



SAN RAFAEL CITY COUNCIL – MONDAY, DECEMBER 17, 2018

**SPECIAL MEETING AT 5:30 PM
COUNCIL CHAMBERS, CITY HALL
1400 FIFTH AVENUE, SAN RAFAEL, CALIFORNIA**

1. **Tuesday, November 6, 2018 General Municipal Election Results**
Resolution Declaring Canvass of Votes Cast and Results of the Consolidated General Municipal Election Held on November 6, 2018 (CC)
Recommended Action – Adopt Resolution

2. **Swearing-in Ceremonies:**
Swear-in Ceremony for Natu Tuatagaloa and Rachel Kertz as Board of Education Trustees

**REGULAR MEETING
COUNCIL CHAMBERS, CITY HALL
1400 FIFTH AVENUE, SAN RAFAEL, CALIFORNIA**

AGENDA

OPEN SESSION – COUNCIL CHAMBERS, CITY HALL – 5:45 PM

1. Mayor Phillips to announce Closed Session items.

CLOSED SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL – 5:45 PM

2. Closed Session:
 - a. Conference with Legal Counsel – Anticipated Litigation
Government Code Sections 54956.9(b) & 54956.9(d)(2)
Significant Exposure to Litigation (One Potential Case)

 - b. Conference with Legal Counsel – Anticipated Litigation
Government Code Sections 54956.9(b) & 54956.9(d)(4)
Potential Initiation of Litigation (One Potential Case)

OPEN TIME FOR PUBLIC EXPRESSION – 7:00 PM

The public is welcome to address the City Council at this time on matters not on the agenda that are within its jurisdiction. Please be advised that pursuant to Government Code Section 54954.2, the City Council is not permitted to discuss or take action on any matter not on the agenda unless it determines that an emergency exists, or that there is a need to take immediate action which arose following posting of the agenda. Comments may be no longer than two minutes and should be respectful to the community.

CITY MANAGER’S REPORT:

3. City Manager’s Report:

CONSENT CALENDAR:

The opportunity for public comment on consent calendar items will occur prior to the City Council’s vote on the Consent Calendar. The City Council may approve the entire consent calendar with one action. In the alternative, items on the Consent Calendar may be removed by any City Council or staff member, for separate discussion and vote.

4. Consent Calendar Items:

a. **Fire Commission Vacancy**

Call for Applications to Fill One Four-Year Term on the Fire Commission to the End of February 2023 Due to the Expiration of Term of Lawrence "Larry" Luckham (CC)

Recommended Action - Approve staff recommendation

b. **Rental Discrimination Ordinance**

Second Reading and Final Adoption of Ordinance No. 1966 - An Ordinance of the City of San Rafael Amending the San Rafael Municipal Code by Adding New Chapter 10.98 Concerning "Source of Income" Discrimination in Rental Housing (CM)

Recommended Action - Approve Final Adoption of Ordinance 1965

c. **Interim Financial Update and Budget Amendments to Reflect Operational Activity; Mid-Year Personnel Changes**

(1) First Fiscal Year 2018-2019 Interim Financial Update

(2) Resolution Adopting Amendments to the Fiscal Year 2018-2019 Budget

(3) Mid-Year Personnel Changes (Fin)

Recommended Action - Adopt Resolution

d. **Marin County Community Wildfire Protection Plan Acceptance**

Resolution Accepting the Marin County Community Wildfire Protection Plan as a Guiding Document for Wildfire Prevention Efforts in San Rafael (FD)

Recommended Action - Adopt Resolution

e. **Measure E Transactions and Use Tax Oversight Committee Annual Report**

Measure E Transactions and Use Tax Oversight Committee Annual Report for Fiscal Year 2017-2018 (Fin)

Recommended Action - Accept report

f. **Special Library Parcel Tax Oversight Committee Annual Report**

Special Library Parcel Tax Committee Annual Measure D Report for 2018 (Lib)

Recommended Action - Accept report

g. **2017 Storm Damage Repair - #70 Irwin Street**

Resolution Awarding and Authorizing the City Manager to Allocate an Additional Contingency of \$65,000 for the Repair of 2017 Storm Damage at #70 Irwin Street, Project No. 11308 (PW)

Recommended Action - Adopt Resolution

h. **Lincoln Avenue Bridge Repair**

Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with Mark Thomas and Company, Inc. for Environmental and Engineering Design Services Associated with the Lincoln Avenue Bridge Repair Project, City Project No. 11352, in an Amount Not to Exceed \$110,000.00 (PW)

Recommended Action - Adopt Resolution

- i. **2017 Storm Damage Repair - #80 Upper Toyon Drive Project Completion**
Accept Completion of the 2017 Storm Damage Repair at #80 Upper Toyon Drive (City Project No. 11329) and Authorize the City Clerk to File the Notice of Completion (PW)
Recommended Action - Approve staff recommendation

OTHER AGENDA ITEMS:

5. Other Agenda Items:

- a. **Third and Hetherton Intersection Improvements**
Recommendations for the Intersection of Third Street and Hetherton Street (PW)
Recommended Action - Accept report

PUBLIC HEARINGS:

6. Public Hearings:

- a. **Downtown San Rafael Business Improvement District 2019 Annual Assessment**
Resolution Approving the Downtown San Rafael Business Improvement District "BID 2018 Annual Report" and Levying an Assessment for Calendar Year 2019 (CM)
Recommended Action - Adopt Resolution
- b. **Marin Sanitary Service Contract Amendment and Rates for 2019**
Resolutions of the City Council of the City of San Rafael (CM):
 - 1) Establishing Maximum Rates Collected by Marin Sanitary Service for Refuse and Recyclable Material Collection and Disposal Services, to be Effective January 1, 2019
Recommended Action - Adopt Resolution
 - 2) Approving a Third Amendment to the Amendment and Restatement of Collection Agreement of the City of San Rafael with Marin Sanitary Service
Recommended Action - Adopt Resolution
- c. **Regulations and Procedures for Small Wireless Facilities**
Urgency Ordinance Amending the San Rafael Municipal Code Title 14 (Zoning) and Accompanying Policy Resolution to Establish Provisions and Procedures for Regulating the Placement of Small Wireless Facilities (CD)
 - 1) Consideration of An Urgency Ordinance of the City Council of the City of San Rafael, Pursuant to California Government Code Section 36937(b), Amending Title 14 ("Zoning") of the San Rafael Municipal Code (CD)
Recommended Action - Adopt Ordinance (4/5 vote)
 - 2) Resolution Adopting Policies, Procedures, Standards and Limitations for Submittal and Review of Small Wireless Facilities Within the Public Right-Of-Way as Set Forth in the San Rafael Municipal Code Section 14.16.361
Recommended Action - Adopt Resolution

OTHER AGENDA ITEMS (continued):

7. Other Agenda Items:

- a. **2019 Vice-Mayor**
Election of Vice-Mayor for the City of San Rafael 2019 (CC)
- b. **2019 City Council Appointments**
Approval of City Council Appointments to Committees 2019 (CC)

COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:
(including AB 1234 Reports on Meetings and Conferences Attended at City Expense)

8. Councilmember Reports:

SAN RAFAEL SUCCESSOR AGENCY:

- 1. Consent Calendar: None.

ADJOURNMENT:

Any records relating to an agenda item, received by a majority or more of the Council less than 72 hours before the meeting, shall be available for inspection in the City Clerk's Office, Room 209, 1400 Fifth Avenue, and placed with other agenda-related materials on the table in front of the Council Chamber prior to the meeting. Sign Language interpreters and assistive listening devices may be requested by calling (415) 485-3198 (TDD) or (415) 485-3066 (voice) at least 72 hours in advance. Copies of documents are available in accessible formats upon request. Public transportation is available through Golden Gate Transit, Line 22 or 23. Paratransit is available by calling Whistlestop. Wheels at (415) 454-0964. To allow individuals with environmental illness or multiple chemical sensitivity to attend the meeting/hearing, individuals are requested to refrain from wearing scented products.



SAN RAFAEL CITY COUNCIL STAFF REPORT	
Department: City Clerk	
Prepared by: Lindsay Lara, City Clerk	
City Manager Approval:	

TOPIC: TUESDAY, NOVEMBER 6, 2018 GENERAL MUNICIPAL ELECTION RESULTS

SUBJECT: RESOLUTION DECLARING CANVASS OF VOTES CAST AND RESULTS OF THE CONSOLIDATED GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2018

RECOMMENDATION:

Adopt a resolution declaring the results of the consolidated general municipal election held on November 6, 2018 and authorizing the City Clerk to swear in successful candidates.

BACKGROUND:

A General Municipal Election was held in the City of San Rafael on Tuesday, November 6, 2018. Sections 10262 and 10264 of the California Elections Code require that upon certification of the results of an election by the County Elections Office, the City Council shall meet to declare the results of the election. The City Council is required to adopt a resolution (Attachment 1) and the City Clerk is required to enter a statement of the results into the minutes.

On November 30, 2018, Marin County Chief Elections Officer Lynda Roberts certified the results of the election and the Official Report is included as Exhibit A to the resolution. According to the Official Report, the names of those elected as Trustee of the San Rafael Board of Education to full four-year terms are:

- Natu Tuatagaloa – 16,103 voted (35.66%)
- Rachel Kertz – 17,669 voted (39.12%)

FISCAL IMPACT:

There is no fiscal impact associated with this item.

RECOMMENDED ACTION:

Adopt a resolution declaring the results of the consolidated general municipal election held on November 6, 2018 and authorizing the City Clerk to swear in successful candidates.

ATTACHMENTS:

1. Resolution
2. Exhibit A to Resolution: Official November 6, 2018 Election Results

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD IN THE CITY OF SAN RAFAEL ON NOVEMBER 6, 2018

WHEREAS, a General Municipal Election was held and conducted in the City of San Rafael, County of Marin, State of California, on Tuesday the sixth day of November 2018, as required by law, for the purpose of electing two trustees of the San Rafael Board of Education for the full term of four (4) years; and

WHEREAS, notice of said election was duly and regularly given in the time, form and manner as provided by law, voting precincts were properly established, election officers were appointed and in all cases said election was held and conducted and the votes cast were received and canvassed and the returns made and declared in the time, form and manner as required by the provisions for the Elections Code of the State of California for holding of elections in cities; and

WHEREAS, pursuant to Resolution No. 14510, the County of Marin Election Department canvassed the returns of said election and has certified the results, which are attached and made a part hereof as "Exhibit A".

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of San Rafael resolves as follows:

Section 1: That the total number of ballots cast in the precincts and vote by mail ballots was 45,162.

Section 2: Said General Municipal election was held for the purpose of electing two (2) members of the San Rafael Board of Education for terms expiring upon the election of the successor thereto at the general election in November 2022.

Section 3. The names and results of the persons voted for at said election for members of the City Council are:

NAME	NUMBER OF VOTES RECEIVED
JON MARKER	11,303
RACHEL KERTZ	16,103
NATU TUATAGALOA	17,669

Section 4: The City Council does declare and determine that:

Natu Tuatagaloa was elected as a member of the Board of Education for a term expiring upon the election of a successor thereto at the General Municipal election in November 2022.

Rachel Kertz was elected as a member of the Board of Education for a term expiring upon the election of a successor thereto at the General Municipal election in November 2022.

Section 5: The City Clerk shall deliver to each person elected a certification of election signed by her and duly authenticated; she shall also administer to the persons elected the oath of office as prescribed in the State Constitution of the State of California and shall have those persons subscribe thereto and file it in the office of the City Clerk. Each person so elected shall be inducted into the office which he or she has been elected.

Section 6: The City Clerk shall enter in the records of the City Council a statement of the results of said election, showing (1) the whole number of votes cast in the city; (2) the names of the persons voted upon; (3) the office for which each person was voted for; (4) the number of votes given at each precinct to each person; and (5) the number of votes given in the city to each person. These results are attached as Exhibit A to the resolution.

Section 7: The City Clerk shall certify to the passage of this resolution and enter it into the record of original resolutions.

I, LINDSAY LARA, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a meeting of the Council of said City held on Monday, the 17th day of December 2018, by the following vote, to wit:

AYES: COUNCILMEMBERS

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

CERTIFICATE OF ELECTION

I, LYNDA ROBERTS, the Registrar of Voters for the County of Marin, of the State of California, do hereby certify the canvass and statement of the votes cast in the Statewide General Election held on November 6, 2018. The results of said canvass are detailed in the Official Final Results and the Statement of Votes filed and retained with the Marin County Elections Department.

Summary reports are provided herewith.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal on the 30th day of November, 2018.



County of Marin, Registrar of Voters

Marin County Registrar of Voters
 Statewide General Election - November 6, 2018
 Statement of Votes Cast - Official Final Results
 San Rafael Board of Education, Governing Board Member

Date: 11/30/18
 Time: 16:51:10
 Page: 1 of 12

	TURN OUT		
	Reg. Voters	Cards Cast	% Turnout
Jurisdiction Wide			
10901			
Polling	1625	393	24.18%
VBM	1625	1017	62.58%
Total	1625	1410	86.77%
10902			
Polling	1548	333	21.51%
VBM	1548	992	64.08%
Total	1548	1325	85.59%
10903			
Polling	1102	196	17.79%
VBM	1102	672	60.98%
Total	1102	868	78.77%
10904			
Polling	1470	285	19.39%
VBM	1470	980	66.67%
Total	1470	1265	86.05%
10905			
Polling	618	92	14.89%
VBM	618	429	69.42%
Total	618	521	84.30%
10906			
Polling	865	185	21.39%
VBM	865	532	61.50%
Total	865	717	82.89%
10907			
Polling	1576	273	17.32%
VBM	1576	897	56.92%
Total	1576	1170	74.24%
10908			
Polling	1866	301	16.13%
VBM	1866	1125	60.29%
Total	1866	1426	76.42%
10909			
Polling	635	107	16.85%
VBM	635	360	56.69%
Total	635	467	73.54%
10910			
Polling	1582	379	23.96%
VBM	1582	949	59.99%
Total	1582	1328	83.94%
10911			
Polling	1478	330	22.33%
VBM	1478	905	61.23%
Total	1478	1235	83.56%
10912			
Polling	802	150	18.70%
VBM	802	550	68.58%
Total	802	700	87.28%
10913			
Polling	893	181	20.27%
VBM	893	508	56.89%
Total	893	689	77.16%
10914			
Polling	782	190	24.30%
VBM	782	482	61.64%
Total	782	672	85.93%
10915			
Polling	1459	284	19.47%
VBM	1459	975	66.83%
Total	1459	1259	86.29%

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 Statewide General Election - November 6, 2018
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Date: 11/30/18
 Time: 16:51:10
 Page: 2 of 12

	TURN OUT		
	Reg. Voters	Cards Cast	% Turnout
10916			
Polling	903	182	20.16%
VBM	903	606	67.11%
Total	903	788	87.26%
10917			
Polling	941	225	23.91%
VBM	941	479	50.90%
Total	941	704	74.81%
10918			
Polling	745	205	27.52%
VBM	745	361	48.46%
Total	745	566	75.97%
10919			
Polling	671	121	18.03%
VBM	671	467	69.60%
Total	671	588	87.63%
10920			
Polling	1494	303	20.28%
VBM	1494	992	66.40%
Total	1494	1295	86.68%
10921			
Polling	1556	322	20.69%
VBM	1556	907	58.29%
Total	1556	1229	78.98%
11222			
Polling	1528	287	18.78%
VBM	1528	1027	67.21%
Total	1528	1314	85.99%
11223			
Polling	1472	349	23.71%
VBM	1472	912	61.96%
Total	1472	1261	85.67%
11224			
Polling	1407	287	20.40%
VBM	1407	873	62.05%
Total	1407	1160	82.44%
11225			
Polling	309	48	15.53%
VBM	309	206	66.67%
Total	309	254	82.20%
11226			
Polling	1137	234	20.58%
VBM	1137	720	63.32%
Total	1137	954	83.91%
11227			
Polling	753	169	22.44%
VBM	753	466	61.89%
Total	753	635	84.33%
11228			
Polling	739	177	23.95%
VBM	739	399	53.99%
Total	739	576	77.94%
11229			
Polling	794	163	20.53%
VBM	794	512	64.48%
Total	794	675	85.01%
20923			
Polling	1605	404	25.17%
VBM	1605	920	57.32%
Total	1605	1324	82.49%
20924			

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 Statewide General Election - November 6, 2018
 Statement of Votes Cast - Official Final Results
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Date: 11/30/18
 Time: 16:51:10
 Page: 3 of 12

	TURN OUT		
	Reg. Voters	Cards Cast	% Turnout
Polling	1239	246	19.85%
VBM	1239	753	60.77%
Total	1239	999	80.63%
20925			
Polling	1286	279	21.70%
VBM	1286	755	58.71%
Total	1286	1034	80.40%
40407			
Polling	535	108	20.19%
VBM	535	297	55.51%
Total	535	405	75.70%
40912			
Polling	774	174	22.48%
VBM	774	288	37.21%
Total	774	462	59.69%
40913			
Polling	1326	223	16.82%
VBM	1326	746	56.26%
Total	1326	969	73.08%
610901			
Polling	2	0	0.00%
VBM	2	2	100.00%
Total	2	2	100.00%
610902			
Polling	1	0	0.00%
VBM	1	0	0.00%
Total	1	0	0.00%
610903			
Polling	2	0	0.00%
VBM	2	1	50.00%
Total	2	1	50.00%
610905			
Polling	1	0	0.00%
VBM	1	0	0.00%
Total	1	0	0.00%
610906			
Polling	168	8	4.76%
VBM	168	134	79.76%
Total	168	142	84.52%
611207			
Polling	1	0	0.00%
VBM	1	1	100.00%
Total	1	1	100.00%
611208			
Polling	23	0	0.00%
VBM	23	19	82.61%
Total	23	19	82.61%
611209			
Polling	2	0	0.00%
VBM	2	2	100.00%
Total	2	2	100.00%
611210			
Polling	11	0	0.00%
VBM	11	10	90.91%
Total	11	10	90.91%
611211			
Polling	0	0	-
VBM	0	0	-
Total	0	0	-
611212			
Polling	20	0	0.00%

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Statewide General Election - November 6, 2018
Statement of Votes Cast - Official Final Results
San Rafael Board of Education, Governing Board Member

Date:11/30/18
 Time:16:51:10
 Page:4 of 12

	TURN OUT		
	Reg. Voters	Cards Cast	% Turnout
VBM	20	19	95.00%
Total	20	19	95.00%
611213			
Polling	2	0	0.00%
VBM	2	0	0.00%
Total	2	0	0.00%
621211			
Polling	24	0	0.00%
VBM	24	20	83.33%
Total	24	20	83.33%
621212			
Polling	259	3	1.16%
VBM	259	207	79.92%
Total	259	210	81.08%
641208			
Polling	0	0	-
VBM	0	0	-
Total	0	0	-
641217			
Polling	170	1	0.59%
VBM	170	130	76.47%
Total	170	131	77.06%
Total			
Polling	40201	8197	20.39%
VBM	40201	24604	61.20%
Total	40201	32801	81.59%

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 Statewide General Election - November 6, 2018
 Statement of Votes Cast - Official Final Results
 San Rafael Board of Education, Governing Board Member

Date: 11/30/18
 Time: 16:51:10
 Page: 5 of 12

San Rafael Board of Education Governing Board Member										
	Reg. Voters	Times Counted	Total Votes	RACHEL KERTZ		NATU TUATAGALOA		JON MARKER		
Jurisdiction Wide										
10901										
Polling	1625	393	584	238	40.75%	193	33.05%	153	26.20%	
VBM	1625	1017	1439	600	41.70%	523	36.34%	315	21.89%	
Total	1625	1410	2023	838	41.42%	716	35.39%	468	23.13%	
10902										
Polling	1548	333	445	179	40.22%	160	35.96%	105	23.60%	
VBM	1548	992	1403	561	39.99%	541	38.56%	301	21.45%	
Total	1548	1325	1848	740	40.04%	701	37.93%	406	21.97%	
10903										
Polling	1102	196	254	91	35.83%	90	35.43%	73	28.74%	
VBM	1102	672	888	332	37.39%	308	34.68%	244	27.48%	
Total	1102	868	1142	423	37.04%	398	34.85%	317	27.76%	
10904										
Polling	1470	285	399	158	39.60%	138	34.59%	103	25.81%	
VBM	1470	980	1398	594	42.49%	512	36.62%	291	20.82%	
Total	1470	1265	1797	752	41.85%	650	36.17%	394	21.93%	
10905										
Polling	618	92	105	37	35.24%	38	36.19%	28	26.67%	
VBM	618	429	551	220	39.93%	195	35.39%	133	24.14%	
Total	618	521	656	257	39.18%	233	35.52%	161	24.54%	
10906										
Polling	865	185	255	86	33.73%	92	36.08%	77	30.20%	
VBM	865	532	732	273	37.30%	279	38.11%	179	24.45%	
Total	865	717	987	359	36.37%	371	37.59%	256	25.94%	
10907										
Polling	1576	273	371	131	35.31%	135	36.39%	104	28.03%	
VBM	1576	897	1115	457	40.99%	399	35.78%	256	22.96%	
Total	1576	1170	1486	588	39.57%	534	35.94%	360	24.23%	
10908										
Polling	1866	301	400	134	33.50%	144	36.00%	122	30.50%	
VBM	1866	1125	1481	540	36.46%	555	37.47%	377	25.46%	
Total	1866	1426	1881	674	35.83%	699	37.16%	499	26.53%	
10909										
Polling	635	107	145	56	38.62%	53	36.55%	36	24.83%	
VBM	635	360	473	197	41.65%	176	37.21%	100	21.14%	
Total	635	467	618	253	40.94%	229	37.06%	136	22.01%	
10910										
Polling	1582	379	486	151	31.07%	202	41.56%	133	27.37%	
VBM	1582	949	1316	483	36.70%	537	40.81%	295	22.42%	
Total	1582	1328	1802	634	35.18%	739	41.01%	428	23.75%	
10911										
Polling	1478	330	428	131	30.61%	195	45.56%	102	23.83%	
VBM	1478	905	1288	433	33.62%	529	41.07%	324	25.16%	
Total	1478	1235	1716	564	32.87%	724	42.19%	426	24.83%	
10912										
Polling	802	150	202	72	35.64%	87	43.07%	43	21.29%	
VBM	802	550	763	266	34.86%	309	40.50%	188	24.64%	
Total	802	700	965	338	35.03%	396	41.04%	231	23.94%	
10913										
Polling	893	181	230	79	34.35%	83	36.09%	68	29.57%	
VBM	893	508	676	242	35.80%	264	39.05%	169	25.00%	
Total	893	689	906	321	35.43%	347	38.30%	237	26.16%	
10914										
Polling	782	190	246	78	31.71%	115	46.75%	53	21.54%	
VBM	782	482	690	221	32.03%	290	42.03%	179	25.94%	
Total	782	672	936	299	31.94%	405	43.27%	232	24.79%	
10915										
Polling	1459	284	406	110	27.09%	160	39.41%	135	33.25%	
VBM	1459	975	1439	449	31.20%	588	40.86%	402	27.94%	
Total	1459	1259	1845	559	30.30%	748	40.54%	537	29.11%	

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 Statewide General Election - November 6, 2018
 Statement of Votes Cast - Official Final Results
 San Rafael Board of Education, Governing Board Member

Date: 11/30/18
 Time: 16:51:10
 Page: 7 of 12

San Rafael Board of Education Governing Board Member

	Reg. Voters	Times Counted	Total Votes	RACHEL KERTZ		NATU TUATAGALOA		JON MARKER	
Polling	1239	246	320	99	30.94%	125	39.06%	96	30.00%
VBM	1239	753	1050	373	35.52%	400	38.10%	275	26.19%
Total	1239	999	1370	472	34.45%	525	38.32%	371	27.08%
20925									
Polling	1286	279	380	122	32.11%	150	39.47%	105	27.63%
VBM	1286	755	1020	351	34.41%	398	39.02%	270	26.47%
Total	1286	1034	1400	473	33.79%	548	39.14%	375	26.79%
40407									
Polling	535	108	126	48	38.10%	48	38.10%	30	23.81%
VBM	535	297	372	153	41.13%	137	36.83%	82	22.04%
Total	535	405	498	201	40.36%	185	37.15%	112	22.49%
40912									
Polling	774	174	225	51	22.67%	94	41.78%	79	35.11%
VBM	774	288	391	137	35.04%	145	37.08%	106	27.11%
Total	774	462	616	188	30.52%	239	38.80%	185	30.03%
40913									
Polling	1326	223	290	84	28.97%	124	42.76%	80	27.59%
VBM	1326	746	1079	373	34.57%	411	38.09%	292	27.06%
Total	1326	969	1369	457	33.38%	535	39.08%	372	27.17%
610901									
Polling	2	0	0	0	-	0	-	0	-
VBM	2	2	3	0	0.00%	2	66.67%	1	33.33%
Total	2	2	3	0	0.00%	2	66.67%	1	33.33%
610902									
Polling	1	0	0	0	-	0	-	0	-
VBM	1	0	0	0	-	0	-	0	-
Total	1	0	0	0	-	0	-	0	-
610903									
Polling	2	0	0	0	-	0	-	0	-
VBM	2	1	1	0	0.00%	0	0.00%	1	100.00%
Total	2	1	1	0	0.00%	0	0.00%	1	100.00%
610905									
Polling	1	0	0	0	-	0	-	0	-
VBM	1	0	0	0	-	0	-	0	-
Total	1	0	0	0	-	0	-	0	-
610906									
Polling	168	8	10	3	30.00%	5	50.00%	2	20.00%
VBM	168	134	182	59	32.42%	82	45.05%	41	22.53%
Total	168	142	192	62	32.29%	87	45.31%	43	22.40%
611207									
Polling	1	0	0	0	-	0	-	0	-
VBM	1	1	1	0	0.00%	0	0.00%	1	100.00%
Total	1	1	1	0	0.00%	0	0.00%	1	100.00%
611208									
Polling	23	0	0	0	-	0	-	0	-
VBM	23	19	24	6	25.00%	12	50.00%	6	25.00%
Total	23	19	24	6	25.00%	12	50.00%	6	25.00%
611209									
Polling	2	0	0	0	-	0	-	0	-
VBM	2	2	2	0	0.00%	1	50.00%	1	50.00%
Total	2	2	2	0	0.00%	1	50.00%	1	50.00%
611210									
Polling	11	0	0	0	-	0	-	0	-
VBM	11	10	11	3	27.27%	6	54.55%	2	18.18%
Total	11	10	11	3	27.27%	6	54.55%	2	18.18%
611211									
Polling	0	0	0	0	-	0	-	0	-
VBM	0	0	0	0	-	0	-	0	-
Total	0	0	0	0	-	0	-	0	-
611212									
Polling	20	0	0	0	-	0	-	0	-

Marin County Registrar of Voters
 Statewide General Election - November 6, 2018
 Statement of Votes Cast - Official Final Results
 San Rafael Board of Education, Governing Board Member

Date: 11/30/18
 Time: 16:51:10
 Page: 8 of 12

San Rafael Board of Education Governing Board Member										
	Reg. Voters	Times Counted	Total Votes	RACHEL KERTZ		NATU TUATAGALOA		JON MARKER		
VBM	20	19	25	9	36.00%	9	36.00%	7	28.00%	
Total	20	19	25	9	36.00%	9	36.00%	7	28.00%	
611213										
Polling	2	0	0	0	-	0	-	0	-	
VBM	2	0	0	0	-	0	-	0	-	
Total	2	0	0	0	-	0	-	0	-	
621211										
Polling	24	0	0	0	-	0	-	0	-	
VBM	24	20	27	8	29.63%	13	48.15%	6	22.22%	
Total	24	20	27	8	29.63%	13	48.15%	6	22.22%	
621212										
Polling	259	3	0	0	-	0	-	0	-	
VBM	259	207	282	89	31.56%	117	41.49%	75	26.60%	
Total	259	210	282	89	31.56%	117	41.49%	75	26.60%	
641208										
Polling	0	0	0	0	-	0	-	0	-	
VBM	0	0	0	0	-	0	-	0	-	
Total	0	0	0	0	-	0	-	0	-	
641217										
Polling	170	1	0	0	-	0	-	0	-	
VBM	170	130	172	62	36.05%	62	36.05%	46	26.74%	
Total	170	131	172	62	36.05%	62	36.05%	46	26.74%	
Total										
Polling	40201	8197	10968	3637	33.16%	4299	39.20%	3006	27.41%	
VBM	40201	24604	34194	12466	36.46%	13370	39.10%	8297	24.26%	
Total	40201	32801	45162	16103	35.66%	17669	39.12%	11303	25.03%	

Marin County Registrar of Voters
 Statewide General Election - November 6, 2018
 Statement of Votes Cast - Official Final Results
 San Rafael Board of Education, Governing Board Member

Date: 11/30/18
 Time: 16:51:10
 Page: 9 of 12

		San Rafael Board of Education Governing Board Member	
		Write-In Votes	
Jurisdiction Wide			
10901			
Polling	0	0.00%	
VBM	1	0.07%	
Total	1	0.05%	
10902			
Polling	1	0.22%	
VBM	0	0.00%	
Total	1	0.05%	
10903			
Polling	0	0.00%	
VBM	4	0.45%	
Total	4	0.35%	
10904			
Polling	0	0.00%	
VBM	1	0.07%	
Total	1	0.06%	
10905			
Polling	2	1.90%	
VBM	3	0.54%	
Total	5	0.76%	
10906			
Polling	0	0.00%	
VBM	1	0.14%	
Total	1	0.10%	
10907			
Polling	1	0.27%	
VBM	3	0.27%	
Total	4	0.27%	
10908			
Polling	0	0.00%	
VBM	9	0.61%	
Total	9	0.48%	
10909			
Polling	0	0.00%	
VBM	0	0.00%	
Total	0	0.00%	
10910			
Polling	0	0.00%	
VBM	1	0.08%	
Total	1	0.06%	
10911			
Polling	0	0.00%	
VBM	2	0.16%	
Total	2	0.12%	
10912			
Polling	0	0.00%	
VBM	0	0.00%	
Total	0	0.00%	
10913			
Polling	0	0.00%	
VBM	1	0.15%	
Total	1	0.11%	
10914			
Polling	0	0.00%	
VBM	0	0.00%	
Total	0	0.00%	
10915			
Polling	1	0.25%	
VBM	0	0.00%	
Total	1	0.05%	

Marin County Registrar of Voters
 Statewide General Election - November 6, 2018
 Statement of Votes Cast - Official Final Results
 San Rafael Board of Education, Governing Board Member

Date: 11/30/18
 Time: 16:51:10
 Page: 10 of 12

	San Rafael Board of Education Governing Board Member	
	Write-In Votes	
10916		
Polling	0	0.00%
VBM	2	0.24%
Total	2	0.18%
10917		
Polling	0	0.00%
VBM	2	0.32%
Total	2	0.22%
10918		
Polling	0	0.00%
VBM	1	0.21%
Total	1	0.14%
10919		
Polling	1	0.60%
VBM	2	0.31%
Total	3	0.37%
10920		
Polling	2	0.47%
VBM	1	0.07%
Total	3	0.16%
10921		
Polling	3	0.71%
VBM	1	0.08%
Total	4	0.24%
11222		
Polling	0	0.00%
VBM	0	0.00%
Total	0	0.00%
11223		
Polling	1	0.21%
VBM	2	0.15%
Total	3	0.17%
11224		
Polling	0	0.00%
VBM	6	0.47%
Total	6	0.36%
11225		
Polling	0	0.00%
VBM	1	0.34%
Total	1	0.28%
11226		
Polling	0	0.00%
VBM	1	0.10%
Total	1	0.08%
11227		
Polling	0	0.00%
VBM	2	0.29%
Total	2	0.22%
11228		
Polling	0	0.00%
VBM	1	0.17%
Total	1	0.12%
11229		
Polling	5	2.16%
VBM	0	0.00%
Total	5	0.52%
20923		
Polling	3	0.55%
VBM	1	0.08%
Total	4	0.22%
20924		

Marin County Registrar of Voters
 Statewide General Election - November 6, 2018
 Statement of Votes Cast - Official Final Results
 San Rafael Board of Education, Governing Board Member

Date: 11/30/18
 Time: 16:51:10
 Page: 11 of 12

	San Rafael Board of Education Governing Board Member		
	Write-In Votes		
Polling	0	0.00%	
VBM	2	0.19%	
Total	2	0.15%	
20925			
Polling	3	0.79%	
VBM	1	0.10%	
Total	4	0.29%	
40407			
Polling	0	0.00%	
VBM	0	0.00%	
Total	0	0.00%	
40912			
Polling	1	0.44%	
VBM	3	0.77%	
Total	4	0.65%	
40913			
Polling	2	0.69%	
VBM	3	0.28%	
Total	5	0.37%	
610901			
Polling	0	-	
VBM	0	0.00%	
Total	0	0.00%	
610902			
Polling	0	-	
VBM	0	-	
Total	0	-	
610903			
Polling	0	-	
VBM	0	0.00%	
Total	0	0.00%	
610905			
Polling	0	-	
VBM	0	-	
Total	0	-	
610906			
Polling	0	0.00%	
VBM	0	0.00%	
Total	0	0.00%	
611207			
Polling	0	-	
VBM	0	0.00%	
Total	0	0.00%	
611208			
Polling	0	-	
VBM	0	0.00%	
Total	0	0.00%	
611209			
Polling	0	-	
VBM	0	0.00%	
Total	0	0.00%	
611210			
Polling	0	-	
VBM	0	0.00%	
Total	0	0.00%	
611211			
Polling	0	-	
VBM	0	-	
Total	0	-	
611212			
Polling	0	-	

Marin County Registrar of Voters
 Statewide General Election - November 6, 2018
 Statement of Votes Cast - Official Final Results
 San Rafael Board of Education, Governing Board Member

Date:11/30/18
 Time:16:51:10
 Page:12 of 12

	San Rafael Board of Education Governing Board Member	
	Write-In Votes	
VBM	0	0.00%
Total	0	0.00%
611213		
Polling	0	-
VBM	0	-
Total	0	-
621211		
Polling	0	-
VBM	0	0.00%
Total	0	0.00%
621212		
Polling	0	-
VBM	1	0.35%
Total	1	0.35%
641208		
Polling	0	-
VBM	0	-
Total	0	-
641217		
Polling	0	-
VBM	2	1.16%
Total	2	1.16%
Total		
Polling	26	0.24%
VBM	61	0.18%
Total	87	0.19%



SAN RAFAEL CITY COUNCIL STAFF REPORT

Department: City Clerk

Prepared by: Lindsay Lara, City Clerk

City Manager Approval: _____

TOPIC: Fire Commission Vacancy

SUBJECT: CALL FOR APPLICATIONS TO FILL ONE FOUR-YEAR TERM ON THE SAN RAFAEL FIRE COMMISSION TO THE END OF FEBRUARY 2023 DUE TO THE EXPIRATION OF TERM OF LAWRENCE "LARRY" LUCKHAM

RECOMMENDATION:

It is recommended that the City Council approve the following actions:

1. Call for applications to fill one four-year term on the San Rafael Fire Commission to February 28, 2023;
2. Set deadline for receipt of applications for Tuesday, January 8, 2019 at 5:00 p.m. at City Hall in the City Clerk's Office, Room 209; and

BACKGROUND:

The Fire Commission consists of five members and two alternate members who advise and support the goals and objectives of the San Rafael Fire Department. In concert with the Fire Chief, Fire Commission Members contribute their experience and expertise with department-related initiatives, such as Public Education and Information, Emergency Preparedness, support of the San Rafael Fire Foundation, Essential Facilities Project, Photography and documenting Fire Service History. [Meetings](#) are held on the second Wednesday of each month at 4:00 p.m. at 1600 Los Gamos Drive, Suite 345, San Rafael, California 94903.

ANALYSIS:

The term of Lawrence "Larry" Luckham is set to expire on February 28, 2019. He has expressed an interest in reapplying. Members of the Committee shall be at least 18 years of age and reside within the City limits. By approving this item, staff will be able to release a Call for Applications for eligible and interested community members to apply. Once applications are received and reviewed, the City Clerk's Office will schedule a

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2

special City Council meeting where the City Council will interview candidates and make a selection to appoint a candidate to the Fire Commission.

FISCAL IMPACT: There is no fiscal impact associated with this item.

RECOMMENDED ACTION: Approve the following:

1. Call for applications to fill one four-year term on the San Rafael Fire Commission to February 28, 2023;
2. Set deadline for receipt of applications for Tuesday, January 8, 2019 at 5:00 p.m. at City Hall in the City Clerk's Office, Room 209; and

ATTACHMENT:

1. Application Materials

One Vacancy

Fire Commission

Applications to serve on the Fire Commission to fill one, four-year term to the end of February 2023 may be obtained online at <https://www.cityofsanrafael.org/boards-commissions/> and may be completed and submitted electronically. Hard copies of the application are also available in the City Clerk's Office.

Deadline for filing applications: **Tuesday, January 8, 2019 at 5:00 p.m.**

There is no compensation paid to Committee Members. Members must comply with the City's ethics training requirement of AB 1234, and reimbursement policy. See attached information.

RESIDENTS OF THE CITY OF SAN RAFAEL ONLY MAY APPLY.

The Fire Commission regularly meets on the second Wednesday of every month at 4:00 p.m. at 1600 Los Gamos, Suite 345, San Rafael, California 94903.

Interviews of applicants will be held at a date to be determined.

An excerpt from the San Rafael Municipal Code re: Fire Commission membership, terms of Commission members, powers and duties, etc., is also attached.

Lindsay Lara
City Clerk
City of San Rafael

Dated: December 18, 2018

**CITY OF SAN RAFAEL APPLICATION TO SERVE AS MEMBER OF
Fire Commission**

NAME: _____

STREET ADDRESS: _____

CITY/STATE/ZIP CODE: _____

RESIDENT OF THE CITY OF SAN RAFAEL FOR _____ YEARS

PRESENT POSITION: _____

NAME OF FIRM: _____

BUSINESS ADDRESS: _____

*HOME & BUSINESS PHONE: _____

*E-MAIL ADDRESS: _____

EDUCATION: _____

PARTICIPATION IN THE FOLLOWING CIVIC ACTIVITIES: _____

MEMBER OF FOLLOWING CIVIC ORGANIZATIONS: _____

MY REASONS FOR WANTING TO SERVE ARE: _____

DESCRIBE POSSIBLE AREAS IN WHICH YOU MAY HAVE A CONFLICT OF INTEREST WITH THE CITY: _____

DATE: _____

SIGNATURE: _____

Filing Deadline:
Date: Tuesday, January 8, 2019
Time: 5:00 p.m.

Mail or deliver to: City of San Rafael, Dept. of City Clerk
City Hall, 1400 Fifth Avenue, Room 209
P.O. Box 151560, San Rafael, CA 94915

*Information kept confidential, to the extent permitted by law.

SAN RAFAEL CHARTER

ARTICLE VIII Executive and Administrative Departments, Section 10. FIRE COMMISSION.

There shall be a board of fire commissioners appointed by the council, the exact number of which shall be set by ordinance or resolution of the council, one of whom may be a councilman. The chief of the fire department shall be an ex officio member of the commission but shall not be entitled to vote as a member of the commission. The members of the commission shall serve for a term of four years and shall be subject to removal by the affirmative vote of three members of the council. The terms of office of members of the commission shall be staggered in the manner provided by resolution of the council. The board of fire commissioners shall exercise such powers and perform such duties as may be prescribed or conferred in this charter or by the ordinances of the city. (Assembly Concurrent Resolution No. 121, August 20, 1973: Senate Concurrent Resolution No. 46, May 31, 1967.)

2.16.010 Board of Fire Commissioners.*

A board of fire commissioners is created. (Ord. 889 § 2, 1967: Ord. 825 § 1, 1965: Ord. 422).

* Fire Commission--See San Rafael Charter, Art. VIII § 10.

2.16.011 Board membership--Compensation.

The board of fire commissioners shall consist of five members appointed by the city council, one of whom may be a councilman. The chief of the fire department shall be an ex officio member of the commission, but shall not be entitled to vote as a member of the commission. All members of the commission shall serve without compensation. (Ord. 889 § 3 (part), 1967).

2.16.012 Board term of office and removal.

The members of the board of fire commissioners shall serve for a term of four years and shall be subject to removal by the affirmative vote of three members of the council. The terms of office of members of the commission shall be staggered in the manner provided by resolution of the city council. (Ord. 889 § 3 (part), 1967).

2.16.013 Board powers and duties.

Subject to the direction and control of the city council, as provided in Section 2.04.030 of this code, the powers and duties of the board of fire commissioners shall be:

To review and recommend concerning the future needs of the fire department in respect to long-range capital needs, including buildings, training facilities, and water mains and hydrant replacements;

To review the relationship of the fire department with other governmental agencies and private entities concerning topics which the commission feels present a true and pressing need for the city's fire service, i.e., mutual aid and the fire rating system of the Independent Insurance Office;

To review, comment and make recommendations regarding the annual operating budget of the department;

To recommend to the fire chief and the city council action concerning initial adoption and future amendments to the fire prevention code, the building code, and other such ordinances which pertain to the prevention of fires within the community;

To receive monthly reports from the department head concerning the general operations and functions of the department;

To perform such other duties as may be prescribed by the city council.

(Ord. 1131 § 1, 1974: Ord. 889 § 3 (part), 1967).

NOTICE TO BOARD & COMMISSION APPLICANTS

REGARDING ETHICS TRAINING

On January 1, 2006, a new law became effective that requires two (2) hours of ethics training of the local legislative bodies by January 1, 2007. This new law defines a local legislative body as a "Brown Act" governing body, whether permanent or temporary, decision-making or advisory, and created by formal action of the City Council. In other words, any person serving on a City Council, Board, Commission, or Committee created by the Council is subject to this ethics training requirement. After this initial class, training will be required every two years.

Ethics training can be accomplished by taking a 2-hour class, self-study, or an on-line class. You may seek reimbursement for taking any authorized ethics class. The city staff member that is assigned to your committee can help you with the reimbursement process.

After you have completed the ethics class, the original certificate needs to be given to the City Manager's Office for record-keeping, with a copy kept for your records.

AB 1234 (Salinas). Local Agencies: Compensation and Ethics

Chapter 700, Statutes of 2005

This law does the following:

- **Ethics Training:** Members of the Brown Act-covered decision-making bodies must take two hours of ethics training every two years, if they receive compensation or are reimbursed expenses. The training can be in-person, on-line, or self-study. For those in office on 1/1/06, the first round of training must be completed by 1/1/07.
- **Expense Reimbursement -- Levels:** Local agencies which reimburse expenses of members of their legislative bodies must adopt written expense reimbursement policies specifying the circumstances under which expenses may be reimbursed. The policy may specify rates for meals, lodging, travel, and other expenses (or default to the Internal Revenue Service's (IRS) guidelines). Local agency officials must also take advantage of conference and government rates for transportation and lodging.
- **Expense Reimbursement -- Processes:** Local agencies, which reimburse expenses, must also provide expense reporting forms; when submitted, such forms must document how the expense reporting meets the requirements of the agency's expense reimbursement policy. Officials attending meetings at agency expense must report briefly back to the legislative body at its next meeting.

ORDINANCE NO. 1966

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING THE SAN RAFAEL MUNICIPAL CODE BY ADDING NEW CHAPTER 10.98 CONCERNING "SOURCE OF INCOME" DISCRIMINATION IN RENTAL HOUSING

THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS

DIVISION 1. FINDINGS.

WHEREAS, it is unlawful under federal and state statutes to restrict housing choice on the basis of race, color, disability, religion, sex, familial status, national origin, sexual orientation, marital status, ancestry, age, and source of income; and

WHEREAS, the City of San Rafael is committed to providing and preserving fair and affordable housing for all income levels; and

WHEREAS, the City of San Rafael wants to increase the availability of housing to all income levels and eliminate any limitations in the provision of housing, including discrimination based on a person's source of income; and

WHEREAS, the Marin Housing Authority, which administers the Housing Voucher Programs, including the Housing Choice Voucher Program, also known as "Section 8," and the Veterans Affairs Supportive Housing Voucher Program, reports a shortage of landlords participating in the program; and

WHEREAS, this shortage may reflect discrimination against tenants with housing vouchers; and

WHEREAS, discrimination against housing voucher holders significantly reduces the stock of rental housing that is available to them; and

WHEREAS, California Government Code §12921 prohibits housing discrimination based on source of income as defined by §12955(p)(1), which does not protect Housing Choice voucher holders as established by case law (*SABI v. Sterling*, 183 Cal.App.4th 916 (2010)); and

WHEREAS, California and federal law further requires the County of Marin to identify impediments to providing affordable housing and to develop strategies for removing those impediments; and

WHEREAS, the City of San Rafael from time to time receives funding from the County of Marin to support its affordable housing initiatives; and

WHEREAS, in order to fulfill the City's commitment to fair housing, to increase affordable housing opportunities, and to fulfill its legal obligations it is necessary to prohibit housing discrimination based on source of income.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES HEREBY ORDAIN AS FOLLOWS:

DIVISION 2. MUNICIPAL CODE AMENDMENT

New Chapter 10.98, entitled "Rental Housing Source of Income Discrimination," is hereby added to the San Rafael Municipal Code, to read as follows:

Chapter 10.98 - RENTAL HOUSING SOURCE OF INCOME DISCRIMINATION

10.98.010 - Purpose.

It is the purpose and intent of the City of San Rafael in enacting this chapter that source of income-based discrimination does not occur in rental housing. This chapter does not intend to restrict or limit operational aspects of rental housing management, such as establishment of tenant rules, security requirements or other landlord/tenant conditions not related to sources of income or financial discrimination.

10.98.020 - Definitions.

For purposes of this chapter, the following definitions shall apply:

A. "Source of income" as used in this chapter means all lawful sources of income and/or all payments from a rental assistance program, homeless assistance program, security deposit assistance program or housing subsidy program, provided such funds are not paid directly to the tenant.

B. "Person" means any individual, firm, corporation, or other organization or group of persons, however organized.

10.98.030 - Prohibited Activity.

It is unlawful for any person to do any of the following related to the rental of real property for residential use when wholly or partially based on source of income, as defined herein:

A. To interrupt, terminate, or fail or refuse to initiate or conduct any transaction in real property, including, but not limited to, the rental thereof; to require different terms for such transaction; or falsely to represent that an interest in real property is not available for transaction;

B. To include in the terms or conditions of a transaction in real property any discriminating clause, condition or restriction due to source of income;

C. To refuse or restrict facilities, services, repairs or improvements for any tenant or lessee;

D. To make, print, publish, advertise, or disseminate in any way, or cause to be made, printed or published, advertised or disseminated in any way, any notice, statement or advertisement with respect to a transaction in real property, or with respect to financing related to any such transaction, which unlawfully indicates preference, limitation or discrimination based on source of income.

E. It is unlawful for any person to use a financial or income standard for the rental of housing that does either of the following:

1. Fails to account for any rental payments or portions of rental payments that will be made by other individuals or organizations, including by a rental assistance program, homeless assistance program, security deposit assistance program or housing subsidy program, on the same basis as rental payments to be made directly by the tenant or prospective tenant;
2. Fails to account for the aggregate income of persons residing together or proposing to reside together or an aggregate income of tenants or prospective tenants and their cosigners or proposed cosigners on the same basis as the aggregate income of married persons residing together or proposing to reside together, so long as legal occupancy limits are not exceeded.

10.98.040 - Exceptions.

A. Nothing in this chapter shall be deemed to permit any rental or occupancy of any dwelling unit or commercial space otherwise prohibited by law.

B. Nothing in this chapter shall be construed to prohibit a requirement for a guarantor or cosigner based on amount of income or credit worthiness.

10.98.050 - Civil injunctive relief.

Any aggrieved person may enforce the provisions of this chapter by means of a civil injunctive action. Any person who commits, or proposes to commit, an act in violation of this chapter may be enjoined therefrom by any court of competent jurisdiction. An action for injunction under this section may be brought by any aggrieved person, by county counsel, the district attorney, the City attorney, or by any person or entity which will fairly and adequately represent the interests of the protected class.

10.98.060 - Civil liability.

Any person who violates any of the provisions of this chapter or who aids in the violation of any provisions of this chapter is liable for, and the court may award to the individual whose rights are violated, up to three times the amount of special and general damages, or, in the case of unlawful discrimination in the rental of a unit, three times the amount of one month's rent that the landlord charges for the unit in question. The court may award in addition thereto reasonable attorney's fees, costs of action, and punitive damages. Civil actions filed pursuant to this section must be filed within one year of the alleged discriminatory acts.

10.98.070 - Criminal penalty.

Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the county jail for a period not exceeding six months, or both.

10.98.080 - Severability.

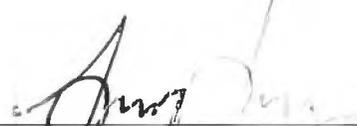
If any provision of this chapter, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provisions of this chapter or the application of this chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

DIVISION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT.

This Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to the State CEQA Guidelines, since it can be seen with certainty that there is no possibility that this Ordinance or its implementation would have a significant effect on the environment (14 Cal. Code Regs. Section 15061(b)(3)).

DIVISION 4. PUBLICATION; EFFECTIVE DATE

This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published, and circulated in the City of San Rafael, and shall be in full force and effect thirty (30) days after its final passage. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.



GARY O. PHILLIPS, Mayor

ATTEST:



LINDSAY LARA, City Clerk

The foregoing Ordinance No. 1966 was read and introduced at a regular meeting of the City Council of the City of San Rafael on the 3rd day of December 2018, and was ordered passed to print by the following vote, to wit:

AYES: Councilmembers: Colin, Gamblin, McCullough & Mayor Phillips

NOES: Councilmembers: None

ABSENT: Councilmembers: Bushey

and will come up for adoption as an Ordinance of the City of San Rafael at a regular meeting of the City Council to be held on the 17th day of December 2018.



LINDSAY LARA, City Clerk

Marin Independent Journal

4000 Civic Center Drive, Suite 301
San Rafael, CA 94903
415-382-7335
legals@marinij.com

2070419

CITY OF SAN RAFAEL
CITY OF SAN RAFAEL
CITY CLERK, ROOM 209
1400 FIFTH AVENUE, SAN RAFAEL, CA 94901
SAN RAFAEL, CA 94915-1560

PROOF OF PUBLICATION (2015.5 C.C.P.)

STATE OF CALIFORNIA County of Marin

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer of the MARIN INDEPENDENT JOURNAL, a newspaper of general circulation, printed and published daily in the County of Marin, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Marin, State of California, under date of FEBRUARY 7, 1955, CASE NUMBER 25566; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

12/07/2018

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated this 7th day of December, 2018.



Signature

PROOF OF PUBLICATION

Legal No. **0006265008**

SUMMARY OF ORDINANCE NO. 1966

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING THE SAN RAFAEL MUNICIPAL CODE BY ADDING NEW CHAPTER 10.98 CONCERNING "SOURCE OF INCOME" DISCRIMINATION IN RENTAL HOUSING

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 1966, which will amend the San Rafael Municipal Code by adding a new chapter 10.98 concerning "Source of Income" discrimination in rental housing. Ordinance No. 1966 is scheduled for adoption by the San Rafael City Council at its regular meeting of December 17, 2018. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

SUMMARY OF AMENDMENT TO MUNICIPAL CODE

The Ordinance will amend the San Rafael Municipal Code by adding a new chapter 10.98 concerning "Source of Income" discrimination in rental housing. State law prohibits housing discrimination based on a person's source of income but does not protect individuals or families who rely on rental subsidies paid by a third party directly to the landlord rather than to the tenant for payment to the landlord. Examples of such subsidies include Housing Choice Vouchers (Section 8) and Veterans Affairs Supportive Housing (VASH) Vouchers. The proposed ordinance, similar to those recently adopted by Fairfax, Novato, and the County of Marin, is intended to eliminate this limitation in State law by recognizing these third-party housing subsidies as a source of income and prohibiting rental discrimination against persons relying on them. The ordinance would not however prevent landlords from screening renters and retaining freedom of choice based on other factors such as total income, credit scores, rental history, references, etc.

The City has determined that adoption of the ordinance is exempt from review under the California Environmental Quality Act (CEQA) as it does not have the potential to cause a significant, physical environmental effect on the environment.

Copies of Ordinance No. 1966 will be available for public review as of Wednesday, December 12, 2018, at the San Rafael City Clerk's Office, 1400 Fifth Avenue, 2nd Floor, Room 209 during regular business hours, 8:30 a.m. to 5:00 p.m., and on the City's website: <https://www.cityofsanrafael.org>. You may also contact the City Clerk at (415) 485-3066 or the Planning Department at (415) 485-3085 for information.

LINDSAY LARA
San Rafael City Clerk
Dated: 12/06/2018

No. 1742 Dec. 7, 2018



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Finance

Prepared by: Nadine Hade,
Finance Director

Cristine Alilovich
Assistant City Manager/Interim
Human Resources Director

City Manager Approval: _____

TOPIC: INTERIM FINANCIAL UPDATE AND BUDGET AMENDMENTS TO REFLECT OPERATIONAL ACTIVITY; MID-YEAR PERSONNEL CHANGES

**SUBJECT: (1) FIRST FISCAL YEAR 2018-2019 INTERIM FINANCIAL UPDATE
(2) RESOLUTION AMENDING FISCAL YEAR 2018-2019 BUDGET
(3) MID-YEAR PERSONNEL CHANGES**

RECOMMENDATION: ADOPT RESOLUTION

BACKGROUND: The Finance Department performs an ongoing review of the City's financial performance and provides updates on the General Fund results to the City Council Finance Committee. This report presents the City's financial condition in the current fiscal year (2018-2019) based on actual revenue and expenditure performance for the period July 1 through October 31, 2018, and budget actions taken through December 3, 2018, as compared to the budget approved by City Council on June 18, 2018.

Based on this review and analysis, revisions are recommended to address the following categories:

- (1) Revenue projections
- (2) Expenditure plan changes

In addition, revenue-neutral personnel changes are being recommended for mid-year implementation.

The staff recommendations contained in this report were reviewed by the City Council Finance Committee (Mayor Phillips and Councilmember Gamblin) at its December 11, 2018 public meeting.

FOR CITY CLERK ONLY

File No.: _____

Council Meeting: _____

Disposition: _____

ANALYSIS:

GENERAL FUND:

Revenues and Other Sources:

Since the budget was prepared in May 2018, there have been no approved changes to revenues or transfers in and after a review of revenues and transfers in through October 31, 2018, staff is requesting an increase to transfers in of \$2,234,450 to cover the debt service for the 2018 lease revenue bonds. The funds are part of the capitalized interest reserve placed in the Essential Facilities Project Fund and will be transferred to the General Fund from that reserve.

Expenditures and Other Uses:

Staff is requesting the approval of \$2,234,450 of expenditures and transfers out, detailed in the chart below, supported by additional revenues and transfers in (column four of Figure 1).

General Fund Expenditures	
Proposed expenditure changes	\$2,234,450
2018 Lease Revenue Bonds-Debt Interest Payment	
Event Program move to Community Services, and General Fund Match to SR Age Friendly Grant	(\$234,864)
Proposed transfers out changes	\$234,864
General Fund match to Community Services and Event Program move	
Total proposed changes to General Fund uses	\$0
Total proposed expenditure changes	\$2,234,450
Expenditures and Transfers out as adopted fiscal year 2018-2019	\$81,063,636
Expenditures and Transfers out as adjusted through Dec 5, 2018	\$81,102,173
Expenditures and Transfers out with proposed changes	\$83,336,623

As a result of the fiscal year 18-19 budget being adopted prior to the finalization of labor negotiations, the exact amounts of the one-time payments paid to staff as part of the recently approved collective bargaining agreements were not included in the personnel-related appropriations. Staff is proposing no additional appropriations to the budget at this time but will continuously be monitoring the budget in case an appropriation request prior to the end of the fiscal year is needed.

Operating Results: Because the proposed increases to expenditures and transfers out are offset by additional transfers in and reductions to expenditures, the proposed changes have no impact on the operating results of the General Fund.

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 3

The following table summarizes the recommended General Fund changes, the impact on the General Fund budget for fiscal year 2018-2019, and the impact on Net Operating Results and Unassigned Prior Period funds.

Figure 1

General Fund	Adopted Budget FY 2018-19	Approved Changes	Current Budget	Proposed Changes	Revised Budget
Revenues	78,503,000	-	78,503,000	-	78,503,000
Transfers in	1,686,911		1,686,911	2,234,450	3,921,361
FY18-19 Resources	80,189,911	-	80,189,911	2,234,450	82,424,361
FY17-18 P.O. reserve	-	38,537	38,537	-	38,537
Total Resources	80,189,911	38,537	80,228,448	2,234,450	82,462,898
Expenditures	75,188,636	(17,345)	75,171,291	1,999,586	77,170,877
P.O. Rollover	-	38,537	38,537	-	38,537
Operating Transfer out	1,850,000	17,345	1,867,345	234,864	2,102,209
Capital Transfer out (from Measure E to SREF)	4,025,000	-	4,025,000	-	4,025,000
Total Appropriation	81,063,636	38,537	81,102,173	2,234,450	83,336,623
Net Result-sub-total	(873,725)	-	(873,725)	-	(873,725)
Allocations					
Emergency Reserve	(260,000)	-	(260,000)	-	(260,000)
Use of prior period funds	1,133,725	-	1,133,725	-	1,133,725

Since budget adoption, approved changes to the general fund expenditures and transfers out were the incorporation of purchase order commitments of \$38,537 from the previous year and grant funds of \$17,345 from the previous year (column two of Figure 1).

The proposed changes have no impact to the current budget for the fiscal year.

The changes to General Fund Resources and Appropriations are summarized in Tables I and II of Exhibit I to the attached Resolution.

OTHER FUNDS:

The adopted budgeted appropriations for Other Funds, including carryforward of funds approved in prior years and changes approved since July 1, 2018, total \$109,269,329 (Figure 2). These expenditures are primarily in the areas of infrastructure and maintenance (e.g., streets, storm drain and buildings). Key projects contributing to the use of funds are: Grand Avenue Pathway, Irwin slide and the Anderson Drive Rail Crossing improvements.

Proposed changes to the Other Funds revenues, expenditures and transfers are detailed in the following table:

Resources	
Total proposed changes to revenues/transfers in Community Services Age friendly Mini Grant (\$5k), General Fund match to Community Services Age Friendly Mini Grant (\$5k) and Event Program moved to Community Services (\$229,864)	\$239,864
Uses	
2018 Lease Revenue Bonds Interest Payment	2,234,450
Community Services-SR Age Friendly Mini Grant	10,000
Event Program moved from GF to Community Services	229,864
Library-Immigration Grant and other expenses	30,000
Total proposed changes to uses	\$2,504,314
Net proposed changes to Other Funds (Resources less Uses)	(\$2,264,450)
Expenditures and Transfers out as adopted fiscal year 2018-2019	\$88,490,002
Expenditures and Transfers out as adjusted through Dec 5, 2018	\$109,269,329
Expenditures and Transfers out with proposed changes	\$111,773,643

The net impact of all proposed changes on Other Funds is \$2,264,450. Most of the changes are related to the transfer of bond funds to the General Fund for debt servicing in the amount of \$2,234,450 and the remaining \$30,000 is attributed to the Library Immigration grant which is offset by an accumulation in prior year fund balance.

The following table presents the adopted budget, approved changes and proposed changes to the FY2018-2019 Other Funds budget.

Figure 2

Other Funds	Adopted Budget FY 2018-19	Approved Changes	Current Budget	Proposed Changes	Revised Budget
Revenues	77,092,045	-	77,092,045	5,000	77,097,045
Transfers in	5,975,000	17,345	5,992,345	234,864	6,227,209
FY18-19 Sources	83,067,045	17,345	83,084,390	239,864	83,324,254
FY17-18 Rollover		12,691,572	12,691,572		12,691,572
Total Resources	83,067,045	12,708,917	95,775,962	239,864	96,015,826
Expenditures	86,703,091	20,779,327	107,482,418	269,864	107,752,282
Transfer out	1,786,911	-	1,786,911	2,234,450	4,021,361
Total Appropriation	88,490,002	20,779,327	109,269,329	2,504,314	111,773,643
Net Results	(5,422,957)	(8,070,410)	(13,493,367)	(2,264,450)	(15,757,817)

These proposed changes to Other Fund Sources and Appropriations are presented in Table III of Exhibit I to the attached Resolution.

CITY-WIDE FISCAL IMPACT:

The following table summarizes the impact of the recommended appropriation and transfer out changes across all funds. The approved changes reflect the updates made during the fiscal year by specific staff reports and resolutions approved by Council and a roll forward of prior year projects already approved that span over a period longer than one year.

Figure 3

All Funds	Adopted Budget FY 2018-19	Approved Changes	Current Budget	Proposed Changes	Revised Budget
General Fund	81,063,636	38,537	81,102,173	2,234,450	83,336,623
Other Funds	88,490,002	20,779,327	109,269,329	2,504,314	111,773,643
Total Expenditures and transfers	169,553,638	20,817,864	190,371,502	4,738,764	195,110,266

Mid-year Personnel Actions:

This section of the report seeks approval of recommended personnel actions. Periodically, the City seeks to establish, reallocate, or delete positions to reorganize or restructure staffing to most effectively and efficiently serve the community and city goals.

Digital Service and Open Government Reorganization

The City’s reliance on technology and digital service delivery has grown exponentially over the last decade. Community expectations around the ability to conduct City business online has increased and studies show that the inability to conduct City business digitally leads to a decline in overall trust in government ([Accenture, 2014](#)).

Technology and good data facilitate community engagement and improve government accountability. By providing easier ways for the public to provide feedback and get involved as well as tools for understanding and analyzing government operations, government can better work together with the community to achieve more desired outcomes.

The City’s current Information Technology Division is part of the Management Services Department and currently under the supervision of the Information Technology Manager who reports to the Assistant City Manager. This division supports City departments by providing help desk services, network operations and telecommunications support, technical advice on procurement and technology implementations, a print shop, and mail services.

In just the past two years, the City has made great strides in digital service delivery, but still has a way to go. Specifically, the City:

- Launched a new website;
- Launched a business permitting portal;
- Increased the number of online permit and payment options (including cannabis licenses);
- Digitized thousands of public records and launched a public records portal;
- Implemented its first constituent relationship management software to manage inquiries and service requests;
- Streamlined data transfers between the Police Department and the District Attorney’s office;

- Increased its use of social media and digital engagement options;
- Released data sets and visualizations for permitting, crime, open space, and financial data; and more.

There are increasing community demands for a more mobile-friendly service delivery, as well as support to departments who need advice about how best to invest in technology. Staff proposes the creation of the Department of Digital Service and Open Government to elevate the role of technology and innovation in how the City's delivers services to the public. The new department will blend the technical support of the tools along with communication and engagement, and the strategic alignment of service design, delivery, and transparent data.

This new department would support the City Council in achieving its mission by working to continually improve the City's delivery of services. Each year, the City Council identifies [annual goals](#) and although this department will likely aid in the implementation of each of them in some way, it will especially be charged with helping the City Council achieve the following two goals:

Goal B (3): Improve resident engagement and government transparency

Goal E (3): Employ technology to improve efficiency and service level ability

The primary goal for this new department would be to create enhanced service offerings in tech support and infrastructure, service design, community engagement, data, open data, performance measurement, and government transparency. The focus will be on improving both the customer and employee experience of government through digital modernization and community engagement, as well as operationalizing the user experience by providing tools and approaches to improve both high and low-tech service delivery.

The new department would also convene cross-departmental teams to provide input on the prioritization of major technology projects and purchases, build out citywide programs for open data and performance metrics with the goal of helping departments and the City Council make more data-driven and informed decisions, and shape the City's engagement strategy and expectations around how we involve the community in the decision process.

Proposed Re-Organization

Attachment 1 shows a proposed organizational chart for the new Department of Digital Service and Open Government. The following sections define the responsibilities for each of the functional areas of the proposed new department structure.

Operations

This team would work to improve the efficiency and cost-effectiveness of the City's use of technology. This team would be charged with understanding existing technology tools, and the operation of software through tools, environments and practices. This team would manage the day-to-day help desk and technical support operations, workstations and equipment inventory and purchasing, as well as assist with budget, administration, and special projects.

Data & Network

The network team would work to improve the accessibility, availability, and capacity of the City's computer network. This team would manage the design, configuration, administration and maintenance of the City's computer network. This team would also help to make government more transparent and

effective through open data, mapping, and performance measurement. Staff proposes reallocating the City’s GIS Analyst II position from the Department of Public Works to this new department to assist in building out an open data program as well as analytics, and performance measurement.

Service Design & Community Engagement

This team would lead the work with City departments to redesign government services. This team would be focused on managing service design and assisting in project management in coordination with cross-departmental and departmental teams. This team would also manage effective, transparent citywide communications that encourages civic engagement. This would be done by creating a strategy and working with liaisons from other City departments to deploy enhanced approaches to engagement.

Proposed Re-Classifications

The IT division currently includes three mid-management level positions:

- Information Technology Manager
- Senior Network Administrator (management level)
- Business Systems Analyst (fixed-term, management level)

Additionally, there are two technical staff and the balance of the current workload is augmented by third-party contractors who provide project management, cybersecurity, network, desktop, and help desk support services.

Based on the additional focus of security, service design, and engagement, staff recommends reclassifying the three mid-managers to the following:

- Technology Operations Manager
- Data & Infrastructure Manager
- Civic Design Manager

Staff proposes filling these roles with the existing mid-management level employees. The new position classifications can be found in Attachment 2. In addition, the proposed updated salary schedules can be found in Attachments 3 and 4.

The tables below also show deleting the current Senior Management Analyst classification from the City Manager’s office, which will not be replaced with another employee; and adding a Director of Digital Service and Open Government to lead the newly formed department. The proposed changes do not add additional full-time employees (FTE) to the City.

Delete

Classification	FTE
Senior Management Analyst (City Manager’s office)	1.0
Information Technology Manager	1.0
Senior Network Administrator	1.0
Business Systems Analyst (fixed-term)	1.0

Total	4.0
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Add

Classification	FTE
Director of Digital Service and Open Government	1.0
Technology Operations Manager	1.0
Data & Infrastructure Manager	1.0
Civic Design Manager	1.0
Total	4.0

FISCAL IMPACT: This reorganization will be long-term net neutral to the City and will result in an annual savings for the foreseeable future. The proposed reorganization changes result in an overall annual cost of \$163,000, assuming eventual Step E for each salary range. The first-year cost is expected to be \$109,000. Staff proposes using the existing resources of the current Information Technology Division’s budget and has identified over \$175,000 in ongoing annual departmental expenses that can be reprogrammed to fund these changes.

RECOMMENDED ACTION: Adopt Resolution.

ATTACHMENTS:

- Resolution with attached Exhibit “I” (Amendment)
- Attachment 1 - Organizational Chart
- Attachment 2 - Job Classifications:
 - Director of Digital Service & Open Government
 - Technology Operations Manager
 - Data & Infrastructure Manager
 - Civic Design Manager
- Attachment 3 - Proposed Unrepresented Executive Management Salary Schedule
- Attachment 4 - Proposed Unrepresented Mid-Management Salary Schedule

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ADOPTING AMENDMENTS TO THE 2018-2019 BUDGET

WHEREAS, the City Council approved Resolution 14525 adopting the fiscal year 2018-2019 budget; and

WHEREAS, the changes in available funding sources and operational needs require adjustments to some City budgets; and

WHEREAS, existing and anticipated staffing vacancies provide opportunities to address changing personnel needs and, following a review by departments and human resources, have resulted in proposed staffing and position changes; and

WHEREAS, it is the intention of this Council to review recommendations from staff regarding the City's financial and operational condition, including revenue projections, expenditure plan changes, staffing considerations; and

WHEREAS, after examination, deliberation and due consideration, the City Council has approved the staff report and recommendations and directs the City Manager to proceed with the implementation of these recommendations.

NOW, THEREFORE, BE IT RESOLVED, by the San Rafael City Council that Resolution 14525 for fiscal year 2018-2019 is amended to increase total general fund expenditures to \$77,209,413, increase other fund revenues to \$77,097,045, increase other fund expenditures to \$107,752,282 as well as transfers in and transfer out as represented on Exhibit I Table I, II and III attached hereto; These changes result in City-wide General Fund appropriations of \$83,336,623 and other fund appropriations of \$111,773,643 as summarized on Exhibit I Table IV; and

BE IT FURTHER RESOLVED, by the San Rafael City Council that the following personnel actions are approved and authorized:

Effective on or after January 1, 2019 -

The reorganization of positions in the Digital Service and Open Government and City Manager departments which includes the deletion of a 1.0 Full-time equivalent (FTE) Senior Management Analyst, 1.0 FTE Information Technology Manager, 1.0 FTE Senior Network Administrator, and 1.0 FTE Business Systems Analyst (fixed term) to offset the salary and benefits costs in order to add a 1.0 FTE Director of Digital Service and Open Government, 1.0 FTE Technology Operations Manager, 1.0 Data and Network Manager, and 1.0 FTE Civic Design Manager.

I, LINDSAY LARA, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City on Monday, the 17th of December 2018, by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

TABLE I
CHANGES TO GENERAL FUND REVENUES AND OTHER SOURCES

General Fund	Adopted Budget FY 2018-19	Approved Changes	Current Budget	Proposed Changes	Revised Budget
Revenues	78,503,000	-	78,503,000	-	78,503,000
Transfers in	1,686,911		1,686,911	2,234,450	3,921,361
FY18-19 Resources	80,189,911	-	80,189,911	2,234,450	82,424,361
FY17-18 Rollover		38,537	38,537		38,537
Total Resources	80,189,911	38,537	80,228,448	2,234,450	82,462,898

TABLE II
CHANGES TO GENERAL FUND EXPENDITURES AND OTHER USES

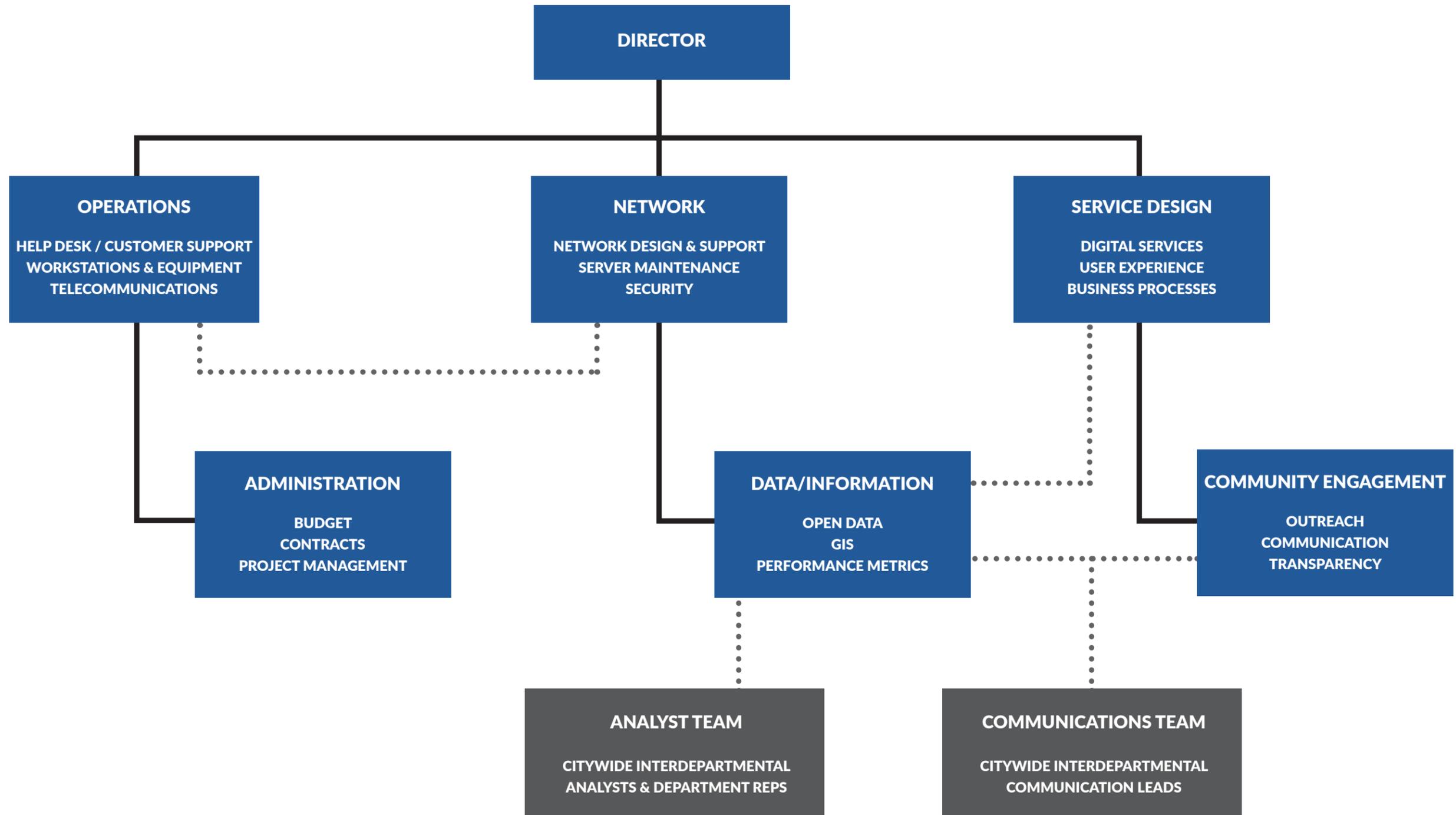
General Fund	Adopted Budget FY 2018-19	Approved Changes	Current Budget	Proposed Changes	Revised Budget
Expenditures	75,188,636	21,191	75,209,827	1,999,586	77,209,413
Transfer out	1,850,000	17,345	1,867,345	234,864	2,102,209
Transfer out-CIP	4,025,000		4,025,000	-	4,025,000
Total Appropriations	81,063,636	38,537	81,102,173	2,234,450	83,336,623

TABLE III
CHANGES TO OTHER FUND EXPENDITURES AND OTHER USES

Other Funds	Adopted Budget FY 2018-19	Approved Changes	Current Budget	Proposed Changes	Revised Budget
Revenues	77,092,045	-	77,092,045	5,000	77,097,045
Transfers in	5,975,000	17,345	5,992,345	234,864	6,227,209
FY18-19 Resources	83,067,045	17,345	83,084,390	239,864	83,324,254
FY17-18 Rollover		12,691,572	12,691,572		12,691,572
FY17-18 CIP Carry Over		-	-		-
Total Resources	83,067,045	12,708,917	95,775,962	239,864	96,015,826
Expenditures	86,703,091	20,779,327	107,482,418	269,864	107,752,282
Transfer out	1,786,911	-	1,786,911	2,234,450	4,021,361
Total Appropriations	88,490,002	20,779,327	109,269,329	2,504,314	111,773,643
Net Results	(5,422,957)	(8,070,410)	(13,493,367)	(2,264,450)	(15,757,817)

TABLE IV
CITY-WIDE APPROPRIATION SUMMARY

All Funds	Adopted Budget FY 2018-19	Approved Changes	Current Budget	Proposed Changes	Revised Budget
General Fund	81,063,636	38,537	81,102,173	2,234,450	83,336,623
Other Funds	88,490,002	20,779,327	109,269,329	2,504,314	111,773,643
Total Expenditures	169,553,638	20,817,864	190,371,502	4,738,764	195,110,266



City of San Rafael
Job Class Specification

Job Title: Director of Digital Service and Open Government

SUMMARY:

The Director of Digital Service and Open Government is responsible for improving both the customer and employee experience of government through digital modernization and community engagement; operationalizing the user experience by orienting and coaching departments; and providing tools and approaches to improve service delivery and the experience of government. This position oversees technology operations and infrastructure, data and information, service design, and community engagement.

The position will team effectively with other City staff and community partners. This is a single position classification at the senior management level.

SUPERVISION RECEIVED AND EXERCISED

This position reports to the Assistant City Manager and supervises the Department's assigned staff. As a member of the City's Executive Management Team, the Director participates in organizational and operational planning on a City-wide basis.

ESSENTIAL DUTIES AND RESPONSIBILITIES:

This list is meant to be representative, not exhaustive. Some incumbents may not perform all the duties listed while in other cases related duties may also be assigned.

- Provides leadership to the City Council, City Manager and Directors on alignment of technology with City initiatives, policy, and strategic objectives.
- Prepares and assists with the development of strategic plans related to the City's information services function and addresses City-wide policy and management issues.
- Serve as communications advisor to the City's leadership team.
- Directs, develops, and implements interdepartmental technology governance, planning, and coordination activities to accomplish specific City-wide objectives.
- Develop digital strategy and oversee digital initiatives, which use technology to create accessible, transparent, and effective interaction between government and stakeholders.
- Mentors leadership staff to cultivate and enhance meaningful relationships with residents, businesses, the media and key influencers within the community.
- Develops and implements organizational policies and procedures regarding appropriate usage of technology and communications within the organization.
- Oversees a decentralized communications team to support the development and execution of a citywide communications strategy.

- Directs the priorities, work program, people and resource allocation within the department including hiring, staff development, training, terminations, and performance appraisals.
- Initiates and develops internal and external partnerships to leverage City technology investments.
- Develops and presents funding strategies to support technology investments.
- Provides direct oversight and direction on mission critical City-wide technology initiatives.
- Plans, organizes, directs and evaluates the department and its operations to ensure effective support for organizational objectives and efficient and effective implementation of initiatives.
- Formulates, recommends, and administers policies and procedures governing the operation of the department.
- Establishes long-range goals and implementation plans for services provided by the department.
- Plans, prepares, and administers the department budget.
- Responsible for the future direction of the department, ensuring the coordination of the department's effort with the needs of the organization.

KNOWLEDGE OF:

- Strategic planning, systems, and project management
- Information technology service delivery procurement and emerging trends
- Principles and practices of user-centered design
- Communications, marketing, social media messaging and strategy
- Principles and practices of community engagement
- Principles and practices of change management
- Methods for monitoring, analyzing, and evaluating programs
- Business process improvements
- Principles of performance measurement
- Principles and practices of effective supervision

ABILITY TO:

- Establish and maintain a working environment conducive to positive morale, individual style, quality, creativity, and teamwork.
- Identify challenges and emerging issues faced by the organization.

- Work with leadership team and staff to recognize internal and external communications opportunities and solutions and define and execute appropriate strategies to support them.
- Position the City to effectively respond to the rapidly changing technological environment.
- Promote a culture of high performance and continuous improvement that values learning and a commitment to quality.
- Facilitate teams and lead decision-making processes in a collaborative environment.
- Gain cooperation through discussion and persuasion.
- Prepare and administer complex budgets.
- Lead interdepartmental committees and work programs.
- Negotiate and assess complex proposals and contracts.
- Mentor and develop staff using a supportive and collaborative approach on a consistent basis.
- Communicate clearly and concisely and make effective public presentations.
- Explain technical concepts and processes in an understandable manner to end users.
- Understand the City's political environment and sensitivities, and function effectively within that environment.
- Establish and monitor staff performance and development goals, assign accountabilities, set objectives, establish priorities, and conduct annual performance appraisals.

EDUCATION and/or EXPERIENCE:

Equivalent to graduation from an accredited college or university with a degree in public policy, public administration, computer science, information technology, communications or closely related field and five years of progressively responsible professional experience in the information technology industry, including two years in a management capacity. A Master's Degree is preferred.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to stand, walk, sit, and talk or hear. The employee frequently is required to use hands to finger, handle, or feel and reach with hands and arms. The employee must regularly lift and/or move up to 10 pounds and occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, distance vision, and ability to adjust focus.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly exposed to video display and regularly works in inside environmental conditions. The employee is occasionally exposed to outdoor weather conditions and occasionally works in evenings or weekends and occasionally may travel. The noise level in the work environment is usually low to moderate.

City of San Rafael
Job Class Specification

Job Title: Technology Operations Manager

SUMMARY:

The Technology Operations Manager is responsible for ensuring the efficient and cost-effective use of the City's technology; assisting City employees to better use and understand existing technology tools and the operation of software through tools, environments and practices; overseeing day-to-day help desk and technical support operations, equipment inventory and purchasing.

This is an exempt, mid-management level position in the Department of Digital Service and Open Government. The incumbent exercises independent judgment in the planning, overseeing, and reviewing the functional areas of operations, administration, and customer support.

SUPERVISION RECEIVED AND EXERCISED

This position reports to the Director of Digital Service and Open Government and may provide direct and/or functional supervision to subordinate staff.

ESSENTIAL DUTIES AND RESPONSIBILITIES:

This list is meant to be representative, not exhaustive. Some incumbents may not perform all the duties listed while in other cases related duties may also be assigned.

- Prepares and assists with the development of strategic plans related to the area of responsibility and addresses City-wide policy and management issues.
- Provides technical support for workstation hardware, communication and audio/video equipment, software applications and services.
- Builds and maintains a motivated operations and customer support team, making sure there is an iterative plan to work towards.
- Directs, oversees, and participates in the development of assigned services work plans; assigns work activities, projects, and programs; monitors work flow; reviews and evaluates work products, methods, and procedures.
- Develops and implements interdepartmental technology governance, planning and coordination activities to accomplish specific City-wide objectives.
- Develops and implements organizational policies and procedures regarding appropriate usage of technology within the organization.
- Supports implementation of mission critical City-wide technology initiatives.
- Evaluates the department's operations to ensure effective support for organizational objectives and efficient and effective implementation of initiatives.

- Formulates, recommends and administers policies and procedures governing the operation of the department. Recommends long-range goals and implementation plans for services provided by the department.
- Plans, prepares, and administers the assigned departmental budget in coordination with management staff.
- Administers and provides the City's support services, maintenance, and training for computers, including the evaluation, selection, installation and maintenance of computer hardware and software and related equipment.

