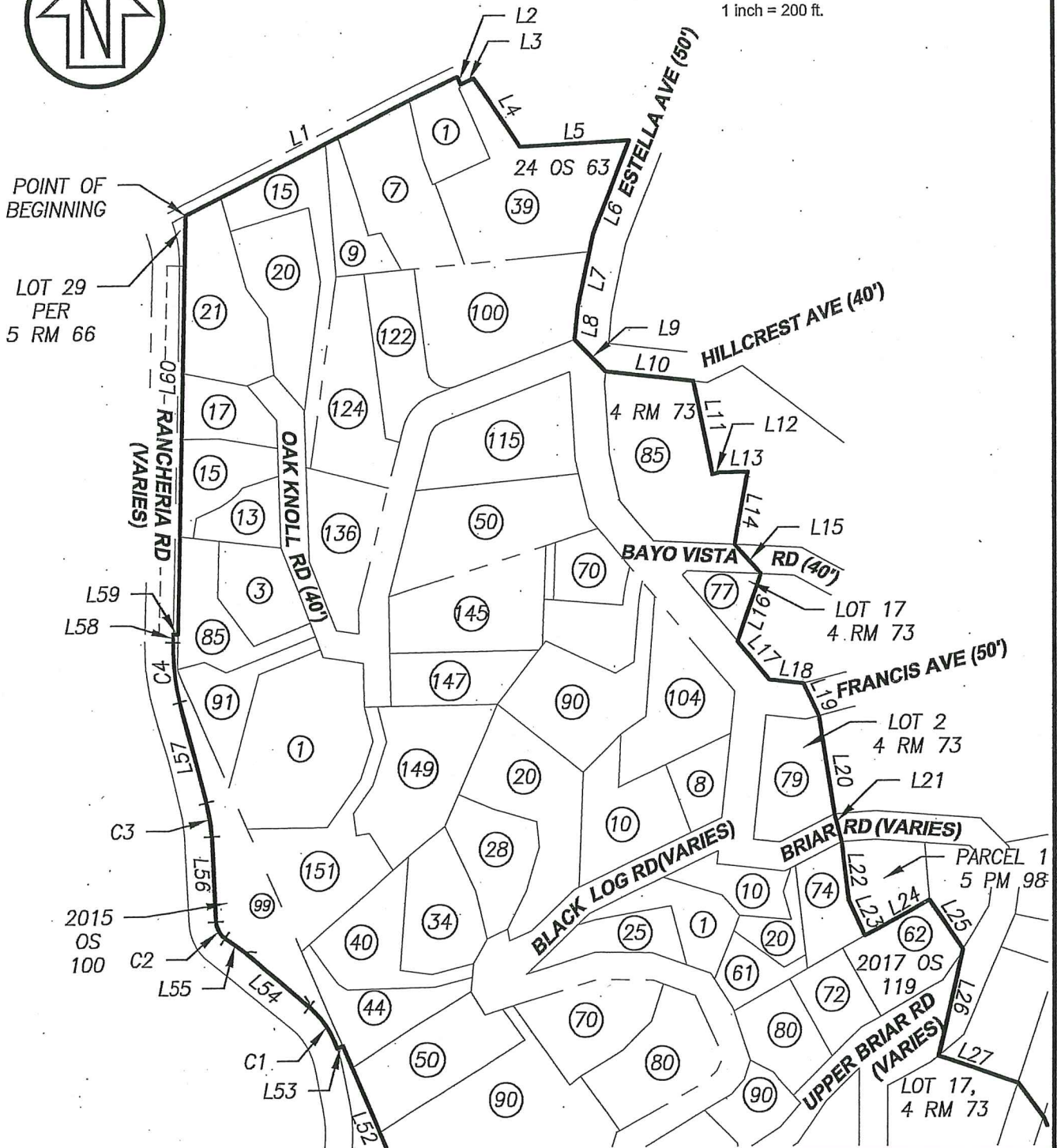
**INDEX**  
 1" = 1000'

**SITE FALLS WITHIN PUNTA DE QUENTIN RANCHO**

<p><b>CSW ST2</b></p> <p><b>CSW/Stuber-Stroeh Engineering Group, Inc.</b>                  Civil &amp; Structural Engineers   Surveying &amp; Mapping   Environmental Planning                  Land Planning   Construction Management</p> <p>45 Leveroni Court      tel: 415.883.9850                  Novato, CA 94949      fax: 415.883.9835</p> <p><a href="http://www.cswst2.com">http://www.cswst2.com</a>      © 2013</p>	Rev. - Job No. 1910117	Date: 7/31/19 Scale: 1" = 1000'
	<p><b>EXHIBIT 'B'</b>  <b>SEWER ANNEXATION</b>  <b>PLAT TO ACCOMPANY LEGAL DESCRIPTION</b>  <b>LARKSPUR      MARIN COUNTY      CALIFORNIA</b></p>	



1 inch = 200 ft.



**CSW ST2**

**CSW/Stuber-Stroeh Engineering Group, Inc.**

Civil & Structural Engineers | Surveying & Mapping | Environmental Planning  
Land Planning | Construction Management

45 Leveroni Court  
Novato, CA 94949

tel: 415.883.9850  
fax: 415.883.9835

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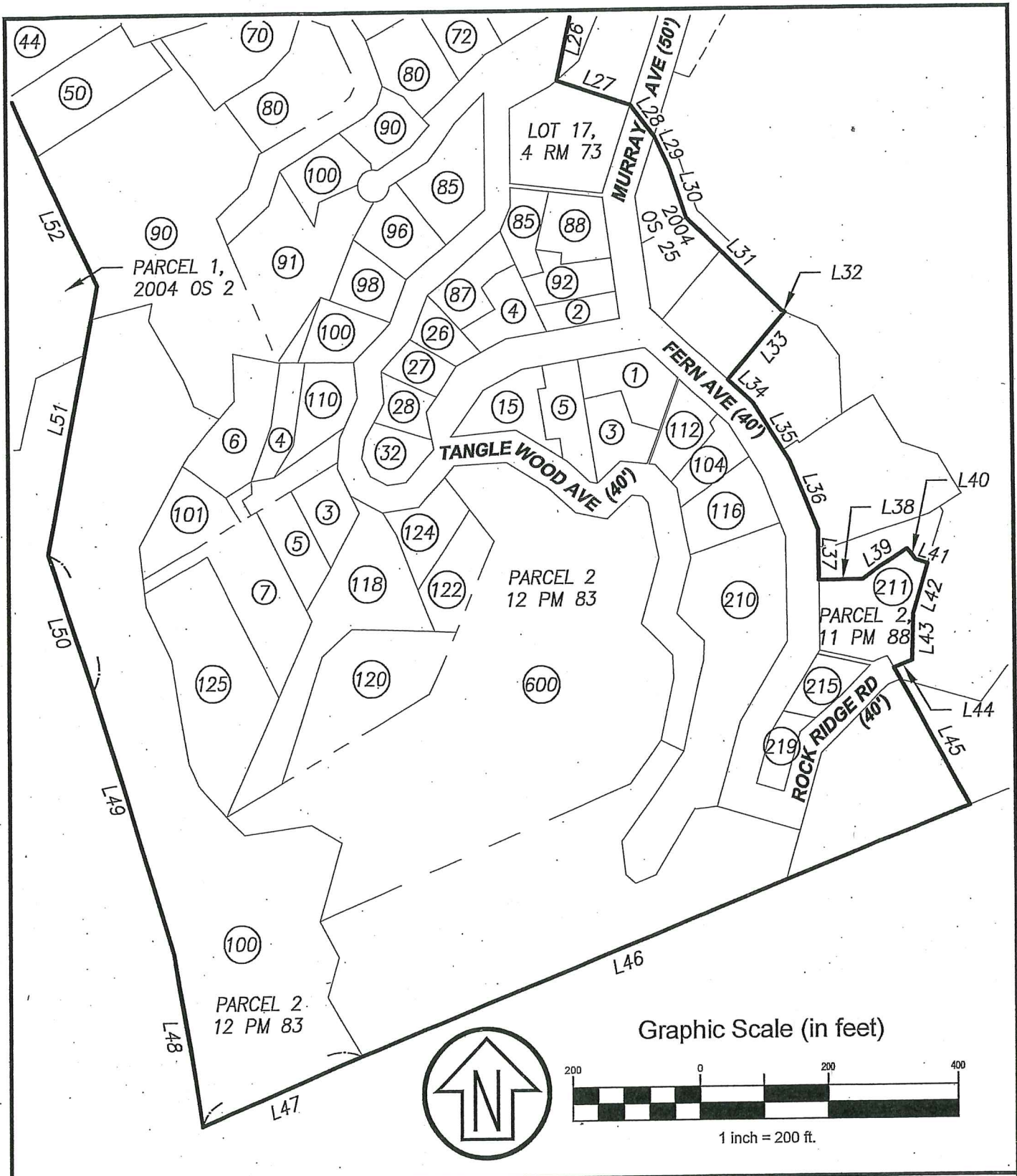
Job No. 1910117

Date: 7/31/19

Scale: 1" = 200'

**EXHIBIT 'B'**  
**SEWER ANNEXATION**

PLAT TO ACCOMPANY LEGAL DESCRIPTION  
LARKSPUR MARIN COUNTY CALIFORNIA



**CSW ST2**

**CSW/Stuber-Stroeh Engineering Group, Inc.**

Civil & Structural Engineers | Surveying & Mapping | Environmental Planning  
Land Planning | Construction Management

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Job No. 1910117

Date: 7/31/19

Scale: 1" = 200'

**EXHIBIT 'B'**  
**SEWER ANNEXATION**  
**PLAT TO ACCOMPANY LEGAL DESCRIPTION**  
**LARKSPUR MARIN COUNTY CALIFORNIA**

<b>LINE TABLE</b>		
<b>TAG</b>	<b>BEARING</b>	<b>DISTANCE</b>
L1	N64°00'00"E	445.00'
L2	S26°00'00"E	12.50'
L3	N64°00'00"E	20.08'
L4	S34°43'41"E	118.58'
L5	N86°53'19"E	162.15'
L6	S22°00'00"W	142.80'
L7	S12°17'00"W	106.87'
L8	S06°17'00"W	46.17'
L9	S45°02'14"E	64.00'
L10	S83°40'00"E	129.22'
L11	S12°10'00"E	135.25'
L12	N75°13'02"E	9.98'
L13	N89°00'00"E	41.55'
L14	S10°55'00"W	104.44'
L15	S43°09'03"E	57.44'
L16	S19°54'00"W	100.95'
L17	S40°50'00"E	72.00'
L18	S83°55'00"E	51.10'
L19	S26°22'33"E	51.24'
L20	S09°26'00"E	140.70'
L21	S14°55'00"E	40.75'
L22	S07°08'00"E	83.00'
L23	S24°58'17"E	55.33'
L24	S61°23'47"W	104.71'
L25	S34°00'00"E	83.70'
L26	S12°42'40"W	153.91'
L27	S71°35'00"W	121.50'
L28	S37°03'43"E	60.33'
L29	S26°35'00"E	50.38'
L30	S19°34'00"E	84.32'
L31	S46°04'00"E	205.99'
L32	S66°04'00"E	6.06'
L33	S41°55'00"W	136.86'
L34	S48°05'00"E	52.90'

<b>LINE TABLE</b>		
<b>TAG</b>	<b>BEARING</b>	<b>DISTANCE</b>
L35	S32°25'00"E	105.50'
L36	S22°25'00"E	113.00'
L37	S00°25'00"E	77.00'
L38	N89°35'00"E	67.84'
L39	N55°50'00"E	82.24'
L40	S38°08'00"E	21.04'
L41	S72°32'00"E	20.00'
L42	S17°28'00"W	80.21'
L43	S01°28'00"W	70.05'
L44	S67°28'00"W	29.11'
L45	S28°48'00"E	237.80'
L46	S68°45'00"W	1017.91'
L47	S67°49'03"W	272.91'
L48	N09°20'13"W	264.24'
L49	N17°08'44"W	418.40'
L50	N17°39'59"W	218.72'
L51	N10°41'12"E	413.20'
L52	N24°43'10"W	352.44'
L53	S65°11'51"W	8.34'
L54	N50°32'30"W	120.97'
L55	N56°14'00"W	36.65'
L56	N03°02'00"W	120.28'
L57	N15°45'00"W	147.46'
L58	N01°08'00"E	11.51'
L59	S88°52'00"E	7.66'
L60	N01°08'00"E	593.40'

<b>CURVE TABLE</b>			
<b>TAG</b>	<b>RADIUS</b>	<b>LENGTH</b>	<b>DELTA</b>
C1	140.00'	73.34'	030°00'58"
C2	30.00'	27.86'	053°12'00"
C3	220.00'	48.83'	012°43'00"
C4	290.00'	85.45'	016°53'00"

**CSW ST2**

**CSW/Stuber-Stroeh Engineering Group, Inc.**

Civil & Structural Engineers | Surveying & Mapping | Environmental Planning  
Land Planning | Construction Management

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**EXHIBIT 'B'**  
**SEWER ANNEXATION**  
**PLAT TO ACCOMPANY LEGAL DESCRIPTION**  
**LARKSPUR MARIN COUNTY CALIFORNIA**

EXHIBIT C

**THE MURRAY PARK SEWER MAINTENANCE DISTRICT  
AGREEMENT FOR REVENUE FUND BALANCE TRANSFER TO  
ROSS VALLEY SANITARY DISTRICT**

This Revenue Fund Balance Transfer Agreement ("Agreement") made and entered into this 24<sup>th</sup> day of Sept., 2019, by and between the MURRAY PARK SEWER MAINTENANCE DISTRICT, (hereinafter referred to as "SEWER DISTRICT") and the ROSS VALLEY SANITARY DISTRICT, (hereinafter referred to as "SANITARY DISTRICT"), collectively the "PARTIES".

