

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO 07-31

ADOPTION OF DETERMINATIONS  
FOR THE MUIR BEACH AREA SERVICE REVIEW

WHEREAS, Section 56430 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires that Local Agency Formation Commissions (LAFCOs) conduct service reviews prior to, or in conjunction with, consideration of actions to establish a Sphere of Influence (SOI) as defined in Section 56076, and in accordance with Section 56425 or 56426.5; 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, Marin Local Agency Formation Commission initiated a service review of local government services in the Muir Beach area as part of their overall program to complete all sphere of influence and service reviews by January 1, 2008; and

WHEREAS, Marin LAFCO consulted with affected and interested agencies, interested parties; and

WHEREAS, Marin LAFCO gathered and compiled the information necessary to conduct the required review and independently evaluated such information; and

WHEREAS, Marin LAFCO issued a Draft Service Review on October 5, 2007 and provided for public review of said document; and

WHEREAS, Marin LAFCO considered the data, recommendations and determinations contained in the *Muir Beach Area Service Review and Sphere of Influence Update* report at noticed public hearings on October 11, 2007 and December 13, 2007 and received all oral testimony and evidence, which were made, presented or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to the review, its data, recommendations and determinations; and

WHEREAS, the Muir Beach Area Service Review collects and analyzes information on local government services in order to provide information to the public and to assist Marin LAFCO in its periodic review of adopted spheres of influence.

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

Section 1. Pursuant to powers provided in Section 56430 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the Marin Local Agency Formation Commission adopts written determinations as set forth in Exhibit A.

Section 2. Pursuant to Section 15306 of the State CEQA Guidelines, the Commission finds that this service review is exempt from the provisions of the California Environmental Quality Act. That exemption applies to basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on this 13th day of December, 2007, by the following vote:

AYES: Commissioners Adams, Asbo, Blanchfield, Heller, McGlashan, Rodoni, Slavitz

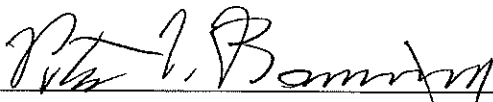
NOES: None

ABSENT: None



JEFFRY BLANCHFIELD, Chairperson

ATTEST:

  
PETER V. BANNING, Executive Officer

## EXHIBIT A

### Statement of Written Determinations Muir Beach Area Service Review

1. **Regarding government structure options, including advantages and disadvantages of consolidation or reorganization of service providers, the Commission determines:**

According to the 1984 Marin LAFCO Special District Sphere of Influence Study, no alternative government structures were feasible for either the water system or fire functions of the Muir Beach Community Services District. Since the 1984 LAFCO study, the *Adaptive Management Plan for Well Operations and Water Conservation (2003)* was prepared, looking at government structure alternatives and alternatives for water sources. This study concluded that due to limited funding capabilities, the only feasible option for improvements to the water system was to increase the water storage capacity from 250,000 gallons to 300,000 gallons. Any other improvements to the system would require funding from outside sources.

2. **Regarding infrastructure needs or deficiencies, the Commission determines:**

For infrastructure replacement planning, Muir Beach Community Services District staff has contracted with outside consulting engineering firms to develop and prioritize recommendations for capital improvements.

The Muir Beach Volunteer Fire Association in collaboration with the Muir Beach Volunteer Fire Department has developed a 20 year long-range needs analysis that includes all infrastructure and service needs. This long-range budget is re-evaluated and adjusted annually. At this time, all non-consumable and capital acquisitions are made with grant funds and donations.

3. **Regarding growth and population projections for the affected area, the Commission determines:**

The Muir Beach planning area had a population of approximately 295 in 2000 with 144 existing units in 2005. The Marin County Community Development Department suggests an estimated buildout of 175 units by 2030 with an estimated maximum population projection (2030) of 389, an increase of 31.9%. However, the District's service area is prevented from expansion as it is surrounded by federal and state park lands and agricultural preserves. LAFCO actions will not significantly affect population growth or service availability in the study area given these constraints.

**4. Regarding financing constraints and opportunities, the Commission determines:**

Since 1997, the Muir Beach Community Services District has imposed an annual parcel tax to fund capital improvements to its water system. In November 2005, the District secured voter approval for a four year extension of a \$300 per household parcel tax. With the extension of the parcel tax, the district has a reserve account balance of over \$400,000 (FY 05/06).

Considering Muir Beach is one of the smallest communities in the area, local property tax revenue is not available for fire protection to be provided primarily by Muir Beach Community Services District. The County of Marin maintains primary responsibility for fire protection in the Muir Beach area. The private Muir Beach Volunteer Firemen's Association raises funds for volunteer training, equipment and operations of the Muir Beach Volunteer Fire Department. The MBVFA transfers privately donated funds to MBCSD to pay for the Volunteer Fire Department's administrative costs and insurance.

The MBCSD is proposing a supplemental \$200 annual parcel tax to help fund supplemental fire protection responsibilities for Muir Beach. A ballot measure to impose a special tax will be submitted to the voters in February, 2008. If approved, the District's parcel tax will represent the first significant public funding allocation generated for fire protection in the area and the first budget allocations for fire protection by MBCSD.

**5. Regarding cost avoidance opportunities, the Commission determines:**

Staff has not identified significant cost avoidance opportunities in water or fire services in the Muir Beach study area that could result from changes to the adopted spheres of influence or organizational changes to local agencies.

**6. Regarding opportunities for rate restructuring, the Commission determines:**

All water customers (residential and commercial) are charged according to the same rate schedule. Water rates may be adjusted by the Muir Beach Community Services District board as necessary to pay costs of water service delivery. The District may not allocate water service fee revenues to other purposes and therefore may not address funding needs for fire protection by adjusting water rates. Staff has not identified opportunities for rate restructuring that would be useful to Muir Beach area public agencies.

**7. Regarding opportunities for shared facilities, the Commission determines:**

Muir Beach Community Services District has arrangements with the U.S. National Park Service to use its dairy facility at Muir Beach to house the Muir Beach Volunteer Fire

Department fire trucks and equipment. They have a contract with the USNPS for mutual aid and informal aid agreements with Stinson Beach Fire District and Southern Marin Fire. They share purchasing opportunities with County Fire, Stinson Beach Fire District and Bolinas Fire District. They receive Worker's Compensation insurance through Marin County Fire. Staff has not identified additional opportunities for shared facilities.

**8. Regarding evaluation of management efficiencies, the Commission determines:**

Muir Beach Community Services District functions primarily as the provider of domestic water for the Muir Beach community. Though operating on a very small scale, the District has actively confronted significant water storage and supply problems in recent years as the only agency with local responsibility for water service. Presently, the District provides no direct public funding for fire protection and its manager does not direct the activities of volunteer firefighters.

Marin County Fire/CSA#31 has legal, jurisdictional responsibility for emergency services (structural, wild land) in Muir Beach with the semi-autonomous Muir Beach Volunteer Fire Department (and its private 501c3 fund-raising arm Muir Beach Volunteer Firemen's Association). If the MBCSD is successful in gaining voter approval of an additional parcel tax to supplement funding for fire protection, the District and the MBVFA will need to establish clear lines of authority and responsibility for the use of these funds.

**9. Regarding local accountability and governance, the Commission determines:**

Muir Beach Community Services District has an elected governing board that conducts public business in general compliance with applicable State laws. The district also maintains a website with updated information, and distributes periodic written reports or newsletters to their customers. If the MBCSD is successful in gaining voter approval of an additional parcel tax to supplement funding for fire protection, the District and the MBVFA will need to establish clear lines of authority and responsibility for the use of these funds.