KNOWLEDGE OF:

- Strategic planning, systems and project management
- Information technology service delivery procurement and emerging trends
- Principles and practices of user-centered design
- Principles and practices of change management
- Budgeting procedures and techniques
- Methods for monitoring, analyzing, and evaluating programs
- Principles and techniques of managing telecommunications
- System training techniques
- Business process improvements
- Principles of performance measurement
- Principles and practices of effective supervision

ABILITY TO:

- Establish and maintain a working environment conducive to positive morale, individual style, quality, creativity, and teamwork.
- Identify challenges and emerging issues faced by the organization.
- Work with management team and staff to recognize internal and external operational opportunities and solutions and define and execute appropriate strategies to support them.
- Position the City to effectively respond to the rapidly changing technological environment.
- Coordinate and implement programs to respond to customer requests.
- Analyze current and future communication technologies and needs.
- Promote a culture of high performance and continuous improvement that values learning and a commitment to quality.

- Gain cooperation through discussion and persuasion.
- Prepare and administer complex budgets.
- Negotiate and assess complex proposals and contracts.
- Mentor and develop staff using a supportive and collaborative approach on a consistent basis.
- Communicate clearly and concisely and make effective public presentations.
- Explain technical concepts and processes in an understandable manner to end users.
- Establish and monitor staff performance and development goals, assign accountabilities, set objectives, establish priorities, and conduct annual performance appraisals.
- Work calmly and effectively under stressful situations.

EDUCATION and/or EXPERIENCE:

Equivalent to graduation from an accredited college or university with a degree in computer science, information systems, information technology, public policy, public administration, or closely related field and three years of progressively responsible professional experience planning, overseeing, and reviewing Information Technology operations, administration, and customer support, including at least one year in a supervisory or management capacity. A Master's Degree is preferred.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential function of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to sit and talk or hear. The employee frequently is required to use hands to finger, handle, or feel and reach with hands and arms. The employee is occasionally required to stand and walk. The employee must regularly lift and/or move up to 10 pounds and occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and ability to adjust focus.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly exposed to video displays. The employee frequently works in evenings or weekends; typically, in inside environmental conditions. The employee occasionally may travel between worksites. The noise level in the work environment is usually moderate.

City of San Rafael
Job Class Specification

Job Title: Data & Infrastructure Manager

SUMMARY:

The Data & Infrastructure Manager is responsible for improving the accessibility, availability, scalability of the City's computer infrastructure; managing the design, configuration, administration and maintenance of the City's computer infrastructure; assists in making government more transparent and effective through open data, mapping, and performance measurements.

This is an exempt, mid-management level position in the Department of Digital Service and Open Government. The incumbent exercises independent judgment in the planning, overseeing, and reviewing the functional areas of network and server administration, security, open data, performance measurement and geographic information systems.

SUPERVISION RECEIVED AND EXERCISED

This position reports to the Director of Digital Service and Open Government and may provide direct and/or functional supervision to subordinate staff.

ESSENTIAL DUTIES AND RESPONSIBILITIES:

This list is meant to be representative, not exhaustive. Some incumbents may not perform all the duties listed while in other cases related duties may also be assigned.

- Prepares and assists with the development of strategic plans related to area of responsibility and addresses City-wide policy and management issues.
- Builds and maintains motivated network and data teams, making sure there is an iterative plan to work towards.
- Directs, oversees, and participates in the development of assigned services work plans; assigns work activities, projects, and programs; monitors work flow; reviews and evaluate work products, methods, and procedures.
- Maintains the core and perimeter infrastructures.
- Oversees the network for optimal performance and monitoring of live services and performance trends to identify potential problems or areas for improvement.
- Oversees the restoration of normal service operation as quickly as possible and minimize adverse effects of incidents on business operations.
- Provides technical leadership and architectural network design.
- Develops and oversees the design of secure systems and advises security decisions.
- Supports implementation of mission critical City-wide technology initiatives.

- Evaluates the City's network to ensure effective support for organizational objectives and efficient and effective implementation of initiatives.
- Establishes and maintains the vision for the organization's use of open data and geographic information systems.
- Develops performance measurement frameworks and analyzes the performance of services.
- Plans, prepares and administers the assigned departmental budget in coordination with management staff

KNOWLEDGE OF:

- Strategic planning, systems and project management
- Network design, architecture, engineering and design principles
- Infrastructure hardware configuration
- Security principles, practices, terminology, and trends
- Open data and geographic information systems
- Principles and practices of change management
- Methods for monitoring, analyzing, and evaluating programs
- Business process improvements
- Principles of performance measurement
- Principles and practices of effective supervision

ABILITY TO:

- Establish and maintain a working environment conducive to positive morale, individual style, quality, creativity, and teamwork.
- Identify complex technical security problems and development and implement viable solutions.
- Identify challenges and emerging issues faced by the organization.
- Work with management team and staff to recognize internal and external opportunities and solutions and define and execute appropriate strategies to support them.
- Position the City to effectively respond to the rapidly changing technological environment.

- Promote a culture of high performance and continuous improvement that values learning and a commitment to quality.
- Prepare and administer complex budgets.
- Mentor and develop staff using a supportive and collaborative approach on a consistent basis.
- Communicate clearly and concisely and make effective public presentations.
- Ensure the standardized documentation of procedures and processes.
- Meet current California law enforcement standards regarding security clearances related to background assessment and access to confidential information.
- Establish and monitor staff performance and development goals, assign accountabilities, set objectives, establish priorities, and conduct annual performance appraisals.
- Work calmly and effectively under stressful situations.

EDUCATION and/or EXPERIENCE:

Equivalent to graduation from an accredited college or university with a degree in computer science, information systems, information technology, public policy, public administration, or closely related field and three years of progressively responsible professional experience in the design, configuration, administration, and maintenance of computer infrastructures, including at least one year in a supervisory or management capacity. A Master's Degree is preferred.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential function of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to sit and talk or hear. The employee frequently is required to use hands to finger, handle, or feel and reach with hands and arms. The employee is occasionally required to stand and walk. The employee must regularly lift and/or move up to 10 pounds and occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and ability to adjust focus.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly exposed to video displays and moving mechanical parts. The employee frequently works in evenings or weekends; typically in inside environmental conditions. The employee occasionally may travel between worksites. The noise level in the work environment is usually moderate.

City of San Rafael
Job Class Specification

Job Title: Civic Design Manager

SUMMARY:

The Civic Design Manager is responsible for assisting City departments in designing government services that are simple, effective, and easy to use and coordinating effective, transparent citywide communications that encourage civic engagement; managing service design and community engagement teams; developing and coordinating citywide communication strategies and resources; and assisting in project management in coordination with cross-departmental and departmental teams.

This is an exempt, mid-management level position in the Department of Department of Digital Service and Open Government. The incumbent exercises independent judgment in the planning, overseeing, and reviewing the functional areas of service design, business process design, and community engagement.

SUPERVISION RECEIVED AND EXERCISED

This position reports to the Director of Digital Service and Open Government and may provide direct or functional supervision to subordinate staff or to project teams.

ESSENTIAL DUTIES AND RESPONSIBILITIES:

This list is meant to be representative, not exhaustive. Some incumbents may not perform all the duties listed while in other cases related duties may also be assigned.

- Prepares and assists with the development of strategic plans related to area of responsibility and addresses City-wide policy and management issues.
- Builds and maintains motivated service design and community engagement teams, making sure there is an iterative plan to work towards.
- Directs, oversees, and participates in the development of assigned services work plans; assigns work activities, projects, and programs; monitors work flow; reviews and evaluates work products, methods, and procedures.
- Develops and implements interdepartmental technology governance, planning, and coordination activities to accomplish specific City-wide objectives.
- Develops and implements organizational policies and procedures regarding appropriate usage of technology and communications within the organization.
- Acts as a liaison between City departments and the Department of Department of Digital Service and Open Government to understand the operational needs.
- Understands and analyzes user and business needs to ensure outcomes are aligned with service vision and business strategy.

- Develops and oversees the design and end-to-end journey services and business processes through user-centered design.
- Develops and oversees the design and layout of communication materials consistent with City style guidelines
- Supports implementation of mission critical City-wide technology initiatives.
- Evaluates the department's operations to ensure effective support for organizational objectives and efficient and effective implementation of initiatives.
- Recommends long-range goals and implementation plans for services provided by City departments.
- the Plans, prepares, and administers the assigned departmental budget in coordination with management staff.

KNOWLEDGE OF:

- Strategic planning, systems, and project management
- Information technology service delivery procurement and emerging trends
- Principles and practices of user-centered design
- Principles and practices of journey mapping and user stories
- Communications, marketing, social media messaging and strategy
- Principles and practices of community engagement
- Graphic design principles; web design and editing
- Principles and practices of change management
- Budgeting procedures and techniques
- Methods for monitoring, analyzing, and evaluating programs
- Business process improvements
- Principles of performance measurement
- Principles and practices of effective supervision

ABILITY TO:

- Establish and maintain a working environment conducive to positive morale, individual style, quality, creativity, and teamwork.
- Identify challenges and emerging issues faced by the organization.

- Work with management team and staff to recognize internal and external communications opportunities and solutions and define and execute appropriate strategies to support them.
- Position the City to effectively respond to the rapidly changing technological environment.
- Use a user-centered approach to make complicated technical concepts easier to understand.
- Promote a culture of high performance and continuous improvement that values learning and a commitment to quality.
- Facilitate teams and leading decision-making processes in a collaborative environment.
- Gain cooperation through discussion and persuasion.
- Prepare and administer complex budgets.
- Lead interdepartmental committees and work programs.
- Negotiate and assess complex proposals and contracts.
- Mentor and develop staff using a supportive and collaborative approach on a consistent basis.
- Communicate clearly and concisely and make effective public presentations.
- Explain technical concepts and processes in an understandable manner to end users.
- Establish and monitor staff performance and development goals, assign accountabilities, set objectives, establish priorities, and conduct annual performance appraisals.
- Work calmly and effectively under stressful situations.

EDUCATION and/or EXPERIENCE:

Equivalent to graduation from an accredited college or university with a degree in computer science, information systems, information technology, public policy, communications, public administration, or closely related field and three years of progressively responsible professional experience in service delivery and community engagement program design and development, including at least one year in a supervisory or management capacity. A Master's Degree is preferred.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential function of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to sit and talk or hear. The employee frequently is required to use hands to finger, handle, or feel and reach with hands and arms. The employee is occasionally required to stand and walk. The employee must regularly lift and/or move up to 10 pounds and occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and ability to adjust focus.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly exposed to video displays. The employee frequently works in evenings or weekends; typically in inside environmental conditions. The employee occasionally may travel between worksites. The noise level in the work environment is usually moderate.

**SAN RAFAEL UNREPRESENTED EXECUTIVE MANAGEMENT
SALARY SCHEDULE**
Effective December 17, 2018

Grade	Position	A	B	C	D	E
2501	Assistant City Attorney	\$ 11,068	\$ 11,621	\$ 12,202	\$ 12,812	\$ 13,453
2001	Assistant City Manager	\$ 13,092	\$ 13,747	\$ 14,434	\$ 15,156	\$ 15,914
2300	Community Development Director	\$ 12,772	\$ 13,411	\$ 14,082	\$ 14,786	\$ 15,525
8101	Community Services Director	\$ 11,051	\$ 11,604	\$ 12,184	\$ 12,793	\$ 13,433
TBD	Director of Digital Service & Open Government	\$ 11,574	\$ 12,152	\$ 12,760	\$ 13,398	\$ 14,068
2801	Director of Economic Development & Innovation	\$ 11,574	\$ 12,152	\$ 12,760	\$ 13,398	\$ 14,068
2205	District Manager/Engineer (SRSD)	\$ 11,574	\$ 12,152	\$ 12,760	\$ 13,398	\$ 14,068
2140	Finance Director	\$ 11,574	\$ 12,152	\$ 12,760	\$ 13,398	\$ 14,068
7101	Fire Chief	\$ 13,028	\$ 13,679	\$ 14,363	\$ 15,081	\$ 15,836
1106	Human Resources Director	\$ 11,574	\$ 12,152	\$ 12,760	\$ 13,398	\$ 14,068
2401	Library Director	\$ 10,738	\$ 11,275	\$ 11,839	\$ 12,431	\$ 13,052
6101	Police Chief	\$ 13,028	\$ 13,679	\$ 14,363	\$ 15,081	\$ 15,836
2201	Public Works Director	\$ 12,772	\$ 13,411	\$ 14,082	\$ 14,786	\$ 15,525

Position	Monthly Salary
City Manager (Appointed)	\$ 19,300

The City Manager is appointed by the City Council and is not subject to the terms and conditions of the Management Resolution

SAN RAFAEL UNREPRESENTED MID-MANAGEMENT

SALARY SCHEDULE

Effective December 17, 2018

Grade	Position	A	B	C	D	E
7315	Accounting Manager	\$ 8,529	\$ 8,956	\$ 9,403	\$ 9,874	\$ 10,367
8106	Assistant Director of Community Services	\$ 9,284	\$ 9,748	\$ 10,236	\$ 10,747	\$ 11,285
2125	Assistant Library Director	\$ 9,284	\$ 9,748	\$ 10,235	\$ 10,747	\$ 11,285
2202	Assistant Public Works Director / City Engineer	\$ 11,063	\$ 11,616	\$ 12,196	\$ 12,806	\$ 13,447
2302	Chief Building Official	\$ 10,281	\$ 10,795	\$ 11,334	\$ 11,901	\$ 12,496
TBD	Civic Design Manager*	\$ 9,284	\$ 9,748	\$ 10,235	\$ 10,747	\$ 11,285
2122	Code Enforcement Supervisor	\$ 7,076	\$ 7,430	\$ 7,801	\$ 8,191	\$ 8,601
TBD	Data & Infrastructure Manager*	\$ 10,281	\$ 10,795	\$ 11,334	\$ 11,901	\$ 12,496
1105	Deputy City Attorney I	\$ 9,317	\$ 9,783	\$ 10,272	\$ 10,785	\$ 11,325
1109	Deputy City Attorney II	\$ 10,272	\$ 10,786	\$ 11,325	\$ 11,892	\$ 12,486
2120	Deputy Fire Marshall	\$ 8,750	\$ 9,188	\$ 9,647	\$ 10,130	\$ 10,636
2135	Deputy Public Works Director	\$ 10,050	\$ 10,553	\$ 11,081	\$ 11,635	\$ 12,216
7313	Economic Development Coordinator	\$ 8,443	\$ 8,865	\$ 9,308	\$ 9,774	\$ 10,262
2128	Economic Development Manager	\$ 9,284	\$ 9,748	\$ 10,236	\$ 10,747	\$ 11,285
7117	Emergency Services Manager	\$ 8,237	\$ 8,649	\$ 9,082	\$ 9,536	\$ 10,013
9005	Events Coordinator**	\$ 7,318	\$ 7,684	\$ 8,068	\$ 8,471	\$ 8,895
4204	Information Technology Manager	\$ 11,063	\$ 11,616	\$ 12,197	\$ 12,806	\$ 13,447
2208	Operations and Maintenance Manager	\$ 9,021	\$ 9,472	\$ 9,946	\$ 10,443	\$ 10,965
2703	Parking Services Manager	\$ 8,443	\$ 8,865	\$ 9,308	\$ 9,774	\$ 10,262
7312	Parks Superintendent	\$ 8,237	\$ 8,649	\$ 9,082	\$ 9,536	\$ 10,013
2116	Planning Manager	\$ 9,455	\$ 9,927	\$ 10,424	\$ 10,945	\$ 11,492
9453	Principal Planner	\$ 8,443	\$ 8,865	\$ 9,308	\$ 9,774	\$ 10,262
1202	Public Works Administrative Manager	\$ 8,442	\$ 8,865	\$ 9,308	\$ 9,773	\$ 10,262
8103	Recreation Supervisor	\$ 7,076	\$ 7,430	\$ 7,801	\$ 8,191	\$ 8,601
2206	Senior Civil Engineer (SRSD)	\$ 9,784	\$ 10,273	\$ 10,787	\$ 11,326	\$ 11,893
7317	Senior Code Enforcement Supervisor	\$ 7,810	\$ 8,201	\$ 8,611	\$ 9,041	\$ 9,493
2105	Senior Management Analyst	\$ 8,044	\$ 8,446	\$ 8,869	\$ 9,312	\$ 9,778
2132	Senior Network Administrator	\$ 9,284	\$ 9,748	\$ 10,236	\$ 10,747	\$ 11,285
8102	Senior Recreation Supervisor	\$ 7,810	\$ 8,200	\$ 8,610	\$ 9,041	\$ 9,493
7310	Sewer Maintenance Superintendent	\$ 8,237	\$ 8,649	\$ 9,082	\$ 9,536	\$ 10,013
7311	Street Maintenance Superintendent	\$ 8,237	\$ 8,649	\$ 9,082	\$ 9,536	\$ 10,013
TBD	Technology Operations Manager**	\$ 11,063	\$ 11,616	\$ 12,197	\$ 12,806	\$ 13,447

*New position effective 12/17/18 Council Action

**Events Coordinator Y-rated effective 6/1/18; Technology Operations Manager Y-rated effective 12/17/18



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Fire Department

Prepared by: Christopher Gray, Fire Chief City Manager Approval: 

TOPIC: **MARIN COUNTY COMMUNITY WILDFIRE PROTECTION PLAN ACCEPTANCE**

SUBJECT: **RESOLUTION ACCEPTING THE MARIN COUNTY COMMUNITY WILDFIRE PROTECTION PLAN**

RECOMMENDATION:
Adopt a resolution accepting the Marin County Community Wildfire Protection Plan as a guiding document for wildfire prevention efforts in San Rafael.

EXECUTIVE SUMMARY:
The [Marin County Community Wildfire Protection Plan](#) (CWPP) was created through a collaborative process to provide a comprehensive framework to address the risk of wildfire. The report includes corrective actions, including specific areas of risk in San Rafael. By accepting the CWPP, the City is recognizing that the Plan provides an important framework for systematically addressing wildfire risks. Accepting the Plan also provides supportive documentation for upcoming grant applications. A full wildfire safety action plan will be presented to City Council on January 22nd, 2019.

BACKGROUND:
Beginning in 2015, the Marin County Fire Department worked with the San Rafael Fire Department, [FIREsafe MARIN](#), and other local fire agencies to develop a comprehensive CWPP for Marin County. The San Rafael Fire Department identified priority areas in the City for fuel reduction and structural ignitability mitigation efforts. Scientific analysis and mapping projects produced a report of current wildfire risks and proposed mitigation measures. The Marin County CWPP was formally approved by the County Board of supervisors in March 2017. The CWPP remains a living document, incorporating updates and new action items. The San Rafael Fire Department has contributed regular updates to the plan and has taken steps to incorporate the findings into the City's ongoing all-hazard planning and fire prevention efforts.

ANALYSIS:
The Marin County Community Wildfire Protection Plan (CWPP) provides a scientifically based assessment of wildfire threat in the wildland urban interface (WUI) of all of Marin County. The CWPP was developed through a collaborative process involving Marin County fire agencies, County officials, County, State, and Federal land management agencies, and community members. It meets the CWPP requirement set forth in the federal [Healthy Forests Restoration Act](#), which include the following:

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

stakeholder collaboration; identifying and prioritizing areas for fuel reduction activities; and addressing structural ignitability.

A science-based hazard, asset, risk assessment was performed using up-to-date, high resolution topography and fuels information combined with local fuel moisture and weather data. The assessment was focused on identifying areas of concern throughout the county and beginning to prioritize areas where wildfire threat is greatest. Hazard mitigation efforts can then be focused to address specific issues in the areas of greatest concern.

The CWPP asserts that Marin County will reduce wildland fire hazard using a collaborative and integrated approach that includes the following strategies:

- Pre-fire planning.
- Public education and outreach to promote and implement fire adapted community practices.
- Vegetation management and fuel reduction at the county and community levels.
- Reducing structure ignitability by promoting and enforcing building codes, ordinances, and statutes

Moreover, the CWPP serves as a framework for future collaboration that can be used to identify, prioritize, implement, and monitor hazard reduction activities throughout Marin County. It is intended to be a living document that will be updated periodically by FIREsafe MARIN, local fire agencies, and the Marin County Fire Department, in collaboration with a broader group of County stakeholders. The CWPP is also intended to support the California Fire Plan and CAL FIRE's Unit Strategic Fire Plan. While this CWPP broadly covers all of Marin County, this plan supports and encourages more focused plans for wildfire protection at the local level.

The San Rafael 2017 Local Hazard Mitigation Plan includes the recommendation to “develop City-specific Community Wildfire Protection Plan (CWPP) with enhanced wildfire mapping”. Accepting the Marin County CWPP partially fulfills this recommendation while funding is secured for more detailed San Rafael wildfire risk mapping. This resolution does not preclude the City from pursuing a City CWPP and parcel level fuel mapping.

By formally accepting the Marin County CWPP, the City will demonstrate to other agencies that San Rafael's wildfire prevention efforts are aligned with the broader County efforts. In addition, this action would serve to support wildfire-related grant funding opportunities because grant applications from organizations with an approved CWPP may be more favorably viewed than organizations who do not have an approved CWPP.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

RECOMMENDED ACTION:

Adopt a resolution accepting the Marin CWPP as a guiding document for wildfire prevention efforts in San Rafael.

ATTACHMENTS:

1. Resolution
2. Marin County Community Wildfire Protection Plan

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL, STATE OF CALIFORNIA ACCEPTING THE MARIN COUNTY COMMUNITY WILDFIRE PROTECTION PLAN AS A GUIDING DOCUMENT FOR WILDFIRE PREVENTION EFFORTS IN SAN RAFAEL

WHEREAS, wildfire is an ever-increasing concern for many communities in California and across the United States; and

WHEREAS, the City of San Rafael recognizes the importance of wildfire mitigation in order to protect the community; and

WHEREAS, the City of San Rafael contributed to the preparation of the Marin County Community Wildfire Protection Plan; and

WHEREAS, the Marin County Community Wildfire Protection Plan aims to protect life and reduce property loss due to wildfire by identifying wildfire risk and mitigation measures; and

WHEREAS, the Plan provides a scientifically based assessment of wildfire threat; and

WHEREAS, the Plan incorporates pre-fire planning, public education, vegetation management, and recommendations to reduce structure ignitability; and

WHEREAS, the Plan meets the requirements set forth in the federal Healthy Forests Restoration Act;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Rafael does hereby accept the Marin County Community Wildfire Protection Plan (initial publication 2016); and

BE IT FURTHER RESOLVED, that the City of San Rafael incorporates the CWPP analysis and recommendations into the City's ongoing all-hazard planning and fire prevention efforts.

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the San Rafael City Council held on Monday the 17th day of December 2018 by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

LINDSAY LARA, City Clerk

Marin County Fire Department

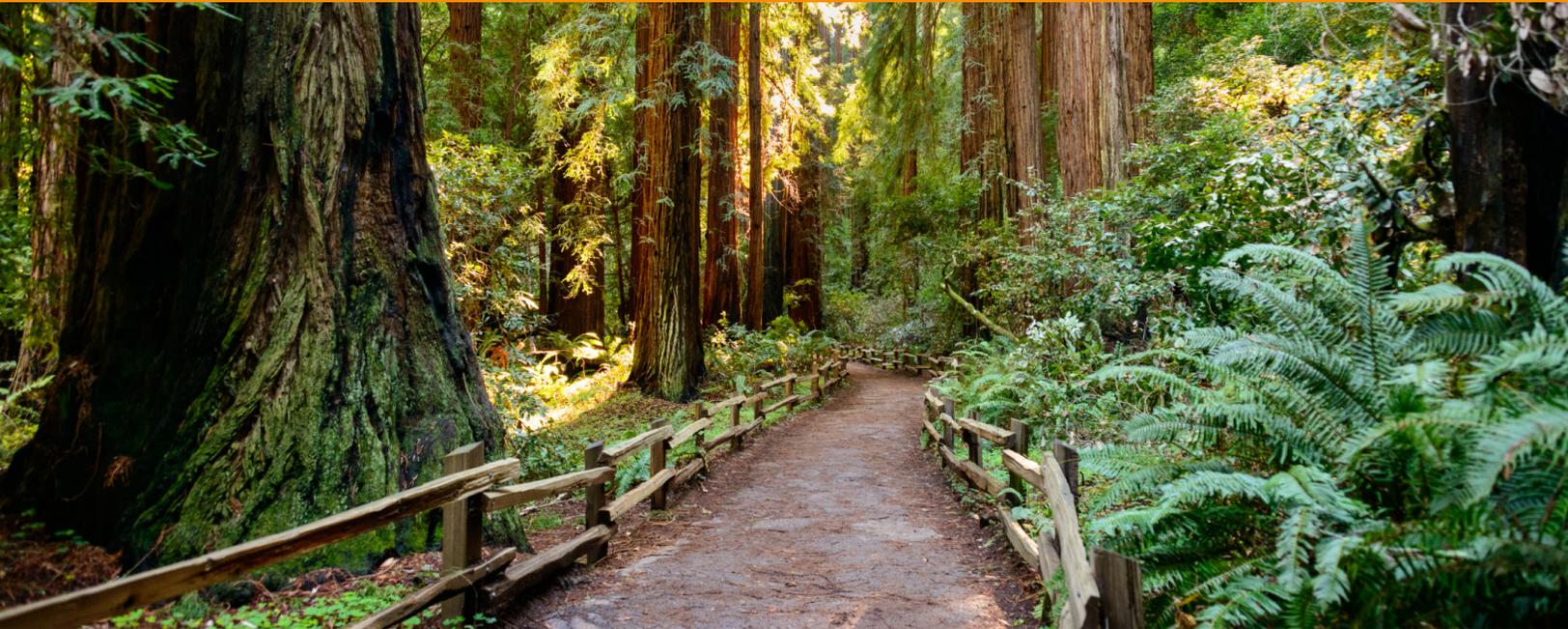
in collaboration with



COMMUNITY WILDFIRE PROTECTION PLAN

2016



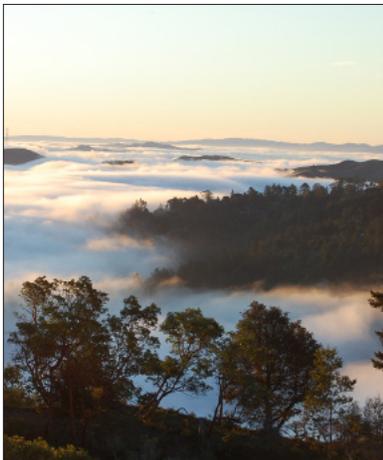


Executive Summary

This Community Wildfire Protection Plan (CWPP) provides a scientifically based assessment of wildfire threat in the wildland urban interface (WUI) of Marin County, California. This CWPP was developed through a collaborative process involving Marin County fire agencies, county officials, county, state, and federal land management agencies, and community members. It meets the CWPP requirements set forth in the federal Healthy Forests Restoration Act, which include:

- Stakeholder collaboration (Section 3).
- Identifying and prioritizing areas for fuel reduction activities (Sections 4 and 5).
- Addressing structural ignitability (Section 7).

Wildfire poses the greatest risk to human life and property in Marin County's densely populated WUI, which holds an estimated 69,000 living units. Marin County is home to 23 communities listed on CAL FIRE's Communities at Risk list, with approximately 80% of the total land area in the county designated as having moderate to very high fire hazard severity ratings. The county has a long fire history with many large fires over the past decades, several of which have occurred in the WUI. To compound the issue, national fire suppression policies and practices have contributed to the continuous growth (and overgrowth) of vegetation resulting in dangerous fuel loads (see Section 1.6).



A science-based hazard, asset, risk assessment was performed using up-to-date, high resolution topography and fuels information combined with local fuel moisture and weather data. The assessment was focused on identifying areas of concern throughout the county and beginning to prioritize areas where wildfire threat is greatest. Hazard mitigation efforts can then be focused to address specific issues in the areas of greatest concern (see Sections 4 and 5).

Marin County will reduce wildland fire hazard using a collaborative and integrated approach that includes the following strategies (see Section 8):

- Pre-fire planning.
- Public education and outreach to promote and implement fire adapted community practices.
- Vegetation management and fuel reduction at the county and community levels.
- Reducing structure ignitability by promoting and enforcing building codes, ordinances, and statutes.

This document provides a framework for future collaboration that can be used to identify, prioritize, implement, and monitor hazard reduction activities throughout the county. It is intended to be a living document that will be updated periodically by FIRESafe MARIN and the Marin County Fire Department (MCFD) in collaboration with a broader group of county stakeholders. This document is also intended to support the California Fire Plan and CAL FIRE's Unit Strategic Fire Plan. While this CWPP broadly covers the entire county, this plan supports and encourages more focused plans for wildfire protection at the city, community, and neighborhood scales.

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Contents

Figures.....	vii
Tables.....	viii
1. County Overview.....	1
1.1 Fire Agencies, Capabilities, and Preparedness.....	2
1.2 Agency Coordination.....	7
1.3 Population and Housing.....	9
1.3.1 Population Flux.....	10
1.4 Land Ownership.....	10
1.5 Natural Resources.....	11
1.5.1 Biodiversity.....	11
1.5.2 Watersheds and Water Districts.....	12
1.6 Marin County’s Wildland Urban Interface.....	13
1.7 Roads and Streets.....	15
2. Fire Environment.....	17
2.1 Weather.....	17
2.2 Vegetation and Fuels Characteristics.....	19
2.2.1 Vegetation Diseases and Infestations.....	22
2.3 Topography.....	24
2.4 Fire History.....	24
2.5 Ignition History.....	26
3. Collaboration.....	29
3.1 FIRESafe MARIN.....	30
3.2 Fire Agencies.....	30
3.3 Land Management Agencies.....	30
3.4 Community Stakeholders.....	31
4. Hazard, Asset, Risk Assessment Approach.....	35
4.1 Assets at Risk.....	35
4.1.1 Areas of Concern.....	38
4.1.2 Fire Road and Fuelbreak Networks.....	38
4.2 Risk Assessment Approach.....	39
4.2.1 Step 1: Prepare Community Base Map and Areas of Concern.....	41
4.2.2 Step 2: Prepare Vegetation and Fuel Model Data.....	41
4.2.3 Step 3: Acquire Local Weather and Fuel Moisture Data.....	41
4.2.4 Step 4: Prepare a Population Density Map.....	43
4.2.5 Step 5: Perform Fire Behavior Modeling.....	43
4.2.6 Step 6: Develop Composite Maps.....	45
4.2.7 Step 7: Develop Rankings for Areas of Concern.....	45

5. Modeling Results	47
5.1 Average Fire Season Modeling Results	47
5.2 Extreme Fire Conditions Modeling Results	51
5.3 Discussion of Findings	55
6. Pre-Fire Management Strategies and Tactics	57
6.1 Building Codes and Standards	57
6.2 Hazardous Fuel Reduction	58
6.3 Information and Education	59
6.3.1 Information	59
6.3.2 Education and Outreach	59
6.4 Fire Detection Cameras	60
7. Structural Ignitability	61
7.1 Opportunities to Reduce Structural Ignitability	62
7.1.1 Increase Education about Structural Ignitability and Defensible Space	62
7.1.2 Inventory Structures with Shake and Shingle Roofing	63
7.1.3 Uniform Adoption of WUI Ordinance	64
7.2 Structure Ignitability Efforts Currently in Place	64
8. Recommendations and Action Plan	67
8.1 Plan Recommendations	67
8.1.1 Continue to identify and evaluate wildland fire hazards	67
8.1.2 Articulate and Promote the Concept of Land Use Planning Related to Fire Risk	68
8.1.3 Support and continue to participate in the collaborative development and implementation of wildland fire protection plans	68
8.1.4 Increase awareness, knowledge, and actions implemented by individuals and communities to reduce human loss and property damage from wildland fires	69
8.1.5 Integrate fire and fuels management practices	70
8.2 Action Plan	71
8.2.1 Environmental Review and Permitting	71
8.3 Plan Management	71
9. References	73
Appendix A: Updated Fuel Map Generation	75
A.1 Processing Overview	75
A.2 Input Datasets	75
A.3 Image Processing	76
A.4 Fuel Model Crosswalk	76
A.5 Fuel Model Adjustments	77
A.6 Landscape File Creation	77
A.7 References	78
Appendix B: Areas of Concern and Marin County Fire Plan Projects	79
Appendix C: Glossary	101
Appendix D: CWPP Action Plan	107

Figures

Figure 1. Map of Marin County and the wildland urban interface boundaries (red).....	1
Figure 2. Map of the federal responsibility areas (red), state responsibility areas & MCFD (blue), and local responsibility areas (yellow) in Marin County.....	3
Figure 3. Map of Marin County professional fire service agency jurisdictions.....	5
Figure 4. Population density in and around Marin County’s WUI.....	14
Figure 5. Updated high-resolution (5 x 5 meter) fuel model map for Marin County.....	22
Figure 6. Map of large fires that have occurred in Marin County’s WUI.....	26
Figure 7. Fire statistics for Marin County from 1974 through 2014.....	27
Figure 8. Map of ignition history data for all authorities having jurisdiction (AHJs) in Marin County from 2002 through 2011.....	28
Figure 9. Map of the areas of concern identified by stakeholder agencies in Marin County.....	38
Figure 10. The steps used to perform the hazard, asset, risk assessment.....	40
Figure 11. RAWs station locations in Marin County. Note that data from the Robinhood site in Novato were not used for this analysis as the data were not yet available.....	42
Figure 12. Population density in Marin County based on the 2010 Census.....	43
Figure 13. Potential flame length for the average fire conditions weather scenario.....	47
Figure 14. Predicted rate of spread for the average fire conditions weather scenario.....	48
Figure 15. Composite map of population density, flame length, and rate of spread for the average fire conditions model scenario.....	49
Figure 16. Areas of concern rankings in Marin County based on population density, flame length, and rate of spread for the average fire conditions model scenario.....	50
Figure 17. Potential flame length for the extreme fire conditions scenario.....	51
Figure 18. Predicted rate of spread for the extreme fire conditions scenario.....	52
Figure 19. Composite map of population density, flame length, and rate of spread for the extreme fire conditions scenario.....	53
Figure 20. Areas of concern rankings in Marin County based on population density, flame length, and rate of spread for the extreme fire conditions scenario.....	54

Tables

Table 1. Plan Amendments	iii
Table 2. Number of parcels and living units located in the SRA by fire jurisdiction.....	4
Table 3. Marin County fire service agencies.....	5
Table 4. Mutual aid agreements/plans and assistance-for-hire agreements	8
Table 5. Population distribution by city or town and surrounding area	9
Table 6. Distribution of land ownership in Marin County.....	10
Table 7. Fuel model types for Marin County.....	21
Table 8. Ignition history data for Marin County from 1974 through 2014	27
Table 9. Participants in this CWPP process	29
Table 10. Marin County CWPP public meeting dates, times, and locations.....	32
Table 11. Summary of the public’s concerns regarding fire hazards throughout Marin County.....	33
Table 12. Marin County communities at risk and fire district jurisdiction.....	37
Table 13. Fuel moisture and weather values used for the average fire season and extreme fire conditions modeling scenarios.....	42
Table 14. Fire suppression interpretations of flame length and fire line intensity	44
Table 15. Marin County communities at risk and areas of concern relative rankings, based on the results of the asset, hazard, risk modeling	55

Signatures

The Marin County Community Wildfire Protection Plan (CWPP) was developed in accordance with the Healthy Forests Restoration Act. The plan was developed collaboratively among county stakeholders, including federal, state, local, and private land owners, and local fire departments throughout the county. The plan includes a prioritized list of hazardous fuel reduction strategies and addresses measures that community members can take to reduce structural ignitability. The undersigned have reviewed the Marin County CWPP and accept this document as the final draft representing 2016.

Mark Heine, Marin County Fire Chief's Association

Date

Jason Weber, Marin County Fire Department

Date

Katie Rice, Chair of FIRESafe MARIN

Date

Christie Neill, President of FIRESafe MARIN

Date

Steve Kinsey, Chair, Marin County Board of Supervisors

Date

1. County Overview

Marin County is located in the North San Francisco Bay Area in California (**Figure 1**). The county is approximately 520 square miles (332,800 acres) with a population of approximately 261,000,¹ and is largely rural. The county is bordered by Sonoma County to the northeast, the East San Francisco Bay Area to the southeast, and San Francisco County to the south, with the Pacific Ocean along its western border. Most of the county's population resides in the eastern, urban-developed region of the county along the Highway 101 corridor. The west region of the county—in and around Pt. Reyes—is a popular local tourist region covered by parklands and recreation areas, and the northwest is sparsely populated, agricultural rangeland.

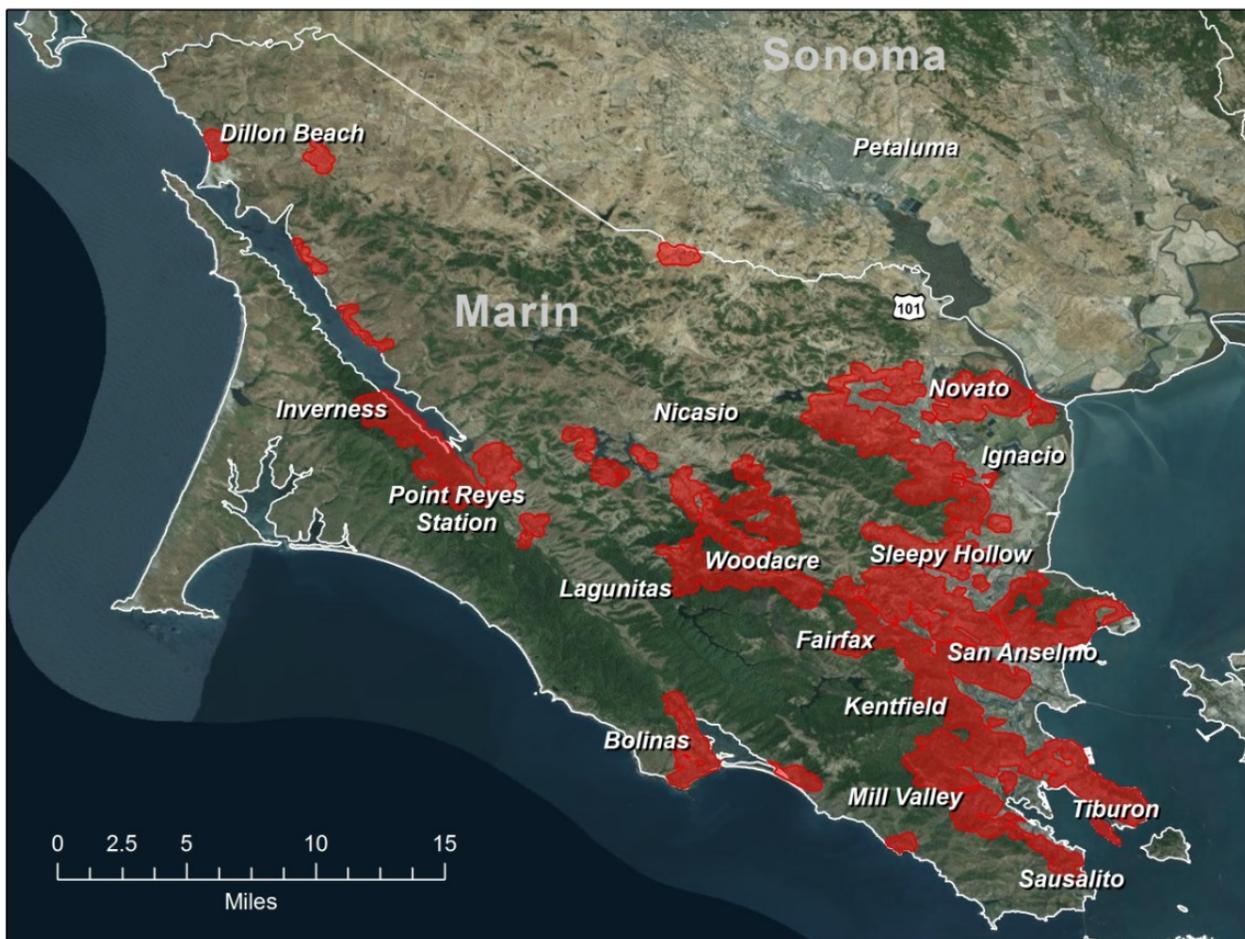


Figure 1. Map of Marin County and the wildland urban interface boundaries (red).

¹ U.S. Census Bureau Marin County population estimate for 2014, <http://quickfacts.census.gov/qfd/states/06/06041.html>, July 20, 2015

Approximately 60,000 acres—18% of the county's land area—falls within the wildland urban interface (WUI) where residences (i.e., homes and structures) are intermixed with open space and wildland vegetation. A recent assessment by the Marin County Fire Department (MCFD) revealed that there are approximately 69,000 living units valued at \$59 billion within the WUI (Marin County Fire Department, 2015). Because of the mix and density of structure and natural fuels combined with limited access and egress routes, fire management becomes more complex in WUI environments. In Marin County specifically, many of the access roads within the WUI are narrow and winding and are often on hillsides with overgrown vegetation, making it even more difficult and costly to reduce fire hazards, fight wildfires, and protect homes and lives in these areas.

1.1 Fire Agencies, Capabilities, and Preparedness

Fire protection in California is the responsibility of either the federal, state, or local government. On federally owned land, or federal responsibility areas (FRA), fire protection is provided by the federal government, oftentimes in partnership with local grants and contracts. In state responsibility areas (SRA), CAL FIRE typically provides fire protection. However, in some counties CAL FIRE contracts with county fire departments to provide protection of the SRA – this is the case in Marin County, where CAL FIRE contracts with MCFD. Local responsibility areas (LRA) include incorporated cities and cultivated agriculture lands, and fire protection is typically provided by city fire departments, fire protection districts, counties, and by CAL FIRE under contract to local government.² **Figure 2** shows the FRA, SRA, and LRA in Marin County.

² http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_faqs#desig01

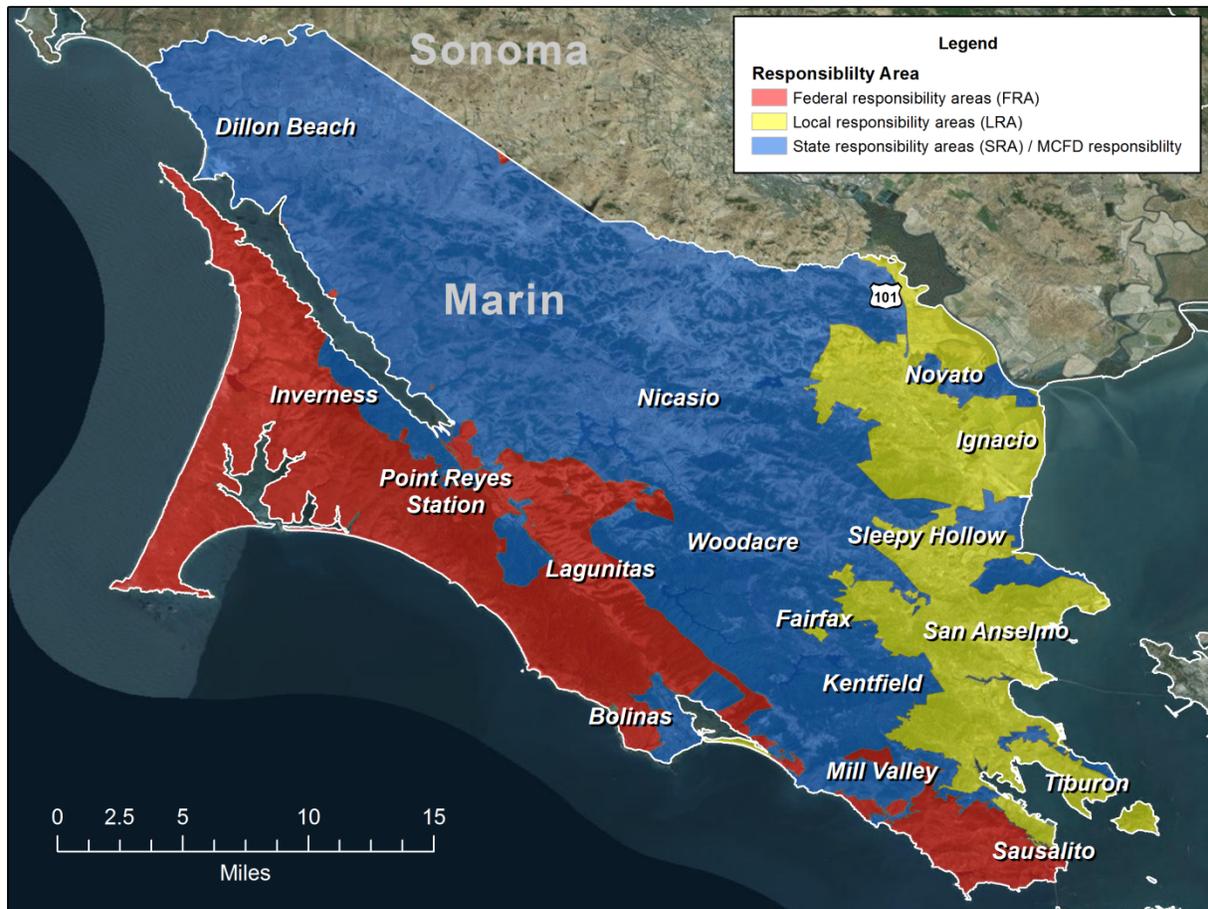


Figure 2. Map of the federal responsibility areas (red), state & MCFD responsibility areas (blue), and local responsibility areas (yellow) in Marin County.

CAL FIRE contracts with MCFD to provide wildland fire protection and associated fire prevention activities for lands designated by the State Board of Forestry as SRA. Marin is one of six counties in the state who contract with CAL FIRE to protect SRA. The MCFD is responsible for the protection of approximately 200,000 acres of SRA within the county and is the primary agency that handles wildland fires. MCFD also provides similar protection services to approximately 100,000 acres of FRA in the Golden Gate National Recreation Area (GGNRA), the Muir Woods National Monument, and the Point Reyes National Seashore.

Within Marin County, there are 96,195 parcels and 106,679 living units; of these living units, an estimated 69,000 units are located in the WUI. There are 17,152 parcels and 14,560 living units located in the county's SRA; of these, 15,977 parcels are located in the WUI. Location within the WUI puts these parcels and living units at greater risk from wildfires due to surrounding vegetation and

their proximity to wildlands. **Table 2** lists the number of parcels and living units located in the SRA by fire jurisdiction.³

Table 2. Number of parcels and living units located in the SRA by fire jurisdiction.

Fire Jurisdiction	Number of Parcels	Number of Living Units
Marin County Fire Department	7,060	5,854
Southern Marin Fire Department	2,732	2,625
Novato Fire Protection District	2,040	1,706
Bolinas Fire Protection District	1,238	719
Ross Valley Fire Department	1,072	960
Kentfield Fire Protection District	818	815
Inverness Public Utilities District	752	618
Marinwood Fire Department	477	413
San Rafael Fire Department (CSA-19)	385	381
Stinson Beach Fire Protection District	328	283
Tiburon Fire Protection District	250	186
Total	17,152	14,560

MCFD staffs an Emergency Command Center (ECC) that dispatches for MCFD and local volunteer fire departments, coordinates wildland incidents within the SRA or FRA, and acts as the county’s Office of Emergency Services (OES) coordination center for fire dispatching. In addition to MCFD, there are thirteen professional fire service agencies and one volunteer department—Tomales Volunteer Fire Company (TVFC)—that provide fire services in Marin County. TVFC provides 12 firefighters to MCFD’s Tomales response zone. In addition, one private fire brigade, Skywalker Fire, is situated on the Lucas Valley Ranch. **Figure 3** shows a jurisdictional map for MCFD and the other thirteen professional fire service agencies in Marin County, and **Table 3** provides information on all of the fire service agencies in the county.

³ Parcel and living unit data are based on the 2015-16 Marin County Tax Assessor’s Roll. The next update of these data is scheduled for release in July 2016.

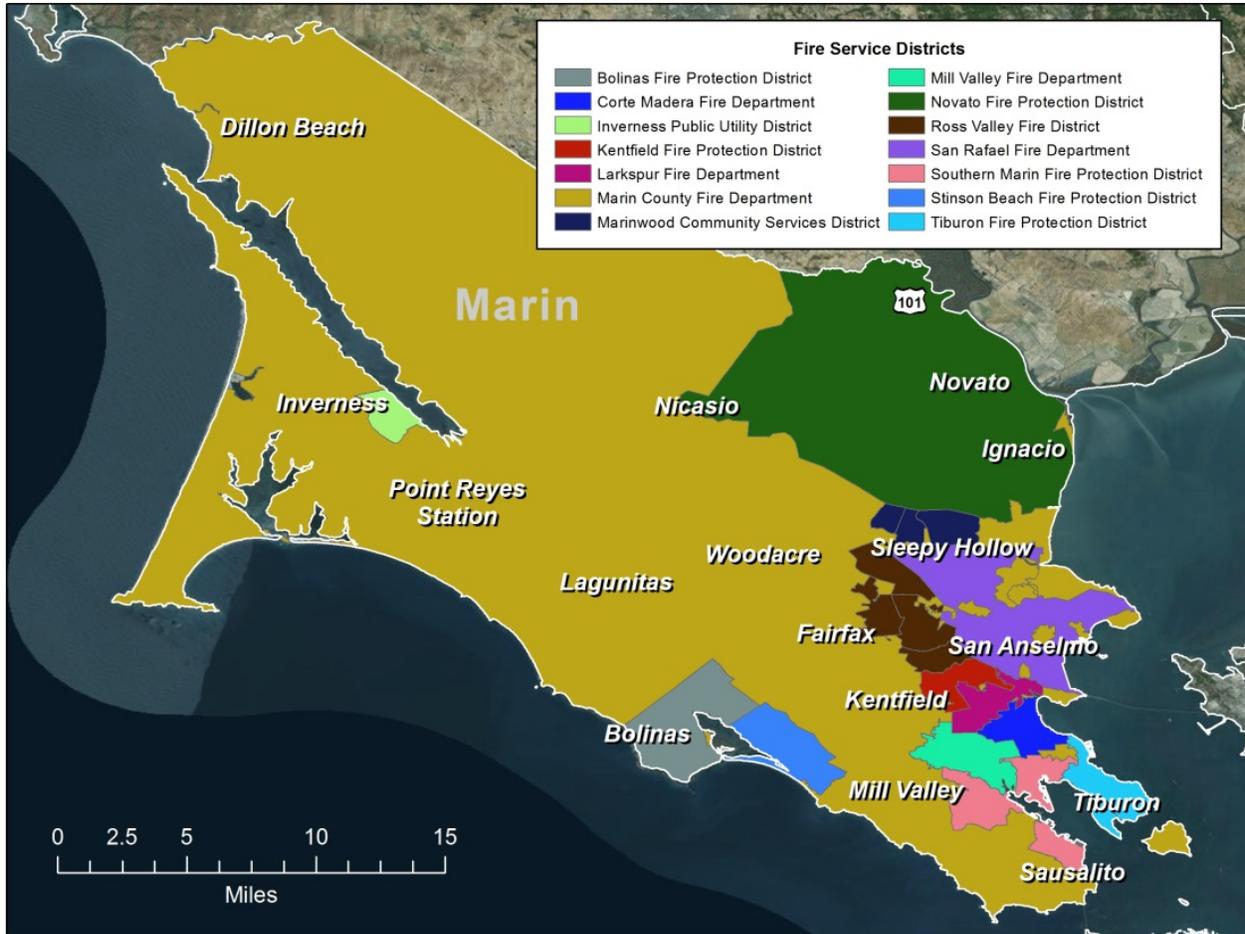


Figure 3. Map of Marin County professional fire service agency jurisdictions.

Table 3. Marin County fire service agencies.

Personnel	Fire Stations	Fire Apparatus	Additional Equipment/Services
Marin County Fire Department			
160 firefighters (full time, seasonal, volunteer), 14 person Tamalpais Fire Crew	Six	Seven Type 1 (two reserves), 12 Type 3 (5 reserves), one Type 4, one ECV, one transport/bulldozer, three water tenders, four ambulances/medic	Four Fire Detection Cameras, two Lookout Towers

Personnel	Fire Stations	Fire Apparatus	Additional Equipment/Services
Novato Fire Protection District			
76 (60 emergency response personnel, 15 administrative personnel, one fire mechanic)	Five stations, one administrative office building, one training tower	Seven Type 1 ALS (2 reserve), two Type 3 ALS, one OES Type 1, four ALS ambulances (two first out, one cross staffed and one reserve), one ALS aerial ladder truck, one water tender	Weather station, thermal imaging cameras
Kentfield Fire Protection District			
20 firefighters (full time, seasonal, volunteer)	One	Three Type 1, one ladder truck, two utility units	N/A
Bolinas Fire Protection District			
21 firefighters (full time, part time, seasonal, volunteer)	One	Two Type 1, one Type 3, one MCI trailer	N/A
Stinson Beach Fire Protection District			
5 personnel (30 volunteers)	One	Two Type 1, one Type 3, one water tender, one BLS ambulance, two command vehicles	
San Rafael Fire Department			
72 line personnel (full time), 10 administrative/prevention personnel	Seven	Nine Type 1 (two reserve), one Type 3, two ladder trucks, four medic ambulances, one hose tender, five utility units, three BC command vehicles	Eight thermal imaging cameras
Ross Valley Department			
32 personnel (full time)	Four	Four Type 1 (three reserves), one Type 3	
Tiburon Fire Protection District			
43 personnel (full time, volunteer)	Two	Four Type 1, one Type 3, one rescue, one fireboat, one medic ambulance	Three thermal imaging cameras

Personnel	Fire Stations	Fire Apparatus	Additional Equipment/Services
Corte Madera Fire Department			
26 personnel (full time, reserves)	Two	Three Type 1 (one reserve), two ambulances (one reserve), two command vehicles (one truck, one SUV), three utility vehicles (two trucks, one SUV)	
Mill Valley Fire Department			
35 personnel (25 full time, 10 volunteer)	Two	Three Type 1 (one reserve), one Type 3, one ALS ambulance, three command vehicles, two utility trucks	
Larkspur Fire Department			
17 personnel (full time)	Two	Three Type 1 (one reserve), one Type 3, one water tender – Type 1 tactical	
Marinwood Fire Protection District			
31 firefighters (11 full time, 20 volunteer)	One	Two Type 1, one Type 3, utility truck	
Southern Marin Fire Protection District			
53 (6 administrative, 47 emergency response)	Two	Four Type 1 (1 reserve), one Type 3, two ALS ambulances, one heavy rescue, one ladder truck, two Battalion Chief vehicles, three utility trucks, three staff vehicles	One boat, one dive tender unit, one IRB, CAL OES water rescue resources (IRB and RWC)

1.2 Agency Coordination

In addition to the CAL FIRE contract, Marin County has a well-organized local mutual aid system, based on the principles of resource sharing and cooperation with a goal of providing the public with the highest level of service that no one agency is equipped to provide. These agreements include resources from all fire agencies, law enforcement, volunteer fire departments, the OES, the National Park Service (NPS), CAL FIRE, and local landowners. **Table 4** lists the mutual aid agreements/plans and assistance-for-hire agreements. Mutual aid agreements are agreements among emergency responders to lend assistance across jurisdictional boundaries to supplement the resources of any fire agency during a period of actual or potential need.

Table 4. Mutual aid agreements/plans and assistance-for-hire agreements.

Mutual Aid Agreements and Plans
Countywide Mutual Threat Zone Plan
Marin Sonoma County Mutual Threat Zone Plan
Marin County Mutual Aid Agreement
County of Marin Urban Search and Rescue
County of Marin Office of Emergency Services
State of California Master Mutual Aid
North Bay Incident Management Team
Assistance-for-Hire Agreements
Marin Municipal Water District
Skywalker Ranch Fire Brigade
National Park Service in the areas of Point Reyes National Seashore, Golden Gate National Recreation Area, and Muir Woods National Monument

The ECC has been maintained by MCFD since the 1930s and serves as an independent dispatch center. The ECC receives, disseminates, and transmits information to field units, and has the additional responsibility to act in a supervisory role for incidents prior to the arrival of field units. The ECC also acts as the central ordering point for all state resources that are committed to SRA incidents in the county, and for Region II California Office of Emergency Services requests and OES coordination of local government fire resources entering or leaving the county operational area. The ECC processes approximately 4,500 calls annually, and is also responsible for handling all business calls received by the department. In 2015, the ECC upgraded to a new Computer Aided Dispatch (CAD) system to improve response coordination with all units.

The Communications Division of the Marin County Sheriff’s Office operates the Marin County Public Safety Communications Center, which is located in the Sheriff’s Office Headquarters in San Rafael. The center provides service to the Sheriff’s Office, five police departments, nine fire departments, six paramedic service areas, the Marin County Department of Public Works, and many other city and county government service departments. The center is the primary 9-1-1 public safety answering point for all unincorporated areas of the county, as well as Mill Valley, Belvedere, Sausalito, Larkspur, Corte Madera, San Anselmo, and Tiburon.⁴

⁴ http://marinsheriff.org/about.aspx?gi_id=5

1.3 Population and Housing

According to the most recent census data, the population of Marin County is approximately 261,000,⁵ with 87% of people living in LRA, 12% living in SRA, and 1% living in FRA. **Table 5** shows the population distribution in Marin County by city or town.

Table 5. Population distribution by city or town and surrounding area.

City, Town, or Community	Population	% County Total
San Rafael	59,237	23%
Novato	55,005	21%
Mill Valley	14,403	6%
San Anselmo	12,676	5%
Larkspur	12,325	5%
Tamalpais-Homestead Valley	10,735	4%
Corte Madera	9,916	4%
Tiburon	9,224	4%
Fairfax	7,638	3%
Sausalito	7,135	3%
Kentfield	6,485	3%
Lucas Valley-Marinwood	6,094	2%
Strawberry	5,393	2%
Santa Venetia	4,292	2%
Marin City	2,666	1%
Ross	2,483	1%
Sleepy Hollow	2,384	1%
Belvedere	2,129	1%
Lagunitas-Forest Knolls	1,819	1%
Bolinas	1,620	1%
Woodacre	1,348	1%
Black Point-Green Point	1,306	1%
Inverness	1,304	1%
Point Reyes Station, Alto, Stinson Beach, San Geronimo, Muir Beach, Dillon Beach, Tomales, Nicasio	3,530	2%
Total	241,147	95%

Note: the remaining 5% of the county's population lives in rural areas outside of the cities and towns listed in this table.

⁵ Annual Estimates of the Resident Population: April 1, 2010 to July 1, 2014; Source: U.S. Census Bureau, Population Division, <http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>

Most of the towns and cities in Marin County are “built-out,” resulting in modest levels of new development. However, some future residential development is expected on the hillsides of the San Geronimo Valley, and in Lucas Valley, Nicasio, and Point Reyes Station. In addition, as the value of parcels increases, more lots along the Throckmorton Ridge and Panoramic Highway are being developed.

1.3.1 Population Flux

An important consideration from a fire planning and emergency response perspective is the tourist population and temporal shifts in the transient population during the summer fire season, particularly in the western coastal areas. On warm days during the summer, the transient tourist population more than doubles as people come to the county’s parks, beaches, and recreation areas. There is often heavy traffic on roadways to and from west Marin County and along Highway 1. Consideration of the tourist population flux is important for planning strategic fuels treatment projects, reducing potential ignition sources, and allocating emergency response personnel.

1.4 Land Ownership

Land owners and vegetation managers in Marin County are some of the key stakeholders in the CWPP development process. Land ownership in Marin County is quite diverse and includes federal, state, local (county), and private property owners; **Table 6** shows the distribution of land ownership in the county.

Table 6. Distribution of land ownership in Marin County.

Land Owner	Percent Ownership
Private	56%
National Park Service	24%
Marin Municipal Water District	6%
County Open Space District	5%
State Parks	4%
Other Parks ^a	5%
Total	100%

^a Includes land controlled by municipalities and school districts, Army Corps, California Department of Agriculture, California Fish & Wildlife, North Marin Water District, and private organizations.

1.5 Natural Resources

1.5.1 Biodiversity

Marin County has a wide variety of plants including several rare or locally endemic species. The landscape provides a range of elevations, aspects, soil types, and moisture levels that support savannas, grasslands, oak-bay woodlands, chaparral, redwood forests, and wetlands.

Rare, threatened, or endangered species (both plants and animals) are present in Marin County. Extensive information about vegetation and their habitats is included in the Marin County Parks and Open Space District's (MCOSD) Vegetation and Biodiversity Management Plan. The county has critical habitats for the following list of special-status or locally rare species—see the Vegetation and Biodiversity Management Plan (May & Associates Inc., 2015) for Latin names:

- **Wildlife (birds)** – Cooper's hawk, sharp shinned hawk, white-tailed kite, grasshopper sparrow, northern spotted owl, olive-sided flycatcher, brant, northern harrier, San Francisco common yellowthroat, California black rail, snowy egret, osprey, California clapper rail, Samuel's song sparrow, California horned lark, yellow warbler, burrowing owl, Sacramento splittail, California black rail, golden eagle, Virginia rail, San Pablo song sparrow
- **Wildlife (fish, frogs)** – coho salmon, central California coast steelhead, Chinook salmon, California red-legged frog (a threatened species)
- **Wildlife (other)** – pallid bat, American badger, salt marsh harvest mouse, land snail
- **Broadleaf herbaceous annuals and perennials** – indigo bush, coast ground cone, Tiburon buckwheat, Mt. Tamalpais jewelflower, Brewer's redmaids, Hooker's tobacco brush, silver lupine (host plant of mission blue butterfly), coast rhododendron, marsh milk vetch, Humboldt Bay owl's clover, Point Reyes bird's beak, bent-flowered fiddleneck, Mt. Tamalpais manzanita, Mt. Tamalpais lessingia, common manzanita, Brewer's claytonia, Van Houtte's columbine, serpentine reedgrass, St. Helena morning glory, Calistoga navarettia, rough leaf aster, needle-leaved yellow linanthus, coast piperia, California lace fern, bristly linanthus, Wallace spike-moss, marsh zigadenus, Oakland star tulip, Mt. Tamalpais thistle, Marin dwarf flax, Marin County navarettia, Santa Cruz microseris, coast rock crest, California bottlebrush grass, California fremontia, Durango root, bristly leptosiphon, wind poppy, San Francisco gum plant, San Francisco leafy fleabane, black sage, tufted eschscholzia, wooly headed lessingia, fragrant fritillary, Baker's navarettia, streamside daisy, featherleaf navarettia, Lobb's buttercup, Tiburon indian paintbrush, Tiburon jewelflower, California grass of Parnassus, Tiburon mariposa lily, Santa Cruz clover, pitted onion, long-rayed brodiaea, serpentine coyote mint

Challenges to Marin County's biodiversity include controlling and eliminating invasive species because they displace native plants and can change ecosystem functions. Small shrubs are particularly hard to control because they may be widely distributed spatially. In addition to displacing native species, some invasive shrubs can form a dense understory beneath forest canopies, and

could alter fire behavior and severity. Invasive trees, shrubs, plants, and grasses in Marin County include:

- **Trees** – acacia, blue gum eucalyptus, Monterey cypress, Monterey pine
- **Shrubs** – cotoneaster, French broom, Himalayan blackberry, Pride of Madeira, Scotch broom, Spanish broom
- **Plants** – Bullthistle, purple starthistle, woolly distaff thistle, yellow starthistle, fennel, highway iceplant (also known as Hottentot fig), perennial pepperweed (also known as tall whitetop), puncture vine, stinkwort, thoroughwort (also known as eupatorium)
- **Perennial Grasses** – cordgrass, erect veldtgrass, Fescue, Harding grass, jubata grass/pampas grass, velvet grass
- **Annual Grasses** – barbed goatgrass, Italian wildrye, medusahead, rattlesnake grass, wild oats

1.5.2 Watersheds and Water Districts

There are more than 21,000 acres of protected watershed land on Mt. Tamalpais and in the west Marin hills, including seven reservoirs, which provide 75% of the water for central and southern Marin. The Marin Municipal Water District (MMWD) was founded in 1912 and manages the watershed land in central and southern Marin, including the seven reservoirs. The MMWD watershed has 92 miles of roads, 59 miles of trails, and a network of wildfire protection fuel breaks. Access and use of the lands by the public is limited to protect the natural landscape. During extreme fire weather conditions, such as Red Flag Warnings and other emergencies, vehicle access is limited on MMWD land.⁶



Photo by David Baron⁷

The North Marin Water District (NMWD), founded in 1948, is an independent special district in the northern portion of the county and operates under the authority of Division 12 of the California Water Code. NMWD provides water service to the greater Novato area and to areas of West Marin (Point Reyes Station, Olema, Bear Valley, Inverness Park and Paradise Ranch Estates). NMWD purchases approximately 80% of its Novato water supply from the Sonoma County Water Agency, with the remaining 20% derived from the District's Stafford Lake Reservoir (located in Marin County just west of Novato) and recycled water (Bentley and Landeros, 2015).

⁶ <https://www.marinwater.org/27/About>

⁷ "Bon Tempe Lake" (<https://www.flickr.com/photos/dbaron/9388923977/>) by David Baron

(<https://www.flickr.com/photos/dbaron/>) is licensed under CC BY 2.0 (<http://creativecommons.org/licenses/by/2.0/legalcode>). No changes were made to this image.

1.6 Marin County’s Wildland Urban Interface

The WUI zone map used throughout this CWPP was assembled using geographic information system (GIS) data layers acquired from the Marin County GIS web portal, MarinMap.⁸ The WUI zone helps inform decisions on where to focus vegetation management and fuel reduction projects. The WUI



zone determination is also a major component of MCFD’s Strategic Fire Plan (Marin County Fire Department, 2015), which in turn is part of CAL FIRE’s Strategic Fire Plan.

Homes and structures located anywhere in and around the WUI are at a higher risk for exposure to wildland fire. Fire can spread rapidly throughout WUI areas through adjacent structures and/or vegetation, or by ember dispersion. Property owners in the WUI have a responsibility to prepare their property

for structure defense by providing adequate defensible space and complying with WUI building codes and ordinances (see Section 7).⁹ The WUI boundaries for Marin County were determined based on areas with high structure density and proximity to areas with a high density of burnable fuels.

⁸ <http://www.marinmap.org/Html5Viewer/Index.html?viewer=mmdataviewer&Run=WUILayerON&ServiceId=13&LayerName=Urban%20Wildland%20Interface&extent=5950502.26733493,2207544.30421775,5994476.00578578,2244189.08626013>

⁹ <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=04001-05000&file=4291-4299>

Figure 4 shows Marin County's WUI boundaries overlaid with population density; as shown in the figure, much of the county's population resides in or near the WUI.

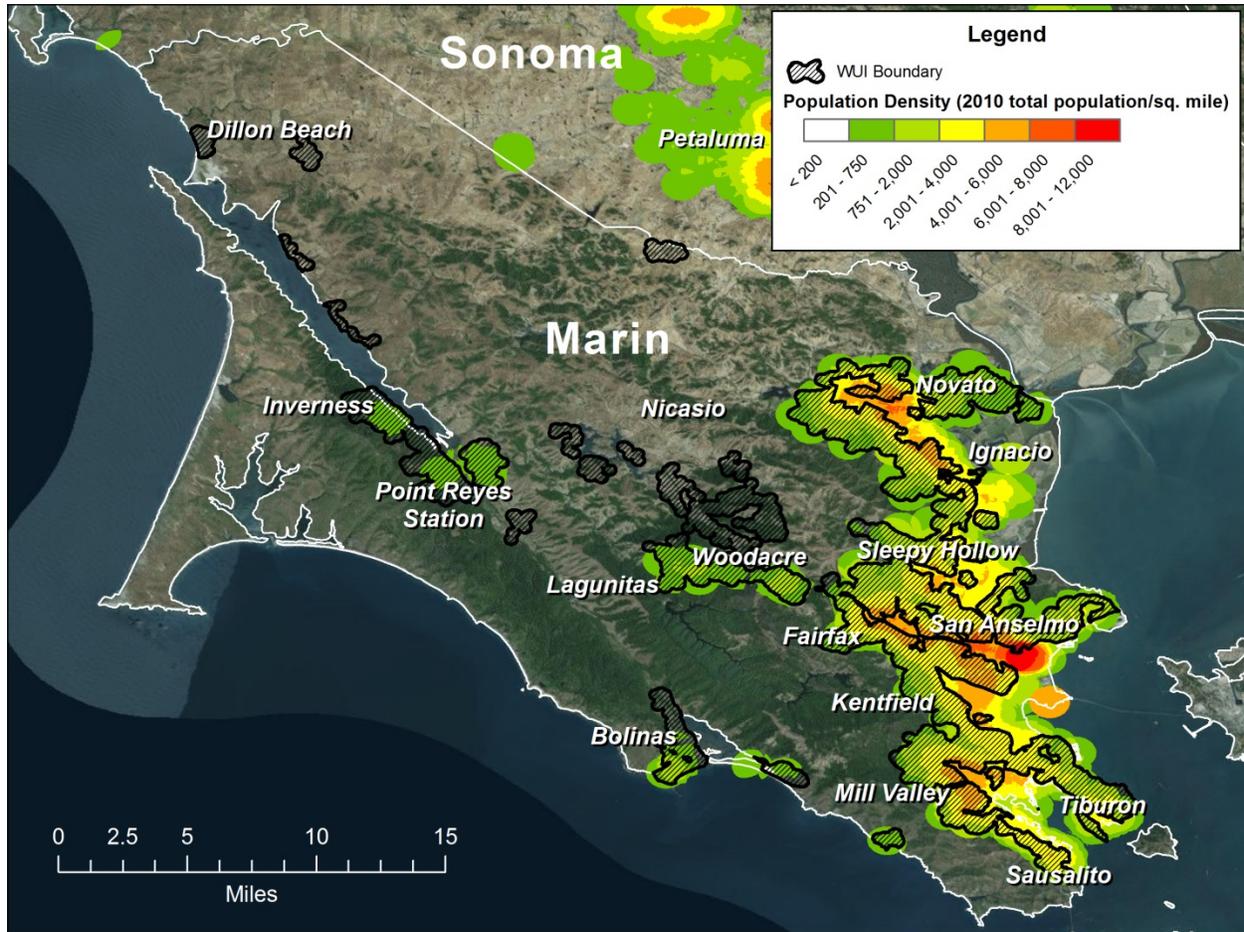


Figure 4. Population density in and around Marin County's WUI.

Unincorporated rural areas within the county include the coastal communities of Muir Beach, Stinson Beach, and Bolinas; communities near Tomales Bay including Olema, Point Reyes Station, Inverness,



Inverness Park, Marshall, Tomales, and Dillon Beach; and rural areas in the interior valleys including Nicasio, Lagunitas, Forest Knolls, San Geronimo, and Woodacre. These communities are primarily situated within or adjacent to the WUI, with moderate to dense concentrations of structures. Marin County has approximately 60,000 acres of WUI adjacent to 200,000 acres of watershed. Response times in these communities present significant challenges to keeping fires from directly impacting the communities and sub-

divisions (especially those within the SRA) as emergency fire access and evacuation egress is limited by narrow, winding roads lined with dense vegetation.

1.7 Roads and Streets

In Marin County, cul-de-sacs generally service new housing developments and most of the smaller canyons, valleys, and hillsides. Some planned unit developments are served by privately-maintained roads, which create access issues (i.e., narrow paved widths and limited on-street parking). According to California Fire Code specifications, roadways that are considered hazardous in terms of fire access and protection are those with

- less than 20 feet of unobstructed paved surface and 13.6 vertical feet;
- dead-ends longer than 800 feet, and;
- cul-de-sac diameter less than 68 feet.



Driveways that are less than 16 feet wide or that do not have adequate turnaround space are also considered hazardous. A large number of roadways and driveways in many of Marin County's communities fall into one or more of the above categories.

2. Fire Environment

The mix of weather, diverse vegetation and fuel characteristics, complex topography, and land use and development patterns in Marin County are important contributors to the fire environment. The MCFD Woodacre ECC currently manages data from four Remote Automated Weather Stations (RAWS) for predicting fire danger utilizing the National Fire Danger Rating System (NFDRS) during the fire season. The RAWS are located in Woodacre, Middle Peak, Barnabe, and Big Rock, and a new station in Novato will be coming online soon.

2.1 Weather

Marin County is bounded by the cool waters of the Pacific Ocean to the west, the San Francisco and Richardson Bays to the southeast, the San Pablo Bay to the east, and Sonoma County agricultural lands to the north. The combination of these large bodies of water, location in the mid-latitudes, and the persistent high pressure over the eastern Pacific Ocean results in several micro-climates. Weather in the county consists of warm, dry summers and cool, wet winters. The climate in early fall and late spring is generally similar to the summer, and late fall is similar to winter. Spring is generally cool, but not as wet as the winter. While these general weather conditions are fairly representative of the typical Marin County weather, complex topography, annual variability of weather patterns, and less frequent and transient weather patterns are important to fire conditions.



Summer Weather Conditions

In the late spring through early fall, the combination of frequent and strong high-pressure systems (known as the Pacific High) over California combined with the cool waters of the ocean/bays results in persistent fog and low clouds along the coast (including over southern Marin County near the San Francisco Bay). The fog often penetrates into the inland valleys of northern and central Marin County, especially during overnight hours. At the coastline, mist from fog can keep the land surfaces modestly moist while inland land surfaces above the fog or inversion are often very dry.

The Pacific High that persists from late spring through early fall over the eastern Pacific, combined with a thermal low pressure over the Central Valley of California, results in an almost continuous sea breeze. These winds usher in cool and moist air and can be strong (15 to 25 mph), especially over the ridge tops and through northwest to southeast lying valleys, including San Geronimo/Ross, Hicks, and Lucas Valleys. These westerly winds are usually highest in the afternoon, decrease in the evening, and are light overnight before increasing again in the late morning/early afternoon.

Extreme Summer Weather Conditions

Occasionally in the summer and more often in the fall, the Pacific High moves inland and centers over Oregon and Idaho, while low pressure moves from the Central Valley of California to southern California and Arizona. The resulting north-to-south pressure gradient can be strong enough to retard the typical sea breeze and can even result in winds blowing from the land to the ocean (offshore winds). As the offshore winds move air from the Great Basin to the coastal areas of California, the air descends and compresses, which greatly warms and dries the air. Under these “Diablo” wind conditions, temperatures in Marin County can reach 100°F in the inland areas and even



80°F at the coast, and relative humidity can be very low. In addition, wind speeds can be high (20 to 40 mph) and gusty, and are often much faster over the mountains and ridge tops such as Mt. Tamalpais, Loma Alta, and Mt. Burdell compared to low-lying areas. Wind speeds can be high over the ridges and mountains at all times of day under this “offshore” wind pattern, and are often much slower or even calm at night in low-lying areas because nighttime cooling decouples the aloft winds from the surface winds. It is during these Diablo wind events that there is a high potential for large,

wind-driven fires should there be an ignition. Historically, the largest and most destructive fires have occurred during these offshore (also known as Foehn) wind events, including the Angel Island and the Vision fires.

A few times per year in the summer and early fall, monsoonal flow from Mexico brings in moist and unstable air over central and northern California, which can result in thunderstorms with or without precipitation. With the otherwise dry summer conditions, the lightning can ignite fires. These monsoonal flow patterns are usually only one to two day events.

Winter Weather Conditions

Beginning in late November and lasting through the end of March, the Pacific High moves south and weakens, allowing storms that originate in the Gulf of Alaska to move over California. These storms bring precipitation and, at times, strong winds out of the south. Each storm usually results in one-fourth inch to several inches of rain over a day or so. Near Mt. Tamalpais, rainfall amounts are enhanced by orographic lifting, resulting in higher rain amounts in the Kentfield and Fairfax areas compared to the rest of the county. Typically, after the first rain in November, the cool weather and occasional storm keeps the ground wet through late Spring. However, in some years, significant rain does not occur until later in the year (e.g., early-to-late December) and there can be several weeks without any storms and rain. During storms, temperatures are usually mild.

When there are no storms over California, a land-breeze typically forms (i.e., winds blowing from the Central Valley to the Pacific Ocean). These winds can reach 30 mph, and travel through the southeast to northwest lying valleys, over low-lying ridges such as the Marin Headlands, and through the Golden Gate. These winds are usually highest in the mid-morning hours and decrease in the afternoon as the Central Valley warms during the day. The winds are associated with cold and modestly moist air.

Spring Transitional Conditions

In late February/early March through late April, the Pacific High strengthens and moves north, and storms impacting the county become less frequent. During this time of year there is often a low pressure area over the desert in southwest California. The combination of the Pacific High to the north and low-pressure to the southwest results in strong winds blowing from the northwest to the southeast. Like the sea breeze, these winds bring in cool, moist air and are usually highest in the afternoon hours. Because of winter and spring rains, the land is wet and there is little danger of wildland fire despite the high winds and only occasional precipitation. There is often little coastal fog this time of year.

2.2 Vegetation and Fuels Characteristics

Vegetation, which is also known as fuel, plays a major role in fire behavior and potential fire hazards. A fuel's composition, including moisture level, chemical make-up, and density, determines its degree of flammability. Of these, fuel moisture level is the most important consideration. Generally, live trees contain a great deal of moisture while dead logs contain very little. The moisture content and



distribution of fuels define how quickly a fire can spread and how intense or hot it may become. High moisture content will slow the burning process since heat from the fire must first eliminate moisture.

In addition to moisture, a fuel's chemical makeup determines how readily it will burn. Some plants, shrubs, and trees such as chamise and eucalyptus (both present in Marin County) contain oils or resins that promote combustion, causing them to burn more easily, quickly, and intensely. Finally, the density of a fuel influences its flammability; when fuels are close together but not too dense, they will ignite each other, causing the fuel to spread readily. However, if fuels are so close that air cannot circulate easily, the fuel will not burn freely.¹⁰

Marin County has extensive topographic diversity that supports a variety of vegetation types. Environmental factors, such as temperature, precipitation, soil type, aspect, slope, and land use history, all help determine the existing vegetation at any given location. In the central and eastern parts of the county, north facing slopes are usually densely wooded from lower elevations to ridge peaks with a mixture of mostly hardwood tree species such as coast live oak, California bay, Pacific madrone, and other oak species. Marshlands are also present throughout the county; once ignited, marsh fires can be difficult to contain and extinguish.

Grasslands with a mixture of native and nonnative annual and perennial plant species occur most often in the northern and western parts of the county due to a combination of soil type, lower rainfall, and a long history of ranching. The southern and western facing slopes tend to have a higher percentage of grasslands, which in turn have the potential to experience higher rates of fire spread.



Grassland fires are dangerous even without extreme fire weather scenarios due to the rapid rate of fire spread; in some cases, fires spread so quickly that large areas can burn before response resources are able to arrive.

In the west portion of the county closer to the coast, where precipitation is higher and marine influence is greater, most areas are densely forested with conifer species (i.e., Bishop pine, Douglas-fir, and coast redwood) and associated hardwood species. Chaparral vegetation also occurs in parts of the county, especially on

steeper south and west facing slopes. This mix of densely forested areas mixed with chaparral results in higher fuel loads and potentially higher fire intensity. Expansion of the residential community into areas of heavier vegetation has resulted in homes existing in close proximity to dense natural foliage; these homes are often completely surrounded by highly combustible or tall vegetation, increasing the potential that wildland fires could impact them.

¹⁰ <http://www.nps.gov/fire/wildland-fire/learning-center/fire-in-depth/fire-behavior.cfm>

As part of the development of this CWPP, an updated vegetation map layer was created using the most recent vegetation information available from a variety of state and local data sources. Vegetation distribution in Marin County is characterized by approximately 20 different types of vegetation which have been classified into 15 fire behavior fuel models. **Table 7** lists the fuel model types for Marin County, while **Figure 5** shows a fuel model map; the data shown was developed to support this CWPP and represent the most up-to-date and highest-resolution vegetation coverage information for the county. The methods used to develop the data set are described in **Appendix A**.

Table 7. Fuel model types for Marin County.