**WHEREAS**, the SEWER DISTRICT is a dependent special district of the County of Marin and collects a combination of ad valorem property tax and a sewer service fee from property owners within the SEWER DISTRICT boundary; and

**WHEREAS**, as of the end of Fiscal Year 2018-19, the SEWER DISTRICT fund balance (Fund 3010) was approximately \$310,315; and

**WHEREAS**, the SEWER DISTRICT and the SANITARY DISTRICT desire to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for a reorganization which would concurrently annex all of the territory of the SEWER DISTRICT to the SANITARY DISTRICT and dissolve the SEWER DISTRICT; and

**WHEREAS**, the SEWER DISTRICT adopted a resolution requesting initiation of the proceedings to reorganize the SEWER DISTRICT into the SANITARY DISTRICT under the Marin Local Agency Formation Commission's authority; and

**WHEREAS**, the proposed reorganization of the SEWER DISTRICT will be subject to certain terms and conditions, including that the SEWER DISTRICT fund balance be transferred to SANITARY DISTRICT once the reorganization is complete; and

**WHEREAS**, the parties understand that if the reorganization is approved by Marin Local Agency Formation Commission it will be submitted to the Board of Equalization after the deadline for the Board of Equalization to finalize the reorganization through its annual process and such process will not be finalized until fiscal year 2021, nevertheless, the SANITARY DISTRICT will assume all responsibilities of the SEWER DISTRICT after approval by the Marin Local Agency Formation Commission and the funds will be transferred as set forth herein; and

**WHEREAS**, the SEWER DISTRICT assumes the Lead Agency status responsible for compliance with the California Environmental Quality Act and has determined that the proposed jurisdictional changes described in this Resolution is categorically exempt under Article 18 Section 15320 *Changes in Organization of Local Agencies*.

EXHIBIT C

**NOW, THEREFORE**, in consideration of the following terms and conditions, the parties hereto agree as follows:

1. FUND BALANCE TRANSFER.

After the SEWER DISTRICT territory has been approved for reorganization by the Marin Local Agency Formation Commission but prior to its dissolution, the Marin County Department of Finance in its capacity as the County Auditor-Controller shall transfer to SANITARY DISTRICT the entirety of fund balance of the SEWER DISTRICT, minus any reasonable administration or processing fees no later than July 30, 2020.

2. CONDITIONS PRECEDENT TO FUND BALANCE TRANSFER.

- A. SEWER DISTRICT'S obligation to transfer funds as set forth in this Agreement shall be conditioned upon the occurrence of all the following matters: approval of annexation by LAFCO.
- B. SEWER DISTRICT through the County Auditor-Controller, represents and warrants that it shall: (i) take all actions necessary, reasonable and prudent to ensure that outstanding payments, obligations or debt are addressed prior to fund transfer; and (ii) not take any actions that have the effect of impairing or reducing the available fund balance prior to the transfer, except the process of any reasonable administration or processing fees.

3. CONDITIONS SUBSEQUENT TO FUND BALANCE TRANSFER.

- A. SANITARY DISTRICT shall ensure that the transferred property tax revenue described in this Agreement is used for the administration, operation or maintenance of existing sewer improvements, new sewer system improvements, or related projects that benefit property owners of SEWER DISTRICT.
- B. SANITARY DISTRICT shall provide annual updates to the public regarding use of said funds and fund balance transferred from SEWER DISTRICT
- C. SEWER DISTRICT shall ensure that all funds, including any residual funds, that are deposited with SEWER DISTRICT after the transfer of funds set forth in paragraph 1 will be directed to SANITARY DISTRICT.



EXHIBIT C

4. GOVERNING LAW AND ATTORNEYS' FEES.

This Agreement shall be construed and enforced in accordance with the laws of the State of California. Should any legal action be brought by either party because of any default under this Agreement or to enforce any provision of this Agreement, or to obtain a declaration of rights hereunder, the prevailing party shall be entitled to reasonable attorneys' fees, court costs and such other costs as may be fixed by the Court. The standard of review for determining whether a default has occurred under this Agreement shall be the standard generally applicable to contractual obligations in California.

5. NOTICES.

CONTACTS AND NOTICES: All notices under this Agreement shall be in writing (unless otherwise specified), delivered to the parties by hand, by commercial courier service, or by United States mail, postage prepaid, addressed to the parties at the addresses set forth below or such other addresses as the parties may designate by notice.

For MURRAY PARK SEWER MAINTENANCE DISTRICT:

Anthony Williams, PE  
Assistant District Engineer  
Marin County Department of Public Works  
3501 Civic Center Drive, Room 304  
San Rafael, California 94903  
Phone: (415) 473-6432  
[twilliams@marincounty.org](mailto:twilliams@marincounty.org)

For ROSS VALLEY SANITARY DISTRICT:

Steven Moore, PE  
General Manager  
Ross Valley Sanitary District  
2960 Kerner Blvd  
San Rafael, CA 94901  
415-870-9764  
[smoore@rvsd.org](mailto:smoore@rvsd.org)

For MARIN COUNTY DEPARTMENT OF FINANCE

Roy Given  
Director of Finance

EXHIBIT C

3501 Civic Center Drive, Room 202  
San Rafael, CA 94903  
415-476-6168

6. DURATION AND TERMINATION.

The terms of this Agreement shall remain in full force and effect beginning with the date of execution of this Agreement and terminating upon final transfer of funds and dissolution of the SEWER DISTRICT. The terms and provisions of this Agreement shall extend to and be binding upon and insure to the benefit of the heirs, executors, and administrators or to any approved successor, as well as to any assignee or legal successor to any party to this Agreement. This Agreement shall automatically terminate if the annexation of the SEWER DISTRICT to the SANITARY DISTRICT is unsuccessful.

**Murray Park Sewer Maintenance District**

By: KATHRIN SEARS

President, Board of Supervisors, Marin County



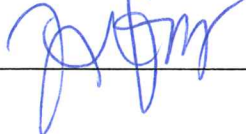
Attest:



Assistant Clerk of the Board

Approved as to Form:

DEPUTY COUNTY COUNSEL

By:  \_\_\_\_\_

**Ross Valley Sanitary District**

By: Printed Name

EXHIBIT C

---

Ross Valley Sanitary District

Approved as to Form:

Ross Valley Sanitary District ATTORNEY

By: \_\_\_\_\_

*[Handwritten signature]*

*[Handwritten signature]*

**ROSS VALLEY SANITARY DISTRICT  
RESOLUTION NO. 19-1566**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
REQUESTING THE MARIN LOCAL AGENCY FORMATION COMMISSION  
(LAFCo) TO INITIATE PROCEEDINGS FOR REORGANIZATION OF TERRITORY  
OF THE MURRAY PARK SEWER MAINTENANCE DISTRICT**

**WHEREAS**, the Murray Park Sewer Maintenance District desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for a reorganization which would concurrently annex all of the territory of the Murray Park Sewer Maintenance District to the Ross Valley Sanitary District and dissolve the Murray Park Sewer Maintenance District; and

**WHEREAS**, notice of intent to adopt this resolution of application has been given, and this Board has conducted a public hearing based upon this notification; and,

**WHEREAS**, the principal reasons for the proposed reorganization are as follows: 1). Consolidation of sanitation special districts in Marin County has been an ongoing discussion of governance throughout the state of California for many years; 2). Several key reports have been developed over the years addressing special district governance conditions in Marin County dating back to 2005; 3). The July 2017 Marin Location Agency Formation Commission report titled *Central Marin Wastewater Services Study* recommended a reorganization of the Murray Park Sewer Maintenance District into the Ross Valley Sanitary District based primarily on the benefit of eliminating of a relatively small dependent special district governed by the County of Marin and operating under antiquated statutes, in favor of recognizing the Ross Valley Sanitary District as the preferred and more capable service provider; and 4). The number one recommendation of the April 2018 Marin County Civil Grand Jury Report titled "*Consolidation of Sanitation Districts*" was the reorganization of Murray Park Sewer Maintenance District with the Ross Valley Sanitary District; and,

**WHEREAS**, the following agency or agencies would be affected by the proposed jurisdictional changes:

<u>Agency</u>	<u>Nature of Change</u>
Murray Park Sewer Maintenance District	Annexation to Ross Valley Sanitary District and Dissolution of Murray Park Sewer Maintenance District
Ross Valley Sanitary District	Annexation of Murray Park Sewer Maintenance District

and,

**WHEREAS**, the territory proposed to be reorganized is inhabited, and a map and description of the boundaries of the territory are attached hereto as Exhibits A & B and by this reference incorporated herein; and,

**WHEREAS**, it is desired to provide that the proposed reorganization be subject to the following terms and conditions: 1) existing ad valorem taxes levied on the properties in the Murray Park Sewer Maintenance District will be transferred to Ross Valley Sanitary District once the reorganization is complete; 2) The Murray Park Sewer Maintenance District fund balance be transferred to Ross Valley Sanitary District once the reorganization is complete; 3) The Murray Park Sewer Maintenance District sewer fees remain at their current assessment until such time Ross Valley Sanitary District performs a rate study and subsequent adjustment; and,

**WHEREAS**, in accordance with the Tax and Revenue Code Section 99, the Marin County Assessor shall provide to the Marin County Department of Finance in its capacity as the County Auditor-Controller, within thirty (30) days of the adoption of a reorganization by the Marin Local Agency Formation Commission, a report which identifies the assessed valuations for the territory subject to the jurisdictional change and the tax rate area or areas in which the territory exists. The Marin County Auditor shall estimate the amount of property tax revenue generated within the territory that is the subject of the jurisdictional change during the current fiscal year, and the Marin County Auditor shall estimate what proportion of the property tax revenue is attributable to each agency pursuant to Tax and Revenue Code Section 96.1 and 96.5; and

**WHEREAS**, within forty-five (45) days of adoption of a reorganization by the Marin Local Agency Formation Commission, the County Auditor shall notify the governing body of each agency the amount of, and allocation factors with respect to, property tax revenue estimated that is subject to a negotiated exchange. Upon receipt of the estimates the agencies shall commence negotiations to determine the amount of property tax revenues to be exchanged between and among the agencies. Except as otherwise provided, this negotiation period shall not exceed sixty (60) days. If one of the local agencies involved in these negotiations notifies the other local agency, the County Auditor, and the Marin Local Agency Formation Commission in writing of its desire to extend the negotiating period, the negotiating period shall be ninety (90) days; and

**WHEREAS**, the tax exchange will be limited to an exchange of property tax revenues from the annual tax increment generated in the area subject to the jurisdictional change and attributable to the agencies described above whose service area or service responsibilities will be altered by the proposed jurisdictional change; and

**WHEREAS**, as described above, the existing fund balance for the Murray Park Sewer Maintenance District shall be transferred to the Ross Valley Sanitary District in accordance with the Agreement attached hereto as Exhibit C; and

**WHEREAS**, the parties understand that if the reorganization is approved by the Marin Local Agency Formation Commission it will be submitted to the Board of Equalization after the deadline for the Board of Equalization to finalize the reorganization through its annual process and such process will not be finalized until Fiscal Year 2021, nevertheless, the Ross Valley Sanitary District will assume all responsibilities of the Murray Park Sewer Maintenance District after approval by the Marin Local Agency Formation Commission and the Murray Park Sewer Maintenance District will transfer funds as set forth herein in Exhibit C; and

**WHEREAS**, this proposal is consistent with the adopted spheres of influence for the agencies subject to this reorganization; and,

**WHEREAS**, the Murray Park Sewer Maintenance District would cease to exist as a dependent special district of the County of Marin and would become part of the Ross Valley Sanitary District; and

**WHEREAS**, the Murray Park Sewer Maintenance District assumes the Lead Agency status responsible for compliance with the California Environmental Quality Act and has determined that the proposed jurisdictional changes described in this Resolution is categorically exempt under Article 18 Section 15320 *Changes in Organization of Local Agencies*.

**NOW THEREFORE, BE IT RESOLVED** that this Resolution of Application is hereby adopted and approved by the Board of Directors of the Ross Valley Sanitary District and the Marin Local Agency Formation Commission is hereby requested to take proceedings for the annexation of territory as authorized and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

**PASSED AND ADOPTED** by the Board of Directors of the Ross Valley Sanitary District at a meeting thereof on the 16th day of October 2019, by the following vote:

AYES: *Gaffney, Kelly, Meigs, Syllar Boorstein*

NOES: *None.*

ABSENT: *None.*

ABSTAIN: *None.*

**Attest:**

*Thomas Gaffney*

Thomas Gaffney  
Secretary of the Board

*Michael Boorstein*

Michael Boorstein  
President of the Board



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## AGENDA REPORT

December 12, 2019

Item No. 6 (Public Hearing)

**TO:** Local Agency Formation Commission

**FROM:** Jason Fried, Executive Officer

**SUBJECT:** **Reorganization of 4576 Paradise Drive to Town of Tiburon and Corte Madera Sanitary District #2 (File #1342)**

---

### Background

At the October 10, 2019 LAFCo meeting, the Commission postponed till this meeting to make any decisions on the request of the applicant to do a dual annexation process of their parcel into both the Town of Tiburon and Corte Madera Sanitary District #2. This delay was in part to allow time for the applicant to submit a pre-zoning application to Tiburon and for Tiburon to have time to review the application. It is staff's understanding that the applicant submitted the pre-zoning application (see attachment) with Tiburon on November 25. As of the time of writing this staff memo, Tiburon was reviewing the application.

Given the work that still needs to be completed on the pre-zoning process, the applicant has requested that the application be split so each annexation is done separately. Staff agrees that this is the best course of action for the application. If the Commission agrees to divide the file it will allow for the applicant to annex into Sanitary District #2 while they go through the process to be annexed into Tiburon. This means, if the applicant wants, they can connect to the local sewer system and move off the current septic system the parcel uses while they go through the pre-zoning process. If the file is not divided then the applicant will have to wait for the complication of the pre-zoning process before being able to connect to the sanitary district system.

