

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO 20-16

ADOPTION OF THE TIBURON PENINSULA AREA MUNICIPAL SERVICE REVIEW

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

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

WHEREAS 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 February 13, 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 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 11, 2020, 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. 20-16

- 1) Exhibit “A”

EXHIBIT A

TIBURON PENINSULA REGIONAL STUDY

MUNICIPAL SERVICE REVIEW DETERMINATIONS GOVERNMENT CODE SECTION 56430

1. Growth and population projections for the affected area.

a) Projected growth in the study area is expected to be minimal. The Tiburon population is expected to increase to a total population of 9,500 by 2030, a .32% annual growth rate. The Belvedere population is expected to increase to a total population of 2,200 by 2030, a .47% annual growth rate.

b) The expected population and growth rate in unincorporated spaces around the study area is all fairly minimal. The communities of Paradise Cay and Strawberry are predominantly built out, with little relative future development potential, while areas along Paradise Drive have modest development potential at best due to adverse topography and a history of lengthy development processes.

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 Belvedere, Town of Tiburon, Tiburon Fire Protection District,

Exhibit A

Strawberry Recreation District, Sanitary District No. 5, CSA 29, and Marin County Flood Control and Water Conservation District Zone 4/4a all prepare annual budgets and prepare financial statements in accordance with established governmental accounting standards. The City Council, Town Council, TFPD, SRD, and SD5 Boards, and 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 City Manager, Town Manager, Fire Chief, Special District General Managers, and County Administrative Officer are authorized to transfer budgeted amounts between accounts, departments or funds under certain circumstances, however; the City Council, Town Council, Special District 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 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, the agencies meet their financial responsibilities to provide services.

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

a) Though currently outside of Tiburon Fire Protection District's jurisdictional boundary, TFPD consistently finds itself handling initial response duties for both fire and medical calls on Angel Island. With no stationed equipment or facility on the island, the opportunity presents itself for both/either CSA 31 and/or the Town of Tiburon to erect a structure in order to store necessary emergency response equipment that can be accessed by the responding agency.

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

a) Tiburon Fire Protection District and the City of Belvedere may consider formal annexation of the City of Belvedere into the District. At this time, the City contracts with the District for both fire and emergency medical response services. With no foreseeable plans for the City to create those municipal services of its own, annexation would allow the residents of Belvedere to vote

for representation on the District's Board of Directors. A working group should be formed by LAFCo to help determine what is in the best interest both the City and District along with the general public.

b) Strawberry Recreation District and the County of Marin may consider the creation of a new County Service Area in order to remove dredging operations from the District's oversight and administration as it is not a listed function of a recreation district according to State Government Code. A working group should be formed by LAFCo to help facilitate further discussions as to what is in the best interest of the Recreation District along with the members of the area needing dredging.

c) CSA 29 may consider a collaborative bidding process with the other county service areas that do dredging specific services throughout Marin County in an effort to realize overall cost savings on dredging operations by contracting with a larger vendor that may otherwise have been unwilling to bid on single small-scale projects.

d) At this time, Angel Island is currently designated as California State Parkland, is a part of Incorporated Tiburon, and is in the jurisdictional boundary of CSA 31. Despite this multiple agency oversight of the land, calls for service, especially medical emergencies, oftentimes fall to Tiburon Fire Protection District simply as a matter of physical proximity in response time. Angel Island is not currently within the jurisdictional boundary of TFPD. From 2007-2018, TFPD incurred just over \$1.9 million in costs to service Angel Island calls, with an average annual cost of \$173,370. Despite multiple attempts to recoup the costs for services rendered, to this point the District has been unsuccessful. Future emergency medical and fire services to Angel Island should be addressed through planning and consideration of long-term reorganization options. A LAFCo working group should be established with representation from each agency, other local stakeholders, and local decision-makers to lead this process. Such a working group could consider options to help ensure the future efficiency and accountability of emergency services to Angel Island.

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

a) Within and adjacent to the Town of Tiburon are areas completely surrounded by Town jurisdiction and therefore considered to be "unincorporated islands". Marin LAFCo encourages unincorporated island annexations to the Town of Tiburon when there is resident interest. Whenever applicable, Marin LAFCo will

Exhibit A

consider making amendments to annexation proposals involving affected lands to further reduce and/or eliminate islands to provide more orderly boundaries and cost-efficiencies.

b) The City of Belvedere and the Town of Tiburon may consider addressing the current jurisdictional boundary along the Boardwalk and Corinthian Island areas. While not technically splitting any parcels, the boundary currently splits through buildings that encompass a shopping center as well as an apartment complex, which is highly irregular. Currently, sales tax in the shopping center is divided between the two municipalities depending upon which side of the boundary the business's cash register physically resides.

c) The Paradise Drive area contains multiple instances of irregular jurisdictional boundary issues between the Town of Tiburon and the County of Marin. A working group should be formed by LAFCo with representation from each agency to address both the current areas of irregularity, as well as the long-term planning model for how to address a road that goes between County and Town of Tiburon jurisdictions.