Scott & Burgan Fuel Model Description and Number	Acres	Percent of County Total
Moderate load, dry climate grass (104)	79,727	24%
Short, sparse, dry climate grass (101)	62,050	18%
Very high load broadleaf litter (189)	51,227	15%
Low load, humid climate timber-shrub (144)	29,637	9%
Very high load, dry climate timber-shrub (165)	29,120	9%
High load, dry climate shrub (145)	24,186	7%
Urban/developed (91)	18,714	6%
Low load compact conifer litter (181)	7,008	2%
Moderate load dry climate shrub (142)	6,308	2%
Low load, very coarse, humid climate grass (103)	6,147	2%
Very high load, dry climate shrub (147)	5,572	2%
Open water (98)	5,514	2%
Moderate load, humid climate timber-grass-shrub (163)	2,324	1%
Bare ground (99)	2,169	1%
Other	6,412	2%
Total	336,116	100%

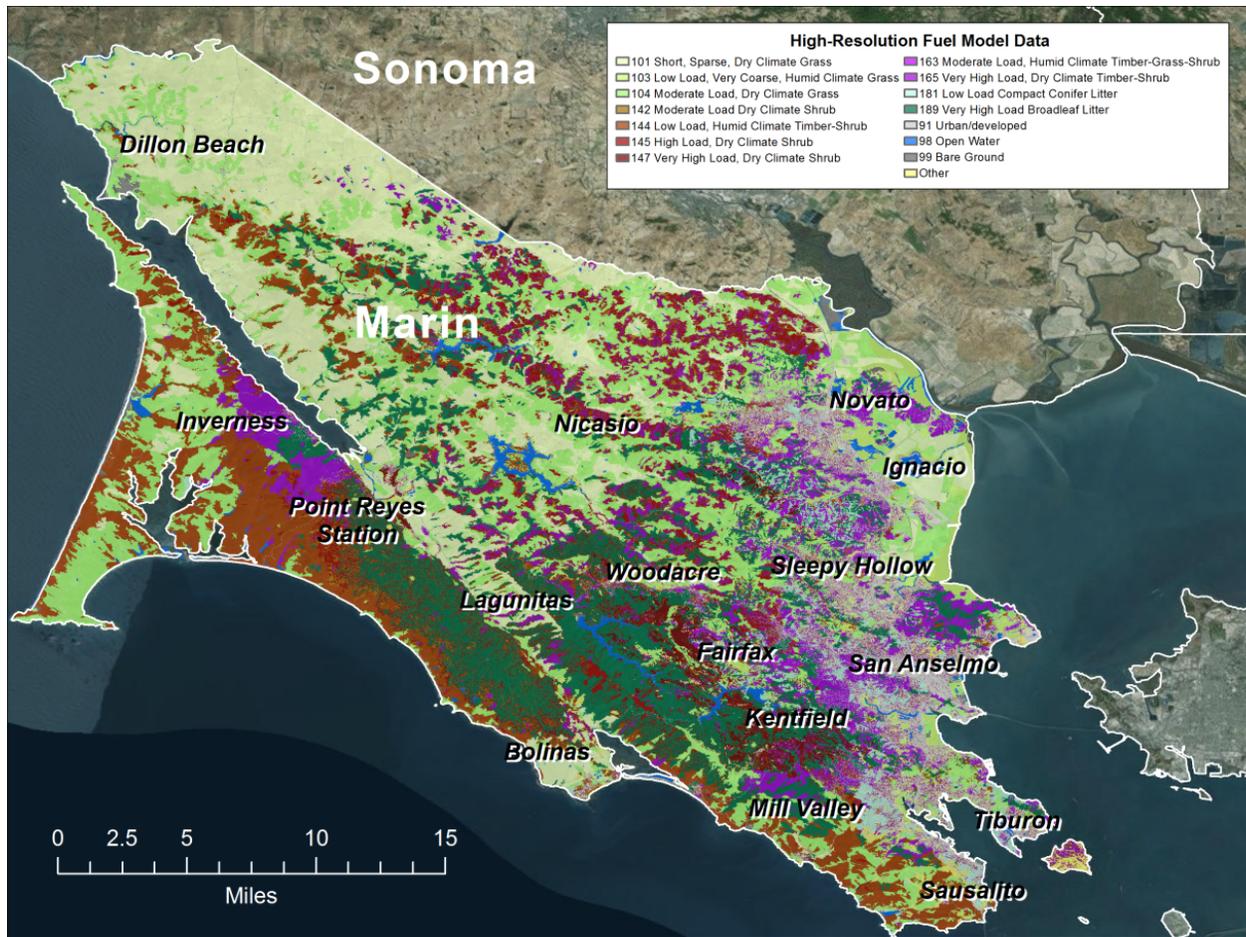


Figure 5. Updated high-resolution (5 x 5 meter) fuel model map for Marin County.

2.2.1 Vegetation Diseases and Infestations

Insect infestations and plant diseases, such as California oak mortality syndrome (sudden oak death), are increasing and threaten to change the structure and overall health of native plant communities in Marin County (May & Associates Inc., 2015). Sudden oak death has no known cure and is the biggest concern; this syndrome is caused by the fungus-like *Phytophthora ramorum*, which has led to widespread mortality of several tree species in California since the mid-1990s; the tanoak (*Lithocarpus densiflorus*) in particular appears to have little or no resistance to the disease. Sudden oak death has resulted in stands of essentially dead trees with very low fuel moistures. Studies examining the impacts of sudden oak death on fire behavior indicate that while predicted surface fire behavior in sudden oak death stands seems to conform to a common fuel model already in use for

hardwood stands, the very low moisture content of dead tanoak leaves may lead to crown ignitions more often during fires of “normal” intensity (Lee, 2009).

Two other plant diseases prevalent in Marin County are pitch canker (which affects conifers such as Bishop pine and other pine species), and madrone twig dieback (which affects Pacific madrones). Pitch canker is caused by the fungus *Fusarium circinatum* (*F. subglutinans*, *F. sp. pini*), which enters the tree through wounds caused by insects. While some trees do recover, most infected trees are eventually killed by the fungus. Management of this disease largely focuses on containment to reduce the fungus spreading to other trees. Pitch canker is a particular issue in the NPS lands of Pt. Reyes National Seashore, where many acres of young Bishop pines that were seeded on the Inverness Ridge by the Mount Vision Fire of 1995 have been infected. These dead and dying trees have created large swaths of land with dense and dry fuel loads. Madrone twig dieback is caused by the native fungus *Botryosphaeria dothidea*, and appears to be getting worse throughout the county due to drought effects on Pacific madrones.



Three additional threats to trees common to Marin County include:

- Bark and ambrosia beetles (*Monarthrum dentiger* and *monarthrum scutellare*), which target oak and tanoak trees. Sudden oak death may be exacerbating the effects of beetle infestations which prey on trees already weakened by this disease.
- Root rot, caused by oak root fungus (*Armillaria mellea*), is primarily associated with oaks and other hardwoods but also attacks conifers. These fungal infestations cause canopy thinning and branch dieback and can kill mature trees. As with the beetle infestations, sudden oak death may be exacerbating the effects of root rot fungus in the county forests.
- Velvet-top fungus (*Phaeolus schweinitzii*) is a root rot fungus affecting Douglas-fir and other conifers, with the infection typically occurring through a wound.

¹¹ “Dead Coast Live Oak in Marin.Steve Swain[1]” (<https://www.flickr.com/photos/usfsregion5/5812704230/>) by the USFS Region 5 (<https://www.flickr.com/photos/usfsregion5/>) is licensed under CC BY 2.0 (creativecommons.org/licenses/by/2.0/legalcode). No changes were made to this image.

2.3 Topography

Topography characterizes the land surface features of an area in terms of elevation, aspect, and slope. Aspect is the compass direction that a slope faces, which can have a strong influence on surface temperature, and more importantly on fuel moistures. Both elevation and aspect play an important role in the type of vegetation present, the length of the growing season, and the amount of sunlight absorbed by vegetation. Generally, southern aspects receive more solar radiation than northern aspects; the result is that soil and vegetation on southern aspects is warmer and dryer than soil and vegetation on northern aspects. Slope is a measure of land steepness and can significantly influence fire behavior as fire tends to spread more rapidly on steeper slopes. For example, as slope increases from 20 – 40%, flame heights can double and rates of fire spread can increase fourfold; from 40 – 60%, flame heights can become three times higher and rates of spread can increase eightfold.¹²



Marin County is topographically diverse, with rolling hills, valleys and ridges that trend from northwest to southeast. Elevation throughout the county varies considerably, with Mt. Tamalpais' peak resting at 2,574 feet above sea level and many communities at or near sea level. Correspondingly, there is considerable diversity in slope percentages. The San Geronimo Valley slopes run from level (in the valley itself) to near 70%. Mt. Barnabe has slopes that run from 20 to 70%, and Throckmorton ridge has slopes that range in steepness from 40 – 100%. These slope changes can make fighting fires extremely difficult.

2.4 Fire History

In the time before the county was settled, fire was a natural part of the ecosystem. Much of the vegetation in what is now the wildlands of Marin County depended on fire to renew itself by removing old, dead fuel in order to make room for healthy new vegetation and promote the growth of native plant species. Once the land was settled, businessmen, landowners, and homeowners had an interest in protecting the natural assets of Marin County and their own investments. Uncontrolled fires had already burned large tracts in the past and valuable lumber, structures, and field crops had

¹² Adapted from the S-290 Intermediate Wildland Fire Behavior course material (National Wildfire Coordinating Group, <http://training.nwccg.gov/courses/s290.html>)



been destroyed. A series of fires that occurred in the late 1800s prompted the organization of the first fire departments in Marin County around the turn of the century.¹³

Since then, national fire suppression policies and practices (among other factors) have contributed to the continuous growth (and overgrowth) of vegetation resulting in dangerous fuel density, or fuel loads. Combined with this fuel accumulation, the public have been

building homes closer and closer to wildlands, which is creating the WUI fire issues that are now present in many parts of Marin County and the country.

Throughout its history, Marin County has experienced many wildland fires. **Figure 6** shows a map of large fires that have occurred in Marin's WUI.

¹³ Adapted from <http://www.marincounty.org/depts/fr/divisions/administration/history/1910>



Figure 6. Map of large fires that have occurred in Marin County’s WUI.

The most recent Marin County fire that resulted in significant structure loss was the Vision Fire in 1995, which destroyed 48 structures in the community of Inverness. In 1929, the base of Mt. Tamalpais—specifically the community of Mill Valley—experienced a significant fire known as the Great Mill Valley Fire. That fire’s footprint is now developed with more than 1,100 homes (valued at \$1.3 billion) which have significantly altered the natural vegetation through urban and suburban development.

2.5 Ignition History

Ignition data for all authorities having jurisdiction (AHJ) were acquired and analyzed to evaluate ignition trends within the county. Figure 7 and Table 8 present the fire statistics for the county from 1972 through 2014. Figure 8 shows a map of the ignition history for all AHJ for 2002 through 2011, classified by ignition category.

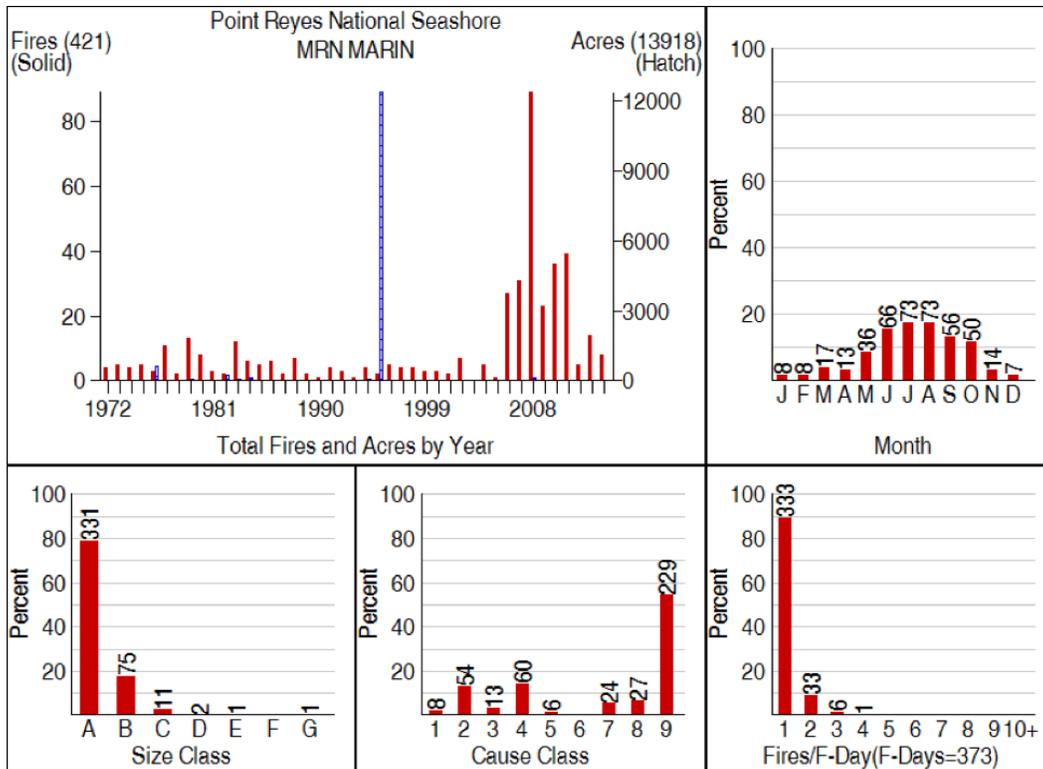


Figure 7. Fire statistics for Marin County from 1974 through 2014.

Table 8. Fire cause and size classification references.

Cause Class	Cause Class Reference	Size Class (acres)	Size Class Reference
Lightning	1	0 - 0.25	A
Vehicles, Powerlines, Equipment Use	2	0.26 - 9.9	B
Smoking	3	10 - 99.9	C
Campfire	4	100 - 299	D
Debris Burning	5	300 - 999	E
Railroad	6	1000 - 4999	F
Arson	7	5000+	G
Accidental, Playing with Fire	8		
Miscellaneous, Unknown, Undetermined	9		

Figure 7 identifies the significant wildfire ignition sources and fire sizes over the 42-year ignition history. Cause and size classes refer to uniform federal, state, and local fire cause and size classifications, which are shown in Table 8.

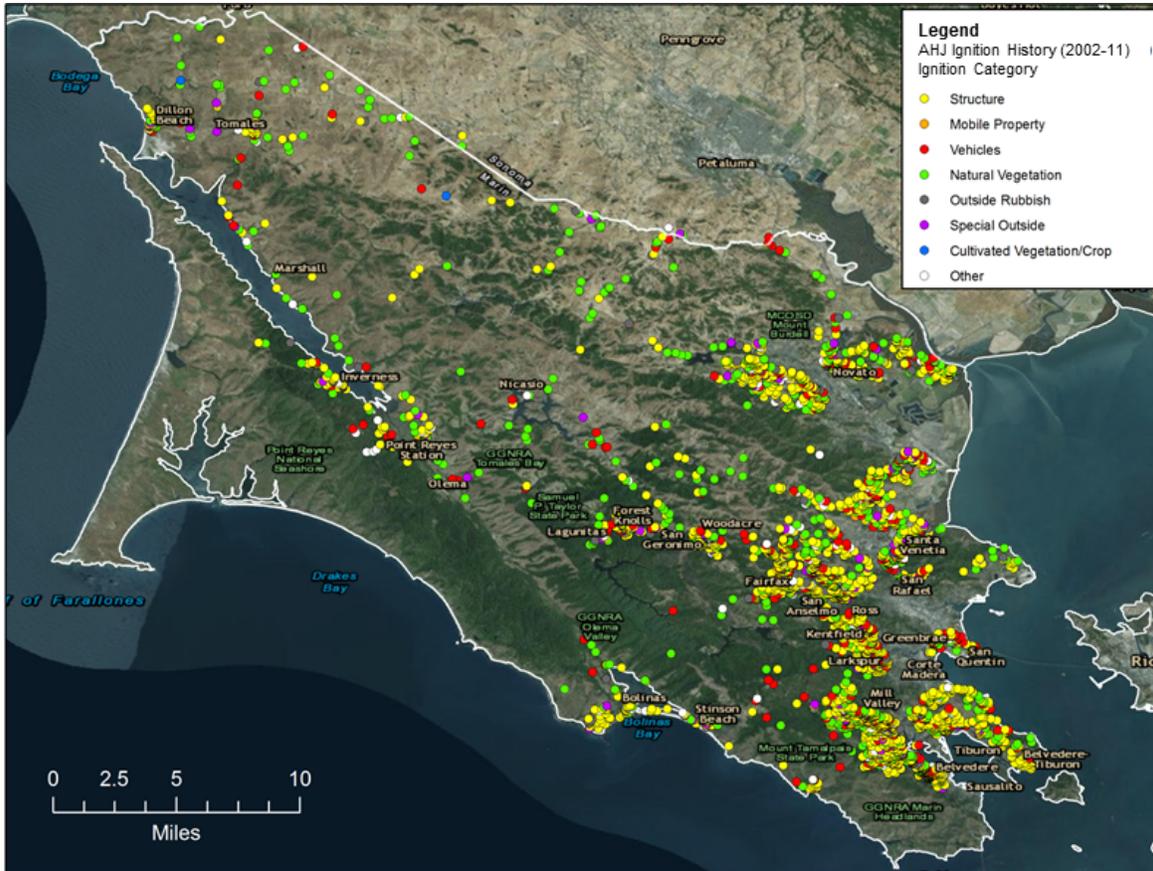


Figure 8. Map of ignition history data for all AHJ in Marin County from 2002 through 2011.

Recent research indicates higher summer temperatures will likely increase the annual window of high fire risk. Future changes in fire frequency and severity are difficult to predict; however, regional climate change associated with elevated greenhouse gas concentrations could alter large weather patterns and produce conditions conducive to extreme fire behavior. A warmer climate will bring drier winters, higher spring temperatures, and early snowmelt. Combined with drought conditions, this leads to drier soils in early summer, drier vegetation, and an increase in the number of days in the year with flammable fuels, all which further raise the likelihood of fires.¹⁴ Fuel and vegetation treatments will be challenging to implement at spatial scales large enough to make a difference, especially if the number of wildfires increase greatly in the future; still, fuel and vegetation treatments can enhance resilience in areas with high resource and economic values such as the WUI.

¹⁴ <http://www.fs.usda.gov/ccrc/topics/wildland-fire>

3. Collaboration

A key requirement when developing a CWPP is stakeholder and community involvement and collaboration. A CWPP provides a mechanism for obtaining community input and identifying high risk areas, possible fire hazards, and potential projects intended to mitigate areas of concern and fire hazard. This Plan integrated this community-focused approach through a number of public and stakeholder meetings and is intended to provide the community a forum for identifying assets and communities at risk from wildfire.

Stakeholder input and review was actively sought throughout the development of this CWPP. The information contained in this plan is a reflection of county stakeholders and the public working together to develop a living document that can be used over the next 5 to 10 years to implement the recommended action plan described in Section 8. In addition to feedback from elected officials and public citizens throughout Marin County’s cities and towns, **Table 9** lists the stakeholders comprised of fire agencies, land management agencies, utility operators, homeowners associations, FIRESafe MARIN, and other private and public entities that participated in this CWPP process.

Table 9. Participants in this CWPP process.

Public, Private, and Volunteer Fire Agencies and Associations			
Marin County Fire Department	Ross Valley Fire Department	San Rafael Fire Department	Southern Marin Fire Protection District
Tiburon Fire Protection District	Corte Madera Fire Department	Larkspur Fire Department	Marinwood Fire Department
Mill Valley Fire Department	Novato Fire Protection District	Bolinas Fire Protection District	Stinson Beach Fire Protection District
Inverness Public Utilities District	Nicasio Volunteer Fire Department	CAL FIRE	Skywalker Ranch Fire Brigade
Muir Beach Volunteer Fire Department	Kentfield Fire Protection District	Tomales Volunteer Fire Department	Marin County Fire Chiefs Association (Mark Heine, Pres.)
Land Management Agencies			
National Park Service	Marin Municipal Water District	Marin County Parks and Open Space District	California State Parks
Private Groups and Foundations			
Pacific Gas and Electric		North Bay Conservation Corps	
Homeowners Associations			
Homeowners Associations throughout Marin County		West Marin ranch and agricultural landowners	Large private landowners

3.1 FIRESafe MARIN

FIRESafe MARIN (FSM), Marin County's Fire Safe Council, promotes public and private partnerships to enhance wildfire safety and build Firewise Communities.¹⁵ FSM is a nonprofit organization with the dual mission of reducing wildland fire hazards and improving fire-safety awareness in Marin County. FSM receives significant investments through CAL FIRE SRA Grants, PG&E Grants, other state and federal entities, and private donations. This CWPP work was funded through a CAL FIRE SRA grant to FSM.

3.2 Fire Agencies

To engage local fire departments and agencies in the CWPP process, a stakeholder meeting was held specifically for fire chiefs representing all fire departments in the county. The meeting was held on August 20, 2015, from 9:00-11:30 a.m. at the Novato Fire District administrative office. Meeting attendance included at least one representative from each department or district in Marin County. The format of the meeting included a brief presentation by the CWPP team followed by a question and answer session. During this meeting, the fire chiefs were asked to identify the areas of concern and hazard mitigation projects within their jurisdictions (see **Figure 9** in Section 4.1.1). This information was processed for use in developing this CWPP.

3.3 Land Management Agencies

To engage Marin's land management agencies, three stakeholder meetings were held. The format of the meetings included a brief CWPP project update followed by a question and answer session. Each land management agency was asked to provide information regarding areas of concern and hazard mitigation projects within their jurisdictions. This information was processed for use in developing this CWPP.

The cities within Marin County, along with land management agencies, work to reduce fire hazards as directed by their management and planning documents. Planning is driven by the goals of protecting natural habitat and special species while managing the growth of invasive species. Management strategies can be challenging and require interagency cooperation and collaboration in fuel break and fuel reduction areas. Emphasis during fuel treatment planning will need to consider how to minimize the introduction, spread, and removal of invasive species. Agencies within Marin County include:

¹⁵ The National Fire Protection Association (NFPA) established the Firewise Communities Program to encourage local fire safety solutions by involving homeowners to take individual responsibility for preparing their homes for the risks of wildfires. The Firewise program uses their website (<http://www.firewise.org/>) to provide information and promotes ways to keep homes from igniting.

- **National Park Service** – works under the guidance of a Fire Management Plan (FMP) which has gone through the federal environmental compliance process. The FMP's priority is to increase the reduction of hazardous fuels in high priority areas using prescribed fire and mechanical treatments (e.g., along road corridors, around structures, and in strategic areas to create fuel breaks).
- **Marin Municipal Water District** – currently operates under the Mt. Tamalpais Area Vegetation Management Plan (VMP). The MMWD released its draft Wildfire Protection and Habitat Improvement Plan in August 2012 (Leonard Charles and Associates, 2012).
- **Marin County Parks and Open Space District** – released its draft Vegetation and Biodiversity Management Plan (VBMP) in April 2015 to direct resource management efforts on the county's 34 preserves to maintain and increase biodiversity while reducing the risk of wildfire (May & Associates Inc., 2015). MCOSD manages nearly 16,000 acres including an extensive network of approximately 249 miles of roads and trails. A significant portion of MCOSD's preserves are adjacent to private homes, structures, and evacuation routes; consequently, a great deal of effort is involved in working with neighbors and other local agencies to resolve disputes over responsibility for fuel reduction and defensible space.
- **CA State Parks** – reviews all proposed fuel breaks and vegetation modification zones for environmental impacts. The impacts of greatest concern are the spread and proliferation of invasive species and the cost of invasive management in the fuel reduction zones, fragmentation of suitable habitat for native species, impacts to listed and special status species, and sediment issues associated with an increase in bare soil. In lieu of installing fuel breaks, the State Parks work with MCFD on vegetation modification zones to reduce fire hazards. Vegetation modification areas were completed to State Parks specifications to meet the goals of fuel reduction while minimizing environmental impacts. State Parks treat many fuel modification zones due to increases in invasive plant infestations in the locations where vegetation modification has been employed.
- **Marin Audubon Society** – established in 1956 as part of the effort to prevent development of houses on Richardson Bay tidelands. The Marin Audubon Society (MAS) was one of the founders of Audubon Canyon Ranch, and was instrumental in protecting Bothin Marsh in Mill Valley and the Marin Islands National Wildlife Refuge in San Rafael, which supports the largest heron rookery in San Francisco Bay. MAS restores wetlands on its properties and then donates many of them to the California Department of Fish and Game and the Marin County Open Space District.¹⁶

3.4 Community Stakeholders

To capture the issues and concerns of private land and homeowners, neighborhood groups, civic organizations, professional organizations, and environmental groups, a series of public meetings

¹⁶ <http://www.marinaudubon.org/about.php#mission>

were conducted in four regions of the county: Mill Valley (southern Marin County); Pt. Reyes (west Marin County); San Anselmo (central Marin County); and Novato (northern Marin County). The meetings were publicized through local fire departments and agencies, the FSM website, county websites, and print media, and email invitations were sent to several hundred individuals and groups. **Table 10** lists the public meeting dates, times, and locations.

Table 10. Marin County CWPP public meeting dates, time, and locations.

Date and time	Location
October 12, 2015, 6:00-7:30 p.m.	Mill Valley Community Center, Mountain View Room
October 13, 2015, 6:00-7:30 p.m.	Pt. Reyes Bear Valley Visitors Center, Red Barn Room
October 14, 2015, 6:00-7:30 p.m.	San Anselmo, City Council Chambers
October 15, 2015, 6:00-7:30 p.m.	Novato, City Hall

The meeting format consisted of a brief presentation (approximately 20 minutes) conducted by various members of the CWPP team and included an overview of the purpose of preparing a CWPP, the CWPP process, and Marin’s fire history. The remaining 60-70 minutes included a question and answer session managed by the CWPP team to ensure that participants had an opportunity to voice their concerns. The concerns and ideas expressed during the public meetings were captured in meeting notes. Public concerns regarding fire hazards were fairly consistent throughout the county, and **Table 11** includes a summary of these concerns.



Table 11. Summary of the public’s concerns regarding fire hazards throughout Marin County.

Concerns	Suggestions
Evacuation routes	<ul style="list-style-type: none"> - Prioritize evacuation routes for fuel reduction programs - Develop traffic congestion controls along evacuation routes - Implement stronger parking enforcement along evacuation routes - Continue to maintain foot trail network in Mill Valley - Implement maintenance program for foot trail network in Fairfax - Encourage community-level drills for evacuation preparedness - Consider if additional vegetation reduction are required from roadways that are key evacuation routes into or out of a particular neighborhood
Defensible space	<ul style="list-style-type: none"> - Increase the number of annual inspections - Increase enforcement - Consider providing defensible space financial assistance for seniors - Increase chipper programs
Cooperation with large land managers/owners	<ul style="list-style-type: none"> - Provide a collaboration mechanism between private property owners (and Home Owners Associations) and large land owners (i.e., MCOSD, MMWD, NPS) - Consider the creation of transition zones (areas between developed residential areas and open space areas) where additional defensible space or additional vegetation clearance is needed
Absentee property owners	<ul style="list-style-type: none"> - Better enforce defensible space compliance with absentee property owners - Develop a program to address fuel reduction on vacant properties
Fuel reduction	<ul style="list-style-type: none"> - Consider grazing as a fuel reduction strategy
Increased use of technology for fire protection	<ul style="list-style-type: none"> - Develop an App for Marin County evacuation routes - Consider ways to improve the coverage of the fire detection cameras - Consider ways to use drone technology for fire protection
Public Education/Outreach	<ul style="list-style-type: none"> - Develop and distribute more information about fire resistant landscaping - Create a fire blog
Tree removal	<ul style="list-style-type: none"> - Consider how to make the tree removal process less cumbersome and less expensive

4. Hazard, Asset, Risk Assessment Approach

Wildfire threat can be defined as the result of an analysis of potential fire behavior and the likelihood of fire to occur relative to the assets (or communities) at risk. CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. These zones, referred to as Fire Hazard Severity Zones (FHSZ), influence how people construct buildings and protect property to reduce risk associated with wildland fires. The maps were last updated in the mid-1980s and early 1990s, and are currently being updated by CAL FIRE to incorporate improved fire science, data, and mapping techniques (California Department of Forestry and Fire Protection, 2007).

While the CAL FIRE FHSZ maps are useful in examining potential fire hazard severity at the state-level, the underlying data and methods used to develop the FHSZ maps can be improved upon by using local (and more recent) fuel characteristics and improved fire modeling methods. The CAL FIRE FHSZ maps also do not take into account local perspectives and priorities regarding communities at risk and areas of concern.

To improve upon the currently available state-level fire hazard assessment information, an independent hazard, asset, risk assessment was performed to help identify and prioritize areas within the county that are potentially at a high threat from wildfire based on more recent fuels data, advanced modeling techniques, and local input. The assessment was performed by modeling potential fire behavior and the probability or likelihood that an area will burn given an ignition. Next, the fire modeling output was combined with areas of concern and assets at risk. Composite maps were generated indicating relative potential fire hazards throughout the county.

4.1 Assets at Risk

Assets at risk are defined as structures and resources that can be damaged or destroyed by wildland fire. Assets in Marin County include real estate (homes and businesses), emergency communication facilities, transportation and utility infrastructure, watersheds, protected wildlands, tourist and recreation areas, and agricultural lands. In addition to providing a framework for protecting citizens and providing for firefighter safety, the California Fire Plan identifies the following assets warranting consideration in pre-fire planning: watersheds and water; wildlife; habitat; special status plants and animals; scenic, cultural and historic areas; recreation; rangeland; structures; infrastructure; and air quality.



Photo by Miquel Vieira¹⁷

There are approximately 111,000 living units in Marin County with a median home value of approximately \$1 million (Mara, 2015). As many homes in the county are located in the WUI, if a major wildland fire were to result in the loss of many homes, it could have a short-term negative impact on Marin County’s property tax base.

The Mt. Tamalpais watershed supplies central and southern Marin County with 75% of their fresh water. Given the area’s seasonal rainfall, any

major wildfire impacting the heavily forested watershed will result in major silting and subsequent degradation of water quantity and quality in the watershed. This watershed—as well as the lands managed by MCOSSD, state parks, and NPS—are largely contiguous. They harbor several endangered, threatened, and special-status species, including the coho salmon and northern spotted owl. The area is also part of a major migrating bird flyway and nesting area.

Marin County is also a major tourist destination. Major parks within Marin County include California State Parks (Mt. Tamalpais, Samuel P. Taylor, and China Camp), NPS’s GGNRA, Muir Woods National Monument, and Point Reyes National Seashore. The Point Reyes National Seashore and Muir Woods National Monument together attract 3.5 million visitors annually. The GGNRA, a majority of which resides within Marin County, attracts an additional 14.9 million visitors per year and contributes an estimated \$365.2 million annually to the economy (Prado, 2016). A major wildfire affecting any of these parks could have negative impacts on the local economy for years after the event.

Finally, Marin County’s agricultural land base includes nearly 137,000 acres of privately owned agriculturally zoned land and 32,000 acres of federally-owned land that is leased to agricultural operators. Agricultural operations include livestock and livestock products; aquaculture; field crops; and fruit, vegetable, and nursery crops. The gross value of all agricultural production was approximately \$101 million in 2014 (Marin County Department of Agriculture, 2014).



To help protect people and property from potential catastrophic wildfire, the National Fire Plan identifies communities that are at high risk of damage from wildfire. These high risk communities identified within the WUI were published in the Federal Register in 2001. In California, CAL FIRE has the responsibility for managing the list.¹⁸ With

¹⁷ “Mt Tamalpais Watershed from Mt Tamalpais summit”

(<https://www.flickr.com/photos/miguelvieira/2440494686/in/photostream/>) by Miquel Vieira

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¹⁸ National Fire Plan Communities at Risk List, http://osfm.fire.ca.gov/fireplan/fireplanning_communities_at_risk (last accessed February 3, 2016)

California's extensive WUI situation, the list of communities extends beyond just those adjacent to Federal lands; there are 1,329 communities currently on the California Communities at Risk List. Marin County has 23 of these at risk communities, as shown in **Table 12**. A countywide assessment of the wildland fire threat undertaken by CAL FIRE revealed that nearly 313,000 acres (approximately 82% of the total land area of the county) are ranked as having moderate to very high fire hazard severity zone ratings.

Table 12. Marin County communities at risk and fire district jurisdiction.

Community	Fire Department/District
Bolinas	Bolinas Fire Protection District
Corte Madera	Corte Madera Fire Department
Fairfax	Ross Valley Fire Department
Inverness	Inverness Fire Department
Inverness Park	Inverness Fire Department
Kentfield	Kentfield Fire Protection District
Lagunitas-Forest Knolls	Marin County Fire Department
Larkspur	Larkspur Fire Department
Lucas Valley-Marinwood	Marinwood Fire Department
Marin City	Marin County Fire Department
Mill Valley	Mill Valley Fire Department
Novato	Novato Fire Protection District
Olema	Marin County Fire Department
Ross	Ross Valley Fire Department
San Anselmo	Ross Valley Fire Department
San Rafael	San Rafael Fire Department
Santa Venetia	San Rafael Fire Department
Sausalito	Southern Marin Fire Protection District
Stinson Beach	Stinson Beach Fire Protection District
Strawberry	Southern Marin Fire Protection District
Tamalpais-Homestead Valley	Southern Marin Fire Protection District
Tiburon	Tiburon Fire Protection District
Woodacre	Marin County Fire Department

4.1.1 Areas of Concern

One of the objectives in developing this CWPP was to compile and begin to prioritize a list of hazard reduction strategies and projects throughout the county. As part of the CWPP process, fire departments, land management agencies, and other stakeholders were asked to identify and provide information about the areas they are most concerned about within their jurisdictions. Not surprisingly, almost all of the areas identified by stakeholders fall within Marin’s WUI boundary.

Figure 9 shows a map of the areas of concern identified by stakeholder agencies.

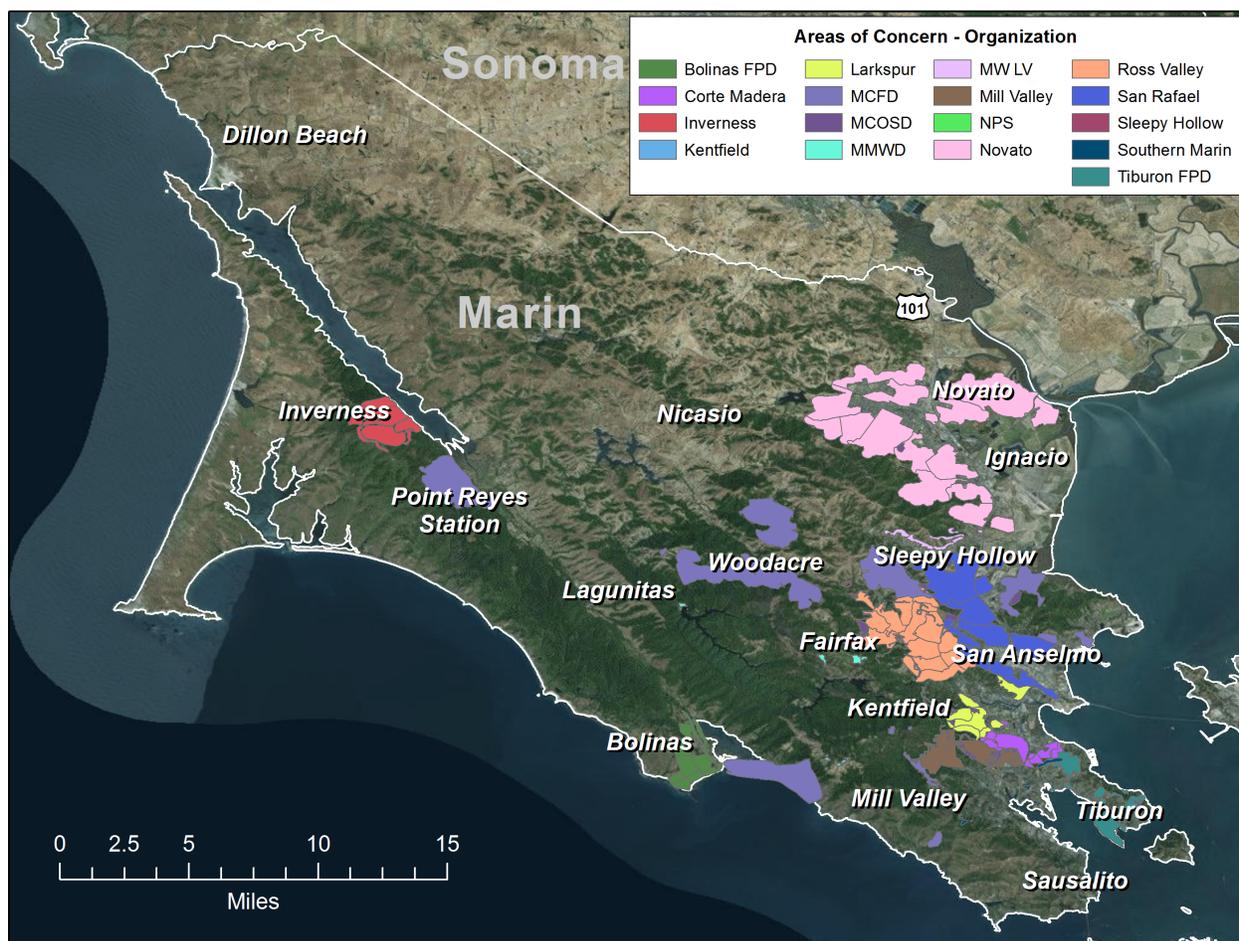


Figure 9. Map of the areas of concern identified by stakeholder agencies in Marin County.

4.1.2 Fire Road and Fuelbreak Networks

Historically, fuel reduction efforts have focused on maintaining Marin’s main fire road and fuel break networks that extend from the shore of the San Francisco Bay in Sausalito to Lagunitas. This network of fire roads and fuel breaks generally follows ridge top emergency access roads and incorporates

natural (existing grassland) or human-made features (e.g., golf course). In addition, there are lateral fuel breaks that extend from the primary fuel break to the east, and specific fuel breaks and projects (i.e., prescribed burns, fuel removal projects) implemented to protect specific communities. Maintaining fire roads and fuelbreaks that provide access for firefighting equipment and personnel to undeveloped areas is important.

In addition to the areas of concern and fuel break information, agencies provided information about fuel reduction projects and/or hazard mitigation efforts within their jurisdictions. **Appendix B** provides a list of the areas of concern information and hazard mitigation efforts provided by the stakeholder agencies listed in alphabetical order by agency name (not in order of priority). Appendix B also includes a list of past, current, and/or planned projects from the 2015 Marin Unit Fire Plan. The lists in Appendix B are intended to provide a starting point for identifying and prioritizing a more complete, countywide list of future fuel reduction and outreach projects.

4.2 Risk Assessment Approach

To help identify and prioritize areas within the county that are potentially at a high risk of threat from wildfire, a hazard, asset, risk assessment was performed using recently updated fuels data and representative weather scenarios. **Figure 10** shows the steps used to perform the hazard, asset, risk assessment.

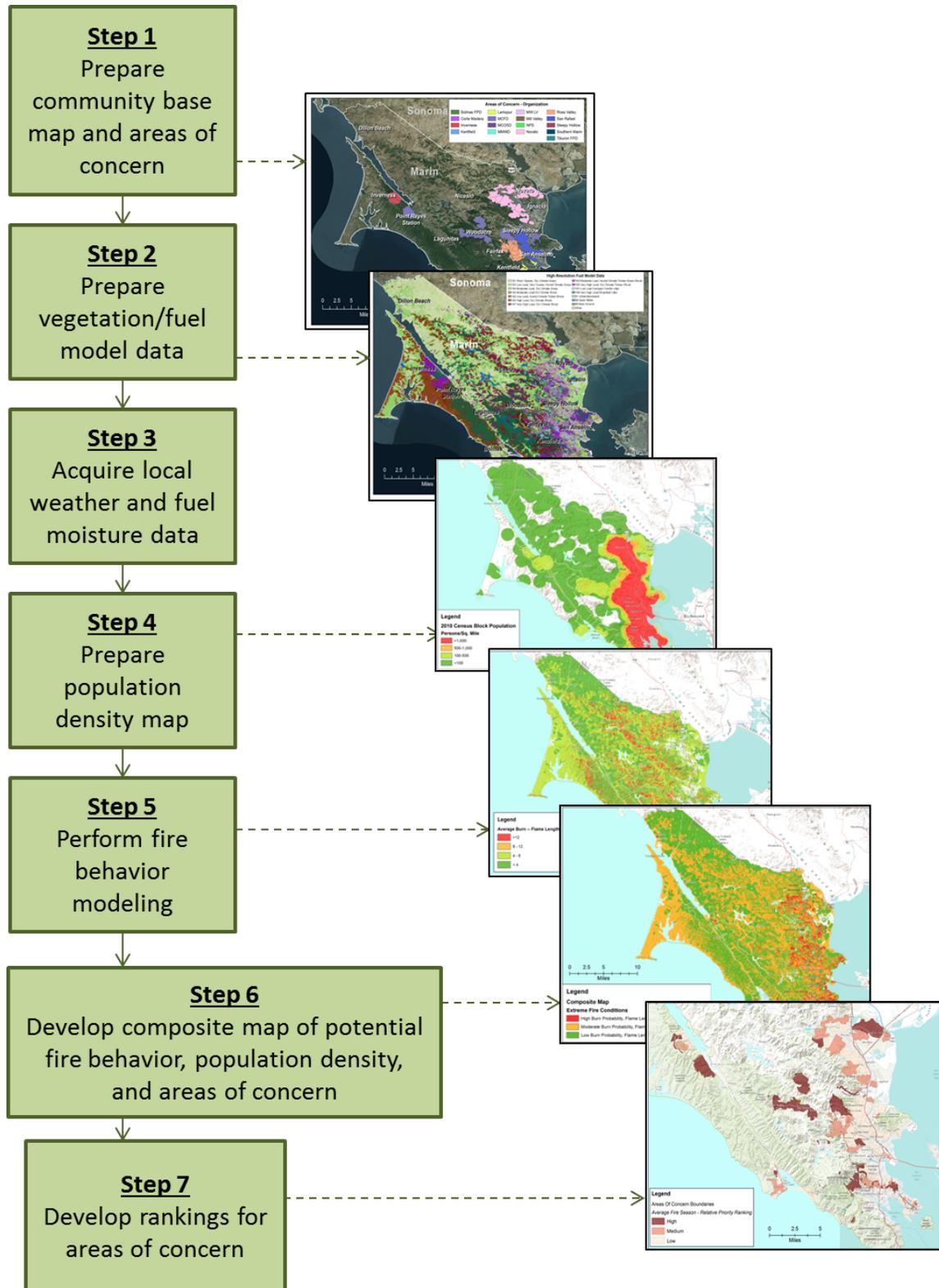


Figure 10. The steps used to perform the hazard, asset, risk assessment.

4.2.1 Step 1: Prepare Community Base Map and Areas of Concern

A base map of Marin County was assembled using GIS data layers acquired primarily from Marin County's GIS portal, marinmap.org. The base map included map layers of political boundaries, fire districts, land ownership, census data, infrastructure, building footprints, a parcel map, WUI boundaries, sensitive habitats, and areas of concern. Information regarding areas of concern was provided by each stakeholder agency and was digitized and merged into one GIS map layer (see Section 4.1.1 and Figure 9). The community base map and corresponding map layers were made available for viewing through an ESRI ArcOnline website.

4.2.2 Step 2: Prepare Vegetation and Fuel Model Data

FlamMap is a fire behavior model that can be used to predict potential fire behavior based on fuels (and fuel moisture), topography, and weather conditions. As part of the development of this CWPP, an updated, high-resolution (5 x 5 meter) gridded vegetation map was developed using a combination of vegetation data provided by local land management agencies and recently obtained LiDAR measurements (see Section 2.2 and Appendix A). The 5 x 5 meter data were used as input to FlamMap for modeling potential fire behavior.

4.2.3 Step 3: Acquire Local Weather and Fuel Moisture Data

In addition to fuel characteristics, the FlamMap fire behavior model requires information about fuel moisture and weather conditions. Two fire weather scenarios were chosen to represent annual wildfire conditions for an average fire season and a fire season under extreme fire conditions. The average fire season scenario was created by summarizing the weather and fuel moisture parameters from April through October (a typical fire season), and was used to represent the fire weather conditions during a typical summer day in Marin County. The extreme fire conditions scenario was created using the 97th percentile weather data from July through October, and represents the hottest and driest time periods during the summer months when fire behavior would be the most intense and difficult to control.

The fire weather statistics model, IFT-FireFamilyPlus, available through the Interagency Fuels Treatment Decision Support System (IFTDSS), was used to summarize fuel moisture, wind speed, and wind direction data for each fire weather scenario for four RAWS available in the Weather Information Management System (WIMS). Data were summarized by station and weather scenario for the Mt. Barnaby, Big Rock, Woodacre, and Middle Peak RAWS stations (Figure 11). Because there was little variability in the data values among the four RAWS stations for each scenario, data from the four stations were averaged to represent the county as a whole. Table 13 lists the fuel moisture and weather values for the average fire season and extreme fire conditions scenarios.

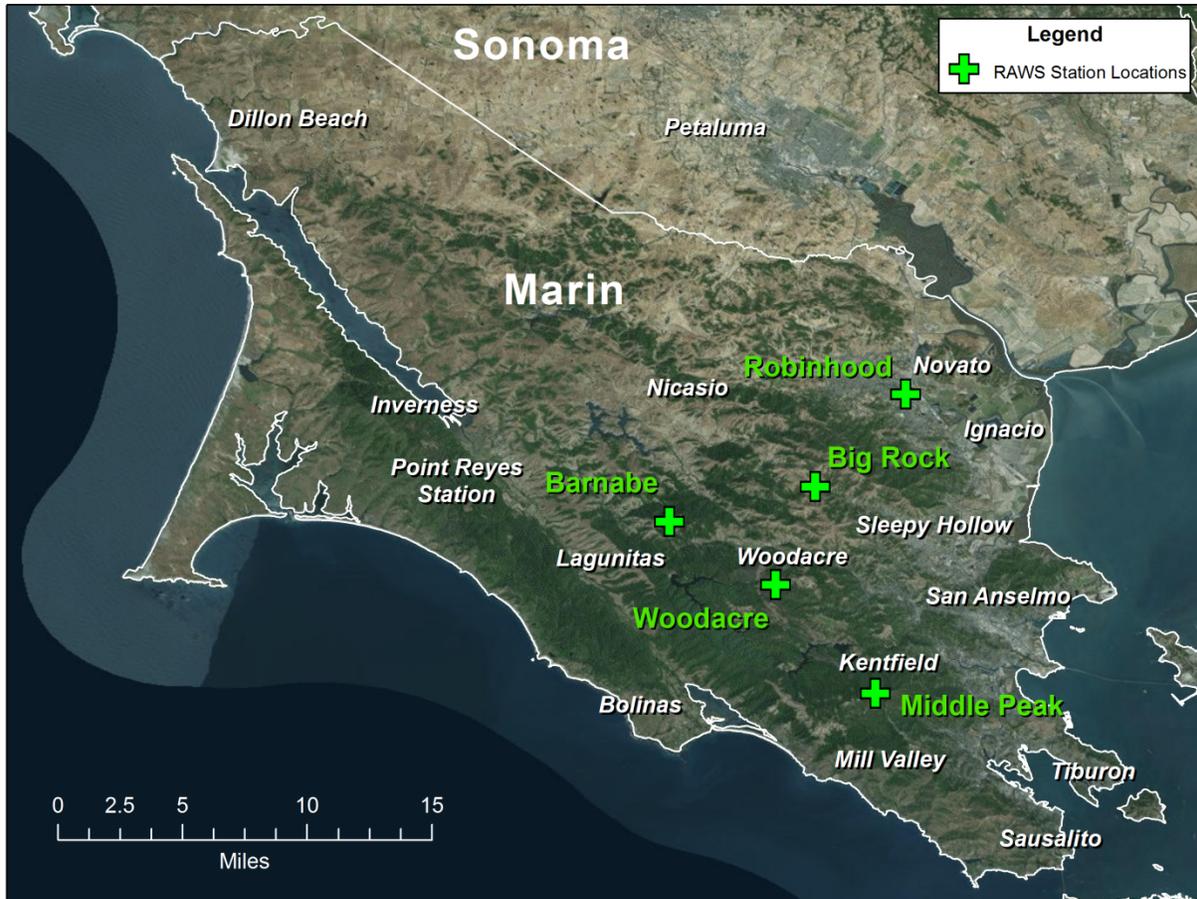


Figure 11. RAWs station locations in Marin County. Note that data from the Robinhood site in Novato were not used for this analysis as the data were not yet available.

Table 13. Fuel moisture and weather values used for the average fire season and extreme fire conditions modeling scenarios.

Parameter (units)	Average Fire Season	Extreme Fire Conditions
1-hour fuel moisture	8%	3%
10-hour fuel moisture	10%	4%
1,000-hour fuel moisture	13%	6%
Herbaceous fuel moisture	17%	4%
Live wood fuel moisture	73%	65%
Wind speed	6 miles per hour	15 miles per hour
Wind direction	216°	206°

4.2.4 Step 4: Prepare a Population Density Map

Population density data for Marin County were acquired from the U.S. Census Bureau. The data were mapped and used in the hazard, value, risk assessment to identify populated areas, which represent areas with high structure density. These data were used as a surrogate for representing areas of high asset value that are important from a fire protection perspective. **Figure 12** shows the population density map for Marin County.

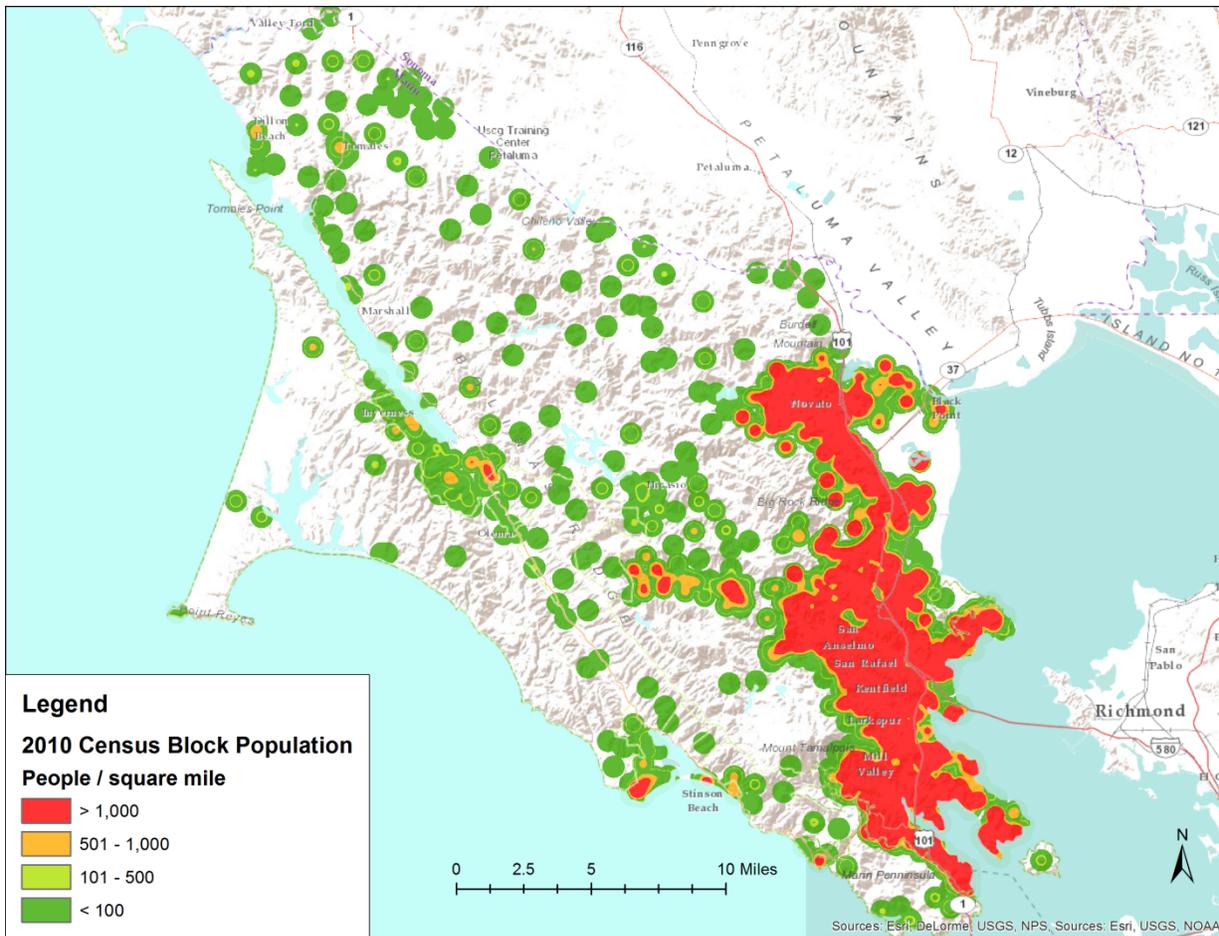


Figure 12. Population density in Marin County based on the 2010 Census.

4.2.5 Step 5: Perform Fire Behavior Modeling

Wildfire modeling attempts to predict fire behavior, such as how quickly a fire might spread, how much heat it might generate, and in which direction it might move. Most fire behavior models require three key inputs: (1) fuel model information, (2) fuel moisture, and (3) weather. Fire behavior modeling can provide an indication of how difficult a fire might be to suppress and the likelihood of

fire transition from the ground to the tree canopy, which can help identify areas where extreme fire behavior may occur.

The FlamMap fire behavior model was used to model flame length and rate of spread. Flame length is commonly used as a gauge of fire potential because it provides an indicator of possible fire behavior from a suppression perspective. **Table 14** shows the fire suppression interpretations of flame length; fires with lower flame lengths are typically easier to suppress while fires with higher flame lengths are much more difficult.

Table 14. Fire suppression interpretations of flame length and fire line intensity.

Flame Length (feet)	Fire Intensity (btu/feet/second)	Interpretations
0-4	0-100	Fires can generally be attacked at the head or flanks by persons using hand tools. Hand line should hold the fire.
4-8	100-500	Fires are too intense for direct attack on the head by persons using hand tools. Hand line cannot be relied on to hold fires. Equipment such as bulldozers, engines, and retardant aircraft can be effective.
8-11	500-1,000	Fires may present serious control problems – torching out, crowning, and spotting. Control efforts at the head of the fire will probably be ineffective.
11+	1,000+	Crowning, spotting, and major runs are common. Control efforts at the head of the fire will probably be ineffective.

Rate of spread is an indicator of how rapidly a fire might spread, and is defined as the rate of forward spread of the fire head expressed in feet per minute. FlamMap runs were performed for the two weather scenarios identified in Table 13 using the custom fuel model data developed for Marin County (see Figure 5 in Section 2.2) and topographical data (slope, aspect, and elevation).

4.2.6 Step 6: Develop Composite Maps

The population density maps and fire behavior modeling maps shown in this section are 5 x 5 meter gridded (or raster) GIS data layers.

The composite maps from the hazard, value, risk assessment were composed using a suitability modeling approach. Suitability modeling is a GIS-based method used for identifying areas based on specific criteria. For this work, suitability modeling was used to identify areas of high fire hazard (or concern) based on fire behavior potentials, population density, and proximity to areas of concern.

The Environmental Systems Research Institute (ESRI) ArcGIS software, Spatial Analyst, was used for this analysis. Spatial Analyst is a raster- or grid-based software package that provides a platform for developing and manipulating gridded data. Spatial Analyst can be used to develop suitability models that produce maps highlighting "suitable" geographic areas based on defined model criteria and weighting schemes.

4.2.7 Step 7: Develop Rankings for Areas of Concern

The area of concern map (Figure 9 in Section 4.1.1) was overlaid on the composite population, flame length, and rate of spread map (Step 5 above). Using GIS software, spatial statistics were calculated within each polygon boundary representing an area of concern. Within each polygon boundary, the underlying composite grid cell values were averaged; the sum of all grid cell values falling within a polygon boundary was divided by the number of grid cells within the boundary. The result is a relative ranking of the areas of concern across the county. The highest ranking areas indicate places that may be of highest concern in terms of both fire hazard and population. This information can be used to prioritize areas of concern and potential fuel reduction strategies.

Rate of spread is defined as the rate of forward spread of the fire head expressed in feet per minute. The higher the rate of spread, the more difficult a fire is to suppress. The rate of spread model output for the average fire season scenario is shown in **Figure 14**; orange and red show areas where more extreme fire behavior is likely given an ignition.

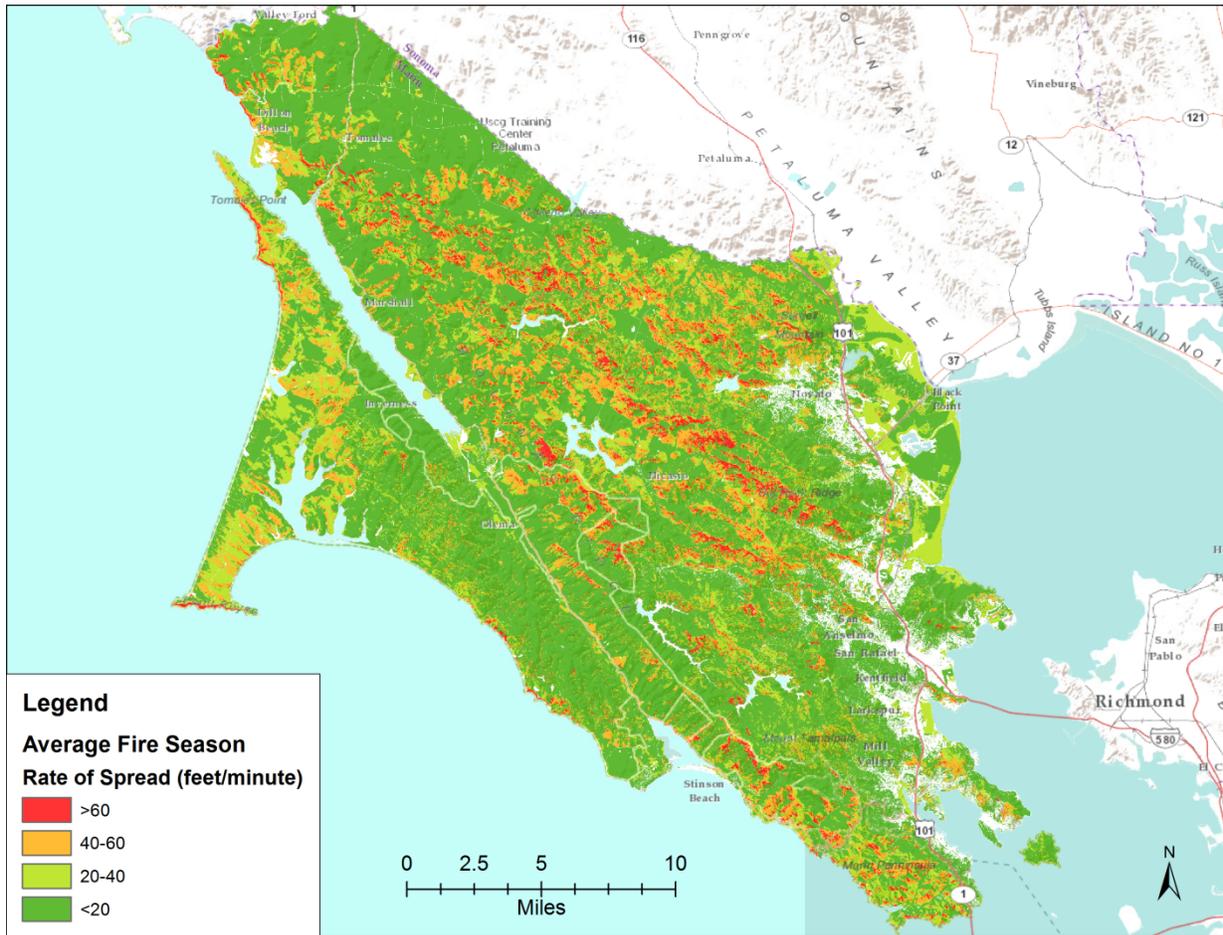


Figure 14. Predicted rate of spread for the average fire season weather scenario.

Using GIS data processing techniques (see Section 4.2.6), the population density, flame length, and rate of spread maps were merged and processed to identify areas that have very high population density, flame lengths, and rate of spread. **Figure 15** shows this composite map; red and orange show areas of very high to high population density, flame length, and rate of spread. These are areas of high asset value where fire behavior is likely to be extreme.



Figure 15. Composite map of population density, flame length, and rate of spread for the average fire season model scenario.

To help prioritize areas of the county where fuel reduction and hazard mitigation efforts might be focused, Figure 14 was overlaid with the areas of concern boundaries (Figure 9 in Section 4.1.1), and GIS processing methods were used to calculate spatial statistics within these areas of concern (see Section 4.2.7). This information was used to rank the areas of concern, shown in **Figure 16**.

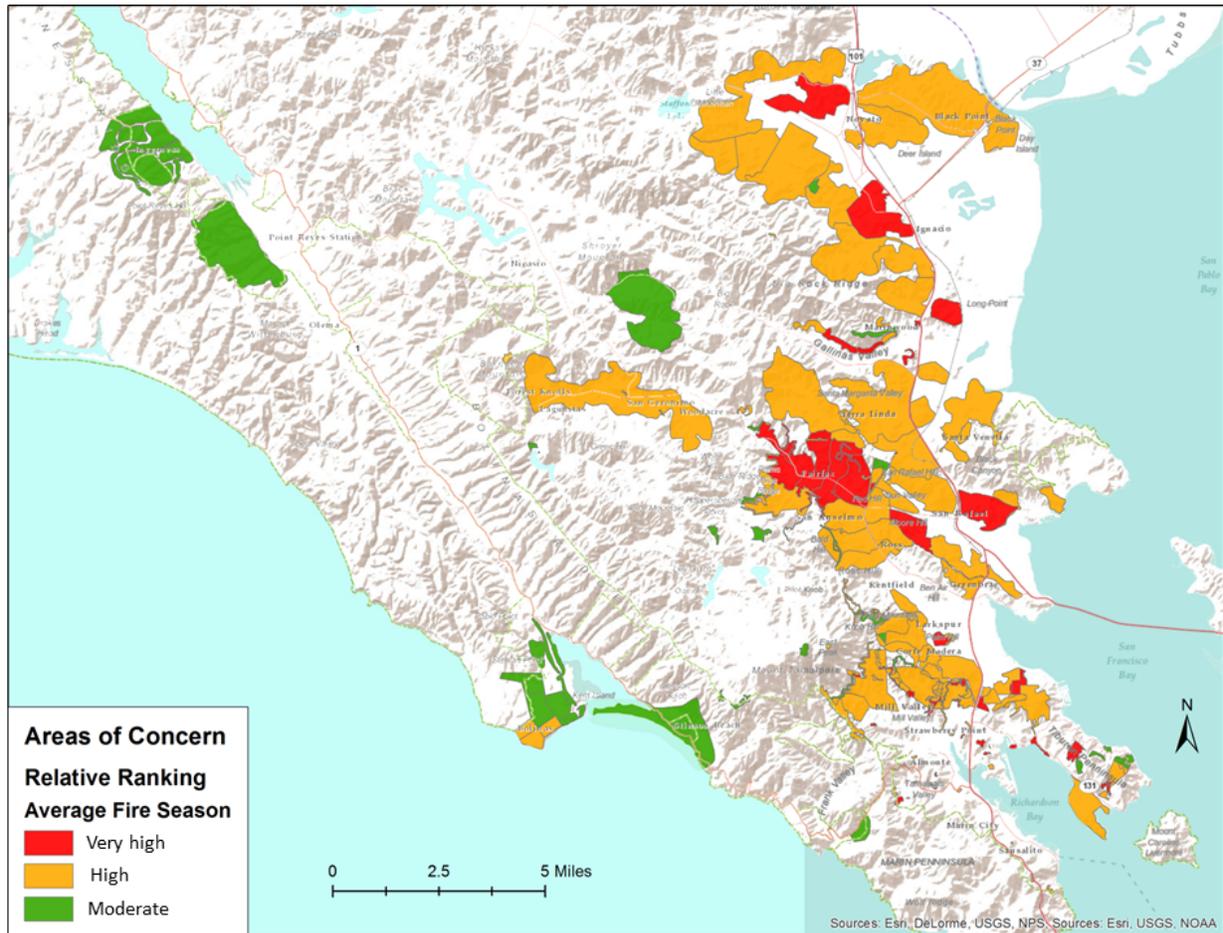


Figure 16. Areas of concern rankings in Marin County based on population density, flame length, and rate of spread for the average fire season model scenario.

The red areas in Figure 16 indicate the top 33% of the areas of concern, where population density, flame length, and rate of spread could all be potentially very high. The orange areas indicate the middle 33% (high), and the green indicate the lower 33% (moderate).

5.2 Extreme Fire Conditions Modeling Results

The extreme fire conditions modeling scenario is based on the fuel moisture and weather data shown in Table 13. Modeled flame length for the extreme fire season scenario is shown in **Figure 17**; red and orange show potential flame lengths greater than 8 feet, indicating areas that would likely exhibit more extreme fire behavior and be relatively more hazardous from a fire suppression perspective (see Table 14). Note that under the extreme fire conditions scenario, much more of the county area has flame length above 8 feet compared to the average fire season scenario shown in Figure 13.

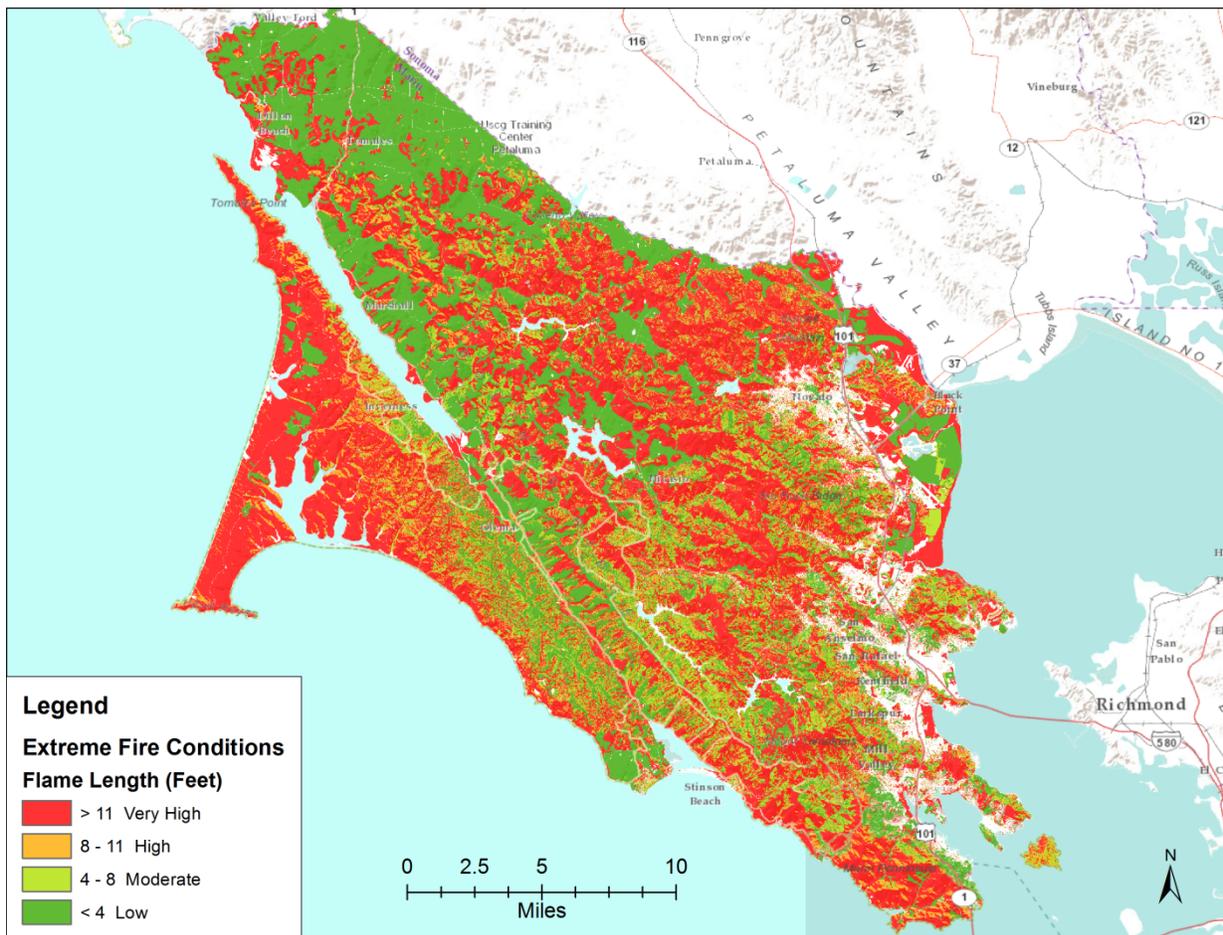


Figure 17. Potential flame length for the extreme fire conditions scenario.

The rate of spread model output for the extreme fire conditions scenario is shown in **Figure 18**; red and orange show areas that are likely to exhibit more extreme fire behavior. Under the extreme fire conditions scenario, rates of spread are greater in northwestern regions of the county.

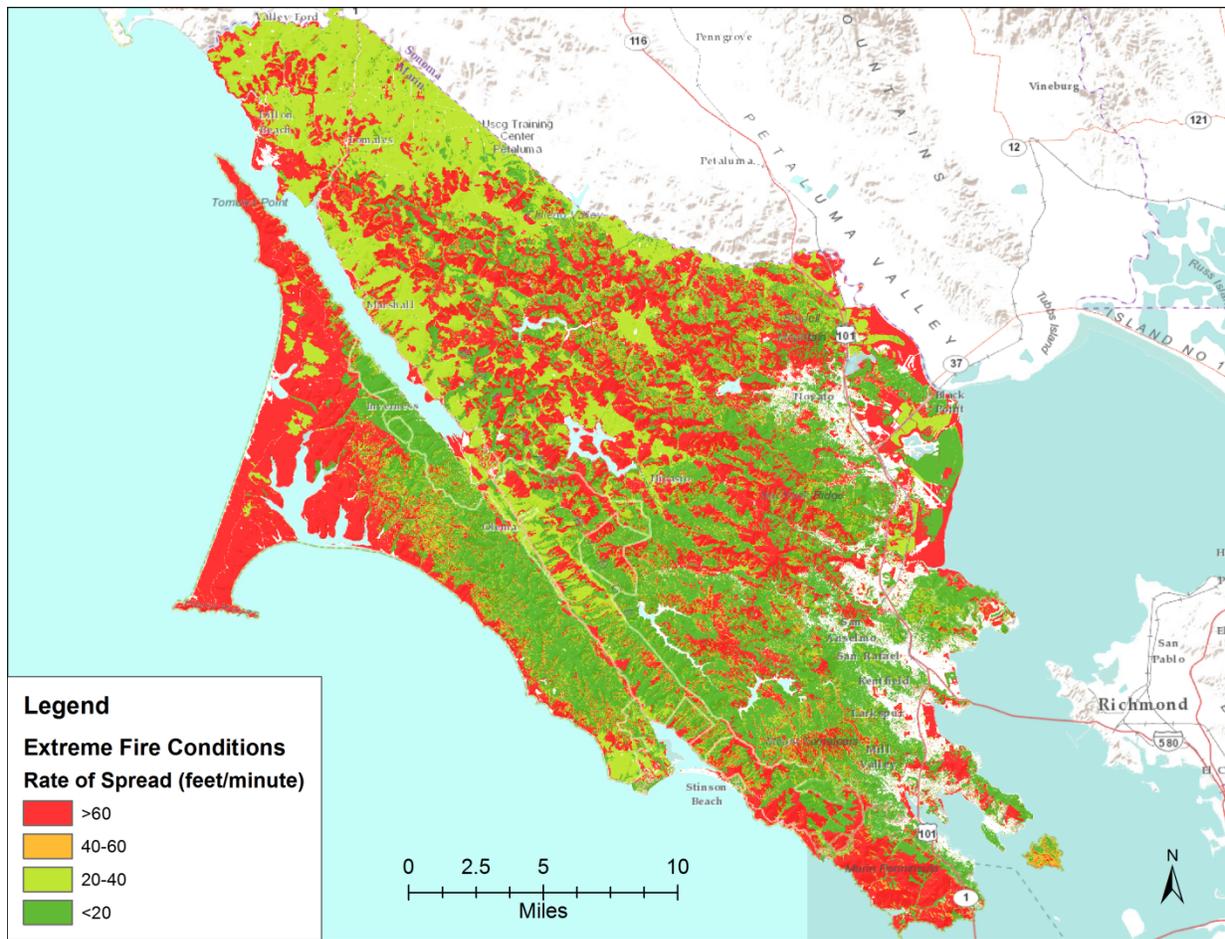


Figure 18. Predicted rate of spread for the extreme fire conditions scenario.

Using GIS data processing techniques (see Section 4.2.6), the population density, flame length, and rate of spread maps were merged to identify areas that have very high population density, flame lengths, and rate of spread. **Figure 19** shows this composite map for the extreme fire conditions scenario; red and orange show areas of very high to high population density, flame length, and rate of spread. Again, note that under the extreme fire conditions scenario, much more of the county area is located in these very high to high condition areas compared to the average fire season scenario shown in Figure 15.

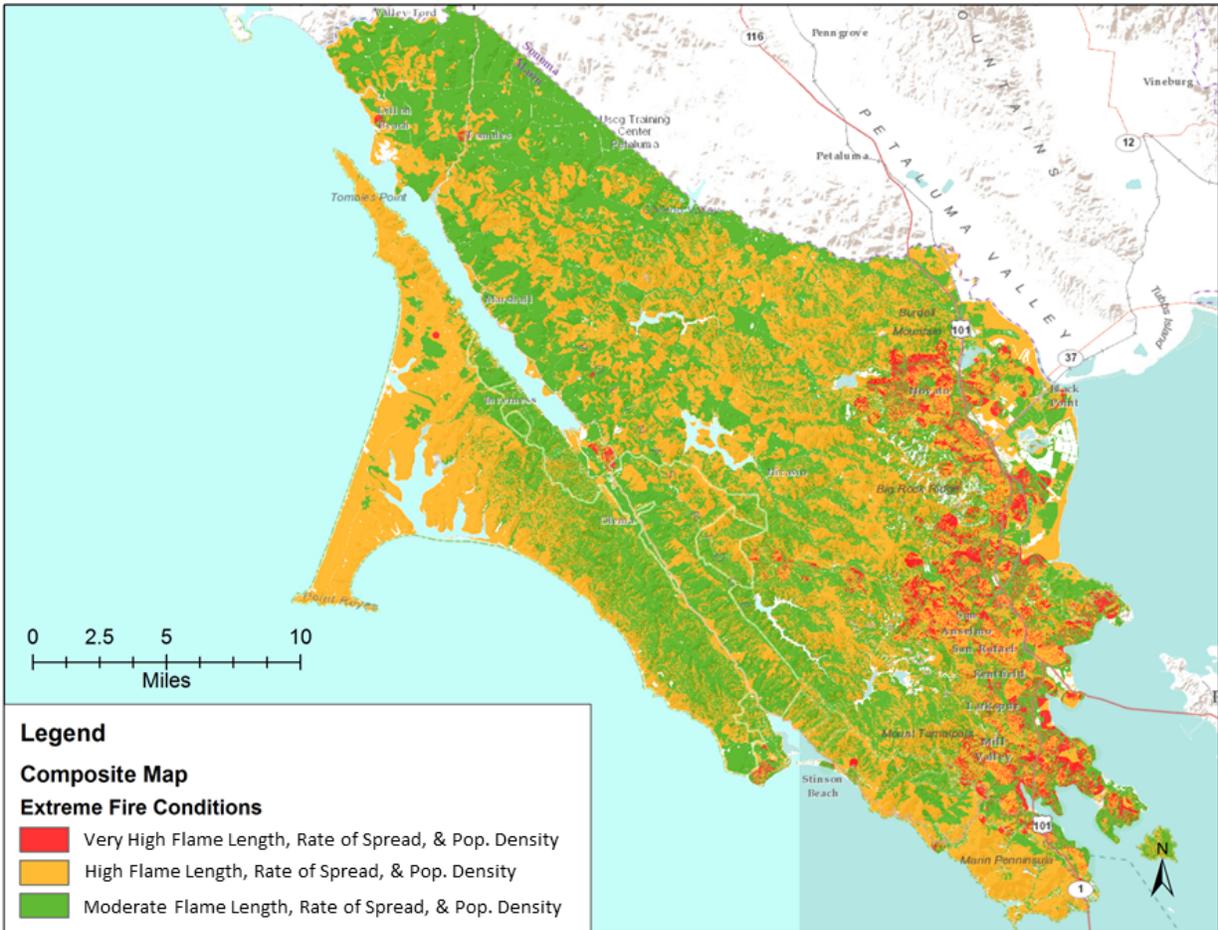


Figure 19. Composite map of population density, flame length, and rate of spread for the extreme fire conditions scenario.

To help prioritize areas of the county where fuel reduction and hazard mitigation efforts might be focused, Figure 19 was overlaid with the areas of concern boundaries (Figure 9 in Section 4.1.1), and GIS processing methods were used to calculate spatial statistics within these areas of concern (see Section 4.2.7). This information was used to rank the areas of concern, shown in **Figure 20**.

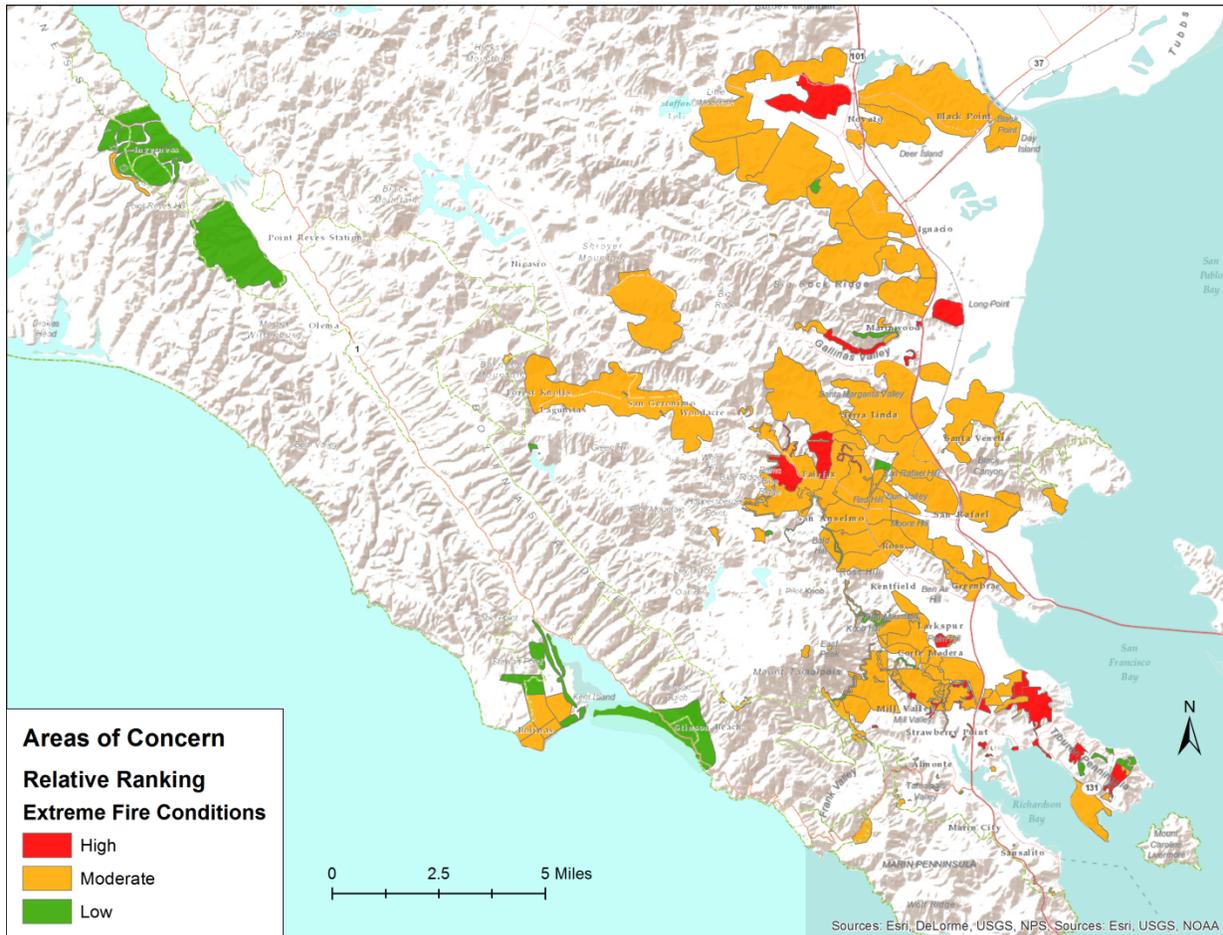


Figure 20. Areas of concern rankings in Marin County based on population density, flame length, and rate of spread for the extreme fire conditions scenario.

The red areas in Figure 20 indicate the top 33% of the areas of concern, where population density, flame length, and rate of spread could all be potentially very high. The orange areas indicate the middle 33% (high) and the green indicate the lower 33% (moderate).

5.3 Discussion of Findings

The overall results of the hazard, value, risk assessment and the relative rankings by community and area of concern are summarized in **Table 15**. Note that almost all of the areas of concern are ranked very high to high based on the asset, value, risk assessment modeling. The areas that rank moderate are located in more rural, less densely populated parts of the county, although they should be considered for hazard reduction efforts. The relative ranking information in Table 15 provides a starting point for prioritizing areas to focus fuel reduction efforts.

Table 15. Marin County communities at risk and areas of concern relative rankings, based on the results of the asset, hazard, risk modeling.