### Staff Recommendation for Action

1. Staff Recommendation – Divide the application into two files. Approve the annexation into Corte Madera Sanitary District #2 with no conditions. Approve the annexation into the Town of Tiburon with a condition that Town of Tiburon completes its pre-zoning process.
2. Alternate Option – Approval of the application as originally presented with the condition that the Town of Tiburon completes its pre-zoning process.
3. Alternate Option - Divide the application into two files. Approve the annexation into Corte Madera Sanitary District #2 with no conditions. Take no action on the annexation into the

#### Administrative Office

Jason Fried, Executive Officer  
1401 Los Gatos Drive, Suite 220  
San Rafael, California 94903  
T: 415-448-5877 E: [staff@marinlafco.org](mailto:staff@marinlafco.org)  
[www.marinlafco.org](http://www.marinlafco.org)

Damon Connolly, Regular  
County of Marin

Dennis J. Rodoni, Regular  
County of Marin

Judy Arnold, Alternate  
County of Marin

Sashi McEntee, Chair  
City of Mill Valley

Sloan Bailey, Regular  
Town of Corte Madera

Barbara Coler, Alternate  
Town of Fairfax

Craig K. Murray, Vice Chair  
Las Gallinas Valley Sanitary

Lew Kious, Regular  
Almonte Sanitary District

Tod Moody, Alternate  
Sanitary District #5

Larry Loder, Regular  
Public Member

Chris Skelton, Alternate  
Public Member

Town of Tiburon until Town of Tiburon has completed or is close to completing its pre-zoning process, at which point the Commission will re-review the Tiburon annexation application.

4. Alternate Option – Take no action today on this application and give further instruction to staff on what the Commission would like to have presented at a future meeting.
5. Alternate Option – Reject the application as it is presented to the Commission.

Attachments:

- 1) Resolution #19-07
- 2) Application Materials – File 1342
- 3) Pre-Zoning Application submitted to Tiburon



Sections 56668 and 56668.3		When responded to
a	Population and population density; land area and land use; *** assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.	Addressed in either June response letter, staff report, or MSR process
b	The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. "Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.	Addressed in either June response letter, staff report, or MSR process
c	The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.	Addressed in either June response letter, staff report, or MSR process
d	The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Section 56377.	Addressed in either June response letter, staff report, or MSR process
e	The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.	This parcel is not in an ag designated area
f	The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.	Addressed in either June response letter, staff report, or MSR process
g	A regional transportation plan adopted pursuant to Section 65080	This has no impact on regional transportation plan because of the small scale of item
h	The proposal's consistency with city or county general and specific plans.	Addressed in either June response letter, staff report, or MSR process
i	The sphere of influence of any local agency which may be applicable to the proposal being reviewed.	Addressed in either June response letter, staff report, or MSR process
j	The comments of any affected local agency or other public agency.	Addressed in either June response letter, staff report, or MSR process
k	The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.	Addressed in either June response letter, staff report, or MSR process

l	Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.	Nothing in this application changes current water usage for property and previous MMWD MSR shows they have capacity
m	The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.	This project is too small to have an impact
n	Any information or comments from the landowner or ***landowners, voters, or residents of the affected territory.	Addressed in either June response letter, staff report, or MSR process
o	Any information relating to existing land use designations.	Addressed in either June response letter, staff report, or MSR process
p	The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.	This application will have no impact on EJ
q	Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.	Town has indicated WUI and in both High and Very High Fire Risk
a1	In the case of a district annexation, whether the proposed annexation will be for the interest of landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.	Parcel is within 400 meters of sewer line. County would require them to connect to sewer system with any major work or if septic system fails so annexation will need to occur to replace septic with sewer connection.

# MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 19-XX

## RESOLUTION APPROVING ANNEXATION OF CERTAIN PROPERTY TO THE CORTE MADERA SANITARY DISTRICT #2 WITH WAIVER OF NOTICE, HEARING AND ELECTION

“Annexation of 4576 Paradise Drive to the Corte Madera Sanitary District #2  
(LAFCo File 1342)”

**WHEREAS** a proposal for the reorganization including annexation of certain territory to the Town of Tiburon and Corte Madera Sanitary District #2 in the County of Marin has been filed with the Executive Officer of this Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code; and

**WHEREAS** said proposal was made in the form of a petition filed by the property owners; and

**WHEREAS** pursuant to Government Code section 56662(a), the territory is uninhabited, no written demand letter was submitted, and the petition is signed by all of the owners of land, which allows the Commission to make determinations without notice and hearing and may waive protest proceedings on the proposal; and

**WHEREAS** the Executive Officer has reviewed the proposal and prepared a report, including a recommendation thereon, the proposal and report having been presented to and considered by this Commission.

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

Section 1. As Lead Agency under CEQA for annexation of Assessor’s Parcel 038-142-02, to the Corte Madera Sanitary District #2, LAFCo finds the Project is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15319(b).

Section 2. The boundaries, as set forth in the proposal, are hereby approved as submitted and are as described in Exhibits “A” and “B” attached hereto are subject to the following condition:

- A. Approved map and legal description to be provided by the applicant.

Section 3. The territory includes 9.575 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: “Annexation of 4576 Paradise Drive to the Corte Madera Sanitary District #2 (LAFCo File 1342)”.

Section 4. The proposal is consistent with the adopted sphere of influence for the Corte Madera Sanitary District #2.

Section 5. Determines the annexation has been reviewed considering the factors for evaluation under Government Code Sections 56668 and 56668.3 as provided for in the Executive Officer’s report.

Section 6. The Executive Officer is hereby authorized to waive protest proceedings and complete the proceedings in the manner prescribed by the Government Code.

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission, on December 12, 2019, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Sashi McEntee, Chair  
Marin LAFCo

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jason Fried, LAFCo Executive Officer

\_\_\_\_\_  
Malathy Subramanian, LAFCo Counsel

Attachments to Resolution 19-XX

1. Exhibit "A" – Legal Description
2. Exhibit "B" – Map

# MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 19-07

## RESOLUTION APPROVING REORGANIZATION OF CERTAIN PROPERTY TO THE TOWN OF TIBURON AND SANITARY DISTRICT #2 WITH WAIVER OF NOTICE, HEARING AND ELECTION

“Reorganization of 4576 Paradise Drive, Including Annexation to the Town of Tiburon and Corte Madera Sanitary District #2 (LAFCo File 1342)”

**WHEREAS** a proposal for the reorganization including annexation of certain territory to the Town of Tiburon and Corte Madera Sanitary District #2 in the County of Marin has been filed with the Executive Officer of this Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code; and

**WHEREAS** said proposal was made in the form of a petition filed by the property owners; and

**WHEREAS** pursuant to Government Code section 56662(a), the territory is uninhabited, no written demand letter was submitted, and the petition is signed by all of the owners of land, which allows the Commission to make determinations without notice and hearing and may waive protest proceedings on the proposal; and

**WHEREAS** the Executive Officer has reviewed the proposal and prepared a report, including a recommendation thereon, the proposal and report having been presented to and considered by this Commission.

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

Section 1. As Lead Agency under CEQA for reorganization of Assessor’s Parcel 038-142-02, to the Town of Tiburon and Corte Madera Sanitary District #2, LAFCo finds the Project is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15319(b).

Section 2. The boundaries, as set forth in the proposal, are hereby approved as submitted and are as described in Exhibits “A” and “B” attached hereto are subject to the following condition:

- A. Approved map and legal description to be provided by the applicant.

Section 3. The territory includes 9.575 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: “Reorganization of 4576 Paradise Drive, Including Annexation to the Town of Tiburon and Corte Madera Sanitary District #2 (LAFCo File 1342)”

Section 4. The proposal is consistent with the adopted sphere of influence for the Town of Tiburon and Corte Madera Sanitary District .

Section 5. Determines the reorganization has been reviewed considering the factors for evaluation under Government Code Sections 56668 and 56668.3 as provided for in the Executive Officer’s report.

Section 6. As a condition to annexation to the Town of Tiburon, that the Town prezone the property to be annexed in accordance with Government Code Section 56375(a)(7) within one year.

Section 7. The Executive Officer is hereby authorized to waive protest proceedings and complete the reorganization proceedings in the manner prescribed by the Government Code.

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission, on December 12, 2019, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Sashi McEntee, Chair  
Marin LAFCo

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jason Fried, LAFCo Executive Officer

\_\_\_\_\_  
Malathy Subramanian, LAFCo Counsel

- Attachments to Resolution 19-07  
1. Exhibit “A” – Legal Description  
2. Exhibit “B” – Map

# MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 19-XX

## RESOLUTION APPROVING ANNEXATION OF CERTAIN PROPERTY TO THE TOWN OF TIBURON WITH WAIVER OF NOTICE, HEARING AND ELECTION

“Annexation of 4576 Paradise Drive to the Town of Tiburon  
(LAFCo File 1342)”

**WHEREAS** a proposal for the reorganization including annexation of certain territory to the Town of Tiburon and Corte Madera Sanitary District #2 in the County of Marin has been filed with the Executive Officer of this Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code; and

**WHEREAS** said proposal was made in the form of a petition filed by the property owners; and

**WHEREAS** pursuant to Government Code section 56662(a), the territory is uninhabited, no written demand letter was submitted, and the petition is signed by all of the owners of land, which allows the Commission to make determinations without notice and hearing and may waive protest proceedings on the proposal; and

**WHEREAS** the Executive Officer has reviewed the proposal and prepared a report, including a recommendation thereon, the proposal and report having been presented to and considered by this Commission.

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

Section 1. As Lead Agency under CEQA for annexation of Assessor’s Parcel 038-142-02, to the Town of Tiburon, LAFCo finds the Project is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15319(b).

Section 2. The boundaries, as set forth in the proposal, are hereby approved as submitted and are as described in Exhibits “A” and “B” attached hereto are subject to the following condition:

- A. Approved map and legal description to be provided by the applicant.

Section 3. The territory includes 9.575 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: “Annexation of 4576 Paradise Drive to the Town of Tiburon (LAFCo File 1342)”.

Section 4. The proposal is consistent with the adopted sphere of influence for the Town of Tiburon.

Section 5. Determines the annexation has been reviewed considering the factors for evaluation under Government Code Sections 56668 and 56668.3 as provided for in the Executive Officer’s report.

Section 6. As a condition to annexation to the Town of Tiburon, that the Town prezone the property to be annexed in accordance with Government Code Section 56375(a)(7) within one year.

Section 7. The Executive Officer is hereby authorized to waive protest proceedings and complete the proceedings in the manner prescribed by the Government Code.

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission, on December 12, 2019, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Sashi McEntee, Chair  
Marin LAFCo

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jason Fried, LAFCo Executive Officer

\_\_\_\_\_  
Malathy Subramanian, LAFCo Counsel

Attachments to Resolution 19-XX

- 1. Exhibit “A” – Legal Description
- 2. Exhibit “B” – Map





**Marin Local Agency Formation Commission**  
Regional Service Planning | Subdivision of the State of California

LANDOWNERS SIGNATURES  
(§56700, et seq.)

We the undersigned landowners hereby request proceedings be initiated pursuant to Government Code §56000, et seq. for the change(s) of organization described on the attached Proposal Application.

Name and Address of Applicant: Sierra Pines Group LLC  
PO Box 37  
Corte Madera, CA 94976

Contact Number: (415) 250-4434 Email: EricCrandall@aol.com

Agent Representative (optional)  
I/We hereby authorize N/A to act as my/our agent to process all phases of the LAFCo action relating to the parcels listed below.

Name and Address of Agent: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

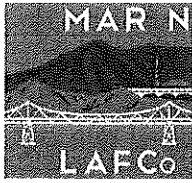
Contact Number: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

**All** owners of each parcel **must** sign. Original signatures are required.

\_\_\_\_\_  
Property Owner Signature Date 5/8/19

\_\_\_\_\_  
Property Owner Signature Date

\_\_\_\_\_  
Property Owner Signature Date



**Marin Local Agency Formation Commission**  
Regional Service Planning | Subdivision of the State of California

**MARIN LAFCO**  
**APPLICATION QUESTIONNAIRE**

In accordance with requirements set forth in the California Government Code, the Commission must review specific factors in its consideration of this proposal. In order to facilitate the Commission's review, please respond to the following questions:

**I. GENERAL INFORMATION**

1. Please check the method by which this application was initiated:

- Petition (Landowner)  
 Resolution of Application (City/Town or District)

2. Does the application possess 100% written consent of each property owner in the subject territory? Yes  No

3. A. This application is being submitted for the following boundary change:  
(BE SPECIFIC: For example, "annexation," "reorganization")  
Dual Annexation into Sanitary District No 2 and the Town of Tiburon.

B. The reason for the proposed action(s) being requested:  
(BE SPECIFIC: For example, "Annexation to sewer district for construction of three homes")  
Dual Annexation into Sanitary District No 2 and the Town of Tiburon to be able to connect to the sewer.

4. State general location of proposal:

This is for the property located at 4576 Paradise Drive in Tiburon. The APN # is 038-142-02.



