

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 22-15

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

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

WHEREAS Marin LAFCo issued a Draft Service Review on Wednesday, March 16, 2022; and

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

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

1. The Commission determines this municipal service review is a project under the California Environmental Quality Act but qualifies for an exemption from further action as an informational document consistent with Code of Regulations Section 15306.
2. The Commission adopts the 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 June 9, 2022, by the following vote:

AYES: McEntee, Kious, Arnold, Rodoni, Coler, Murray, Loder

NOES: _____

ABSTAIN: _____

ABSENT: _____



Sashi McEntee, Chair
Marin LAFCo

ATTEST:



Jason Fried, LAFCO Executive Officer

APPROVED AS TO FORM:



Malathy Subramanian (Jun 10, 2022 11:32 PDT)
Malathy Subramanian, LAFCo Counsel

Attachments to Resolution No. 22-15

- 1) Exhibit "A"

EXHIBIT A**WEST MARIN REGIONAL STUDY****MUNICIPAL SERVICE REVIEW DETERMINATIONS
GOVERNMENT CODE SECTION 56430****1. Growth and population projections for the affected area.**

Anticipated growth in the study area is projected to be minimal. Of the five census-designated places encompassed within the study area (Muir Beach, Tomales Village, Stinson Beach, Bolinas, and Inverness), four saw a decrease in total population over the past ten years according to recently updated census data, with the most significant of these being a 14% decrease. The West Marin Planning Area, composed of census tracts 1330, 1322, 1321, 1311, and 1130, saw a total population increase of 120 (0.99%) in the last ten years with the majority of that growth coming in tract 1130 and is mostly excluded from the study area. This amounts to an annual growth rate within the planning area of less than one-tenth of one percent.

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

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) Each of the reviewed agencies has shown a sufficient level offered of both services and infrastructure necessary to continue to provide the core services currently being provided at the levels at which they are being provided. In order to accommodate even moderate levels of future growth as well as maintain their ability to provide current service levels with the increasing climate unpredictability, each of the agencies providing potable water services (BCPUD, SBCWD, MBCSD, IPUD) should continue to explore ways to expand their respective storage capacities in an effort to have greater resilience to extended drought issues.

b) With the addition of two new ground source water supplies permitted by the State Water Resources Control Board in 2021, BCPUD should prepare an update on the status of the agency's moratorium on new water service connections in the event that the current grant proposals for the construction of the necessary treatment facilities receive funding in order to address the underlying constraints in an effort to aide both prospective future residents of the community of Bolinas as well as the County of Marin's ability to effectuate planning policies in the area moving

forward.

c) As noted above, there are no unincorporated communities within the study area that have been identified as disadvantaged.

d) Each of the agencies encompassed in the study providing potable water services should explore options for possible interties with neighboring water providers for emergency supplemental supplies in the case of a natural or man-made disaster occurring.

4. Financial ability of agencies to provide services.

a) Bolinas Community Public Utility District, Bolinas Fire Protection District, County Service Area 28, County Service Area 33, Flood Control Zone 5, Flood Control Zone 10, Inverness Public Utility District, Muir Beach Community Service District, Marin Resource Conservation District, Stinson Beach County Water District, Stinson Beach Fire Protection District, and Tomales Village Community Service District all prepare annual budgets and prepare financial statements in accordance with established governmental accounting standards. Each independent district's board of directors, as well as the Marin County Board of Supervisors acting as the board of directors for both the county service areas and flood district zones, 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. Audited financial statements are also prepared for each agency by independent certified public accounting firms. While additional revenues are needed to provide some services and maintain the infrastructure covered in this MSR, the agencies meet their financial responsibilities to provide services.

b) TVCSD's parks and recreation services are funded almost exclusively by way of Measure A funding. With Measure A scheduled to be on the ballot for renewal in June of 2022, if the measure were not to be renewed the District's capacity to continue to provide this service would be critically impacted. The lapsing of this funding would also significantly impact the annual revenue of MRCDD. As such, both the TVCSD and the MRCDD Board of Directors should formulate contingency plans in the case that the measure not be renewed.

c) At this time (and since its formation), Flood Control Zone 10 has no source of annual revenue and has been constrained to emergency maintenance work within the current levels of funding remaining in the reserve fund. FCZ10 along with its advisory board has been inactive for an extended period of time, though the board recently revived its meetings in order to discuss these issues. In order to provide the consistent annual funding levels necessary for the work within the Zone to be completed, the Zone's boundary would likely need to be expanded and residents within the boundary would need to agree to a special assessment to fund the Zone. If residents in the area are unwilling to create a new funding source, the Marin County Flood Control and Water Conservation should consider dissolving the Zone.

d) County Service Area 28, in collaboration with the Stinson Beach Fire Protection District, should explore future funding options as well as current operational constraints that would allow the seasonal emergency medical response unit that is staffed during the summer months to have permanent year-round staffing.

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

No specific opportunities for shared facilities that would prove advantageous to both participating parties were identified in the course of this study.

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

a) The Marin Resource Conservation District should explore expanding its jurisdictional boundary. As the District receives a majority of its funding by way of grant monies, the opportunity for the District to identify projects for additional grant proposals with a larger service area could prove advantageous in procuring supplemental streams of revenue. In addition, the consideration of a special assessment in an effort to supplement annual revenue in years where the allocation of grant funding is minimal would prove more fiscally impactful for the District if casting a wider net with a larger service boundary. While the recommendation has been made at the State level on multiple occasions for Resource Conservation District's jurisdictional boundaries to be coterminous with the boundaries of their respective counties with the mindset of improving administrative and economic efficiencies, MRCD's current boundary and sphere of influence purposefully exclude multiple urban residential areas in order to maintain alignment with the District's mission statement. Any consideration of expansion of the District's boundary should ensure that the District's agricultural focus would not be faced with any level of obfuscation.

b) Each of the agencies within the study area should continue to explore the possibility of collaboration with one another to share administrative and other staffing services to both cut personnel-related expenses as well as eliminate possible hiring redundancies, particularly in instances of positions that only necessitate less than full-time staffing levels.

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

a) North Marin Water District's existing jurisdictional boundary entirely overlaps the jurisdictional boundary of the Inverness Public Utilities District. This overlap merits correction and the Commission should work with the impacted agencies on a detachment of the IPUD service area from NMWD. Since staff is aware of other NMWD parcels in West Marin that the agency is not currently serving, this item should be fully examined when NMWD's MSR is undertaken as part of the Multi-Regional Service MSR scheduled for the end of FY 22-23.

b) The Muir Beach Community Services District should annex the .6 acre parcel of District Owned property that holds the District's well sites.

c) As many of the agencies within the study region had their jurisdictional boundary lines established well before the establishment of both state and national public parks that now comprise a large apportionment of some of those boundaries, it is recommended for each agency to examine its current boundaries and consider whether a boundary line adjustment would be in its best interest in cases of current agency boundaries surrounding areas of public lands that the agency is not currently and would not in the foreseeable future provide services to.












Resolution 22-15 Unsigned

Final Audit Report

2022-06-13

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