Communities at Risk and Areas of Concern	Relative Ranking
Bolinas (Bolinas Mesa, Little Mesa, Paradise Valley, NPS and MCOSD parklands)	Very High/High
Corte Madera and Larkspur (Tiburon Ridge, Ring Mountain, Palm Hill WUI)	Very High
Corte Madera (Marin Estates, Madrono-Pleasant [Town], Madera del Presidio Phase II, Chapman, Park/Meadowsweet, Christmas Tree Hill, Blithdale Ridge, Palm Hill/Blue Rock, Madera del Presidio Phase I)	High
Inverness (watershed and residential areas)	High/Moderate
Kentfield (Evergreen Fire Trail; Rancheria Road; Crown Road from 123 Crown Road to Phoenix Road and continuing on Indian Fire Road to the Blithedale Ridge/Eldridge Grade intersection; King Mountain Loop project (Larkspur) to 76 Ridgecrest Road; 12 Ridgecrest Road to 76 Ridgecrest Road, including all of BlueRidge Road southwest facing slope; the area of Goodhill Road and Crown Road, including the area of Harry Allen Trail; 351 Evergreen Road to 414 Crown Road to 12 Ridgecrest Road, south and southeast facing slope)	High
Larkspur (North Magnolia WUI; Greenbrae Hills WUI; Marina Vista Area WUI; Baltimore Canyon WUI; Marina Vista/SE Baltimore Canyon; King Mountain/NW Baltimore Canyon)	High
Mill Valley (MMWD land and open space areas)	Very High
Mill Valley (Scott Valley, Cascade, PG&E property, Summit, City property, open space, City right-of-way, private property, Warner Canyon/Scott Highlands, MMWD/private/City right-of-way)	High
Marin County Fire Department (Hill Ranch, Los Ranchitos, Summit, Bay View, San Pedro, Mount Tam Lookout, Sleepy Hollow WUI, Throckmorton /Panoramic WUI, Dickson Lookout, Woodacre/Lagunitas/Forest Knolls WUI, Mount Tam Middle Peak infrastructure, Rancho Santa Margarita WUI, Inverness WUI, Green Gulch, Stinson Beach WUI)	High

Communities at Risk and Areas of Concern	Relative Ranking
Marin County Open Space District Lands (areas in and adjacent to neighborhoods)	Very High/High
Marin Municipal Water District (Rock Spring, Pine Mountain south gate, Sky Oaks Meadow, Deer Park Road, Sky Oaks Headquarters, Peters Dam)	High/Moderate
Marinwood/Lucas Valley (Limestone Hill area, CSA 13, Horse Hill area, Berry area, Miller Creek Road Area, Valleystone Project, Lucas Valley Estates)	Very High/High
Novato (Marin Valley, Novato North, Anderson Rowe)	Very High
Novato (San Marin, Hilltop, Loma Verde, Wilson West, Cherry Hill, Pacheco Valley, Little Mountain, Indian Valley, Wildhorse Valley, Wilson East, Ignacio Valley, Atherton, Blackpoint)	High
Ross Valley (Fairfax, Hawthorne Hills, San Francisco Boulevard, Alameda, Morningside, upper San Anselmo Avenue)	Very High
Ross Valley (Ross [east/central/south], San Anselmo [downtown], Cascade Canyon, Sleepy Hollow)	High
San Rafael (San Pedro Ridge, Dominican, Glenwood, Peacock Gap, Gerstle Park and Cal Park neighborhoods)	Very High
San Rafael (Smith Ranch areas, West End from San Rafael Hill to Ridgewood Avenue Bret Harte, Los Ranchitos areas, Terra Linda neighborhoods)	High
Sleepy Hollow (Loma Alta area)	High
Southern Marin (Meda project, Milland, Ricardo open space, So. Morning Sun/Tennessee, Hawkhill, Autumn Lane)	Very High
Southern Marin (Rodeo water tank, U.S. Route 101/Wolfback Ridge, Seminary, Edwards/Marion, Lattie Lane/Highway 1, Blackfield, Laguna/Forest, Cabin Drive, Homestead Valley, Fairview Ring Mountain Area, Aqua Hotel Hill, Highway 1 to Erica/Friars)	High
Tiburon (Middle Ridge, South Knoll Playground, Blackies Pasture, Greenwood Beach)	Very High
Tiburon (Ring Mountain, Old St. Hilary's Open Space Preserve, Tiburon Marsh, Belvedere Lane and right of ways, Tom Price Park, Sugarloaf Drive to Paradise Drive, Middle Ridge open space, Romberg Tiburon Center, Paradise State Park)	High

The data in Table 15 should be viewed at a finer scale within each community listed in order to get a proper context of the areas of concern at a more local scale. It is important to note that the modeling performed in this section does not take into account factors such as sensitive habitats, plant species, practical implementation of fuel reduction projects, or reduction project costs. Fire protection and land management agencies should work collaboratively to determine which areas to focus efforts on, and what projects and prescriptions best serve specific areas.

6. Pre-Fire Management Strategies and Tactics

The pre-fire management strategies presented in this section focus on vegetation management, hazardous fuel reduction, pre-fire planning, statutes and regulations, fire prevention, and public education and outreach.

This CWPP provides county-scale planning information but also recognizes and supports more focused fire planning efforts to address specific city, community, or neighborhood scale needs. The CWPP provides guidance for localized plans prepared to more specifically address site-specific issues, fuels treatment options, specific vegetation prescriptions, refined or redefined community and WUI boundaries, emergency preparedness, and other issues important to community wildfire safety. Localized plans have priority and authority over county-level recommendations.

Marin County fire agencies (described in Section 1.1) take a holistic approach to pre-fire and fuels management by implementing a variety of practices and programs focused around the WUI where there is the greatest wildfire threat to human life and property. Marin County's wildfire programs include:

1. Building and vegetation management codes that consider building materials, as well as construction, engineering, and vegetation management standards.
2. Hazardous fuel reduction at both the county and community level. At the county level, this includes working with private landowners and county agencies to maintain and create strategic fuel reductions zones; maintain fuel breaks and fire roads; and implementing other types of fuel reduction projects. At the community level, fire agencies work with property owners and homeowners associations to create more fire safe communities (i.e., Ready, Set, Go and Firewise community programs) and to address issues related to road and property access to provide safe evacuation routes and emergency vehicle entry during a wildfire event.
3. Public outreach and building awareness of the wildfire threat in Marin County.
4. A newly installed network of fire detection cameras.

6.1 Building Codes and Standards

Coordinated pre-fire management efforts occur continuously throughout the county and across fire agencies. These activities include business and home inspection programs, land development plan reviews and construction inspections, fire alarm and suppression system plan reviews, fire investigations, inspections of hazardous and assembly occupancies, reviews of VMPs, a requirement for all new construction and substantial remodels in the WUI), and building code and standard

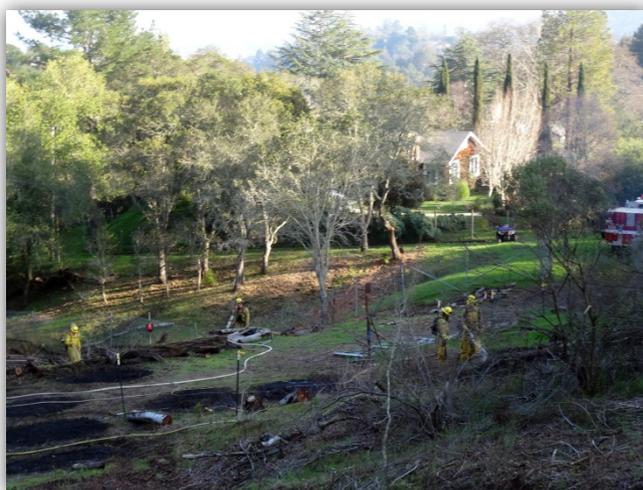
development. Section 8 includes more information about Marin’s building codes and standards for reducing structure ignitability.

6.2 Hazardous Fuel Reduction

Marin County fire officials work to mitigate fires in the WUI using hazardous fuel modification, which includes wide area defensible space projects and ridge top fuel breaks, many of which are constructed by the MCFD’s Tamalpais Fire Crew as well as by other local resources. The location and extent of the breaks are determined through coordination with the local land management agency and or landowner, conformance with Marin County’s CWPP, and the availability of grant and other types of funding.

At the community level, fire agencies work with individuals and homeowners associations to create more fire safe communities through programs such as Ready, Set, Go! and the Firewise community programs.¹⁹ The Ready, Set, Go! (RSG)

Program is managed by the International Association of Fire Chiefs (IAFC). Launched nationally in March 2011 at the Wildland-Urban Interface Conference (WUI Conference), the program helps fire departments teach individuals who live in high risk wildfire areas—and the wildland-urban interface—how to best prepare themselves and their properties against fire threats.²⁰



The Firewise Communities Program is managed by the National Fire Protection Agency (NFPA) and co-sponsored by the U.S. Department of Agriculture Forest Service, the U.S. Department of the Interior, and the National Association of State Foresters. The program encourages local solutions for safety by involving homeowners in taking individual responsibility for preparing their homes from the risk of wildfire. Firewise is a key component of Fire Adapted Communities, a collaborative approach that connects all those who play a role in wildfire education, planning, and action with comprehensive resources to help reduce risk. The Firewise Communities program teaches people how to adapt to living with wildfire and encourages neighbors to work together and take action to prevent losses.²¹

¹⁹ <http://www.marinfirechiefs.org/>

²⁰ <http://www.wildlandfirersg.org/About/Learn-About-Ready-Set-Go>

²¹ <http://www.firewise.org/about.aspx>

FSM is actively involved in working with local agencies to coordinate and support chipper days and other fuel reduction projects that involve cutting, clearing, pruning, and limbing understory vegetation around structures, fire roads, and evacuation routes.

6.3 Information and Education

The information and education programs administered throughout Marin County are coordinated efforts supported by MCFD command staff, the Fire Prevention Bureau, local fire agency personnel, and cooperators. Cooperators include the Marin County Sheriff's Office, Marin County OES, FSM, the Marin County Fire Chiefs' Association, NPS, MMWD, and MCOSD.

6.3.1 Information

During wildfire events, the public information function is covered 24 hours a day by Incident Command System qualified Public Information Officers (PIO) and by MCFD's ECC personnel. The overall goal of this function is to keep the people of Marin County informed by providing timely and accurate information. In addition, MCFD is in constant contact with CAL FIRE's Duty Chief regarding fire condition updates and ensures all local dignitaries are regularly briefed with changes or updates.

Fire agencies across Marin County regularly provide press releases and interviews to media outlets on request, and the county has retained a County PIO who is used to support fire agency public information outreach efforts. In addition, a Public Information Team (PIT), consisting of representatives from several fire agencies, meets once per month and provides a forum for each department to communicate with other departments and the public. The PIT provides a uniform message and training for county government across departments and helps prepare department-specific informational programs, including social media.



6.3.2 Education and Outreach

Annually, thousands of Marin County residents attend community events, such as fire station pancake breakfasts, community fairs where local fire departments and/or FSM sponsor exhibits, cardiopulmonary resuscitation (CPR) training classes, Community Emergency Response Teams (CERT) training classes, "Ready, Set, Go!", and "Get-Ready"²² classes, and school programs. Fire departments across the county also give presentations to

²² Training for Before, During and After a Disaster, see <http://readymarin.org/get-ready/>

the public that include disaster and wildfire event preparedness, home safety, fire safety, defensible space, and vegetation management.



FIRESafe Marin and MCFD, along with many cooperators and corporate sponsors, produced a defensible space and wildland fire preparedness video. The video, “Marin on Fire,” has several 5-minute chapters that cover road and property access, defensible space, making your home ignition resistant, and tips on what to do if a wildfire is approaching your house. MCFD has also released a 5-minute video about the few simple things a

homeowner can do to increase their home’s chances of survival during a wildfire event. MCFD and FSM web sites also have extensive public education links to CAL FIRE wildfire preparedness literature and to the Marin County Fire Chief’s Association “Ready-Set-Go” site. Department Fire Chiefs are also frequent contributors to the local newspaper with editorial columns on various aspects of fire safety and disaster preparedness, including winter/holiday home fire safety and wildfire preparedness.

MCFD strives to make their wildfire and defensible space safety messages consistent with those promulgated by CAL FIRE. As part of this effort, MCFD posts CAL FIRE’s defensible space flyers and handouts on their website and makes these brochures available at fire station lobbies. Prior to fire-season, MCFD annually sends out a mailer to every property owner in Marin County’s SRA. The mailer contains a check-list of MCFD’s defensible space and maintenance requirements (as per the California Public Resources Code 4291)²³ that need to be completed by the property owner by the start of fire season. The mailer also includes MCFD’s modified CAL FIRE Defensible Space flyer, and offers the homeowner a free-of-charge consultation by fire personnel from their local fire station.

FSM also works with local fire agencies to support public education efforts (e.g., mailers, movie theater “trailers”, newspaper opinion pieces, public events and workshops) to raise the level of public awareness of the wildland fire threat and improve the defensible space around structures.

6.4 Fire Detection Cameras

With a grant from PG&E, FSM purchased six fire detection cameras for installation in Marin County. These cameras were installed in summer 2015 and are deployed at Mt. Tamalpais, Mt. Barnabe, Big Rock, and Point Reyes.²⁴ The cameras are linked to a computer system that is monitored by personnel at MCFD in Woodacre. The archive of images from the cameras is available to the public.

²³ Property owners in mountainous areas, forest-covered lands or any land that is covered with flammable material must create at minimum a 100-foot defensible space (or to the property line) around their homes and other structures, as mandated by California Public Resources Code 4291.

²⁴ <http://www.marincounty.org/depts/fr/fire-detection-cameras>

7. Structural Ignitability

In the WUI where natural fuels and structure fuels are intermixed, fire behavior is complex and difficult to predict. Research based on modeling, observations, and case studies in the WUI indicates that structure ignitability during wildland fires depends largely on the characteristics and building materials of the home and its immediate surroundings.

The dispersion of burning embers from wildfires is the most likely cause of home ignitions. When embers land near or on a structure, they can ignite near-by vegetation or accumulated debris on the roof or in the gutter. Embers can also enter the structure through openings such as an open window or vent, and could ignite the interior of the structure or debris in the attic. Wildfire can further ignite structures through direct flame contact and/or radiant heat. For this reason, it is important that structures and property in the WUI are less prone to ignition by ember dispersion, direct flame contact, and radiant heat.

Marin County's approach to mitigating structure ignitability is based on findings from the National Institute of Standards and Technology that defensive actions by homeowners can significantly affect fire behavior and structure loss, and that effective fire prevention practices are essential in increasing structure survivability.

The California Building Code (CBC)—Chapter 7A specifically—addresses the wildland fire threat to structures by requiring that structures located in state or locally designated WUI areas be built of fire resistant materials. However, the requirements promulgated by the state only apply to new construction, and do not address existing structures and additions and remodels to existing structures.

Since most of the towns and cities in Marin County are “built-out”, most fire departments have applied the Chapter 7A standards to address home ignitability for both new and existing construction. Specifically, Marin County has extensively amended the 2003 International Urban-Wildland Interface Code. As part of these amendments, MCFD applies more stringent building standards and requires the preparation of a VMP as defined in MCFD's VMP Standard. MCFD also imposes requirements for fire apparatus and water supply access to new and remodeled structures located in the WUI.

In addition to the amendments, the county requires that alterations or remodels to structures located in the WUI use specific building elements that comply with WUI-specific standards. For example, if a window is replaced, the new window is required to be dual-paned with one pane tempered.

The county has amended the 2013 California Fire Code (CFC) Chapter 49 requirements for defensible space around existing homes (note that the 2013 CFC Chapter 49 requirements are identical to the Public Resource Code and Government Code requirements). The MCFD amendment modifies the language of PRC 4291 such that the property line no longer limits the amount of defensible space

required around structures. If the 100-foot defensible space/fuel modification zone extends from private to public lands, the defensible space stops at the property boundary. However, fuel modification/clearance may be permitted after an evaluation and issuance of approval from the public land management agency.

7.1 Opportunities to Reduce Structure Ignitability

While Marin County has been aggressive in its approach to reduce structure ignitability, there are opportunities to expand awareness of measures that property owners can take to improve and enhance structure survivability.

7.1.1 Increase Education about Structural Ignitability and Defensible Space

Fire officials can increase public education about structural ignitability and defensible space by

Reaching out to vendors/contractors who sell fire resistant materials to increase education and awareness.

It is recommended that all fire officials renew their partnerships with their local building officials in order to provide information and outreach materials to the local Marin Builders Association. It is also recommended that fire officials collaborate with local building material vendors in order to better educate vendors and contractors of the CBC Chapter 7A requirements, and to provide educational materials for consumers at the point of sale. The educational materials should be consistent and uniform in look and content and explain the rationale for using fire resistive construction materials for structures in WUI areas.

These materials could be created and funded by grants through FSM, and should include, but not be limited to:

- Easy-to-understand WUI maps to help consumers determine if they are in WUI areas.
- Examples and photos of the many types and architectural styles of construction features for roofs, exterior walls and siding, protective eaves, vents, decks, door, and windows.
- Take-home pamphlets with photos, brief explanations, and links to websites and videos for additional information.
- Links to the appropriate fire and building authority having jurisdiction, with permit information.

Using the topic of roof coverings as an example, a sample outreach material could include

There are many varieties of Class A roofing materials available on the market today. The many styles allow for flexibility in achieving the desired look of the home while providing fire resistive properties that are so important in the WUI. Typical Class A roofing products include, but are not limited to, the following types:

- *Asphalt shingles*
- *Metal/stone-coated metal*
- *Concrete (standard weight and lightweight)*
- *Clay tile*
- *Synthetic*
- *Slate*
- *Hybrid composite*

Similar information with videos, photos, or samples should be included for all exterior architectural features identified in CBC Chapter 7A, and placed at all types of general home improvement stores, such as Home Depot and Rafael Lumber, and at single-focus stores such as window retailers.²⁵

Renewing and continuing efforts to educate and partner with Marin County neighborhoods located in WUI areas with a focus on structural ignitability. This should be an annual, seasonal, multi-social media approach and include a direct mail campaign.

Fire officials should develop a program to reach out to local communities encouraging and supporting the Firewise Communities Program. The five steps of Firewise recognition are:

1. Complete a community wildfire assessment.
2. Form a board or committee, and create an action plan based on the assessment to reduce the risks.
3. Conduct a “Firewise Day” event.
4. Invest a minimum of \$2 per capita in local Firewise actions for the year.
5. Submit an application to become a Firewise Community to your state Firewise liaison.

7.1.2 Inventory Structures with Shake and Shingle Roofing

Research shows that homes with a non-combustible roof and defensible space at least 30 to 60 feet around the structure have an 85-95% change of survival in a wildfire. At a minimum, a home structure should have a Class A-rated fire-resistant roof cover or assembly, and preferably one that is self-extinguishing once a falling ember burns out. Self-extinguishing means that the firebrand will not burn through to the roof deck and flames will not spread to other parts of the roof. Without a fire-resistant roof, other approaches toward mitigation will fall short of protecting the home.²⁶

²⁵ Marin Fire and Building Officials do not endorse any specific product or material, but rather look subjectively at each product for compliance and documented testing performance when considering its use in a local application.

²⁶ Insurance Institute for Business and Home Safety, see <https://disastersafety.org/wildfire>

A complete inventory of all Shake and Shingled roofs (Non-CLASS A and B roofs) should be completed in each jurisdiction to target education efforts and identify the need for roof conversions.

7.1.3 Uniform Adoption of WUI Ordinance

All fire agencies in Marin should adopt a consistent and uniform WUI ordinance and WUI map. Equal requirements and enforcement of WUI ordinances and defensible space will have the post positive effect on structural ignitability in Marin.

7.2 Structure Ignitability Efforts Currently in Place

The following summarizes Marin County's ongoing structure ignitability efforts and programs.

Building Codes, Ordinances, Standards

- Adoption of the International Code Council's (ICC's) International Codes and Standards.
- Adoption of Class A roofing ordinances.
- Designated parking program.
- Application of Marin County WUI Fire Code for new and existing construction, which includes more stringent building standards, vegetation management (requiring the preparation of a VMP), and fire apparatus access and water supply requirements to new structures and structures substantially remodeled.
- Requirement that alterations or remodels to structures located in the WUI use specific building elements that comply with WUI-specific standards. For example, if a window is replaced, the new window is required to be dual-paned with one pane tempered.

Fuel and Vegetation Management

- Fire departments develop lists of fire prone vegetation subject to removal or management.
- Partnering with HOAs and FSM on residential chipper programs.
- Increasing dedicated staffing for vegetation management programs.
- Hazard assessment program (created to reverse homeowner fire insurance cancellations).
- Annual weed abatement program.
- Vegetation Management Program (voter approved Municipal Service Tax).
- Establish and maintain fuel breaks (shaded, wide area, ridge top).
- Eucalyptus and Pine tree removal program.
- Paved and unpaved road fuel reduction.

- Evacuation route fuel reduction.
- Fuel reduction on city properties.
- Creating shaded fuel breaks in transition zones between developed residential areas and open space areas.

Defensible Space Enforcement and Public Education

- Annual public education course on defensible space.
- Partnering with HOAs to become Firewise Communities.
- Defensible space mobile phone App.
- Defensible space videos.
- Implementation of the 2013 CFC Chapter 49 requirements for defensible space around existing homes (these requirements are identical to the Public Resource Code and Government Code requirements).
- Modification of the language of PRC 4291 such that the property line no longer limits the amount of defensible space required around structures. If the 100 foot defensible space/fuel modification zone intersects from private to public lands, fuel modification/clearance may be permitted after evaluation and issuance of a permit from the public land management agency.
- Development of the defensible space mailers, which provides a checklist of defensible space requirements to be completed by the property owner by the start of the annual fire season.
- Perform a defensible space blitz, in which departments assign seasonal firefighters in conjunction with on-duty/full-time personnel to go door-to-door in each station's response zone's target hazard areas.
- Hire dedicated defensible space inspectors to perform inspections in priority communities.

8. Recommendations and Action Plan

8.1 Plan Recommendations

This CWPP is intended to provide a foundation for—and to facilitate—continued multi-agency collaboration and cooperation for fire protection planning efforts in Marin County. This is considered a living document which will be reviewed and revised periodically as needed. The following recommendations were developed based on the goals and objectives of Marin’s fire agencies for reducing wildland fire hazard and stakeholder input. The recommendations set forth are aimed at achieving five key goals:

1. **Continue to identify and evaluate wildland fire hazards** and recognize life, property, and natural resource assets at risk, including watershed, wildlife habitat, and other values of functioning ecosystems.
2. **Articulate and promote the concept of land use planning related to fire risk** and individual landowner objectives and responsibilities.
3. **Support and continue to participate in the collaborative development and implementation of wildland fire protection plans** and other local, county, and regional plans that address fire protection and landowner objectives.
4. **Increase awareness, knowledge, and actions implemented by individuals and communities to reduce human loss and property damage from wildland fires**, such as defensible space and fuels reduction activities, and fire prevention through fire safe building standards.
5. **Integrate fire and fuels management practices** with landowner priorities and multiple jurisdictional efforts within local, state, and federal responsibility areas.

The following actions are recommended to move toward achieving these five goals.

8.1.1 Continue to identify and evaluate wildland fire hazards

- Continue to collect, analyze, and maintain multi-agency hazard and resource GIS data.
- Maintain an accessible online GIS portal to store and share the multi-agency maps and data developed throughout this CWPP process.
- Utilize the GIS information and modeling results presented in Section 5 of this CWPP for pre-fire planning, and to collaboratively develop priorities for projects throughout the county.
- Develop an inventory of structures with shake and shingle roofing material in each jurisdiction to identify and target education efforts and the need for roof conversions.

- Consider ways to improve the coverage of the fire detection cameras.
- Consider ways to use drone technology for fire protection.

8.1.2 Articulate and Promote the Concept of Land Use Planning Related to Fire Risk

- Continue to promote the concept of land use planning as it relates to fire risk and hazard reduction and landowner responsibilities; identify the key minimum elements necessary to achieve a fire safe community and incorporate these elements into community outreach materials and programs.
- Continue to implement the structural ignitability activities outlined in Section 7.2.
- Develop outreach materials outlined in Section 7.1.1.
- Coordinate with county and local government staff to integrate Firewise approaches into planning documents and ordinances.
- Continue to secure funding opportunities for dedicated defensible space inspectors.
- Identify approaches to increase the number of WUI properties inspected each year.
- Continue to support community chipper programs to encourage compliance with defensible space and vegetation management requirements.
- Increase and seek out opportunities to assist landowners with green waste disposal.
- Continue the structure ignitability efforts currently in place (see Section 7.2).
- Consider how to make the tree removal process less cumbersome and less expensive.

8.1.3 Support and continue to participate in the collaborative development and implementation of wildland fire protection plans

- Work collaboratively with county, local, and regional agencies and landowners to develop fuel reduction priorities and strategies based on this CWPP, local CWPPs, and/or other regional plans.
- Support the development and implementation of local-scale CWPPs.
- Provide a collaboration mechanism between private property owners (and Home Owners Associations) and large land owners (i.e., MCOSD, MMWD, NPS)
- Consider the creation of transition zones (areas between developed residential areas and open space areas) where additional defensible space or additional vegetation clearance is needed.

8.1.4 Increase awareness, knowledge, and actions implemented by individuals and communities to reduce human loss and property damage from wildland fires

- Continue to implement the defensible space and outreach activities outlined in Section 7.2.
- Develop outreach materials outlined in Section 7.1.1.
- Continue inter-agency coordination with Marin’s fire service community and other partners to maintain a community presence and to develop and distribute public information regarding fuel reduction efforts throughout the county.
- Educate landowners, residents, and business owners about the risks and personal responsibilities of living in the wildland, including applicable regulations, prevention measures and preplanning activities.
- Increase efforts to partner with neighborhoods located in WUI areas to educate them on becoming fire adapted or Firewise communities while increasing one firewise community per year.
- All fire agencies continue to educate and prepare communities through an emphasis on the Ready, Set, Go! and the Firewise community programs, and create and support venues in which individual community members can be actively involved in local fire safe councils, community emergency response teams, and other community-based efforts in order to develop readiness plans and educate landowners to mitigate the risks and effects of wildland fire.
- Continue to increase education and awareness about structural ignitability and defensible space; develop and distribute educational materials to vendors and contractors who sell or install fire resistant materials, and make these materials available at local home improvement stores.
- Increase the number of annual defensible space inspectors and inspections and increase enforcement.
- Develop and formalize a program for providing defensible space assistance (labor or financial) for senior citizens without the capacity and means to perform defensible space work.
- Improve the ability to enforce defensible space compliance with absentee property owners.
- Develop and distribute more information about fire resistant landscaping.
- Create a fire blog.
- Develop an App for evacuation route information.

8.1.5 Integrate fire and fuels management practices

- Continue to implement the vegetation management and fuel reduction activities outlined in Section 7.2.
- Fire agencies continue working with land managers on strategic fuel treatment planning and implementation.
- Continue to implement and maintain vegetation/fuel management projects along highly-traveled roadways and access points into all public lands in order to minimize ignitions.
- Prioritize evacuation routes for fuel reduction programs
- Develop traffic congestion controls along evacuation routes
- Implement stronger parking enforcement along evacuation routes
- Continue to maintain foot trail networks.
- Implement maintenance program for foot trail networks.
- Response agencies to plan and implement annual community-level drills for evacuation preparedness.
- Develop a program to address fuel reduction on vacant properties.
- Consider grazing as a fuel reduction strategy.
- Partner with appropriate county and local public works agencies to consider vegetation/fuel reduction from roadways that are key evacuation routes into or out of a particular neighborhood
- Create extended or enhanced vegetation/fuels management along all identified evacuation routes from developed residential and open space areas.
- Create transition zones to extend shaded fuel breaks between developed residential areas and open space areas.
- Identify and implement vegetation management projects in priority WUI communities throughout the county.
- Work to reduce regulatory barriers that limit hazardous fuels reduction activities (e.g., tree removal process).
- Use the published science on fire ecology to assess the costs, benefits, and best implementation tools for different fuels reduction and vegetation management strategies that are intended to reduce fire risk to lives and property.
- Continue to develop strategic partnerships and funding opportunities with local industries to support fuel reduction projects.

8.2 Action Plan

Appendix D contains a list of action items based on the key goals and recommendations outlined in Section 8.1. Each year, FSM and the Marin County Fire Chief's Association (MCFCA) will request that stakeholders select and prioritize the action items (from Section 8.1 and Appendix D) that they will work on. By November 1 of each year, stakeholders will provide a status report of the action items that were worked on and accomplishments. The action plan in Appendix D will be updated and presented at the MCFCA annual planning meeting and in the FSM annual report.

8.2.1 Environmental Review and Permitting

This CWPP is an advisory document prepared by FSM in collaboration with stakeholder agencies pursuant to the HFRA. The CWPP development team was comprised of stakeholders (or their representatives) and the contents of this CWPP are opinions of these stakeholders. Because this CWPP is an advisory document, it does not legally commit any public agency to a specific course of action or project and thus, is not subject to the California Environmental Quality Act (CEQA) or to the National Environmental Protection Act (NEPA). As such, several counties in California have signed CWPPs without considering the CWPP as a project subject to CEQA.

However, if funding is received from local, state, or federal agencies to implement a specific project, and prior to work performed, the lead agency must consider whether the proposed activity is a project under CEQA or NEPA. If the lead agency makes a determination that the proposed activity is a project subject to CEQA or NEPA, the lead agency must perform environmental review prior to obtaining permits or other entitlements by any public agencies to which CEQA or NEPA apply.

8.3 Plan Management

The fire agencies, land management agencies, and private landowners responsible for managing vegetation in Marin County are encouraged to submit project ideas that focus on reducing fire hazards in priority areas. Appendix B provides an initial list of identified areas of concern and potential projects, but should be considered a starting point for continued collaboration and coordination.

To ensure continued collaboration and the long-term success of this CWPP effort, FSM—in collaboration with the MCFCA—will lead the effort to continue to evaluate, update, and maintain this CWPP as needed. The contents of the CWPP will be reviewed and evaluated every three years and the action plan will be reviewed and updated annually. This plan will be updated with input from the community and local fire and land management agencies as necessary. Updates to the plan will be documented as plan amendments as shown in Table 1.

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Appendix A: Updated Fuel Map Generation

This appendix provides the methods used to develop the data set for the fuel model types described in Section 2.2.

A.1 Processing Overview

Fire behavior modeling requires a spatially-explicit fire behavior fuel model map as input, among other datasets. As part of the development of this CWPP, 5-meter and 30-meter resolution fire behavior fuel model maps covering Marin County were developed. The maps were derived from available LiDAR and aerial imagery as well as datasets reflecting vegetation types and the presence of structures, roads, and waterbodies. These maps provide a critical tool for fire hazard mitigation planning for Marin County and were used to conduct analyses of fire risk and fire hazard reduction projects described elsewhere in this document.

A.2 Input Datasets

LiDAR data in LAS point cloud format was obtained via the USGS EarthExplorer website.²⁷ The data provides complete coverage of Marin County at 2 meter nominal pulse spacing or better, and was collected in 2010 by the ARRA Golden Gate LiDAR Project.²⁸ The data is in tile format, with 776 tiles making up the dataset. National Agriculture Imagery Program (NAIP) JPEG2000 orthorectified imagery collected over Marin County from June 8 through June 13, 2014 was also downloaded from the USGS Earth Explorer website.

Three available vegetation data sets were used to provide information about vegetation types for portions of Marin County. The datasets used included (1) the 2008 Marin County Open Space District (MCOSSD) vegetation dataset obtained from the California Department of Fish and Wildlife (CDFW) Global Information System (GIS) Clearinghouse; (2) the 2009 Marin Municipal Water District (MMWD) vegetation dataset obtained from the CDFW GIS Clearinghouse, and; (3) the Existing Vegetation Classification and Assessment with LANDSAT of Visible Ecological Groupings (CALVEG) dataset, which was mostly based on 2007 imagery published by the U.S. Department of Agriculture Forest Service Pacific Southwest Region Remote Sensing Lab.

²⁷ <http://earthexplorer.usgs.gov/>

²⁸ http://online.sfsu.edu/ehines/arra_golden_gate_lidar_project.htm

In order to refine vegetation information for Marin County, vector data that reflected building footprints, waterbodies, and road networks were obtained from MarinMap²⁹ and were used to refine vegetation information for Marin County. The building footprint dataset was produced using 2004 orthoimagery stereopairs. The waterbody and road datasets were derived from U.S. Census TIGER files, and the road dataset was refined using 2004 orthoimagery.

A.3 Image Processing

LiDAR and NAIP imagery for Marin County were combined to provide information about vegetation cover and topography across the county. All rasters produced for use in this project were aligned to the datasets derived from raw LiDAR point clouds, projected to UTM zone 10N using the NAD83 datum with a cell size of 5 meters.

LiDAR tiles were combined and processed using standard ArcGIS geoprocessing tools to derive bare earth elevation, slope, aspect, vegetation height, and vegetation percent cover. Vegetation height and vegetation cover on the 5 m grid were calculated using the internal point classification, which groups vegetation and building returns together. To differentiate between buildings and vegetation, Normalized Difference Vegetation Index (NDVI) values derived from NAIP imagery were used to mask locations, with NDVI < 0 representing non-vegetation. To exclude shrubs and other low-lying vegetation from the percent canopy cover calculation, all pixels in the percent canopy cover that had a canopy height of less than 3 meters were assigned a percent canopy cover value of 0%.

The vegetation and topographic information derived from these datasets were used as inputs to produce fuel model information for Marin County.

A.4 Fuel Model Crosswalk

To obtain the fuel information required for fire behavior modeling, the LiDAR- and NAIP-derived datasets were integrated with the vector information reflecting vegetation type, building footprints, waterbodies, and roads. The result of this analysis was a 5-meter resolution dataset providing 40 Scott and Burgan fire behavior fuel model assignments for all of Marin County (Scott and Burgan, 2005).

The three sources of vegetation type information were then combined. The CALVEG dataset provided county-wide vegetation type information, while the MMWD and MCOSD vegetation datasets provided only partial coverage. However, visual inspection revealed the MMWD and MCOSD datasets were more accurate than the CALVEG dataset at identifying the correct vegetation types, so the vegetation types identified by the CALVEG dataset were replaced with the MMWD and MCOSD classifications where valid data were available.

²⁹ <http://www.marinmap.org>

To assign fuel models, aspect, vegetation height, percent vegetation cover, and vegetation type datasets were used in a crosswalk. A crosswalk assigns a fuel model to each pixel based upon the information from the datasets. A modified version of a CAL FIRE furnished crosswalk was used and was modified to address vegetation types assigned to locations within Marin County that were not addressed by the original crosswalk, based on knowledge of local vegetation and from feedback from vegetation and fuels managers at Marin County Fire Department.

None of the vegetation datasets provided vegetation type information for Angel Island. A simple fuel model crosswalk was created for Angel Island based upon the canopy height and canopy cover values, and by visually examining aerial imagery. The Angel Island fuel model information was appended to the fuel model dataset covering the rest of the county.

A.5 Fuel Model Adjustments

The fuel model map described above was modified to better account for the location of roads, structures, and waterbodies. All locations falling within a waterbody were modified to an unburnable fuel model. In addition, a series of filtering steps were applied to reflect the presence of flammable vegetation in urban/developed areas. To account for the flammable vegetation that was initially classified as unburnable, canopy cover and canopy height were used to reassign all urban/developed fuel model areas with an NDVI greater than 0 to a flammable vegetation class.

Next, the road location information was used to assign pixels to the unburnable urban/developed fuel model or to a timber litter fuel type model based upon the presence of canopy cover. Large roads (freeways and highways) were buffered to 10 meters, while small roads (local roads) were buffered to 5 meters; the percent canopy cover of each pixel falling within the buffered roads was obtained. Roads with greater than 30% canopy cover were classified as burnable because fuel overhanging the road may allow fire to spread over that road. Roads with less than 30% cover were classified as unburnable.

A similar approach was used to address vegetation overhanging buildings. The building footprints and percent canopy cover data were used to assign a fuel model to all building locations. Buildings with 20-40% canopy cover were classified as a timber litter fuel type model, and buildings with greater than 40% canopy cover were assigned a timber-understory fuel type model. Buildings with less than 20% canopy cover were classified as unburnable.

A.6 Landscape File Creation

A landscape file (.lcp) is required by commonly used fire behavior models such as FlamMap to simulate fire behavior. A landscape file consists of eight layers of vegetation and geophysical information. The geophysical layers include elevation, slope, and aspect, while the vegetation layers

include fuel model, vegetation height, percent vegetation cover, canopy bulk density, and canopy base height.

The development of all layers has been described above, with the exception of the canopy bulk density and canopy base height layers. The canopy base height layer was assigned a universal value of 3' for all pixels assigned either a timber-understory or a timber litter fuel type model, based on our knowledge of local vegetation. In lieu of actual field measurements of canopy fuels in Marin County, canopy bulk density was estimated for pixels with a timber-understory or a timber litter fuel type model using plot data collected for ponderosa pine/Douglas-fir and Sierra Nevada Mixed Conifer forest types in the Interior West (Scott and Reinhardt, 2005). For each fuel model and canopy cover bin, a canopy bulk density value was assigned.

ArcFuels³⁰ was used to compile the 5 m rasters of the eight data layers into a landscape file. In addition, bilinear interpolation and majority method resampling methods were used to convert the 5 m raster datasets to 30 m resolution, and a 30 m landscape file was created for fire modeling using the Interagency Fuels Treatment Decision Support System (IFTDSS).

A.7 References

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³⁰ <http://www.arcfuels.org/>

Appendix B: Areas of Concern and Marin County Fire Plan Projects

This appendix provides a complete list of the areas of concern information and hazard mitigation efforts provided by the stakeholder agencies listed in alphabetical order by agency name (not in order of priority), and also includes a list of past, current, and/or planned projects from the 2015 Marin Unit Fire Plan. These lists are intended to provide a starting point for identifying and prioritizing a more complete, countywide list of future fuel reduction and outreach projects.

Exhibit A. List of Fire Roads, Fuel Breaks, Planned Projects, and Other Treatments

Agency	Geographic Location/Description	Fuel Reduction Strategy
Bolinás FPD	Bolinás Mesa, Little Mesa, Paradise Valley	Defensible Space improvement and enforcement in the WUI; fire apparatus access on roadways; egress and escape routes on roadways; egress and escape routes on paths and trails; shaded fuel breaks between open space, parklands, and WUI; hazardous fuel reduction, water system expansion & improvement
Corte Madera	Endeavor (Town)	Hazardous fuel reduction (HFR) (town owned)
Corte Madera	Madrono-Pleasant (Town)	Hazardous fuel reduction (HFR) (town owned)
Corte Madera	Tiburon Ridge	Hazardous fuel reduction (HFR) (Open Space)
Corte Madera	Ring Mountain	Hazardous fuel reduction (HFR) (Open Space)
Corte Madera	Madera del Presidio Phase II	Potential Firewise community, public education, veg mgt plan (VMP)
Corte Madera	Chapman Park/Meadowsweet	Potential Firewise community(ies), public education
Corte Madera	Marin Estates	Potential Firewise community, public education
Corte Madera	Blithdale Ridge	Hazardous fuel reduction (HFR) (Open Space)
Corte Madera	Christmas Tree Hill	Potential Firewise community, public education
Corte Madera	Madera del Presidio Phase I	Potential Firewise community, public education
Corte Madera	Palm Hill/Blue Rock	Potential Firewise community, public education
Inverness	Watershed	Maintain and improve fuel breaks
Inverness	Watershed	Maintain and improve fire roads in watershed
Inverness	Residential areas	Improve access and egress on private maintained roads and reduce hazard fuels on public & private properties; public education and outreach; upgrade water mains to improve fire flow
Inverness	Residential areas	Improve access and egress on private maintained roads and reduce hazard fuels on public & private properties; public education and outreach
Kentfield	From King Mountain Loop project (Larkspur) to 76 Ridgecrest Rd.	Open Space Land. (WUI) with highly valued assets at risk. Continuing and strengthening projects from neighboring agencies. Needs Implementation

Agency	Geographic Location/Description	Fuel Reduction Strategy
Kentfield	From 123 Crown Rd, including the area of Harry Allen Trail to area of Goodhill Rd and Crown Rd.	MMWD Land. (WUI) with highly valued assets at risk. New project. Needs Implementation
Kentfield	From 123 Crown Rd, to Phoenix Rd and continuing on the Indian Fire Rd stopping at Blithedale Ridge/Eldridge Grade intersection.	MMWD Land. (WUI) with highly valued assets at risk. Past fuel-break completed. Needs to be maintained and strengthened.
Kentfield	From 351 Evergreen Rd to 414 Crown Rd to 12 Ridgecrest Rd. South and Southeast facing slope.	Open Space Land. (WUI) with highly valued assets at risk. Proposed project. Needs Implementation
Kentfield	From 12 Ridgecrest Rd to 76 Ridgecrest Rd. Including all of BlueRidge Rd. Southwest facing slope.	Open Space Land. (WUI) with highly valued assets at risk. Past fuel-break completed. Needs to be maintained and strengthened.
Kentfield	Evergreen Fire Trail, Rancheria Rd Connection, Crown Rd Connection	Access and Egress roads. Maintenance and clearing of a project that has been completed in the past.
Larkspur	Marina Vista/SE Baltimore Canyon	Hazardous fuel reduction treatment
Larkspur	King Mountain/NW Baltimore Canyon	Hazardous fuel reduction treatment
Larkspur	North Magnolia WUI	Potential Firewise community
Larkspur	Baltimore Canyon WUI (aka Madrone Canyon)	Potential Firewise community
Larkspur	Marina Vista Area WUI	Potential Firewise community
Larkspur	Greenbrae Hills WUI (incorporated LRK)	Potential Firewise community
Larkspur	Palm Hill WUI	Potential Firewise community
MCFD	Hill Ranch	Strategically placed fuel treatment
MCFD	Dickson Lookout	Defensible Space of infrastructure
MCFD	Mt Tam Lookout	Defensible Space of infrastructure
MCFD	Mt Tam Middle Peak Infrastructure	Defensible Space of infrastructure
MCFD	Sleepy Hollow WUI	Defensible Space, & strategically placed fuel treatment, Firewise Community

Agency	Geographic Location/Description	Fuel Reduction Strategy
MCFD	Rancho Santa Margarita WUI	Evacuation routes & roads, defensible space, Firewise Community
MCFD	Inverness WUI	Evacuation routes & roads, defensible space
MCFD	Green Gulch	Defensible Space
MCFD	Throckmorton /Panoramic WUI	Evacuation routes & roads, defensible space
MCFD	Woodacre/Lagunitas/Forest Knolls WUI	Evacuation routes & roads, defensible space
MCFD	CSA 19 Bay View	Defensible Space
MCFD	Stinson Beach WUI	Evacuation routes & roads, defensible space
MCFD	CSA 19 San Pedro	Defensible Space
MCFD	CSA 19 Summit	Defensible Space
MCFD	CSA 19 Los Ranchitos	Defensible Space
MCOSD	All areas	Maintenance and management of invasive species spread
MCOSD	All boundaries with homes	Defensible space
MCOSD		Fuels Management
MCOSD		Fuels Management
MCOSD		Fuels Management
Mill Valley	City Right of Way	25' buffer along the roadway
Mill Valley	Cascade	
Mill Valley	MMWD Property	Tall grass and brush fuel reduction
Mill Valley	Open Space Property	Tall grass, broom, brush fuel reduction
Mill Valley	Open Space Property	Tall grass, broom, brush fuel reduction
Mill Valley	MMWD	Grass, brush and Acacia fuel reduction
Mill Valley	Open Space Property	100' fuel reduction - grass and brush
Mill Valley	MMWD/Private/City ROW	Tall grass, broom, brush fuel reduction on primary access fire road
Mill Valley	City Property	Tall grass, broom, brush fuel reduction on paper roads to continue ring around Mill Valley
Mill Valley	Summit	
Mill Valley	City Property	Tall grass, broom, brush fuel reduction on paper roads to continue ring around Mill Valley
Mill Valley	Open Space Property	100' fuel reduction - grass and brush

Agency	Geographic Location/Description	Fuel Reduction Strategy
Mill Valley	Private Property	Tall grass, thick brush, pine tree fuel reduction below homes
Mill Valley	Private Property	Tall grass, thick brush, pine tree fuel reduction
Mill Valley	Open Space Property	100' fuel reduction - grass and brush
Mill Valley	Open Space Property	Tall grass, broom, brush fuel reduction on primary access fire road
Mill Valley	City Property	Grass, brush and tree fuel reduction along a designated evacuation path
Mill Valley	Scott Valley	Tall grass, broom, brush, tree and fuel reduction
Mill Valley	PGE Property	Tall grass, broom, brush and pine tree fuel reduction
Mill Valley	S/B 101 on ramp from EB to No Name exit	Tall grass, thick brush, pine tree fuel reduction
Mill Valley	Warner Canyon/Scott Highlands	
Mill Valley	City Right of Way	Tall grass, broom, brush fuel reduction along roadway
Mill Valley	City Property	Tall grass, broom, brush fuel reduction
Mill Valley	Open Space	Tall grass, broom, brush fuel reduction
Mill Valley	Open Space Property	50'-100' fuel reduction - grass and brush
MMWD	SKY OAKS MEADOW	VMP Burn
MMWD	ROCK SPRING	VMP Burn
MMWD	PINE MOUNTAIN SOUTH GATE	VMP Burn
MMWD	DEER PARK RD	Road Maint
MMWD	SKY OAKS HEADQUARTERS	D Space
MMWD	PETERS DAM AND DEFENSIBLE SPACE	D space
MW LV	CSA 13	Behind homes fronting open space; Mow grasses, limb trees up 10', remove dead vegetation 100' in
MW LV	Lucas Valley Estates	Behind homes fronting open space; Mow grasses, limb trees up 10', remove dead vegetation 100' in
MW LV	Horse Hill Area	Behind homes fronting open space; Mow grasses, limb trees up 10', remove dead vegetation 100' in
MW LV	Berry Area	Behind homes fronting open space; Mow grasses, limb trees up 10', remove dead vegetation 100' in

Agency	Geographic Location/Description	Fuel Reduction Strategy
MW LV	Miller Creek Rd Area	Behind homes fronting open space; Mow grasses, limb trees up 10', remove dead vegetation 100' in
MW LV	Limestone Hill Area	Behind homes fronting open space; Mow grasses, limb trees up 10', remove dead vegetation 100' in
MW LV	Queenstone Fire Road	Fire Road; fire road clearance
MW LV	Valleystone Project	Behind homes fronting open space; Mow grasses, limb trees up 10', remove dead vegetation 100' in
Novato	<p>Wildhorse Valley Streets & Roads: Vineyard Rd., Wildhorse Valley Rd., West Brooke Ln., Palomino Rd., Pinto Rd., Rebelo Ln., Wali Trail, Woodside Ct., Meadow Ln. Fire Roads Access: Indian Tree Rd., & Wildhorse Valley Fire Rd., Deer Camp & H Ranch Rd.</p>	<p>Projects: 1. Fire Wise Community Designation 2. Remove fire prone plants in defensible space zones. 3. Community Chipper Days 4. Shaded fuel break - 100ft surrounding Wildhorse Valley neighborhood. 5. Maintain Fire Road Access- Brush out fire road 10' on both sides and provide 14' vertical clearance between Wild Horse Valley and</p>
Novato	<p>Atherton Streets & Roads: Atherton Ave., Oak Shade Ln., Saddlewood Dr., Morningstar Ct., Trailview Ct., Dry Creek Ln., Bugeia Ln., H Ln., Bahia Dr., Topaz Dr., Laguna Vista, Cerro Crest, Ashlet Ct., Lindsey Ct., Albatross Dr., Santanna Dr., River Vista Dr. Baruna Ct., Tiki Rd., Andale Ave., Malobar Dr., Crest, School Rd., Sutton Ln., Lockton Ln., Sunset Trail, Hampton, Woodview Ln., Greenpoint Ln., Glen rd. Channel Ln., Bridge Ln. & Harbor Dr. Fire Road Access: Pinheiro Ridge, Rush Creek</p>	<p>Projects: 1. Firewise Community Designation 2. Remove fire-prone plants in defensible space zones 3. Chipper day programs 4. Shaded fuel breaks-100-200' between Laguna Vista, Bahia Lane, School Road, Crest Road, Green Point Lane and Bridge Lane. 5. Evacuation Routes- Brush out emergency evacuation routes and provide signage between Albatross/Laguna Vista and Crest Road and Crest Rd to Williams and Alpine Rd. 6. Develop and implement Bahia VMP.</p>

Agency	Geographic Location/Description	Fuel Reduction Strategy
Novato	Marin Valley Streets & Roads: Marin Valley Dr., Marin View, Scenic, Wild Oak Dr., Meadow View, View Ridge Dr., Sunrise Ln., Club View, Fallen Leaf Way., Panama Dr., Fire Road Access: Muroc Lake Emergency Access Road	Projects: 1. Fire Wise Community Designation 2. Remove all fire prone plants in defensible space zones. 3. Chipper Day Program. 4. Evacuation routes- brush out 20ft on both sides and remove pine trees along the roadway. 5. Fuel breaks - 100-200ft surrounding the mobile home park 6. Implement VMP.
Novato	Little Mountain Streets & Roads: Stirup Ln., Verissimo Rd., Saddle Ln., Ravine Way, Oak Valley Rd., Sanchez Way., Center Blvd., Daryl Dr., Taurus Dr., Trish Dr., Kathleen Dr., Libra & Aries Dr., Ruben Ct., Mae Ct., Stasia Dr., Stasia Ct., San Joaquin Pl., Michele Circle, Lorraine Ct. Fire Road Access: Stafford Lake & Doe Hill	Projects: 1. Fire Wise Designation 2. Remove fire prone plants in defensible space zones. 3. Chipper Day program. 4. Shaded fuel breaks - San Joaquin Place between PV School and Little Mountain OSD; Pleasant Valley HOA.; Kathleen Drive and Michelle Circle 5. VMP's for multi-family dwellings 6. Maintain Fire Road Access - Brush out fire road 10' on both sides and provide 14' vertical clearance.

Agency	Geographic Location/Description	Fuel Reduction Strategy
Novato	<p>San Marin Streets & Roads: San Ramon, San Andreas, Hawthorne Ter., La Merida Ct., La Placita Ct., San Domingo Wy., San Blas Ct., Andreas Ct., San Mateo Wy., Coronado Ct., Palmo Wy., Palmo Ct., Verdad Wy., San San Carlos Wy., Jacinto Wy, Sereno Wy., Sotelo Wy., Viejo Wy, Partridge Dr., Partridge Ct., Woodleaf Ct., Adobe Ct., Simmons Ln., Butterfield Dr., Fieldstone Dr., Sundance Wy, West Campus Dr., Woodhollow Dr., Meadowcrest Rd. Fire Road Access: San Andreas, San Marin Salt Lick, San Carlos, Creekside, Quarry Basalt</p>	<p>Projects: 1. Fire Wise Community Designation 2. Remove fire prone plants in defensible space zones. 3. Community Chipper Days 4. Shaded fuel break - 100-200ft along surrounding homes adjacent to wildlands. 5. Maintain Fire Road Access - brush out fire roads 10' on both sidea and 14' vertical clearance.</p>
Novato	<p>Blackpoint Streets & Roads: Harbor Rd., Havenwood Ave., Granview Ave., Beattie Ln, Phillip Terrace Ave., Manzanita Ln., Mistletoe, Murphy Leibert Ln., lolanthus ave., Holly Ave., Oak Ave., Laurel Ave., Hemlock Ave., Norton Ave., San Rafael St., Cedar Ave. Bayview Rd., Day Island Rd. Stonetree Dr., Owl ridge Ct.</p>	<p>Projects: 1. Firewise Community Designation 2. Remove fire-prone plants in defensible space zones 3. Community Chipper day program 4. Evacuation Routes - Provide additional egress routes between Black Point and Stone Tree; Mazanita Avenue and Phillip Terrace Ave. 5. Evaluate "area of refuge" at the end of Lolanthus and Norton Ave.</p>

Agency	Geographic Location/Description	Fuel Reduction Strategy
Novato	Cherry Hill Streets & Roads: Armstrong Ave., Cherry st., Cherry Ct., Cherry Hill, Chase St., Plum St., Peach St., Olive Ave., Zandra Pl., Sherwood Pl., Summers Ave., Rudnick Ave., Rebecca Wy., Rita Ct., Olive Ct., Robinhood Dr., Knight Dr., Bishop Ct., Castle Ct., Knolltop Ct., Cross Creek Wy., Upland Ln., Westridge Ln., Samrose Dr., Ming Ct., Wendy Ct., Jacob Ct., Vincent Ln., Galloway In., James ct., Rose Ct., Windwalker Wy., Bay Tree Hollow, Equestrian Ct., Churchill Ln., Kristin Marie Ct.	Projects: 1. Fire Wise Community Designation 2. Remove fire prone plants in defensible space zones 3. Community Chipper Days 4. Shaded fuel breaks - 100ft between neighborhoods and wildlands. 5. Maintain Fire Road Access- brush out 10ft on both sides and provide 14' vertical clearance.

Agency	Geographic Location/Description	Fuel Reduction Strategy
Novato	<p>Indian Valley Streets & Roads: Indian Valley Rd., Pacheco Rd., Chamberlain Ave., Indian Trail, Old Ranch Rd., Wildwood Ln., Bloom Ln., Gage Ln, Slowdown Ct., Indian Springs, McClay Rd.,, Silva Ct., Syl Dor Ln., Knuttle Ct., Canyon Rd., Ridge Rd., Forrest Rd., Half Moon Rd., Black Oak Ln., Wilson Ave., Mill Rd., Santa Maria Dr., Blanca Dr., Roca Ct., Plata Ct. Tanglewood Ln. Syosett Ln.</p> <p>Fire Road Access: H Ranch and Indian Valley Fire Rd., Ebright Fire Rd., H Ranch, Burnt Ridge.</p>	<p>Projects:</p> <ol style="list-style-type: none"> 1. Fire Wise Community Designation 2. Remove fire –prone plants in defensible space zones. 3. Community Chipper Days 4. Shaded fuel breaks - 100’ surrounding Half Moon Rd., Canyon Rd., Forest Rd., and Tenaya Lane. 5. Evacuation Routes - Evaluate second route from Half Moon Road to Indian Valley Rd. 6. Maintain Fire Road Access –brush out 20’ on both sides of the road & 14’ vertical clearance. 7. Old Ranch Rd., brush out road 20’ on both sides and 14’ vertical clearance.

Agency	Geographic Location/Description	Fuel Reduction Strategy
Novato	Ignacio Valley Streets & Roads: Carnoustie HTS., Baywood Circle, Bonnie Brae Dr., Obertz Ln., Burning Tree, Caddy Court., Wentworth Ln., Nassue Ct., Thornhill Ct., Thunderbird Dr., Thunderbird Ct., Pensacola Ct., piping Rock Rd., St. Andrews Dr., Capalano Dr., Prestwick Ct., Fairway Dr., Spyglass Dr., Birdie Dr., Country Club Dr., Eagle Dr., Olympia Wy., Marin Oaks Dr., Greg Pl., Germaine Pl., Montura Wy., Ignacio Blvd., Fire Roads: Montura, Eagle, Burnt Ridge & Indian Valley College.	Projects: 1. Fire Wise Community Designation. 2. Remove fire prone plants in defensible space zones. 3. Chipper Programs. 4. Shaded Fuel breaks - 100ft between residences and wildlands surrounding Carnoustie Heights, Eagle Dr., Country Club Dr., & Olympia Dr. & Burning Tree Dr. 5. Maintain Fire Road Access by brushing out 10' on both sides and 14' vertical clearance.

Agency	Geographic Location/Description	Fuel Reduction Strategy
Novato	<p>Pacheco Valley Streets & Roads: Alameda Del Prado, Red Hawk Rd, Pelican Ln, Kingfisher, Elegant Tern, Elf Owl, Sage Grouse, Curlew WY, Pacheco Creek Way, Buckeye Ct., Raccoon Dr., Badger Ct., Acorn Ct., Oak Forest Rd., Eagle Gap Rd., Eagle Gap Ct., Hawk Ridge, Paper Mill Creek Ct., Chaparral Ct., Burdell Ct., Josefa Ct., Charmaine Ct., Duarte Ct., Clay & Grass Ct.</p> <p>Fire Roads: Heatherstone, Ponte, Little Cat, Chicken Stack & Posada Del Sol Fire</p>	<p>Projects:</p> <ol style="list-style-type: none"> 1. Fire Wise Community Designation 2. Remove Fire prone Vegetation in defensible Space Zones 3. Chipper Day Program. 4. VMP's for each HOA 5. Evacuation Route-maintain egress by brushing out 10' on both sides of roadway. 6. Maintain Fire Road Access - brush out 10' on both sides and vertical clearance 14'. 7. Evaluate alternative evacuation routes.

Agency	Geographic Location/Description	Fuel Reduction Strategy
Novato	<p>Anderson Rowe Streets & Roads: Silverberry Circle, Merrit Dr., Shannon Ct., Valleyview Terr., Ash Ct., Laurelwood Dr., Highland Dr., Aaron Dr., Claire Ct., Judith Ct., Karia Ct., Becky Ct., Crystal Ct., Deborah Ct., Woodfern Ct., Palmer Dr., Rowe Ranch Dr., Ranch Ct., Rowe Ranch Wy., White Oak Wy., Oak Wy., Oak Grove Dr., Elmview Wy., Owens Dr., Entrada Dr., Azelea Pl., Susan Wy, Margaret Ct., Arlene Way, Stone Dr., Arlington Circ., Oak View Ct., Woodland Ct.,</p> <p>Fire Roads: Palmer & Anderson Rowe Water Access Rds.</p>	<p>Projects: 1. Fire Wise Designation 2. Remove fire –prone plants in defensible space zones. 3. Community Chipper Days 4. Shaded fuel breaks - 100'-200' surrounding Highland Dr., Arlington Ct., Woodland Ct., Oak View, Becky, Crystal, Aaron and Pacific Drive, Margaret Ct., Susan Way and Arlene Way. 5. Maintain Fire Road Access- brush out 10' on both sides and 14' vertical clearance. 6. VMP's for HOA's and multi-family dwellings. 7. Pine Tree Removal Susan Way and Margaret Court.</p>
Novato	<p>Loma Verde Streets & Roads: Cielo Ln., Posada Del Sol, Madrid Ln, Calle Arboleda, Calle De La Selva, Via Escondida, Corte Colina, Corte Del Cerol, Corte Sur, Corte Nortel, Calle Paseo, Corte Escuela, Alameda del Loma, Calle Empinado, Pebble Beach, Winged Foot.</p> <p>Fire Roads: Escondida Rd.</p>	<p>Projects: 1. Fire Wise Designation 2. Remove fire-prone plants in defensible space zones 3. Chipper Day Program. 4. Fuel break - 100'-200' surrounding Winged Foot Dr., and Pebble Beach Dr. 5. VMP's – multi-family dwellings (Posada Del Sol & Ceilo Lane) 6. Maintain Fire Road Access – brush out fire roads 10' on both sides and 14' vertical clearance.</p>

Agency	Geographic Location/Description	Fuel Reduction Strategy
Novato	Presidents/IVC Streets & Roads: Creekwood Ct., Kathy Ct. Sunset PKWY., Turber Dr., Arrowhead Ln., Indian Hills Ct., Flint Ct., Garner Dr., Truman Dr., Rowland Dr., Shevlin Dr., Balara Dr., Kaden Dr., Drakewood Dr., Pierce Dr., Brown Dr.	Projects: 1. Fire Wise Designation 2. Remove fire –prone plants in defensible space zones. 3. Community Chipper Days 4. Shaded fuel breaks - 100' surrounding homes. 5. Indian Valley College-VMP for maintenance and fire road maintenance.
Novato	Wilson West Streets & Roads: Wilson Ave., Maestro Rd., Pillsbury Ln, Hatch Rd Carbo Ridge., Vida Ct., Eldorado Ct., La Costa Ct., Oro Ct., Mockingbird Ct., Goldfinch Ct., Meadowwark Ct., Nina Dr., Bear Creek and Brooke Dr. Fire Roads: Cabro Ridge, Wildhorse Valley connection/Ryan Trail..	Projects: 1. Fire Wise Community Designation 2. Remove fire –prone plants in defensible space zones. 3. Community Chipper Days 4. Evacuation routes- of 20' on both sides and 14' vertical clearance for Wilson Extension and Maestro Rd. 5. Cabro Ridge Road - brush out roadsides 20' and 14' vertical clearance. 6. Maintain Fire Road Access - Cabro Ridge and Wilson/H Ranch Rd.
Novato	Novato North Streets & Roads: Regalia Dr., Olivia dr., Oliva Ct., Amanda Ln., Raposa Vista, Dorothy WY., Valle View WY., Benton Dr., Tara Ln., Marion Ave., Rockrose WY., Santolina, Seventh St., Somerset Dr., Escallon Dr.	Projects: 1. Fire Wise Community Designation 2. Remove fire prone plants in defensible space zones 3. Community Chipper Days 4. Shaded fuel breaks - 100'-200' surrounding neighborhoods adjacent to wildlands. 5. VMP's for multi-family dwellings.

Agency	Geographic Location/Description	Fuel Reduction Strategy
Novato	Hilltop Streets & Roads: Hayden Ave., Lamont Ave., Reichert Ave., Prospect Place.	Projects: 1. Fire Wise Designation 2. Remove fire prone plants in defensible space zones. 3. Chipper Day Program 4. Shaded fuel breaks - 100' surrounding homes and multi-family dwellings. 5. VMP's for multi-family dwellings. 6. Hilltop Restaurant 200' fuel-break. 7. Update and implement Hilltop Restaurant VMP .
Ross Valley	Ross (east)	Defensible Space improvement and enforcement in the WUI; fire apparatus access on roadways; egress and escape routes on roadways; egress and escape routes on steps and lanes and paths; potential shaded fuel breaks between open space and WUI; fuel reducti
Ross Valley	Fairfax Manor (West)	Defensible Space improvement and enforcement in the WUI; fire apparatus access on roadways; egress and escape routes on roadways; egress and escape routes on steps and lanes and paths; potential shaded fuel breaks between open space and WUI; fuel reduction.
Ross Valley	Ross (south)	Defensible Space improvement and enforcement in the WUI; fire apparatus access on roadways; egress and escape routes on roadways; egress and escape routes on steps and lanes and paths; potential shaded fuel breaks between open space and WUI; fuel reduction.
Ross Valley	Sleepy Hollow	Defensible Space improvement and enforcement in the WUI; fire apparatus access on roadways; egress and escape routes on roadways; egress and escape routes on steps and lanes and paths; potential shaded fuel breaks between open space and WUI; fuel reduction.

Agency	Geographic Location/Description	Fuel Reduction Strategy
Ross Valley	Cascade Canyon	Defensible Space improvement and enforcement in the WUI; fire apparatus access on roadways; egress and escape routes on roadways; egress and escape routes on steps and lanes and paths; potential shaded fuel breaks between open space and WUI; fuel reduction.
Ross Valley	Fairfax (East)	Defensible Space improvement and enforcement in the WUI; fire apparatus access on roadways; egress and escape routes on roadways; egress and escape routes on steps and lanes and paths; potential shaded fuel breaks between open space and WUI; fuel reduction.
Ross Valley	Alameda, Morningside, Upper San Anselmo Ave	Defensible Space improvement and enforcement in the WUI; fire apparatus access on roadways; egress and escape routes on roadways; egress and escape routes on steps and lanes and paths; potential shaded fuel breaks between open space and WUI; fuel reduction.
Ross Valley	Ross (central)	Defensible Space improvement and enforcement in the WUI; fire apparatus access on roadways; egress and escape routes on roadways; egress and escape routes on steps and lanes and paths; potential shaded fuel breaks between open space and WUI; fuel reduction.
Ross Valley	San Anselmo (east)	Defensible Space improvement and enforcement in the WUI; fire apparatus access on roadways; egress and escape routes on roadways; egress and escape routes on steps and lanes and paths; potential shaded fuel breaks between open space and WUI; fuel reduction.
Ross Valley	Hawthorne Hills	Defensible Space improvement and enforcement in the WUI; fire apparatus access on roadways; egress and escape routes on roadways; egress and escape routes on steps and lanes and paths; potential shaded fuel breaks between open space and WUI; fuel reduction.

Agency	Geographic Location/Description	Fuel Reduction Strategy
Ross Valley	San Francisco Blvd	Defensible Space improvement and enforcement in the WUI; fire apparatus access on roadways; egress and escape routes on roadways; egress and escape routes on steps and lanes and paths; potential shaded fuel breaks between open space and WUI; fuel reduction.
Ross Valley	San Anselmo Downtown	Defensible Space improvement and enforcement in the WUI; fire apparatus access on roadways; egress and escape routes on roadways; egress and escape routes on steps and lanes and paths; potential shaded fuel breaks between open space and WUI; fuel reduction.
Ross Valley	Smith Ranch areas	Fuel reduction/Firewise community/public education
San Rafael	Professional Center Parkway areas	Fuel reduction/Firewise community/public education
San Rafael	San Pedro Ridge: Dominican Neighborhood, Glenwood Neighborhood, Peacock Gap areas	Fuel reduction/roadway clearance/Firewise community/public education
San Rafael	San Rafael Hill to Ridgewood Ave (end)	Fuel reduction/Firewise community/public education
San Rafael	Gerstle Park	Fuel reduction/roadway clearance/Firewise community/public education
San Rafael	Bret Harte	Fuel reduction/roadway clearance/Firewise community/public education
San Rafael	CA State Park	Fuel reduction
San Rafael	Smith Ranch areas	Fuel reduction/Firewise community/public education
San Rafael	Gerstle Park	Fuel reduction/roadway clearance/Firewise community/public education
San Rafael	Bret Harte	Fuel reduction/roadway clearance/Firewise community/public education
San Rafael	San Rafael Hill to Ridgewood Ave (end)	Fuel reduction/Firewise community/public education
San Rafael	Professional Center Parkway areas	Fuel reduction/Firewise community/public education
San Rafael	Terra Linda neighborhoods	Fuel reduction/Firewise community/public education
San Rafael	Los Ranchitos areas	Fuel reduction/roadway clearance/Firewise community/public education

Agency	Geographic Location/Description	Fuel Reduction Strategy
San Rafael	West End	Fuel reduction/roadway clearance/Firewise community/public education
San Rafael	San Pedro Ridge: Dominican Neighborhood, Glenwood Neighborhood, Peacock Gap areas	Fuel reduction/roadway clearance/Firewise community/public education
Sleepy Hollow	Loma Alta	Fuel Modification
Southern Marin	Ricardo Open Spc.	Goat grazing - post graze mastication
Southern Marin	Autumn Ln/Cabin	Brush removal/canopy lift/burn piles/shaded fuel break
Southern Marin	Ring Mtn. Area	100' off prop lines - def space clearing
Southern Marin	Rodeo Water Tank	Goat grazing - subsequent brush mastication
Southern Marin	Meda Project	Tree thinning/brush removal
Southern Marin	Milland	Goat grazing - post brush mastication
Southern Marin	Seminary	Pine tree removal
Southern Marin	Hawkhill	Goat raze - post brush removal
Southern Marin	Laguna/Forest	Brush removal - shaded fuel break
Southern Marin	Lattie Lane/Hwy. 1	Goat grazing - post graze mastication
Southern Marin	Hwy 1 - Erica/Friars	Eucalyptus removal
Southern Marin	So. Morning Sun/Tennessee	Chipper days (2) & roadway clearance
Southern Marin	Blackfield	Goat graze - brush removal after
Southern Marin	US 101/Wolfback	Eucalyptus removal/brush cut/shaded fuel break
Southern Marin	Edwards/Marion	Brush removal - shaded fuel break
Southern Marin	Cabin Drive	Eucalyptus removal
Southern Marin	Aqua Hotel Hill	Pompas grass removal & goat grazing - hand cut & stack brush
Southern Marin	Fairview	Road paving
Southern Marin	Homestead Valley L.T.	Eucalyptus removal/brush cut/shaded fuel break
Tiburon FPD	Ring Mountain	fuel modification, fuel reduction, access, water supply, fire roads
Tiburon FPD	Old St Hilary's Open Space	fuel modification, fuel reduction, access, water supply
Tiburon FPD	Middle Ridge Open Space	fuel modification, fuel reduction, access, water supply
Tiburon FPD	All town of Tiburon properties	fuel modification, access
Tiburon FPD	South Knoll Playground/McKegney Green	fuel reduction, access maintenance

Agency	Geographic Location/Description	Fuel Reduction Strategy
Tiburon FPD	Sugarloaf Drive to Paradise Drive	fuel modification, fuel reduction, access, water supply, fire roads
Tiburon FPD	Open Space	fuel modification, fuel reduction, access, water supply
Tiburon FPD	Middle Ridge Open Space	fuel modification, fuel reduction, access, water supply
Tiburon FPD	Greenwood Beach/Audubon	fuel reduction, access maintenance
Tiburon FPD	Blackies Pasture	fuel reduction, access maintenance
Tiburon FPD	Tiburon Marsh	seasonal grass maintenance, fuel modification
Tiburon FPD	Romberg Tiburon Center	fuel reduction, access, water supply, building maintenance, fire roads
Tiburon FPD	Belvedere Lanes and right of ways	vegetation modification, fuel reduction, public right of way clearance, westshore road access
Tiburon FPD	Tom Price Park	dead trees, high grasses, fuel modification
Tiburon FPD	Paradise State Park	fuel reduction, access, water supply, building maintenance, fire roads

Exhibit B. Project List from the 2015 Fire Plan

Agency & Project Name	SRA, Threat, LRA	Project Type	CALMAPPER ID	Work Agent	Status	Year Complete	Net Acres
TAM Community Service District	MRN	D Space	1010-2015-FRP-003	TAM CREW	P	2015	2
MMWD BILL WILLIAMS FB	MRN	Fuel Break	1010-2015-FRP-004	MMWD	M	2015	4
MMWD DEER PARK RD	MRN	Road Maint	1010-2015-FRP-005	MMWD	M	2015	9
MMWD KNOB I	MRN	Fuel Break	1010-2015-FRP-006	Contract	M	2015	48
MMWD KNOB II	MRN	Fuel Break	1010-2015-FRP-006	Contract	M	2015	28
MMWD LAGUNITAS ROCK SPRING BREAK	MRN	Fuel Break	1010-2015-FRP-007	MMWD	M	2015	12
MMWD LOWER RAILROAD GRADE	MRN	Fuel Break	1010-2015-FRP-008	Contract	P	2015	18
MMWD NATALIE COFFIN GREENE DIBBLEE	MRN	Fuel Break	1010-2015-FRP-009	Contract	M	2015	8
MMWD PETERS DAM AND DSPACE	MRN	D space	1010-2015-FRP-010	MMWD	M	2015	10
MMWD PHOENIX DAM	MRN	Fuel Break	1010-2015-FRP-011	MMWD	M	2015	2
PHOENIX LAKE ROAD FB	MRN	Fuel Break	1010-2015-FRP-012	MMWD	M	2015	3
MMWD PINE MOUNTAIN FB	MRN	Fuel Break	1010-2015-FRP-013	MMWD	M	2015	13
MMWD PINE MOUNTAIN SOUTH GATE	MRN	VMP Burn	1010-2015-VMP-002	MMWD	p	2015	30
MMWD PORTEOUS FB	MRN	Fuel Break	1010-2015-FRP-014	Contract	P	2015	19
MMWD ROCK SPRING	MRN	VMP Burn	1010-2015-VMP-002	MMWD	M	2015	37
MMWD ROSS RESERVOIR BREAK	MRN	Fuel Break	1010-2015-FRP-015	Contract	M	2015	17
MMWD SHAVER GRADE BREAK	MRN	Road Maint	1010-2015-FRP-016	MMWD	M	2015	8
MMWD SKY OAKS HEADQUARTERS	MRN	D Space	1010-2015-FRP-017	MMWD	M	2015	10
MMWD SKY OAKS MEADOW	MRN	VMP Burn	1010-2015-VMP-003	MMWD	M	2015	47
MMWD WORN SPRING MIDDLE	MRN	Fuel Break	1010-2015-FRP-018	Contract	M	2015	16
MMWD WORN SPRING NORTH	MRN	Fuel Break	1010-2015-FRP-018	Contract	M	2015	11
MMWD Middle Peak Dspace	MRN	D space	1010-2015-FRP-019	MCDFD	P	2016	1
MMWD North VMP	MRN	VMP Burn	1010-2015-VMP-004	MCDFD	P	2015	481
MCP CITY SAN RAF Scettrini 1&2	THRT	Fuel Break	1010-2014-VMP-008	TAM Crew	O	2016	5
MCOSD Terra Linda/Sleepy Hollow Preserve	MRN	Defensible Space		MCP	A	2016	49
MCOSD King Mountain Phase 1	MRN	FB maintenance		MCDFD	P	2015	10
MCOSD King Mountain Phase 2	MRN	Fuel Break		Tam Crew	C	2015	10
MCOSD Camino Alto Phase 1-4	MRN	Fuel Break		MVFD	M	2015	50
MCOSD Camino Alto Phase 5	MRN	Fuelbreak		MVFD	P	2018	20
MCOSD Hillside Fuel Break	MRN	Fuelbreak		MVFD	C	2015	5
MCSOD Middle Summit Fire Road	MRN	FB Maint		MVFD	M	2015	4

Agency & Project Name	SRA, Threat, LRA	Project Type	CALMAPPER ID	Work Agent	Status	Year Complete	Net Acres
MCOSD Crown/Coronet	MRN	FB maint		KNTFD	P	2016	4.5
MCOSD Terra Linda Ridge	MRN	fb/ecu removal		TAM & Contract	P	2015	40
MCOSD/KNTFD Baltimore Cyn/Ridgecrest	MRN	FB maint		KNTFD Contract	P	2015	31
MCOSD/MMWD/KNTFD- BWGulch/Indian FR	MRN	Fuel Break			P	2016	TBD
MCOSD Cascade Canyon Fuel Break	MRN	Fuel Break		Contract	P	2017	41
MCOSD/MCFD King Mountain Phase 2	MRN	Fuel Break	1010-2013-VMP-009	TAM Crew	C	2015	14
MCOSD/MVFD Mill Valley Fuel Break	MRN	Fuel Break	1010-2014-VMP-006		A	2016	61
MCOSD Gary Giacomini Preserve	MRN	Defensible Space	1010-2014-VMP-002		P	2017	10
MCOSD Blithedale Ridge FB Area 1,2,3	MRN	FB maintenance	-	MVFD	M	2015	15
MCOSD Corte Madera Ridge Fuel Break	MRN	FB maintenance	-	MVFD	M	2015	6
MVFD/MCOSD Corte Madera Ridge Fuel Break	MRN	Fuel Break			A	2017	32
NVFD/MCOFD Sleepy Hollow Community Defen	MRN	D space		TAM & Contract	P	2015	0
NPS Smith Road Euc Thin	MRN	Thinning	1010-2015-FRP-030		P	2015	11
NPS Marin Drive Euc Thin	MRN	Thinning	1010-2015-FRP-029		P	2015	32
NPS Tam Valley WUI Fuel Reduction	MRN	Fuel Reduction	1010-2015-FRP-027		P	2015	27
NPS Inverness Ridge Mechanical FR	MRN	Mech fuel red	1010-2015-FRP-020		P	2015-2018	81
NPS Bolinas Ridge Thinning	MRN	Fuel Break	1010-2015-FRP-024		P	2015-2018	81
NPS Forest Wy WUI Fuel Reduction	MRN	Fuel Reduction	1010-2015-FRP-028		P	2016	5
NPS Lamintour Rx	MRN	Prescribed Fire	1010-2015-FRP-026		P	2016	128
NPS Mc Curdy Rx	MRN	Prescribed Fire	1010-2015-FRP-021		P	2016	127
NPS Strain Hill Rx	MRN	Prescribed Fire	1010-2015-FRP-022		P	2015	74
NPS Dogtown Rx	MRN	Prescribed Fire	1010-2015-FRP-023		P	2015	44
MCFD Shroyer Mtn FB	MRN	Fuel Break	1010-2012-VMP-003		O	2016	TBD
MCFD Triple C Ranch	MRN	Fuel Break	1010-2012-VMP-007		O	2016	TBD
MCFD Iron Spring Road Fuel Break	MRN	Fuel Break	-		A	2018	22
MCFD Throckmorton Fire Road	MRN	Fuel Break	1010-2011-FPL-001	MCFD	M	2015	1
MCFD/VFD Rancho Santa Margarita	MRN	Fire Rd/Dspace			P	2015	0
MCFD 4291 Inspections Inverness	MRN	D Space	1010-2015-PRV-001	MCFD	P	2015	1
MCFD Priority Fire Road Maintenance	MRN	Fire Rd Maint.	4200-2015-FRP-002	MCFD	P	2015	TBD
MCFD 4291 Inspections Woodacres/Lagunitas/F	MRN	D space	1010-2015-PRV-002	MCFD	P	2015	0
MCFD/Novato Burnt Ridge FB, Novato	MRN	Fuel Break	1010-2012-VMP-004	TAM Crew	O	2015-2020	75
MCFD Skywalker Ranch	MRN	D Space	1010-2012-VMP-006	TAM Crew	O		
MCFD Dickson Lookout	MRN	Pile Burn	1010-2015-FRP-033	MCFD	C	2015	0.1

Agency & Project Name	SRA, Threat, LRA	Project Type	CALMAPPER ID	Work Agent	Status	Year Complete	Net Acres
MCFD Green Waste Days – Nicasio	MRN	Disposal	1010-2015-FRP-031	Compost	P	2015	0
MCFD Countwide CWPP	MRN	Plan	1010-2015-FRP-032	Marin	P	2015-2016	0
MCFD Tam Lookout Dspace	MRN	D space		MCFD	P	2016	TBD
KNTFD 4291 Inspections – Kent Woodland Estat	MRN	D Space		Fire Inspector	P	2015	0
<i>Status Guide:</i>		<i>Work Agent:</i>					
<i>A= active</i>		<i>Contract, Agency (Fire Dept, crew, engine)</i>					
<i>P=planning</i>							
<i>C=complete</i>							
<i>O=ongoing</i>							
<i>m= maintenance</i>							

Appendix C: Glossary

Authority Having Jurisdiction (AHJ) – The organization, office, or individual responsible for approving equipment, materials, an installation, or a procedure (NFPA, NFPA 1144, 2002, p. 4).

Aspect – Compass direction toward which a slope faces (NFPA, NFPA 1144, 2002, p. 4).

Building – Any structure used or intended for supporting or sheltering any use or occupancy (NFPA, NFPA 1144, 2002, p. 4).

Combustible – Any material that, in the form in which it is used and under the conditions anticipated, will ignite and burn or will add appreciable heat to an ambient fire (NFPA, NFPA 1144, 2002, p. 5).

Community Wildfire Protection Plan (CWPP) – Addresses issues such as wildfire response, hazard mitigation, community preparedness, or structure protection. The process of developing a CWPP can help communities clarify and refine their priorities for the protection of life, property, and critical infrastructure in the WUI (Source: Preparing a Community Wildfire Protection Plan, March, 2004, <http://www.stateforesters.org/files/cwpphandbook.pdf>).

Condition Class – Describes fire-related risk to ecosystems and relates current expected wildfires to their historic frequency and effects. Condition class ranks are defined as the relative risk of losing key components that define an ecosystem. Higher ranked areas present greater risk to ecosystem health. Condition class is a measure of the expected response of ecosystems to fire given current vegetation type and structure that often is far different from that historically present.

Class	Departure from natural regimes	Vegetation composition, structure, fuels	Fire behavior, severity, pattern	Disturbance agents, native species, hydrologic functions	Increased smoke production
Low Condition Class 1	None, minimal	Similar	Similar	Within natural range of variation	Low
Moderate Condition Class 2	Moderate	Moderately altered	Uncharacteristic	Outside historical range of variation	Moderate
High Condition Class 3	High	Significantly different	Highly uncharacteristic	Substantially outside historical range of variation	High

(Source: [CDF FRAP 2003 Forest and Range Assessment](#), p. 98)

Defensible Space – An area as defined by the AHJ (typically a width of 30-100 feet or more) between an improved property and a potential wildland fire where combustible materials and vegetation have been removed or modified to reduce the potential for fire on improved property spreading to wildland fuels and to provide a safe working area for fire fighters protecting life and improved property from wildland fire (NFPA, [NFPA 1144](#), 2002, p. 5), or as defined by PRC 4291.

Disaster – Disaster is characterized by the scope of an emergency. An emergency becomes a disaster when it exceeds the capability of the local resources to manage it. Disasters often result in great damage, loss, or destruction (Greene, R.W., [Confronting Catastrophe](#), ESRI Press, 2002, p. 110).

Dry Hydrant – An arrangement of pipe permanently connected to a water source other than a piped, pressurized water supply system that provides a ready means of water supply for fire-fighting purposes and that uses the drafting (suction) capability of fire department pumpers (NFPA, [NFPA 1144](#), 2002, p. 5).

Dwelling – One or more living units, each providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation (NFPA, [NFPA 1144](#), 2002, p. 4).

Emergency – A deviation from planned or expected behavior or course of events that endangers or adversely affects people, property, or the environment (Greene, R.W., Confronting Catastrophe, ESRI Press, 2002, p. 110).

Evacuation/Escape Route – A route away from dangerous areas on a fire; should be preplanned.

Fire Behavior – The manner in which a fire reacts to the influences of fuel, weather, and topography.

Fire Frequency – A broad measure of the rate of fire occurrence in a particular area. For historical analyses, fire frequency is often expressed using the fire return interval calculation. For modern-era analyses, where data on timing and size of fires are recorded, fire frequency is often best expressed using fire rotation (CDF FRAP 2003 Forest and Range Assessment, p. A-12).

Fire Hazard – A fuel complex, defined by volume, type condition, arrangement, and location that determine the degree of ease of ignition and of resistance to control.

Fire Lane – A means of access or other passageway designated and identified to provide access for emergency apparatus where parking is not allowed (NFPA, NFPA 1141, 1998, p. 4).

Fire Protection – All measures taken to reduce the burden of fire on the quality of life. Fire protection includes measures such as fire prevention, fire suppression, built-in fire protection systems, and planning and building codes (NFPA, NFPA 1141, 1998, p. 4).

Fire Protection System – Any fire alarm device or system or fire extinguishing device or system, or combination, that is designed and installed for detecting, controlling, or extinguishing a fire or otherwise alerting occupants, or the fire department, or both, that a fire has occurred (NFPA, NFPA 1141, 1998, p. 4).

