

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 24-04

ADOPTION OF THE MULTI-REGIONAL SERVICES MUNICIPAL SERVICE REVIEW

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

WHEREAS the Commission is responsible under Government Code Section 56430 to regularly prepare studies to independently assess the availability, performance, and need of governmental services to inform its regulatory and other planning activities; and

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

WHEREAS a written report on the municipal service review was presented to the Commission in a manner provided by law; and

WHEREAS Marin LAFCo issued a Draft Service Review on Tuesday, May 14, 2024, which included a public hearing, and a Final Service Review on Thursday, August 8, 2024, which also included a public hearing; and

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

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

1. The Commission determines this municipal service review is a project under the California Environmental Quality Act but qualifies for an exemption from further action as an informational document consistent with State CEQA Guidelines Section 15306, Class 6.
2. The Commission adopts the municipal service review and the statement of written determinations generated from the information presented in the written report on the municipal service review as set forth in Exhibit “A”.
3. The Commission refers the public to the report on the municipal service review for additional details and important context, including – but not limited to – documenting each agency’s active and latent service powers.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission, on August 8, 2024, by the following vote:

AYES: Commissioner Coler, Kious, Murray, Chu, Lucan and Moulton-Peters

NOES: _____

ABSTAIN: _____

ABSENT: Commissioner Burdo

barbara coler
Barbara Coler, Chair
Marin LAFCo

ATTEST:

APPROVED AS TO FORM:

Jason Fried
Jason Fried, LAFCo Executive Officer

Malathy Subramanian
Malathy Subramanian, LAFCo Counsel

Attachments to Resolution No. 24-04

- 1) Exhibit "A"

**EXHIBIT A
MULTI-REGIONAL SERVICES STUDY**

**MUNICIPAL SERVICE REVIEW DETERMINATIONS
GOVERNMENT CODE SECTION 56430**

Growth and population projections for the affected area.

a) Despite an annual population decline since 2017 of -0.48%, the Association of Bay Area Governments (ABAG) projects the population of Marin County to grow by 12% by 2040 to a total population of 283,000. While the current development potential within the multiple planning areas throughout the County is fairly minimal, ABAG's Regional Housing Needs Allocation plan has required the addition of 3,569 housing units in unincorporated Marin County, and 9,971 units within all of the incorporated cities and towns throughout the County. Using the baseline of the average persons per household captured by the 2020 Census for Marin County of 2.4, if the full RHNA allocation were to be met, it could reasonably be assumed to add approximately 32,000 people to the current population estimate of 252,959. Projected population increases for each of the districts that are not coterminous with the Marin County jurisdictional boundary can be seen below.

- North Marin Water District – Population increase of 6,043 by 2045
- Marin Healthcare District – Population increase of 32,496 by 2045
- Marin Municipal Water District – Population increase of 28,486 by 2045
- Marin County Service Area No. 31 – Population increase of 960 by 2045

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

a) Two census tract block groups (Tract 1290, Block Group 1; Tract 1121, Block Group 1) that have been designated by Marin LAFCo as a disadvantaged unincorporated community (DUC) based on 2020 U.S. Census Bureau Redistricting Data has been identified within the study area (which encompasses all of Marin County). Given that special attention is given in the updating of a sphere of influence for a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection that occurs on or after July 1, 2012, both Marin Municipal Water District and Marin County Service Area No. 31 are pertinent in the scope of these disadvantaged unincorporated communities within this study. The block groups are situated within the census-designated place of Marin City, as well as the northern section of the California Park unincorporated island in the San Rafael Area. A disadvantaged community is defined in Water Code Section 7905.5(a) as a community with an annual median household income of less than 80 percent of the statewide median household income. The statutory definition of DUCs comes from Government Code Section 56033.5, which defines DUCs as "inhabited territory" that constitutes all or a portion of a disadvantaged community. "Inhabited territory" may be defined by Government Code Section 56046 as having at least 12 registered voters, or it can be determined by "commission policy".

Per Marin LAFCo's policy, Marin LAFCo will include considerations of disadvantaged unincorporated communities within a city or district sphere of influence in statements of written determinations of municipal service reviews. Marin LAFCo will prohibit the approval of city annexations greater than 10 acres that are contiguous to a disadvantaged unincorporated community unless the city applies to annex the disadvantaged unincorporated community as well. At this time Marin LAFCo has no applications for annexation for any lands contiguous to the identified DUC. Should LAFCo in the future get such a request then it will work with the community to determine if it is in the best interest of those living within the DUC to be annexed. If it is not in the community's best interest, then they would not be included in that application.

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) The three agencies within this study that have public facilities (Marin Municipal Water District, North Marin Water District, and the Marin Healthcare District) have each shown that the present capacity of their facilities are sufficient to provide services at their current levels. Both MMWD and NMWD have adopted ambitious capital improvement plans and recently made the necessary adjustments to each of their rate schedules in order to fund the designated infrastructure improvements to both continue to provide services at their current levels as well as taking into account planning for future growth and the increased potential for lean water years. With the recent completion of both a new parking structure as well as the 260,000-square-foot hospital replacement building, the Marin Healthcare District continues to display both the intention and the necessary planning to ensure the MarinHealth Medical Center meets the standards required within SB 1953.