**Marin Local Agency Formation Commission**  
Regional Service Planning | Subdivision of the State of California

5. Is the proposal within a city's boundaries?

Yes \_\_\_ Which city? \_\_\_\_\_

No X If the proposal is adjacent to a city, provide city name: Town of Tiburon

6. Is the subject territory located within an island of unincorporated territory?

Yes X No \_\_\_ If applicable, indicate city \_\_\_Town of Tiburon \_\_\_\_\_

7. Would this proposal create an island of unincorporated territory? Yes \_\_\_ No X

If yes, please justify proposed boundary change: \_\_\_\_\_

8. Provide the following information regarding the area proposed for annexation:

(Attach additional if needed)

A. Assessor's Parcel Number(s)

\_038-142-02 \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Site Address(es)

\_4576 Paradise Drive, Tiburon \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

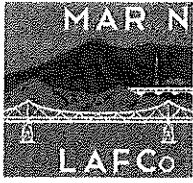
\_\_\_\_\_

\_\_\_\_\_

B. Total number of parcels included in this application: \_1 \_\_\_\_\_

9. Total land area in acres:

approximately 9.575 acres



**Marin Local Agency Formation Commission**  
Regional Service Planning | Subdivision of the State of California

**II. LAND USE AND DEVELOPMENT POTENTIAL**

1. Describe any special land use concerns:

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2. Indicate current land use: (such as: number of dwellings, permits currently held, etc.)

There are currently two homes and a guest house on the property with a total of 6 bedrooms and 3 bathrooms. Tax records show they total 3042 square feet

3. Indicate the current zoning (either city/town or county) title and densities permitted:

The County has the property zoned as BFC-RMP-0.2. That is Residential Multiple Planned in a Bayfront Conservation District with a density of 0.2 units per acre.

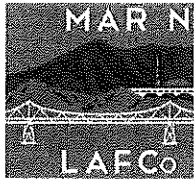
4. Has the area been rezoned? No \_\_\_\_\_ N/A \_\_\_\_\_ Yes

What is the rezoning classification, title and densities permitted?

The Town of Tiburon has rezoned the property as PD-R which is Planned Development Residential.

5. Describe the specific development potential of the property: (Number of units allowed in zoning)

It is my understanding that the lot is currently at it's maximum density for both the Town Tiburon and the County of Marin.



**Marin Local Agency Formation Commission**  
Regional Service Planning | Subdivision of the State of California

**III. ENVIRONMENT**

1. Is the site presently zoned or, designated for, or engaged in agricultural use?

Yes \_\_\_\_\_ No  X

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

2. Will the proposal result in a reduction of public or private open space?

Yes \_\_\_\_\_ No  X

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

3. Will service extension accomplished by this proposal induce growth in:

- A. This site? Yes \_\_\_\_\_ No  X  N/A \_\_\_\_\_
- B. Adjacent sites? Yes \_\_\_\_\_ No  X  N/A \_\_\_\_\_
- C. Unincorporated? Yes \_\_\_\_\_ No  X
- D. Incorporated? Yes \_\_\_\_\_ No  X

4. State general description of site topography: The Tiburon 2020 General Plan describes this lot as sloping gently from Paradise Drive to San Francisco Bay.

5. Indicated Lead Agency for this project:  Marin LAFCo   
\_\_\_\_\_

6. Indicate Environmental Determination by Lead Agency: \_\_\_\_\_  
with respect to (indicate project) \_\_\_\_\_

Dated: \_\_\_\_\_

**(COPY OF ENVIRONMENTAL DOCUMENTS MUST BE SUBMITTED WITH APPLICATION.)**




### III. INDEMNIFICATION AGREEMENT

As part of this Application, Applicant and its successors and assigns, shall indemnify, defend and hold harmless, LAFCo, its officials, officers, employees, agents, representatives, contractors and assigns from and against any and all claims, demands, liability, judgments, damages (including consequential damages), awards, interests, attorneys' fees, costs and expenses of whatsoever kind or nature, at any time arising out of, or in any way connected with any legal challenges to or appeals associated with LAFCo's review and/or approval of the Application (collectively, "Indemnification Costs"). Applicant's obligation to indemnify, defend and hold harmless LAFCo, its officials, officers, employees, agents, representatives, contractors and assigns under this Agreement shall apply regardless of fault, to any acts or omissions, or negligent conduct, whether active or passive, on the part of the Applicant, LAFCo, its officials, officers, employees, agents, representatives, contractor or assigns. Applicant's obligation to defend LAFCo, its officials, officers, employees, agents, representatives, contractor or assigns under this Agreement shall be at Applicant's sole expense and using counsel selected or approved by LAFCo in LAFCo's sole discretion.

In the event of a lawsuit, Applicant will be notified by LAFCo within three (3) business days of being served. An invoice will be submitted to the Applicant by LAFCo for an amount between \$10,000 and \$25,000 to cover a portion of the Indemnification Costs ("Reserve"), which shall depend upon the estimated cost to resolve the matter and shall be determined in LAFCo's sole discretion. Applicant shall pay the Reserve to LAFCo within seven (7) calendar days of LAFCo's request. The Reserve shall be applied against LAFCo's final bill for the Indemnification Costs, with any unused portion to be returned to Applicant. LAFCo shall bill Applicant month for the Indemnification Costs, which shall be paid to LAFCo no later than 15 calendar days after receipt of LAFCo's bill. LAFCo may stop defending the matter, if at any time LAFCo has not received timely payment of the Reserve and/or the Indemnification Costs. This will not relieve Applicant of any of its obligations pursuant to this Agreement.

As the Applicant I hereby attest with signature,

  
\_\_\_\_\_  
Applicant Signature

*Eric Crandall*  
\_\_\_\_\_  
Print Name

*5/8/19*  
\_\_\_\_\_  
Date

*member*  
\_\_\_\_\_  
Title

**Reorganization of 4576 Paradise Drive  
LAFCO # X  
Legal Description**

BEING A PORTION OF THE RANCHO DE CORTE MADER DEL PRESIDIO AS DESCRIBED BY DEED RECORDED UNDER DOCUMENT NUMBER 2019-0012860, MARIN COUNTY RECORDS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE INTERSECTION OF THE TOWN OF TIBURON CITY LIMITS WITH THE EASTERLY RIGHT OF WAY OF PARADISE DRIVE, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THAT CERTAIN PARCEL MAP FILED IN BOOK 4 OF PARCEL MAPS, AT PAGE 22, MARIN COUNTY RECORDS THENCE,

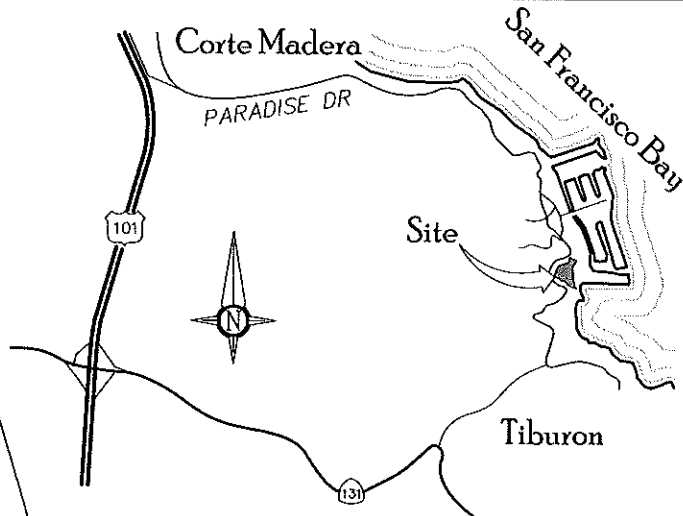
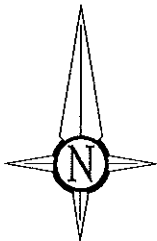
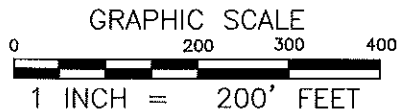
NORTH 09°55'00" EAST, 42.00 FEET; THENCE  
NORTH 40°25'00" WEST, 105.71 FEET; THENCE  
NORTH 82°45'00" WEST, 151.60 FEET; THENCE  
NORTH 43°58'00" WEST, 91.32 FEET; THENCE  
NORTH 68°20'00" WEST, 159.48 FEET; THENCE  
NORTH 09°16'00" WEST, 74.24 FEET; THENCE  
NORTH 23°18'00" EAST, 326.24 FEET; THENCE  
NORTH 70°48'00" EAST, 371.50 FEET; THENCE  
NORTH 15°33'00" EAST, 173.00 FEET; THENCE  
SOUTH 66°15'00" EAST, 253.00 FEET; THENCE  
SOUTH 18°30'00" WEST, 15.93 FEET; THENCE  
SOUTH 29°00'00" WEST, 250.80 FEET; THENCE  
SOUTH 03°00'00" EAST, 462.00 FEET; THENCE  
SOUTH 28°43'30" EAST, 112.52 FEET; THENCE  
SOUTH 02°30'00" WEST, 92.40 FEET; THENCE  
SOUTH 34°45'00" EAST, 99.35 FEET; THENCE  
NORTH 66°22'00" EAST, 356.70 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 9.575 ACRES MORE OR LESS.

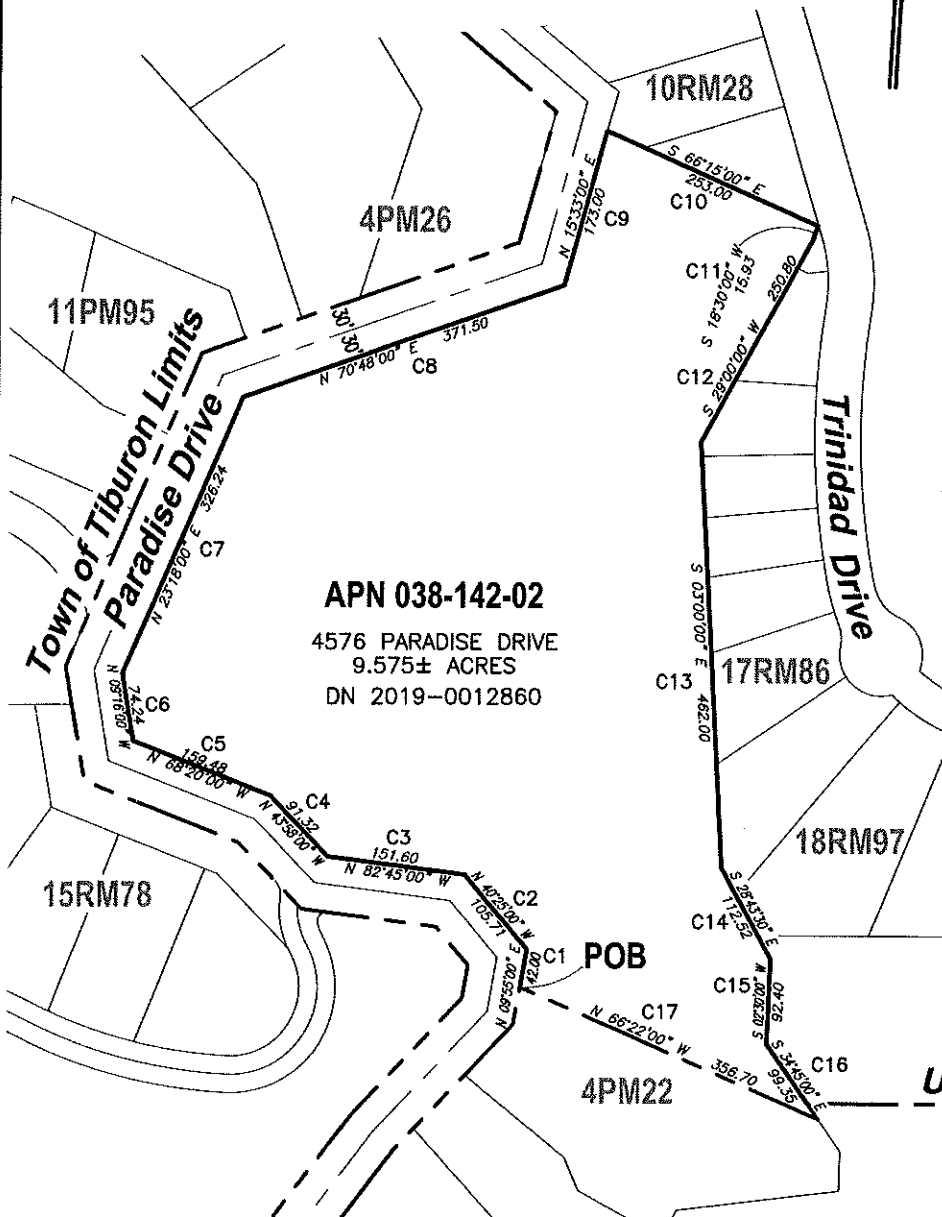
BASIS OF BEARING OF THIS DESCRIPTION IS THE ABOVE MENTIONED PARCEL MAP.

\_\_\_\_\_  
GJ HARMINA, III PLS 7950

\_\_\_\_\_  
DATE



**VICINITY MAP**  
NTS



**LEGEND**

- APN ASSESSOR PARCEL NUMBER
- C# COURSE NUMBER
- DN DOCUMENT NUMBER
- NTS NOT TO SCALE
- PM PARCEL MAP
- POB POINT OF BEGINNING
- RM RECORD MAP
- TOWN LIMITS

BEING A PORTION OF RANCHO CORTE MADERA DEL PRESIDIO

BORDERING TIDE LOTS 10, 15, 18 IN SECTION 25, TOWNSHIP 1 NORTH, RANGE 5 WEST, MDB&M

**Unincorporated Marin County**  
**Town of Tiburon Limits**

**1031Survey, Inc.**  
HIGH DEFINITION SURVEYING  
1857 Rainier Circle, Petaluma, California 94954  
415-827-6370 www.1031survey.com

**REORGANIZATION OF**  
**4576 PARADISE DRIVE**  
**LAFCo#**

JOB #: 19145LAFCO-EX  
DATE: 2019.05.06  
CREATED BY: \_\_\_\_\_  
SHEET NO. 1 OF 1



November 25<sup>th</sup>, 2019

Sung H. Kwon, Community Development Director  
Town of Tiburon  
1505 Tiburon Blvd.  
Tiburon, CA 94920

RE: Rezoning Application – Sierra Pines Group LLC (APN: 038-142-02)

Dear Mr. Kwon,


Per your letter dated October 22<sup>nd</sup>, 2019, attached please find a list of documents you requested that are being submitted herewith to initiate a request for rezoning of the parcel located at 4576 Paradise Drive (APN 038-142-02).