Fire Threat – The combination of two factors: 1) fire frequency, or the likelihood of a given area burning, and 2) potential fire behavior (hazard). Components include surface fuels, topography, fire history, and weather conditions.

Fire Regime – A measure of the general pattern of fire frequency and severity typical to a particular area or type of landscape: The regime can include other metrics of the fire, including seasonality and typical fire size, as well as a measure of the pattern of variability in characteristics (CDF FRAP 2003 Forest and Range Assessment, p. A-12).

Fire Road - improved or unimproved roads, public or private, that provide access for firefighting equipment and personnel to undeveloped areas (MCFD Ordinance, Chapter 5 Section 502.1).

Fire Rotation – An area-based average estimate of fire frequency, calculated as the length of time necessary for an area equal to the total area of interest to burn. Fire rotation is often applied to regionally stratified land groupings where individual fire-return interval across the variability of the

strata (i.e., the fine scale pattern of variation in timing of fires) is unknown, but detailed information on fire size is known. Hence, fire rotation is a common estimate of fire frequency during periods of recorded fire sizes (CDF FRAP 2003 Forest and Range Assessment, p. A-12).

Fire Weather – Weather conditions that influence fire starts, fire behavior or fire suppression (FIREWISE Communities, 2009).

Firebreak – A natural or constructed barrier used to stop or check fires that may occur, or to provide a control line from which to work (FIREWISE Communities, 2009).

Fuelbreak – An area, strategically located for fighting anticipated fires, where the native vegetation has been permanently modified or replaced so that fires burning into it can be more easily controlled. Fuel breaks divide fire-prone areas into smaller areas for easier fire control and to provide access for firefighting.

Fuels – All combustible material within the wildland/urban interface or intermix, including vegetation and structures.

Fuel Loading – The volume of fuel in a given area generally expressed in tons per acre.

Fuel Models – Description of the types of vegetative combustible material:

- Light Fuels – grasses, forbs
- Medium Fuels – short light brush and small trees
- Heavy Fuels – tall dense brush, timber and hardwoods
- Slash Fuels – logs, chunks, bark, branches, stumps, and broken understory trees and brush.

Fuel Modification – Any manipulation or removal of fuels to reduce the likelihood of ignition or the resistance to fire control (FIREWISE Communities, 2009).

Geographic Information Systems (GIS) – The combination of skilled persons, spatial and descriptive data, analytic methods, and computer software and hardware – all organized to automate, manage, and deliver information through geographic presentation (i.e., maps) (Zeiler, M., Modeling Our World, ESRI Press, 1999, p. 46).

Ground Fuels – All combustible materials such as grass, duff, loose surface litter, tree or shrub roots, rotting wood, leaves, peat or sawdust that typically support combustion.

Hazard – Refers generally to physical characteristics that may cause an emergency. Earthquake faults, flood zones, and highly flammable brush fields are all examples of hazards (Greene, R.W., Confronting Catastrophe, ESRI Press, 2002, p. 110). Also see **Fire Hazard**.

Healthy Forests Restoration Act (HFRA), 2003 – This Act gives incentives for communities to engage in comprehensive forest planning and prioritization. This legislation includes statutory

incentives for the US Forest Service (USFS) and the Bureau of Land Management (BLM) to give consideration to the priorities of local communities as they develop and implement forest management and hazardous fuel reduction priorities. The Act emphasizes the need for federal agencies to work collaboratively with communities in developing hazardous fuel reduction projects, and places priority on treatment areas identified by communities themselves in a CWPP (Source: Preparing a Community Wildfire Protection Plan. March, 2004).

Improved Property – A piece of land or real estate upon which a structure has been placed, a marketable crop is growing (including timber), or other property improvement has been made (NFPA, NFPA 1144, 2002, p. 5).

Intermix – An area where improved property and wildland fuels meet with no clearly defined boundary (NFPA, NFPA 1144, 2002, p. 5).

Ladder Fuels – Fuels that provide vertical continuity allowing fire to carry from surface fuels in the crowns of trees or shrubs with relative ease (FIREWISE Communities, 2009).

Mitigation – Action that moderates the severity of a fire or risk (NFPA, NFPA 1144, 2002, p. 5).

National Fire Protection Association (NFPA) – An international nonprofit organization, established in 1896, to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes and standards, research, training, and education.

NFPA-1144 Standard for Protection of life and Property from Wildfire – Standard developed by the NFPA to be used to provide minimum planning, construction, maintenance, education, and management elements for the protection of life, property, and other values that could be threatened by wildland fire. The standard shall be used to provide minimum requirements to parties responsible for fire protection, land use planning, property development, property maintenance, and others responsible for or interested in improving fire and life safety in areas where wildland fire could threaten lives, property, and other values (NFPA, NFPA 1144, 2002, p. 4).

Noncombustible – Any material that, in the form in which it is used and under the conditions anticipated will not ignite and burn nor will add appreciable heat to an ambient fire (NFPA, NFPA 1144, 2002, p. 5).

Overstory – That portion of the trees in a forest that forms the upper or uppermost layer.

Risk – The potential or likelihood of an emergency to occur. For example, the risk of damage to a structure from wildfire is high if it is built upon, or adjacent to, a highly flammable brush field or other area deemed to have a high **Fire Threat** (Greene, R.W., Confronting Catastrophe, ESRI Press, 2002, p. 110).

Safe Zone – An area cleared of flammable materials used for escape in the event the line is outflanked or in case a spot fire causes fuels outside the control line to render the line unsafe. In firing operations, crews progress so as to maintain a safety zone close at hand allowing the fuels inside the control line to be consumed before going ahead. Safety zones may also be constructed as integral parts of fuelbreaks; they are greatly enlarged areas which can be used with relative safety by firefighters and their equipment in the event of blowup in the vicinity.

Slope – The variation of terrain from the horizontal; the number of feet rise or fall per 100 feet measured horizontally, expressed as a percentage. Upward or downward incline or slant (NFPA, [NFPA 1144](#), 2002, p. 5).

Turnaround – A portion of a roadway, unobstructed by parking, that allows for a safe reversal of direction for emergency equipment (NFPA, [NFPA 1144](#), 2002, p. 5).

Turnouts – A widening in a travelway of sufficient length and width to allow vehicles to pass one another (NFPA, [NFPA 1144](#), 2002, p. 5).

Understory – Low-growing vegetation (herbaceous, brush or reproduction) growing under a stand of trees. Also, that portion of trees in a forest stand below the **Overstory**.

Water Supply – A source of water for fire-fighting activities (NFPA, [NFPA 1144](#), 2002, p. 5).

Wildfire – Any fire occurring on undeveloped land; the term specifies a fire occurring on a wildland area that does not meet management objectives and thus requires a suppression response. Wildland fire protection agencies use this term generally to indicate a vegetation fire. Wildfire often replaces such terms as forest fire, brush fire, range fire, and grass fire ([CDF FRAP 2003 Forest and Range Assessment](#), p. A-17).

Wildland – A region with minimal development as evidenced by few structures; transportation networks may traverse the region. Region typically contains natural vegetation and may be used for recreational or agricultural purposes ([CDF FRAP 2003 Forest and Range Assessment](#), p. A-17).

Wildland-Urban Interface (WUI) – Commonly described as the zone where structures and other human development meet and intermingle with undeveloped wildland or vegetative fuels. In the absence of a CWPP, Section 101 (16) of the HFRA defines WUI as " (I) an area extending ½ mile from the boundary of an at-risk community; (II) an area within 1 ½ miles of the boundary of an at-risk community, including any land that (1) has a sustained steep slope that creates the potential for wildfire behavior endangering the at-risk community; (2) has a geographic feature that aids in creating an effective fire break, such as a road or ridge top; or (3) is in condition class 3, as documented by the Secretary in the project-specific environmental analysis; (III) an area that is adjacent to an evacuation route for an at-risk community that the Secretary determines, in cooperation with the at-risk community, requires hazardous fuels reduction to provide safer evacuation from the at-risk community." A CWPP offers the opportunity to establish a localized definition and boundary for the wildland-urban interface (Source: [Preparing a Community Wildfire Protection Plan](#), March, 2004).

Appendix D: CWPP Action Plan

This appendix provides an action plan tracking table for the CWPP goals and recommendations outlined in Section 8.

Key Goals and Corresponding Action Items	Agency	Status
<p>Goal 1. Continue to identify and evaluate wildland fire hazards and recognize life, property, and natural resource assets at risk, including watershed, wildlife habitat, and other values of functioning ecosystems.</p>		
<p>Continue to collect, analyze, and maintain multi-agency hazard and resource GIS data.</p>		
<p>Maintain an accessible online GIS portal to store and share the multi-agency maps and data developed throughout this CWPP process.</p>		
<p>Utilize the GIS information and modeling results presented in Section 5 of this CWPP for pre-fire planning, and to collaboratively develop priorities for projects throughout the county.</p>		
<p>Develop an inventory of structures with shake and shingle roofing material in each jurisdiction to identify and target education efforts and the need for roof conversions.</p>		
<p>Consider ways to improve the coverage of the fire detection cameras.</p>		
<p>Consider ways to use drone technology for fire protection.</p>		
<p>Goal 2. Articulate and promote the concept of land use planning related to fire risk and individual landowner objectives and responsibilities.</p>		
<p>Continue to promote the concept of land use planning as it relates to fire risk and landowner responsibilities; identify the key minimum elements necessary to achieve a fire safe community and incorporate these elements into community outreach materials and programs.</p>		
<p>Continue to implement the structural ignitability activities outlined in Section 7.2.</p>		
<p>Develop outreach materials outlined in Section 7.1.1.</p>		

Key Goals and Corresponding Action Items	Agency	Status
Coordinate with county and local government staff to integrate Firewise approaches into planning documents and ordinances.		
Identify approaches to increase the number of WUI properties inspected each year.		
Continue to support community chipper programs to encourage compliance with defensible space and vegetation management requirements.		
Continue the structure ignitability efforts currently in place (see Section 7.2).		
Consider how to make the tree removal process less cumbersome and less expensive.		
Goal 3. Support and continue to participate in the collaborative development and implementation of wildland fire protection plans and other local, county, and regional plans that address fire protection and landowner objectives.		
Work collaboratively with county, local, and regional agencies and landowners to develop fuel reduction priorities and strategies based on this CWPP, local CWPPs, and/or other regional plans.		
Support the development and implementation of local-scale CWPPs.		
Provide a collaboration mechanism between private property owners (and Home Owners Associations) and large land owners (i.e., MCOCD, MMWD, NPS)		
Consider the creation of transition zones (areas between developed residential areas and open space areas) where additional defensible space or additional vegetation clearance is needed.		

Key Goals and Corresponding Action Items	Agency	Status
<p>Goal 4. Increase awareness, knowledge, and actions implemented by individuals and communities to reduce human loss and property damage from wildland fires, such as defensible space and fuels reduction activities, and fire prevention through fire safe building standards.</p>		
<p>Continue to implement the defensible space and outreach activities outlined in Section 7.2.</p>		
<p>Develop outreach materials outlined in Section 7.1.1.</p>		
<p>Continue inter-agency coordination with Marin’s fire service community and other partners to maintain a community presence and to develop and distribute public information regarding fuel reduction efforts throughout the county.</p>		
<p>Educate landowners, residents, and business owners about the risks and personal responsibilities of living in the wildlands, including applicable regulations and prevention measures and preplanning activities.</p>		
<p>Continue efforts to partner with neighborhoods located in WUI areas to educate them on becoming fire adapted or Firewise communities.</p>		
<p>Continue to educate and prepare communities through an emphasis on the Ready, Set, Go! and the Firewise community programs, and create and support venues in which individual community members can be actively involved in local fire safe councils, community emergency response teams, and other community-based efforts in order to develop readiness plans and educate landowners to mitigate the risks and effects of wildland fire.</p>		

Key Goals and Corresponding Action Items	Agency	Status
Continue to increase education and awareness about structural ignitability and defensible space; develop and distribute educational materials to vendors and contractors who sell or install fire resistant materials, and make these materials available at local home improvement stores.		
Increase the number of annual defensible space inspections and increase enforcement.		
Consider providing defensible space financial assistance for senior citizens.		
Better enforce defensible space compliance with absentee property owners.		
Develop and distribute more information about fire resistant landscaping.		
Create a fire blog.		
Develop an App for evacuation route information.		
Goal 5. Integrate fire and fuels management practices with landowner priorities and multiple jurisdictional efforts within local, state, and federal responsibility areas.		
Continue to implement the vegetation management and fuel reduction activities outlined in Section 7.2.		
Continue implementation of the countywide fuel break and fire plan implementation.		

Key Goals and Corresponding Action Items	Agency	Status
Continue to implement and maintain vegetation management projects along highly-traveled roadways and access points into all public lands in order to minimize ignitions.		
Prioritize evacuation routes for fuel reduction programs		
Develop traffic congestion controls along evacuation routes		
Implement stronger parking enforcement along evacuation routes		
Continue to maintain foot trail network in Mill Valley		
Implement maintenance program for foot trail network in Fairfax		
Encourage community-level drills for evacuation preparedness		
Develop a program to address fuel reduction on vacant properties.		
Consider grazing as a fuel reduction strategy.		
Consider if additional vegetation reduction are required from roadways that are key evacuation routes into or out of a particular neighborhood		
Create extended or enhanced vegetation fuels management along all identified evacuation routes from developed residential and open space areas.		
Create transition zones to extend shaded fuel breaks between developed residential areas and open space areas.		
Identify and implement vegetation management projects in priority WUI communities throughout the county.		

Key Goals and Corresponding Action Items	Agency	Status
Work to reduce regulatory barriers that limit hazardous fuels reduction activities (e.g., tree removal process).		
Use the published science on fire ecology to assess the costs, benefits, and best implementation tools for different fuels reduction and vegetation management strategies that are intended to reduce fire risk to lives and property.		
Continue to develop strategic partnerships and funding opportunities with local industries to support fuel reduction projects.		



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SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Finance

Prepared by: Nadine Hade, Finance Director

City Manager Approval: 

TOPIC: ANNUAL MEASURE E TUT OVERSIGHT COMMITTEE REPORT

SUBJECT: MEASURE E TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE REPORT FOR FISCAL YEAR 2017-2018

RECOMMENDATION: ACCEPT REPORT

BACKGROUND: On August 5, 2013, the San Rafael City Council passed Ordinance No. 1913, establishing a new Transactions and Use Tax (TUT) subject to voter approval. On November 5, 2013, San Rafael voters approved Measure E. This new, twenty-year San Rafael three-quarter percent TUT became effective April 1, 2014, and supplanted the former Measure S one-half percent TUT, which had been in effect since April 1, 2006, and was originally scheduled to terminate on March 31, 2016.

Similar to the previous (Measure S) TUT, the enabling TUT ordinance for Measure E called for the creation of an independent oversight committee to review the collection and expenditure of this tax revenue. This committee was established on April 7, 2014 by City Council Resolution No. 13704 which also set forth the roles, responsibilities and duties of the committee. On October 6, 2014, the City Council appointed five members of the public to the committee. As of November 30, 2018, two of the members were reappointed. The current members are:

- Jacqueline Schmidt - December 1, 2018 to November 30, 2022
- Larry Luckham - December 1, 2018 to November 30, 2022
- Gladys Gilliland - December 1, 2016 to November 30, 2020
- Cyr Miller - December 1, 2016 to November 30, 2020
- John Erdmann - December 1, 2016 to November 30, 2020

The purpose of this report is to present and recommend acceptance of the Measure E TUT Oversight Committee report of December 4, 2018.

ANALYSIS: The Measure E Oversight Committee met on December 4, 2018, to review the actual Measure E TUT revenues and expenditures for fiscal year 2017-2018.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

Staff reported that during fiscal year 2017-2018, \$14,267,555 of Measure E TUT proceeds were expended. Consistent with the direction provided by the City Council, \$4,025,000 representing the additional one-quarter percent provided by Measure E was assigned to a Public Safety Facilities Fund. These funds were added to the \$4,763,886 balance that had been accumulated as of July 1, 2017 and \$3,123,657 of bond proceeds. Interest income of \$196,846 and reimbursements from the County of Marin of \$2,158,166 for Fire Station 57 supplemented the City's funds dedicated to the active public safety facilities projects.

The Measure E TUT Oversight Committee's report, which is attached to the Resolution, provides the Committee's conclusions that Measure E TUT revenues received during fiscal year 2017-2018, the fifth year in which that TUT was in effect, were "properly allocated in accordance with Measure E and approved guidelines."

FISCAL IMPACT: There is no fiscal impact associated with the acceptance of the Measure E TUT Oversight Committee report.

There is incidental impact on staff time related to the support of Measure E Transactions and Use Tax Oversight Committee. This primarily consists of preparing financial reports, performing research and providing support to the annual meeting.

RECOMMENDED ACTION: Accept the Measure E Transactions and Use Tax Oversight Committee Report for Fiscal Year 2017-2018

ATTACHMENT:

Exhibit A: Committee's annual report

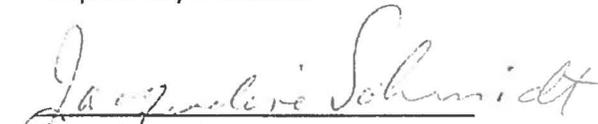
City of San Rafael
Measure E Oversight Committee Report
December 4, 2018

The City of San Rafael Measure E Oversight Committee met on December 4, 2018 and received a detailed report from the City of San Rafael Finance Director, Nadine Hade on the receipt and expenditure of funds during the fiscal year July 1, 2017 to June 30, 2018 pursuant to voter approved Measure E (San Rafael Ordinance 1913).

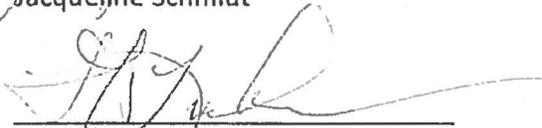
The Measure E Oversight Committee is required to review the collection, expenditure, and prioritization of the use of these funds, and report to the City Council and the community annually on the expenditures under Guidelines and Policy adopted by the San Rafael City Council.

After review, the Measure E Oversight Committee finds that these funds were properly allocated in accordance with the Measure and approved guidelines.

Respectfully Submitted:



Jacqueline Schmidt



Larry Luckham



John Erdmann



Gladys Gilliland



Cyr Miller



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Library

Prepared by: Henry Bankhead, Interim Director

City Manager Approval: _____

TOPIC: LIBRARY PARCEL TAX REPORT

SUBJECT: SPECIAL LIBRARY PARCEL TAX COMMITTEE'S ANNUAL MEASURE D REPORT

RECOMMENDATION:

Staff recommends that the City Council accept the 2018 Special Library Parcel Tax Committee's annual report on the expenditures of the Special Library Parcel Tax funds.

BACKGROUND:

The Committee was appointed after the passage of the Special Library Services Parcel Tax adopted by Measure D on May 15, 2017. The Committee's sole purpose is to ensure the monies have been expended in accordance with the authorized purposes of Measure D. This is the first report on Measure D expenditures as it is the first year of the tax levied by Measure D, following the conclusion of 7 years of Measure C. A new Measure D Parcel Tax Committee has been appointed and is tasked with reviewing current and forthcoming years' spending.

ANALYSIS:

The Committee's 2018 report states that it believes this past Fiscal Year 2017/2018 evidenced an appropriate expenditure of Measure D funds.

The final audited fund balance was \$107,509. This fund balance is a result of three primary factors over the life of the tax: vacant staff positions funded by the Parcel Tax, direction from the Finance Department to reserve funds to cover staffing cost increases in the remaining years of the tax, and the accumulation of small amounts being underspent in various line items over the life of the tax.

There is also a capital set-aside fund balance of \$541,195 earmarked for new and improved library facilities as directed by City Council.

COMMUNITY OUTREACH:

To date the Library has received input on expenditures from the Special Library Parcel Tax Committee through their annual report. The committee typically meets 5 times per year. This report (attached) was discussed initially at the October 22, 2018 and then at the November 7, 2018 meeting and then finalized and voted on at the November 28, 2018 meeting, all of which were open to the public.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

FISCAL IMPACT:

There is no fiscal impact from the acceptance of this report.

OPTIONS:

Option 1: City Council accepts the 2018 Special Library Parcel Tax Committee's annual report.

Option 2: City Council does not accept the 2018 Special Library Parcel Tax Committee's annual report.

Option 3: City Council accepts the 2018 Special Library Parcel Tax Committee's annual report with modifications.

RECOMMENDED ACTION:

Accept the 2018 Special Library Parcel Tax Committee's annual report.

ATTACHMENTS:

1. 2018 Special Library Parcel Tax Committee's annual report

City of San Rafael—Special Library Parcel Tax Committee Report: FY 2017-18

The Committee's sole function shall be to review the collection and expenditures of the revenues from the Special Library Services Parcel Tax, adopted by Measure D on June 7, 2016 to ensure the monies have been expended in accordance with the authorized purposes of Measure D. Measure D replaced Measure C which expired June 30, 2017.

Towards this end, the Committee has reviewed the Library Budget for 2017-18, and the budget for 2018-19. The Committee believes that the actual expenditures for 2017-18 were in accordance with Measure D.

Another task of the Committee is to ensure that the Library maintains its share of the City's General Fund. The committee concluded, in accordance with the intent of the resolution, the Library continues to maintain its appropriate share.

The text of Measure D states that the parcel tax would "provide a critical, consistent, locally-controlled funding source, augmenting current general fund allocations for the San Rafael Library to maintain library hours, equipment, materials and services for children, teens and adults." This was to ensure that the City would not cut general funds to the Library because there was another source of funds.

When Measure C passed, the City Attorney ruled that the proportion referred to the 2009-10 Fiscal Year, the year in which the measure was written and sent to the voters. Measure D passed in the 2015-16 Fiscal Year and the Library's share was 4.41% of General Fund Expenditures (the same as it was in FY 2009-10).

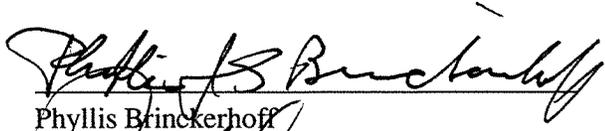
The Library's share of the 2017-2018 General Fund Actual Expenditures was 4.38%, slightly lower, but acceptable. The Committee has not seen the General Fund Budget for FY 2018-19 but expect that the Library's share of the General Fund Budget will be at least 4.41%.

Looking ahead to when Community Services and Library Services combine, the Committee expressed concern about tracking Measure D expenditures and the Library's share of the General Fund. We have been assured and expect that there will be a way to identify and break out the Library's share of the General Fund.

November 26, 2018

The Measure D Committee respectfully submits this report on behalf of the Measure C Committee:
Phyllis Brinckerhoff, Peter Lee, Gregg Kellogg, Pamela Cook, and Gil Pruitt.

Measure D Committee:



Phyllis Brinckerhoff



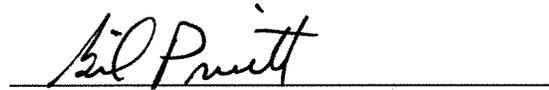
Peter Lee



Gregg Kellogg



Pamela Cook



Gil Pruitt

11/26/18



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

Prepared by: Bill Guerin,
Director of Public Works

City Manager Approval:

TOPIC: 2017 STORM DAMAGE REPAIR – #70 IRWIN STREET

SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AUTHORIZING THE CITY MANAGER TO ALLOCATE AN ADDITIONAL CONTINGENCY OF \$65,000 FOR THE REPAIR OF 2017 STORM DAMAGE AT #70 IRWIN STREET, PROJECT NO. 11308.

RECOMMENDATION: Adopt a resolution authorizing the City Manager to allocate additional contingency in the amount of \$65,000 for the 2017 Storm Damage Repair - #70 Irwin Street.

BACKGROUND: In January 2017, the City of San Rafael, as well as other communities throughout California, experienced a significant storm event. On February 14, 2017, the President declared a major disaster, making federal disaster aid available to 34 counties, including Marin County. From January 3, 2017 to January 12, 2017 a ‘slip-out’ (or landslide) occurred adjacent to #70 Irwin Street. At the time of the incident, the slip-out affected the entire section of Irwin Street and in the spring of 2017 the roadway was closed due to its instability.

The City has applied for Federal Emergency Management Agency (FEMA) assistance for this federally declared disaster. On July 9, 2018 the City of San Rafael received correspondence from FEMA acknowledging this site as being eligible for federal reimbursement.

The Public Works Engineering division designed a concrete soldier pile wall system with tiebacks at this location. The repair includes the installation of multiple drilled concrete piles and concrete wall systems with tiebacks, as well as grading and drainage to safely stabilize the site.

This roadway repair project falls within the Class 1 categorical exemption from environmental review under the California Environmental Quality Act (“CEQA”, 14 Cal Code Regs §15301).

On [September 4, 2018](#), the San Rafael City Council Authorized the City Manager to award the construction to Valentine Corporation in an amount of \$1,129,369.00 with an authorized construction contingency of \$115,631.00.

FOR CITY CLERK ONLY

File No.

Council Meeting:

Disposition: Resolution

ANALYSIS:

The complex construction project is well underway, and the road is expected to re-open in the early spring of 2019. During construction, the project team determined that the lower wall system, which is located within the back yards of #32, #36, and #40 Glenaire Drive, needed to be extended to fully protect the home at 32 Glenaire. The cost of this additional work utilized a majority of the existing contingency.

At this time the project is more than 50% completed. The remaining work includes the construction of the larger wall systems, the installation of drainage systems and the reconstruction of Irwin Street. The drainage changes on Glenaire will likely conflict with existing utilities and the remaining contingency may not be sufficient to accommodate those conflicts. Staff recommends allocating an additional \$65,000 to ensure the project can be successfully completed.

PUBLIC OUTREACH: The City, as well as the contractor, are in close contact with the adjacent property owners and other neighbors with regard to the repairs and the schedule for completion of this important project.

FISCAL IMPACT: Funding for this request is available in the Gas Tax Fund (fund no. #206).

OPTIONS:

The City Council has the following options to consider relating to this matter:

1. Adopt the resolution as presented.
2. Do not authorize the City Manager to increase the appropriations for the project. If this option is chosen, the City and its contractor may not be able to address unforeseen conditions that may arise at the site.

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to allocate additional contingency in the amount of \$65,000 for the 2017 Storm Damage Repair - #70 Irwin Street.

ATTACHMENT:

1. Resolution

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
AUTHORIZING THE CITY MANAGER TO ALLOCATE AN ADDITIONAL
CONTINGENCY OF \$65,000 FOR THE REPAIR OF 2017 STORM DAMAGE AT #70
IRWIN STREET, PROJECT NO. 11308.**

WHEREAS, on the 27th day of June 2018, pursuant to due and legal notice published in the manner provided by law, inviting sealed bids or proposals for the work hereinafter mentioned, as more fully appears from the Affidavit of Publication thereof on file in the office of the City Clerk of the City of San Rafael, California, the City Clerk of said City did publicly open, examine, and declare all sealed bids or proposals for doing the following work in said City, to wit:

“2017 Storm Damage Repair - #70 Irwin Street”

City Project No. 11308

in accordance with the plans and specifications therefore on file in the Department of Public Works, 111 Morphew Street, San Rafael; and

WHEREAS, on September 4, 2018 The City Council of the City of San Rafael awarded the construction contract to Valentine Corporation and authorized a contingency in the amount of \$115,631.00; and

WHEREAS, staff recommends increasing the contingency by an additional \$65,000.00 to cover unforeseen conditions at the site; and

WHEREAS, this project consists of making repairs to infrastructure damage caused by the major 2017 storm event, and qualifies for assistance from the Federal Emergency Management Agency (“FEMA”); and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
RESOLVES** as follows:

1. An additional contingency amount of \$65,000 shall be appropriated for City Project No. 11308, from the Gas Tax Fund #206.
2. The City Manager is hereby authorized to take any and all such actions and make changes as may be necessary to accomplish the purpose of this resolution.

I, **Lindsay Lara**, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City held on Monday, the 17th day of December 2018 by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

File No.: 16.11.46



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

**Prepared by: Bill Guerin,
Director of Public Works**

City Manager Approval: _____

File No.: 16.01.288

TOPIC: LINCOLN AVENUE BRIDGE REPAIR

SUBJECT: A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH MARK THOMAS AND COMPANY, INC. FOR ENVIRONMENTAL AND ENGINEERING DESIGN SERVICES ASSOCIATED WITH THE LINCOLN AVENUE BRIDGE REPAIR PROJECT, CITY PROJECT NO. 11352, IN AN AMOUNT NOT TO EXCEED \$110,000.

RECOMMENDATION: Adopt a resolution authorizing the City Manager to execute a professional services agreement with Mark Thomas and Company for environmental and engineering design services associated with the Lincoln Avenue Bridge Repair Project, City Project No. 11352, in an amount not to exceed \$110,000.

BACKGROUND: The California Department of Transportation (Caltrans) Division of Structure Maintenance and Investigations routinely inspects bridges in San Rafael based on deficiencies, structural adequacy, safe load carry capacity and overall general condition, and has recommended repairs to the concrete bridge on Lincoln Ave spanning Mahon Creek.

The Lincoln Avenue Bridge, at approximately 60 feet in length, is a two-lane concrete structure crossing over Mahon Creek which is supported by concrete columns. Built in 1959, the bridge is located between Second Street and Irwin Streets, and plays a vital role in connecting local traffic from Downtown San Rafael to the commercial/industrial area near Irwin Street.

The Lincoln Avenue Bridge was inspected in July 2017, and exhibits cracking and spalling in the support columns and bent caps of concrete substructure located under the bridge deck. Based on Caltrans' recommendations, the City proposes to make necessary repairs to extend the life of the bridge. To this end, Public Works issued a Request for Proposals (RFP) on October 15, 2018 for the environmental and design services.

ANALYSIS: Public Works solicited proposals from multiple design firms that specialize in bridge structures. On November 8, 2018, the City received one proposal from Mark Thomas and Company. The proposal was evaluated by City staff based on criteria specified in the RFP.

FOR CITY CLERK ONLY

File No.: _____

Council Meeting: _____

Disposition: Resolution No. _____

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2

Staff recommends Mark Thomas and Company as the most qualified consultant for this project. The scope of work includes preparation of construction documents as well as coordination to obtain environmental clearance and secure environmental permits from regulatory agencies.

FISCAL IMPACT: The Lincoln Avenue Bridge Repair Project is in the City's Capital Improvement Program (CIP). This project is supported by Gas Tax Funds (fund no. 206). An Engineer's Estimate for the construction will be developed in the early stages of the design.

OPTIONS: The City Council has the following options to consider relating to this matter:

1. Adopt a resolution authorizing the City Manager to execute a professional services agreement with Mark Thomas and Company.
2. Do not accept the proposal from Mark Thomas and Company and direct staff to reissue the RFP. Reissuing the RFP will delay commencing design by approximately two months.
3. Do not accept the proposal from Mark Thomas and Company and provide further direction to staff.

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to execute a professional services agreement with Mark Thomas and Company for engineering design services associated with the Lincoln Avenue Bridge Repair Project in an amount not to exceed \$110,000, in a form approved by the City Attorney.

ATTACHMENT:

1. Resolution
2. Exhibit 1 to Resolution: Agreement and corresponding Exhibits A and B

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH MARK THOMAS AND COMPANY, INC. FOR ENVIRONMENTAL AND ENGINEERING DESIGN SERVICES ASSOCIATED WITH THE LINCOLN AVENUE BRIDGE REPAIR PROJECT, CITY PROJECT NO. 11352, IN AN AMOUNT NOT TO EXCEED \$110,000.00

WHEREAS, the Lincoln Avenue Bridge over Mahon Creek provides a direct connection from Downtown San Rafael to the commercial/industrial sector near Irwin Street and Andersen Drive; and

WHEREAS, the Lincoln Avenue Bridge was inspected by Caltrans staff in July 2017 and found in need of repairs on the underside of the bridge; and

WHEREAS, the Department of Public Works requested proposals from qualified engineering firms to design the project and obtain environmental clearance; and

WHEREAS, in response to the request for proposals (RFP), the Department of Public Works received one proposal, on November 8, 2018 from Mark Thomas and Company; and

WHEREAS City Staff reviewed the proposal from Mark Thomas and Company and found it responsive to criteria specified in the RFP including, but not limited to, understanding of the work to be done, previous experience with similar projects, and qualified personnel;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL

RESOLVES as follows:

1. The Council hereby approves and authorizes the City Manager to execute a Professional Services Agreement with Mark Thomas and Company, Inc. for engineering design services associated with the Lincoln Avenue Bridge Repair Project in the amount not to exceed \$110,000.00, in the form attached hereto as Exhibit 1 and incorporated herein by reference, subject to final approval as to form by the City Attorney

2. Funds totaling \$110,000 will be appropriated for this project from the Gas Tax Fund (#206) to the Lincoln Avenue Bridge Repair Project (Project No. 11352) to accommodate this agreement.
3. The Director of Public Works is hereby authorized to take any and all such actions and make changes as may be necessary to accomplish the purpose of this resolution.

I, **LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the Council of said City on the 17th day of December 2018 by the following vote, to wit:

AYES: **COUNCILMEMBERS:**

NOES: **COUNCILMEMBERS:**

ABSENT: **COUNCILMEMBERS:**

File No.: 16.01.288

LINDSAY LARA, City Clerk

**AGREEMENT FOR PROFESSIONAL SERVICES WITH
MARK THOMAS AND COMPANY, INC.
FOR ENGINEERING DESIGN SERVICES ASSOCIATED WITH THE
LINCOLN AVENUE BRIDGE REPAIR PROJECT**

This Agreement is made and entered into this _____ day of _____, 2018, by and between the **CITY OF SAN RAFAEL** (hereinafter "**CITY**"), and **MARK THOMAS AND COMPANY, INC.**, a corporation authorized to do business in California (hereinafter "**CONTRACTOR**").

RECITALS

WHEREAS, the **CITY** has determined that professional services are required for design and environmental clearance associated with the Lincoln Avenue Bridge Repair Project, City Project No. 11352; and

WHEREAS, the **CONTRACTOR** has agreed to render such services;

AGREEMENT

NOW, THEREFORE, the parties hereby agree as follows:

1. **PROJECT COORDINATION.**

A. **CITY'S Project Manager.** The Director of Public Works is hereby designated the **PROJECT MANAGER** for the **CITY**, and said **PROJECT MANAGER** shall supervise all aspects of the progress and execution of this Agreement.

B. **CONTRACTOR'S Project Director.** **CONTRACTOR** shall assign a single **PROJECT DIRECTOR** to have overall responsibility for the progress and execution of this Agreement for **CONTRACTOR**. Julie Passalcqua is hereby designated as the Project Director for **CONTRACTOR**. Should circumstances or conditions subsequent to the execution of this Agreement require a substitute **PROJECT DIRECTOR**, for any reason, the **CONTRACTOR** shall notify the **CITY** within ten (10) business days of the substitution.

2. **DUTIES OF CONTRACTOR.**

CONTRACTOR shall perform the duties and/or provide the services outlined in the **CONTRACTOR'S** Revised Scope of Work dated November 14, 2018, marked as Exhibit "A," attached hereto, and incorporated herein.

3. **DUTIES OF CITY.**

CITY shall compensate **CONTRACTOR** as provided in Paragraph 4, and shall perform the duties as described in Exhibit "A" attached hereto and incorporated herein.

4. COMPENSATION.

For the full performance of the services described herein by **CONTRACTOR**, **CITY** shall pay **CONTRACTOR** on a time and materials basis for services rendered at the hourly rates shown in **CONTRACTOR'S** "Cost Proposal for Project Scope: San Rafael-Lincoln Avenue Bridge" included in Exhibit "B" attached, in a total contract amount not to exceed \$110,000, including reimbursable expenses.

Payment will be made monthly upon receipt by **PROJECT MANAGER** of itemized invoices submitted by **CONTRACTOR**.

5. TERM OF AGREEMENT.

The term of this Agreement shall commence upon the date of execution of this Agreement and end on December 31, 2022, or on such earlier date when the work shall have been completed, unless the parties agree to extend this Agreement for another 90 days, as approved in writing by City Manager.

6. TERMINATION.

A. **Discretionary.** Either party may terminate this Agreement without cause upon thirty (30) days written notice mailed or personally delivered to the other party.

B. **Cause.** Either party may terminate this Agreement for cause upon fifteen (15) days written notice mailed or personally delivered to the other party, and the notified party's failure to cure or correct the cause of the termination, to the reasonable satisfaction of the party giving such notice, within such fifteen (15) day time period.

C. **Effect of Termination.** Upon receipt of notice of termination, neither party shall incur additional obligations under any provision of this Agreement without the prior written consent of the other.

D. **Return of Documents.** Upon termination, any and all **CITY** documents or materials provided to **CONTRACTOR** and any and all of **CONTRACTOR's** documents and materials prepared for or relating to the performance of its duties under this Agreement, shall be delivered to **CITY** as soon as possible, but not later than thirty (30) days after termination. If the **CITY** terminates this agreement with the **CONTRACTOR**, **CITY** shall pay **CONTRACTOR** the sum due the **CONTRACTOR** under this agreement prior to termination, unless the cost of completion to the **CITY** exceeds the funds remaining in the contract. In which case the overage shall be deducted from any sum due the **CONTRACTOR** under this agreement and the balance, if any, shall be paid the **CONTRACTOR** upon demand.

7. OWNERSHIP OF DOCUMENTS.

A. The written documents and materials prepared by the **CONTRACTOR** in connection with the performance of its duties under this Agreement, shall be the sole property of **CITY**.

B. It is understood and agreed that all calculations, drawings and specifications, whether in hard copy or machine-readable form, are intended for one-time use in the construction of the project for which this contract has been entered into.

C. The **CONTRACTOR** is not liable for claims, liabilities, or losses arising out of, or connected with the modification, or misuse by the **CITY** of the machine-readable information and data provided by the **CONTRACTOR** under this agreement; further, the **CONTRACTOR** is not liable for claims, liabilities, or losses arising out of, or connected with any use by the **CITY** of the project documentation on other projects for additions to this project, or for the completion of this project by others, except only such use as may be authorized in writing by the **CONTRACTOR**.

8. INSPECTION AND AUDIT.

Upon reasonable notice, **CONTRACTOR** shall make available to **CITY**, or its agent, for inspection and audit, all documents and materials maintained by **CONTRACTOR** in connection with its performance of its duties under this Agreement. **CONTRACTOR** shall fully cooperate with **CITY** or its agent in any such audit or inspection.

9. ASSIGNABILITY.

The parties agree that they shall not assign or transfer any interest in this Agreement nor the performance of any of their respective obligations hereunder, without the prior written consent of the other party, and any attempt to so assign this Agreement or any rights, duties or obligations arising hereunder shall be void and of no effect.

10. INSURANCE.

A. **Scope of Coverage.** During the term of this Agreement, **CONTRACTOR** shall maintain, at no expense to **CITY**, the following insurance policies:

1. A commercial general liability insurance policy in the minimum amount of one million dollars (\$1,000,000) per occurrence/two million dollars (\$2,000,000) aggregate, for death, bodily injury, personal injury, or property damage.

2. An automobile liability (owned, non-owned, and hired vehicles) insurance policy in the minimum amount of one million dollars (\$1,000,000) dollars per occurrence.

3. If any licensed professional performs any of the services required to be performed under this Agreement, a professional liability insurance policy in the minimum amount of two million dollars (\$2,000,000) per occurrence/four million dollars (\$4,000,000) aggregate, to cover any claims arising out of the **CONTRACTOR's** performance of services under this Agreement. Where **CONTRACTOR** is a

professional not required to have a professional license, **CITY** reserves the right to require **CONTRACTOR** to provide professional liability insurance pursuant to this section.

4. If it employs any person, **CONTRACTOR** shall maintain worker's compensation insurance, as required by the State of California, with statutory limits, and employer's liability insurance with limits of no less than one million dollars (\$1,000,000) per accident for bodily injury or disease. **CONTRACTOR's** worker's compensation insurance shall be specifically endorsed to waive any right of subrogation against **CITY**.

B. Other Insurance Requirements. The insurance coverage required of the **CONTRACTOR** in subparagraph A of this section above shall also meet the following requirements:

1. Except for professional liability insurance and worker's compensation insurance, the insurance policies shall be specifically endorsed to include the **CITY**, its officers, agents, employees, and volunteers, as additional insureds (for both ongoing and completed operations) under the policies.

2. The additional insured coverage under **CONTRACTOR'S** insurance policies shall be "primary and non-contributory" with respect to any insurance or coverage maintained by **CITY** and shall not call upon **CITY's** insurance or self-insurance coverage for any contribution. The "primary and noncontributory" coverage in **CONTRACTOR'S** policies shall be at least as broad as ISO form CG20 01 04 13.

3. Except for professional liability insurance or worker's compensation insurance, the insurance policies shall include, in their text or by endorsement, coverage for contractual liability and personal injury.

4. By execution of this Agreement, **CONTRACTOR** hereby grants to **CITY** a waiver of any right to subrogation which any insurer of **CONTRACTOR** may acquire against **CITY** by virtue of the payment of any loss under such insurance. **CONTRACTOR** agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not **CITY** has received a waiver of subrogation endorsement from the insurer.

5. If the insurance is written on a Claims Made Form, then, following termination of this Agreement, said insurance coverage shall survive for a period of not less than five years.

6. The insurance policies shall provide for a retroactive date of placement coinciding with the effective date of this Agreement.

7. The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and noncontributory basis for the benefit

of CITY (if agreed to in a written contract or agreement) before CITY'S own insurance or self-insurance shall be called upon to protect it as a named insured.

8. It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirements and/or limits shall be available to CITY or any other additional insured party. Furthermore, the requirements for coverage and limits shall be: (1) the minimum coverage and limits specified in this Agreement; or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured; whichever is greater. No representation is made that the minimum Insurance requirements of this agreement are sufficient to cover the obligations of the CONTRACTOR under this agreement.

C. **Deductibles and SIR's.** Any deductibles or self-insured retentions in CONTRACTOR's insurance policies must be declared to and approved by the PROJECT MANAGER and City Attorney, and shall not reduce the limits of liability. Policies containing any self-insured retention (SIR) provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or CITY or other additional insured party. At CITY's option, the deductibles or self-insured retentions with respect to CITY shall be reduced or eliminated to CITY's satisfaction, or CONTRACTOR shall procure a bond guaranteeing payment of losses and related investigations, claims administration, attorney's fees and defense expenses.

D. **Proof of Insurance.** CONTRACTOR shall provide to the PROJECT MANAGER or CITY'S City Attorney all of the following: (1) Certificates of Insurance evidencing the insurance coverage required in this Agreement; (2) a copy of the policy declaration page and/or endorsement page listing all policy endorsements for the commercial general liability policy, and (3) excerpts of policy language or specific endorsements evidencing the other insurance requirements set forth in this Agreement. CITY reserves the right to obtain a full certified copy of any insurance policy and endorsements from CONTRACTOR. Failure to exercise this right shall not constitute a waiver of the right to exercise it later. The insurance shall be approved as to form and sufficiency by PROJECT MANAGER and the City Attorney.

11. INDEMNIFICATION.

A. Except as otherwise provided in Paragraph B., CONTRACTOR shall, to the fullest extent permitted by law, indemnify, release, defend with counsel approved by CITY, and hold harmless CITY, its officers, agents, employees and volunteers (collectively, the "City Indemnitees"), from and against any claim, demand, suit, judgment, loss, liability or expense of any kind, including but not limited to attorney's fees, expert fees and all other costs and fees of litigation, (collectively "CLAIMS"), arising out of CONTRACTOR'S performance of its obligations or conduct of its operations under this Agreement. The CONTRACTOR's obligations apply regardless of whether or not a liability is caused or contributed to by the active or passive negligence of the City Indemnitees. However, to the extent that

liability is caused by the active negligence or willful misconduct of the **City Indemnitees**, the **CONTRACTOR's** indemnification obligation shall be reduced in proportion to the **City Indemnitees'** share of liability for the active negligence or willful misconduct. In addition, the acceptance or approval of the **CONTRACTOR's** work or work product by the **CITY** or any of its directors, officers or employees shall not relieve or reduce the **CONTRACTOR's** indemnification obligations. In the event the **City Indemnitees** are made a party to any action, lawsuit, or other adversarial proceeding arising from **CONTRACTOR'S** performance of or operations under this Agreement, **CONTRACTOR** shall provide a defense to the **City Indemnitees** or at **CITY'S** option reimburse the **City Indemnitees** their costs of defense, including reasonable attorneys' fees, incurred in defense of such claims.

B. Where the services to be provided by **CONTRACTOR** under this Agreement are design professional services to be performed by a design professional as that term is defined under Civil Code Section 2782.8, then, to the extent permitted by law including without limitation, Civil Code sections 2782, 2782.6 and 2782.8, **CONTRACTOR** shall indemnify and hold harmless the **CITY** and its officers, officials, and employees (collectively **City Indemnitees**) from and against damages, liabilities or costs (including incidental damages, Court costs, reasonable attorney's fees as may be determined by the Court, litigation expenses and fees of expert witnesses incurred in connection therewith and costs of investigation) to the extent they are caused by the negligence, recklessness, or willful misconduct of **CONTRACTOR**, or any subconsultants, or subcontractor or anyone directly or indirectly employed by them, or anyone for whom they are legally liable (collectively **Liabilities**). Such obligation to hold harmless and indemnify any indemnity shall not apply to the extent that such **Liabilities** are caused in part by the negligence or willful misconduct of such **City Indemnitee**.

C. The defense and indemnification obligations of this Agreement are undertaken in addition to, and shall not in any way be limited by, the insurance obligations contained in this Agreement, and shall survive the termination or completion of this Agreement for the full period of time allowed by law.

12. NONDISCRIMINATION.

CONTRACTOR shall not discriminate, in any way, against any person on the basis of age, sex, race, color, religion, ancestry, national origin or disability in connection with or related to the performance of its duties and obligations under this Agreement.

13. COMPLIANCE WITH ALL LAWS.

CONTRACTOR shall observe and comply with all applicable federal, state and local laws, ordinances, codes and regulations, in the performance of its duties and obligations under this Agreement. **CONTRACTOR** shall perform all services under this Agreement in accordance with these laws, ordinances, codes and regulations. **CONTRACTOR** shall release, defend, indemnify and hold harmless **CITY**, its

officers, agents and employees from any and all damages, liabilities, penalties, fines and all other consequences from any noncompliance or violation of any laws, ordinances, codes or regulations.

14. NO THIRD PARTY BENEFICIARIES.

CITY and **CONTRACTOR** do not intend, by any provision of this Agreement, to create in any third party, any benefit or right owed by one party, under the terms and conditions of this Agreement, to the other party.

15. NOTICES.

All notices and other communications required or permitted to be given under this Agreement, including any notice of change of address, shall be in writing and given by personal delivery, or deposited with the United States Postal Service, postage prepaid, addressed to the parties intended to be notified. Notice shall be deemed given as of the date of personal delivery, or if mailed, upon the date of deposit with the United States Postal Service. Notice shall be given as follows:

TO **CITY**'s Project Manager:

Bill Guerin
Public Works Director
111 Morphew Street
San Rafael, CA 94901

TO **CONTRACTOR**'s Project Director:

Julie Passalacqua
701 University Ave, Suite 200
Sacramento, CA 95825

16. INDEPENDENT CONTRACTOR.

For the purposes, and for the duration, of this Agreement, **CONTRACTOR**, its officers, agents and employees shall act in the capacity of an Independent Contractor, and not as employees of the **CITY**. **CONTRACTOR** and **CITY** expressly intend and agree that the status of **CONTRACTOR**, its officers, agents and employees be that of an Independent Contractor and not that of an employee of **CITY**.

17. ENTIRE AGREEMENT -- AMENDMENTS.

A. The terms and conditions of this Agreement, all exhibits attached, and all documents expressly incorporated by reference, represent the entire Agreement of the parties with respect to the subject matter of this Agreement.

B. This written Agreement shall supersede any and all prior agreements, oral or written, regarding the subject matter between the **CONTRACTOR** and the **CITY**.

C. No other agreement, promise or statement, written or oral, relating to the subject matter of this Agreement, shall be valid or binding, except by way of a written amendment to this Agreement.

D. The terms and conditions of this Agreement shall not be altered or modified except by a written amendment to this Agreement signed by the **CONTRACTOR** and the **CITY**.

E. If any conflicts arise between the terms and conditions of this Agreement, and the terms and conditions of the attached exhibits or the documents expressly incorporated by reference, the terms and conditions of this Agreement shall control.

18. SET-OFF AGAINST DEBTS.

CONTRACTOR agrees that **CITY** may deduct from any payment due to **CONTRACTOR** under this Agreement, any monies which **CONTRACTOR** owes **CITY** under any ordinance, agreement, contract or resolution for any unpaid taxes, fees, licenses, assessments, unpaid checks or other amounts.

19. WAIVERS.

The waiver by either party of any breach or violation of any term, covenant or condition of this Agreement, or of any ordinance, law or regulation, shall not be deemed to be a waiver of any other term, covenant, condition, ordinance, law or regulation, or of any subsequent breach or violation of the same or other term, covenant, condition, ordinance, law or regulation. The subsequent acceptance by either party of any fee, performance, or other consideration which may become due or owing under this Agreement, shall not be deemed to be a waiver of any preceding breach or violation by the other party of any term, condition, covenant of this Agreement or any applicable law, ordinance or regulation.

20. COSTS AND ATTORNEY'S FEES.

The prevailing party in any action brought to enforce the terms and conditions of this Agreement, or arising out of the performance of this Agreement, may recover its reasonable costs (including claims administration) and attorney's fees expended in connection with such action.

21. CITY BUSINESS LICENSE / OTHER TAXES.

CONTRACTOR shall obtain and maintain during the duration of this Agreement, a **CITY** business license as required by the San Rafael Municipal Code **CONTRACTOR** shall pay any and all state and federal taxes and any other applicable taxes. **CITY** shall not be required to pay for any work performed under this Agreement, until **CONTRACTOR** has provided **CITY** with a completed Internal Revenue Service Form W-9 (Request for Taxpayer Identification Number and Certification).

22. SURVIVAL OF TERMS.

Any terms of this Agreement that by their nature extend beyond the term (or termination) of this Agreement shall remain in effect until fulfilled and shall apply to both Parties' respective successors and assigns.

23. APPLICABLE LAW.

The laws of the State of California shall govern this Agreement.

24. COUNTERPARTS AND ELECTRONIC SIGNATURE.

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one document. Counterpart signature pages may be delivered by telecopier, email or other means of electronic transmission.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day, month and year first above written.

CITY OF SAN RAFAEL

CONTRACTOR

JIM SCHUTZ, City Manager

By: 
Name: Zach Siviglia
Title: Vice President

ATTEST:

[If Contractor is a corporation, add signature of second corporate officer]

LINDSAY LARA, City Clerk

By: 
Name: Matt Brogan
Title: Secretary

APPROVED AS TO FORM:

ROBERT F. EPSTEIN, City Attorney

REVISED SCOPE OF WORK

TASK 1. PROJECT MANAGEMENT AND COORDINATION

Task 1.1. Meetings

Mark Thomas will schedule, prepare for, and attend project team meetings with the City to share project information, identify critical issues, make decisions, assign project tasks, and identify items critical to project delivery. Key team members will be present at each team meeting depending on the items to be discussed. Two project team meetings, to be held at the City offices, are assumed. In addition, it is assumed that 10 conference calls will be held to provide regular check-ins with City staff. Mark Thomas will prepare and distribute agendas prior to each meeting and prepare meeting minutes with action items within one week after the meeting.

Task 1.2. Communication and Schedule

Mark Thomas will communicate with the City and manage the project team. This includes preparing contract paperwork, memos, letters and emails, making phone calls, and tracking project issues/action items/decisions. Management activities also include the development and maintenance of a critical path method (CPM) design schedule and preparation of monthly invoices and progress reports. The schedule will be updated as progress is made, with critical path activities clearly shown for team review purposes. The schedule and billings will be submitted in the form and in sufficient detail to track the project status and contract expenditures as outlined by the City at the beginning of the project. For the scope of work, Mark Thomas assumes a project duration of 10 months, excluding the duration for bidding and construction assistance.

Task 1.3. Quality Control

Independent QC reviews will be performed at each level of completions by an experienced staff member not directly involved with the project. QC Checklists specific to the discipline involved in creating the deliverable will be used, with comments, responses by the design team, and verification of implementation fully documented.

TASK 1 DELIVERABLES:

- Meeting Agendas and Minutes
- Project Schedule
- Monthly Invoices and Progress Reports

TASK 2. DESIGN

Task 2.1. Preliminary Assessment

Mark Thomas will perform a site visit to assess the bridge condition, determine the necessary repairs, and evaluate the project area for potential issues. During the bridge inspection, Mark Thomas will verify the as-built plans against field measurements. This site visit would be in conjunction with the City, LSA, and the regulatory permitting agencies so that the extent of project improvements and construction methods can be understood.

Task 2.2. 65% Bridge Repair PS&E Submittal

Mark Thomas will prepare structural plans for the repair of the Lincoln Avenue Bridge to bring the structure back to its original condition. The plans will be prepared in conformance with the latest updated versions of the Caltrans Bridge Design Manuals. It is anticipated that the plan set will include a Title Sheet, Bridge General Plan, and Pier Repair Details.

Mark Thomas will develop quantities and prepare construction cost estimates for the repair project. Construction costs will be developed using current bid results from similar projects, Caltrans database information and from Caltrans latest Construction Cost Manual. All estimates will be done in Caltrans BEES format using Microsoft Excel. Mark Thomas will develop project special provisions using 2018 Caltrans Standard Specifications. The special provisions will be prepared using Microsoft Word. It is assumed that the City will incorporate their boilerplate contract language into the specifications.

Task 2.3. 100% PS&E Submittal

Comments from the 65% submittal will be addressed and incorporated into the 100% PS&E package. Responses to comments will be prepared and submitted to the City. All final plan revisions will be made. Updates to the specifications and estimate will be completed.

TASK 2 DELIVERABLES:

- Plans - on Bond (24x36 & 11x17) and PDF format
- Engineer's Estimate - PDF format
- Special Provisions - Word and PDF format
- Response to Comments Matrix - PDF format

TASK 3. ENVIRONMENTAL COMPLIANCE AND PERMITTING

Task 3.1. Biological Resources

LSA will evaluate the biological resources present in the project area and determine potential project-related effects to those resources. LSA will complete the following tasks related to biological resources:

- **Research/Coordination.** LSA will request a list of special-status species potentially occurring in the project vicinity from the USFWS and NMFS, and will query the CNDDDB.
- **General Field Survey.** LSA will conduct a general field survey to assess habitat conditions for special-status species and evaluate potential impacts to sensitive biological resources from the proposed project.
- **Jurisdictional Delineation and Report.** LSA will conduct a jurisdictional waters delineation of the project area to determine any areas potentially subject to regulation by the ACOE, RWQCB, and/or CDFW.
- **Biological Assessment.** LSA will prepare a Biological Assessment to evaluate project effects to the federally threatened green sturgeon and essential fish habitat, and identify appropriate avoidance and minimization measures.

Task 3.2. Task 3.2 Regulatory Permits

The proposed project may affect wetlands or other jurisdictional waters in Mahon Creek that may be under the jurisdiction of the ACOE, RWQCB, and/or CDFW. Impacts to jurisdictional waters may require permits from the regulatory agencies, as listed below. LSA will attend one Marin Project Coordination meeting and one field meeting with agency staff to review the project, and project team meetings/calls.

- **Nationwide Permit Verification (Clean Water Act, Section 404 and Rivers and Harbors Act, Section 10).** LSA will prepare a Preconstruction Notification for submittal to the ACOE requesting verification that the project can be authorized using the specified NWP.
- **Water Quality Certification (Clean Water Act, Section 401).** LSA will prepare an application package for submittal to the RWQCB. A processing fee must be included with the submittal (to be provided by the City, amount to be determined).
- **Streambed Alteration Agreement (Fish and Game Code, Section 1602).** LSA will prepare an application package for submittal to CDFW. A processing fee must be included with the submittal (to be provided by the City, amount to be determined).
- **San Francisco Bay Conservation and Development Commission (BCDC).** LSA will prepare an application package for submittal to BCDC. A processing fee must be included with the submittal (to be provided by the City, amount to be determined).

Cultural Resources. LSA has included 8 hours for initial coordination, additional research, or other tasks to determine if a formal cultural resources study will be required.

TASK 3 DELIVERABLES:

- Jurisdictional Delineation
- Biological Assessment
- Permit Applications as listed in 3.2

COST PROPOSAL FOR PROJECT SCOPE: San Rafael-Lincoln Avenue Bridge

		Mark Thomas								Subs	TOTAL COST	
		Engineering Manager	Sr. Project Engineer	Design Engineer II	Technician	Project Accountant	Sr. Project Coordinator	Sr. Project Assistant	Total Hours	Total MT Cost		LSA
		\$284	\$167	\$128	\$91	\$103	\$124	\$94				
1.0 PROJECT MANAGEMENT & COORDINATION												
1.1	Meetings	24						24	\$6,816	-	\$6,816	
1.2	Communication & Schedule	20				6	12	6	44	\$8,350	-	\$8,350
1.3	Quality Control	4							4	\$1,136	-	\$1,136
Subtotal Phase 1		48	0	0	0	6	12	6	72	\$16,302	\$0	\$16,302
2.0 DESIGN												
2.1	Preliminary Assessment	8		8					16	\$3,296	-	\$3,296
2.2	65% Bridge Repair PS&E Submittal		40	40	60				140	\$17,260	-	\$17,260
2.3	100% PS&E Submittal		20	20	20				60	\$7,720	-	\$7,720
Subtotal Phase 2		8	60	68	80	0	0	0	216	\$28,276	\$0	\$28,276
3.0 PERMITTING												
3.1	Biological Resources	20							20	\$5,680	21,061	\$26,741
3.2	Regulatory Permits	20							20	\$5,680	31,410	\$37,090
Subtotal Phase 3		40	0	0	0	0	0	0	40	\$11,360	\$52,472	\$63,832
TOTAL HOURS		96	60	68	80	6	12	6	328			
OTHER DIRECT COSTS										\$1,000	\$590	\$1,590
TOTAL COST		\$27,264	\$10,020	\$8,704	\$7,280	\$618	\$1,488	\$564		\$56,938	\$53,062	\$110,000



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

Prepared by: Bill Guerin,
Director of Public Works

City Manager Approval:

File No.: 16.11.46

TOPIC: 2017 STORM DAMAGE REPAIR – #80 UPPER TOYON DRIVE

SUBJECT: ACCEPT COMPLETION OF THE 2017 STORM DAMAGE REPAIR AT #80 UPPER TOYON DRIVE (CITY PROJECT NO. 11329) AND AUTHORIZE THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

RECOMMENDATION: Accept the project and authorize the City Clerk to file the Notice of Completion.

BACKGROUND: In January 2017, the City of San Rafael as well as other communities throughout California experienced a significant storm event. On February 14, 2017, the President declared a major disaster, making federal disaster aid available to 34 counties, including Marin County. From January 3, 2017 to January 12, 2017 a ‘slip-out’ (landslide) occurred adjacent to #80 Upper Toyon Drive. At the time of the incident, the slip-out affected the shoulder of the roadway. For the last year, the site has been covered with plastic and monitored by Public Works staff.

The project to repair the storm damage for the protection of the roadway was publicly advertised in accordance with San Rafael’s Municipal Code on June 6, 2018 and four bids for the construction were received. The City Council subsequently awarded the construction contract to Maggiora & Ghilotti, Inc. in the amount of \$259,259 ([see July 16, 2018 staff report](#)). Construction commenced on August 2018 was completed in mid-October 2018.

ANALYSIS: Pursuant to Civil Code Section 3093, the City is required to record a Notice of Completion upon City acceptance of the improvements. This acceptance initiates a time period during which project subcontractors may file Stop Notices seeking payment from the City from the funds owed to the Contractor for the project work.

FISCAL IMPACT: There is no fiscal impact associated with this item.

The total City expenses of \$261,434.96 came in under the originally authorized expenditures of \$290,000, budgeted in the Gas Tax Fund (Fund No. 206). A reimbursement request for this project has been forwarded to the Federal Emergency Management Agency and the City is awaiting reimbursement for a portion of these costs. The project was designed and inspected in-

FOR CITY CLERK ONLY

File No.: _____

Council Meeting: _____

Disposition: _____

house by Public Works staff.

RECOMMENDED ACTION: Accept completion of the project and authorize the City Clerk to file the Notice of Completion.

ATTACHMENT:

1. Notice of Completion

When recorded mail to:

City of San Rafael
Lindsay Lara, City Clerk
1400 Fifth Avenue
P. O. Box 151560
San Rafael, CA 94915-1560

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CITY OF SAN RAFAEL
NOTICE OF COMPLETION OF IMPROVEMENT**

TO ALL PERSONS WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN for and on behalf of the City of San Rafael, County of Marin, State of California, that there has been a cessation of labor upon the work or improvement and that said work or improvement was completed upon the **19th** day of **October, 2018** and accepted the **17th** day of December, **2018**; that the name, address and nature of the title of the party giving this notice is as follows: The City of San Rafael, 1400 Fifth Avenue, San Rafael, California, 94901, a municipal corporation, in the County of Marin, State of California, within the boundaries of which said work or improvement was made upon land owned by said City and/or over which said City has an easement; that said work or improvement is described as follows:

**2017 Storm Damage Repair - #80 Upper Toyon”
City Project No. 11329**

and reference is hereby made for a further description thereof to the plans and specifications approved for said work or improvements now on file in the office of the Department of Public Works, and said plans and specifications are hereby incorporated herein by reference thereto; and that the name of the Contractor who contracted to perform said work and make such improvement is

Maggiora & Ghilotti, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at San Rafael, California, on _____, 20__.

CITY OF SAN RAFAEL
A Municipal Corporation

By _____
BILL GUERIN
Director of Public Works

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF MARIN

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 20___, by Bill Guerin, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

WITNESS my hand and official seal.

Signature _____

LINDSAY LARA
San Rafael City Clerk

File: 16.11.42



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

Prepared by: Bill Guerin,
Director of Public Works

City Manager Approval:

TOPIC: Third and Hetherton Intersection Improvements

SUBJECT: Updated Recommendations for the Intersection of Third Street and Hetherton Street

RECOMMENDATION: Accept informational report.

BACKGROUND: The intersection of Third Street and Hetherton Street is one of the most heavily congested locations in both San Rafael and Marin County. This is due in part to its proximity to major traffic generators such as the northbound and southbound ramps for US 101, Downtown San Rafael, Montecito Shopping Center, San Rafael High School and traffic from the freeway going to points west of San Rafael.

The intersection of Third Street and Hetherton Street is also highly traversed by pedestrians traveling between the Montecito neighborhood, Downtown San Rafael, the Caltrans Park-and-Ride lots, and the San Rafael Transit Center. During peak hours, this intersection handles over 3,500 vehicles and 175 pedestrians per hour, creating numerous points of conflict between vehicles and pedestrians.

In the last five years, there have been a number of pedestrian-involved collisions at Third Street and Hetherton Street, including two pedestrian fatalities, which occurred in 2014 and 2016. Both fatalities involved vehicles making a westbound left turn from Third Street to southbound Hetherton Street from the second turning lane. Since that time, the City has made significant improvements to this intersection including accessible curb ramps, Leading Pedestrian Intervals (LPIs), high visibility crosswalk striping, removal of several trees that shaded the southeast corner of the intersection, and re-surfacing and restriping of Hetherton Street.

Further improvements can be made at this intersection and the City applied for a Highway Safety Improvement Program (HSIP) grant for funding to make changes to the intersection and was awarded the grant at the end of 2016. In order to investigate whether further improvements could be made to improve safety to the intersection, the City Council authorized the City Manager to enter into a professional services agreement with the transportation consultant firm, Kimley-Horn and Associates (KHA), to prepare a study for the Third Street and Hetherton Street intersection on [January 17, 2017](#).

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

KHA and City staff worked closely to develop intersection concepts that would provide improvements to both vehicular travel and pedestrian safety. Existing conditions at the intersection were identified and potential improvements were developed. Fourteen improvement options were initially identified which included such ideas as lane configuration changes, pedestrian scrambles, geometry modifications and changes to signal operations. A traffic analysis was performed for each option to determine the impact on traffic and pedestrian circulation. Using the results from the analysis, four intersection concepts were further evaluated based on traffic impacts, safety impacts, and cost.

Based on completion of a traffic analysis, cost estimates of the conceptual designs, which ranged from \$200,000 to \$400,000, and an assessment of safety benefits for pedestrians, staff recommended a concept to be considered as the preferred option for this intersection.

The initial concept that was brought to City Council on [July 2, 2018](#) suggested the elimination of the second left turn from Third Street and reduced the crossing distance of the south and west crosswalks. This concept also included a leading pedestrian interval (LPI) which provides an advance start for pedestrians crossing. The analysis concluded there would be an approximately three second increase in delay to drivers at the intersection with these improvements.

DISCUSSION: After further analysis, vetting of alternatives, and the community concerns with removing the left-turn pocket, City staff believes that the crosswalk on the south leg of the intersection should be removed, and a crosswalk on the east leg added. The southbound and westbound lane configurations should stay as-is. These two main measures combined with signal visibility improvements, pedestrians bulb-outs, barricades at the removed crosswalk, and lighting would present the best long-term scenario for all users. This revised approach was vetted with both KHA, the consultants preparing the original report, and Caltrans.

The following observations were made more recently that brought staff to a different conclusion than the July 2018 recommendations:

1. Driver aggression will remain a source of conflict due to the nature of arrivals for the westbound left-turn movement. The blank-out warning signs proposed as part of the initial recommendation would reduce, but not eliminate the pedestrian-vehicle conflict.
2. The pedestrian volumes across the south leg in 2017 were low (16 pedestrians during the a.m. peak hour and 41 during the p.m. peak hour). This is not considered a high demand and can easily be accommodated by the other crosswalks. Also, the plan is to influence pedestrians to use the north east corner by placing pedestrian guidance signs east of the intersection.
3. The Notice of Preparation for the Transit Center relocation has been issued and with the exception of the 2-story concept (that is expected to be removed from consideration due to constructability concerns), all alternatives are north of Third Street. Pedestrian crossing demand on the south leg of the intersection is anticipated to decrease with the relocation of the Center.
4. The pilot removal of the left-turn pocket was discussed with staff at both Caltrans and KHA. All parties agreed that it would present a challenging learning curve to put back the second turn lane should the pilot study results be unfavorable.

The bottom line is that City staff must prioritize safety over convenience. Following the acceptance of this presentation, Public Works will focus the design effort to remove the south crosswalk, install signage and other features to direct pedestrian traffic to the north side of Third Street while including all previously discussed pedestrian safety design features.

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 3

Staff recommendations were vetted through the Bicycle and Pedestrians Advisory Committee members, the State Department of Transportation (Caltrans) and the KHA Transportation consultants. Staff received favorable feedback for the revised recommendation.

PUBLIC OUTREACH: The updated recommended concept would require both physical intersection modifications and signal operations modifications. The project is listed in the [FY 2018-19 CIP](#) as an Active Project, and is fully funded by a Highway Safety Improvement Program grant.

FISCAL IMPACT: There are no direct fiscal impacts to accepting this report. The permanent solution is expected to be paid for with the \$583,900 provided by the Highway Safety Improvement Program (HSIP) grant to support this project, with matching local funds of \$94,035 from the Traffic Mitigation Fund (#246). Any cost exceeding the grant amount would be paid for by Gas Tax funds (fund no. 206).

RECOMMENDED ACTION: Accept informational report.



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Economic Development

Prepared by: Simon Vuong
Economic Development Coordinator

City Manager Approval:

A handwritten signature in black ink, appearing to be the initials 'AS', written over a horizontal line.

TOPIC: Annual Assessment for the Downtown San Rafael Business Improvement District (BID) for 2019

SUBJECT: Resolution of the San Rafael City Council Approving the Downtown San Rafael Business Improvement District “BID 2018 Annual Report” and Levying an Assessment for Calendar Year 2019

RECOMMENDATION:

Hold a public hearing and, if no majority protest has been received, adopt resolution.

BACKGROUND:

Section 36500 of the California Streets and Highways Code allows for the creation of a business improvement district (BID) within a municipality whereby businesses within the district self-assess themselves an annual fee in order to pay for improvements and activities which benefit the overall business district. The intent of the state law is to provide a funding mechanism for business districts to promote economic vitality.

Businesses within the San Rafael downtown set up a business district in 1979 – this original district included approximately 125 businesses along Fourth Street between Lincoln and E Street. In 2013, the City Council voted to replace it with a larger district of approximately 700 businesses along Fourth Street. The expanded district includes the West End and some side streets, as well as non-ground floor tenants and other tenants not included in the original BID.

For 2018, the [BID Board of Directors](#) has focused on marketing and communication with their membership and the public via website updates, email blasts, and social media posts, hosting event information and various BID initiatives. The BID Board has also been actively collaborating with downtown stakeholders, including the Chamber of Commerce and the City, hosting member mixers, laying the ground work for beautification efforts, and leading several special events, including May Madness, Summer Sidewalk Sale, Trick-or-Treat, West End Village Celebration, Tivoli Lighting Project,

FOR CITY CLERK ONLY

File No.:

Council Meeting:

Disposition:

and Small Business Saturday/Shop Local. Additional information relating to these efforts is included in the BID 2018 Annual Report (Attachment 2).

ANALYSIS

BID Renewal Process

Per State law, to renew the annual assessment, the City Council must first adopt a Resolution of Intention to Levy an Annual Assessment and set a public hearing. In accordance with State law, the annual renewal process for the BID assessment breaks down as followed:

Meeting #1 – December 3, 2018

Resolution of Intention to Levy an Annual Assessment: This meeting was intended to notify the public of the public hearing process required to levy the assessment. The only action required at this meeting was for the City Council to adopt Resolution No. 14606 (expressing the City Council's intention to levy an annual assessment) and to accept the BID annual report. The BID annual report, among other things, reviews past BID Board accomplishments and proposes a work plan for 2019. These actions do not commit the City Council to any ultimate decision other than initiating the annual renewal process.

Meeting #2 – December 17, 2018

Public Hearing on Annual Assessment: This is the meeting to receive additional input from the public on the annual assessment for the BID and to confirm the levy of an assessment for the upcoming year. The BID plans to continue producing signature events for 2019 and supporting other organizations' downtown events through marketing, and when possible, financial backing. Some of the scheduled events for next year include many events from years past, such as May Madness, Summer Sidewalk Sale, Trick or Treat, West End Village Celebration, Small Business Saturday/Shop Local, & Litquake. The BID is also exploring the possibility of adding a new event, a Brew Crawl/Wine Tasting event to showcase our new and established businesses.

Under Government Code sections 36525 and 36535, the City Council must hold a public hearing to consider comments and any protests to the approval of the annual report and/or levy of the assessment. If written protests are received from the owners of businesses in the proposed area which will pay 50 percent or more of the assessments proposed to be levied, no further proceedings to levy the proposed assessment, as contained in the resolution of intention, shall be taken for a period of one year. If the majority protest is only against the furnishing of a specified type or types of improvement or activity within the area, those types of improvements or activities shall be eliminated.

If there is no majority protest, then following the public hearing, the City Council may order changes in any of the matters provided in the report. In this regard, staff notes that the map of the district included as Exhibit A to the BID 2018 Annual Report is outdated and does not accurately show the boundaries of the district as presently constituted. A corrected map is attached to this staff report as Attachment 3, and staff is recommending that the Council approve the 2018 BID Annual Report modified to include the corrected district map. The corrected map will be incorporated into the approved BID 2018 Annual Report as Exhibit A, replacing the map that was submitted.

A resolution approving the BID 2018 Annual Report, as so modified, and confirming the levy of an assessment for 2019, is provided as Attachment 1. The Council's adoption of the resolution shall constitute the levy of the assessment for 2019.

COMMUNITY OUTREACH:

The BID has notified its members of the annual renewal process through its member communications including the BID e-newsletter, notifications on the BID website, and through agenda items at the monthly BID Board meeting.

FISCAL IMPACT:

Adoption of the resolution does not have a direct fiscal impact on the City other than ongoing staff time related to assessment billing and processing, as well as administration of the annual renewal. To the extent that the BID activities enhance the business climate within the district, this will generate increased sales tax revenue for the City.

OPTIONS:

The City Council has the following options to consider on this matter:

- 1) Determine that less than a 50% protest has been filed and adopt the resolution as presented approving the annual report and levying the assessment for 2019.
- 2) Determine less than 50% protest has been filed and adopt the resolution with modifications.
- 3) Determine that 50% or more protest has been filed and abandon assessment proceedings for a minimum of one year from the date of the majority finding and decline adoption of the resolution.
- 4) Continue the public hearing and do not adopt the resolution. In this option, assessments will be delayed until the New Year.

RECOMMENDED ACTION:

Hold Public Hearing, accept public comment, and if no majority protest has been received, adopt the attached resolution approving the BID 2018 Annual Report and levying an annual assessment for 2019.

ATTACHMENTS:

1. Resolution
2. BID 2018 Annual Report, including:
 - A. Exhibit A: BID Map
 - B. Exhibit B: BID 2018 Assessment Formula
 - C. Exhibit C: BID Budget
 - D. Exhibit D: Memo – BID Financial Summary
3. Exhibit 1 to Resolution: Corrected BID Map

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN
RAFAEL APPROVING THE DOWNTOWN SAN RAFAEL
BUSINESS IMPROVEMENT DISTRICT “BID 2018 ANNUAL
REPORT,” AND LEVYING AN ASSESSMENT FOR CALENDAR
YEAR 2019**

WHEREAS, California Streets and Highways Code Sections 36500 et seq, authorize cities to establish parking and business improvement districts for the purpose of promoting economic revitalization and physical maintenance of business areas, in order to create jobs, attract new business and prevent erosion of the new business district; and

WHEREAS, the Downtown San Rafael Business Improvement District (“BID”) was established in 2013 by Ordinance No. 1912, now codified in San Rafael Municipal Code (“SRMC”) Chapter 10.09; and

WHEREAS, pursuant to SRMC Chapter 10.09 the BID’s Advisory Board submitted to the City a “BID 2018 Annual Report”, which is on file with the City Clerk; on December 3, 2018, the City Council by Resolution No. 14606 accepted the BID 2018 Annual Report, indicated the Council’s intention to levy assessments, and set a public hearing thereon for December 17, 2018; and

WHEREAS, pursuant to Streets and Highways Code Section 36535, following the public hearing, the City Council may adopt a resolution confirming the report as originally filed or as modified by the Council, and the adoption of the resolution shall constitute the levy of an assessment for the year referred to in the report; and

WHEREAS, the City Council held the required public hearing on December 17, 2018 to receive testimony and protests concerning the BID 2018 Annual Report and the proposed levy of assessments for calendar year 2019 described therein; and

WHEREAS, a majority protest of the proposed assessments was not received; and

WHEREAS, the Council has determined that the district map submitted as Exhibit A to the BID 2018 Annual Report is incorrect and that the report should be modified to replace that map with the revised map attached hereto as Exhibit 1, showing the correct standard benefit zones and premium benefit zones pursuant to SRMC section 10.09.040, “Boundaries of Districts and Benefit Zones”;

NOW, THEREFORE, BE IT RESOLVED that City Council hereby approves and adopts the BID 2018 Annual Report, as modified to include the corrected district map in Exhibit 1 and approves and confirms the levy of assessments as described that Report for the 2019 calendar year.

I, LINDSAY LARA, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a meeting of the City Council of said City held on Monday, the 17th of December 2018, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk



BID 2018 Annual Report

BID Board of Directors

2018 - 2019

President - Jaime Ortiz

Bank of Marin

Vice President - Joanne Vosmek

Copperfield's Books

Secretary - Bonnie Ayers Namkung

Marketing & Communications

Treasurer - Jed Greene

Five Corners Group

Directors -

Jeff Brusati, T & B Sports

Adam Dawson, Mike's Bikes

Erika Bowker, Pleasures of the Heart

Dezzy St. Andre, Rumor Has It

Your Name Here!



President's Message

Dear Fellow BID Members,

The BID board is happy to share this overview of our 2018 efforts and accomplishments. Our cohesive, enthusiastic group of board members look forward to continuing to promote our downtown as a destination for shopping, entertainment and business.

We have big plans for next year and invite you to be a part of it, either by applying for an open board position or volunteering for a committee. Your energy and ideas can make a big difference in our downtown community!

*Jaime Ortiz, President
November 1, 2018*



Mission

The Business Improvement District promotes the common interests of downtown business owners. We help maintain and develop a downtown that is a welcoming place to shop, dine, work and live.

Vision

Downtown is the cultural heart and soul of our city, where activity, dining, entertainment, and commerce come together with a creative and entrepreneurial spirit. Downtown is where hometown pride and community thrive.



2019 BID Work Plan

Marketing, Promotion and Events

Continue to build visibility and enthusiasm for downtown and BID member businesses through social media/online marketing, including:

- Collaboration and cross promotion with downtown arts organizations, especially through the newly formed Downtown San Rafael Arts District.
- Producing signature events
- Supporting events produced by BID members and outside producers through sponsorships, promotion and marketing
- Updates to Facebook, boosting event promotions and sharing member news
- Downtown branding through use of new logo and BID website updates
- Populate website with current information

Planned Events for 2019

Our goal for next year is to produce or assist with signature events and support other organizations' downtown events through marketing and financial backing, within our budget, including:

May Madness, Summer Sidewalk Sale, Downtown Trick or Treat, West End Village Celebration, Small Business Saturday/Shop Local, & Litquake.

We are also exploring the creation of a **Brew Crawl/Wine Tasting event** to showcase our new and established businesses.

Economic Development, Beautification & Safety

Our efforts will support the economic vitality of downtown by advocating on issues, ordinances and policies that affect downtown businesses and promote a clean, welcoming environment. Among our areas of focus:

- **Safety/hospitality** - Continue to advocate on issues of crime, code enforcement and nuisance behavior that negatively impact business in downtown.
- **Beautification/Experience on the street** - Meet with the City to address issues affecting patrons, business owners and employees. Ensure BID member interests are represented in any policy recommendations generated by the beautification study (in progress.) Lights, landscaping, sidewalk cleaning, etc.
- **Business retention/recruitment** - Support City's retail recruitment strategy through promotion of downtown and act as a resource for prospective tenants.
- **Streetscape** - Support the Downtown Streets Team and explore opportunities to expand their role, through expanded services such as enhanced sidewalk cleaning, graffiti removal and ambassador roles.
- **Promote activity/vibrancy** - Support implementation of the City's pilot lighting and outside dining programs.

The BID Organization

Our 2019 agenda also focuses on ensuring the BID's organizational foundation is strong, fiscally responsible and able to promote downtown to members and the community.

- **Legal compliance** - review bylaws, hold annual election and member meeting.
- **Communication with members** – increase engagement through a welcome kit for new businesses, routine communications through email newsletters, distribution of timely info by door-to-door visits by block captains, and quarterly mixers.
- **Increase board members and volunteers** - continue to recruit active committee members and engage prospective board members.
- **Raise BID funding** - identify supplemental funding sources through business sponsorship of events and more.

2018 Accomplishments

- Website updated to streamline content for ease of access, events are highlighted, and information kept current and relevant for visitors.

- Collaborated with downtown stakeholders and community partners, with the San Rafael Chamber of Commerce, attended City meetings and events.
- Held Quarterly Member Mixers with safety and parking updates from SRPD and Parking Director and Director of Homeless Planning. Also Miriam Karell, Director of the Small Business Development Center (SBDC) gave presentation.
- Worked with the City to increase Beautification initiatives: West End pilot lighting project, sidewalk cleaning frequency, trash pickup (DTST), streetscape appeal, and safety.
- Attended the SR Downtown Arts District meetings to help establish identity and incorporate culture and art installations to elevate downtown. Ongoing efforts to incorporate district branding into downtown marketing, and to support and promote related events and businesses. Support art in empty windows initiative.
- Created BID Member Toolkit with contact info for Parking and Safety issues.
- Facebook updates and boosts have 3,000+ followers.
- Marketing for members through print and online media sources, including the website, Facebook page, the Marin IJ, Pacific Sun and Marinscope newspapers.
- A targeted digital ad campaign of media impressions, Facebook boosts, and local merchants adding the poster to their websites and blasting it on their newsletters and to their email lists brought awareness of events to shoppers/participants.

2018 EVENTS:

- The 30th annual **May Madness**, our legacy classic car parade event partnered with the Elks Club for an after party/dance featuring Pride and Joy. Thousands of visitors to our Downtown enjoyed the 200+ vintage and sports cars.
- The **Summer Sidewalk Sale** on 8-18-18 was greatly successful with 65+ participating businesses and hundreds of shoppers strolling our shops, discovering treasures and bargains and ringing the registers.
- October 27 marked the annual BID-produced **Trick of Treat on Fourth Street** event with the Latinx theme **Dia de los Muertos**. It included performances by the San Francisco Boys Chorus, Happy Feet Dancers “Thriller”, an information booth hosted by Foster Our Future, and a pet parade and costume contest by Woodland’s Pet Food & Treats.
- **West End Village Celebration** on Nov. 4, 11-7pm. Family fun and music all day. **Mayor Phillips will kick-off the new Tivoli pilot lighting at dusk!**
- **Small Business Saturday/Shop Local**, Nov. 24, event and ad campaign will highlight the many reasons to shop our Downtown.