Financial ability of agencies to provide services.

a) The Marin Municipal Water District, North Marin Water District, Marin Healthcare District, Marin County Open Space District, and County Service Area #31 all prepare annual budgets and financial statements in accordance with established governmental accounting standards. The Boards of Directors, and the County Board of Supervisors, acting as the Board for CSA 31 and the Marin County Open Space District, 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 special district General Managers and County Administrative Officer are authorized to transfer budgeted amounts between accounts, departments, or funds under certain circumstances, however; the Special District Boards and County Board of Supervisors, acting as the Board for the Marin County Open Space District as well as CSA 31, 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 each agency by independent certified public accounting firms.

c) While additional revenues are needed to provide some services and maintain infrastructure covered in this MSR, each agency meets its financial responsibilities to provide services. In order to complete the second phase of its planned seismic infrastructure upgrades, the Marin Healthcare District will, in all likelihood, necessitate the pursuit of additional revenue bonds. CSA #31 has operated at the same tax rate since its formation 30 years ago. No attempt has been made to increase the tax since the failed ballot measure in 2010. While costs to provide service as well as simple inflation have significantly risen since that time, the CSA's tax base has remained the same. While current circumstances such as voter tax fatigue as well as the recent approval of Measure C, which levies a parcel tax specifically for fire protection and prevention services, certainly detract from the chances of the CSA successfully seeking an increase in the current tax in the near term, the possibility should continue to be monitored in order to make the necessary adjustments to the funding mechanism to ensure sufficient revenue supplementation for Marin County Fire in the future.

Status of, and opportunities for, shared facilities.

a) No opportunities were identified for the sharing specifically of constructed facilities between any of the agencies reviewed within the study.

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

a) The current jurisdictional boundary for Marin County Service Area #31 includes all of the area of Angel Island State Park that resides within the legal boundary of Marin County. This area of Angel

Island also resides within the jurisdictional boundary of the Town of Tiburon. CSA 31 was originally formed as a benefit assessment district in order to provide supplemental tax funding to the Marin County Fire Department for the provision of structure fire protection services. As there are no legally taxable parcels within Angel Island State Park, the inclusion of Angel Island within the jurisdictional boundary of CSA 31 creates no additional benefit for the Marin County Fire Department, as was the intention of the formation of the district.

The Marin County Fire Department contracts with the California Department of Forestry and Fire Protection (CAL FIRE) to provide wildland fire protection and associated fire prevention activities for lands designated as state responsibility areas (SRA). While the area is technically state parkland, CAL FIRE does not include this area as carrying the designation of SRA, but rather as a local responsibility area (LRA)¹. LRA is also the designation for all of the other incorporated spaces within Marin County. The Town of Tiburon receives fire protection services from the Tiburon Fire Protection District (TFPD), however, the Tiburon Fire Protection District's current jurisdictional boundary does not include the area of Angel Island State Park. Despite this, due to the geographic proximity of Tiburon Fire Protection District Station 11 to Angel Island as well as the District's watercraft giving it access from the Tiburon peninsula to Angel Island, TFPD frequently is the initial responder to calls for service (in particular, emergency medical calls) to Angel Island.

At this time, the state of the delivery of fire protection, as well as other emergency services, to Angel Island State Park necessitates the convening of representatives from Marin LAFCo, Marin County Fire Department, Tiburon Fire Protection District, the Town of Tiburon, and CAL FIRE/California State Parks in order to explore a more organized and defined structure to the future of this service delivery within this area.

b) In the late 1970s through the 1980s, the North Marin Water District initiated LAFCo-approved outside service area agreements for approximately 33 parcels outside of the District's boundary in southern Sonoma County. The parcels reside within the Sonoma County planning area known as the Petaluma Dairy Belt Area. Rather than continuing in perpetuity with the outside service agreements, representatives from Marin LAFCo, Sonoma LAFCo, North Marin Water District, and the City of Petaluma should convene in order to explore the transfer of these parcels for future service.

c) North Marin Water District's existing jurisdictional boundary entirely overlaps the jurisdictional boundary of the Inverness Public Utilities District. This overlap merits correction as the Commission discourages two agencies providing the same service to have overlapping boundaries. Additionally, NMWD does not provide service within IPUD's boundary, nor does it plan to in the future. Representatives from NMWD, Marin LAFCo, and IPUD should convene to explore an efficient, organized, and well-communicated manner in which to detach the parcels within the jurisdictional boundary of IPUD from NMWD.


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

a) Marin Municipal Water District and North Marin Water District have effectively partnered with other local agencies in jointly funding and establishing regional recycled water programs as part of the North Bay Water Reuse Authority. This cooperative arrangement provides a mechanism for MMWD and NMWD to pool resources in securing competitive governmental grants to implement and expand recycled water services in their service areas to help offset potable demands. Marin Municipal Water District should explore the feasibility of further collaboration with wastewater agencies in central and southern Marin County to continue to expand its provision of recycled water throughout other geographic portions of its service area.

b) Marin Municipal Water District oversees and maintains a significant amount of public open space lands, with approximately 150 miles of trails and roads within the 22,000 acres of the Mount Tamalpais Watershed. With significant resources dedicated to the continued stewardship of these lands, the District

¹ [State Responsibility Area Fire Hazard Severity Zones Marin County](#)

has an opportunity to help expand access to these areas in the same way that the Marin County Open Space District has within its open space preserves. MMWD should explore the feasibility, either by way of current funding mechanisms or through the pursuit of grant monies, of offering to the public free scheduled naturalist-guided hikes/excursions throughout its open space in the same manner that MCOSD has been doing for years.

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Resolution 24-04 (Adoption of The Multi Reigonal Service Review)

Final Audit Report

2024-08-13


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