

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 20-23

ADOPTION OF THE UPPER ROSS VALLEY 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 Wednesday, 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 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 October 8, 2020, by the following vote:

AYES: _____

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. 20-23

- 1) Exhibit "A"

EXHIBIT A**UPPER ROSS VALLEY 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 Town of Ross population is expected to increase to a total population of XYZ by 2030, a .5% annual growth rate. The Town of San Anselmo population is expected to increase to a total population of 2,200 by 2030, less than a .3% annual growth rate. The Town of Fairfax is expected to increase to a total population of XYZ by 2030, less than a .4% annual growth rate.

b) The expected population and growth rate in unincorporated spaces around the study area is all fairly minimal. The community of Sleepy Hollow saw an 8% population decline between 2010 and 2018 and the community of Kentfield has seen an annual growth rate of less than 1% over the course of the past decade.

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 Town of San Anselmo, Town of Ross, Town of Fairfax, Kentfield Fire

Protection District, Sleepy Hollow Fire Protection District, Ross Valley Fire Department, County Service Area 27, and Flood Control Zone 9 all prepare annual budgets and prepare financial statements in accordance with established governmental accounting standards. The Town Councils, KFPD, SHFPD, RVFD 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 Town Managers, Fire Chiefs, and County Administrative Officer are authorized to transfer budgeted amounts between accounts, departments or funds under certain circumstances, however; the Town Councils, Special District Boards, Joint Powers Authority Board, and 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 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. All of the agencies encompassed in this study have shown themselves to be financially solvent both currently and for the foreseeable future.

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

a) 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) In the time allotted prior to the sunset of the current Memorandum of Understanding between the Ross Valley Fire Department and the County of Marin in 2023, A working group should be formed between Marin LAFCo and each of the member agencies comprising the Ross Valley Fire Department to explore the possibility of creating a new independent or dependent single fire services district for the Upper Ross Valley region. In addition, representatives

from Kentfield Fire Protection District as well as the Central Marin Fire Authority should be included in this working group in an effort to also explore the creation of a single fire district for the entirety of the Ross Valley. This new district would also assume responsibility for paramedic services. From a high level, the immediately apparent advantages to this action are as follows:

- **Service Level, Operations, or Efficiency:** Increased organizational scale may allow reductions in management costs, greater efficiency in overtime control, unified training, and reduction in equipment and procedural redundancies. Additionally, a reduced reliance on mutual aid.
- **Cost Savings:** Reduced personnel costs (chief officers); elimination of redundant purchases for apparatus, reduced maintenance of reserve equipment, building space, training facilities, and other supplies. Also the opportunity for unified information management services.
- **Political Accountability:** Direct representation, election of district members (independent district only). District board may be expanded to include board members of predecessor agencies. Consolidations would require voter approval unless there is unanimous consent of consolidating boards.

Some of the obstacles that present themselves from an initial analysis look include:

- **Cost Savings:** Requires permanent transfer of property tax revenues from cities to the new district. Financial equity may be difficult to attain for all involved agencies. It may require new special tax measures in some areas. Possible aggregate increases in cost of employee benefits.
- **Political Accountability:** Complex implementation likely to require a step-by-step consolidation process. Loss of ability to weigh competing service priorities in multi-purpose agencies (i.e. cities).

While a special study on this particular endeavor is warranted, if not necessitated, preliminary dialogue between the proposed agencies and Marin LAFCo to begin vetting some of the high-level issues is encouraged as soon as possible.

b) The Town of San Anselmo has a small pocket of inhabited unincorporated space (island) that is significantly surrounded by the Town and that is contiguous with its current jurisdictional boundary. Access to the unincorporated area can

be gained only by way of going directly through the Town itself. 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 a municipality where local residents have voiced opposition. Marin LAFCo staff, in December 2019, met with a few key community leaders of the San Anselmo unincorporated island area along San Francisco Boulevard. While they understood the relationship between their area and the Town, they had a desire for additional information on the details of how annexation would impact them directly that only Town staff would be able to provide. At this time, Marin LAFCo recommends that Town staff members, with support from Marin LAFCo staff, explore the willingness of residents within this unincorporated space to consider annexation by way of meeting with community groups within the area, as well as examining their ability to extend services to these areas if they are not already doing so unofficially.

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

a) The Town of Fairfax should internally review its current practices for posting public documents on its website. At this time there are multiple documents, in particular, the entirety of the financial documents posted, that are simply scanned images of the documents themselves. This renders the document unrecognizable to screen readers or basic search functionality within the document which is a requirement for compliance under Title II of the Americans with Disabilities Act (ADA). Town staff is aware of the issue and is exploring options to address the formatting of its online documents.

b) There are multiple parcels along the area of Crest Road on the boundary of the Town of Ross and the Town of San Anselmo that are either split by the jurisdictional boundary or, in one particular case, has a structure that sits on two separate parcels that are on either side of the boundary and the boundary splits the structure itself. A working group between the Town of Ross staff, Town of San Anselmo staff, parcel owners, and Marin LAFCo should be formed in order to address these boundary irregularities and ensure that the collection of any property or parcel tax is ending up with the correct jurisdiction.

c) CSA 27's membership in the Ross Valley Paramedic Authority led Marin LAFCo staff to discover that public documents available on the Authority's site, including budgets, audits, and meeting agendas/minutes, are outdated at this time. The most recent budget posted dates to FY 2015-16, the most recent audit

from the year ended June 30, 2014, and the most recent meeting materials from May of 2017. While RVPA as a full entity is not being reviewed in this document, in light of CSA 27's membership in the Authority and with CSA 27 receiving a full review in this study, staff recommends that RVPA make efforts to update and maintain its website with current public documentation in order to allow for greater public transparency.