Downtown San Rafael Business Improvement District

Exhibit A



Exhibit B

2018 BID Assessment Formula

2018 Annual Assessment

Type of Business	Standard	Premium
Retail on the Ground Floor, Restaurant, Personal Services on the Ground Floor	\$175	\$225
Retail on the Ground Floor, Restaurant, Personal Services on Ground Floor with Less than \$100,000 in Gross Receipts	\$150	\$175
Offices, Professional, Personal Services, not on Ground Floor, Retail not on Ground Floor	\$75	\$100
Personal Services Sole Practitioner	\$25	\$50
Non-Profit Organization and Fine Artists	\$50	\$50
Financial Institution	\$375	\$425

San Rafael Downtown BID Budget

Exhibit C

	2017 Year End Fund Balance	\$66,006	2018 Year End Fund Balance	\$52,910
Revenues	2018 Programs	Year 2018 Estimated Year End	2018 Programs	Year 2019 Proposed Budget
	BID Assessments	\$79,212	BID Assessments	\$80,000
	Event Income - May Madness	\$31,332	Event Income	\$45,000
	Interest	\$3	Target Grant	\$10,000
Total Operating Income		\$110,547	\$135,000	
Expenses				
Events	May Madness	(\$7,219)	May Madness	(\$8,000)
	Trick or Treat	(\$1,756)	Trick or Treat	(\$600)
	Sidewalk Sales	(\$900)	Wine/Brewery Event	(\$10,000)
	West End Celebration	(\$5,000)	Shop Local Saturday	(\$1,000)
	Mixers	(\$250)	Restaurant Week	(\$1,000)
	Event Staffing	(\$27,000)	Second Fridays	(\$2,000)
			West End Celebration	(\$2,500)
			Sidewalk Sales	(\$2,500)
			Mixers	(\$500)
			LitQuake	(\$2,000)
			Event Staffing	(\$30,000)
Events subtotal		(\$42,125)	(\$60,100)	
Initiatives	Beautification	(\$10,000)	Beautification	(\$10,000)
			Art District	(\$2,500)
			Shop Local Campaign	(\$1,000)
			Target Grant Expense	(\$10,000)
Initiatives subtotal		(\$10,000)	(\$23,500)	
Marketing & Promotions	Event Advertising/Marketing	(\$18,000)	Event Advertising/Marketing	(\$22,000)
	Website Maintenance	(\$300)	Website Maintenance	(\$2,000)
	Social Media	(\$5,259)	BID Member Communication	(\$500)
			Social Media	(\$5,000)
Marketing & Promotions Subtotal		(\$23,559)	(\$29,500)	
Operating Expenses	Staffing	(\$36,000)	Staffing	(\$17,000)
	meeting/travel exp	(\$468)	Insurance	(\$5,000)
	Insurance	(\$5,097)	tele/supplies/office	(\$2,200)
	tele/supplies/office	(\$2,086)	profess/accounting/banking	(\$1,500)
	profess/accounting/banking	(\$2,000)	meeting/travel exp	(\$1,000)
	office rent	(\$1,200)		
	other	(\$1,108)		
Operating Expenses Subtotal		(\$47,959)	(\$26,700)	
Total Expenses		(\$123,643)	(\$139,800)	
Net Profit/(Loss)		(\$13,096)	(\$4,800)	
Projected 2018 Ending Fund Balance/Carryover to 2019		\$52,910	2019 Ending Fund Balance	
			\$48,110	

*Target grant revenues along with matching expenses are contingent upon being awarded a \$10,000 Target grant.

Memorandum

To: San Rafael City Council

From: Jed Greene, Treasurer
San Rafael Business Improvement District

Date: November 1, 2018

Re: BID Financial Summary

This memorandum highlights the significant 2018 financial activity of the San Rafael Business Improvement District (BID) and the 2019 proposed budget.

2018

For 2018, the BID is projected to have a net loss of approximately \$13,000, leaving a cash balance of \$52,910. 2017 was a period of transition, leaving the BID with excess cash. 2018 was much more active, where the BID used its excess cash for events and beautification projects.

Proceeds from BID assessments were down approximately 10% from years past, contributing to the net loss. We are currently working with the City to investigate the cause of the decline. We also incurred unplanned expenses related to the transition from the previous consultant to the new Executive Director, which increased our administrative costs and contributed to our net loss.

The 2018 May Madness event was one of the most successful events for the BID. Absent the allocation of the Executive Director fees, the event generated over \$10,000 in profit. Those funds were used to help create the street lights pilot project on the West End of downtown San Rafael.

2019

The BID projects to have a cash balance of approximately \$53,000 to begin 2019. With this cash balance, proceeds from the BID assessments and event revenues, the BID plans to have a busy year with more events and continued downtown beautification. As a result, the BID projects to have a net loss of \$4,800, leaving us with a cash balance of \$48,110 at the end of the year.

We have projected lower proceeds from BID assessments, similar to last year. Hopefully, last year was an anomaly and this year's assessments will be closer to historic levels. A vast majority of our expenses are related to an active events calendar.

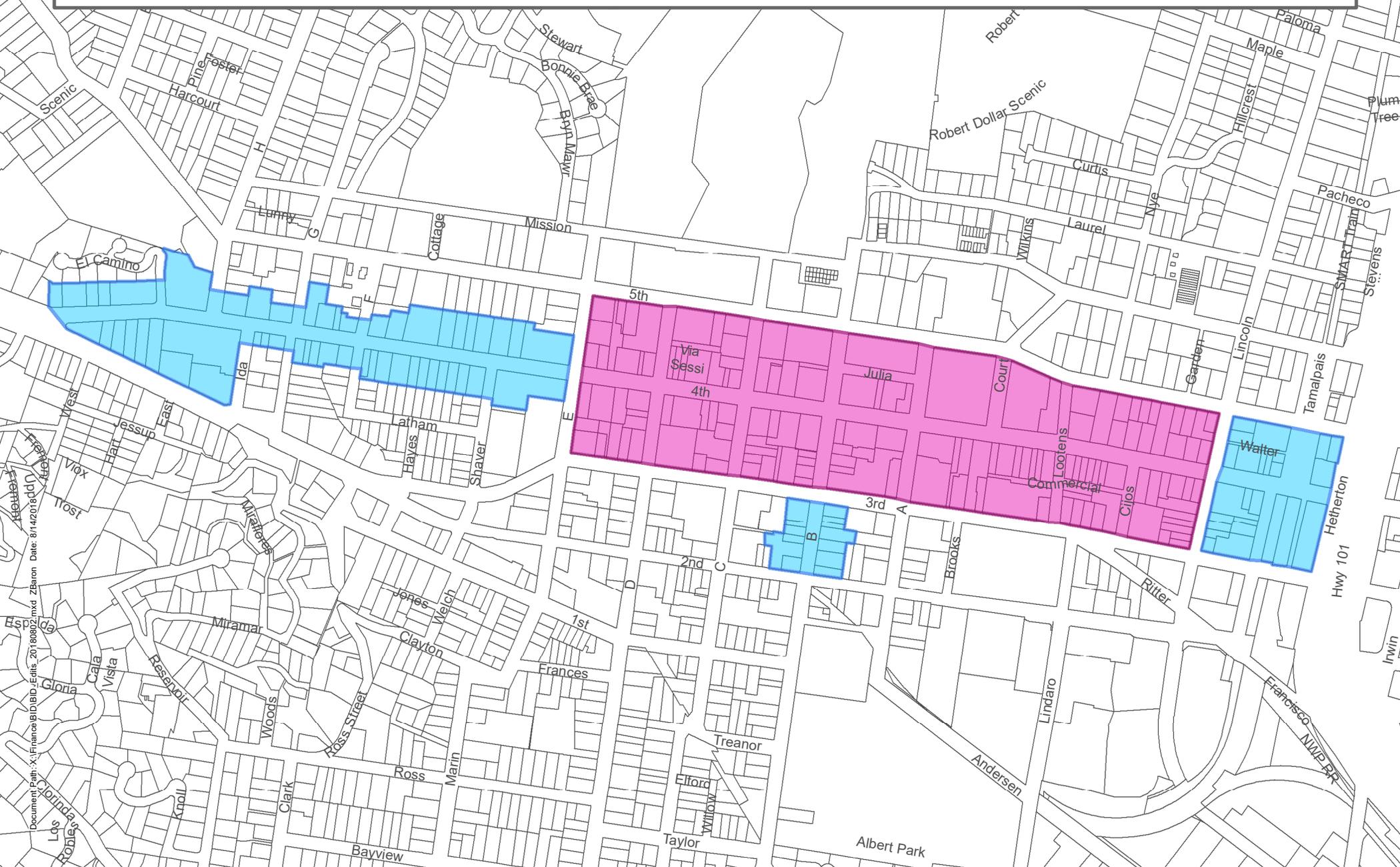


San Rafael Business Improvement District (BID)

14 August 2018

Exhibit A

- PREMIUM BID
- STANDARD BID



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Marin Independent Journal

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San Rafael, CA 94903
415-382-7335
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2070419

CITY OF SAN RAFAEL
CITY OF SAN RAFAEL
CITY CLERK, ROOM 209
1400 FIFTH AVENUE, SAN RAFAEL, CA 94901
SAN RAFAEL, CA 94915-1560

PROOF OF PUBLICATION (2015.5 C.C.P.)

STATE OF CALIFORNIA County of Marin

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer of the MARIN INDEPENDENT JOURNAL, a newspaper of general circulation, printed and published daily in the County of Marin, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Marin, State of California, under date of FEBRUARY 7, 1955, CASE NUMBER 25566; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

12/07/2018

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated this 7th day of December, 2018.



Signature

PROOF OF PUBLICATION

Legal No. **0006264962**

CITY OF SAN RAFAEL

NOTICE OF PUBLIC MEETING AND PUBLIC HEARING BEFORE THE SAN RAFAEL CITY COUNCIL

The City Council of the City of San Rafael will also hold a public hearing:

DATE/TIME:
Monday, December 17, 2018, at 7:00 p.m.

LOCATION:
City Council Chambers, City Hall, 1400 Fifth Avenue, San Rafael, CA

PURPOSE: The San Rafael City Council will hold a public hearing to confirm the annual levy of assessment for 2019 for the Downtown San Rafael Business Improvement District. At the public hearing, Council will take the testimony of all interested persons, for or against the assessment. The Council will take testimony on all matters related to the BID, including BID boundaries, activities, budget, businesses included, and assessments and will collect all protests. At the conclusion of the hearing, Council will take action to levy the assessment for the upcoming 2019 calendar year.

A protest against the assessment levy for the BID may be made orally or in writing. To be counted as a part of a majority protest against the levy of the assessment, a protest must be in writing and from a business owner in the BID. Written protests must be filed with the City Clerk, City Hall, 1400 Fifth Avenue, PO Box 151560, San Rafael, CA 94915-1560 by December 17, 2018, or be submitted at the December 17, 2018 public hearing. If at the conclusion of the public hearing there are written protests on record of business owners within the BID that will pay fifty percent (50%) or more of the total assessments of the entire BID, no further proceedings to levy an assessment shall occur. If the majority written protest is against a specific activity, inclusion of a specific area or type of business, or a specific assessment amount, adjustments may be made to the amendment proposal to eliminate that specific activity, area, business or assessment.

IF YOU CAN NOT ATTEND:

You can send a letter with your comments regarding the above matters to Lindsay Lara, City Clerk, City of San Rafael, P.O. Box 151560, San Rafael, CA, 94915-1560, or you can deliver a letter to the City Clerk prior to the City Council meeting on December 17, 2018.

FOR MORE INFORMATION:

For additional information regarding the above, you can contact Simon Vuong, Economic Development Coordinator with the City of San Rafael at (415) 485-3134. Office hours are Monday - Friday, 8:30 to 5:00 PM.

Lindsay Lara
City Clerk, City of San Rafael

No.1740 Dec. 7, 2018



Agenda Item No:

Meeting Date: December 17, 2018

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Manager's Office

Prepared by: Cory Bytof,
Sustainability & Volunteer Program Coordinator

City Manager Approval:

TOPIC: MARIN SANITARY SERVICE CONTRACT AMENDMENT AND RATES FOR 2019

SUBJECT: RESOLUTIONS OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL:
 A. ESTABLISHING MAXIMUM RATES COLLECTED BY MARIN SANITARY SERVICE FOR REFUSE AND RECYCLABLE MATERIAL COLLECTION AND DISPOSAL SERVICES, TO BE EFFECTIVE JANUARY 1, 2019, and
 B. APPROVING A THIRD AMENDMENT TO THE AMENDMENT AND RESTATEMENT OF COLLECTION AGREEMENT OF THE CITY OF SAN RAFAEL WITH MARIN SANITARY SERVICE

RECOMMENDATIONS

- A. Adopt a resolution establishing maximum rates collected by Marin Sanitary Service for Refuse and Recyclable Material Collection and Disposal Services, to be effective January 1, 2019.
- B. Adopt a resolution approving a third amendment to the Franchise Agreement with Marin Sanitary Service.

EXECUTIVE SUMMARY

This report details the rate adjustment proposal for 2019 necessary for Marin Sanitary Service (MSS) to provide refuse, recycling, and organic materials composting, hauling, and processing for customers ("rate payers") in San Rafael. Rate payers include residential homeowners, apartment owners, commercial property owners, and other businesses and tenants. The proposed rate adjustment would increase rates by 9.39% over 2018 levels for all rate payers. It includes adjustments using an agreed-upon rate setting methodology the City has with Marin Sanitary Service as well as a negotiated resolution to ongoing recycling deficits in our Recycling Reserve Fund, and is based upon an independent third-party review of expenses and revenues by R3 Consulting Group, Inc. (R3).

Additionally, this report describes the elements of a proposed third amendment to the City's Refuse and Recyclable Material Collection and Disposal Services Agreement (the "Franchise

FOR CITY CLERK ONLY

File No.: _____

Council Meeting: _____

Disposition: _____

Agreement”) with Marin Sanitary Service. Recycling revenue impacts to MSS due to the recent collapse of the recycling commodities markets triggered a meet-and-confer requirement in our Franchise Agreement with them to determine a reasonable remedy. The City and other agencies that have similar agreements with MSS began a joint meet-and-confer process in Spring 2017. This included an analysis of the current method of setting rates and an accounting for recyclable materials processing and revenues to address the new realities of recycling markets as well as other long-term issues.

The City and these other agencies retained the services of R3 Consulting Group, Inc. as well to assist with the analysis and meet-and-confer process and have come to a successful conclusion. The negotiated terms proposed require a new amendment to the Franchise Agreement and will: 1) establish a better means of addressing recycling costs and revenues going forward, 2) streamline and simplify our overall rate setting process, and 3) resolve other contractual issues that have been identified since our last amendment to the Franchise Agreement.

BACKGROUND

Each year, the City Council holds a public hearing to set the maximum collection rates that can be charged by MSS in the City of San Rafael. These rates are based on a specific methodology contained in the Franchise Agreement the City has with MSS. This background section of the staff report will illustrate the overall context for the rate setting process and the proposed amendment to our Refuse and Recyclable Material Collection and Disposal Services Agreement (“Franchise Agreement”) with MSS. For purposes of clarity the terms “current Franchise Agreement” and “proposed Franchise Agreement” will be used, the latter referring to the new Amendment to Franchise Agreement being brought forth for consideration, which if approved, would govern rate setting processes going forward.

Current Franchise Agreement and Marin Franchisors’ Group

Article XI of the California Constitution and the California Public Resources Code allows cities to regulate refuse and recycling services and to collect a franchise fee from any provider of such services. Marin Sanitary Service (MSS) is our sole provider of refuse hauling and recycling services and performs these services in many surrounding communities as well. These services are pursuant to a collection agreement, otherwise known as a Franchise Agreement between the City and the company. The Franchise Agreement outlines the services that must be provided by MSS as well as a methodology to be followed to set customer rates each year.

Several jurisdictions in Marin that have similar agreements with MSS joined together as the Marin Franchisors’ Group to share information and reduce costs. These jurisdictions are: San Rafael, Larkspur, Ross, the Las Gallinas Valley Sanitary District, and the County of Marin, including within the Ross Valley Sanitary District boundaries. The Marin Franchisors’ Group (“Franchisors”) meets several times per year to oversee MSS’s operations and works together to conduct a single annual rate review and analysis rather than each jurisdiction having to conduct and pay for a separate review.

The first Franchise Agreement with MSS occurred in 1966. Our current Franchise Agreement is the “Second Amendment to the Amendment and Restatement of Collection Agreement of the City of San Rafael with Marin Sanitary Service” and was adopted in 2012. This 2012 Amendment included a Recycling Reserve Fund in the rate setting methodology. It was established to capture a portion of recycling revenues (net of expenses) for rate payers since the markets for recycling had been strong for several years, and to provide a cushion for when minor losses occurred. However, the Recycling Reserve Fund is currently not able to accommodate the recent major downturns in recycling markets, which will be discussed more in the Analysis section of this staff report below.

As required under the current Franchise Agreement, the City Council holds an annual public hearing to set the maximum collection rates that can be charged by MSS for services outlined in the Agreement.

The current Franchise Agreement provides for a detailed, base year review of MSS's operations every three years. Annual summary reviews using modified indices are conducted for the next two years. The last detailed review was conducted for the 2016 rate year. The proposed rate levels for 2019 are based on a detailed review.

Marin Sanitary Services and Programs

MSS provides residential, commercial and multi-family refuse services, including garbage, recycling and organics collection and processing. MSS also provides garbage and recycling pick-up for City facilities, parks, and all sidewalk receptacles downtown and throughout San Rafael.

Residential service includes single-family units and three or fewer units in a single structure. San Rafael residential customers receive weekly garbage, recycling, and organics composting collection services. Residential customers also receive twice yearly residential curbside collections of up to 14 additional bags/cans of yard waste, recycling, and/or garbage; and twice yearly residential on-call collection of up to two large items each time.

Commercial service includes all businesses and residential apartment buildings with four or more units. Commercial customers receive separate garbage and recycling containers as well as cardboard pickup, and may choose from a variety of carts, bins, and commercial compactors. In addition, customers are offered the choice of two commercial organics diversion programs. Customers with significant amounts of pre-consumer food waste may participate in the Food to Energy program. Commercial customers with post-consumer food waste, food soiled papers, and yard waste may participate in the commercial composting program. All commercial services can be picked up from one to six times per week.

Multi-family buildings are considered commercial services since they are a business enterprise and operate differently than single family homes. They receive separate garbage, recycling, and organics containers depending on the area available for can storage. MSS works with apartment managers and tenants to develop 'green teams' to increase recycling and composting at their complexes.

In addition, MSS is a key partner in the City's environmental goals as well as the City and County's Zero Waste Goal, which attempts to achieve a 94% diversion of waste from landfill by 2025. MSS conducts the majority of the outreach for the City for the State's Mandatory Commercial Recycling and Mandatory Composting laws (AB 341, AB 1826, and SB 1383), which place requirements on businesses to recycle and compost, and requires annual monitoring and notifications to non-compliant businesses.

MSS has a robust community outreach and education program, which provides resources to all customers including businesses, multifamily dwellings and schools to encourage recycling and other zero waste activities at no additional cost to the customer. They conduct numerous programs and community offerings, including an annual free compost giveaway and customer education event. Finally, MSS has also assisted with illegal dumping abatement along Jacoby Street at a minimum of once per month.

State of the Industry

Since the 2012 amendment to the Franchise Agreement, numerous changes have taken place in

the industry. First, recognizing the negative impacts of organic materials decomposing in landfills on climate change, the State of California has started mandating that local jurisdictions provide curbside composting programs. Subsequent legislation mandates that businesses of certain thresholds compost their organic materials, and it is projected that the State will mandate that all residents and businesses compost their organic waste in the coming years (AB 1826 and SB 1383) while also placing new requirements on local governments to implement, monitor and enforce participation in organic waste programs.

The second major change that has taken place has to do with the recycling commodities markets. Recycling commodities markets have been on a steep decline for the past three years, resulting in reduced revenues for recycling companies and the closure of more than 1,000 recycling buy-back centers throughout the State. For example, between January 2017 and February 2018, MSS saw prices drop for mixed paper recycling from approximately \$155 per ton to \$20 per ton. This market collapse is not only being felt in our local jurisdictions but has been widespread throughout California and the rest of the nation. These existing market conditions are expected to continue into the foreseeable future.

In November 2016, MSS notified the City and the other members of the Marin Franchisors' Group that recycling deficits in the Recycling Reserve Fund had exceeded the amount necessary to trigger a provision in the Franchise Agreement which called for a meet-and-confer process to address the deficits. The Franchisors and MSS agreed to begin the meet-and-confer negotiations in 2017. In addition, the Franchisors and MSS agreed to use the opportunity to review and adjust the overall methodology for setting customer rates each year, known as Exhibit B in our Franchise Agreement. There has been broad agreement that the current methodology can be confusing, has become costly and time-consuming, and does not provide an adequate level of predictability or stability for rate payers or MSS.

ANALYSIS:

This section will outline the rationale for the two items under consideration:

- A. The rate adjustment for 2019
- B. The third amendment to the Franchise Agreement

A. Rate Adjustment for 2019

Rate Review and Methodology

Over the past ten years rate adjustments have ranged from less than one percent to over 10% with an average of 5.82%. Last year's adjustment was 5.57%. Waste haulers around the state are experiencing recycling losses and increases in labor and benefits expenses, among other things. In the past year other Marin County jurisdictions have experienced rate adjustments ranging from approximately 14%-19% in Mill Valley, Belvedere, Corte Madera, Tiburon, and Tamalpais Community Services District. In the past two years, rates increased by 15% in San Francisco to more than 50% in Piedmont, Windsor and Santa Rosa, with similar adjustments occurring or forthcoming in many other Bay Area jurisdictions. This is the result of many factors, including a growing amount of solid waste, recycling, and compostable materials generated by residents and businesses, increasing requirements to divert waste from landfill, increasing costs of processing recyclables and compostable materials, decreasing value of recyclable materials, increasing costs of capital and equipment to implement new standards and requirements, and increasing costs of labor in a constrained labor market.

In 2017 the Franchisors' Group selected R3 Consulting Group, Inc. to conduct the 2019 rate review. The Franchisors' Group selected R3 based on their work on the rate methodology analysis and meet-and-confer process with MSS.

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 5

Adjustments

MSS submitted their 2019 summary rate application in August with a proposed 13.98% increase over 2018 rates, not including treatment of prior recycling losses and 2019 recyclables processing costs. Had those elements been fully included in the 2019 rate adjustment, R3 estimates that the rate adjustment would have been 21.40%.

R3 reviewed the application and all relevant documents and financial schedules with MSS and recommends an increase of 9.39% to the City of San Rafael's rates in 2019, including resolution of prior recycling deficits. These will be carried in the rates over three years from 2019 through 2021 at a rate impact of approximately 0.44% in 2019. The full rate review and proposed adjustments are contained in the R3 Report (Attachment B). The following table (Table 3 from the R3 Report amended for San Rafael) contains a summary of the rate increase components, which reflect projected costs for 2019 utilizing the current agreed upon rate setting methodology in the current Franchise Agreement with one exception. As a result of the meet-and-confer, MSS and the Franchisors' Group also negotiated to include funding of recyclables processing costs in the 2019 rates, as well as resolution of prior recycling losses. This is further explained in the RECYCLABLES PROCESSING & PRIOR DEFICITS line item in the Adjustments section below.

Table 3

Rate Components	MSS Original Application	Breakdown of 2019 Recommended Increase
Labor	5.98%	4.54%
Franchise Fees	0.96%	3.14%
Recyclables Processing and Prior Losses	-	2.96%
Fuel and Oil	0.76%	1.08%
Maintenance	0.81%	0.79%
Benefits	0.79%	0.54%
Profit	1.15%	0.53%
Garbage Landfilling and Organics Processing	0.36%	0.04%
Interest	0.93%	-0.36%
General and Administrative	1.16%	-0.52%
Depreciation and Leases	1.00%	-0.55%
Zero Waste Marin Fees	0.08%	-0.59%
Revenue Projections	-	-2.20%
Total	13.98%	9.39%

The following is a summary of the reasons underlying the rate request broken out by major rate categories.

LABOR: The increase is due to normal cost-of-living increases in base labor costs, new MSS positions including a Director of Human Resources and a Route/Contamination Auditor, impacts of aging workforce turn-over, and reconciliation of actual labor costs compared to prior allowed increases via indexed adjustments.

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 6

FRANCHISE FEES: Franchise fees for the Marin Franchisors' Group are set based on a percentage of gross rate revenues charged and received by MSS. The increase in 2019 is due to increasing rate revenues as well as a change to the franchise fee amount set by Las Gallinas Valley Sanitary District, which the District wishes to increase from \$25,000 per year to 5% of gross rate revenues (and which will only increase rates for Las Gallinas Valley Sanitary District rate-payers). This year jurisdictional fees were attributed only to that local jurisdiction's rates rather than aggregating and dividing amongst all members of the Marin Franchisors' Group.

RECYCLABLES PROCESSING & PRIOR LOSSES: MSS's rate application did not include rate impacts of prior recycling losses of up to \$1.15 million and did not include net costs to process recyclables due to the ongoing negotiations. MSS and the Marin Franchisors' Group negotiated resolution of prior recycling losses, with MSS waiving 2/3 of the \$1.15 million in accumulated losses, and the remaining ~\$350,000 in losses being included in the rates over three years from 2019 to 2021, comprising 0.44% of the 2019 rate increase. Net recyclables processing costs (total processing costs less revenues from sale and redemption of recyclables) comprise 2.52% of the 2019 rate increase and are set based on a negotiated net processing cost of \$40/ton.

FUEL AND OIL: Approximately 3/4 of this increase is due to the increases in the cost of fuel projected for 2019 above the price in 2018. The remaining 1/4 is due to true-ups reconciling prior fuel and oil expenses for 2017 (actual) and 2018 (projected) compared to prior projections, which will be amortized and included in the rates over the next three years from 2019 to 2021, comprising 0.23% of the 2019 rate increase. True-ups in prior year expenses for fuel and oil are allowed under the current rate adjustment methodology but are proposed for removal as a part of the new rate adjustment methodology.

MAINTENANCE: This is based on MSS's proposed 2019 maintenance costs, which are due to normal increases in the cost of vehicle and equipment maintenance.

BENEFITS: The benefits component contributes 0.55% to the overall rate increase and is due to normal increases in the cost of personnel benefits, including workers compensation insurance.

PROFIT: This is MSS's allowable profit, which is an agreed upon "operating margin" of 90.5%. Profit is calculated as a function of total operating expenses divided by 90.5%, less total operating expenses.

GARBAGE LANDFILLING AND ORGANICS PROCESSING: This is based on projected tonnages and tipping fees in 2019 as well as a "true-up" of real costs accumulated in 2017 and 2018 compared to projections of amounts of waste taken to landfill and the charges incurred. Prior true-ups will be included in the rates over the next three years from 2019 to 2021, comprising 0.05% of the increase in 2019, and are proposed for removal as part of the new rate adjustment methodology.

DEPRECIATION AND INTEREST: These two categories are composed of the real allocated costs associated with financing facilities and equipment, including upgrading and modernizing MSS's fleet, which are more fuel efficient and use cleaner technology.

GENERAL AND ADMINISTRATIVE: G&A includes costs such as public outreach, professional fees, and computer hardware/software.

ZERO WASTE MARIN FEES: Zero Waste Marin fees are adjusted to reflect anticipated charges by the County, which are projected to decrease in 2019 for MSS expenses applicable to the Marin Franchisors' Group. Furthermore, this component was removed from the MSS profit calculation.

REVENUE PROJECTIONS: MSS's projections of revenues were determined to be low given the new rate methodology anticipated for adoption by the Marin Franchisors' Group. R3 provided updated projections that reduce the overall needed rate adjustment.

Rate Payer Categories and Comparisons

With the above recommendation, the cost of a 32-gallon residential landfill cart would be increased approximately \$3.55 per month, from \$37.81 to \$41.36. The cost of commercial service for a 3-yard landfill dumpster picked up once per week would be increased by approximately \$43.86 per month, from \$467.09 to \$510.95. Recycling is included in all accounts. Businesses with a vigorous recycling program can reduce their regular container size or pickup schedule, resulting in lower rates.

R3 conducted a survey of Bay Area refuse haulers as part of the rate review, included in Attachment B. It summarizes the survey data for residential 30-35 gallon can weekly service with curbside recycling and organics pickup. Note though, that proposed 2019 rates are not available for other jurisdictions yet, so this comparison is proposed San Rafael 2019 rates to other jurisdictions' 2018 actual rates, which will certainly increase.

The 2019 proposed rate of \$41.36 in San Rafael is similar to the Marin County average of \$41.69 and slightly higher than the Bay Area average, which is \$36.76. Attachment B also compares the City's three-yard commercial bin (once a week) service to those of all Bay Area cities and agencies with similar services. The San Rafael rate of \$510.95 is slightly higher than the average of other Marin County jurisdictions average which is \$495.66 and higher than the Bay Area average, which is \$420.05. However, it is important to note that all jurisdictions provide different services and levels of services, making apples-to-apples comparisons problematic. San Rafael's rates have traditionally been comparable with rates in other Bay Area jurisdictions, while often providing more services.

As in previous years, staff is recommending that the rate adjustment be applied across the board to all residential, multi-family and commercial service accounts. Actual rates for all services are provided as an attachment to the Resolution included with this report.

B. Third Amendment to the Franchise Agreement

Our Franchise Agreement calls for reviewing the contract every five years and amending as necessary. The last amendment was adopted in October 2012.

In May 2017, after a competitive selection process, the City entered into a [contract](#) with R3 Consulting Group, Inc. (R3) on behalf of the Marin Franchisors' Group to conduct an analysis of the issues, and to assist with the meet-and-confer with MSS. City staff engaged Councilmembers Bushey and Colin as an ad-hoc subcommittee to oversee the process. This process had three primary goals:

- 1) Establish a resolution for the over **\$1 million in losses in the Recycling Reserve Fund** (RRF) carried by the company since the recycling market crash,
- 2) Develop a **new model for handling recycling costs and revenues** to replace the RRF that would add greater certainty for rate setting going forward, and
- 3) Revise the overall **methodology for setting rates** to achieve goals of streamlining, simplification, rate stability and recognition of the value of recycling and composting.

In addition, two secondary items were identified during the process:

- 4) Establish **performance metrics** and tracking to better understand qualitative outcomes of MSS' operations and outreach, and

- 5) Revise and institute formal **succession planning and assignment** language and documentation

Concurrently, R3 concluded a detailed rate analysis for 2019, which would set a baseline for future rate adjustments going forward. The following sections summarize the outcomes of the meet-and-confer negotiations.

1. Recycling Reserve Fund Deficits

To date, the Marin Franchisors' Group share of the deficit in the Recycling Reserve Fund total approximately \$1.15 million. MSS has agreed to forego 2/3 of the total Franchisors' share and to amortize the remaining 1/3 (approximately \$350,000) over 3 years. This is 0.44% rate impact each year for 2019, 2020, and 2021. This would be a separate item from the annual rate adjustment calculation, so it will not be compounded over time, nor will there be interest added. Note that this \$1.15 million only represents the half of the losses that were assigned to the Franchisors in the Fund; MSS assumed the liability for their half equaling \$1.15 million. This agreement to cut the Franchisors' share of the deficits by 2/3 is a significant concession by MSS resulting in minimal impact to our rate payers.

2. New Model for Recycling Costs and Revenue

If approved, the proposed third amendment to the Franchise Agreement would eliminate the current Recycling Reserve Fund and replace it with a net processing fee: MSS would be paid an annually adjusted processing fee minus revenues from the sale of recyclable materials. This new method of calculating recycling in the annual rate application includes an incentive for MSS to seek the best prices for selling the materials. This would be accomplished by only funding 90% of MSS's cost to process recyclables (yielding a shortfall for MSS to fill) while allowing MSS to keep 90% of the recycling revenues (as a means of funding the shortfall noted above). Since the cost of recyclables processing is greater than the revenues, MSS would then be incentivized to maximize recycling revenues in order to cover the costs of recyclables processing.

The processing costs and recycling revenues will be reviewed annually, and should there be significant changes to the markets again there is a provision to review and adjust as necessary to mutually benefit rate payers and MSS. This threshold is being set at 10% difference in either revenues or losses for two consecutive years. In this way should markets completely drop out MSS has a means to address further significant losses. However, should markets rebound significantly the City also has a means to ensure that these revenues help offset customer rates.

3. New Methodology for Setting Rates

The proposed third amendment to the Franchise Agreement includes a substantially streamlined and simplified annual rate adjustment methodology. Unlike the current methodology, which sets rates based on actual MSS costs and profits (aka a "cost-plus contract") the new methodology would set rates based on set revenues due to MSS, which would be escalated annually based on one simple Water, Sewer, and Trash (WST) index, which has increased between 2 to 5% annually in recent years. This will streamline and simplify the rate setting process, placing more incentive on MSS to live within the regulated revenue amount, and will significantly reduce annual costs and time for consultants and staff to conduct the annual reviews. Every 5 years MSS or the Marin Franchisors' Group may request a detailed review should there be a need. This differs from the current Agreement, which stipulates an automatic detailed review every 3rd year. All true-up provisions of the old methodology would also be removed. Staff expects a 70-80% reduction in time and costs annually to prepare the rate review.

In addition to the streamlining stated above, the proposed third amendment would include a 2.5% minimum and a 5% maximum rate cap for MSS' operational expenses. This excludes

franchise/agency fees and the cost of processing, recycling, composting and disposal (the latter of which are not subject to MSS control but are subject to fluctuation based on market conditions and amounts of waste generated by residents and businesses). This will not eliminate the possibility of experiencing an overall rate increase greater than 5% on occasion, but generally should curtail the likelihood of large future year rate increases.

As part of the analysis, R3 conducted a thorough review of MSS' expenses and revenues for 2019. This was important to do concurrently with the new amendment to the Franchise Agreement in order to have 3rd party verified figures for the recycling deficits and a better understanding of the projected costs and revenues for future years using a new methodology. One significant outcome of this analysis projects that using our new methodology, and barring any significant upsets in the industry, rates are more likely to adjust by approximately 3-4% annually. This new proposed rate setting methodology would require MSS to manage all of their controllable expenses to the greatest extent possible while also providing greater rate certainty with which to do so.

4. Performance Metrics

MSS agreed to establish new performance metrics for outreach and education as well as regular operations, billing, and customer service. Details of the specific performance metrics and MSS reporting procedures will be established collaboratively between the Marin Franchisors' Group agencies and MSS by June 30, 2019. However, there is now a provision for conducting formal performance reviews at the direction of the Franchisors. MSS is known for quality services, a dedication to recycling and composting, and environmental stewardship. This allows for quantifying and analyzing where there is real impact and where there is room for improvement going forward.

5. Succession Planning & Assignment

Although MSS has stated they are not selling nor are they interested in selling the company, they agreed to prepare formal succession planning documentation to be provided to the franchisor agencies in the coming year, and regularly thereafter. They have also developed and provided new assignment language for the Franchise Agreement that would give the Franchisors more control over any proposed sale of the company. This will now also provide up to \$200,000 for agency costs to review and assist with our interests if the company were to sell in the future, while ensuring that the MSS standards of service continue to be met. Our City Attorney has reviewed and provided input on the language, which has been incorporated into the final version, included here as Attachment D.

In addition to the above, Exhibit A, the MSS Description of Services, was updated to catch up to current State legislation around organic materials collection and processing. Commercial, multi-family, and single-family organic materials collection and composting services were added where appropriate, and other minor updates and clarifications were completed as well.

In conclusion, staff, MSS, and R3 concur that this proposed third amendment to the Franchise Agreement would help achieve the following outcomes:

- Stable and predictable rates for the next 5 years, and a firm basis for rate control in future years,
- Continued verifiable high levels of quality services for the City's residents, businesses and institutions, and
- Simplified annual rate setting methodology that saves significantly on consultant costs and staff time to conduct while improving accuracy and transparency.

The third amendment is included as Attachment D. Should these amendments be approved, they would go into effect for the rate setting process beginning next year and applicable to the 2020 rates.

COMMUNITY OUTREACH:

The City hosted a public City Council Study Session on both of these items on December 3, 2018. Staff emailed our interested parties list for the study session and for this City Council meeting on November 29, 2019. Notice of public meetings were posted through the City Clerk's notification list and on the City's web site on November 29, 2018 and December 13, 2018.

FISCAL IMPACT:

Increasing MSS's rates will result in slight increases to the franchise fees paid by MSS to the City. Approving these amendments will reduce the annual cost for consultants to review the rate applications by several tens of thousands of dollars annually. In addition, the financial intent of the new methodology is to provide for greater rate stability and predictability and to reduce the potential for large rate increases in the future.

RECOMMENDED ACTIONS:

- A. Adopt a resolution establishing maximum rates collected by Marin Sanitary Service for Refuse and Recyclable Material Collection and Disposal Services, to be effective January 1, 2019.
- B. Adopt a resolution approving a third amendment to the Franchise Agreement with Marin Sanitary Service.

ATTACHMENTS:

- Attachment A: Resolution with Rate Schedule (marked as Exhibit C)
- Attachment B: R3 Review of MSS Rate Application, including Bay Area Rate Survey
- Attachment C: Resolution approving Third Amendment
- Attachment D: Proposed Third Amendment to the Amendment and Restatement of Collection Agreement of the City of San Rafael with Marin Sanitary Service, including Exhibits A and B
- Attachment E: Public Hearing Notice

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
ESTABLISHING MAXIMUM RATES COLLECTED BY MARIN SANITARY SERVICE
FOR REFUSE AND RECYCLABLE MATERIAL COLLECTION AND DISPOSAL
SERVICES, TO BE EFFECTIVE JANUARY 1, 2019**

WHEREAS, the City of San Rafael and Marin Sanitary Service have entered into an “Amendment and Restatement of Collection Agreement of the City of San Rafael and Marin Sanitary Service,” dated September 4, 2001 and amended by a written first amendment dated March 1, 2005 and a written second amendment dated November 14, 2012 (hereafter the “Franchise Agreement”); and

WHEREAS, Section 3 (B) of the Franchise Agreement provides for maximum rates allowed to be collected by Marin Sanitary Service, to be amended from time to time by the City Council; and

WHEREAS, Exhibit "C" of the Franchise Agreement provides for approved rate schedules, as amended by the City Council from time to time, to be included as part of the Collection Agreement; and

WHEREAS, Marin Sanitary Service has submitted a rate application request using the methodology outlined under Section 3 (A) of the Franchise Agreement; and

WHEREAS, the City of San Rafael has conducted a review of said rate application and produced a report recommending rate and fee adjustments; and

WHEREAS, on December 17, 2018 the City Council held a duly noticed public hearing to consider the rate application request and receive public testimony thereon; and

WHEREAS, the City of San Rafael has determined that such rate and fee adjustments are proper, in the best interest of all citizens, and will promote public health, safety and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES RESOLVE, DETERMINE AND ORDER AS FOLLOWS: The schedule of maximum rates and fees attached hereto as "Exhibit C" and incorporated herein by reference, is hereby approved to be collected by Marin Sanitary Service for refuse and recyclable material collection and disposal services, to be effective retroactively to January 1, 2017. Said “Exhibit C” shall be incorporated as the revised Exhibit "C" to the Franchise Agreement.

I, Lindsay Lara, City Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Monday, the 17th of December 2018, by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

LINDSAY LARA, City Clerk

MAGS/MASR		RESIDENTIAL REFUSE COLLECTION RATES			Rate 9.39%	
					Effective 1/1/2019	
RECURRING CHARGES	<i>Residential Service (Bundled service includes 1 landfill (garbage) cart, 1 organics cart, & 1 recycling split cart)</i>					
	Weekly Service Rates (Billed Quarterly)		2019 Flat rate		2019 Hill Rate	
			Monthly Rate	Quarterly Rate	Monthly Rate	Quarterly Rate
	20 gallon cart		\$35.16	\$105.48	\$39.82	\$119.46
	32 gallon cart		\$41.36	\$124.08	\$46.85	\$140.55
	64 gallon cart		\$82.72	\$248.16	\$93.70	\$281.10
	96 gallon cart		\$124.08	\$372.24	\$140.56	\$421.68
	Low income - 20 gal* cart		\$28.11	\$84.33	\$31.87	\$95.61
	Low income - 32 gal* cart		\$33.04	\$99.12	\$37.50	\$112.50
	Low income - 64 gal* cart		\$66.07	\$198.21	\$75.01	\$225.03
	<i>Senior rate**Discontinued</i>		\$29.20	\$87.60	\$37.18	\$111.54
	Additional Organics Cart Rental (35 or 64 gallon cart)		\$2.20	\$6.60	\$2.20	\$6.60
	Additional Split Cart Rental (64 or 96 gallon cart)		\$2.20	\$6.60	\$2.20	\$6.60
	Additional Monthly Charges		Monthly Fee (per cart, each way)	Quarterly Fee		
Distance 5' - 50'		\$5.37	\$16.11			
Distance Over 50'		\$10.86	\$32.58			

*Must meet PG&E CARE program eligibility requirements.

**Customers with these rates prior to 2005 will keep the existing rate type. No new customers will be added with this rate type.

NOTE: We may not be able to accommodate any collection requests NOT at the curb due to a variety of factors including safety, accessibility, and efficiency. Requests to be assessed and approved by Route Manager.

ONE TIME SERVICE FEES	Additional Service Fees per Occurrence	2019 Fee
	Return Fees - Off day	\$25.00
	Return Fees - Same day	\$10.00
	Resume Service/Late Fee	\$35.00
	Contamination (cart) any size cart	\$30.00
	Overload/Overweight (cart)	\$25.00
	Extra bag garbage	\$15.00
	Extra bag yard waste	\$10.00
	Steam Clean (cart)	\$15.00
	Special Collection	\$35.00
	Special Handling (Bulky items)	\$30.00
	Bulky item fees per item	Fees Vary
	Cart Strap Set-up Admin Fee	\$25.00
	20 Gal Cart Replacement Fee	\$55.00
	32 Gal Cart Replacement Fee	\$60.00
	64 Gal Cart Replacement Fee	\$65.00
	96 Gal Cart Replacement Fee	\$75.00
64 Gal Split Cart Replacement Fee	\$90.00	
96 Gal Split Cart Replacement Fee	\$100.00	

MAGS/MASR		COMMERCIAL REFUSE COLLECTION RATES						9.39% Increase Effective 1/01/19	
RECURRING CHARGES	COMMERCIAL CARTS, BINS, ROLL-OFFS	Collections per Week						Additional One Time Empty	
		1	2	3	4	5	6		
	Garbage								
	20 gallon cart*	\$35.16	\$70.32	\$105.47	\$140.63	\$175.79	\$210.95	\$8.12	
	32 gallon cart	\$41.08	\$82.15	\$123.23	\$164.30	\$205.38	\$246.46	\$9.48	
	64 gallon cart	\$82.15	\$164.30	\$246.46	\$328.61	\$410.76	\$492.91	\$18.97	
	96 gallon cart	\$123.23	\$246.46	\$369.68	\$492.91	\$616.14	\$739.37	\$28.45	
	1 yard bin	\$266.98	\$533.10	\$816.33	\$1,098.76	\$1,386.24	\$1,678.86	\$61.61	
	2 yard bin	\$392.54	\$901.91	\$1,368.24	\$1,844.83	\$2,331.67	\$2,828.77	\$99.61	
	3 yard bin	\$510.95	\$951.47	\$1,450.34	\$1,964.52	\$2,494.16	\$3,039.17	\$122.27	
	4 yard bin	\$728.92	\$1,347.49	\$2,051.94	\$2,777.01	\$3,325.57	\$4,288.63	\$178.96	
	5 yard bin	\$788.49	\$1,585.78	\$2,417.25	\$3,274.23	\$4,156.97	\$5,065.28	\$190.81	
	6 yard bin	\$936.08	\$1,902.94	\$2,900.67	\$3,929.11	\$4,988.32	\$6,078.34	\$217.48	
	10 yard roll-off	\$1,319.35	\$2,699.97	\$4,143.54	\$5,647.89	\$7,213.84	\$8,841.32	\$309.89	
	18 yard roll-off	\$2,369.70	\$4,850.31	\$7,441.70	\$10,143.88	\$12,956.90	\$15,880.77	\$557.83	
	20 yard roll-off	\$2,633.08	\$5,389.22	\$8,268.53	\$11,270.95	\$14,396.56	\$17,645.26	\$619.85	
	25 yard roll-off	\$3,683.25	\$7,538.93	\$11,113.77	\$15,149.16	\$19,350.26	\$23,716.90	\$774.77	
	Organics (F2E or Compost)								
	32 gallon	\$17.03	\$34.06	\$51.09	\$68.12	\$85.15	\$102.18	\$3.93	
	64 gallon	\$34.06	\$68.12	\$102.18	\$136.24	\$170.30	\$204.36	\$7.86	
	1 yard	\$119.22	\$238.44	\$357.66	\$476.88	\$596.10	\$715.32	\$27.51	
	2 yard	\$238.44	\$476.88	\$715.32	\$953.76	\$1,192.20	\$1,430.64	\$55.02	
	3 yard	\$357.66	\$715.32	\$1,072.98	\$1,430.64	\$1,788.30	\$2,145.96	\$82.54	
	10 yard roll-off	\$923.55	\$1,847.10	\$2,770.65	\$3,694.20	\$4,617.75	\$5,541.30	\$213.13	
	18 yard roll-off	\$1,662.39	\$3,324.78	\$4,987.17	\$6,649.56	\$8,311.95	\$9,974.34	\$383.63	
	20 yard roll-off	\$1,847.10	\$3,694.20	\$5,541.30	\$7,388.40	\$9,235.50	\$11,082.60	\$426.25	
	25 yard roll-off	\$2,308.88	\$4,617.75	\$6,926.63	\$9,235.50	\$11,544.38	\$13,853.25	\$532.82	
	Garbage Compactors (Per empty)								
	Roll-off Compactor Tipping fee per ton	\$113.39	Roll-off Compactor Hauling charge			\$254.87			
	Stationary FL (Per Compacted Yard)	\$98.48	Roll-off Compactor Special handling			Rates Vary			
	Other Charges	Service	Fee		Details				
		Lock	\$25.00		Monthly fee				
		Box rental	Fees Vary		Min. Bimonthly fee				
		Distance < 50ft	\$5.37		Monthly fee per cart, each way				
		Distance > 50ft	\$10.86		Monthly fee per cart, each way				

* Customers must have a sufficient level of service for the volume of material generated. Requests for 20gal carts require assessment and approval of a Route Manager.

NOTE: All container types and sizes may not be available at all locations depending on a variety of factors including safety, accessibility, and efficiency. Requests to be assessed and approved by Route Manager.

NOTE: Roll-offs for organics available on request at 30% discount on above garbage rates.

ONE TIME SERVICE FEES	Commercial Service Fees	Fee
		Return Fee - BIN
	Return Fee - CART -same day	\$10.00
	Return Fee - CART -off day	\$25.00
	Late Fee/Resume Service Fee	\$35.00
	Contamination (BIN)	\$50.00
	Contamination (CART)	\$30.00
	Overload/Compaction (BIN)	\$60.00
	Overload/Compaction (CART)	\$25.00
	Extra Bag Garbage	\$15.00
	Additional Empty BIN	Fees vary
	Extra Bag Yard Waste	\$15.00
	Steam Clean (1-6 yard BIN)	\$95.00
	Steam Clean (CART)	\$15.00
	Steam Clean (COMPACTOR/ROLL-OFF)	\$225.00
	Lock Set-up Admin Fee	\$25.00
	Lock Single Use Fee	\$5.00
	Lock Purchase Fee	\$20.00
	Lock Bar Bin Set-up Fee	\$75.00
	Overweight Charge Per Ton*	\$205.00
	20 Gal Cart Replacement Fee	\$55.00
	32 Gal Cart Replacement Fee	\$60.00
	64 Gal Cart Replacement Fee	\$65.00
	96 Gal Cart Replacement Fee	\$75.00
	64 Gal Split Cart Replacement Fee	\$90.00
	96 Gal Split Cart Replacement Fee	\$100.00
	Bin Repair/Replacement Fee**	Fees vary by size up to \$1,200

*(Boxes exceeding 300lbs/yard)

**Fees vary by size not to exceed current replacement value.

MAGS/MASR							9.39% Increase Effective 1/01/19	
REOCCURRING CHARGES	MFD CARTS, BINS, ROLL-OFFS	Collections per Week						Additional One Time Empty
	Garbage	1	2	3	4	5	6	
	20 gallon cart*	\$35.16	\$70.32	\$105.47	\$140.63	\$175.79	\$210.95	\$8.12
	32 gallon cart	\$41.36	\$82.72	\$124.08	\$165.44	\$206.80	\$248.16	\$9.55
	64 gallon cart	\$82.72	\$165.44	\$248.16	\$330.88	\$413.60	\$496.32	\$19.09
	96 gallon cart	\$124.08	\$248.16	\$372.24	\$496.32	\$620.41	\$744.49	\$28.64
	32 gallon - hill	\$46.85	\$93.70	\$140.56	\$187.41	\$234.26	\$281.11	\$10.81
	64 gallon - hill	\$93.70	\$187.41	\$281.11	\$374.81	\$468.52	\$562.22	\$21.63
	96 gallon - hill	\$140.56	\$281.11	\$421.67	\$562.22	\$702.78	\$843.33	\$32.45
	1 yard bin	\$257.27	\$518.64	\$784.16	\$1,053.76	\$1,327.47	\$1,605.25	\$59.38
	2 yard bin	\$392.54	\$899.83	\$1,362.08	\$1,832.50	\$2,311.16	\$2,798.01	\$90.59
	3 yard bin	\$510.95	\$936.45	\$1,423.17	\$1,922.17	\$2,433.49	\$2,957.07	\$117.91
	4 yard bin	\$728.92	\$1,343.40	\$2,039.60	\$2,752.35	\$3,417.67	\$4,227.04	\$168.21
	5 yard bin	\$788.49	\$1,560.75	\$2,371.89	\$3,203.55	\$4,055.77	\$4,928.50	\$181.96
	6 yard bin	\$924.13	\$1,872.91	\$2,846.28	\$3,844.27	\$4,866.91	\$5,914.15	\$213.26
	10 yard roll-off	\$1,319.35	\$2,699.97	\$4,143.54	\$5,647.89	\$7,213.84	\$8,841.32	\$309.89
	18 yard roll-off	\$2,369.70	\$4,850.31	\$7,441.70	\$10,143.88	\$12,956.90	\$15,880.77	\$557.83
	20 yard roll-off	\$2,633.08	\$5,389.22	\$8,268.53	\$11,270.95	\$14,396.56	\$17,645.26	\$619.85
	25 yard roll-off	\$3,683.25	\$7,538.93	\$11,113.77	\$15,149.16	\$19,350.26	\$23,716.90	\$774.77
	Organics	1	2	3	4	5	6	Additional One Time Empty
	Additional Organics Cart Rental (35 gallon cart) after 4 TOTAL carts per cart per month	\$2.20	NA	NA	NA	NA	NA	NA
	Additional Organics Cart Rental (64 gallon cart) after 4 TOTAL carts per cart per month.	\$2.20	NA	NA	NA	NA	NA	NA
	1 yard	\$119.22	\$238.44	\$357.66	\$476.88	\$596.10	\$715.32	\$27.51
	2 yard	\$238.44	\$476.88	\$715.32	\$953.76	\$1,192.20	\$1,430.64	\$55.02
	3 yard	\$357.66	\$715.32	\$1,072.98	\$1,430.64	\$1,788.30	\$2,145.96	\$82.54
	Garbage Compactors (Per empty)							
	Roll-off Compactor Tipping fee per ton	\$113.39	Roll-off Compactor Hauling charge		\$254.87			
	Stationary FL (Per Compacted Yard)	\$98.48	Roll-off Compactor Special handling		Rates Vary			
	Other Charges	Service	Fee		Details			
		Lock	\$25.00		Monthly fee			
		Box rental	Fees Vary		Min. Bimonthly fee			
		Distance < 50ft	\$5.37		Monthly fee per cart, each			
		Distance > 50ft	\$10.86		Monthly fee per cart, each			

NOTE: Minimum service level is 32 gallons per unit or equivalent volume. Decrease to 20 gallon per unit is subject to company review and approval

NOTE: Up to four (4) Organics carts provided at no additional charge. Additional carts may be rented for a nominal monthly fee.

NOTE: All container types and sizes may not be available at all locations depending on a variety of factors including safety, accessibility, and efficiency. Requests to be assessed and approved by Route Manager

ONE TIME SERVICE FEES	MFD One Time Service Fees	Fee
		Return Fee - BIN
	Return Fee - CART -same day	\$10.00
	Return Fee - CART -off day	\$25.00
	Late Fee/Resume Service Fee	\$35.00
	Contamination (BIN) Per Yard	\$50.00
	Contamination (CART)	\$30.00
	Overload/Compaction (BIN)	\$60.00
	Overload/Compaction (CART)	\$25.00
	Additional Empty Bag	\$15.00
	Extra Bag Yard Waste	\$10.00
	Additional Empty Garbage	Fees vary
	Steam Clean (BIN)	\$95.00
	Steam Clean (CART)	\$15.00
	Steam Clean (COMPACTOR/ROLL-OFF)	\$225.00
	Lock Set-up Admin Fee	\$25.00
	Lock Single Use Fee	\$5.00
	Lock Purchase Fee	\$20.00
	Lock Bar Bin Set-up Fee	\$75.00
	Overweight Charge Per Ton*	\$205.00
	20 Gal Cart Replacement Fee	\$55.00
	32 Gal Cart Replacement Fee	\$60.00
	64 Gal Cart Replacement Fee	\$65.00
	96 Gal Cart Replacement Fee	\$75.00
	64 Gal Split Cart Replacement Fee	\$90.00
	96 Gal Split Cart Replacement Fee	\$100.00
	Bin Repair/Replacement Fee**	Fees vary by size up to \$1,200

*(Boxes exceeding 300lbs/yard)

**Fees vary by size not to exceed current replacement value.

FINAL REPORT

**Review of Marin Sanitary Service's 2019
Rate Application**



SUBMITTED TO:

Marin Franchisors' Group

December 4, 2018

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Table of Contents

Table of Contents

Cover Letter

Section 1: Background 1

Section 2: Rate Review Approach 3

Section 3: Recommended 2019 Rate Increases 5

Attachments

- 1 Marin Sanitary Service Proposed 2019 Rate Application Summary
- 2 R3 Adjusted 2019 Rate Application Summary
- 3 Bay Area Rate Survey
- 4 Chart of 2019 Residential 32-Gallon Rates
- 5 Chart of 2019 Commercial 3 Cubic Yard Rates

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Table of
Contents

R3

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December 4, 2018

Ms. Cristine Alilovich
Assistant City Manager
City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94919

Mr. Dan Schwarz
City Manager
City of Larkspur
400 Magnolia Avenue
Larkspur, CA 94939

Mr. Ernest Klock
Assistant Director
County of Marin
Department of Public Works
3501 Civic Center Drive, Suite 304
San Rafael, CA 94903

Mr. Joe Chinn
Town Manager
Town of Ross
31 Sir Francis Drake Blvd
Ross, CA 94957

Ms. Susan McGuire
Administrative Services Manager
Las Gallinas Valley Sanitary District
300 Smith Ranch Road
San Rafael, CA 94903

Subject: Review of Marin Sanitary Service's 2019 Rate Application, Final Report

Dear Ms. McGuire, Ms. Alilovich, Mr. Klock, Mr. Schwarz and Mr. Chinn,

R3 Consulting Group, Inc. (R3) is pleased to submit the attached Final Report detailing the results of our review of Marin Sanitary Service's (MSS's) 2019 rate application for the Marin Franchisors' Group. This Report summarizes results from a detailed base year review of MSS's 2019 rate application and the results of the negotiated outcomes from the recently completed "meet and confer" between the Marin Franchisors' Group and MSS.

Marin Sanitary Application for 2019 Rate Adjustment

On August 15, 2018, Marin Sanitary Service (MSS) submitted its application for an 13.98% increase to its solid waste rates, to be effective January 1, 2019. Per the Franchise Agreements between MSS and the members of the Marin Franchisors' Group, 2019 is a "base year rate adjustment" meaning that MSS prepares its 2019 projections of expenses and revenues based on actual prior, current, and expected future expenses and revenues. This differs from the "indexed rate adjustment" used in other years, which primarily projects MSS expenses based on external market indices.

The Marin Franchisors' Group retained R3 to conduct a detailed review of MSS's rate application to review the basis of MSS's projections, and to recommend adjustments in keeping with the terms and conditions of the Franchise Agreements. In parallel, MSS, R3 and the Marin Franchisors' Group worked to streamline the rate setting methodology and complete the contractually required meet and confer process to determine means of resolving \$1.15 million in prior accumulated losses from the processing and sale of recyclable materials and address funding of ongoing recyclables processing costs, starting in 2019.

Appropriately, MSS's 2019 rate application did not include rate impacts from resolution of the prior recycling losses or future recyclables processing costs, as these costs are not currently included in rates charged to customers. Had MSS included those impacts in 2019, R3 calculates that the 2019 rate increase would have been 21.40%. A summary of MSS's original 2019 rate application is included in Attachment 1.

R3 conducted a thorough review of the rate application based on the rate methodology agreed to via the Franchise Agreements between MSS and the cities of San Rafael and Larkspur, the Town of Ross, the County of Marin, and the Las Gallinas Valley Sanitary District, collectively referred to as the Franchisors' Group. Our review included a thorough assessment of all relevant documents for completeness and compliance with the procedures agreed upon by MSS and the Franchisors' Group, included a verification of the mathematical accuracy and logical consistency of the supporting schedules, and involved multiple on-site meetings and phone calls with MSS management and staff. MSS staff and management were very cooperative and responsive throughout the review, providing R3 with all requested information necessary for our review of the rate application.

Based on our review of the rate application, R3 determined that an overall rate increase of 8.20% (for the Franchisors' Group as a whole) is appropriate to compensate MSS for its projected 2019 expenses *before* any treatment of prior recycling losses or future recyclables processing costs and any consideration of negotiated outcomes of the meet and confer process. With these included the recommended overall rate increase is 9.56%, with varying increases for each Franchisors' Group agency, which vary slightly depending on the amounts and types of franchise and other fees set by each agency. These findings have been reviewed with MSS, and they are in agreement with the proposed adjustments to their rate application and the recommended overall rate increase of 9.56% for 2019. Individual increases by Franchisors' Group agency shown in Table 2, below. Attachment 2 provides the rate adjustment calculations and the specifics of the recommended increases by agency.

Table 1
Summary of Adjustments to 2019 Rate Increase Request

MSS Original Rate Increase Request	13.98%
R3 Adjustments	-5.96%
Recyclables Net Processing Costs	2.20%
Total Prior Recycling Losses	5.22%
Negotiated Outcomes	-5.88%
Recommended Rate Increase	9.56%

Table 2
Recommended 2019 Rate Increases by Agency

Marin Franchisors' Group Agency	Recommended 2019 Rate Increase
City of San Rafael	9.39%
City of Larkspur	8.52%
County of Marin	8.90%
Las Gallinas Valley Sanitary District	14.33% ¹
Town of Ross	9.60%
Overall	9.56%

¹ The recommended rate increase for Las Gallinas Valley Sanitary District is higher based on the District adopting a 5% franchise fee on gross revenues in place of the current \$25,000 annual franchise fee. Without this change, the increase to the District would be 9.60%.

Summary of 2019 Recommended Rate Increase

Table 3, below, shows the main components affecting the recommended 2019 rate increase, including the components proposed by MSS, the impacts of prior recycling losses and recyclables processing costs, the results of R3's review, and the negotiated outcomes of the meet and confer process. Note that individual breakdown of factors will vary by agency but are generally proportionate to the below.

Table 3
Summary of Factors Affecting 2019 Recommended Rate Increase

Rate Components	MSS Original Application	Breakdown of 2019 Recommended Increase
Labor	5.98%	4.63%
Franchise Fees	0.96%	3.20%
Recyclables Processing and Prior Losses	-	3.02%
Fuel and Oil	0.76%	1.10%
Maintenance	0.81%	0.81%
Benefits	0.79%	0.55%
Operating Profit	1.15%	0.54%
Garbage Landfilling and Organics Processing	0.36%	0.04%
Interest	0.93%	-0.37%
General and Administrative	1.16%	-0.54%
Depreciation and Leases	1.00%	-0.56%
Zero Waste Marin Fees	0.08%	-0.60%
Revenue Projections	-	-2.24%
Total	13.98%	9.56%

A summary of the final 2019 rate impacts, including adjustments recommended by R3 and the negotiated outcomes of the meet and confer process are discussed below and in Section 3 of this Report.

Labor (4.63%)

The labor component contributes 4.63% to the overall recommended 9.56% rate increase. The increase is due to normal cost-of-living increases in base labor costs, new MSS positions including a Director of Human Resources and a Route/Contamination Auditor, impacts of aging workforce turn-over, and reconciliation of actual labor costs compared to prior allowed increases via indexed adjustments.

Franchise Fees (3.20%)

Franchise fees for the Franchisors' Group are set based on a percentage of gross rate revenues charged and received by MSS. The increase in 2019 is due to increasing rate revenues as well as a change to the franchise fee amount set by Las Gallinas Valley Sanitary District, which the District wishes to increase from \$25,000 per year to 5% of gross rate revenues (and which will only increase rates for Las Gallinas Valley Sanitary District rate-payers). Franchise fees were understated in MSS's rate application, and R3 updated the methodology for projecting franchise fees during the rate review, which is the reason that this component appears as large as it is. It is important to note that the magnitude of this component is not set by MSS, and the adjustments to this component made by R3 are to ensure transparency and accuracy of the franchise fee amounts paid by MSS and collected via the rates.

Recyclables Processing and Prior Losses (3.01%)

The recyclables processing and prior losses component contributes 3.01% to the overall recommended 9.56% rate increase. As discussed above, MSS's rate application did not include rate impacts related to prior recycling losses of up to \$1.15 million and similarly did not include net costs to process recyclables; this was appropriate, because these costs are not currently part of the rates or the annual rate setting process.

During the meet and confer process that paralleled review of MSS's rate application, MSS and the Franchisors' Group negotiated resolution of those prior recycling losses, with MSS waiving 2/3 of the \$1.15 million in accumulated losses; the remaining ~\$350,000 in losses is included in the rates over three years from 2019 to 2021, comprising 0.44% of the 2019 rate increase. Net recyclables processing costs (total processing costs less revenues from sale and redemption of recyclables) comprise 2.57% of the 2019 rate increase and are set based on a negotiated net processing cost of \$40/ton. Net recyclables processing costs do not count towards the calculation of MSS's profit.

Fuel and Oil (1.10%)

The fuel and oil component contributes 1.10% to the overall recommended 9.56% rate increase. Approximately 3/4 of this increase is due to the increases in the cost of fuel projected for 2019 above the price in 2018, which increased 42% from 2017 to 2018. The remaining 1/4 is due to true-ups reconciling prior fuel and oil expenses for 2017 (actual) and 2018 (projected) compared to prior projections in those years; these true-ups will be included in the rates over the next three years from 2019 to 2021, comprising 0.23% of the 2019 rate increase. True-ups in prior year expenses for fuel and oil are allowed under the current rate adjustment methodology but are proposed for removal as a part of the new rate adjustment methodology discussed in this report.

Maintenance (0.81%)

The maintenance component contributes 0.81% to the overall recommended 9.56% rate increase. This increase is due to normal increases in the cost of vehicle and equipment maintenance.

Benefits (0.55%)

The benefits component contributes 0.55% to the overall recommended 9.56% rate increase. This increase is due to normal increases in the cost of personnel benefits, including workers compensation.

Operating Profit (0.54%)

MSS's profit component, which is an agreed upon "operating margin" of 90.5% (the equivalent of 10.5% profit on operating expense) contributes 0.54% to the overall recommended 9.56% rate increase. This increase is entirely due to the overall increase in MSS's operating expenses.

Garbage Landfilling and Organics Processing (0.04%)

The garbage landfilling and organics processing component contributes 0.04% to the overall recommended 9.56% rate adjustment. This component is calculated based on the number tons collected, processed and composted or disposed by MSS, and the cost per ton for processing and/or disposal of those tons. Only minor increases were proposed by MSS, including prior true-ups reconciling prior landfilling and processing expenses for 2017 (actual) and 2018 (projected). Prior true-ups will be included in the rates over the next three years from 2019 to 2021, comprising 0.05% of the increase in 2019, and are proposed for removal as part of the new rate adjustment methodology.

Interest (-0.37%)

The interest component contributes a negative 0.37% to the overall recommended 9.56% rate increase. Interest expense does not count towards calculation of MSS's profit. Amounts applicable to the Franchisors' Group were reduced based on updated projections provided by MSS.

General and Administrative (-0.54%)

The general and administrative component contributes a negative 0.54% to the overall recommended 9.56% rate increase. Amounts applicable to the Franchisors' Group were reduced based on updated projections provided by MSS.

Depreciation and Leases (-0.56%)

The depreciation and leases component contributes a negative 0.56% to the overall recommended 9.56% rate increase. Amounts applicable to the Franchisors' Group were reduced based on updated projections provided by MSS.

Zero Waste Marin Fees (-0.60%)

The Marin County Zero Waste Marin fees component contributes a negative 0.60% to the overall recommend 9.56% rate increase. Zero Waste Marin fees are adjusted to reflect anticipated charges by the Zero Waste Marin Joint Powers Authority, which are projected to decrease in 2019 for MSS expenses applicable to the Franchisors' Group. MSS learned of this decrease subsequent to submitting its rate application. Furthermore, this component was removed from the MSS profit calculation.

Revenue Projections (-2.24%)

MSS's projections of revenues were determined to be low given the new rate methodology anticipated for adoption by the Franchisors' Group. R3 recalculated projected rates at current revenues and the result was a negative 2.24% reduction to the MSS proposed rate increase.

Summary of Other Outcomes

As discussed above, in parallel with the review of the 2019 rate increases, R3, the Franchisors' Group and MSS met and conferred to set a new methodology for annually adjusting rates starting in 2020 and to resolve prior recycling losses and future recycling costs. The parties successfully agreed to resolve prior recycling losses, including recycling net processing costs in the rates, and adopt a new rate setting methodology, with key outcomes and benefits outlined below:

- Achieved streamlining and simplification in all future rate adjustments;
- Achieved rate transparency via rate review and verification processes;
- Achieved rate payer predictability and protection via rate and revenue controls;
- Incentivized efficiencies via indexed rate adjustments, not "cost plus profit";
- Achieved sustainable funding of solid waste and recycling programs into future;
- Reduced annual staff time and costs for rate adjustments;
- Secured sustained commitment to processing recyclable materials in Marin County;
- Secured continued annual reporting of operational metrics, and new provisions for review of operations; and

- Secured greater approval authority in potential assignment and MSS commitment to serve Marin well into the future.

* * * * *

R3's appreciates the opportunity to be of service to the Marin Franchisors' Group. We wish to thank the Franchisors' Group staff for their participation, leadership and direction in this process. We further wish to thank MSS management and staff – in particular Kim Scheibly, Roger Williams, and Patty Garbarino – for their active cooperation and responsiveness during this process. Should you have any questions regarding this Report or need any additional information, please contact me by phone at (510) 647-9674 or by email at gschultz@r3cgi.com.

Sincerely,

R3 CONSULTING GROUP



Garth Schultz | Principal

Background

Description of MSS Services

Marin Sanitary Service (MSS) provides franchised refuse, recyclable materials, and organics collection and processing services to the residents and businesses in the cities of San Rafael and Larkspur, the Town of Ross, the County of Marin, and the Las Gallinas Valley Sanitary District, collectively known as the Franchisors' Group.

MSS and its non-franchised related entities, Marin Recycling and Resource Recovery Association (MRRRA) and the Marin Resource Recovery Center (MRRC), also provide solid waste, recyclable-materials, and organics collection and processing services to the residents and businesses of the towns of San Anselmo and Fairfax. MSS also provides non-franchised debris box, street sweeping, and document shredding services to residents and businesses throughout the County of Marin that contract for their services.

MSS delivers refuse collected from waste generators within the Franchisors' Group service area to the MSS transfer station and then transports it to the Redwood Sanitary Landfill, is an unrelated party. MSS delivers recyclable materials to the non-franchised MRRRA where materials are processed and marketed. MSS delivers recyclable-rich loads of refuse (typically commercial) and separated organics loads (collected from residents) along with public self-haul loads to the non-franchised MRRC where recyclable materials are separated from the waste stream, processed, and marketed.

MSS also provides outreach, education, compliance, technical assistance, and other high-diversion programs to the Franchisors' Group, including a food-to-energy program, outreach and education to commercial and multi-family customers (to meet the obligations of State Laws AB 341 and AB 1826, which require commercial recycling and organics collection) and other related services. All services provided by MSS remain unchanged as a result of this review.

Rate Adjustment Methodology

The current Rate Adjustment Methodology was developed in cooperation with MSS, approved by the Franchisors' Group in 2001, and revised in 2012. The individual Marin Franchisors' Group agencies amended their agreements with MSS to include this methodology as Exhibit B - Contractors Revenue Requirement and Rate Adjustment. Section 3 of this Report describes the current methodology in more detail and includes findings from the application of the methodology to MSS's 2019 Rate Application.

The Franchisors' Group and R3 have worked to revise the rate setting methodology with MSS to meet the following goals:

- Streamline and simplify the rate setting process in order to spend less time and consultant cost annually;
- Achieve more transparency for rate payers in the annual rate setting process; and
- Develop a new process to address fluctuations in recycling revenues and address ongoing recycling losses.

R3

Section 1

Background

The new methodology has been completed and is detailed in a separate Amendment to Franchise Agreement. The new methodology will provide for stable and predictable rate increases, while maintaining an emphasis on responsible solid waste management and good value to customers. The new methodology provides for indexed rate adjustments from 2020 through 2024 based on:

- Index-adjusted changes MSS operating costs (72% of rates) based on CPI market index for Water, Sewer, Trash (WST) with a floor of 2.5% and a ceiling of 5%;
- Actual changes in garbage landfilling, organics processing and recyclables net processing costs (13% of rates) based on actual changes in tonnages and tipping fees;
- Actual changes to government fees (15% of rates);
- Annual reconciliation of the difference between gross amounts billed by MSS vs. the total rate revenue requirement calculated via the annual rate adjustment process; and
- Additional rate revenues for new programs/services as agreed to and adopted by MSS and the Franchisors' Group.

Example projections of future increases via the new methodology are shown in Table 4, below. As shown, the "middle scenario" (which R3 considers to be likely given historical performance of the WST index and other factors) assumes that MSS operations increase at the recent historical average rate of change in the WST index (3.7% per year) and modest increases to recycling revenues (\$250,000 per year). Under this scenario, rates are projected to increase between 3.03% and 4.17% from 2020 through 2022, with similar increases in 2023 and 2024. The "high scenario" assumes that MSS operations increase at the maximum allowed ceiling of 5% and that there are no changes to recycling revenues. Under this scenario, which is considered an extreme case, rates are projected to increase between 4.58% and 5.75% from 2020 through 2022, with similar increases in 2023 and 2024.

Table 4
Projections of Rate Increases via New Methodology

Example Rate Adjustments - Middle Scenario				
<i>MSS Operations @ 3.7%/year - Minor Improvements to Recycling Markets</i>				
	2019	2020	2021	2022
MSS Operations	27,353,613	28,368,168	29,420,560	30,421,401
Processing	4,764,811	4,945,600	5,141,482	5,352,990
Government Fees	5,573,167	5,760,188	5,952,782	6,104,201
Other	135,072	135,072	331,117	204,230
Total	37,826,662	39,209,027	40,845,941	42,082,822
Annual Rate Adjustment	9.39%	3.65%	4.17%	3.03%

Example Rate Adjustments - High Scenario				
<i>MSS Operations @ 5%/year - No Improvements to Recycling Markets</i>				
	2019	2020	2021	2022
MSS Operations	\$ 27,353,613	\$ 28,717,010	\$ 30,148,594	\$ 31,560,970
Processing	\$ 4,764,811	\$ 5,143,164	\$ 5,540,696	\$ 5,957,777
Government Fees	\$ 5,573,167	\$ 5,824,584	\$ 6,085,993	\$ 6,310,525
Other	\$ 135,072	\$ 135,072	\$ 334,171	\$ 210,547
Total	\$ 37,826,662	\$ 39,819,831	\$ 42,109,453	\$ 44,039,820
Annual Rate Adjustment	9.39%	5.27%	5.75%	4.58%



Rate Review Approach

R3 Scope of Review

The Franchisors' Group engaged R3 to perform a review of the application in accordance with the current adopted rate adjustment methodology and including negotiated outcomes of the meet and confer process. These procedures included the following activities:

- Reviewing MSS management's actual achievement of, and projections for, revenues for the 12-month periods ending December 31, 2017, and 2018;
- Comparing the results to MSS's audited financial statements for 2017 and year-to-date revenues for 2018, and requesting explanations for variances;
- Reviewing the appropriateness of MSS management's classification of expenses into the various expense categories;
- Reviewing MSS management's calculation of rate year 2019 expenses and comparing them to the calculated expenses for 2018;
- Reviewing MSS management's projection of other expenses including but not limited to:
 - Labor
 - Benefits and workers' compensation;
 - Garbage landfilling and organics processing, including prior year true-ups;
 - General and administrative;
 - Depreciation and leases;
 - Maintenance;
 - Fuel and oil, including prior year true-ups;
 - Recyclables processing costs net of revenues and redemption;
 - Interest;
 - Zero Waste Marin fees; and
 - Franchise and other government fees.
- Reviewing MSS management's projection of other revenues at current rates;
- Compiling rates currently in effect in other municipalities in Marin County, as well as neighboring agencies in other counties; and
- Preparing this Report that documents findings and recommendations.

Limitations

This review was substantially different in scope than an examination in accordance with Generally Accepted Auditing Standards, the objective of which is the expression of an opinion regarding the financial statements taken as a whole. Accordingly, we do not express such an opinion. However, Chiao Smith McMullin + McGuire, An Accountancy Corporation, issued an



Section 2

Rate Review
Approach

unqualified opinion of MSS's 2017 financial statements. The unqualified opinion denotes that the financial statements of MSS were presented fairly in all material respects.

Our conclusions are based in part on the review of MSS's projections of its financial results of operations. Actual results of operations will usually differ from projections because events and circumstances frequently do not occur as expected, and the difference may be significant.

Recommended 2019 Rate Increases

This section provides a summary of the R3 recommended adjustments to the MSS 2019 rate application, and the rationale for those adjustments, including negotiated outcomes.

Base Year Projection Methodology

Projected costs for 2019 are based on costs developed during the last indexed review which occurred in 2017 setting rates for 2018. In projecting the 2019 costs, MSS included the direct costs for the Franchisors' Group garbage, organics and recycling collection, costs for transfer, processing and disposal of garbage, organics and recycling, and costs of administering diversion programs including outreach, education and technical assistance.

Some costs are allocated between agencies served by MSS based on performance metrics. For example, maintenance and administrative costs are allocated among the agencies served by MSS using truck route hours and an average of projected revenue, annual customer counts, and department's percentage of wages, respectively. Depreciation and interest costs are allocated similarly. Management salaries are allocated based upon actual time spent by management related to that department. R3 reviewed and recommended adjustments to allocation methodologies as part of this review, with the results reflected in the recommended 2019 rate increases.

All recommended 2019 amounts by category stated below are inclusive of the results of R3's review of MSS's rate application and the negotiated outcomes of the meet and confer process.

Summary of Adjustments

Labor

R3 reviewed and recommends adjustments to MSS's proposed labor expenses. MSS proposed \$9,990,097 in labor expenses and R3 recommends labor expenses of 9,708,297. R3 recommended adjustments based on R3's assessment that additional labor expenses for new organics routes were not needed in 2019, and that allocated maintenance labor was not applicable to the Franchisors' Group. The Franchisors' Group further negotiated an additional reduction in labor expenses for a total reduction to labor expenses of \$281,800, and the result is a 2.8% decrease from MSS rate application for these expenses.

Benefits

R3 reviewed and recommends adjustments to MSS's proposed benefit expenses. MSS proposed \$4,887,393 in benefit expenses and R3 recommends benefit expenses of \$4,833,947. The \$53,446 reduction is based on updated estimates for 2019 workers compensation costs provided by MSS, and the result is a 1.1% decrease from MSS's rate application for these expenses. Note that decreases in benefit expenses for labor adjustments are included in the labor category, above.

R3

Section 3

Recommended
2019 Rate
Increases**Garbage Landfilling and Organics Processing**

R3 reviewed and recommends adjustments to MSS's proposed garbage landfilling and organics processing expenses. MSS proposed \$4,172,106 in garbage landfilling and organics processing expenses and R3 recommends expenses of \$4,102,408. The \$69,698 reduction is based on updated projections provided by MSS and amortization of \$52,791 in true-ups for prior landfill expenses over three years from 2019 through 2021 (\$17,597 per year and to be removed from rate base starting in 2022). The result is a decrease of 1.7% from MSS's rate application for these expenses.

Recyclables Processing and Prior Losses

As discussed above, MSS's rate application did not include rate impacts of prior recycling losses of up to up to \$1.15 million and did not include net costs to process recyclables. MSS and the Franchisors' Group negotiated resolution of prior recycling losses, with MSS waiving 2/3 of the \$1.15 million in accumulated losses, and the remaining ~\$350,000 in losses being included in the rates over three years from 2019 to 2021, comprising 0.44% of the 2019 rate increase.

Net recyclables processing costs are a new ongoing expense that will be included in the rates starting in 2019. Net recyclables processing costs (total processing costs less revenues from sale and redemption of recyclables) comprise 2.57% of the 2019 rate increase and are set based on a negotiated net processing cost of \$40/ton. This net processing cost per ton includes a fixed cost per ton that will be escalated by WST (with a floor of 2.5% and cap of 5%) in future indexed adjustment years starting in 2020, and a revenue per ton that will change with changing recycling revenues received from MSS's related-party recyclables processing operation.

Fuel and Oil

R3 reviewed and recommends adjustments to MSS's proposed fuel and oil expenses. MSS proposed \$1,339,825 in fuel and oil expenses (including \$1,098,395 in costs for 2019 and \$241,430 in prior true-ups) and R3 recommends expenses of \$1,178,872. The \$160,953 reduction is based on amortization of the \$241,430 in prior true-ups over three years from 2019 through 2021 (\$80,477 per year and to be removed from rate base starting in 2022). The result is a decrease of 14.7% from MSS's rate application for these expenses (after inclusion of true-up expenses).

Maintenance Expense

R3 reviewed and does not recommend an adjustment to MSS proposed maintenance expenses of \$2,153,259.

Depreciation and Leases

R3 reviewed and recommends adjustments to MSS's proposed depreciation and leases expenses. MSS proposed \$3,124,318 in depreciation and leases expenses and R3 recommends expenses of \$2,780,176. The \$344,142 reduction is based on R3's assessment that additional expenses for new organics routes were not needed in 2019 and based on MSS providing updated calculations of these expenses. The result is a 11.0% decrease from MSS's rate application for these expenses.

R3

General and Administrative

R3 reviewed and recommends adjustments to MSS's proposed general and administrative expenses. MSS proposed \$4,126,706 in general and administrative expenses and R3 recommends general and administrative expenses of \$3,221,016. The \$905,690 reduction is based upon the removal of Zero Waste Marin fees from this category (\$532,713), removal of bad debt expenses that will no longer be applicable under the new rate setting methodology, removal of consulting costs for annual rate reviews that are no longer applicable under the new rate setting methodology, and R3's determination that certain costs for new organics routes were not needed. MSS also updated its calculations for these expenses. The result is a 21.9% decrease from MSS's rate application for these expenses.

Operating Profit

R3 reviewed and recommends adjustments to MSS's proposed operating profit, which is calculated based on allowed expenses and a 90.5% operating ratio (the equivalent of 10.5% profit on operating expenses). MSS proposed \$3,102,172 in profit based on allowed operating expenses included in their application; based on all other adjustments described in this Report, R3 recommends profit of 2,936,915. The \$165,257 reduction is due to net decreases in operating costs described above and is a 5.3% decrease from MSS's rate application for operating profit.

Interest Expense

R3 reviewed and recommends adjustments to MSS's proposed interest expenses. MSS proposed \$827,678 in interest expenses and R3 recommends interest expenses of \$541,131. The \$286,547 reduction is based updated amounts provided by MSS. The result is a 34.6% reduction from MSS's rate application for these expenses.

Zero Waste Marin Fees

R3 reviewed and recommends adjustments to MSS's proposed Zero Waste Marin fees. MSS proposed \$532,713 Zero Waste Marin fees as part of general and administrative expense and R3 recommends interest expenses of \$381,250. Additionally, R3 recommends removing these expenses from the general and administrative category (which is subject to operating profit) to its own category and not subject to operating profit calculation (i.e. MSS will no longer earn profit on these expenses). The \$151,463 reduction is based updated amounts provided by MSS. The result is a 28.4% reduction from MSS's rate application for these expenses.

Projected Revenue at Current Rates

R3 reviewed and recommends adjustments to MSS's forecast 2019 revenues at current rates. MSS proposed \$33,843,002 in revenues at current rates and R3 recommends revenues at current rates of \$34,337,374. The \$494,372 increase is based on not forecasting revenue shortfalls from migration (as was done in prior years but will no longer be necessary via the new rate adjustment methodology) and due to estimates of increased revenue from the new Route/Contamination Auditor proposed by MSS. The result is a 1.5% increase from MSS's rate application for projected revenues at current rates, yielding a lessor overall necessary 2019 rate increase.

Section 3

Recommended
2019 Rate
Increases

Franchise Fees

R3 reviewed and recommends adjustments to MSS's forecast of 2019 franchise fees. MSS forecasted \$3,485,266 in franchise fees R3 recommends a forecast of \$3,978,060. The \$492,794 difference is due the prior rate application format understating amounts of franchise fees for the coming rate year. The new calculation more accurately forecasts the amounts of franchise fees owed to the Franchisors' Group agencies by MSS and does not otherwise represent an adjustment to the fees or any MSS operating expenses. The result is a 14.1% increase from MSS's rate application for these expenses.

