

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO 20-30

ADOPTION OF THE SAN RAFAEL REGION SUPPLEMENTAL MUNICIPAL SERVICE REVIEW FOR MARIN COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ZONE 6 AND 7

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

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

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

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

WHEREAS Marin LAFCO issued a Draft Service Review on July 22, 2020; and

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

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

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

- 2. The Commission adopts the statement of written determinations generated from information presented in the written report on the municipal service review as set forth in Exhibit A.
- 3. The Commission refers the public to the report on the municipal service review for additional details and important context, including- but not limited to- documenting each agency's active and latent service powers.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission, on October 8, 2020, by the following vote:

AYES: Arnold, Coler, Connolly, Kious, Loder, McEntee, Murray _____

NOES: _____

ABSTAIN: _____

ABSENT: _____



 Sashi McEntee, Chair
 Marin LAFCo

ATTEST:


 Jason Fried, LAFCo Executive Officer

APPROVED AS TO FORM:


 Malathy Subramanian, LAFCo Counsel

Attachments to Resolution No. 20-30

- 1) Exhibit "A"

EXHIBIT A**SAN RAFAEL REGION SUPPLEMENTAL STUDY FOR MARIN COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ZONE 6 AND 7****MUNICIPAL SERVICE REVIEW DETERMINATIONS GOVERNMENT CODE SECTION 56430****1) Growth and population projections for the affected area.**

a) As stated in the October 2019 San Rafael Area MSR, the population growth for the overall San Rafael area is expected to be approximately 19% by 2040. However, anticipated growth in Flood Control 6 and 7 is projected to be minimal. Both Flood Control Zones in the study areas are essentially built out at this time.

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) Both Flood Zone 6 and 7 prepare annual budgets and prepare financial statements in accordance with established governmental accounting standards. The County Board of Supervisors, acting as the Board for the Marin County Flood Control and Water Conservation 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 County Administrative Officer is authorized to transfer budgeted amounts between accounts or funds under certain circumstances, however; the County Board of Supervisors, acting as the Board for the Marin County Flood Control and Water Conservation District, 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 as part of the County of Marin audit which is performed by an independent certified public accounting firm.

- c) Flood Zone 6 currently has the ability to cover its costs, but this is partly due to the fact that the City of San Rafael handles many of the responsibilities that help cover some of the services provided to the Flood Zone.
- d) Flood Zone 7 currently has the ability to cover its basic services but is facing an issue in the future of not having the funding needed to perform some large projects. The Zone has an irregular pattern for approval of temporary parcel tax to deal with items as identified. Most of the previous special taxes have been reactionary to immediate needs. This has allowed for individual projects to be funded but has not allowed for a long-term plan to be created to ensure the long-term stability of the work needed. The Zone may want to discuss setting up a more permanent special assessment (e.g. special tax or other revenue measure using the County collection system when collecting property taxes) that will allow for better maintenance and long-term planning. In addition, a special assessment will ensure that repairs and maintenance can occur when needed and not require waiting for a special assessment to be passed on the ballot which can lead to more expensive repairs and replacement if repair work needs to wait for funding.

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

- a) There are no opportunities for shared facilities at this time.

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

- a) Flood Zone 6 was established prior to the City of San Rafael's annexation of the area. While the MOU between the Flood Control District and San Rafael has worked well, it may be time for the Flood Control District to transfer the remaining work it does for the district to the City of San Rafael. The City has the ability to do the work the Flood Control staff does now within the zone. The work that would need to be transferred should include general administration which includes such items as the permitting process for maintenance to the creeks and oversight of the Advisory Board including keeping the current Board members to ensure continuity and history of the zone. Should the District and the City agree to transfer Zone 6 to the City, measures should be included to make sure all current and future funds are properly transferred to the City and that the City has measures in place to make sure all those funds are only used for services in Flood Zone 6. Having said that, the District, City, and advisory board should discuss, as needed, when projects fall outside of the boundary of the Zone but will help deal with flood control issues within the boundary. It could be prudent to use

some funds on these types of projects if they end up benefitting and supporting the system that Zone 6 is responsible for.

While LAFcos have authority to perform an MSR for Flood Control Districts, they do not have oversight of the creation, change to, or elimination of individual Zones within them, however, if requested by both the District and City, LAFco staff can help with this process.

In addition to the District and City, staff should coordinate with the SMART train system staff. Currently SMART runs its own programs to ensure the safety of the rail line that runs through the district. Similar to the discussion above about district funds being used for projects just outside of its boundary, SMART may get similar benefits by working with the Flood Control Zone to help use some of its funds outside of its direct efforts as it may be possible to help divert water earlier in the system so the rail line is better protected. In addition, an Advisory Board member for Flood Control Zone pointed out that SMART modifications in the area may have impacted drainage and erosion patterns in some parts of the Flood Zone. County and City staff have worked with SMART staff, but more cooperation may be needed from SMART when doing work in this Flood Zone to ensure work done by any group does not impact the work of the others. A MOU between the three groups would help facilitate this.

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

- a) Due to the long history of the District and the unique nature of each flood zone, the budgets for each Zone are reported in different ways. While the members of any one district may understand the budget for that zone it can be hard to compare information across zones. The District should work to create a budget reporting system that is more uniform in nature while still accounting for the unique nature of each zone.
- b) FZ7 is within unincorporated Marin which is currently part Federal Emergency Management Agency (FEMA) Community Rating System (CRS). Because the City of San Rafael is not part of CRS, stormwater management activities above and beyond the basic FEMA requirements in FZ6 (e.g. the annual leaves disposal flyer) don't increase discounts on flood insurance premiums for area residents. Should the City of San Rafael become fully responsible for FZ6, the City may want to look into entering the CRS program so City residents can qualify for discounts on flood insurance premiums. To potentially qualify for the CRS program the City can combine work they already do in other parts of San Rafael with work done in FZ6.