Attached:

- Fee Check
- Complete and Signed "Land Development Application"
- Complete and Signed "Town of Tiburon Community Development Department Cost Based Fee System" agreement
- Exhibit A – "Reorganization of 4576 Paradise Drive" prepared by 1031 Survey Inc., dated May 2019
- Exhibit B – Legal Description as prepared by 1031 Survey Inc.
- Letter from Barbara Kautz of Goldfarb Lipman to the Town Attorney regarding the California Environmental Quality Act analysis

I look forward to working with you to complete this rezoning and the subsequent annexation. Thank you in advance for your assistance and cooperation.

Sincerely,



Eric Crandall  
Sierra Pines Group LLC



# TOWN OF TIBURON LAND DEVELOPMENT APPLICATION

## TYPE OF APPLICATION

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Conditional Use Permit           | <input type="checkbox"/> Design Review (DRB)         | <input type="checkbox"/> Tentative Subdivision Map |
| <input type="checkbox"/> Precise Development Plan         | <input type="checkbox"/> Design Review (Staff Level) | <input type="checkbox"/> Final Subdivision Map     |
| <input type="checkbox"/> Accessory Dwelling Unit          | <input type="checkbox"/> Variance(s) _____ #         | <input type="checkbox"/> Parcel Map                |
| <input type="checkbox"/> Zoning Text Amendment            | <input type="checkbox"/> Floor Area Exception        | <input type="checkbox"/> Lot Line Adjustment       |
| <input checked="" type="checkbox"/> Rezoning or Prezoning | <input type="checkbox"/> Tidelands Permit            | <input type="checkbox"/> Condominium Use Permit    |
| <input type="checkbox"/> General Plan Amendment           | <input type="checkbox"/> Sign Permit                 | <input type="checkbox"/> Junior Accessory Dwelling |
| <input type="checkbox"/> Temporary Use Permit             | <input type="checkbox"/> Tree Permit                 | <input type="checkbox"/> Other _____               |

## APPLICANT REQUIRED INFORMATION

**SITE ADDRESS:** 4576 Paradise Drive **PROPERTY SIZE:** 9.575 acres  
**PARCEL NUMBER:** 038-142-02 **ZONING:** \_\_\_\_\_

**PROPERTY OWNER:** Sierra Pines Group LLC  
**MAILING ADDRESS:** Po Box 37  
Corte Madera, CA 94976  
**PHONE/FAX NUMBER:** 415-250-4434 **E-MAIL:** Eric94920@aol.com

**APPLICANT (Other than Property Owner):** \_\_\_\_\_  
**MAILING ADDRESS:** \_\_\_\_\_

**PHONE/FAX NUMBER:** \_\_\_\_\_ **E-MAIL:** \_\_\_\_\_

**ARCHITECT/DESIGNER/ENGINEER** \_\_\_\_\_  
**MAILING ADDRESS:** \_\_\_\_\_

**PHONE/FAX NUMBER:** \_\_\_\_\_ **E-MAIL:** \_\_\_\_\_

*Please indicate with an asterisk (\*) persons to whom Town correspondence should be sent.*

**BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):**

prezoning of parcel for annexation to RPD zoning,  
Consistent with the designation in the Tiburon 2020 General Plan

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.


I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge, with the defense counsel subject to the Town's approval. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature (required):\* 

Date: 11/19/19

I understand that the property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs), or similar instruments that may restrict the property's use and development. These deed restrictions are private agreements and are NOT enforced by the Town of Tiburon. Consequently, development standards specified in such restrictions are NOT considered by the Town when granting permits.

I am hereby advised to determine if the property is subject to deed restrictions and, if so, contact the appropriate homeowners association or affected parties about the proposed project prior to proceeding with the application. Following this procedure will minimize the potential for disagreement among parties and possible litigation.

Signature (required):\* 

Date: 11/19/19

*\* If other than owner, you must submit an authorization letter from the owner or show evidence of de facto control of the property or premises for purposes of filing this application.*

#### NOTICE TO APPLICANTS

Pursuant to California Government Code Section 65945, applicants may request to receive notice from the Town of Tiburon of any general (non-parcel-specific), proposals to adopt or amend the General Plan, Zoning Ordinance, Specific Plans, or an ordinance affecting building or grading permits.

If you wish to receive such notice, then you may make a written request to the Director of Community Development to be included on a mailing list for such purposes, and must specify which types of proposals you wish to receive notice upon. The written request must also specify the length of time you wish to receive such notices (s), and you must provide to the Town a supply of stamped, self-addressed envelopes to facilitate notification. Applicants shall be responsible for maintaining the supply of such envelopes to the Town for the duration of the time period requested for receiving such notices.

The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks unless there is no change to the contents of the notice that would reasonably affect your application. Requests should be mailed to:

Town of Tiburon  
Community Development Department  
Planning Division  
1505 Tiburon Boulevard  
Tiburon, CA 94920  
(415) 435-7390 (Tel) (415) 435-2438 (Fax)  
[www.townoftiburon.org](http://www.townoftiburon.org)

#### DO NOT WRITE BELOW THIS LINE

#### DEPARTMENTAL PROCESSING INFORMATION

Application No.:	GP Designation:	Fee Deposit:
Date Received:	Received By:	Receipt #:
Date Deemed Complete:	Action:	By:
Acting Body:		Date:
Conditions of Approval or Comments: _____		Resolution or Ordinance # _____

TOWN OF TIBURON  
COMMUNITY DEVELOPMENT DEPARTMENT  
COST BASED FEE SYSTEM

Agreement for Payment of Full Cost Recovery Fees for  
Application Processing and Inspection Services

Recitals

- A. Sierra Pines Group LLC ("Owner") is the Owner of property located at 4576 Paradise Drive [Address or Assessor Parcel Number(s)] in Tiburon, CA ("Project Site").
- B. \_\_\_\_\_ ("Owner's Agent") is Owner's authorized agent with respect to the proposed improvement of the Project Site known as \_\_\_\_\_ ("Project").

Agreement

1. Owner and Owner's Agent (collectively, "Applicant") agree(s) to pay to the Town of Tiburon all reimbursable costs, both direct and indirect, including State-mandated costs, associated with review and processing of all applications for land use entitlements and/or encroachment or grading permit and inspection(s) (collectively, "application"), even if the Applicant withdraws the application or the Town does not approve it. Reimbursable costs include, without limitation, all items within the scope of the Town's adopted Fee Schedules and Billing Rates Schedule, as well as the costs incurred for the Town Attorney's review, and retaining professional and technical consultant services and any services necessary to perform functions related to review and processing of the applications and inspection of the work (collectively "Eligible Costs").

2. Applicant will pay one or more deposits to cover the Eligible Costs at such time(s) and of such amounts as requested by the Director of Community Development or designee. Upon the execution of this Agreement, the Applicant shall deposit with the Town the amount of \$ \_\_\_\_\_ against which Town will charge its Eligible Costs on a monthly basis.

3. Town shall submit to Applicant a copy of each invoice, bill, demand or other evidence ("Invoice") that the Town has incurred for Eligible Costs or other reasonable substantiation of such Eligible Costs. Where invoices relate to attorney fees, only a summary page will be provided and detailed billing records will not be provided. Each such Invoice of Eligible Costs shall be paid in full by Applicant, without deduction or offset, within thirty (30) calendar days of the date of the Invoice. Applicant covenants and agrees that failure to pay such Eligible Costs to Town in full within thirty (30) calendar days of the date of such Invoice will result in a late charge in accordance with Section 6 of this Agreement, as well as in the cessation of processing the application. Applicant further covenants and agrees that, if as a result of a

failure to pay an Invoice of Eligible Costs, and the Town ceases processing the application, the Applicant shall not directly or indirectly initiate any litigation against the Town or its employees, agents, or volunteers for the cessation or delay in processing the application.

4. In the event the Applicant timely objects to an invoice, and the Town incurs additional costs in reviewing, researching and responding to said objection, the Town will charge said additional costs against the deposit or, if there is insufficient deposit to pay said additional costs, the Applicant shall said costs to the Town within 30 days of the Town's direction to do so; provided, however, that the Town will not charge such additional costs against the deposit or Applicant if the objection reveals that the objection has substantive merit in that the invoice charges were incorrect or inaccurate.

5. In the event the deposit falls below 15% of the original amount of the deposit, or is expected to do so within 30 days, the Applicant shall, within 15 days after notice from the Town, replenish the deposit to its original amount. Applicant shall pay to the Town any other amounts demanded to be paid by the Town pursuant to this Agreement within 15 days after receiving notice from the Town to pay said amount(s). Any amounts not paid by Applicant shall accrue interest at the rate of 1% per month or 12% per annum until fully paid.

6. In the event any approval is appealed, additional amounts shall be required to be paid to the Town by the Applicant and payment thereof shall be a condition precedent to the processing of any such appeal.

7. Town shall review and process the application in accordance with this Agreement and all applicable laws, regulations, ordinances, standards and policies. This agreement applies to all subsequent applications related to the project for which the Hourly Billing Rates Schedule applies.

8. Nonpayment or untimely payment of any amount owed hereunder may, at the sole and exclusive discretion of the Director of Community Development, result in temporary or permanent cessation of processing of the application or inspection of the work and, after notice, may result in (i) the denial of the application, (ii) an order requiring cessation of all work, and/or (iii) the withholding of permits, plan checks, entitlements, approvals and/or certificates.

9. Applicant's timely performance of Agreement is vital to the Town's decision-making process with respect to the Project. Accordingly, Applicant waives any legal rights to have the Town complete review and processing of the Project, including, without limitation any applicable rights under the California Permit Streamlining Act, California Environmental Quality Act, Subdivision Map Act or any other law, in the event that Applicant breaches this Agreement or is untimely in making payments. In the event that the Town ceases processing pursuant to Section 9, Town will restart said processing as soon as reasonably feasible after Applicant has paid all outstanding amounts.

10. Prior to completion of processing of any phase of the project, any and all outstanding amounts due pursuant to this Agreement shall be paid.

11. Applicant will defend, indemnify, release and hold harmless the Town, its agents, offices, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities ("indemnitees"), the purpose of which is to attack, set aside, void or annul the approval of this Agreement, the Project application(s) or adoption of the environmental document which accompanies it. This indemnification shall include, without limitation, damages, costs, expenses, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the Applicant, third parties and/or the indemnitees, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the indemnitees. The Applicant will also indemnify the indemnitees for all costs incurred in additional investigation or study, or for supplementing, redrafting, revising or amending any document (e.g., the EIR, Specific Plan, General Plan, Precise Development Plan, Zoning Ordinance, etc.) if such is made necessary by the claim, action or proceeding and if the Applicant desires approvals from the Town which are conditioned on the approval of said documents.

12. Nothing in this Agreement shall prohibit the Town from participating in the defense of any claim, action or proceeding. In the event that the Applicant is required to defend the indemnitees in connection with any said claim, action or proceeding, the Town shall retain the right to (i) approve the counsel to so defend the indemnitees, (ii) approve all significant decisions concerning the matter in which the defense is conducted, and (iii) approve any and all settlements, which approvals shall not be unreasonably withheld by the Town. The Town shall also have the right not to participate in said defense, except that the Town agrees to cooperate with the Applicant in the defense of said claim, action or proceeding. If the Town chooses to have counsel of its own defend any claim, action or proceeding where the Applicant has already retained counsel to defend the Town in such matters, the fees and expenses of the counsel selected by the Town shall be paid by the Applicant.

13. The undersigned Owner hereby represents that he/she is the sole owner(s) of the subject property. The other Applicant warrants that s/he is a duly authorized agent of the Owner with full authority to execute this Agreement. All Applicants agree to be jointly and severally liable for payment of all fees and costs referenced above. Applicant agrees to notify Town in writing prior to any change in ownership and to submit a written assumption of the obligations under this Agreement signed by the new owner or his/her authorized agent.

14. Delinquent amounts shall constitute a lien on-the subject property and expressly consents to recordation of a notice of lien and/or copy of this Agreement against the subject property with respect to any amounts which are delinquent.

15. The laws of the State of California shall govern this Agreement. In the event that a dispute arises under this agreement, Marin County shall be the proper venue for any judicial resolution of said dispute.

16. If any provision of this Agreement is found to be invalid or unenforceable, the validity and enforceability of the remaining portions shall not be affected unless the effect thereof would materially change the economic burden on either party.


17. This Agreement shall be binding on the assigns and successors in interest to both parties. Neither party may assign their obligations under this Agreement without the written consent of the other party.

18. This Agreement represents the entire Agreement between the parties. This Agreement may only be amended in writing.

IN WITNESS WHEREOF the parties hereto have caused their duly authorized representatives to execute this Agreement the day and year above written.