Other Government Fees

R3 reviewed and recommends adjusting the amount of street sweeping fees (resulting in a decrease in available revenues) by \$24,000 to show pass-through street sweeping fees for Marin County. MSS's forecasted \$1,189,857 in other government fees and R3 recommends \$1,213,857 based on actual amounts of fees due from MSS. The result is a 2.0% increase from MSS's rate application for these expenses.

Non-Regulated Revenues

R3 reviewed and does not recommend an adjustment to MSS's projected non-regulated revenues of \$207,272. These revenues offset the amount to be recovered by the rates.

2019 Rate Increase Calculation

Based on a total recommend 2019 adjusted rate revenue requirement of \$37,826,662 (see Attachment 2) and projected 2019 revenues at current rates of \$34,337,374, R3 calculated and recommends an overall 9.56% rate increase for the Franchisors' Group, effective January 1, 2019, and with individual increases by agency as shown in Table 2 and Attachment 2. Table 5 summarizes, by agency, the current and proposed 32-gallon residential rates, which is the the most common subscription level in the Franchisors' Group service area.

**Table 5
Residential 32-Gallon Rate Summary**

Jurisdiction	Current 2018 Rate (\$/mo.)	Proposed 2019 Rate (\$/mo.)	\$ Difference
City of San Rafael	\$37.81	\$41.36	\$3.55
City of Larkspur	\$43.42	\$47.12	\$3.70
County of Marin	\$43.32	\$47.18	\$3.86
Las Gallinas Valley Sanitary District	\$33.05	\$37.79	\$4.74
Town of Ross	\$36.13	\$39.60	\$3.47

Survey of Comparable Rates

Attachment 3 shows the results of R3's survey of solid waste rates as of November 2018 for agencies located throughout the Bay Area. For the purpose of comparing the Franchisors' Group rates to other agencies in Attachments 3, 4, and 5 we have applied the 2019 rate increases for Franchisors' Group agencies only and compare those 2019 rates to the current 2018 rates for all other agencies.

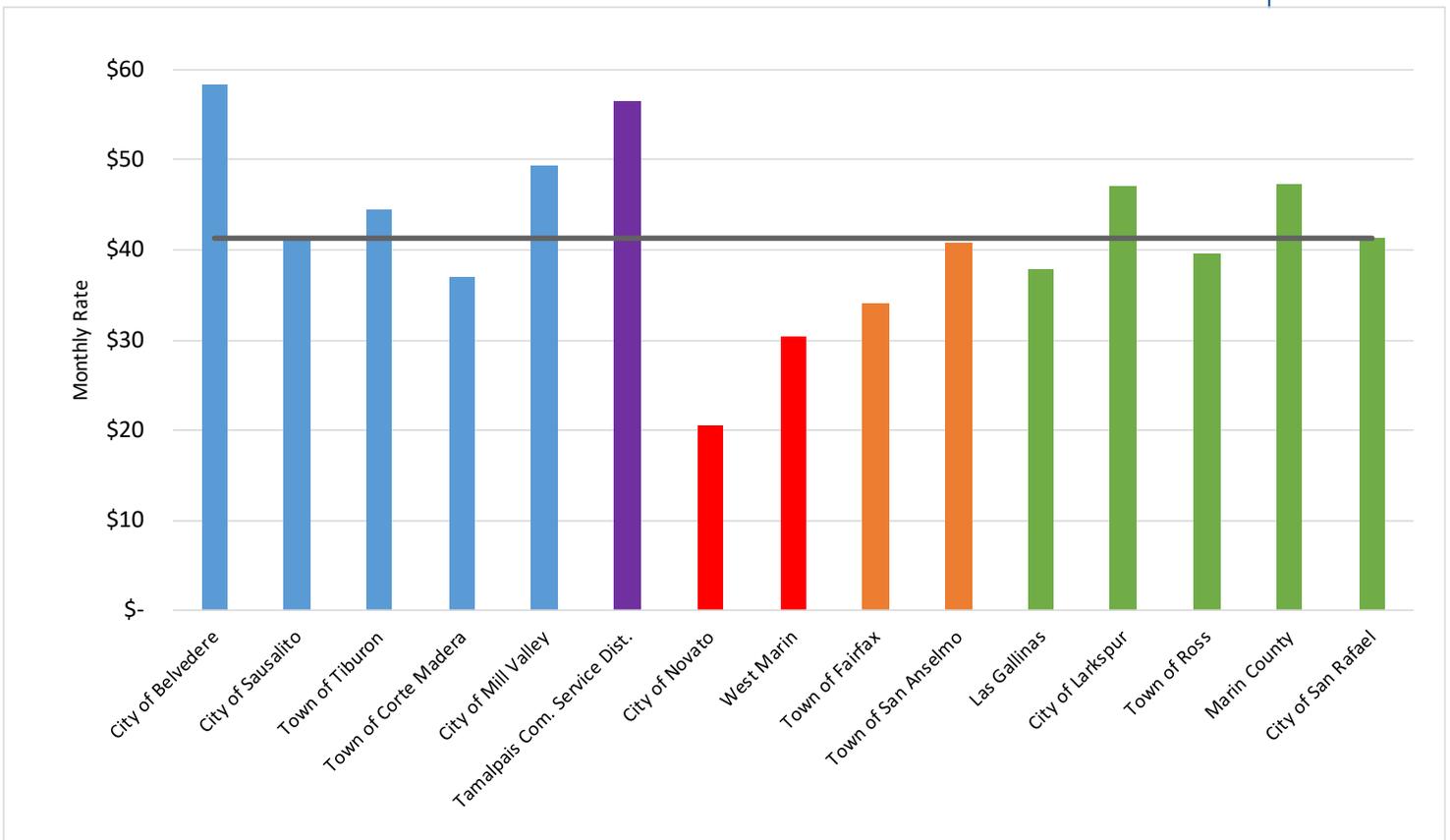


It is anticipated that rates for other agencies will also increase significantly in 2019, and since this comparison uses 2019 rates for the Franchisors' Group, the rate comparison will become more favorable as other entities adopt increased rates.

Figure 1, below, shows a summary of Marin County rates for residential customers with 30-35 gallon garbage service. Bars shown in blue are 2018 rates for Mill Valley Refuse Service; purple is the 2018 rate for Tamalpais Community Services District; red are 2018 rates for Recology Marin (and are artificially low because of prior contract with the Ratto Group and proximity to Redwood Landfill); orange are 2018 MSS rates for non-Franchisors' Group agencies, which are also expected to increase in 2019, and; green are proposed 2019 MSS rates for Franchisors' Group agencies. Overall, the Franchisors' Group 2019 rates compare favorably to the Marin County average, especially for the levels of high-quality services provided by MSS.

Figure 1

Marin County Rates: Franchisors' Group 2019 Residential 32-gal Can compared to Current 2018 30-25-gal Can Rates and Marin County Average of \$41.23



The Franchisors' Group 2019 residential rates for a 32-gallon container (the most frequent residential service level) will range from \$37.79 (Las Gallinas Valley Sanitary District) to \$47.18 (County of Marin). Attachment 4 graphically compares the Franchisors' Group residential rates for a 32-gallon container to one another as well as to the average of Marin County rates for similar service.

Section 3

Recommended 2019 Rate Increases

The Franchisors' Group commercial rates for a 3-cubic yard bin serviced 1 time per week (the most requested commercial service level) range from \$508.39 (Town of Ross) to \$600.83 (City of Larkspur). The average rate for the Franchisors' Group is \$542.63 while the average for Marin County is \$495.66. Attachment 5 compares the Franchisors' Group commercial rates for a 3-cubic yard bin serviced one time per week to the average Marin County rate and all other agencies' average rate for similar service levels.

These survey results are presented as an indication of the reasonableness of the resulting rates for 2019. Conclusions should not be immediately drawn from this information because rate comparisons are intrinsically difficult and often misleading. This results from differences in issues such as those listed below:

- The types and ranges of services provided;
- The level of subscription to solid waste services by residential, commercial, and industrial customers;
- The ratio of residential to commercial and industrial customers;
- The terrain in which the service is performed;
- Disposal, transfer and process costs, and amounts per capita;
- Rate structures; and
- Governmental fees (e.g., franchise fees, vehicle impact fees, etc.).

ATTACHMENT 1

**Marin Sanitary Service
2019 Rate Application - Franchisors' Group
MSS Original Rate Calculation Dated 8/15/18**

Expense Allocation (Percentage of Total Revenues)		44.10%	19.38%	8.50%	15.96%	2.51%	2.08%	6.14%	1.33%	100.00%
		San Rafael	Las Gallinas- City of S.R.	Las Gallinas- County	Larkspur	RV-N	Ross	RVSD	County	FG Total
Rate Application Operating Expenses:										
Wages	\$ 9,990,097	\$ 4,405,889	\$ 1,935,883	\$ 849,028	\$ 1,594,309	\$ 251,041	\$ 207,758	\$ 613,391	\$ 132,798	\$ 9,990,097
Benefits	4,887,393	2,155,466	947,080	415,365	779,974	122,815	101,640	300,085	64,968	4,887,393
Disposal Fees	4,172,106	1,840,006	808,471	354,575	665,822	104,841	86,765	256,167	55,460	4,172,107
Fuel & Oil	1,098,395	484,420	212,847	93,349	175,292	27,602	22,843	67,441	14,601	1,098,395
Maintenance Expense	2,153,259	949,643	417,259	182,999	343,636	54,109	44,780	132,210	28,623	2,153,259
Depreciation/Leases	3,124,318	1,377,904	605,431	265,526	498,606	78,511	64,975	191,833	41,531	3,124,317
Other Operating/G&A	4,126,706	1,819,983	799,674	350,716	658,577	103,700	85,821	253,379	54,856	4,126,706
Total Operating Expenses	29,552,274	13,033,311	5,726,645	2,511,558	4,716,216	742,619	614,582	1,814,506	392,837	29,552,274
Operating Profit	90.5% 3,102,172	1,368,138	601,140	263,644	495,072	77,954	64,514	190,473	41,237	3,102,172
Interest Expense	827,678	365,027	160,388	70,342	132,088	20,799	17,213	50,819	11,002	827,678
Revenue Requirement	33,482,124	14,766,476	6,488,173	2,845,544	5,343,376	841,372	696,309	2,055,798	445,076	33,482,124
Route Revenues (2019 Projected)		14,633,446	6,432,710	2,503,889	5,803,633	945,262	701,703	2,320,253	502,106	33,843,002
Adjustment:										-
Adjusted Route Revenues		14,633,446	6,432,710	2,503,889	5,803,633	945,262	701,703	2,320,253	502,106	33,843,002
Less: Franchise Fees		(1,463,345)	(643,271)	(25,000)	(580,363)	(170,147)	(95,116)	(417,645)	(90,379)	(3,485,266)
Less: Street Sweeping								(48,000)	(24,000)	(72,000)
Less: Vehicle Impact Fee		(306,318)	(137,282)		(568,400)	(42,155)		(63,702)		(1,117,857)
Net Regulated Revenues		12,863,783	5,652,157	2,478,889	4,654,870	732,960	606,587	1,790,906	387,727	29,167,879
Non-Regulated Revenues	207,272	91,412	40,165	17,615	33,078	5,209	4,311	12,726	2,756	207,272
Total Revenues		12,955,195	5,692,322	2,496,504	4,687,948	738,169	610,898	1,803,632	390,483	29,375,151
Adjustment:		-	-							-
Less: Franchise Fees		-	-							-
Adjusted Total Revenues		12,955,195	5,692,322	2,496,504	4,687,948	738,169	610,898	1,803,632	390,483	29,375,151
Revenue Surplus/(Shortfall)		(1,811,281)	(795,851)	(349,040)	(655,428)	(103,203)	(85,411)	(252,166)	(54,593)	(4,106,973)
Calculated Rate Adjustment		13.98%	13.98%	13.98%	13.98%	13.98%	13.98%	13.98%	13.98%	13.98%

Marin Sanitary Service 2019 Rate Application - Marin Franchisors' Group (MFG)

Expense Allocation (Percentage of Total Operating Revenue)	63.53%	15.97%	9.93%	8.50%	2.08%	100.00%
	San Rafael	Larkspur	County	LGVSD	Ross	MFG Total
Current 2018 MFG Rate Revenue						
MFG Rate Revenue at Current 2018 Rates	\$ 21,377,071	\$ 5,880,740	\$ 3,828,411	\$ 2,539,274	\$ 711,878	\$ 34,337,374
Less: MFG Franchise Fees on 2018 Rate Revenue	(2,137,707)	(588,074)	(689,114)	(25,000)	(96,495)	(3,536,390)
Less: MFG Vehicle Impact and Sweeping Fees	(443,600)	(568,400)	(201,857)	-	-	(1,213,857)
Operating Revenue at Current 2018 Rates	18,795,764	4,724,266	2,937,440	2,514,274	615,383	29,587,127
2019 MSS Operating Expense						
Labor	6,167,373	1,550,153	963,850	824,998	201,923	9,708,297
Benefits	3,070,854	771,851	479,919	410,782	100,541	4,833,947
Garbage Landfilling and Organics Processing	2,606,130	655,044	407,291	348,617	85,326	4,102,408
General and Administrative	2,046,209	514,309	319,786	273,718	66,994	3,221,016
Depreciation and Leases	1,766,157	443,919	276,019	236,256	57,825	2,780,176
Maintenance	1,367,897	343,817	213,778	182,981	44,786	2,153,259
Fuel and Oil	748,900	188,234	117,040	100,179	24,519	1,178,872
2019 MSS Operating Expense (Subject to Profit)	17,773,520	4,467,327	2,777,683	2,377,531	581,914	27,977,975
2019 MSS Revenue Requirement						
2019 MSS Operating Expense (Subject to Profit)	17,773,520	4,467,327	2,777,683	2,377,531	581,914	27,977,975
Operating Profit (90.5% Operating Ratio)	1,865,729	468,946	291,580	249,575	61,085	2,936,915
Recyclables Processing	506,610	127,335	79,174	67,768	16,587	797,474
Interest	343,763	86,404	53,724	45,985	11,255	541,131
Zero Waste Marin Fees	242,196	60,875	37,851	32,398	7,930	381,250
2019 MSS Revenue Requirement	20,731,818	5,210,887	3,240,012	2,773,257	678,771	32,634,745
2019 MFG Pass Through Costs						
Projected 2019 MFG Franchise Fees	2,338,487	638,199	750,459	145,154	105,761	3,978,060
MFG Vehicle Impact and Street Sweeping Fees	443,600	568,400	201,857	-	-	1,213,857
Projected 2019 MFG Pass Through Costs	2,782,087	1,206,599	952,316	145,154	105,761	5,191,917
2019 MFG Revenue Requirement						
2019 MSS Revenue Requirement	20,731,818	5,210,887	3,240,012	2,773,257	678,771	32,634,745
2019 MFG Pass Through Costs	2,782,087	1,206,599	952,316	145,154	105,761	5,191,917
2019 MFG Revenue Requirement	23,513,905	6,417,486	4,192,328	2,918,411	784,532	37,826,662
2019 Revenue Shortfall at Current 2018 Rates						
MFG Rate Revenue at Current 2018 Rates	21,377,071	5,880,740	3,828,411	2,539,274	711,878	34,337,374
Non-Regulated Revenue	129,039	35,498	23,110	15,328	4,297	207,272
2019 Revenue at Current 2018 Rates	21,506,110	5,916,238	3,851,521	2,554,602	716,175	34,544,646
Less: 2019 Revenue Requirement	(23,513,905)	(6,417,486)	(4,192,328)	(2,918,411)	(784,532)	(37,826,662)
2019 Revenue less 2019 Rate Revenue Requirement	(2,007,795)	(501,248)	(340,807)	(363,809)	(68,357)	(3,282,016)
2019 Rate Increase Percentage	9.39%	8.52%	8.90%	14.33%	9.60%	9.56%
2019 Revenues After Rate Adjustment						
Calculated 2019 Rate Revenue	23,384,866	6,381,988	4,169,218	2,903,083	780,235	37,619,390
Non-Regulated Revenue	129,039	35,498	23,110	15,328	4,297	207,272
Projected 2019 Revenue at Adjusted Rates	23,513,905	6,417,486	4,192,328	2,918,411	784,532	37,826,662
2019 MFG Revenue Requirement	23,513,905	6,417,486	4,192,328	2,918,411	784,532	37,826,662

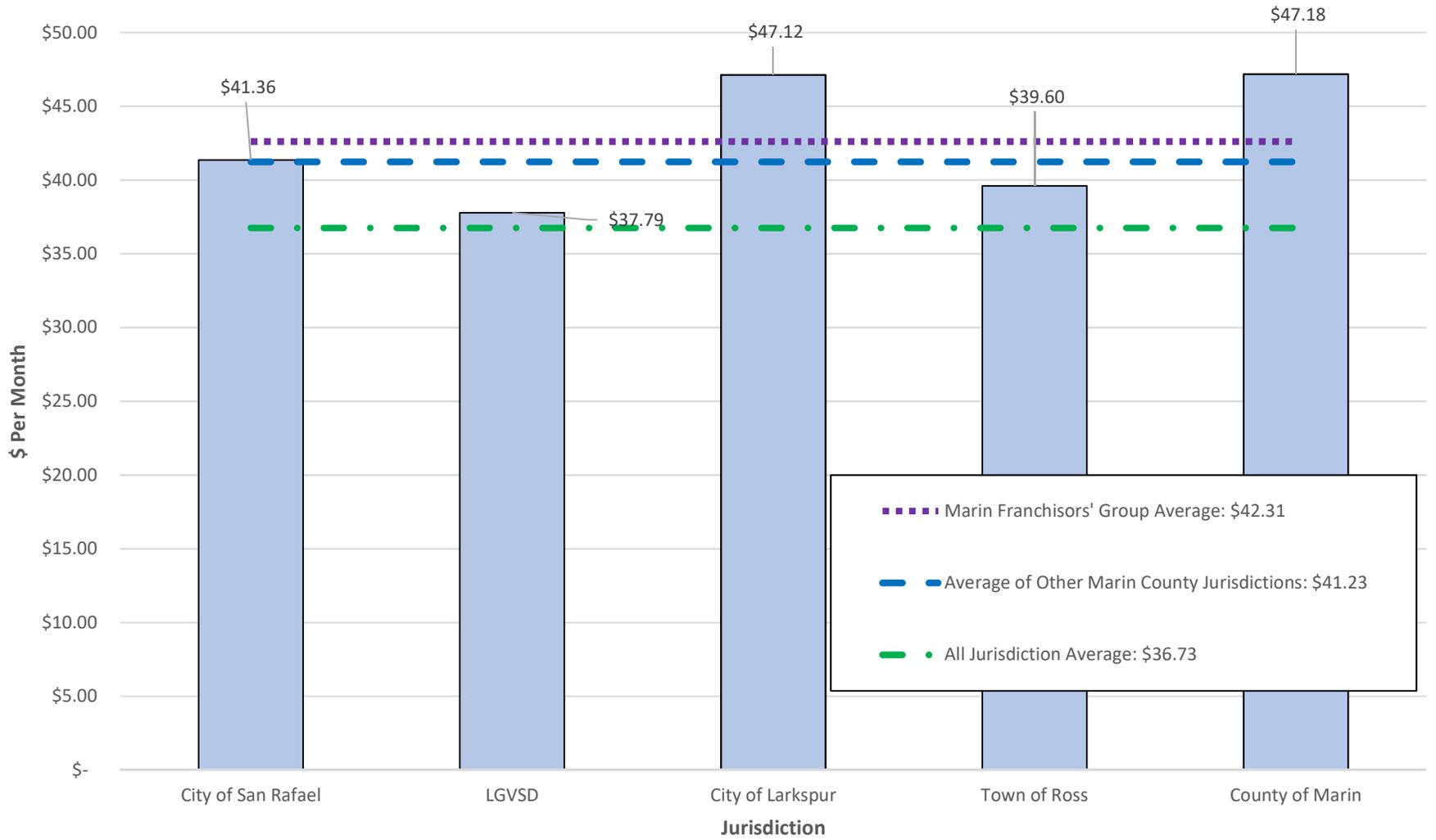
ATTACHMENT 3

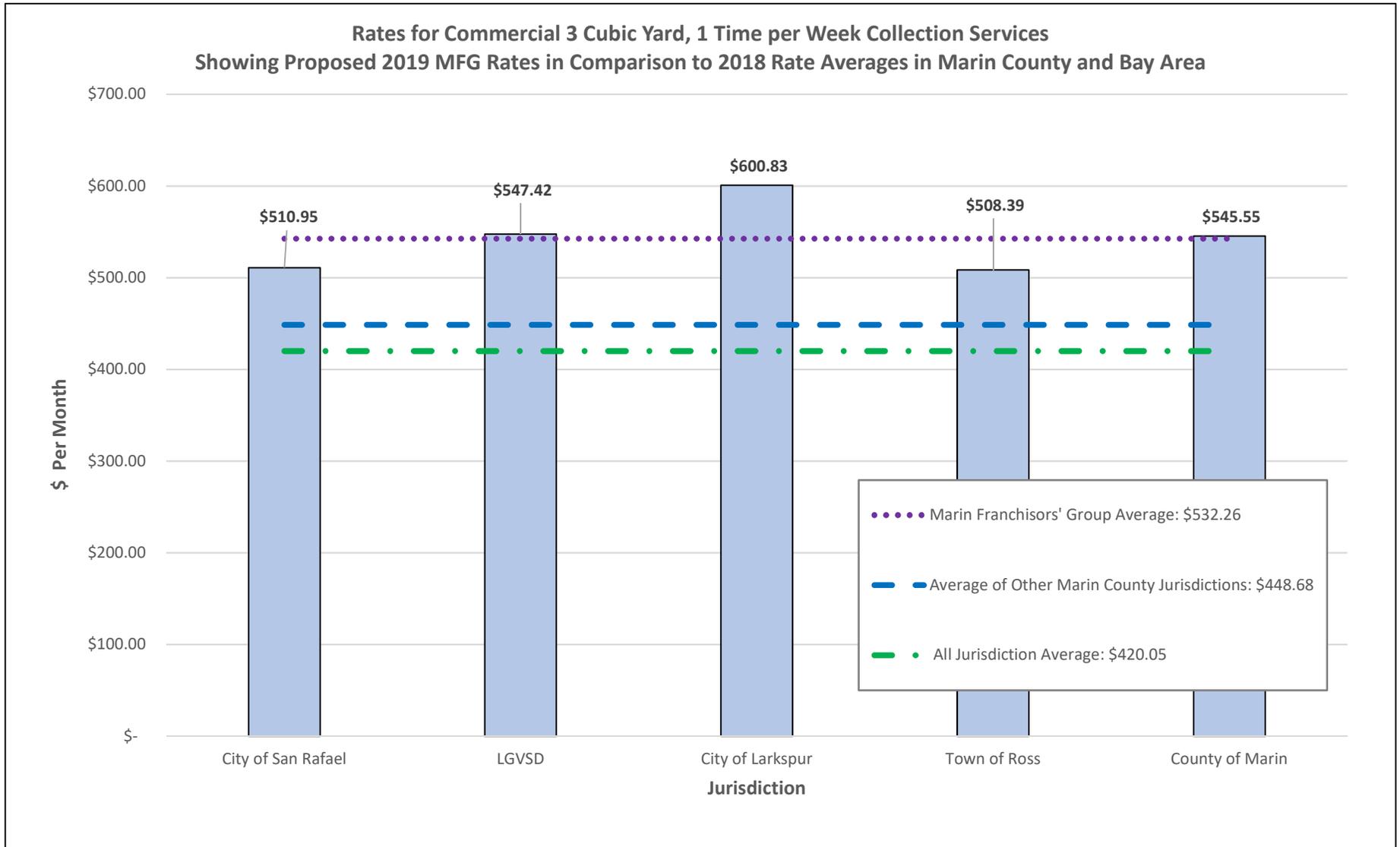
Bay Area Rate Survey

Jurisdiction	County	Effective Dates	Residential Single Family				Commercial			
			20 Gal.	30-35 Gal.	60-64 Gal.	90-96 Gal.	1 YD Bin	1 YD Bin	3 YD Bin	3 YD Bin
							1x/Week	3x/Week	1x/Week	3x/Week
City of Alameda	Alameda	7/1/2018	\$ 31.90	\$ 40.27	\$ 66.17	\$ 92.41	\$ 153.40	\$ 469.39	\$ 460.20	\$ 1,408.17
City of Albany	Alameda	5/1/2018	\$ 38.09	\$ 42.65	\$ 73.72	\$ 104.77	\$ 169.95	\$ 509.85	\$ 509.85	\$ 1,529.55
City of Berkeley	Alameda	7/1/2018	\$ 26.25	\$ 41.98	\$ 83.91	\$ 125.82	\$ 167.07	\$ 470.74	\$ 462.36	\$ 1,373.34
City of Dublin	Alameda	7/1/2018	N / A	\$ 24.94	\$ 45.82	\$ 66.69	\$ 121.02	\$ 423.28	\$ 363.06	\$ 1,149.40
City of Emeryville	Alameda	1/1/2018	\$ 11.43	\$ 18.92	\$ 37.84	\$ 56.75	\$ 112.67	\$ 338.01	\$ 338.01	\$ 1,014.03
City of Fremont	Alameda	1/1/2018	\$ 34.04	\$ 34.77	\$ 38.12	\$ 55.93	\$ 100.71	N / A	\$ 226.39	N / A
City of Livermore	Alameda	7/1/2018	\$ 29.03	\$ 38.42	\$ 57.54	\$ 90.41	\$ 116.72	\$ 364.16	\$ 350.16	\$ 1,115.62
City of Newark	Alameda	1/1/2018	\$ 28.39	\$ 31.55	\$ 55.89	\$ 80.20	\$ 127.86	\$ 398.93	\$ 338.28	\$ 922.51
City of Oakland	Alameda	7/1/2018	\$ 41.54	\$ 47.17	\$ 83.26	\$ 125.13	\$ 230.70	\$ 692.03	\$ 549.39	\$ 1,648.11
City of Piedmont	Alameda	7/1/2018	\$ 79.84	\$ 84.60	\$ 116.55	\$ 130.52	N / A	N / A	N / A	N / A
City of Pleasanton	Alameda	7/1/2018	N / A	\$ 26.06	N / A	\$ 45.48	\$ 116.72	\$ 370.53	\$ 350.16	\$ 1,091.18
City of San Leandro	Alameda	9/1/2018	\$ 10.50	\$ 21.06	\$ 42.05	\$ 63.10	\$ 137.37	\$ 357.08	\$ 365.93	\$ 1,025.04
City of Union City	Alameda	7/1/2018	\$ 29.49	\$ 36.87	\$ 73.79	\$ 110.65	\$ 153.17	\$ 423.06	\$ 401.39	\$ 1,093.91
Castro Valley Sanitary District	Alameda	7/1/2018	\$ 26.68	\$ 41.37	\$ 71.80	\$ 102.26	\$ 294.07	\$ 882.31	\$ 782.32	\$ 2,192.12
Oro Loma Sanitary District (L1)	Alameda	9/1/2018	\$ 9.10	\$ 18.15	\$ 36.35	\$ 54.49	\$ 118.76	\$ 308.67	\$ 316.30	\$ 886.04
Oro Loma Sanitary District (L2)	Alameda	9/1/2018	\$ 9.10	\$ 18.15	\$ 36.35	\$ 54.49	\$ 118.76	\$ 308.67	\$ 316.30	\$ 886.04
Oro Loma Sanitary District (L3)	Alameda	9/1/2018	\$ 10.50	\$ 21.06	\$ 42.05	\$ 63.10	\$ 137.37	\$ 357.08	\$ 365.93	\$ 1,025.04
City of Richmond	Contra Costa	1/1/2018	\$ 29.52	\$ 35.81	\$ 67.81	\$ 100.71	\$ 237.97	\$ 603.47	\$ 542.63	\$ 1,485.85
City of San Pablo	Contra Costa	1/1/2018	\$ 25.20	\$ 30.69	\$ 59.54	\$ 89.23	\$ 236.86	\$ 598.29	\$ 546.11	\$ 1,493.83
City of El Cerrito	Contra Costa	1/1/2018	\$ 34.80	\$ 45.44	\$ 91.23	N / A	\$ 308.10	\$ 860.08	N / A	N / A
City of Hercules	Contra Costa	1/1/2018	\$ 31.26	\$ 36.68	\$ 64.67	\$ 93.50	\$ 268.62	\$ 674.65	\$ 613.21	\$ 1,670.97
City of Pinole	Contra Costa	1/1/2018	\$ 29.67	\$ 35.18	\$ 62.59	\$ 90.84	\$ 266.58	\$ 675.79	\$ 618.10	\$ 1,694.51
Unincorporated West Contra Costa	Contra Costa	1/1/2018	\$ 27.08	\$ 33.10	\$ 63.39	\$ 94.43	\$ 225.97	\$ 569.89	\$ 509.24	\$ 1,388.38
Town of Fairfax	Marin	1/1/2018	\$ 28.38	\$ 34.02	\$ 68.04	\$ 102.06	\$ 200.02	\$ 473.76	\$ 468.92	\$ 1,227.45
Town of San Anselmo	Marin	1/1/2018	\$ 31.27	\$ 40.87	\$ 81.81	\$ 122.70	N / A	N / A	\$ 670.72	\$ 2,012.29
City of Belvedere	Marin	10/1/2018	\$ 47.13	\$ 58.26	\$ 98.84	\$ 139.43	\$ 258.76	\$ 714.86	N / A	N / A
City of Novato	Marin	1/1/2018	\$ 12.83	\$ 20.51	\$ 41.00	\$ 61.52	N / A	N / A	\$ 267.26	\$ 663.15
West Marin ¹	Marin	5/1/2018	\$ 20.03	\$ 30.37	\$ 56.96	\$ 91.06	\$ 231.11	\$ 450.96	\$ 346.67	\$ 786.38
City of Sausalito	Marin	1/1/2018	N / A	\$ 41.35	\$ 82.70	\$ 124.05	\$ 163.28	N / A	\$ 489.84	N / A
Tamalpais Com. Service Dist. ¹	Marin	7/1/2018	N / A	\$ 56.38	\$ 85.12	\$ 115.48	\$ 373.49	\$ 859.03	N / A	N / A
Town of Tiburon	Marin	7/1/2018	\$ 39.33	\$ 44.37	\$ 80.79	\$ 116.60	\$ 211.13	\$ 576.01	N / A	N / A
Town of Corte Madera	Marin	7/1/2018	\$ 31.41	\$ 36.94	\$ 74.08	\$ 111.21	\$ 172.79	\$ 466.35	N / A	N / A
City of Mill Valley	Marin	7/1/2018	\$ 44.67	\$ 49.26	\$ 83.26	\$ 115.19	\$ 209.30	\$ 563.20	N / A	N / A
City of San Rafael	Marin	1/1/2019	\$ 35.16	\$ 41.36	\$ 82.72	\$ 124.08	\$ 266.98	\$ 816.33	\$ 510.95	\$ 1,450.34
Las Gallinas Valley Sanitary District	Marin	1/1/2019	\$ 32.13	\$ 37.79	\$ 75.58	\$ 113.37	\$ 270.55	\$ 812.30	\$ 547.42	\$ 1,527.89
City of Larkspur	Marin	1/1/2019	\$ 40.07	\$ 47.12	\$ 94.24	\$ 141.36	\$ 299.18	\$ 897.24	\$ 600.83	\$ 1,575.45
Town of Ross	Marin	1/1/2019	\$ 33.65	\$ 39.60	\$ 79.20	\$ 118.80	N / A	N / A	\$ 508.39	\$ 1,525.02
County of Marin	Marin	1/1/2019	\$ 28.87	\$ 47.18	\$ 96.64	\$ 149.66	\$ 340.82	\$ 1,022.60	\$ 545.55	\$ 1,636.69
City of Campbell ¹	Santa Clara	7/1/2018	\$ 21.44	\$ 28.05	\$ 56.10	\$ 84.15		\$ 424.34	\$ 280.20	\$ 848.69
City of Cupertino	Santa Clara	11/1/2017	N / A	\$ 25.49	\$ 20.99	\$ 76.49	N / A	N / A	\$ 250.51	\$ 751.52
City of Los Altos	Santa Clara	7/1/2018	\$ 31.98	\$ 34.45	\$ 68.89	\$ 103.35	\$ 135.16	\$ 405.49	\$ 405.48	\$ 1,216.48
City of Milpitas	Santa Clara	12/1/2017	\$ 32.22	\$ 35.02	\$ 41.19	\$ 47.32	\$ 116.21	\$ 286.19	\$ 263.93	\$ 747.15
City of Monte Sereno ¹	Santa Clara	7/1/2018	\$ 24.40	\$ 31.93	\$ 63.86	\$ 95.79	\$ 186.51	\$ 565.00	\$ 373.02	\$ 1,130.01
City of Mountain View	Santa Clara	7/1/2018	\$ 23.25	\$ 33.90	\$ 67.80	\$ 101.70	\$ 124.65	\$ 373.45	\$ 352.50	\$ 1,016.15
City of Palo Alto	Santa Clara	7/1/2017	\$ 27.81	\$ 50.07	\$ 100.15	\$ 150.22	\$ 219.49	\$ 590.31	\$ 504.40	\$ 1,455.48
City of San Jose	Santa Clara	7/1/2018	N / A	\$ 34.19	\$ 68.38	\$ 102.57	\$ 143.68	\$ 411.47	\$ 200.68	\$ 573.92
City of Santa Clara	Santa Clara	7/1/2018	\$ 21.76	\$ 27.77	\$ 41.48	\$ 55.19	\$ 88.28	\$ 255.44	\$ 247.26	\$ 701.79
City of Sunnyvale	Santa Clara	1/1/2018	N / A	\$ 41.65	\$ 46.88	\$ 53.96	\$ 177.27	\$ 494.70	\$ 424.53	\$ 1,233.55
City of Saratoga ¹	Santa Clara	7/1/2018	\$ 23.10	\$ 30.23	\$ 60.45	\$ 90.68	\$ 198.18	\$ 600.62	\$ 396.37	\$ 1,201.23
Town of Los Altos Hills	Santa Clara	7/1/2018	\$ 30.74	\$ 42.85	\$ 85.73	\$ 128.57	\$ 107.90	\$ 227.25	\$ 168.85	\$ 394.85
Town of Los Gatos ¹	Santa Clara	7/1/2018	\$ 21.86	\$ 28.70	\$ 57.40	\$ 86.10	\$ 166.19	\$ 503.52	\$ 332.39	\$ 1,007.03
Marin Franchisors ¹ Average			\$ 33.97	\$ 42.61	\$ 85.68	\$ 129.45	\$ 294.38	\$ 887.12	\$ 542.63	\$ 1,543.08
Marin County Average without MFG			\$ 31.88	\$ 41.23	\$ 75.26	\$ 109.93	\$ 227.49	\$ 586.31	\$ 448.68	\$ 1,172.32
Marin County - All			\$ 32.69	\$ 41.69	\$ 78.73	\$ 116.44	\$ 249.78	\$ 695.70	\$ 495.66	\$ 1,378.30
All City Average			\$ 29.02	\$ 36.76	\$ 66.61	\$ 96.27	\$ 190.70	\$ 532.87	\$ 420.05	\$ 1,208.96

¹ 1 CY not available, reflected here for 1.5 CY

Rates for Residential 30-35 Gallon Collection Service with Weekly Garbage, Recycling and Organics Collection Service Showing Proposed 2019 MFG Rates in Comparison to 2018 Rate Averages in Marin County and Bay Area





RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
APPROVING THE THIRD AMENDMENT TO THE AMENDMENT AND
RESTATEMENT OF COLLECTION AGREEMENT OF THE CITY OF SAN
RAFAEL WITH MARIN SANITARY SERVICE**

WHEREAS, the City of San Rafael and Marin Sanitary Service have entered into a written Amendment and Restatement of Collection Agreement ("Franchise Agreement") dated September 4, 2001; and

WHEREAS, the City of San Rafael and Marin Sanitary Service amended this agreement on March 1, 2005 with the Amendment to Refuse and Recycling Collection Agreement; and

WHEREAS, the City of San Rafael and Marin Sanitary Service further amended this agreement on October 1, 2012 with the Second Amendment to Amendment and Restatement of Collection Agreement; and

WHEREAS, the City of San Rafael and Marin Sanitary Service now desire a third amendment to the Franchise Agreement to update the rate setting methodology, eliminate the Recycling Reserve Fund, and to make certain other changes; and

WHEREAS, the City of San Rafael has determined that such adjustments are proper, in the best interest of all citizens, and will promote public health, safety and welfare; and

WHEREAS, on December 17, 2018 the City Council held a duly noticed public hearing to consider the rate application request and receive public testimony thereon; and,

WHEREAS, the City Council has reviewed and duly considered the Staff Report, and documents and other oral and written evidence presented at the hearing;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES
RESOLVE, DETERMINE AS FOLLOWS:**

- 1) The "Third Amendment to the Amendment and Restatement of Collection Agreement of the City of San Rafael with Marin Sanitary Service" attached hereto as "Exhibit D" and incorporated herein by reference, is hereby approved and shall be included as part of the Amendment and Restatement of Collection Agreement dated September 4, 2001. The City Manager is hereby authorized to execute the Third Amendment.
- 2) As the governing bodies of the other members of the Franchisors' Group have not yet taken action, the City Manager, at his discretion, is hereby authorized to make modifications to the Third Amendment or its attachments for consistency purposes with the Franchisors' Group.

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Monday, the 17th day of December 2018, by the following vote, to wit:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

LINDSAY LARA, City Clerk

THIRD AMENDMENT TO THE AMENDMENT AND RESTATEMENT OF COLLECTION
AGREEMENT OF THE CITY OF SAN RAFAEL WITH MARIN SANITARY SERVICE

This THIRD AMENDMENT to the Amendment and Restatement of Collection Agreement between the CITY OF SAN RAFAEL (CITY) and MARIN SANITARY SERVICE (COMPANY) is made and entered into this ____ day of December, 2018.

WHEREAS, the CITY and COMPANY entered into a written agreement on September 4, 2001, as amended on March 1, 2005 and November 14, 2012 (together the "Agreement") pursuant to which the COMPANY renders Solid Waste, Recyclable Material and Green Waste collection, processing and disposal services to businesses, residents and government institutions in the CITY; and

WHEREAS, global revenues from the sale of Recyclable Materials have declined in recent years due to international market factors, including China's "National Sword", resulting in a projected net cumulative loss to the COMPANY in connection with the processing of Recyclable Materials of \$2.3 million from 2011 to 2018; and

WHEREAS, the Agreement includes a mechanism by which half of the profits and losses resulting from changes in revenues received from the sale of Recyclable Materials are held in a reserve fund with cumulative losses held in the reserve fund amounting to \$1.15 million; and

WHEREAS, pursuant to the terms and conditions of the Agreement, CITY and COMPANY met and conferred and have agreed to a reasonable remedy to the COMPANY, which includes elimination of the reserve fund and a new mechanism for the COMPANY to share the profits and losses from changes in revenues received from the sale of Recyclable Materials via the rates set by the CITY and to be charged by the COMPANY beginning on January 1, 2019; and

WHEREAS, CITY and COMPANY mutually desire to amend the Agreement to establish a streamlined and simplified rate setting methodology that will provide for rate stabilization and predictability of future rate increases, clarify certain services and update certain obligations of the COMPANY.

NOW, THEREFORE, it is mutually agreed as follows:

1. Section 8. Assignments, Subcontracts, and Changes of Ownership, shall be amended to read:

8. Assignments.

(A) No interest in this Agreement may be assigned, sold or transferred, either in whole or in part, by COMPANY without the prior written consent of the CITY which the CITY may grant or refuse in its reasonable discretion. The COMPANY shall promptly notify the CITY in writing at least one hundred twenty (120) days in advance of the proposed closing of any such proposed assignment, sale or transfer. The COMPANY is encouraged to notify the CITY as soon as possible of any proposed assignment, sale or transfer. In the event that the CITY Council approves of any assignment, sale or transfer, said approval shall not relieve COMPANY of any of its obligations or duties under this Agreement unless this Agreement is modified in writing to that effect.

(B) Any such assignment, sale or transfer made by the COMPANY without the consent of the CITY shall be null and void and the attempted assignment, sale or transfer shall constitute a material breach of this Agreement and give the CITY grounds to terminate this

THIRD AMENDMENT TO THE AMENDMENT AND RESTATEMENT OF COLLECTION
AGREEMENT OF THE CITY OF SAN RAFAEL WITH MARIN SANITARY SERVICE

Agreement upon written notice to the COMPANY, and upon such termination, all liability of the CITY under this Agreement to the COMPANY shall cease, and the CITY shall have the right to call the performance bond and shall be free to negotiate with other contractors.

- (C) The CITY may not assign its rights or subrogate its obligations under this Agreement without the prior written consent of the COMPANY, except to a joint powers authority authorized by Govt. Code Sec. 6500 et seq.
- (D) For purposes of this section, "assignment, sale or transfer" shall include, but not be limited to:
 - (1) A sale, exchange or other transfer to a third party of outstanding common stock of the COMPANY which results in a Change in Control (as defined below);
 - (2) Any sale to a third party of all or substantially all of the COMPANY'S assets dedicated to providing the services required by this Agreement;
 - (3) Any subcontracting of the COMPANY'S services required under this Agreement, except to an affiliate of the COMPANY (defined as an entity that is controlled by Joseph John Garbarino or his lineal descendants and/or the lineal descendants of Joseph and Angelina Garbarino) or for processing or landfilling services customarily subcontracted by the COMPANY;
 - (4) Any dissolution, reorganization, consolidation, merger, recapitalization, stock issuance or re-issuance, voting trust, pooling agreement, escrow arrangement, liquidation or other transaction that results in a Change in Control;
 - (5) Any assignment by operation of law, including insolvency or bankruptcy, assignment for the benefit of creditors, writ of attachment for an execution being levied against this Agreement, appointment of a receiver taking possession of COMPANY'S property, or transfer occurring in a probate proceeding that results in a Change in Control; and
 - (6) Any combination of the foregoing (whether or not related or contemporaneous transactions), which has the effect of a Change in Control.
- (D) The COMPANY acknowledges that this Agreement involves rendering a vital service to the CITY'S residents and businesses, and that the CITY has selected the COMPANY to perform the services specified herein based on:
 - (1) The COMPANY'S experience, skill and reputation for conducting its solid waste management operations in a safe, effective and responsible fashion, at all times in keeping with applicable local, state and federal environmental laws, regulations and best waste management practices; and

THIRD AMENDMENT TO THE AMENDMENT AND RESTATEMENT OF COLLECTION AGREEMENT OF THE CITY OF SAN RAFAEL WITH MARIN SANITARY SERVICE

- (2) The COMPANY'S financial resources to maintain the required equipment and to support its indemnity obligations to CITY under this Agreement. The CITY relied on each of these factors, among others, in choosing the COMPANY to perform the services to be rendered by the COMPANY under this Agreement.
- (F) The CITY is concerned about the possibility that an assignment, sale or transfer could result in significant rate increases, as well as a change in the quality of service. Accordingly, the following standards have been set to ensure that any assignment, sale or transfer shall result in continued quality of service. At a minimum, no request by the COMPANY for the CITY'S consent to an assignment, sale or transfer need be considered by the CITY unless and until the COMPANY has met the following requirements:
- (1) The COMPANY shall reimburse the CITY for its reasonable, documented expenses for attorneys and other consultants engaged by the CITY to investigate the suitability of any proposed assignee, and to review and finalize any documentation required as a condition for approving any such assignment. However, it is likely that other agencies of the Franchisors' Group served by the COMPANY (the "Members") may also be considering the request for consent to the assignment, sale or transfer. In consideration of the payment described in this subsection, the Members agree to work together to reasonably avoid duplication of such costs among them, given the common requests for consent. In furtherance of the COMPANY'S obligation to all such Members, upon notice by the COMPANY of its intention to assign its rights hereunder and under each of its franchise agreements with the other Members, the COMPANY shall pay the sum of two hundred thousand dollars (\$200,000) into an escrow account towards the total of all such costs incurred by the Members and the Members shall direct the COMPANY to pay a pro rata share of that amount to each of them with the apportionment of such payments at the sole discretion of the Members, it being understood that CITY and each Member shall address COMPANY'S request for consent to such assignment, sale or transfer on a separate basis;
 - (2) The COMPANY shall furnish the CITY with audited financial statements of the proposed assignee's operations for the immediately preceding three (3) operating years;
 - (3) The COMPANY shall furnish the CITY with satisfactory proof:
 - a. That the proposed assignee has at least ten (10) years of solid waste management experience including the handling of solid waste, recyclable and organic materials on a scale equal to or exceeding the scale of operations conducted by the COMPANY under this Agreement;
 - b. That in the last five (5) years, neither the proposed assignee nor any of its affiliates have suffered significant major citations or other charges from any federal, state or local agency having jurisdiction over its waste management operations due to any significant failure to comply with state, federal or local

THIRD AMENDMENT TO THE AMENDMENT AND RESTATEMENT OF COLLECTION
AGREEMENT OF THE CITY OF SAN RAFAEL WITH MARIN SANITARY SERVICE

environmental laws and that the assignee has provided the CITY with a complete list of such citations and charges;

- c. That the proposed assignee has conducted its operations in a reasonably environmentally safe and conscientious fashion;
 - d. That the proposed assignee has conducted its solid waste management practices in good faith and substantial compliance with sound waste management practices, including all federal, state and local laws regulating the collection and disposal of solid waste, including hazardous wastes; and
 - e. Provide any other available information required by CITY to ensure that the proposed assignee can fulfill the terms of this Agreement in a timely, safe and effective manner.
- (G) Under no circumstances shall the CITY be obliged to consider any proposed assignment, sale or transfer by the COMPANY if the COMPANY is in material breach of any provision of this Agreement at the time of the request or at any time during the period of consideration of the request. The CITY will provide the COMPANY with a reasonable opportunity to be heard before the CITY Council and the opportunity to correct any such claimed failure of performance or material breach.
- (H) In the case of any assignment, sale or transfer, the assignee shall not be entitled to request any adjustment in rates other than as provided under this Agreement.
- (I) A Change in Control shall occur when Joseph John Garbarino or his lineal descendants and/or the lineal descendants of Joseph and Angelina Garbarino shall cease to have the power, directly or indirectly, to control the management, operation and policies of the COMPANY, whether through the ownership of a majority of voting securities, as trustee, by contract or otherwise.
- (J) COMPANY shall provide an annual written update to the CITY by October 1 of each year detailing the COMPANY'S plans, actions, accomplishments and next steps with respect to its internal succession planning. COMPANY shall meet with the CITY on request to discuss details of the COMPANY'S succession planning efforts.

2. Section 15. Performance Review, shall be added to the Agreement to read:

15. Performance Review.

- (A) CITY may conduct periodic reviews of COMPANY'S performance ("Performance Review"). Reviews may be scheduled at the CITY'S discretion, with up to one (1) Performance Review occurring every three years, with the first such Performance Review being possible between 2019 and 2021.
- (B) COMPANY shall be responsible for the cost of each Performance Review in an amount not exceeding \$60,000 per Performance Review, escalated annually by the annual change in

THIRD AMENDMENT TO THE AMENDMENT AND RESTATEMENT OF COLLECTION
AGREEMENT OF THE CITY OF SAN RAFAEL WITH MARIN SANITARY SERVICE

the Consumer Price Index for Water and Sewer and Trash Collection, U.S. city average, Bureau of Labor Statistics Series I.D. CUSR0000SEHG, with a floor of 2.5% and a cap of 5%. Payment is due in full prior to the start of each Performance Review and is considered an allowable cost for the purposes of a Base Year approach rate review.

- (C) The Performance Reviews may be performed by the CITY or its consultant. In the event the CITY intends to retain a consultant to perform any Performance Review, it may seek and accept comments and recommendations from COMPANY.
- (D) The Performance Reviews may be designed to verify that: rates have been properly calculated and that they correspond to the level of service received by customers; franchise fees and other fees required under this Agreement have been properly calculated and paid to CITY; COMPANY has complied with the reporting requirements and performance standards of the Agreement; COMPANY'S customer service, outreach, education, compliance and internal auditing functions meet or exceed industry best practices; and reports provided by COMPANY are accurate.
- (E) COMPANY shall cooperate fully with the Performance Review and provide all requested data, including operational data, financial data and other data reasonably requested by CITY (or its designated consultant) within thirty (30) work days.
- (F) The CITY (or its designated consultant) may utilize a variety of methods in the execution of the Performance Review, including analysis of relevant documents, on-site and field observations, and interviews.
- (G) CITY (or its designated consultant) will review and document the items in the Agreement that require COMPANY to meet specific performance standards, submit information or reports, perform additional services, or document operating procedures, that can be objectively evaluated.
- (H) CITY (or its designated consultant) may also review the customer service functions and structure utilized by COMPANY. This may include COMPANY'S protocol for addressing customer complaints and service interruption procedures. Complaint logs may be reviewed, along with procedures and systems for tracking and addressing complaints. On-site and field observations by CITY (or its designated consultant) may include, but are not necessarily limited to:
 - (1) Interviews and discussions with COMPANY'S administration and management personnel;
 - (2) Interviews and discussions with COMPANY'S financial and accounting personnel;
 - (3) Interviews and discussions with route dispatchers, route drivers, vehicle maintenance staff, field and service supervisors, and managers;
 - (4) Review and observation of COMPANY'S customer service functions and structure, and vehicle maintenance practices;

THIRD AMENDMENT TO THE AMENDMENT AND RESTATEMENT OF COLLECTION AGREEMENT OF THE CITY OF SAN RAFAEL WITH MARIN SANITARY SERVICE

- (5) Review of public education and outreach materials;
 - (6) Review of on-route collection services, including observation of driver performance and collection productivity and visual inspection of residential routes before and after collection to evaluate cart placement and cleanliness of streets;
 - (7) Review of vehicle and equipment maintenance log and accident or vehicle incident records, if any.
- (l) In the event that the Performance Review concludes that COMPANY is not in compliance with all terms and conditions of this Agreement and such non-compliance is material, CITY may conduct an additional Performance Review to ensure that that COMPANY has remedied any such area of non-compliance. COMPANY shall be responsible for the cost of any such additional Performance Review, at a maximum cost of \$40,000, escalated annually by the annual change in the Consumer Price Index for Water and Sewer and Trash Collection, U.S. city average, Bureau of Labor Statistics Series I.D. CUSR0000SEHG, with a floor of 2.5% and a cap of 5%. Costs for additional Performance Reviews per this section are not considered allowable costs for the purposes of a Base Year approach rate review.
- 3. **Exhibit A. Marin Sanitary Service – Description of Services**, is replaced in its entirety as attached hereto.
 - 4. **Exhibit B. Collector’s Rate Revenue Requirement and Rate Adjustment**, is replaced in its entirety as attached hereto.
 - 5. **CITY and COMPANY agree and acknowledge that**, except as explicitly modified by this Amendment, the Agreement remains in full force and effect.

THIRD AMENDMENT TO THE AMENDMENT AND RESTATEMENT OF COLLECTION
AGREEMENT OF THE CITY OF SAN RAFAEL WITH MARIN SANITARY SERVICE

IN WITNESS WHEREOF, we, the authorized agents of the contracting parties, by our duly authorized agents, do hereby affix our signatures and seals this ____ day of _____, 2018.

CITY OF SAN RAFAEL

MARIN SANITARY SERVICE

By: _____

By: _____

Printed
Name: _____

Printed
Name: _____

Its: _____

Its: _____

By: _____

Printed
Name: _____

Its: _____

Exhibit A: Description of Services

I. GENERAL

Recyclable Materials Processing Facility:

COMPANY shall continue to provide full service processing, marketing and sale of Recyclable Materials collected by the COMPANY within the CITY at the Recyclable Materials processing facility located at 535 Jacoby Street in San Rafael (the “Marin Recycling Center”), which is operated by the COMPANY’S affiliated company, Marin Recycling & Resource Recovery Association. COMPANY and CITY agree that the charges for rate revenues for Recyclable Materials processing to be billed by the COMPANY as described in Exhibit B are predicated on the COMPANY continuing to process Recyclable Materials at the Marin Recycling Center. Under no circumstances may the COMPANY cease processing of the CITY’S Recyclable Materials at the Marin Recycling facility without prior approval of the CITY. The COMPANY may temporarily ship Recyclable Materials to other processing facilities at its discretion as needed while repairs or upgrades are made to the Marin Recycling facility, but any such temporary shipment of Recyclable Materials is at the COMPANY’S sole expense and risk without any change in the rate revenues and charges for Recyclable Materials processing via either an Indexed Year approach or a Base Year approach.

Education, Outreach, Technical Assistance, Monitoring, Compliance Services:

COMPANY shall continue to provide CITY with outreach, education, technical assistance, monitoring and compliance services to residents, multi-family dwellings and commercial businesses. The CITY and COMPANY intend for these services to: provide information to customers regarding the services offered by the COMPANY as provided for via the Agreement; encourage, incentivize and maximize participation in recycling and organics collection programs, and; implement the requirements of state laws AB 341, AB 1826, SB 1383, and any other solid waste, recycling and organics state law requirements applicable to CITY and/or COMPANY. The CITY and COMPANY further intend to define specific and quantifiable performance targets and reporting requirements for these services so that the CITY and COMPANY can accurately and consistently evaluate and monitor progress towards landfill diversion goals and state laws. To that end, the CITY and COMPANY agree to develop mutually agreeable quantitative performance targets and reporting requirements for these services by June 30, 2019. These will supplement other reporting and performance requirements in the Agreement and are not intended to change or replace them in any way.

Exhibit A: Description of Services

Marin Sanitary Service (COMPANY) shall provide Collection services using modern automated and semi-automated equipment with the COMPANY's name and telephone number clearly visible from the outside of the vehicle or equipment.

COMPANY shall provide Carts or bins to Residential, Multifamily, and Commercial Customers that are clearly labeled for their allowable contents, with solid waste, recyclable or compostable materials. All containers provided by the COMPANY are the property of the COMPANY.

Company to provide customer billing and payment options including automatic billing, credit card billing, and online payments.

II. RESIDENTIAL SERVICE (THREE OR FEWER UNITS IN A SINGLE STRUCTURE)

Solid Waste

COMPANY shall provide automated or semi-automated tipper Carts in 20-, 32-, 64-, and 96-gallon capacities to be placed at the curb or COMPANY-designated location for one time per week Collection at the rates and fees listed in Exhibit C. Carts should be placed at the designated Collection location by 6:00 am the day of service. Lids of carts must close. Customers may place additional bags not to exceed 32 gallons in size and 60 pounds by weight for a fee as listed in Exhibit C. Items placed outside the Cart or overflowing Carts will incur an additional charge as listed in Exhibit C. Carts are the property of the COMPANY. COMPANY will determine the appropriate Collection location. Solid Waste placed in COMPANY-provided Carts or at the curb for Collection is the property of COMPANY. Low-income rates are available for customers who meet the PG&E CARE Program qualifications.

Recyclable Materials

As part of the Residential Customer rates, COMPANY shall provide all Residential Customers with one (1) 64-gallon Split cart for Recyclable Materials with one side for paper and fiber products, and one side for acceptable glass, metal and plastic excluding polystyrene, plastic bags and compostable plastics. Acceptable materials may change depending on the markets. A full list of accepted materials is available on the COMPANY's website (marinsanitaryservice.com). Cardboard must be broken down small enough to easily slide out of the cart. Large cardboard boxes may also be broken down and tied into 24" x 24" bundles and left beside the Recycling container. Carts must be placed at the curb or, upon approval of COMPANY, the designated Collection location next to their Solid Waste container

Exhibit A: Description of Services

for one time per week Collection by 6:00 am the day of service. All Residential Customers must be offered Recyclable Materials Collection services. Additional split carts are available for a nominal monthly fee as listed in Exhibit C.

Recyclable Materials placed in COMPANY-provided Carts or at the curb for Collection are the property of COMPANY, and the theft thereof is a crime.

Compostable (Organic) Materials

As part of the Residential Customer rates, COMPANY shall provide each Residential Customer with (1) 32 or 64-gallon Compostable Materials Cart to be placed at the curb or COMPANY-approved designated Collection location next to their Solid Waste container for one time per week Collection by 6:00 am the day of service. All Residential Customers must be offered Compostable Materials Collection for the collection of accepted Yard Trimmings, Food Waste and Food Soiled Papers in the same Container. A full list of accepted materials is available on the COMPANY's website (marinsanitaryservice.com). Only COMPANY provided tipper carts will be allowed for the weekly collection of compostable materials. Up to four (4) additional Compostable Materials Carts beyond the first shall be provided to a Residential Customer upon request, at a cost specified in Exhibit C. Compostable Materials placed in COMPANY-provided Carts or at the curb for Collection are the property of COMPANY.

Additional Services

CLEAN-UP PROGRAMS

COMPANY shall provide Residential Customers with two (2) scheduled Clean-up Collection events per calendar year for extra Solid Waste, Recyclable Materials, and/or Compostable Materials at no additional cost to the Customers provided that COMPANY's costs for such events shall constitute costs of operation included in the rate base and compensated for through the rates. COMPANY shall also provide all Residential Customers with two (2) on-call pickups of Bulky Items per calendar year on their regularly scheduled Collection day, upon Customer request. COMPANY will also provide on-call Bulky Item pickups beyond two (2) per Residential Customer per calendar year for an additional fee as listed in Exhibit C. These Bulky Items may be Collected in non-compaction vehicles, or in compaction vehicles if the materials are not compacted, and taken to the Designated Processing Facility for sorting.

Exhibit A: Description of Services

COMPANY shall schedule Clean-up Collection events in such a manner that all Residential Customers shall receive Clean-up Collection services on their regularly scheduled Collection day. Extra Solid Waste, Recyclable Materials and/or Compostable Materials can also be Collected for a fee as listed in Exhibit C in customer provided bags, not to exceed 32 gallons in size and 60 pounds by weight, when placed next to the regular container on Collection day. If an Operations Manager determines it is safe to collect overweight or oversized items, an additional fee will be charged as listed in Exhibit C to cover the cost of extra labor and/or equipment.

Semi-Annual Scheduled Clean-Up Service Guidelines

For each Clean-up Collection event, each Customer shall be permitted to place up to two (2) cubic yards (equivalent to fourteen (14) standard 32-gallon bags) of Solid Waste, Recyclable Materials and/or Compostable Materials for Collection by COMPANY at no charge. In the event Customer places more than two (2) cubic yards of materials for Collection, COMPANY shall charge the Customer for additional Collection services as listed in Exhibit C.

COMPANY shall require Customers to adhere to the following guidelines:

- A. No Bulky Items will be collected.
- B. No rocks, cement, dirt or Hazardous Waste shall be accepted.
- C. Materials shall be placed in disposable bags/containers, cardboard boxes or customer owned 32-gallon cans or bags. COMPANY will only empty customer owned cans that are not more than 32 gallons in volume and are less than 60 pounds in weight. Recyclables and/or yard waste should be placed in paper bags or cardboard boxes to ensure they are recycled.
- D. Discarded materials to be Collected in the Clean-up event shall be placed at the designated Collection location by the Generator by 6:00 a.m. on the pickup day to ensure Collection, but in no case shall be placed more than twenty-four (24) hours prior to the pick-up day.

On-Call Bulky Item Service Guidelines:

Exhibit A: Description of Services

Each Residential Customer may call prior to their regular Collection day and schedule two (2) collections of up to two Bulky Items each per calendar year.

COMPANY shall require Customers to adhere to the following guidelines:

- A. Customer must call in at least 24 hours on a regular business day (excluding weekends and holidays) prior to their regular Collection day to have Bulky Items collected and give the approximate size and weight of the Item so appropriate truck, equipment and number of drivers can be determined.
- B. No more than two (2) Bulky Items will be collected.
- C. Any Bulky Item that is over 60 pounds, greater than 6 feet in length, or that cannot be collected safely by one driver-operator, will be charged an additional special handling fee as set forth in Exhibit C.

COMPANY may provide on-call Bulky Item pickups beyond two (2) per Residential Customer per calendar year for an additional fee as listed in Exhibit C. These Bulky Items will be Collected in non-compaction vehicles and taken to the Designated Processing Facility for sorting.

Holiday trees will be Collected curbside on the regularly-scheduled pickup day during a two- (2) week period beginning on the Monday following the first Saturday after January 1. If trees are greater than six (6) feet in length, they must be cut in half. All metal stands, plastic tree bags, ornaments, and decorations of any sort must be removed. Flocked trees will not be accepted.

III. MULTI-FAMILY SERVICE (4 OR MORE SERVICE UNITS)

Solid Waste

COMPANY shall provide semi-automated or automated tipper Carts in 32-, 64-, and 96-gallon capacities to be placed for Collection at the curb or, upon approval of COMPANY, the designated Collection location. COMPANY will also provide Bins with 1-6, 10-, or 18-cubic yard capacities for large volumes of material. COMPANY will determine the size and type of container depending on materials generated, recycled and diverted, safety, collection vehicle and service location. Service levels shall range from one time per week to six times per week but should be adequate for the volume of material generated. Lids of containers must close and should not be overflowing. Extra fees may be incurred for extra bags or overloaded bins

Exhibit A: Description of Services

as listed in Exhibit C. Each Multi-Family Customer must maintain a 32 gallon per living unit equivalency minimum service level, which the COMPANY may reduce based on actual waste reduction and diversion results. COMPANY retains approval of all service locations for carts not at the curb and for bins. COMPANY shall also service Customer-owned compactor units for the fees as listed in Exhibit C. For safety and equipment purposes, COMPANY retains right of approval as to the type of compactor to be serviced and the service location.

Recyclable Materials

COMPANY shall provide all Multi-Family Customers with unlimited collection of acceptable glass, metal and plastic excluding polystyrene, plastic bags and compostable plastics. Acceptable materials may change depending on the markets. A full list of accepted materials is available on the COMPANY's website (marinsanitaryservice.com). These materials will be collected in Company provided 32 or 64-gallon color-coded tipper carts: blue for paper and paper-fiber products, and brown for accepted commingled glass, metal and plastics. Collection is available from one time per week to six times per week. Cardboard placed in carts must be broken down small enough to easily slide out of the cart. Large cardboard boxes may also be broken down and tied into 24" x 24" bundles and left beside the Recycling container. 1-2 cubic yard rear loading bins are available for large amounts of cardboard collection with COMPANY's approval of size and location. COMPANY will evaluate the appropriate container sizes on an individual customer basis. Pickups can be scheduled from one time per week to six times per week. Recyclable Materials placed in COMPANY-provided containers or at the curb for Collection are the property of the COMPANY.

Compostable (Organic) Materials

COMPANY will provide post-consumer Compostable Materials collection at all Multi-Family Dwellings and that parallel the Single-Family Residential program. Customers will be provided up to four (4) 32- or 64-gallon tipper green carts for the collection of accepted Yard Trimmings, Food Waste and Food Soiled Paper in the same Container. A full list of accepted materials is available on the COMPANY's website (marinsanitaryservice.com). Additional carts beyond four may be rented at a nominal monthly fee as listed in Exhibit C.

In addition, Multi-Family tenants may receive kitchen pails at no additional cost to the tenant or property manager for the collection of compostable materials after participating in a COMPANY provided training.

Exhibit A: Description of Services

Additional Services

COMPANY is to perform a visual waste audit at least one time per year for each Multi-Family account to provide an estimate of the amount of Recyclable Materials and Compostable Materials still in the Solid Waste container to help guide the Customer in service changes to increase diversion.

COMPANY will provide services to comply with all state laws regarding recycling and organics diversion.

On-site Collection of solid Waste, recyclable materials and compostable materials carts not at the curb is available for an extra charge as set forth in Exhibit C.

Special pickups of Bulky Items may be requested by Multi-Family Customers for an additional fee as listed in Exhibit C, provided that such a request may only be made by the bill payer (Property Manager or Owner) and not by the occupant of an individual unit. If an individual occupant pays his or her own collection service bill, only then will they be allowed to schedule special pick-ups. COMPANY may provide fee estimates to Customer while scheduling the pickup. These Bulky Items may be Collected in non-compaction vehicles, or in compaction vehicles if the materials are not compacted, and taken to the Designated Processing Site for sorting resulting in greater re-use and recycling. Extra material can be Collected for a fee as listed in Exhibit C in customer provided bags not greater than 32 gallons in size and 60 pounds by weight when placed next to the regular container on Collection day.

IV. COMMERCIAL SERVICE

Solid Waste

COMPANY shall provide semi-automated or automated tipper Carts in 32-, 64-, and 96-gallon capacities to be placed for Collection at the curb or, upon approval of COMPANY, the designated Collection location. COMPANY will also provide Bins with 1-6, 10-, or 18-cubic yard capacities for large volumes of material. COMPANY will determine the size and type of container depending on materials generated, recycled and diverted, safety, collection vehicle and service location. Service levels shall range from one time per week to six times per week. Each Commercial Customer must subscribe to a level of service that is adequate for the volume of material generated. Lids of containers must close and should not be overflowing. Extra fees may be incurred for extra bags or overloaded bins as listed in Exhibit C. COMPANY retains approval of all service locations for carts not at the curb and for bins. COMPANY shall also service Customer-owned compactor units for the fees as listed in Exhibit C. For safety and equipment purposes, COMPANY retains right of approval as to the type of compactor to be serviced and service location.

Exhibit A: Description of Services

Recyclable Materials

COMPANY shall provide all Commercial Customers with unlimited collection of acceptable glass, metal and plastic bottles, jugs and containers excluding polystyrene, plastic bags and compostable plastics. Acceptable materials may change depending on the markets. A full list of accepted materials is available on the COMPANY's website (marinsanitaryservice.com). These materials will be collected in Company provided 32 or 64-gallon tipper carts color-coded carts: blue for paper and paper-fiber products, and brown for accepted commingled glass, metal and plastics. Collection is available from one time per week to six times per week. Cardboard placed in carts must be broken down small enough to easily slide out of the cart. Large cardboard boxes may also be broken down and tied into 24" x 24" bundles and left beside the Recycling container. 1-2 cubic yard rear loading bins are available for large amounts of cardboard collection with COMPANY's approval of size and location. COMPANY will evaluate the appropriate container sizes on an individual customer basis. Pickups can be scheduled from one time per week to six times per week. Recyclable Materials placed in COMPANY-provided containers or at the curb for Collection are the property of the COMPANY.

Compostable (Organic) Materials

Two options are available for Commercial Business for collection of Organic materials. Both programs are offered at a discounted rate to commercial customers as listed in Exhibit C.

Commercial Composting

COMPANY will provide post-consumer Compostable Materials collection at Commercial Businesses that would parallel the Single-Family Residential program. Customers will be provided 32- or 64-gallon tipper green carts for the collection of accepted Yard Trimmings, Food Waste and Food Soiled Papers in the same Container. A full list of accepted materials is available on the COMPANY's website (marinsanitaryservice.com). By special request and upon approval of the Company, 1-2 cubic yard bins may be available. Monthly collection fees are listed in Exhibit C.

Commercial Food to Energy (F2E) program in partnership with Central Marin Sanitation Agency

COMPANY will provide restaurants, grocery stores, cafeterias, and other similar businesses with 32 and/or 64-gallon tipper dark green carts for the collection of a subset of Food Waste consisting of fruits, vegetables, meats, dairy, fish, breads, pastas and other food scraps. A full list of accepted materials is available on the COMPANY's website (marinsanitaryservice.com). This pre-consumer Food will be

Exhibit A: Description of Services

anaerobically digested for energy production at Central Marin Sanitation Agency. Monthly collection fees for this service are set forth in Exhibit C.

Additional Services

COMPANY is to perform a visual waste audit at least one time per year for each Commercial Business account to provide an estimate of the amount of Recyclable Materials and Compostable Materials still in the Solid Waste container to help guide the Customer in service changes to increase diversion.

COMPANY will provide services to comply with all state laws regarding recycling and organics diversion.

On-site Collection of Solid Waste, Recyclable Materials and compostable Materials Carts not at the curb is available for an extra charge as set forth in Exhibit C.

Special pickups of large, hard to handle or bulky items may be requested for an additional fee as listed in Exhibit C. Estimates can be provided. These bulky items will be collected in non-compaction vehicles and taken to the Marin Recycling Center for sorting resulting in greater re-use and recycling. Extra material can be collected for a fee as listed in Exhibit C in cans or bags not greater than 32 gallons in size or 60 pounds by weight when placed next to the regular container on collection day.

V. MUNICIPAL SERVICES

COMPANY shall provide service to each CITY facility and those CITY-owned cans in public areas and parks based upon mutually agreed upon parameters by CITY and COMPANY. These services shall constitute costs of operation included in the rate base and compensated for through the rates of all Residential, Commercial and Multi-Family Customers.

Solid Waste

COMPANY shall provide semi-automated or automated tipper Carts in 32-, 64-, and 96-gallon capacities to be placed for Collection at the curb or, upon approval of COMPANY, the designated Collection location. COMPANY will also provide Bins with 1-6, 10-, or 18-cubic yard capacities for large volumes of material. COMPANY will determine the size and type of container depending on materials generated, recycled and diverted, safety, collection vehicle and service location. Service levels shall range from one time per week to six times per week. Each CITY facility must subscribe to a level of service that is adequate for the volume of material generated. Lids of containers must close and should not be overflowing. COMPANY retains

Exhibit A: Description of Services

approval of all service locations for carts not at the curb and bins. For safety and equipment purposes, COMPANY retains right of approval as to the type of compactor to be serviced and service location.

Recyclable Materials

COMPANY shall provide all CITY facilities with unlimited collection of acceptable glass, metal and plastic excluding polystyrene, plastic bags and compostable plastics. Acceptable materials may change depending on the markets. A full list of accepted materials is available on the COMPANY's website (marinsanitaryservice.com). These materials will be collected in Company provided 32 or 64-gallon tipper carts color-coded carts: blue for paper and paper-fiber products, and brown for accepted commingled glass, metal and plastics. Collection is available from one time per week to six times per week. Cardboard placed in carts must be broken down small enough to easily slide out of the cart. Large cardboard boxes may also be broken down and tied into 24" x 24" bundles and left beside the Recycling container. 1-2 cubic yard rear loading bins are available for large amounts of cardboard collection with COMPANY's approval of size and location. COMPANY will evaluate the appropriate container sizes on an individual customer basis. Pickups can be scheduled from one time per week to six times per week. Recyclable Materials placed in COMPANY-provided containers or at the curb for Collection are the property of the COMPANY.

Compostable (Organic) Materials

Two options are available for CITY facilities for collection of Organic materials.

Composting

COMPANY will provide post-consumer Compostable Materials collection at CITY facilities that would parallel the Single-Family Residential program. Facilities will be provided 32- or 64-gallon tipper green carts for the collection of accepted Yard Trimmings, Food Waste and Food Soiled Papers in the same Container. A full list of accepted materials is available on the COMPANY's website (marinsanitaryservice.com). By special request and upon approval of the Company, 1-2 cubic yard bins may be available.

Food to Energy (F2E) program in partnership with Central Marin Sanitation Agency

COMPANY will provide CITY facilities with cafeterias or other similar food service facilities with 32 and/or 64-gallon tipper dark green carts for the collection of a subset of Food Waste consisting of fruits,

Exhibit A: Description of Services

vegetables, meats, dairy, fish, breads, pastas and other food scraps. A full list of materials accepted is available on the website. This pre-consumer Food will be anaerobically digested for energy production at Central Marin Sanitation Agency.

Additional Services

Special pickups of Bulky Items may be requested. These Bulky Items may be Collected in non-compaction vehicles, or in compaction vehicles if the materials are not compacted, and sorted at the Marin Recycling Center for greater re-use and Recycling.

COMPANY shall Collect Discarded Materials from all street-side public litter and Recycling containers based upon mutually agreed upon parameters by CITY and COMPANY. CITY shall be responsible for maintaining such containers.

COMPANY shall provide the occasional on-call pick-up of illegally dumped Discarded Materials at CITY's request. COMPANY shall provide such service within twenty-four (24) hours of such request, provided that the CITY authorizes or directs the service so that all costs incurred by COMPANY in providing the service shall constitute costs of operations included in the rate base and compensated for through the rates.

COMPANY will collaborate with the CITY on two community events throughout the year as designated by the CITY. COMPANY will furnish, at no cost to the promoters, as needed up to ten (10), 3 cubic yard debris boxes (or the equivalent). These debris boxes are to be used solely for solid waste, organics and recycling generated by the events.

Services Subject to Change

Services provided by COMPANY are subject to "Change in Scope" as defined and described in Exhibit B to the Agreement. CITY and COMPANY shall meet and confer to establish any such change in scope. Agreed upon changes of scope shall be effective irrespective of whether this Exhibit A – Description of Services is subsequently amended to reflect such Changes in Scope.

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

Note Regarding Exhibit B

This Exhibit B is intended to conform to comparable exhibits in other agreements and agreed-upon processes between the members of the Franchisors' Group and Collector. As a result, certain terms in this Exhibit B may not conform to the defined terms used elsewhere in the Agreement to which this Exhibit B is attached (the "Agreement"). In the event of any inconsistency between the terms of the Agreement and this Exhibit B, the terms of this Exhibit B shall control.

I. COLLECTOR'S RATE APPLICATION

Overview

The "Franchisors' Group" (comprised of the cities of Larkspur, Ross and San Rafael, the Las Gallinas Valley Sanitary District and the County of Marin) have joined together to regulate the rates of the Collector in accordance with these procedures. Because the Collector has services and related expenses unrelated to the Franchisors' Group, the revenues and expenses are allocated between the Franchisors' Group and these other agencies. The Collector's rates are based on its rate revenue requirement for the Rate Year¹ calculated in accordance with either Section II or Section III below. Because both the forecasted rate revenue requirement and the revenues from the approved rates involve assumptions about future events and because such assumptions usually differ from actual events and these differences can be material, the Collector is not guaranteed a profit.

Collector's Rate Applications

By August 1 (in a Base Year) or September 1 (in an Indexed Year), Collector shall submit an application requesting the amount of Collector's rate revenue requirement and rate adjustment for the next Rate Year, commencing January 1 of the following calendar year. The application is prepared using either the Base Year approach (Section II) or the Indexed Year approach (Section III). In either case, the application shall be submitted in the format described in Attachment 1 of this Exhibit B. In addition to the application

¹ The Rate Year is the year for which rates are being calculated, the Current Rate Year is the year during which the rates are being calculated and the Prior Rate Year is the most recently completed Rate Year. For example, in the application for rates effective January 1, 2020 the Rate Year refers to the period from January 1, 2020 to December 31, 2020, the Current Rate Year refers to the period from January 1, 2019 to December 31, 2019 and the Prior Rate Year refers to the period from January 1, 2018 to December 31, 2018.

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

the Collector shall provide a description and schedule of forecasted revenues and costs of new programs agreed to by the Collector and any agency that is a member of the Franchisors' Group ("Member") or proposed by the Collector.

A. Base Year Application: Once every five years, commencing with the application for the 2025 Rate Year, upon written request of the Collector or the Franchisors' Group, with such written request due by March 1 of the year preceding the January 1 for which rate revenues are requested to be adjusted via a Base Year approach; provided, however, that nothing contained herein shall prevent the Collector and the Franchisors' Group from agreeing to conduct a Base Year approach earlier than would be allowed in the schedule stated above.

The Base Year approach application shall be based on: the Collector's actual financial results of operations for the Prior Rate Year; audited financial statements for the Prior Rate Year; year-to-date financial results of operations for the Current Rate Year; and Collector's forecasted costs for the next Rate Year. This shall be called the "Base Year Rate Revenue Requirement." The Base Year approach application's cost projections shall be directly derived from and directly reference revenues and costs by category as listed in the Collector's audited financial statements such that all figures presented as the basis for the Collector's application can be tied back to the financial statements for the most recently completed fiscal year preceding the given August 1 rate application due date.

In its rate application, the Collector shall assemble and submit its forecasts of revenues at current rates and subscription levels (with no adjustments for bad debt or projected migration or service level changes), annual cost of operations, pass-through costs, and profit, for the coming year. The Collector shall clearly explain in its rate application the method used to produce such forecasts, and such information as is necessary to support the assumptions made with regard to such forecasts (such as projected population growth or migration, service or operational changes, projected changes in tonnages, known or reasonably expected cost increases, etc.).

The Collector shall provide all financial information and supporting documentation required for the completion of the Base Year approach in a format acceptable to the Franchisors' Group or its designated consultant in a timely manner. The Collector shall allow for all required information and supporting documentation to be provided to the Franchisors' Group or its designated consultant via

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

physical mail, e-mail, or any other delivery method approved by the Franchisors' Group, including on-site review of information at the Collector's offices. The Collector shall present forecasted amounts for each of the categories listed in Section II below calculated in accordance with such Section.

- B. Indexed Year Application:** Every year that there is no Base Year approach, commencing with the rate application for the 2020 Rate Year. The application shall be based on the Base Year Rate Revenue Requirement adjusted as described below. This shall be called the "Indexed Year Rate Revenue Requirement." The Indexed Year approach is the default method for annual rate adjustments and shall continue indefinitely unless a Base Year approach is allowed and requested in accordance with Section I.A. above.

Review of Rate Application

The Franchisors' Group or a consultant engaged by the Franchisors' Group will review Collector's rate application to ensure mathematical accuracy, conformance with this Exhibit B, reasonableness of expense and revenue projections, and to review necessary supporting documentation for figures stated by the Collector in the rate application. The Collector shall reimburse the Franchisors' Group for the cost of its consultant in an amount not to exceed \$15,000 for an Indexed Year application, or \$125,000 for a Base Rate application, with such limits to increase annually in accordance with the annual change in the Consumer Price Index for Water and Sewer and Trash Collection, U.S. city average, Bureau of Labor Statistics Series I.D. CUSR0000SEHG, between the Index value for June of the current year and the corresponding Index value for June of the prior year, rounded to the nearest hundredth of a percent, subject to a minimum increase of 2.5% and a maximum increase of 5%.

The amount of reimbursement for an Indexed Year application is included in the Base Year Rate Revenue Requirement for 2019, and as such the Franchisors' Group will be reimbursed annually up to the limit stated above (and including applied annual increase) without additional Indexed Rate Revenue Requirement amounts being necessary. If the full amount of reimbursement is not requested by the Franchisors' Group, then any amounts of reimbursement below the limit will be subtracted from the Rate Revenue Requirement in the Collector's application (Indexed or Base Year) for the following Rate Year. For a Base Year application the amount of such reimbursement will be included in the Collector's Base Year Rate Revenue Requirement.

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

The Franchisors' Group shall make its best efforts to complete the review in a timely manner so that rates may be adjusted effective January 1 of each Rate Year. If Collector submits its rate application on or before the application submittal date (August 1 or September 1, as applicable), and the Franchisors' Group delays approving the annual rate adjustment until after January 1 of the following Rate Year, then Collector shall be entitled to retroactively apply the rate adjustment to January 1. If the Collector submits its rate application after the application submittal date (August 1 or September 1, as applicable), a retroactive adjustment will be at the discretion of the Franchisors' Group.

II. CALCULATION OF COLLECTOR'S BASE YEAR RATE REVENUE REQUIREMENT

The Base Year application shall clearly document Collector's calculation of Collector's Base Year Rate Revenue Requirement and proposed rate adjustment based on the methodology described in this Section II. Collector's Base Year Rate Revenue Requirement shall equal the sum of the forecasted amounts set forth in this Section II, each of which shall be calculated in accordance with this Section II.

A. **Forecasted Annual Cost of Operations.**

The forecasted annual cost of operations consists of the sum of forecasted:

1. Labor expense
2. Benefits expense (including workers' compensation)
3. Garbage landfilling and Organics processing expense (including commercial mixed waste processing expense and adjustment for Non-Franchisors' Group entities transfer/transport expenses)
4. General and administrative expense (including other operating expenses)
5. Depreciation and lease expense
6. Maintenance expense (equipment and vehicles)
7. Fuel and oil expense

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

B. Methodology for Forecasting Annual Cost of Operations.

1. **Determine Actual Costs.** Collector's audited financial statement shall be reviewed to determine Collector's actual costs necessary to perform all the services in the manner required by this Agreement. The Collector's auditor shall determine that costs have actually been incurred and have been assigned to the appropriate cost category as described below:

2. **Allocation of Costs.** The audited financial statements include costs of operations unrelated to the Franchisors' Group. These include costs reported for the following Collector's departments:

Department Number	Department Name	Part of Franchisors' Group
100	Garbage Collection	Yes
101	San Anselmo Collection	No
102	County (RVSD-N) Collection	Yes
103	Fairfax Collection	No
104	San Quentin Collection	No
200	Debris Box Collection	No
300	Transfer Station	Yes
400	Shop	Allocation
500	General & Administrative	Allocation
600	Recycling Collection	Yes
700	MRRC Operations	No
800	Shredding/Street Sweeping	No

Collector shall include only costs for Department 100 - Franchisors' Group Garbage Collection, Department 102 – County (RVSD-N) Collection, Department 300 – Transfer

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

Station and Department 600 - Recycling Collection, plus allocated Shop (Department 400), General and Administrative costs (Department 500), and management salaries (Department 500) when performing these procedures. In allocating costs among these departments the Collector shall use the following procedures.

