



# TOWN OF FAIRFAX

## STAFF REPORT

### December 6, 2017

**TO:** Mayor and Town Council

**FROM:** Garrett Toy, Town Manager *GT*

**SUBJECT:** Adopt Resolution Transferring Certain Streetlights to the Marin General Services Authority and Delegating Authority to the Director of Public Works to Transfer Streetlights on an Ongoing Basis.

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#### **RECOMMENDATION**

Adopt the resolution

#### **BACKGROUND**

The Marin General Services Authority (MGSA) is a Joint Powers Authority (JPA) made up of all the cities, towns, and the County of Marin. MGSA administers a variety of government programs that are either collaborative in nature or are more cost effective to administer collectively. The JPA was originally formed in 1985 as the Marin Street Light Acquisition Authority to acquire streetlights from PG&E to save jurisdictions' maintenance costs. The streetlights were acquired through eminent domain in Marin County Superior Court and resulted in over \$500,000 in annual savings in 1986. The JPA also maintains liability insurance for the streetlights.

Since 1986, the original JPA and now MGSA has contracted for streetlight maintenance services for the approximately 15,000 streetlights in Marin County (with the exception of the town of Ross).

#### **DISCUSSION**

It is important that the ownership of any government property can clearly be determined. Subsequent to that 1985 eminent domain action, some jurisdictions have added streetlights through developer street right-of-way dedication or renovated streetscapes with additional streetlights. Although paperwork was developed to transfer streetlights on an ongoing basis to the JPA, it was not consistently implemented over the decades.

MGSA is requesting that all member jurisdictions' governing bodies pass a resolution to create legal clarity and implement this administrative clean up. Passage of the Resolution will result in a "blanket" transfer of any streetlights not originally part of the 1986 condemnation lawsuit. The resolution also delegates authority to the Public Works Director to annually transfer any streetlights dedicated to the jurisdiction to MGSA.

#### **FISCAL IMPACT**

None

#### **ATTACHMENT**

Resolution

AGENDA ITEM # 19

**RESOLUTION 17-\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX  
TRANSFERRING CERTAIN STREETLIGHTS TO  
THE MARIN GENERAL SERVICES AUTHORITY (MGSA) AND  
DELEGATING AUTHORITY TO THE PUBLIC WORKS DIRECTOR TO  
TRANSFER CERTAIN STREETLIGHTS TO MGSA ON AN ONGOING BASIS**

**WHEREAS**, certain local agencies within the County of Marin formed the Marin Street Light Acquisition Authority ("MSLAJPA") in 1985 to acquire certain streetlights from PG&E; and

**WHEREAS**, the MSLAJPA did acquire those streetlights by eminent domain in 1986 and it was decided that the MSLAJPA would retain title to the lights and provide a system of countywide maintenance and insurance for the streetlights; and

**WHEREAS**, the MSLAJPA on behalf of its members has always had as a policy that any new or replaced streetlights would be owned by the MSLAJPA; and

**WHEREAS**, the MSLAJPA subsequently became the Marin General Services Authority ("MGSA") and the streetlights were transferred to that joint powers authority of which the Town of Fairfax is a Member and MGSA continues to contract for the maintenance of the streetlights and maintain insurance for the streetlights; and

**WHEREAS**, it is beneficial to have one agency manage the maintenance contract and maintain insurance for the streetlights in Marin County and such transfer of property is permitted by law under Government Code § 6508; and

**WHEREAS**, it is important the ownership of streetlights within Marin County be certain and not subject to any concepts of implied ownership or control;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Fairfax, does resolve, declare, determine and order as follows:

1. The Town of Fairfax offers to transfer all streetlight and associated facilities defined as a luminaire, mast arm, streetlight only pole and associated wiring within the jurisdictional limits that previously have not been offered and accepted by the Marin General Services Authority or its predecessor the Marin Street Light Acquisition Joint Powers Authority. This offer will become effective upon acceptance by the MGSA.
2. The Town of Fairfax Public Works Director is delegated the authority to transfer streetlight ownership on an ongoing basis to the MGSA.

The foregoing Resolution was duly passed and adopted at a regular meeting of the Town Council of the Town of Fairfax held in said Town on the 6<sup>th</sup> day of December 2017, by the following vote, to wit:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Michele Gardner, Town Clerk