**OWNER/APPLICANT:**

Name of Property Owner: Sierra Pines Group LLC

Signature of Property Owner: 

Date: 11/19/19 Telephone No.: 415-250-4434

Mailing Address: Po Box 37  
Corte Madera, CA 94976

\_\_\_\_\_  
*Signature of Applicant (if other than Owner)*

\_\_\_\_\_  
*Date*

*Address:* \_\_\_\_\_

**If this Agreement is signed on behalf of a corporation, limited liability company or limited partnership, then the majority shareholder, managing member or general partner, respectively, must sign the personal guarantee below.**

**PERSONAL GUARANTEE**

The undersigned warrants that s/he is the Managing member  
[majority shareholder, managing member, general partner] of  
Sierra Pines Group LLC ("Owner"). For good and valuable  
consideration, the undersigned absolutely and unconditionally guarantees the timely

performance of, promises to perform the obligations of and guarantees to make the payments required to be made by Sierra Pines Group LLC [state the name of the entity] (collectively, "indebtedness") as set forth hereinabove. This guarantee shall take effect upon the date first written above and continue in full force until all indebtedness shall have been fully paid and satisfied. The undersigned waives any right to require the Town to (a) make any presentment, protest, demand or notice of any kind, including notice of change of any terms of the indebtedness, default by the Owner, any action or non-action taken by the Owner, or the creation of new or additional indebtedness; (b) proceed against any person, including the Owner, before proceeding against the undersigned; (c) proceed against any collateral for the indebtedness; (d) apply any payments or proceeds received against the indebtedness in any order; and/or (g) pursue any remedy or course of action in the Town's power whatsoever. The undersigned agrees to any modification or change in the terms of the indebtedness, whatsoever.



(Signature)

Printed Name: Eric Crandall

Title: managing member

Date: 11/19/19

**TOWN OF TIBURON:**

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Date

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Town Attorney



**FOR TOWN USE ONLY:**

Name of Project:

\_\_\_\_\_

Name of Applicant:

\_\_\_\_\_

Name of Property Owner:

\_\_\_\_\_

Address of Project:

\_\_\_\_\_

Type of Application:

\_\_\_\_\_

Fee Deposit: \$

\_\_\_\_\_

Receipt No.

\_\_\_\_\_

Staff Member Receiving:

\_\_\_\_\_

Date Received:

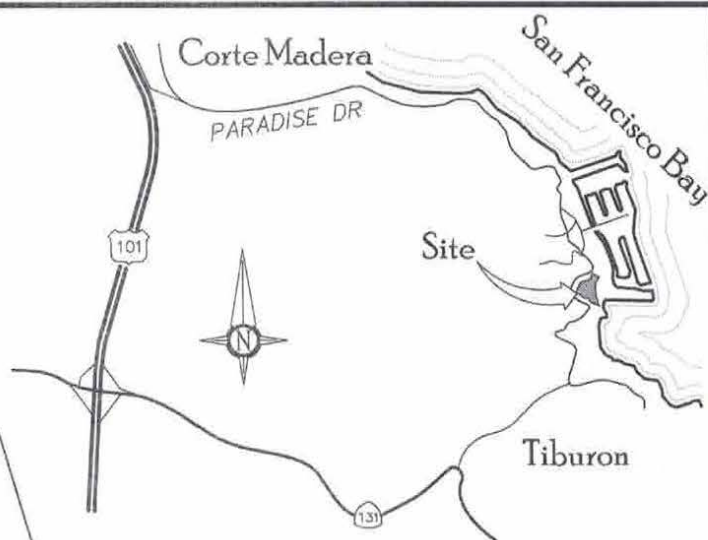
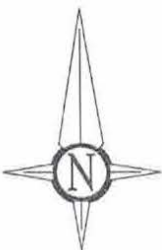
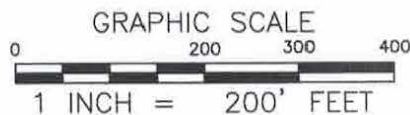
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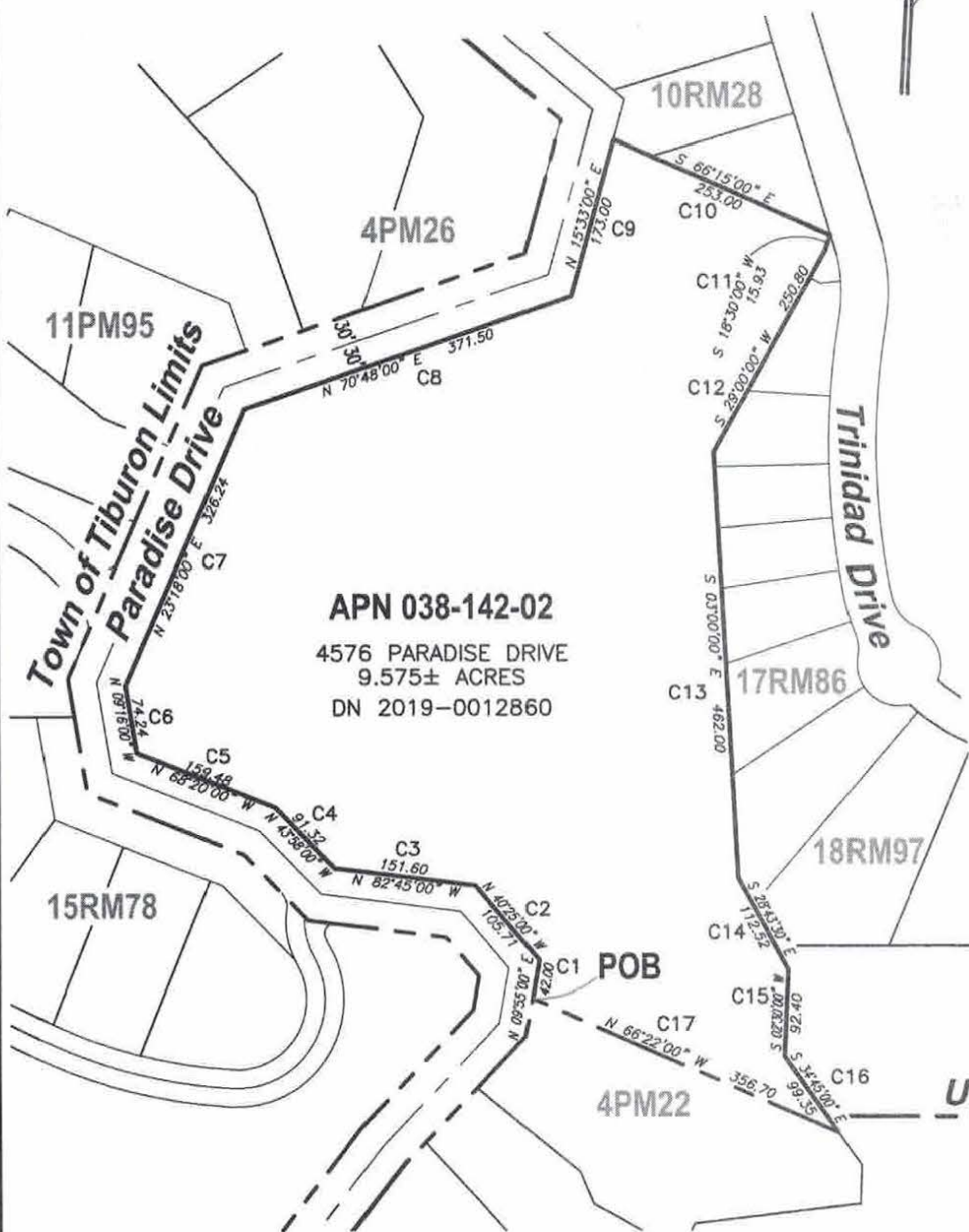
\_\_\_\_\_

*S:\Planning\Forms\Cost Recovery Agreement CDD short form rev. 8-2018.doc*

# Exhibit A



**VICINITY MAP**  
NTS



## LEGEND

- APN ASSESSOR PARCEL NUMBER
- C# COURSE NUMBER
- DN DOCUMENT NUMBER
- NTS NOT TO SCALE
- PM PARCEL MAP
- POB POINT OF BEGINNING
- RM RECORD MAP
- TOWN LIMITS

BEING A PORTION OF RANCHO CORTE MADERA DEL PRESIDIO

BORDERING TIDE LOTS 10, 15, 18 IN SECTION 25, TOWNSHIP 1 NORTH, RANGE 5 WEST, MDB&M

**Unincorporated Marin County**  
**Town of Tiburon Limits**

## 1031Survey, Inc.

HIGH DEFINITION SURVEYING  
1857 Rainier Circle, Petaluma, California 94954  
415-827-6370 www.1031survey.com

**REORGANIZATION OF  
4576 PARADISE DRIVE  
LAFCo#**

JOB #: 19145LAFCo-EX

DATE: 2019.05.06

CREATED BY: \_\_\_\_\_

SHEET NO. 1 OF 1

Reorganization of 4576 Paradise Drive  
LAFCO # X  
Legal Description

BEING A PORTION OF THE RANCHO DE CORTE MADER DEL PRESIDIO AS DESCRIBED BY DEED RECORDED UNDER DOCUMENT NUMBER 2019-0012860, MARIN COUNTY RECORDS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE INTERSECTION OF THE TOWN OF TIBURON CITY LIMITS WITH THE EASTERLY RIGHT OF WAY OF PARADISE DRIVE, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THAT CERTAIN PARCEL MAP FILED IN BOOK 4 OF PARCEL MAPS, AT PAGE 22, MARIN COUNTY RECORDS THENCE,

NORTH 09°55'00" EAST, 42.00 FEET; THENCE  
NORTH 40°25'00" WEST, 105.71 FEET; THENCE  
NORTH 82°45'00" WEST, 151.60 FEET; THENCE  
NORTH 43°58'00" WEST, 91.32 FEET; THENCE  
NORTH 68°20'00" WEST, 159.48 FEET; THENCE  
NORTH 09°16'00" WEST, 74.24 FEET; THENCE  
NORTH 23°18'00" EAST, 326.24 FEET; THENCE  
NORTH 70°48'00" EAST, 371.50 FEET; THENCE  
NORTH 15°33'00" EAST, 173.00 FEET; THENCE  
SOUTH 66°15'00" EAST, 253.00 FEET; THENCE  
SOUTH 18°30'00" WEST, 15.93 FEET; THENCE  
SOUTH 29°00'00" WEST, 250.80 FEET; THENCE  
SOUTH 03°00'00" EAST, 462.00 FEET; THENCE  
SOUTH 28°43'30" EAST, 112.52 FEET; THENCE  
SOUTH 02°30'00" WEST, 92.40 FEET; THENCE  
SOUTH 34°45'00" EAST, 99.35 FEET; THENCE  
NORTH 66°22'00" EAST, 356.70 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 9.575 ACRES MORE OR LESS.

BASIS OF BEARING OF THIS DESCRIPTION IS THE ABOVE MENTIONED PARCEL MAP.

\_\_\_\_\_  
GJ HARMINA, III PLS 7950

\_\_\_\_\_  
DATE

**goldfarb  
lipman  
attorneys**

1300 Clay Street, Eleventh Floor  
Oakland, California 94612  
510 836-6336

M David Kroot

Lynn Hutchins

Karen M. Tiedemann

Thomas H. Webber

Dianne Jackson McLean

Michelle D. Brewer

Jennifer K. Bell

Robert C. Mills

Isabel L. Brown

James T. Diamond, Jr.

Margaret F. Jung

Heather J. Gould

William F. DiCamillo

Amy DeVaudreuil

Barbara E. Kautz

Erica Williams Orcharton

Luis A. Rodriguez

Rafael Yaquián

Celia W. Lee

Dolores Bastian Dalton

Joshua J. Mason

Elizabeth R. Klueck

Jeffrey A. Streiffer

Jhaila R. Brown

Erik Ramakrishnan

Rya P. Murphy

Justin D. Bigelow

Aileen T. Nguyen

Katie Dahlinghaus

San Francisco

415 788-6336

Los Angeles

213 627-6336

San Diego

619 239-6336

Goldfarb & Lipman LLP

November 25, 2019

Ben Stock, Esq.  
Burke, Williams & Sorensen LLP  
1901 Harrison Street, Suite 900  
Oakland, CA 94612  
bstock@bwslaw.com

via e-mail and u.s. mail

Re: Pre-zoning application for 4576 Paradise Drive, Town of Tiburon

Dear Ben:

This firm represents Eric Crandall in connection with the above referenced matter. Mr. Crandall is applying to the Town today to pre-zone his property, and a copy of the application is enclosed with this letter. We believe the requested pre-zoning is exempt from CEQA review pursuant to CEQA Guidelines §§ 15061(b)(3).

As you know, Mr. Crandall's application for dual annexation of his property to the Town and to Sanitary District No. 2 came on for hearing before the Marin County Local Agency Formation Commission on October 10, 2019. The Commission voted to continue the hearing to give Mr. Crandall an opportunity to apply to pre-zone his property. Mr. Crandall now seeks to pre-zone his property to the Residential Planned Development (RPD) zone. Before petitioning for annexation, Mr. Crandall did not believe that pre-zoning is necessary, relying on language in Tiburon Municipal Code (TMC) § 16-68.030, which states that everything within the Town's sphere of influence that is not otherwise pre-zoned will be zoned automatically to the RPD zone upon annexation.

RPD zoning for the property is consistent not only with TMC § 16-68.030, but also with the Town's General Plan, which designates the property at page 2-9 and Diagram 2.2-1 of the Land Use Element as "Planned Development-Residential," and which contemplates eventual annexation of the site as indicated in Policy LU-29. Mr. Crandall's application also is consistent with Policy LU-34, which states that the Town "shall pre-zone property consistent with this General Plan when annexation is imminent[.]" Merely pre-zoning the site to RPD consistent with the General Plan, without any entitlements for changed use, will not result in significant environmental effects that the Town has not already analyzed in the General Plan EIR, and therefore is exempt from review under CEQA pursuant to the "common sense" exemption described in Guidelines § 15061(b)(3).

*Muzzy Ranch Co. v. Solano County Airport Land Use Commission* (2007) 41 Cal.4th 372 ("*Muzzy Ranch*") is on point. That case involved a CEQA challenge to an Airport

Ben Stock, Esq.  
November 25, 2019  
Page 2

Land Use Plan policy that restricted future general plan and zoning amendments that could increase allowable densities in undeveloped areas around the base. (*Id.* at pp. 378-379.) The Airport Land Use Commission that approved the policy relied on the common sense exemption, which the California Supreme Court upheld because the challenged policy merely incorporated limits imposed by existing general plan and zoning provisions, which had already undergone environmental review. (*Id.* at pp. 388-389.) Because no new land use regulations were proposed, it could "be seen with certainty that there [was] no possibility that the activity in question may have [had] a significant effect on the environment," so that the activity was not subject to CEQA. (Cal. Code Regs., tit. 14, § 15061(b)(3); *Muzzy Ranch*, pp. 388-389.)

Here, Mr. Crandall is seeking merely to pre-zone his property, consistent with the General Plan, as a condition precedent to annexation. As in *Muzzy Ranch*, he is not proposing any change in land use restrictions that has not already undergone environmental review. As indicated above, a planned district designation of the site is contemplated in the Town's General Plan. Likewise, annexation and eventual development of the site were contemplated in the EIR prepared for the General Plan (see, e.g., EIR at pp. 4.1-7 and 4.1-8). Prior to any development of the property Mr. Crandall will be required to submit detailed development plans for the Town's review, but no plan for the development of the property has been prepared yet or submitted to the Town, nor is Mr. Crandall seeking any entitlements for additional uses through the pre-zoning. In the absence of the submittal of a development plan, any site-specific impacts that have not already been analyzed in the General Plan EIR would be wholly speculative. CEQA does not require analysis of speculative impacts. (See Cal. Code Regs., tit. 14, § 15064(d)(3) ["A change that is speculative ... is not reasonably foreseeable".])

Please feel free to contact me or Erik Ramakrishnan at 510-836-6336 if you have any questions or concerns that you would like to discuss. Thank you for your attention to this matter.

Sincerely,



BARBARA E. KAUTZ

Enclosure

cc: Sung H. Kwon, Community Development Director



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

**AGENDA REPORT**  
December 12, 2019  
Item No. 7 (Business)

**TO:** Local Agency Formation Commission

**FROM:** Jason Fried, Executive Officer

**SUBJECT:** **Approval of Contract with Alyssa Schiffmann for Bookkeeping Services**

---

## Background

Since December of 2017, Marin LAFCo has had an agreement with Alyssa Schiffmann to perform bookkeeping services, which is set to expire December 31, 2019. Attached is a new agreement with Ms. Schiffmann to continue to do work with Marin LAFCo. This agreement uses one of the template agreements provide to LAFCo by Best, Best, and Krieger, with changes that are in the attached redline version of the agreement.

The agreement would be a 2.5-year term. This will allow the contract to end on June 30, 2022 which lines up with the fiscal year. As a reminder, staff has been working to get all contracts to expire with the fiscal year so any increases in costs that can occur with extensions or contracts with new vendors can be factored into our annual budget.

Ms. Schiffmann has agreed to keep her current hourly rate the same for the rest of the current fiscal year and then about a 3% increase for each of the following fiscal years.

## Staff Recommendation for Action

1. Staff Recommendation – Authorize the Executive Officer to sign the attached letter agreement with Ms. Schiffmann.
2. Alternate Option - Authorize the Executive Officer to request changes to attached letter agreement and then authorize the Executive Officer to sign the attached letter agreement with Ms. Schiffmann if changes are agreeable to Ms. Schiffmann.
3. Alternate Option – Continue this item to a future meeting and give staff instruction on what additional information the Commission would like to get.

## Attachments

1. Letter Agreement with Ms. Schiffmann

### Administrative Office

Jason Fried, Executive Officer  
1401 Los Gatos Drive, Suite 220  
San Rafael, California 94903  
T: 415-448-5877 E: [staff@marinlafco.org](mailto:staff@marinlafco.org)  
[www.marinlafco.org](http://www.marinlafco.org)

Damon Connolly, Regular  
County of Marin

Dennis J. Rodoni, Regular  
County of Marin

Judy Arnold, Alternate  
County of Marin

Sashi McEntee, Chair  
City of Mill Valley

Sloan Bailey, Regular  
Town of Corte Madera

Barbara Coler, Alternate  
Town of Fairfax

Craig K. Murray, Vice Chair  
Las Gallinas Valley Sanitary

Lew Kious, Regular  
Almonte Sanitary District

Tod Moody, Alternate  
Sanitary District #5

Larry Loder, Regular  
Public Member

Chris Skelton, Alternate  
Public Member

[INSERT DATE]

ALYSSA SCHIFFMANN  
21 ROWLAND CT  
SAN ANSELMO, CA 94960

Dear Alyssa Schiffmann:

Letter Agreement for Bookkeeping Services

This letter shall be our Agreement (“Letter Agreement”) regarding the bookkeeping services described below (“Services”) to be provided by Alyssa Schiffmann, Sole Proprietor (“Consultant”) as an independent contractor to the Marin Local Agency Formation Commission (the “Commission”) for the Commission’s bookkeeping (“Project”). Consultant is retained as independent contractor and is not an employee of the Commission. Commission and Consultant are sometimes referred to herein as “Party” or “Parties.”

The Services to be provided include the following: assistance with the annual audit, annual 1099 form processing, financial reports for each board meeting, annual budget preparation, and other projects as assigned by the executive officer. Services on the Project shall begin immediately and shall be completed by June 30, 2022 unless extended by the Commission in writing.

Consultant shall perform all Services under this Letter Agreement in a skillful and competent manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California, and consistent with all applicable laws. Consultant represents that it, its employees and subcontractors have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the Services, including any required business license, and that such licenses and approvals shall be maintained throughout the term of this Letter Agreement.

Consultant has represented to the Commission that certain key personnel will perform and coordinate the Services under this Letter Agreement. Should one or more of such personnel become unavailable, Consultant may substitute other personnel of equal competence upon written approval of the Commission. In the event that the Commission and Consultant cannot agree as to the substitution of key personnel, the Commission shall be entitled to terminate this Letter Agreement for cause. The key personnel for performance of this Letter Agreement are as follows: Alyssa Schiffmann

Compensation shall be based on the actual amount of time spent in adequately performing the Services, and shall be billed at the hourly rate(s) of \$130 through 6/30/2020, \$134 through 6/30/2021, and \$138 through 6/30/2022. ~~The total compensation shall not exceed \$[INSERT DOLLAR AMOUNT] without written approval of the [INSERT POSITION/TITLE OF DEPARTMENT HEAD, OR EXECUTIVE OFFICER].~~ Consultant’s invoices shall include a detailed description of the Services performed. Invoices shall be submitted to the Commission on a minimum monthly quarterly basis as performance of the Services progresses. The Commission shall review and pay the approved charges on such invoices in a timely manner.

«Vendor»

[Date]

Page 2 of 5

Consultant is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., (“Prevailing Wage Laws”), which require the payment of prevailing wage rates and the performance of other requirements on “public works” and “maintenance” projects. ~~IF~~ ~~OR~~ ~~“SINCE” AS APPLICABLE~~ If the Services are being performed as part of an applicable “public works” or “maintenance” project, as defined by the Prevailing Wage Laws, and ~~IF~~ ~~OR~~ ~~“SINCE” AS APPLICABLE~~ if the total compensation is \$1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. Commission shall provide Consultant with a copy of the prevailing rates of per diem wages in effect at the commencement of this Letter Agreement upon request. Consultant shall make copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the Services available to interested parties upon request, and shall post copies at the Consultant’s principal place of business and at the project site. Consultant shall defend, indemnify and hold the Commission, its officials, officers, employees and agents free and harmless from any claim or liability arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the Consultant and all subconsultants to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Sections 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.

If the Services are being performed as part of an applicable “public works” or “maintenance” project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Consultant and all subconsultants performing such Services must be registered with the Department of Industrial Relations. Consultant shall maintain registration for the duration of the Project and require the same of any subconsultants, as applicable. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1.

This Project may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Consultant’s sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor that affect Consultant’s performance of services, including any delay, shall be Consultant’s sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Consultant caused delay and shall not be compensable by the Commission. Consultant shall defend, indemnify and hold the Commission, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor.



«Vendor»

[Date]

Page 3 of 5

Consultant shall provide proof of: A. ~~Commercial General Liability Insurance, of at least \$1,000,000 per occurrence/\$2,000,000 aggregate for bodily injury, personal injury and property damage, at least as broad as Insurance Services Office Commercial General Liability most recent Occurrence Form CG 00 01;~~ B. Automobile Liability Insurance for bodily injury and property damage including coverage for owned, non-owned and hired vehicles, of at least \$1,000,000 per occurrence for bodily injury and property damage, at least as broad as most recent Insurance Services Office Form Number CA 00 01 covering automobile liability, Code 1 (any auto); ~~C. Workers' Compensation in compliance with applicable statutory requirements and Employer's Liability Coverage of at least \$1,000,000 per occurrence;~~ and D. ~~Consultants providing professional services shall provide Professional Liability (Errors and Omissions) Insurance of at least \$1,000,000. Insurance carriers shall be licensed to do business in California and maintain an agent for process within the state.~~ Such insurance carrier shall have not less than an "A-VII" rating according to the latest Best Key Rating unless otherwise approved by the Commission. The Commission, its officials, officers, employees, agents and authorized volunteers shall be named as Additional Insureds on Consultant's policies of ~~Commercial General Liability and~~ Automobile Liability insurance and such coverage provided to the Commission as an Additional Insured shall apply on a primary and non-contributory basis. Waiver of subrogation endorsements in favor of ~~the Commission shall be provided on Consultant's policies of Commercial General Liability, Automobile Liability and Workers' Compensation/Employer's Liability insurance.~~

The Commission may terminate this Letter Agreement at any time with or without cause. If the Commission finds it necessary to terminate this Letter Agreement without cause before Project completion, Consultant shall be entitled to be paid in full for those Services adequately completed prior to the notification of termination. Consultant may terminate this Letter Agreement only upon 30 calendar days' written notice to the Commission only in the event of Commission's failure to perform in accordance with the terms of this Letter Agreement through no fault of Consultant.

To the fullest extent permitted by law, Consultant shall defend (with counsel of Commission's choosing), indemnify and hold the Commission, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's services, the Project or this Letter Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses. Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Consultant, the Commission, its officials, officers, employees, agents, or volunteers.

If Consultant's obligation to defend, indemnify, and/or hold harmless arises out of Consultant's performance of "design professional" services (as that term is defined under Civil Code section 2782.8), then, and only to the extent required by Civil Code section 2782.8, which is fully incorporated herein, Consultant's indemnification obligation shall be limited to claims that arise

«Vendor»

[Date]

Page 4 of 5

out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant's liability for such claim, including the cost to defend, shall not exceed the Consultant's proportionate percentage of fault.

Consultant shall keep itself fully informed of and in compliance with all local, state and federal laws, rules and regulations in any manner affecting the performance of the Project or the Services, including all Cal/OSHA requirements; all emissions limits and permitting requirements imposed by the California Air Resources Board (CARB) or other governmental agencies; and all water quality laws, rules and regulations of the Environmental Protection Agency, the State Water Resources Control Board and the Commission.

By executing this Letter Agreement, Consultant verifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time. Consultant shall maintain records of its compliance, including its verification of each employee, and shall make them available to the Commission or its representatives for inspection and copy at any time during normal business hours. The Commission shall not be responsible for any costs or expenses related to Consultant's compliance with the requirements. To the same extent and under the same conditions as Consultant, Consultant shall require all of its subcontractors, sub-subcontractors and consultants performing any work relating to the Project or this Letter Agreement to make the same verifications and comply with all requirements and restrictions provided herein. Consultant's failure to comply or any material misrepresentations or omissions relating thereto shall be grounds for terminating this Letter Agreement for cause.

By its signature hereunder, Consultant certifies that it is aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and agrees to comply with such provisions before commencing the performance of the Services. Finally, Consultant represents that it is an equal opportunity employer and it shall not discriminate against any subcontractor, employee or applicant for employment in violation of state or federal law. As provided for in the indemnity obligations of this Letter Agreement, Consultant shall indemnify Commission against any alleged violations of this paragraph, including, but not limited to, any fines or penalties imposed by any governmental agency.

This Letter Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Letter Agreement, the action shall be brought in a state or federal court situated in Marin County, State of California. In addition to any and all contract requirements pertaining to notices of and requests for compensation or payment for extra work, disputed work, claims and/or changed conditions, Consultant must comply with the claim procedures set forth in Government Code sections 900 *et seq.* prior to filing any lawsuit against the Commission. Such Government Code claims and any subsequent lawsuit based upon the Government Code claims shall be limited to those matters that remain unresolved after all procedures pertaining to extra work, disputed work, claims, and/or changed

conditions have been followed by Consultant. If no such Government Code claim is submitted, or if any prerequisite contractual requirements are not otherwise satisfied as specified herein, Consultant shall be barred from bringing and maintaining a valid lawsuit against the Commission.

Consultant shall not assign, sublet, or transfer this Letter Agreement or any rights under or interest in this Letter Agreement without the written consent of the Commission, which may be withheld for any reason. This Letter Agreement may not be modified or altered except in writing signed by both parties. Except to the extent expressly provided for in the termination paragraph, there are no intended third party beneficiaries of any right or obligation of the Parties.

This is an integrated Letter Agreement representing the entire understanding of the parties as to those matters contained herein, and supersedes and cancels any prior oral or written understanding or representations with respect to matters covered hereunder. Since the Parties or their agents have participated fully in the preparation of this Letter Agreement, the language of this Letter Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party. The captions of the various paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content or intent of this Letter Agreement.

Consultant warrants that the individual who has signed this Letter Agreement has the legal power, right and authority to make this Letter Agreement and bind the Consultant hereto. If you agree with the terms of this Letter Agreement, please indicate by signing and dating where indicated below.

**MARIN LOCAL AGENCY FORMATION COMMISSION ALYSSA SCHIFFMANN**

*Approved By:*

\_\_\_\_\_  
Jason Fried  
Executive Officer

\_\_\_\_\_  
Date

*Attested By:*

\_\_\_\_\_  
Board Clerk

\_\_\_\_\_  
Signature

Alyssa Schiffmann  
\_\_\_\_\_  
Name

\_\_\_\_\_  
Consultant  
Title

\_\_\_\_\_  
Date



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

**AGENDA REPORT**  
December 12, 2019  
Item No. 8 (Business)

**TO:** Local Agency Formation Commission

**FROM:** Jason Fried, Executive Officer

**SUBJECT:** CALAFCO Question on State Government Code Section 56375.2

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## Background

From time to time, CALAFCO reviews the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) to look at special provisions impacting just one LAFCo, and ask the question if that clause needs to remain in CKH. CALAFCO has identified 11 such provisions that date as far back as 1985. Marin LAFCo has one such special provision, State Government Code Section 56375.2, which deals with a process to move forward with the merger of members of the Sewage Agency of Southern Marin (SASM). Marin LAFCo started this process in 2011 but decided against doing it. This government code has remained on the books since and can still be used today if desired by the Commission.

The question in front of the Commission is do we still want to keep this special provision in government code. From staff perspective, this single section of government code has its pros and cons. From a very high-level view, the pro side is that should any of these agencies wish to reorganize this section can give a very easy path for this to occur. Also, from a very high-level view, the con side is that this very process was tried in 2011 and has engrained a negative connotation, for some people, of LAFCo that is still talked about today.

Also, from a staff perspective, there are reasons to both keep or delete this section.

While staff recognizes the history of 56375.2, it is still a more time and cost-efficient way to do mergers than is allowed by other parts of CKH. While current staff would not try to do the merger the same way as was attempted in 2011 when the next round of MSR are done for SASM in FY 2022-2023, staff intends to have at least a discussion about merging. The process current staff would use would not look anything like what was done in 2011. Instead, staff would use the working group process that has been used to get the Murray Park and Ross Valley reorganization that is on today's agenda or the San Rafael Fire Services process that has just been started. Should the working group process provide reorganization of any parts of SASM then, as stated earlier, 56375.2 does provide a quicker and more cost-effective process to get this done.

The main reason staff would say to delete this section is if the Commission has no desire to see this path used for merger in the future. This would send a signal that the Commission has no desire to force reorganizations that are not supported by the local agency and/or general public.

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Public Member

Chris Skelton, Alternate  
Public Member

Finally, should Marin LAFCo stay silent or oppose removal, CALAFCO would respect that and not look to remove section 56375.2 from CKH.

**Staff Recommendation for Action** (While staff expressed its opinion above, it is staff opinion this is a decision that the Commission should decide on and is not making any official position):

1. Option – The commission takes a position to support removal of 56375.2 from government code.
2. Option - The commission takes a position to not ask for the removal of 56375.2 from government code.
3. Option – Continue this item to a future meeting and give staff instruction on what additional information the Commission would like to get.



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## AGENDA REPORT

December 12, 2019

Executive Officer Report – Section A

**TO:** Local Agency Formation Commission

**FROM:** Jason Fried, Executive Officer

**SUBJECT:** Budget Update for FY 2019-2020

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### Background

Marin Local Agency Formation Commission (LAFCo) adopted a budget for FY 2019-2020 totaling \$647,927.78. This budget includes unspent funds from last FY in order to pay for the completion of the work in the current FY. From July 1, 2018, through November 30, 2019, LAFCo has spent \$208,052.37 or about 32.1% of the FY 2019-2020 budget. This report covers 5 months, that is about 40% of the year.

#### Attachment:

- 1) FY 2019-2020 Budget Report as of 10/02/19

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## Marin Local Agency Formation Commission

## 2019/20 BUDGET REPORT

12/04/19

July 2019 through June 2020

Accrual Basis

	Jul '19 - Jun 20	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
4710510 · Agency Contributions	559,522.53	559,522.51	0.02	100.0%
<b>Total Income</b>	<b>559,522.53</b>	<b>559,522.51</b>	<b>0.02</b>	<b>100.0%</b>
<b>Expense</b>				
5111000 · Salary and Benefit Costs				
5110109 · Salaries	82,700.83	305,553.00	-222,852.17	27.1%
5130120 · County of Marin - Group Health	8,644.05	61,110.60	-52,466.55	14.1%
5130500 · MCERA / Pension	14,214.22	56,911.23	-42,697.01	25.0%
5130525 · Retiree Health	0.00	16,000.00	-16,000.00	0.0%
5140115 · Workers Compensation	-723.39			
5140145 · Unemployment Insurance	434.00			
<b>Total 5111000 · Salary and Benefit Costs</b>	<b>105,269.71</b>	<b>439,574.83</b>	<b>-334,305.12</b>	<b>23.9%</b>
5210110 · Professional Services	36,349.42	70,000.00	-33,650.58	51.9%
5210131 · Legal Services	14,903.40	35,000.00	-20,096.60	42.6%
5210525 · General Insurance	6,391.28	4,000.00	2,391.28	159.8%
5210710 · Communications Services	6,849.60	14,000.00	-7,150.40	48.9%
5210935 · Office Equipment Purchases	0.00	4,500.00	-4,500.00	0.0%
5211215 · Rent - Storage	292.46	500.00	-207.54	58.5%
5211270 · Office Lease/Rent	16,287.60	32,652.95	-16,365.35	49.9%
5211325 · Conferences	1,144.15	4,000.00	-2,855.85	28.6%
5211330 · Memberships & Dues	14,707.00	15,000.00	-293.00	98.0%
5211340 · Training	0.00	1,700.00	-1,700.00	0.0%
5211440 · Travel - Mileage	1,329.80	4,000.00	-2,670.20	33.2%
5211510 · Misc Services	514.84	2,000.00	-1,485.16	25.7%
5211520 · Publications/Notices	89.50	3,500.00	-3,410.50	2.6%
5211533 · Commissioner Per Diems	2,625.00	13,500.00	-10,875.00	19.4%
5220110 · Office Supplies & Postage	1,298.81	4,000.00	-2,701.19	32.5%
<b>Total Expense</b>	<b>208,052.57</b>	<b>647,927.78</b>	<b>-439,875.21</b>	<b>32.1%</b>
<b>Net Ordinary Income</b>	<b>351,469.96</b>	<b>-88,405.27</b>	<b>439,875.23</b>	<b>-397.6%</b>
<b>Other Income/Expense</b>				
<b>Other Income</b>				
4410125 · Interest Earnings	2,479.59	5,000.00	-2,520.41	49.6%
4700000 · Prior Year Carryover	680.00	83,405.27	-82,725.27	0.8%
<b>Total Other Income</b>	<b>3,159.59</b>	<b>88,405.27</b>	<b>-85,245.68</b>	<b>3.6%</b>
<b>Net Other Income</b>	<b>3,159.59</b>	<b>88,405.27</b>	<b>-85,245.68</b>	<b>3.6%</b>
<b>Net Income</b>	<b>354,629.55</b>	<b>0.00</b>	<b>354,629.55</b>	<b>100.0%</b>



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## AGENDA REPORT

December 12, 2019

Executive Officer Report – Section B

**TO:** Local Agency Formation Commission

**FROM:** Jason Fried, Executive Officer

**SUBJECT:** **Current and Pending Proposals**

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### Background

The Commission is invited to discuss the item and provide direction to staff on any related matter as needed for future discussion and/or action.

On today's agenda, File #1342 and File #1344 are being discussed as separate items. Updates on this item can be found as part of items 5 and 6 in the agenda packet.

### Item of Note

LAFCo File #1324 (Annexation of 1501 Lucas Valley Road to MMWD) needs to complete terms by 12/13/19 or it will be deemed terminated. LAFCo staff has been communicating with the applicant and the district over the past year. On November 19, an email was sent to the applicant asking about the status and informing them of the 12/13/19 deadline. Also mentioned was that if they did not anticipate completion of the item that they needed to request an extension by December 1, 2019. On December 4, still not having received any reply to staff inquiry about the application, staff called both numbers listed with the application and left voicemails. As of the writing of this memo no response has been given to the recent requests. As stated, if terms needed to complete the application are not met by Friday December 13, 2019 then, based on state government code, staff will move this file from pending to terminated.

### Attachment:

- 1) Chart of Current and Pending Proposals

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Current and Pending Proposals

LAFCo File #	Status	Proposal	Description	Government Agency	Latest Update
1324	Approved by Commission and Awaiting Completion of Terms	Annexation of 1501 Lucas Valley Road	Landowner (Andre Souang) requesting approval to annex approximately 61.3 acres of unincorporated/improved territory (164-280-35) located at 1501 Lucas Valley Road to Marin Municipal Water District (MMWD). The applicant requested annexation to MMWD to provide a reliable source of domestic water service given concerns regarding the continued use of an onsite well. The Commission approved the proposal without amendments and with additional terms at its December 14, 2017 meeting. Terms remain outstanding as of date and therefore the proposal remains active.	Marin Municipal Water District	Terms must be completed by 12/13/19
1337	Approved by Commission and Awaiting Completion of Terms	Reorganization of Mesa Road	Landowner (Brad Drury) requesting annexation approval of 276 Mesa Road (188-170-54) in the unincorporated coastal community of Bolinas to the Bolinas Community Public Utility District. The affected territory is approximately 20.6 acres in size and is currently undeveloped. The stated purpose of the proposal is to provide water service to the affected territory in order for the development of a single-family residence. The Commission approved the proposal with amendments to include the entire public right-of-way extending to 276 Mesa Road on October 12, 2017, with additional terms. Terms remain outstanding as of date and therefore the proposal remains active.	Bolinas Community Public Utility District	Terms must be completed by 8/9/20.
1341	Emergency OSA and Future application	Emergency OSA and awaiting application to annex into San Rafael Sanitation District	32 Fairway Dr, San Rafael had a failed septic tank which they reported to Marin County Environmental Health Services Division and needs an OSA to connect into SRSD. The applicant also plans to annex permanently into SRSD but first needs to get all needed materials, such as legal description and legal maps produced. They should be submitting application in the near future.	San Rafael Sanitation District	On 3/28/19 SRSD informed LAFCo the basic plans had been approved for OSA.
1342	Under Review and Awaiting Hearing	Reorganization of 4576 Paradise Drive	Sierra Pines Group LLC ("applicant") requesting approval to annex one lot totaling 9.575 acres to the Town of Tiburon and Corte Madera Sanitary District #2. The affected territory is near the Town of Tiburon with a situs address of 4576 Paradise Drive (038-142-02.)	Town of Tiburon and SD#2	On today's agenda

Current and Pending Proposals

LAFCo File #	Status	Proposal	Description	Government Agency	Latest Update
	Possible Future Item	San Quentin Village Sewer Maintenance District consolidation with Ross Valley Sanitary District	Based on past action of Marin LAFCo, discussion of possible consolidation between SQVSMD with RVSD has been deemed as seemingly in the best interest of the community of San Quentin Village customers.	SQVSMD and RVSD	Staff is currently reviewing outstanding issues with the staffs from both SQVSMD and RVSD.
	Possible Future Item	Murray Park Sewer Maintenance District consolidation with Ross Valley Sanitary District	Based on past action of Marin LAFCo, discussion of possible consolidation between MPSMD with RVSD has been deemed as seemingly in the best interest of the community of Murry Park customers.	MPSMD and RVSD	On today's agenda
	Possible Future Item	Boundary Adjustment	The County Service Area No. 29, which provides dredging for properties located within the District, has conveyed interest on a potential proposal to detach at least six parcels that do not benefit from the municipal service and the addition of one parcel that is currently outside of CSA 29's jurisdictional boundary and does benefit from the dredging. The proposal would essentially match public services to the appropriate service area.	County Service Area No. 29 - Paradise Cay	This item will be looked at as part of its MSR occurring now.

Current and Pending Proposals

LAFCo File #	Status	Proposal	Description	Government Agency	Latest Update
1328	Deemed Terminated	Annexation of 255 Margarita Drive	Landowner (Paul Thompson) requesting annexation approval of 255 Margarita Drive (016-011-29) in the unincorporated island community of Country Club to the San Rafael Sanitation District. The affected territory is approximately 1.1 acres in size and currently developed with a single-family residence. It has also established service with the SRSD as part of a LAFCo approved outside service extension due to evidence of a failing septic system. The outside service extension was conditioned – among other items – on the applicant applying to LAFCo to annex the affected territory to the San Rafael Sanitation District as a permanent means to public wastewater service. The application remains incomplete at this time and awaits consent determination by SRSD.	San Rafael Sanitation District	Application is now deemed terminated and staff is working to get SRSD to disconnect.
1335	Completed	Reorganization of 400 Upper Toyon Road	Landowner (Raphael de Balmann) requesting approval to reorganize one incorporated parcel totaling 2.5 acres located at 400 Upper Toyon Drive (012-121-28) in the City of San Rafael. The proposed reorganization involves the detachment of the affected territory and concurrent annexation therein to the Town of Ross. The affected territory is developed to date with a four-bedroom single family residence and accessible through a privately-owned and maintained road located atop a ridge at approximately 520 feet. The stated purpose of the proposal is to match the affected territory with the applicant’s preferred municipality given the communities of interests with Ross. Concurrent sphere of influence amendments would be needed to accommodate the request. The application is currently under administrative review and is deemed incomplete at this time.	City of San Rafael and Town of Ross	Approved at Aug 2019 meeting. Have received SBE acceptance and has been entered in MarinMap.
1343	Completed	Reorganization of 2260 Vineyard Rd	Patrick and Erin Sheedy (“applicant”) requesting approval to annex one lot to Novato Sanitary District. The affected territory is in City of Novato with a situs address of 2260 Vineyard (132-311-61.)	Novato Sanitary District	Approved at Aug 2019 meeting. Currently at County Recorders office.