- a. Shop costs (Department 400) shall be allocated by truck route hours.
- b. General & administrative costs (Department 500) are allocated using an average of:
 - i. Each department's percentage of projected revenue
 - ii. Each department's percentage of annual customer counts
 - iii. Each department's percentage of wages

For example:

Revenue	
Total Revenue (all departments)	\$100
Franchisors Group (Dept 100) Revenue	\$75
Franchisors Group (Dept 100) Percentage	75% A
Annual Customer Counts	
Total Annual Customer Counts (all departments)	100
Franchisors Group (Dept 100) Annual Customer Counts	73
Franchisors Group (Dept 100) Percentage	73% B
Wages	
Total Wages (all departments)	\$100
Franchisors Group (Dept 100) Wages	\$25
	25% C
Allocation % for General & Administrative Costs to Dept 100	58% (A+B+C)/3

- c. Management salaries (Department 500) shall be allocated based on the study completed for the Rate Year ended December 31, 2017 reporting the time spent by management related to the Franchisors' Group and other non-Franchisors' Group activities.
- d. The Collector shall identify the allocated portion of the Collector's financial statement costs that are allocated to the Franchisors' Group. The methodology for the Franchisors'

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

Group's allocated portion of the Collector's costs shall be the same as or substantially similar to the methodology used to determine the allocations used in setting the Collector's Rate Year 2019 Rate Revenue Requirement.

3. **Calculate Adjusted Costs.** Collector shall adjust actual costs allocated to the Franchisors' Group to eliminate costs that are unnecessary or unreasonable for the performance of the services required by the Agreement. These non-allowable costs include the following:
- a. Costs of any category or type not actually incurred, not necessary for the provision of services under this Agreement or unreasonable in amount.
 - b. Payments to directors and/or owners of Collector, unless paid as reasonable compensation for services actually rendered.
 - c. Fines for penalties of any nature.
 - d. Federal or state income taxes.
 - e. Charitable or political donations.
 - f. Depreciation or interest expense for collection vehicles, containers, other equipment, offices and other facilities if such items are leased from a related party at more than their actual cost.
 - g. Attorneys' fees and other expenses incurred by Collector in any court proceeding in which any agency that is a Member of the Franchisors' Group and Collector are adverse parties, unless Collector is the prevailing party in such proceeding.
 - h. Attorneys' fees and other expenses incurred by Collector arising from any act or omission by Collector in violation of this Agreement.
 - i. Attorneys' fees and other expenses incurred by Collector in any court proceeding in which Collector's own negligence, violation of law or regulation, or wrongdoing are at issue.
 - j. Payments to related-party entities for products or services, in excess of the cost to the related-party entities for those products or services.

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

- k. Goodwill.
- l. Transfer and transport, disposal, and/or processing costs whose rate/ton exceeds comparable charges for the same services under the same conditions (e.g., transport distances to processing and disposal facilities) by other companies in the San Francisco Bay Area.

The Allocated Costs (from Step 2 above), adjusted for non-allowable costs (from this Step 3), shall be considered “Allowed Costs” for the purposes of forecasting costs.

4. **Forecasted Rate Year Allowed Cost of Operations.** The Allowed Cost of operations for the Rate Year shall be forecasted in the following manner:
- a. **Labor expense** for the Rate Year shall be forecasted based on negotiated labor agreements for represented employees as well as reasonable wage and salary adjustments for non-represented employees. Reasonableness will be determined by such factors such as a comparison to industry standards for comparable operations in the San Francisco Bay Area.
 - b. **Benefit expense** for the Rate Year shall be forecasted based on negotiated labor agreements for represented employees, reasonable adjustments for non-represented employees, and changes in insurance premiums net of any refunds. Benefits includes workers’ compensation expense, which shall be calculated by multiplying the wages established in the Step 4.a above by the applicable premium rates from the Collector’s insurance carrier for the projected Rate Year.
 - d. **Garbage landfilling and Organics processing expense** for the Rate Year shall be forecasted in the following manner:
 - i. Garbage expense:

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

Projected Rate Year Disposal Expense = (Rate Year projected disposal tip fee per Ton) X (total annualized actual tons for the first six months of the Current Rate Year subject to reasonable adjustments for anticipated changes).

ii. Commercial mixed waste processing expense:

Projected Rate Year Processing Expense = (Rate Year projected processing fee per Ton) X (total annualized actual tons for the first six months of the Current Rate Year subject to reasonable adjustments for anticipated changes). This tonnage includes waste collected from municipal facilities, parks and cans as well as illegally dumped material.

The Commercial mixed waste processing rate per ton shall be \$96.91 for the Rate Year ending December 31, 2019 and thereafter shall be adjusted annually by multiplying the Processing rate per Ton contained in the most recent Indexed Year Rate Revenue Requirement by one (1) plus the percentage change in the "Consumer Price Index for Water and Sewer and Trash Collection, U.S. city average, Bureau of Labor Statistics Series I.D. CUSR0000SEHG" between the Index value for June of the current year and the corresponding Index value for June of the prior year, rounded to the nearest hundredth of a percent.

iii. Organics processing expense:

Forecasted Organics processing expense = (Organics projected processing rate per Ton as calculated below) X (annualized actual total Tons of Organics for the first six months of the Current Rate Year subject to reasonable adjustments for anticipated changes).

The Organics Processing rate per Ton shall be set at \$50.72 for the 2019 Rate Year and thereafter shall be adjusted annually by multiplying the Processing Rate per Ton contained in the most recent Indexed Year Rate Revenue Requirement by one (1) plus the annual percentage change in the "Consumer Price Index for Water and Sewer and Trash Collection, U.S. city average, Bureau

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

of Labor Statistics Series I.D. CUSR0000SEHG" between the average Index value for June of the current year and the corresponding Index value for June of the previous year, rounded to the nearest hundredth of a percent.

- iv. Transfer/transport adjustment for the Rate Year shall reduce costs contained in Department 300, which would otherwise be included in the Collector's Base Year Rate Revenue Requirement, related to the transfer and transport of materials not generated in the Franchisors' Group jurisdictions under their contracts with the Collector shall be calculated in the following manner:

Forecasted Transfer/Transport Adjustment = (Transfer /Transport projected Fee per ton as calculated below) X (annualized actual total disposal Tons for the operations not affiliated with the Franchisors' Group for the first six months of the Current Rate Year subject to reasonable adjustments for anticipated changes). The Transfer/ Fee per ton shall be \$23.35 for the 2019 Rate Year and thereafter shall be determined as part of the Base Year Rate Revenue Requirement.

- e. **General and administrative expense** for the Rate Year shall be forecasted based on historical costs adjusted for the Collector's forecasts as approved by the Franchisors' Group.
- f. **Depreciation and lease expense** for the Rate Year shall be forecasted based on the Collector's actual depreciation, which shall reflect the retirement and addition of assets. Projected depreciation shall include anticipated purchases in the next Rate Year. The Allocation of depreciation and lease expense between the Franchisors' Group and other operations shall be based on truck usage.
- g. **Maintenance expense** for the Rate Year shall be forecasted based on historical costs adjusted for changes in the number of equipment and vehicles to be maintained and the cost of such maintenance.

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

The Collector's Rate Year 2019 per ton Recyclable Materials processing cost amount of \$202.00 is calculated as 90% of the projected Recyclable Materials processing cost (90% of a projected \$5,611,111 yielding \$5,050,000 in incentivized processing cost) divided by the projected total tons of Recyclable Materials processed at the Marin Recycling Center (set at 25,000 tons for Rate Year 2019), rounded to the nearest cent. \$5,050,000 divided by 25,000 tons is \$202.00 per ton. The Collector's Rate Year 2019 per ton Recyclable Materials revenue amount of \$162.00 per ton is calculated as 90% of projected Recyclable Materials sales revenues (90% of a projected \$4,500,000 yielding \$4,050,000 in recycling revenues) divided by the projected total tons of processed Recyclable Materials (set at 25,000 tons for Rate Year 2019), rounded to the nearest cent. \$4,050,000 divided by 25,000 tons is \$162.00 per ton.

- ii. Annual Adjustments in Net Recyclable Materials Processing Cost Per Ton: The Rate Year 2019 \$5,050,000 incentivized Recyclable Materials processing cost for the Franchisors' Group shall increase annually by the annual change in the Consumer Price Index for Water and Sewer and Trash Collection, U.S. city average, Bureau of Labor Statistics Series I.D. CUSR0000SEHG between the Index value for June of the current year and the corresponding Index value for June of the prior year, rounded to the nearest hundredth of a percent, rounded to the nearest dollar.

For example, using the same 3.43% increase shown in Section III.A. below, the Rate Year 2020 incentivized processing cost for the Franchisors' Group would be \$5,223,215. That amount shall be divided by the number of all tons of Recyclable Materials processed at the Marin Recycling Center from July 1 of the Prior Rate Year through June 30 of the Current Rate Year. As a sample calculation, if the Marin Recycling Center processes 26,000 tons of Recyclable Materials between July 1, 2018 and June 30 of 2019, then the Collector's Rate Year 2020 per ton

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

Recyclable Materials processing cost would be \$5,223,215 divided by 26,000 tons, equaling \$200.89 per ton.

The Rate Year 2020 per ton Recyclable Materials revenue amount shall be calculated based on 90% of the total revenue received by the Marin Recycling Center in the categories of "Salvage Support (Processing Fee Income)", "Salvage Income (Buyback Scrap, Paper, Plastics, Aluminum, Glass)", "Redemption Income – Plastics, Aluminum, Glass (Net of Buyback Purchases)", "Sales Adjustments (Other Salvage Income)" and "Miscellaneous Income (Other Redemption Income-State)" from July 1 of the Prior Rate Year through June 30 of the Current Rate Year. The total of those revenues shall be divided by the number of all tons of Recyclable Materials processed at the Marin Recycling Center during that same time period, yielding the same number of tons as calculated for the per ton Recyclable Materials processing cost, above. For example, using the same example of 26,000 tons from July 1, 2018 through June 30, 2019, and a placeholder example of \$4,500,000 in total revenue received in the categories stated above, the Collector's Rate Year 2020 per ton Recyclable Materials revenue amount would be \$4,500,000 times 90% divided by 26,000 tons, equaling \$155.77 per ton. Based on the examples shown above, the Collector's Rate Year 2020 net Recyclable Materials processing cost would be \$200.89 per ton minus \$155.77 per ton, equaling \$45.12. Notwithstanding the foregoing, (a) Salvage Income for Paper shall be reduced by non-processed paper brokerage sales for third parties, and (b) the calculation will not include income or tons from recyclable materials processed for third parties or agencies that were not customers of the Collector or the Marin Recycling Center as of December 31, 2018.

- iii. Revisions to Incentivized Recyclable Materials Processing Cost: The Franchisors' Group and Collector agree that the methodology to incentivize the Collector to

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

maximize revenues from the sale of Recyclable Materials described herein (specifically the use of 90% of costs and 90% of revenues) is appropriate given current market conditions. However, in the event that markets for Recyclable Materials change substantially resulting in two (2) consecutive Rate Years of annual decreases or increases of 10% or greater in the total revenue received by the Marin Recycling Center in the categories of “Salvage Support (Processing Fee Income)”, “Salvage Income (Buyback Scrap, Paper, Plastics, Aluminum, Glass)”, “Redemption Income – Plastics, Aluminum, Glass (Net of Buyback Purchases)”, “Sales Adjustments (Other Salvage Income)” and “Miscellaneous Income (Other Redemption Income-State)” between July 1 of the Prior Rate Year and June 30 of the Current Rate Year, then the Franchisors’ Group and Collector agree to mutually consider necessary and appropriate revisions to the incentive mechanism described herein. Such revisions would be considered inasmuch as they would maintain fair and equitable cost to Franchisors’ Group rate-payers while continuing to provide incentives for the Collector to maximize efficiencies and the amount of revenue generated from the sale of Recyclable Materials. Any change in the incentive methodology as described herein would be via Amendment to the Agreement. In addition, in a Rate Year subject to a Base Year approach only, the Collector may propose to update the Recyclable Materials processing cost component based on changes in its costs to process Recyclable Materials.

b. **Forecasted Interest Expense** for the Rate Year shall be based on the Collector’s actual interest from its loan amortization schedules for actual and projected capital expenditures for services under this Agreement.

c. **Zero Waste Marin (JPA) Fees Expense** for the Rate Year shall be based on the tons collected in the Franchisors’ Group Members for the period determined and rate established by the JPA.

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

- d. **Forecasted Other Agency Fees Expense.** Forecasted Other Fees expense (including the Vehicle Impact Fee and additional Other Fees not based on tonnage as they may be implemented throughout the Term) for the Rate Year shall be calculated using the appropriate methodology and the forecasted values.
7. **Forecasted Revenues at Current Rates.** Collector shall provide detailed forecasts of revenues at current rates and subscription levels, with no adjustments for bad debt or projected migration or service level changes.
8. **Forecasted Other Revenues.** Forecasted other revenues for the Rate Year shall include revenues received by the Collector from related and third parties from the use of assets (including but not limited to vehicles and transfer station equipment) or provision of services by employees (including but not limited to drivers, operators, and processors).
9. **Forecasted Franchise Fees Expense.** Forecasted Franchise Fees expense for the Rate Year shall be calculated by multiplying the applicable franchise fee percentage by Member (which are each set to be a percentage of gross rate revenues collected by Collector) times the projected revenues for each Member for the Rate Year. Projected revenues for the Rate Year are calculated by multiplying Forecasted Revenues at Current Rates (Step 7, above) times the Rate Adjustment Factor (calculated in accordance with Section II.C, below). Note that is a circular calculation wherein: the Rate Adjustment Factor is dependent on the Total Collector's Rate Revenue Requirement (calculated in accordance with Step 10, below); the Total Collector's Rate Revenue Requirement is dependent on the Forecasted Franchise Fees; the Forecasted Franchise Fees are dependent on the Rate Year Revenues, and; the Rate Year Revenues are dependent on the Rate Adjustment Factor. Because of this circular relationship, this is best calculated using a computer which can run iterative calculations to resolve this circular reference and yield accurate calculations for each of the interdependent elements described in this Section.

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

10. **Forecasted Total Collector's Rate Revenue Requirement.** Collector's Total Base Year Rate Revenue Requirement necessary to perform all the services and pay all fees in the manner required by this Agreement for the Rate Year shall be equal to the sum of the following:

- a. Forecasted annual cost of operations (determined in accordance with Step 4 above); plus
- b. Profit (determined in accordance with Step 5 above); plus
- c. Forecasted Other Costs (determined in accordance with Step 6 above); plus
- d. Calculated Franchise Fees at projected Rate Year rates (determined in accordance with Step 9, above); plus or minus
- d. Starting with the 2021 Rate Year, the difference between the Prior Rate Year Rate Revenue Requirement and the total amount of the Collector's billings to all Franchisors' Group customers during the Prior Rate Year. The Rate Revenue Requirement for Rate Year 2019 is \$37,826,662. For example, if the total amount of 2019 charges billed by the Collector to all Franchisors' Group customers is \$37,850,000 then the Rate Year 2021 Rate Revenue Requirement adjustment would be \$37,826,662 minus \$37,850,000, yielding negative \$23,338, thus decreasing the Rate Year 2021 Rate Revenue Requirement by \$23,338. Likewise, if the total amount of 2019 charges billed by the Collector to all Franchisors' Group customers is \$37,700,000 then the Rate Year 2021 Rate Revenue Requirement adjustment would be \$37,826,662 minus \$37,700,000, yielding positive \$126,662, thus increasing the Rate Year 2021 Rate Revenue Requirement by \$126,662.

C. Rate Adjustment Factor. The Rate Adjustment Factor shall be calculated overall for the Franchisors' Group and individually by Member via the following:

1. Total Forecasted Revenues, which are calculated as the sum of Forecasted Revenues at Current Rates (Step 7, above) and Forecasted Other Revenues (Step 8, above); minus

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

2. The Total Collector's Rate Revenue Requirement for the coming Rate Year for each Member (inclusive of calculations of Franchise Fees and Other Agency Fees for each Member).
3. The difference between the Total Forecasted Revenues minus Total Collector's Rate Revenue Requirement will equal either a negative Shortfall (requiring a rate increase) or a positive Surplus (requiring a rate decrease).
4. The Rate Adjustment Factor is calculated by dividing the Shortfall or Surplus by Forecasted Revenues at Current Rates. For example, using overall Franchisors' Group amounts as shown in Attachment 1 to this Exhibit B:

Total Forecasted Revenues = \$34,337,374 in Revenues at Current Rates + \$207,272 in Forecasted Other Revenues = **\$34,544,646.**

Surplus or Shortfall = \$34,544,646 in Total Forecasted Revenues minus \$37,826,662 in Total Collector's Rate Revenue Requirement for the Rate Year = **Shortfall of \$3,282,016.**

Rate Adjustment Factor = Shortfall of \$3,282,016 divided by \$34,337,374 in Revenues at Current Rates = **9.56% Rate Adjustment Factor (as an increase to rates).**

- D. Adjustment of Rates.** Each rate approved for the Current Rate Year by each Member shall be multiplied by the Rate Adjustment Factor for each Member to calculate the effective rate for the Rate Year by Member.

III. DETERMINATION OF COLLECTOR'S INDEXED RATE REVENUE REQUIREMENT

The Indexed Year application shall clearly document Collector's calculation of Collector's Indexed Year Rate Revenue Requirement and rate adjustment based on the methodology described in this Section III. Collector's Indexed Year Rate Revenue Requirement shall equal the sum of the forecasted amounts for the categories set forth in this Section III, each of which shall be calculated in accordance with the

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

procedures set forth below. The Franchisors' Group and the Collector have agreed after thorough review that the Rate Year 2019 monthly service rates to be set by the Members and charged and billed by the Collector are necessary to collect rate revenues for the following rate revenue categories, yielding a total Rate Year 2019 Base Year Rate Revenue Requirement of \$37,826,662. Amounts shown below are 2019 totals for the Franchisors' Group as a whole and for each Member. Percentages of Total Operating Revenue by Member shall be used in allocating rate revenue elements (except for Franchise Fees and Other Agency Fees) to the Members and shall remain fixed until the next Base Year application.

2019 Rate Revenues by Category

	Marin Franchisors' Group Total	San Rafael	Larkspur	County	LGUSD	Ross
Percentage of Total Operating Revenue	100.00%	63.53%	15.97%	9.93%	8.50%	2.08%
Collector Operations	23,795,090	15,116,267	3,799,434	2,362,401	2,022,075	494,914
Fuel and Oil True-up	80,477	51,124	12,850	7,990	6,839	1,674
Garbage Landfilling and Organics Processing	4,084,811	2,594,951	652,234	405,544	347,122	84,960
Garbage Landfilling and Organics True-up	17,597	11,179	2,810	1,747	1,495	366
Subtotal for Profit Calculation	27,977,975	17,773,521	4,467,328	2,777,682	2,377,531	581,914
Collector Profit	2,936,915	1,865,729	468,946	291,580	249,575	61,085
Recyclable Materials Processing	680,000	431,982	108,578	67,511	57,785	14,143
Recycling Losses	117,475	74,628	18,758	11,663	9,983	2,443
Interest	541,131	343,763	86,404	53,724	45,985	11,255
Zero Waste Marin Fees	381,250	242,196	60,875	37,851	32,398	7,930
Franchise Fees	3,978,060	2,338,487	638,199	750,459	145,154	105,761
Other Agency Fees	1,213,857	443,600	568,400	201,857	-	-
Total 2019 Rate Revenue Requirement	37,826,662	23,513,906	6,417,488	4,192,327	2,918,411	784,531

- A. Collector Operations.** The Collector Operations rate revenue category for the Rate Year consists of the sum of the following categories as described below:

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

1. Labor expense
2. Benefits expense
3. General and administrative expense
4. Depreciation and lease expense
5. Maintenance expense
6. Fuel and oil expense
7. Fuel and disposal true-ups, which apply only to the Rate Revenue Requirements for Rate Years 2019, 2020 and 2021 (whether calculated under the Base Year approach or Indexed Year approach). The total Rate Revenue Requirement for each of these Rate Years will include \$98,074 to account for prior Collector true-ups on costs for fuel, oil, and disposal (with no further revenue for prior true-ups being collected via the rates or due to the Collector).

The Collector Operations rate revenue category (not including the fuel and disposal true-ups for 2019 through 2021) increases annually from the Prior Rate Year, whether such category for the Prior Rate Year was determined by the Base Year approach or the Indexed Year approach, by the percentage change in the Consumer Price Index for Water and Sewer and Trash Collection, U.S. city average, Bureau of Labor Statistics Series I.D. CUSR0000SEHG, subject to a minimum increase of 2.5% and a maximum increase of 5.0%. The percentage change is calculated by dividing the Index value for June of the current year by the Index value for June of the prior year, rounded to the nearest hundredth of a percent.

For example, the Rate Year 2020 Collector Operations rate revenue category shall be the product of the 2019 Collector Operations rate revenue category of \$23,795,090 times the Index value in June of 2019 divided by the Index value in June of 2018 (which was 236.869), rounded to the nearest dollar. If the Index value in June of 2019 is 245.000, then the Rate Year 2020 Cost of Operations rate revenue category shall equal \$23,795,090 times 245.000 divided by 236.869, which is \$24,611,904 (a 3.43% increase over the Prior Rate Year).

- B. Garbage Landfilling and Organics Processing.** The Rate Year 2019 Garbage Landfilling and Organics processing rate revenue category is set at \$4,102,408 and is calculated based on the sum

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

of the products of the projected Rate Year 2019 Franchisors' Group tons and the per ton tipping fees for the following categories: residential garbage, residential green waste/organics, commercial garbage, commercial mixed waste for processing, commercial food scraps, and Franchisors' Group waste delivered to the Collector and Franchisors' Group clean-ups delivered to the Collector. This sum is reduced by the product of the projected Rate Year 2019 non-regulated (non-Franchisors' Group) tons times the per ton credit for hauling of those tons.

The total of the above for Rate Year 2019 is \$4,084,810, to which \$17,598 is added to account for prior year cost true-ups (applicable only in Rate Years 2019, 2020 and 2021), yielding \$4,102,408 in 2019. The specific tons and per ton rates used for the basis of the Rate Year 2019 calculation are shown below.

Residential garbage	10,824 tons times \$57.33 per ton
Residential green waste/organics	17,575 tons times \$50.72 per ton
Commercial garbage	27,497 tons times \$57.33 per ton
Commercial mixed waste for processing	9,615 tons times \$96.91 per ton
Commercial food scraps	2,133 tons times \$23.46 per ton
Franchisors' Group waste ²	2,043 tons times \$96.91 per ton
Credit for hauling non-regulated tons	7,856 tons times \$23.35 per ton

The Collector shall use the same methodology to calculate the Garbage Landfilling and Organics Processing revenue category amount for each Rate Year after the 2019 Rate Year by using the annualized actual tons by category shown above for the first six months of the Current Rate Year subject to reasonable adjustments for anticipated changes as the basis for projecting tons for the coming Rate Year. For example, the Collector shall use tons in the above categories from January 1, 2019 to June 30, 2019 as the basis for projecting tons for Rate Year 2020, and so forth. The Collector shall multiply the projected tonnages by the actual per ton tipping fees for each category for the coming Rate Year, if available; if actual per ton tipping fees for the coming year are not available for any category, then the Collector will project the coming year per ton tipping fees for such categories by increasing the actual per ton tipping fee in the Current Rate Year by the annual

² This tonnage includes waste collected from municipal facilities, parks and cans as well as illegally dumped material.

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

percentage change in the Consumer Price Index for Water and Sewer and Trash Collection, U.S. city average, Bureau of Labor Statistics Series I.D. CUSR0000SEHG between the Index value for June of the current year and the corresponding Index value for June of the prior year, rounded to the nearest hundredth of a percent, subject to a minimum increase of 2.5% and a maximum increase of 5.0%.

- C. Collector Profit.** The Collector Profit rate revenue category is calculated based on the sum of the Collection Operations (per Section III.A. above and including fuel and disposal true-ups in Rate Years 2020 and 2021) and Garbage Landfilling and Organics Processing (per Section III.B. above) for the Rate Year, divided by 0.905 and subtracting the same sum, rounded to the nearest dollar. For example, if the sum of Collector Operations and Garbage Landfilling and Organics Processing for the Rate year is \$29,000,000 then the Collector Profit rate revenue category shall be \$29,000,000 divided by 0.905 (yielding \$32,044,199), minus \$29,000,000, equaling \$3,044,199.
- D. Recyclable Materials Processing.** The Recyclable Materials Processing rate revenue category for each Rate Year shall be calculated in accordance with Section II.B.6.a. above.
- E. Interest.** The Interest rate revenue category shall be increased in the same manner as Collector Operations, in accordance with Section III.A. above.
- F. Franchise Fees.** The Forecasted Franchise Fees category for the Rate Year shall be calculated in accordance with Section II.B.7. above.
- G. Other Agency Fees.** The Forecasted Other Agency Fees category (including the Vehicle Impact Fee and additional Other Fees as they may be implemented throughout the Term) for the Rate Year shall be calculated in accordance with Section II.B.9. above.
- H. Zero Waste Marin (JPA) Fees.** The Zero Waste Marin (JPA) Fees category amount for each Rate Year shall be calculated based on the amounts of Zero Waste Marin (JPA) Fees in the Current Rate Year times the percentage increase in Zero Waste Marin (JPA) Fees to be paid by the Collector in the Rate Year.
- I. Recycling Losses.** Apply only to the Rate Revenue Requirements for Rate Years 2019, 2020 and 2021 (whether calculated under the Base Review approach or Indexed Year approach). The total

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

Rate Revenue Requirement for each of these Rate Years will include \$117,475 to account for prior Collector losses on the processing of Recyclable Materials (with no further revenue for prior recycling losses being collected via the rates or due to the Collector).

- J. Annual Rate Revenue Reconciliation.** The annual rate revenue reconciliation for each Rate Year shall be calculated in accordance with Section II.B.10.d. above.
- K. Collector's Total Rate Revenue Requirement for Rate Year.** Collector's Total Rate Revenue Requirement for the Rate Year shall be equal to the sum of the amounts calculated in accordance with subsections A through J of this Section III. The Total Rate Revenue Requirement shall be calculated overall for the Franchisors' Group and individually by Member to account for the varying Franchise Fees and Other Agency Fees for each Member.
- L. Rate Adjustment Factor.** The Rate Adjustment Factor for the Rate Year shall equal the Total Rate Revenue Requirement for each Member (inclusive of calculations of Franchise Fees and Other Agency Fees for each Member) for the Rate Year divided by the Total Rate Revenue Requirement for each Member for the Current Rate Year, rounded to the nearest hundredth of a percent. For example, if the 2020 Total Rate Revenue Requirement, calculated in accordance with subsections A through J, above, is \$38,500,000, then dividing that amount by the Rate Year 2019 total Rate Revenue Requirement of \$37,826,662 yields a Rate Adjustment Factor, effective January 1, 2020, of an increase of 1.78% overall for the Franchisors' Group, with individual adjustments being calculated individually by Member.
- M. Adjustment of Rates.** Each rate approved for the Current Rate Year by each Member shall be multiplied by the Rate Adjustment Factor for each Member to calculate the effective rate for the Rate Year by Member.

IV. RATES FOR CHANGES IN SCOPE, CHANGES IN LAW, CHANGES IN FEES, EXTRAORDINARY COSTS

In the event of any Change in Scope or Change in Law (each as described below) that results in an increase or decrease in the Collector's costs or revenues, in the event of an Extraordinary Cost Increase (as defined below), or in the event of any Change in Fees (as described below), an appropriate adjustment will be

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

made in the rates in order to compensate, to the maximum extent possible, for such increase or decrease in costs, revenues or Fees, commencing from the date(s) such increase or decrease first occurs while maintaining the Collector's Profit (as defined in this Exhibit B). Any rate adjustment due to a Change in Scope, a Change in Law or an Extraordinary Cost Increase shall be in the reasonable discretion of the Franchisors' Group.

"Change in Scope" shall mean any change in the services provided by the Collector under the Agreement or under the franchise agreement between the Collector and any other Member of the Franchisors' Group ("Other Franchise Agreement"), whether proposed by the Collector or by such Member.

"Change in Law" shall mean the enactment, adoption, promulgation, issuance, modification or written change in any law, regulation, order or judgment of any governmental body that affects the Collector's performance of services under the Agreement or under any Other Franchise Agreement, including, without limitation, the issuance of final regulations under existing laws, such as SB 1383.

"Change in Fees" shall mean any change in franchise fees, vehicle impact fees and other fees charged to the Collector by any governmental agency in connection with the services provided by the Collector under the Agreement or any Other Franchise Agreement, including, without limitation, Franchise Fees, Other Agency Fees, Zero Waste Marin (JPA) Fees, the cancellation of any existing fees, and the adoption of any new fees.

"Extraordinary Cost Increase" shall mean a substantial increase in the Company's operating or capital costs or expenses that is outside of the Company's control but not due to a Change in Scope or Change in Law.

In the case of a Change in Scope, a Change in Law or an Extraordinary Cost Increase, the Collector shall provide the Franchisors' Group with projected operational, cost and revenue data reflecting the entire financial effect of such Change or Increase, including any change in the Collector's Profit. The Franchisors' Group reserves the right to require that the Collector supply any additional operational, cost and revenue data, or any other information it may reasonably need, to ascertain the appropriate financial impact of the Change or Increase and any necessary adjustment to rates resulting from such Change or Increase.

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

Rate adjustments for a qualifying Change in Scope or Change in Law, for a Change in Fees, or for an Extraordinary Cost Increase shall take effect as of the beginning of the next Rate Year; provided, however, that, in the case of any Change in Fees charged by the Franchisors' Group or by any agency that is a member of the Franchisors' Group, the rate adjustment shall take effect as of the effective date of such Change in Fees. The underlying service, cost, revenue or Fee changes supporting any rate adjustment under this Section IV will be added to the appropriate category under Sections II and III above for purposes of future rate adjustments.

Any rate adjustment under this Section IV that results from a Change in Scope, Change in Law, Change in Fees or Extraordinary Cost Increase affecting fewer than all the Members of the Franchisors' Group may be imposed on only the rate-payers of such affected agency or agencies in amounts necessary to compensate the Collector for the financial effects of such Change or Increase.

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

Attachment 1 to Exhibit B: Sample Format of Rate Application: Base Year Application

Marin Sanitary Service 2019 Rate Application - Marin Franchisors' Group (MFG)

Expense Allocation (Percentage of Total Operating Revenue)	63.53%	15.97%	9.93%	8.50%	2.08%	100.00%
Current 2018 MFG Rate Revenue	San Rafael	Larkspur	County	LGVSD	Ross	MFG Total
MFG Rate Revenue at Current 2018 Rates	\$ 21,377,071	\$ 5,880,740	\$ 3,828,411	\$ 2,539,274	\$ 711,878	\$ 34,337,374
Less: MFG Franchise Fees on 2018 Rate Revenue	(2,137,707)	(588,074)	(689,114)	(25,000)	(96,495)	(3,536,390)
Less: MFG Vehicle Impact and Sweeping Fees	(443,600)	(568,400)	(201,857)	-	-	(1,213,857)
Operating Revenue at Current 2018 Rates	18,795,764	4,724,266	2,937,440	2,514,274	615,383	29,587,127
2019 MSS Operating Expense						
Labor	6,167,373	1,550,153	963,850	824,998	201,923	9,708,297
Benefits	3,070,854	771,851	479,919	410,782	100,541	4,833,947
Garbage Landfilling and Organics Processing	2,606,130	655,044	407,291	348,617	85,326	4,102,408
General and Administrative	2,046,209	514,309	319,786	273,718	66,994	3,221,016
Depreciation and Leases	1,766,157	443,919	276,019	236,256	57,825	2,780,176
Maintenance	1,367,897	343,817	213,778	182,981	44,786	2,153,259
Fuel and Oil	748,900	188,234	117,040	100,179	24,519	1,178,872
2019 MSS Operating Expense (Subject to Profit)	17,773,520	4,467,327	2,777,683	2,377,531	581,914	27,977,975
2019 MSS Revenue Requirement						
2019 MSS Operating Expense (Subject to Profit)	17,773,520	4,467,327	2,777,683	2,377,531	581,914	27,977,975
Operating Profit (90.5% Operating Ratio)	1,865,729	468,946	291,580	249,575	61,085	2,936,915
Recyclables Processing	506,610	127,335	79,174	67,768	16,587	797,474
Interest	343,763	86,404	53,724	45,985	11,255	541,131
Zero Waste Marin Fees	242,196	60,875	37,851	32,398	7,930	381,250
2019 MSS Revenue Requirement	20,731,818	5,210,887	3,240,012	2,773,257	678,771	32,634,745
2019 MFG Pass Through Costs						
Projected 2019 MFG Franchise Fees	2,338,487	638,199	750,459	145,154	105,761	3,978,060
MFG Vehicle Impact and Street Sweeping Fees	443,600	568,400	201,857	-	-	1,213,857
Projected 2019 MFG Pass Through Costs	2,782,087	1,206,599	952,316	145,154	105,761	5,191,917
2019 MFG Revenue Requirement						
2019 MSS Revenue Requirement	20,731,818	5,210,887	3,240,012	2,773,257	678,771	32,634,745
2019 MFG Pass Through Costs	2,782,087	1,206,599	952,316	145,154	105,761	5,191,917
2019 MFG Revenue Requirement	23,513,905	6,417,486	4,192,328	2,918,411	784,532	37,826,662
2019 Revenue Shortfall at Current 2018 Rates						
MFG Rate Revenue at Current 2018 Rates	21,377,071	5,880,740	3,828,411	2,539,274	711,878	34,337,374
Non-Regulated Revenue	129,039	35,498	23,110	15,328	4,297	207,272
2019 Revenue at Current 2018 Rates	21,506,110	5,916,238	3,851,521	2,554,602	716,175	34,544,646
Less: 2019 Revenue Requirement	(23,513,905)	(6,417,486)	(4,192,328)	(2,918,411)	(784,532)	(37,826,662)
2019 Revenue less 2019 Rate Revenue Requirement	(2,007,795)	(501,248)	(340,807)	(363,809)	(68,357)	(3,282,016)
2019 Rate Increase Percentage	9.39%	8.52%	8.90%	14.33%	9.60%	9.56%
2019 Revenues After Rate Adjustment						
Calculated 2019 Rate Revenue	23,384,866	6,381,988	4,169,218	2,903,083	780,235	37,619,390
Non-Regulated Revenue	129,039	35,498	23,110	15,328	4,297	207,272
Projected 2019 Revenue at Adjusted Rates	23,513,905	6,417,486	4,192,328	2,918,411	784,532	37,826,662
2019 MFG Revenue Requirement	23,513,905	6,417,486	4,192,328	2,918,411	784,532	37,826,662

EXHIBIT B

COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT

Attachment 1 to Exhibit B: Sample Format of Rate Application: Indexed Year Application

EXAMPLE 2020 Indexed Rate Adjustment Calculation

	Marin Franchisors' Group Total	San Rafael	Larkspur	County	LGVSD	Ross
Percentage of Total Operating Revenue	100.00%	63.53%	15.97%	9.93%	8.50%	2.08%
Collector Operations	24,675,509	15,675,569	3,940,013	2,449,810	2,096,891	513,226
Fuel and Oil True-up	80,477	51,124	12,850	7,990	6,839	1,674
Garbage Landfilling and Organics Processing	4,291,484	2,726,244	685,234	426,063	364,685	89,259
Garbage Landfilling and Organics True-up	17,597	11,179	2,810	1,747	1,495	366
Subtotal for Profit Calculation	29,065,067	18,464,116	4,640,907	2,885,610	2,469,910	604,525
Collector Profit	3,051,029	1,938,222	487,167	302,909	259,272	63,458
Recyclable Materials Processing	654,116	415,539	104,445	64,941	55,586	13,605
Recycling Losses	117,475	74,628	18,758	11,663	9,983	2,443
Interest	561,153	356,483	89,601	55,712	47,686	11,671
Zero Waste Marin Fees	400,313	254,306	63,919	39,743	34,018	8,326
Franchise Fees	4,146,018	2,438,544	663,689	781,998	151,392	110,395
Other Agency Fees	1,213,857	443,600	568,400	201,857	-	-
Total 2020 Rate Revenue Requirement	39,209,027	24,385,438	6,636,886	4,344,433	3,027,847	814,423
Total 2019 Rate Revenue Requirement	37,826,662	23,513,906	6,417,488	4,192,327	2,918,411	784,531
2020 Rate Revenue Adjustment	3.65%	3.71%	3.42%	3.63%	3.75%	3.81%

CITY OF SAN RAFAEL

NOTICE OF PUBLIC HEARING

The City Council of the City of San Rafael will hold a public hearing:

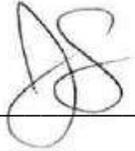
- PURPOSE:** Public Hearing: To consider two actions concerning the City's agreement with Marin Sanitary Service for Refuse Collection and Recycling:
- 1) A request by Marin Sanitary Service for a rate increase for refuse collection and recycling services and adoption of a Resolution setting maximum rates for the year 2019; and
 - 2) Adoption of a Resolution amending the agreement, including the institution of a new rate setting methodology, elimination of the recycling reserve fund, and certain other changes.
- DATE/TIME/PLACE:** Monday, December 17, 2018, at 7:00 p.m.
City Hall Council Chambers, 1400 Fifth Avenue, San Rafael
- WHAT WILL HAPPEN:** You may comment on the proposed Resolution. The City Council will consider all public testimony and will then decide whether to approve the Resolution.
- IF YOU CANNOT ATTEND:** You may send a letter to City Clerk, City of San Rafael, P.O. Box 151560, San Rafael, CA 94915-1560. You may also hand deliver a letter to the City Clerk prior to the meeting.
- FOR MORE INFORMATION:** You may contact Cory Bytof, Sustainability and Volunteer Program Coordinator, at (415) 485-3407. Office hours are Monday through Friday, 8:30 a.m. to 5:00 p.m.

SAN RAFAEL CITY COUNCIL

/s/ LINDSAY LARA
LINDSAY LARA, City Clerk



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Community Development Department
Paul A. Jensen
Prepared by: Paul A. Jensen (PJ/AG/RB/LG), **City Manager Approval:** 
Community Development Director

TOPIC: REGULATIONS AND PROCEDURES FOR SMALL WIRELESS FACILITIES

SUBJECT: URGENCY ORDINANCE AMENDING THE SAN RAFAEL MUNICIPAL CODE TITLE 14 (ZONING) AND ACCOMPANYING POLICY RESOLUTION TO ESTABLISH PROVISIONS AND PROCEDURES FOR REGULATING THE PLACEMENT OF SMALL WIRELESS FACILITIES

RECOMMENDATION:

Conduct a public hearing and adopt an urgency ordinance and policy resolution establishing application and review procedures for installation of small wireless facilities.

BACKGROUND:

On September 26, 2018, the Federal Communications Commission (FCC) adopted a [Declaratory Ruling and Third Report and Order](#) geared toward speeding up the deployment of small wireless facilities in the public right-of-way (hereafter, the "FCC ruling"). The FCC ruling, which will go into effect January 14, 2019, sets forth limitations on state and local government regulation of small wireless facilities that are placed on existing or new utility poles and street light standards located in the public right-of-way and private property. The FCC ruling clarifies and more specifically restricts the authority of state and local governments to regulate small wireless facilities in the public right-of-way. This ruling is significant in that there are several nuances in small "cell" wireless facilities technology and application, which set them apart from other wireless communication facilities. On December 10, 2018, the FCC denied local governments' motion for a "stay" (essentially a freeze) on the regulations but ruled that aesthetic restrictions would not go into effect until April 14, 2019. Therefore, it remains prudent for the City to address this matter as soon as possible.

On December 3, 2018, City Council was provided a [comprehensive report](#) covering the FCC ruling, the City's current regulations for wireless communication facilities and recommended approaches for addressing small wireless facilities. A presentation was made by Michael Johnston, attorney (Telecom Law Firm) who summarized the implications of the FCC ruling and responded to detailed questions. In addition, staff presented possible text amendments to the San Rafael Municipal Code ("SRMC") (Title 14, Zoning) and a draft policy resolution to establish regulations and procedures for small wireless facilities.

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

Forty (40) community members provided public comment on this topic. Following public comment and deliberation, the City Council directed staff to meet with the Council's subcommittee on small wireless facilities to: 1) evaluate possible changes to the draft policy resolution; and 2) return to the Council with an urgency ordinance and a final, draft policy resolution. As part of this action, the City Council directed staff to evaluate the public comments and review the following information in considering further changes to the draft policy resolution:

- The Town of San Anselmo Wireless Facilities Ordinance;
- The Town of Burlington (Massachusetts) Policy on Small Wireless Facilities Installation; and
- 23-point list of recommendations presented to the Town of Fairfax from "5G-Free Marin." for the City to consider in establishing regulations for small wireless facilities (Attachment 3).

On December 5, the City Council subcommittee (Councilmembers Colin and McCullough) met with City staff and attorney Michael Johnston to discuss the above documents and possible changes to the draft policy resolution. The subcommittee discussed the pros and cons of numerous, additional standards as well as the recommendations presented by members of the public. This extra time also allowed staff to work with Michael Johnston to refine the policy resolution language to include a greater level of detail in the definitions, application submittal requirements, and overall review process. As a result, changes have been made to the draft policy resolution to include the following:

- A re-drafting of the policy language;
- Establishing a 500-foot setback from residential districts;
- Establishing a 500-foot separation between small wireless facilities;
- Requiring a public notice to properties within 500 feet of any proposed facility; and
- Requiring an expanded review process for applications that do not meet the setback and separation requirements.

The subcommittee also recognized that the policy resolution would serve as a measure for evaluating applications, but that there is an expectation that this document may need to change over time. The ability to make changes to the policy resolution is needed for several reasons:

- Litigation has been filed challenging the FCC ruling. It is unclear whether the courts will issue a "stay" of the FCC ruling pending a final decision by the courts on the litigation. If there is a stay, the City will likely also put a hold on issuing approvals for small wireless facilities.
- As staff becomes more familiar with processing applications for small wireless facilities, the procedures and regulations presented in the policy resolution may need to be amended to ensure an effective review process and standards. If changes are necessary, staff will likely provide the City Council with an update and possible amendments to the policy resolution that address any challenges experienced in the review process that will be established as part of the adopted policy.

ANALYSIS:

Staff has prepared an urgency ordinance and special procedures and regulations (including objective aesthetic standards) covered in a draft policy resolution for administering such facilities. These documents are intended to assure the City is prepared to evaluate new applications for small wireless facilities when the FCC ruling goes into effect. The urgency ordinance and policy resolution are attached (Attachments 1 and 2). The procedures and regulations have been updated to: 1) consider the public comments; 2) include some of the 23-point recommendations presented to the Town of Fairfax by "5G-Free Marin;" 3) address the direction from the City Council received at the December 3rd meeting; 4) and

incorporate the recommendations of the City Council subcommittee meeting held on December 5. The following is a summary of the draft urgency ordinance and resolution (see Attachments 1 & 2):

Urgency Ordinance

Ordinarily, to adopt an ordinance the City Council must approve introduction of the ordinance at a first meeting, and then finally adopt it at a second meeting not less than 5 days later. Additionally, once adopted, the ordinance normally will not become effective for 30 days. Using that procedure to adopt the attached ordinance would mean that it would not become effective until late February. Staff has concluded that there are important reasons for the City to have local small wireless facility regulations in place prior to the January 14, 2019 effective date of the FCC ruling,

Government Code Section 36937(b) authorizes a city council to adopt at a single meeting an “urgency” ordinance that will take effect immediately, in cases where the council makes findings that it is required “for the immediate preservation of the public peace, health or safety” and the ordinance is passed by a four-fifths (4/5) vote of the city council. Staff is recommending that the Council adopt the attached ordinance as an urgency ordinance pursuant to this statute. Therefore, the proposed ordinance contains findings of fact setting forth why an urgency ordinance is necessary, and if adopted by a four-fifths (4/5) vote of the City Council, the ordinance will go into effect immediately.

The urgency ordinance would make the following amendments to the City’s Municipal Code:

1. Amend SRMC Title 14 (Zoning), Section 14.03.030 (Definitions) to add a new definition for “small wireless facility.” This definition would mirror the definition established by the FCC.
2. Amend SRMC Section 14.16.360 (Wireless Communication Facilities) to specifically include small wireless facilities as part of the mix of wireless communication facilities.
3. Add new SRMC Section 14.16.361 (Small Wireless Communication Facilities). The text for this new section acknowledges that small wireless facilities in the public right-of-way are unique and subject to additional provisions and standards adopted by separate resolution of the City Council (policy resolution).

Policy Resolution

The proposed policy resolution has been significantly revised from the initial draft to set forth policies, procedures, standards and limitations for small wireless facilities to include the following key sections:

1. *Definitions*- includes definitions used in the application and review process. For clarity, this section provides FCC-mandated definitions specifically related to small wireless facilities.
2. *Required permits*- requires a “Small Cell Permit” for all small wireless facilities. Although initially recommended by staff, an Administrative Design Review has been eliminated because the required findings for this permit would introduce subjectivity that is expressly preempted by the FCC ruling. In place of Administrative Design Review, all requests would be evaluated based on a set of objective criteria outlined in the policy resolution, and decisions would be based on a list of required findings that require confirmation of compliance with the criteria.
3. *Application and Review Procedures Requirements*– establishes the application submittal requirements and process for efficient review of applications including procedures for reviewing batched or grouped applications. While staff initially recommended procedures identifying the possibility of accepting a “batched” application of 10 similar facilities to be submitted at one time, this number has been reduced to allow review of 5 similar facilities to be submitted as part of one

batched application. However, even with this change, the FCC ruling does not allow the local jurisdiction to set limits on precluding simultaneous filings of multiple batched applications.

4. *Public Notice Process*- establishes a public noticing process. While a public noticing process was not previously proposed, staff believes that such a noticing process would be a necessary form of disclosure to the community about impending, nearby installation and construction work. This noticing requirement is similar to the community outreach that is sometimes done for certain types of City improvement projects. The process requires a mailed public notice to all properties and record owners within 500 feet of the proposed location (500-foot radius measured laterally from the right-of-way). The notice would provide a 10-day noticing period for written public comment, which is intended to assist staff in its determination on whether the proposed facility would comply with all the applicable standards in the policy. It should be noted that this noticing process would not include a public hearing. Considering the shot clock deadlines, even factoring in a staff-level Zoning Administrator hearing with the processing steps would mean that the City would likely be unable to comply with these deadlines.
5. *Appeals Process*- requires appeals be directly referred to the City Council. A direct appeal to the City Council is necessary given the shot clock time limits imposed by the FCC. The policy language limits City Council appeals of individual permit applications to whether the application complies with the required findings for approval in Section 7(c) – design standards, location, support structure type, etc. Please note that the policy is drafted so that no appeals will be permitted to the extent that the appeal is based on the effects from RFR emissions that comply with all applicable FCC regulations. As discussed in the December 3, 2018 staff report, the recent FCC ruling made no changes in the 1996 Telecommunications Act related to a local jurisdiction's ability to regulate or enforce radio frequency (RFR) emission limits on small wireless facilities or any other wireless communication facility. Therefore, the City has no authority to approve or deny a small wireless facility application on the basis of health risks unless such facility exceeds the FCC standards for public exposure.
6. *Most Preferred, Less Preferred and Least Preferred Locations*- establishes a list of most preferred (commercial/industrial/public-quasi-public) versus least preferred locations (residential). The policy retains the proposed provision to limit installation of small wireless facilities in parks/open space and residential districts (least preferred locations) on or along major or minor arterial roads (as defined by General Plan 2020 Exhibit 22); The policy authorizes the City to deny any application in a residential zoning district, when the small wireless facility is not located along an arterial or minor arterial road, unless the applicant can show by clear and convincing evidence that a more-preferred location is not technically feasible.

The policy states preference for facilities to be installed on existing streetlights to enhance concealment opportunities. Wood utility poles are subject to physical limitations (wood is solid, and cabling cannot be routed through the pole) and additional CPUC safety regulations (minimum separation distances from the pole and from communications and electrified lines) that make blending and camouflaging more difficult.

The policy statement applies to small wireless facilities in the public right-of-way and on private property as the FCC ruling applies to both locations.

7. *Setback/buffer requirements*- establishes a 500-foot buffer from residential districts. This policy authorizes the City to deny an application that does not meet this requirement. However, if an applicant demonstrates with clear and convincing evidence in the written record that any other more preferred location is technically infeasible, the setback/buffer is waived.

8. *Separation requirements* – requires a 500-foot separation between poles for new installation. This number was increased from the 300 feet that previously recommended. If installed on existing utility poles or light standards, waive the separation requirement if the antenna and boxes are concealed in a canister or are flush-mounted on the pole.
9. *Dimensional and stealth design requirements*- establishes design requirements that are similar to what was previously required for antennas and recommendations for undergrounding of associated structures. However, the language now provides opportunities for pole mounting of associated equipment when it can be appropriately integrated into a shroud or pedestal at the base of the pole. The draft policy sets forth similar design standards for each element of the proposed facility and provides volumetric requirements for each piece of equipment that is more consistent with local preferences – maximum of 17 cubic feet for accessory equipment rather than the FCC definition of 28 cubic feet. Please note that it is staff’s intent to further assess the design standards and return to the City Council in the near future with additional or more specific standards.
10. *Conditions of Approval*- provides standard conditions of approval that automatically attach to any permit and govern the operation and maintenance standards for each small wireless facility. One standard condition requires the permittee to cooperate with all the City’s efforts to maintain compliance with the FCC’s RF exposure rules and guidelines.
11. *Height limits*- a height standard requiring a clearance of equipment installation of a minimum of 10 feet from grade and not to exceed 10 feet above the existing pole.
12. *Signage*- limits signage to only signage required by the FCC.
13. *Shot-clock/processing deadlines*- establishes review and action timelines consistent with the FCC ruling. The FCC ruling for small wireless facilities requires that an application action must be made within 60 days of application filing for co-locations and 90 days of application filing for new structures. Staff is concerned that compliance with the shot-clock deadlines will be challenging. While the application process has been crafted to incorporate a direct appeal of action to the City Council, the prescribed and required steps in the application review process (application review for completeness, referrals, report writing, notifications, public meeting scheduling, public hearing) has the potential to extend beyond these FCC deadlines. Considering the processing steps, staff cannot guarantee that the shot-clock deadlines will be met with every application.
14. *Fees*- As discussed above, the FCC ruling sets limits on the fees that can be charged on small wireless facility applications in the public right-of-way. An assessment of the City’s current fees relative to their application for small wireless facilities in the public right-of-way is discussed under the Fiscal Impact section of this report.

With adoption of an urgency ordinance and associated policy resolution, the City will be prepared to process applications for small wireless facilities when the FCC ruling becomes effective.

Environmental Review

Pursuant to California Environmental Quality Act (“CEQA”) Guidelines § 15378 and California Public Resources Code § 21065, the adoption of the urgency ordinance and policy resolution is not a “project” because their adoption is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment. Alternatively, if the adoption does constitute a project under CEQA, it is one that qualifies for an Exemption from the provisions of CEQA Guidelines

pursuant to Sections 15183(a) because it entails a project that can be found consistent with the General Plan policies and pursuant to 15061(b)(3), Review for Exemptions, which states that as a 'general rule' CEQA applies only to projects which have the potential to cause a significant, physical environmental effects. Regarding health hazards and review of individual small wireless facility applications, the City is not precluded from requiring CEQA review. However, the City cannot make RF-based decisions under CEQA to the extent that RFR emissions comply with the FCC's RFR regulations.

COMMUNITY OUTREACH:

Notice of this meeting was mailed to a list of stakeholders 15 days prior to the December 3, 2018 City Council meeting. In addition, while public notice for an urgency ordinance is not required, a 10-day notice of the December 17, 2018 City Council hearing on this matter was published in the Marin Independent Journal and notice was mailed to the list of stakeholders previously notified (see Attachment 5 for meeting notice).

FISCAL IMPACT:

The proposed adoption of an urgency ordinance and resolution has no direct fiscal impact on the City of San Rafael. However, the fees that are charged (both non-recurring and recurring) for small wireless facility applications could have a fiscal impact on the City. Per the FCC ruling, the fees charged by the City for small wireless facilities must be fair and reasonable. As reported in the December 3 City Council report, the FCC conducted a survey of 20 local jurisdictions finding that the following fee levels comply with this "fair and reasonable" standard:

- \$500.00 for non-recurring fees,¹ including a single, up-front application for up to five small wireless facility sites, with an additional \$100.00 for each additional small wireless facility site beyond the initial five sites.
- \$1,000 for non-recurring fees for a new pole to support one or more small wireless facility.
- \$270.00 per year for all recurring fees² including any right-of-way access fee (e.g., encroachment permit) or fee for attachment to a municipality-owned structure in the public right-of-way.

The FCC ruling states that, in limited circumstances, a state or local agency can charge fees higher than the above fees provided that: a) they are a reasonable approximation of the costs; b) the costs themselves are reasonable; and c) they are not discriminatory.

The "non-recurring" fees that are presented in the FCC survey (discussed above) are not enough to cover the staff costs for the Planning review process and the one-time, \$246.00 construction-related Encroachment Permit (administered by Public Works). The current wireless communication fees charged by the City are based on a 2011 Cost of Services Study, which found that: a) the Administrative Design Permit fee of \$1,167.00 represents 97% cost recovery (staff time to process and administer the application); b) the \$398.00 Telecommunication Fee represents 100% cost recovery; and c) the more significant permits for new antennas/structures (\$2,258.00/\$4,693.00 for Environmental and Design Review Permit) cover approximately 80-85% of City staff time. The \$246.00 fee for a construction-related Encroachment Permit ("non-recurring" fee) is also 100% cost recovery. However, as proposed, if the Planning process for small wireless facilities is limited to a Small Cell Permit (fee of \$398.00 coupled with the \$246.00 Encroachment Permit), the cost for service would not be recovered. Section 8(a)(16) of the policy resolution (Attachment 2) recommends that the applicant be subject to covering "cost reimbursement."

¹ A non-recurring fee is akin to the Planning application fees such as an Administrative Design Review Permit

² A recurring fee would be akin to an annual fee charged for the encroachment into the public right-of-way

The Planning Division currently administers a cost reimbursement (cost recovery) program for deposit-based Planning applications (including several of those applications referenced above). Therefore, it is recommended that this current cost reimbursement program be administered for all small wireless facility applications requiring: a) a \$2,000 deposit; and b) a signed written statement that acknowledges that the applicant will be required to reimburse the City of reasonable cost of processing the application. Unused deposit amounts would be reimbursed to the applicant. This cost reimbursement program is also suitable in the event an independent contractor is hired by the City. To ensure that applications can be processed within the time limits established by the FCC, it may be necessary for the City to hire an independent consultant to complete this service.

OPTIONS:

The City Council has the following options to consider on this matter:

1. Adopt the attached an urgency ordinance and resolution.
2. Direct staff to return with more information.
3. Take no action.

RECOMMENDED ACTION:

Adopt the attached urgency ordinance and resolution.

ATTACHMENTS:

1. Urgency Ordinance for small wireless facilities
2. Resolution (containing regulations, standards and permitting)
3. 23-point list of recommendations presented to the Town of Fairfax from "5G-Free Marin"
4. Public hearing notice
5. Community comments and correspondence received to date

ORDINANCE NO. _____

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL,
PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 36937(b),
AMENDING TITLE 14 (“ZONING”) OF THE SAN RAFAEL MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

DIVISION 1. FINDINGS

WHEREAS, Government Code Section 36937(b) authorizes the adoption of an urgency ordinance for the immediate preservation of the public peace, health or safety; and

WHEREAS, the City Council of the City of San Rafael deems it necessary to adopt an urgency ordinance pursuant to Government Code Section 36937(b) to add regulations to the San Rafael Municipal Code to regulate the placement of small wireless facilities in the public rights-of-way, finding the urgency to do so based upon the following facts:

1. The global wireless telecommunications industry has developed and is starting to install “small wireless facilities” primarily in public rights-of-way. Small wireless facilities are designed to accommodate “5G” technology. Wireless telecommunications providers have made inquiries with the City of San Rafael and other California cities about installing small wireless facilities in San Rafael’s rights-of-way, and some other California cities are already receiving applications for such facilities.
2. The Federal Telecommunications Act of 1996 preempts and declares invalid all state and local rules that restrict entry or limit competition in both local and long-distance telephone service, and the Federal Communications Commission has adopted regulations for the implementation of that Act.
3. The City of San Rafael currently regulates wireless telecommunications facilities pursuant to San Rafael Municipal Code (“SRMC”) Title 14 (“Zoning”), Section 14.16.360, which was last revised in 2014. Among other provisions, these regulations impose design, height, general location and other standards for installation of wireless facilities primarily on private property, establish ministerial and discretionary review processes, and require submittal of reports regarding radiofrequency emissions and alternative sites.
4. Section 7901 of the California Public Utilities Code authorizes telephone and telegraph corporations to construct telephone or telegraph lines along and upon any public road or highway, along or across any of the waters or lands within this state, and to erect poles, posts, piers, or abatements for supporting the insulators, wires, and other necessary fixtures of their lines, in such manner and at such points as not to incommode the public use of the road or highway or interrupt the navigation of the waters.
5. Section 7901.1 of the California Public Utilities Code confirms the right of municipalities to exercise reasonable control as to the time, place, and manner in which roads, highways,

and waterways are accessed, which control must be applied to all entities in an equivalent manner and may involve the imposition of fees.

6. On September 26, 2018, the Federal Communications Commission adopted its “Declaratory Ruling and Third Report and Order” (hereafter, the “FCC Ruling”) expressly to “*reduce regulatory barriers to the deployment of wireless infrastructure and to ensure that our nation remains the leader in advanced wireless services and wireless technology.*” (FCC Ruling, ¶29.) The FCC Ruling is intended to facilitate the spread, growth, and accumulation of small wireless facilities over a short period of time in order to enable deployment of technology that the FCC Ruling claims will enable increased competition in healthcare, Internet of Things applications, lifesaving car technologies, and creation of jobs.
7. Small wireless facilities are primarily installed within public rights-of-way and as such create significant and far-reaching local concerns about traffic and pedestrian safety, land use conflicts and incompatibilities including excessive height of poles and towers; creation of visual and aesthetic blights arising from excessive size, heights, noise or lack of camouflaging of wireless facilities including the associated pedestals, meters, equipment and power generators, and protection and preservation of public property, all of which may negatively impact the unique quality and character of the City and the public health, safety and welfare thereof. Accordingly, regulating the installation of small wireless facilities in the public right-of-way is necessary to protect and preserve the aesthetics in the community, as well as the values of properties within the City, and to ensure that all wireless telecommunications facilities are installed using the least intrusive means possible.
8. The FCC Ruling, which will go into effect on January 14, 2019, sets forth new limitations on state and local government regulation of small wireless facilities that are placed on existing or new utility poles and street light standards located in the public right-of-way. Specifically, the FCC Ruling: a) limits the level of local permitting and discretion; b) establishes new shorter “shot clock” rules (e.g., time limits and deadlines) for processing and action on local permits; and c) limits the fees that can be charged for the facilities.
9. The current regulations in SRMC Section 14.16.360 are primarily focused on wireless telecommunications facilities located on private property, and the existing Code provisions were not specifically designed to address the unique legal and practical issues that arise in connection with deployment of small wireless facilities in the public right-of-way pursuant to the new limitations established in the FCC Ruling.
10. Without the immediate implementation through an urgency ordinance of regulations specific to the siting of small wireless facilities in the public right-of-way, the City Council will be unable to adopt and implement such regulations before the January 14, 2019 effective date of the FCC Ruling. The consequence will be that under the new “shot clock” rules, applications submitted at that time will need to be approved within either 60 or 90 days of the application being submitted and will not be subject to the City’s regulations of

the right-of-way; small wireless facilities could therefore be approved that are inconsistent with the regulations being developed by the City as permitted by federal and state laws.

WHEREAS, adoption of this Ordinance is consistent with the City's General Plan policies;
and

WHEREAS, pursuant to California Environmental Quality Act ("CEQA") Guidelines § 15378 and California Public Resources Code § 21065, the Council finds that this ordinance is not a "project" because its adoption is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment; and that, even if this ordinance qualified as a "project" subject to CEQA, and pursuant to CEQA Guidelines § 15061(b)(3), there is no possibility that this project will have a significant impact on the physical environment; and

WHEREAS, for all the foregoing reasons, the City Council finds and declares that adoption of this Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare and its urgency is hereby declared;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES HEREBY ORDAIN AS FOLLOWS:

DIVISION 2. MUNICIPAL CODE AMENDMENTS.

Title 14 of the San Rafael Municipal Code, entitled "Zoning," is hereby amended as follows:

1. Section 14.03.030 is hereby amended to add a new definition of "Small Wireless Facility", to read in its entirety as follows (**as shown below by strikethroughs for deletions and underline/italics for insertions**):

14.03.030 - Definitions.

"Small Wireless Facility" means a small wireless facility as defined by the FCC and that meets the following requirements:

1. Meet one of the following mounting requirements:
 - a. are mounted on structures 50 feet or less in height including their antennas as defined in section 1.1320(d), or
 - b. are mounted on structures no more than 10 percent taller than other adjacent structures, or
 - c. do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
2. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in section 1.1320(d)), is no more than three cubic feet in volume;

3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume

Antenna equipment, means equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.

2. Section 14.03.030 is hereby amended to amend the definition of "Wireless communication facilities" to read in its entirety as follows:

"Wireless communication facilities" means facilities regulated by the FCC that transmit and/or receive electromagnetic signals for cellular technology, personal communication services, enhanced specialized mobile services, paging systems, and radio and television broadcast transmission facilities. Facilities include antennas, microwave dishes, parabolic antennas, and all other types of equipment (but does not include small wireless facility, which is defined separately under "Small Wireless Facility") used in the transmission or reception of such signals; telecommunication towers or similar structures supporting said equipment; associated equipment cabinets and/or buildings; and all other accessory development. These facilities include amateur radio antenna structures that exceed thirty feet (30') in height but do not include government-operated public safety networks.

3. Section 14.16.360(A) is hereby amended to read in its entirety as follows:

14.16.360 - Wireless communication facilities.

A. Purpose. This section establishes standards to regulate the design and placement of towers, antennas, and other wireless communication transmission and/or reception facilities (hereinafter called wireless communication facilities) on public and private property, including facilities within the public right-of-way to minimize the potential safety and aesthetic impacts on neighboring property owners and the community, and to comply with applicable state and federal laws, including the Federal Telecommunications Act of 1996. This section does not apply to small wireless facilities as defined under Section 14.03.030, which are regulated by Section 14.16.361. To fulfill this its purpose, this section is intended to:

1. Establish review and approval requirements, application submittal requirements, and development standards to regulate the design and placement of wireless communication facilities so as to preserve the visual character of the city and to ensure public health and safety, consistent with federal law and Federal Communications Commission (FCC) regulations.
2. Acknowledge the community benefit associated with the provision of wireless communication services within the city.
3. Encourage the joint use of new and existing ground mounted facility monopole/tower sites as a primary option rather than construction of additional single-use towers.

4. Allow the community development director, or delegated staff, to make certain determinations under the provisions of this section.
4. Section 14.16.360(H)(1) is hereby amended to read in its entirety as follows:
 - H. Design Requirements.
 1. Co-Location. All new wireless communication facilities service providers shall co-locate with other existing and/or planned new wireless communication facilities whenever feasible. Service providers are encouraged to co-locate with other existing facilities such as water tanks, ~~light standards~~ and other utility structures where the co-location is found to minimize the overall visual impact of the new facility. Co-location of small wireless facilities on light standards/poles, traffic lights, or other structures located within the public right-of-way shall be subject to requirements of Section 14.16.361.
5. Section 14.16.360(N)(1) is hereby amended to read in its entirety as follows:
 - N. Definitions.
 1. Ground Mounted Facility" means a monopole, tower or any structure built for the sole or primary purpose of supporting FCC-licensed wireless communications facility antenna and their associated facilities. Wireless antenna facilities and equipment that are mounted onto an existing structure, including existing utility poles, on private property shall be considered building mounted co-located on an existing structure. Mounting of wireless facilities on light standards/poles, traffic lights, or utility poles within the public right-of-way shall be governed by Section 14.16.361.
6. New Section 14.16.361, entitled "Small Wireless Facilities", is hereby added to read in its entirety as follows:

14.16.361 – Small wireless facilities.

Notwithstanding any other provision of this Title as provided herein, all small wireless facilities as defined by the FCC in 47 C.F.R. § 1.6002(l), as may be amended or superseded, are subject to a permit as specified in the San Rafael City Council's "Policies, Procedures, Standards and Limitations for Submittal and Review of Small Wireless Facilities Within the Public Right-Of-Way as Set Forth in the San Rafael Municipal Code Section 14.16.361" ("Policy"), as adopted and amended from time to time by City Council resolution, and all small wireless facilities shall comply with such Policy. If the City Council Policy is repealed, an application for a small wireless facility shall be processed pursuant to Section 14.16.360.

DIVISION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT

This Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to the State CEQA Guidelines, since it can be seen with certainty that there is no possibility that this Ordinance or its implementation would have a significant effect on the environment (14 Cal. Code Regs. Section 15061(b)(3), 'general rule' provision).

DIVISION 4. SEVERABILITY

If any provision of this Ordinance or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Ordinance are severable.

DIVISION 5. EFFECTIVE DATE OF ORDINANCE.

This Ordinance is hereby declared to be an urgency measure and shall become effective immediately upon adoption by at least a four-fifths (4/5) vote of the City Council pursuant to Government Code section 36937(b). The City Clerk is directed to publish forthwith a copy of this Ordinance, together with the names of those Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

GARY O. PHILLIPS, Mayor

ATTEST:

LINDSAY LARA, City Clerk

I, LINDSAY LARA, City Clerk of the City of San Rafael, certify that the foregoing Ordinance was passed by the City Council of the City of San Rafael, California, by a vote of at least four-fifths (4/5) of the members thereof, at a regular meeting held on Monday, the 17th day of December 2018, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

RESOLUTION NO. _____

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL ADOPTING POLICIES, PROCEDURES, STANDARDS AND LIMITATIONS FOR SUBMITTAL AND REVIEW OF SMALL WIRELESS FACILITIES WITHIN THE PUBLIC RIGHT-OF-WAY AS SET FORTH IN THE SAN RAFAEL MUNICIPAL CODE SECTION 14.16.361

WHEREAS, on September 26, 2018, the Federal Communications Commission (FCC) adopted a [Declaratory Ruling and Third Report and Order](#) pertaining to small wireless facilities setting forth limitations on state and local government regulation of small wireless facilities that are placed on utility poles and street light standards located in the public right-of-way (the “FCC ruling”); and

WHEREAS, the FCC ruling: a) limits the level of local permitting and discretion; b) establishes “shot clock” rules (e.g., time limits and deadlines) for processing and action on local permits; and c) limits the fees that can be charged for the facilities; and

WHEREAS, the FCC ruling further established that any aesthetic regulations and fees required for processing of small wireless facilities be published in advance; and

WHEREAS, on December 3, 2018, the San Rafael Municipal City Council received a presentation on the FCC ruling and considered public testimony related to small wireless facility policy and directed staff to prepare an urgency ordinance to amend San Rafael Municipal Code Title 14 (the “Zoning Ordinance”) and a policy resolution to include provisions defining and regulating the placement of small wireless facilities in the City; and

WHEREAS, at the December 3, 2018, City Council meeting the City Council received public testimony with requests from community members that small wireless facilities regulations include additional provisions that would prohibit small wireless facilities in the residential districts; and

WHEREAS, the City Council concluded that some of the recommendations presented could be beneficial in addressing aesthetic impacts; and

WHEREAS, the City Council directed staff to prepare an Urgency ordinance to amend the Zoning Ordinance related to small wireless facilities with changes to the Draft Resolution that incorporates additional design criteria;

WHEREAS, on December 17, 2018, the City Council adopted Urgency Ordinance No. ____ amending the Zoning Ordinance to include provisions to define and regulate the placement of small wireless facilities in the City. These amendments refer to a policy resolution for application/review procedures and review criteria for evaluating the placement of small wireless facilities; and

WHEREAS, the City Council finds that, pursuant to California Environmental Quality Act (“CEQA”) Guidelines § 15378 and California Public Resources Code § 21065, the Policy is not a “project” because

its adoption is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment; and

WHEREAS, the City Council finds that, even if the Policy qualified as a “project” subject to CEQA, and pursuant to CEQA Guidelines § 15061(b)(3), there is no possibility that this project will have a significant impact on the physical environment. The Policy merely carries out the delegation of authority under the San Rafael Municipal Code to regulate the deployment of small wireless facilities and does not directly or indirectly authorize or approve any actual changes in the physical environment; and

WHEREAS, the City Council finds the Policy will, to the extent permitted by federal and California law, protect and promote public health, safety and welfare, and also balance the benefits that flow from robust, advanced, wireless services with the City’s local values, which include without limitation the aesthetic character of the City, its neighborhoods and community;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts the following Policies, Procedures, Standards and Limitations for submittal and review of small wireless facilities:

SECTION 1 PURPOSE AND INTENT

- (a) The City of San Rafael intends this Policy to establish reasonable, uniform and comprehensive standards and procedures for small wireless facilities deployment, construction, installation, collocation, modification, operation, relocation and removal within the City’s territorial boundaries, consistent with and to the extent permitted under federal and California state law. The standards and procedures contained in this Policy are intended to, and should be applied to, protect and promote public health, safety and welfare, and balance the benefits that flow from robust, advanced wireless services with the City’s local values, which include without limitation the aesthetic character of the City, its neighborhoods and community. This Policy is also intended to reflect and promote the community interest by (1) ensuring that the balance between public and private interest is maintained; (2) protecting the City’s visual character from potential adverse impacts or visual blight created or exacerbated by small wireless facilities and related communications infrastructure; (3) protecting and preserving the City’s environmental resources; and (4) promoting access to high-quality, advanced wireless services for the City’s residents, businesses and visitors.
- (b) This Policy is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider’s ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity’s ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (3) unreasonably discriminate among providers of functionally equivalent services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC’s regulations concerning such emissions; (5) prohibit any collocation or modification that the City may not deny under federal or California state law; (6) impose any unfair, unreasonable, discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or (7) otherwise authorize the City to preempt any applicable federal or California law.

SECTION 2 DEFINITIONS

In addition to the definitions contained in San Rafael Municipal Code 14.03.030, the following definitions shall also provide clarity:

- (a) “**antenna**” means the same as defined by the FCC in 47 C.F.R. § 1.6002(b), as may be amended or superseded, which defines the term as an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Commission authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under part 15 of Title 47.
- (b) “**arterial street**” means a road designated as an arterial or minor arterial street under General Plan 2020 Exhibit 22.
- (c) “**collocation**” means the same as defined by the FCC in 47 C.F.R. § 1.6002(g), as may be amended or superseded, which defines the term as (1) mounting or installing an antenna facility on a pre-existing structure; and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure.
- (d) “**concealed**” or “**concealment**” means camouflaging techniques that meet the design standards in Section 10 and integrate the transmission equipment into the surrounding natural and/or built environment such that the average, untrained observer cannot directly view the equipment but would likely recognize the existence of the wireless facility or concealment technique. Camouflaging concealment techniques include, but are not limited to: (1) facade or rooftop mounted pop-out screen boxes; (2) antennas mounted within a radome above a streetlight; (3) equipment cabinets in the public rights-of-way painted or wrapped to match the background; and (4) an isolated or standalone faux-tree.
- (d) “**decorative pole**” means any pole that includes decorative or ornamental features, design elements and/or materials intended to enhance the appearance of the pole or the public right-of-way in which the pole is located.
- (e) “**Director**” means the Community Development Director for the City of San Rafael or the Director’s designee.
- (f) “**FCC Shot Clock**” means the presumptively reasonable time frame within which the City must act on a wireless application, as defined by the FCC and as may be amended from time to time.
- (g) “**personal wireless services**” means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended or superseded, which defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services. As an illustration and not a limitation, personal wireless services are typically services that are offered directly to the public or a class of people for a fee. At the adoption of the Telecommunications Act of 1996, these services generally meant cellular, specialized mobile radio (SMR) and broadband personal communications services (PCS).
- (h) “**personal wireless service facilities**” means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended or superseded, which defines the term as facilities that provide personal wireless services. As an illustration and not a limitation, personal wireless service facilities are the

physical infrastructure – antennas, support structures, radios, wires and base station equipment – that are used to provide personal wireless services. “

- (i) “**RF**” means radio frequency or electromagnetic waves generally between 30 kHz and 300 GHz in the electromagnetic spectrum range.
- (j) “**Section 6409**” means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a), as may be amended.
- (k) “**structure**” for this policy, means the same as defined by the FCC in 47 C.F.R. § 1.6002(m), as may be amended or superseded, which defines the term as a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

SECTION 3 APPLICABILITY

- (a) **Applicable Wireless Facilities.** Except as expressly provided otherwise in this Policy, the provisions in this Policy shall be applicable to all existing small wireless facilities and all applications and requests for authorization to construct, install, attach, operate, collocate, modify, reconstruct, relocate or otherwise deploy small wireless facilities within the City’s jurisdictional and territorial boundaries within the public rights-of-way or on private property.
- (b) **Special Provisions for Eligible Facilities Requests.** Notwithstanding Section 3(a), all requests for approval to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted pursuant to Section 6409 will be reviewed consistent with the standards required by law.

SECTION 4 REQUIRED PERMITS AND APPROVALS

- (a) **Small Cell Permit.** A “small cell permit,” subject to the Director’s prior review and approval, is required for any small wireless facility proposed on an existing, new or replacement support structure.
- (b) **Other Permits and Approvals.** In addition to the above a small cell permits, the applicant must obtain all other permits and regulatory approvals as may be required by any other federal, state or local government agencies, which includes without limitation any ministerial permits and/or approvals issued by other City departments or divisions. All applications for ministerial permits submitted in connection with a proposed small wireless facility must contain a valid permit for the proposed facility. Any application submitted without such small cell permit will be denied without prejudice. Furthermore, any permit or approval granted under this Policy shall remain subject to all lawful conditions and/or legal requirements associated with such other permits or approvals.

SECTION 5 SMALL CELL PERMIT APPLICATION REQUIREMENTS

- (a) **Small Cell Permit Application Contents.** All applications for a small cell permit must include all the information and materials required in this subsection (a).
 - (1) **Application Form.** The applicant shall submit a complete, duly executed small cell permit application on the then-current form prepared by the Director or his/her designee.

- (2) **Application Fee.** The applicant shall submit the applicable small cell permit application fee established by City Council resolution. Batched applications must include the applicable small cell permit application fee for each small wireless facility in the batch. If no small cell permit application fee has been established, then the applicant must submit a signed written statement that acknowledges that the applicant will be required to reimburse the City for its reasonable costs incurred in connection with the application.
- (3) **Construction Drawings.** The applicant shall submit true and correct construction drawings, prepared, signed and stamped by a California licensed or registered engineer, that depict all the existing and proposed improvements, equipment and conditions related to the proposed project, which includes without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, antennas, cables, trees and other landscape features. The construction drawings must: (i) contain cut sheets that contain the technical specifications for all existing and proposed antennas and accessory equipment, which includes without limitation the manufacturer, model number and physical dimensions; (ii) identify all structures within 250 feet from the proposed project site and call out such structures' overall height above ground level; (iii) depict the applicant's plan for electric and data backhaul utilities, which shall include the locations for all conduits, cables, wires, handholes, junctions, transformers, meters, disconnect switches, and points of connection; and (iv) demonstrate that proposed project will be in full compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes, local street standards and specifications, and public utility regulations and orders.
- (4) **Site Survey.** For any small wireless facility proposed to be located within the public rights-of-way, the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered engineer. The survey must identify and depict all existing boundaries, encroachments and other structures within 250 feet from the proposed project site, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below-grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks and other street furniture; and (viii) existing trees, planters and other landscaping features.
- (5) **Photo Simulations.** The applicant shall submit site photographs and photo simulations that show the existing location and proposed small wireless facility in context from at least three vantage points within the public streets or other publicly accessible spaces, together with a vicinity map that shows the proposed site location and the photo location for each vantage point.
- (6) **Project Narrative and Justification.** The applicant shall submit a written statement that explains in plain factual detail whether and why the proposed wireless facility qualifies as a "small wireless facility" as defined by the FCC in 47 C.F.R. § 1.6002(f). A complete written narrative analysis will state the applicable standard and all the facts that allow the City to conclude the standard has been met—bare conclusions not factually supported do not constitute a complete written analysis. As part of the written statement the applicant must also include (i) whether and why the proposed support is a structure as defined by the FCC in 47 C.F.R. § 1.6002(m); and (ii) whether and why the proposed wireless facility meets

each required finding for a small cell permit as provided in Section 7(c).

- (7) **RF Compliance Report.** The applicant shall submit an RF exposure compliance report that certifies that the proposed small wireless facility, as well as any collocated wireless facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must be prepared and certified by an RF engineer acceptable to the City. The RF report must include the actual frequency and power levels (in watts ERP) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.
 - (8) **Public Notices.** The applicant shall submit a mailing list and envelopes, stamped and addressed, for all properties and record owners of properties entitled to receive notice under Section 7(a). Insufficient postage and/or illegible addressing shall be a basis to deem the application incomplete.
 - (9) **Regulatory Authorization.** The applicant shall submit evidence of the applicant's regulatory status under federal and California law to provide the services and construct the small wireless facility proposed in the application.
 - (10) **Site Agreement.** For any small wireless facility proposed to be installed on any structure owned or controlled by the City and located within the public rights-of-way, the applicant shall submit a partially-executed site agreement on a form prepared by the City that states the terms and conditions for such non-exclusive use by the applicant. No changes shall be permitted to the City's form site agreement except as may be indicated on the form itself. Any unpermitted changes to the City's form site agreement shall be deemed a basis to deem the application incomplete.
 - (11) **Title Report and Property Owner's Authorization.** For any small wireless facility proposed to be installed on any private property not owned or controlled by the City, the applicant must submit: (i) a title report issued within 30 days from the date the applicant filed the application; and (ii) if the applicant is not the property owner, a written authorization signed by the property owner identified in the title report that authorizes the applicant to submit and accept a small cell permit in connection with the subject property.
 - (12) **Acoustic Analysis.** The applicant shall submit an acoustic analysis prepared and certified by an engineer for the proposed small wireless facility and all associated equipment including all environmental control units, sump pumps, temporary backup power generators and permanent backup power generators demonstrating compliance with the City's noise ordinance (SRMC 8.13). The acoustic analysis must also include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of an acoustic analysis, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable limits.
- (b) **Additional Requirements.** The City Council authorizes the Director to develop, publish and from

time to time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the Director finds necessary, appropriate or useful for processing any application governed under this Policy. All such requirements and materials must be in written form and publicly stated to provide all interested parties with prior notice.

SECTION 6 SMALL CELL PERMIT APPLICATION SUBMITTAL AND REVIEW

- (a) **Requirements for a Duly Filed Application.** Any application for a small cell permit will not be considered duly filed unless submitted in accordance with the requirements in this subsection (a).
 - (1) **Submittal Appointment.** All applications must be submitted to the City at a pre-scheduled appointment with the Director. Applicants may generally submit one application per appointment, or up to five individual applications per appointment for batched applications subject to subsection (d). Applicants may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants. The Director shall use reasonable efforts to provide the applicant with an appointment within five working days after the Director receives a written request. Any application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed.
 - (2) **Pre-Submittal Conferences.** The City strongly encourages, but does not require, applicants to schedule and attend a pre-submittal conference with the Director for all proposed projects that involve more than five (5) small wireless facilities. This voluntary pre-submittal conference does not cause the FCC Shot Clock to begin and is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process; any latent issues in connection with the proposed project, including compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other City departments responsible for application review; and application completeness issues. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that City staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable. The Director shall use reasonable efforts to provide the applicant with an appointment within five working days after receiving a written request and any applicable fee or deposit to reimburse the City for its reasonable costs to provide the services rendered in the pre-submittal conference.
- (b) **Application Completeness Review.** Within 30 calendar days after the Director receives a duly filed small cell permit application, the Director shall review the application for completeness and, if any application does not contain all the materials required in Section 5(a) or any other publicly stated requirements, send a written notice to the applicant that identifies the missing or incomplete requirements.
- (c) **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, and to mitigate unreasonable delays or barriers to entry caused by chronically incomplete applications, any application governed under this Policy will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the Director within 60 calendar days after the Director deems the application incomplete in a written notice to the applicant. As used in this subsection (c), a “substantive response” must include the materials identified as incomplete in

the Director's notice.

- (d) **Batched Applications.** Applicants may submit up to five individual applications for a small cell permit in a batch; provided, however, that small wireless facilities in a batch must be proposed with substantially the same equipment in the same configuration on the same support structure type. Each application in a batch must meet all the requirements for a complete application, which includes without limitation the application fee for each application in the batch. If any application in a batch is incomplete, the entire batch shall be deemed incomplete. If any application is withdrawn or deemed withdrawn from a batch, the entire batch shall be deemed withdrawn. If any application in a batch fails to meet the required findings for approval, the entire batch shall be denied.
- (e) **Additional Procedures.** The City Council authorizes the Director to establish other reasonable rules and regulations for duly filed applications, which may include without limitation regular hours for appointments with applicants, as the Director deems necessary or appropriate to organize, document and manage the application intake process. All such rules and regulations must be in written form and publicly stated to provide all interested parties with prior notice.

SECTION 7 APPROVALS AND DENIALS; NOTICES

- (a) **Public Notice.** Prior to any approval, conditional approval or denial, public notice shall be mailed to all properties and record owners and occupants of properties within a 500-foot radius of the project site. The notice must contain: (1) a general project description; (2) the applicant's identification and contact information as provided on the application submitted to the City; (3) contact information for the Project Planner; (4) a statement that the Director will act on the application without a public hearing, but will for a minimum of ten (10) days from the date of the notice accept written public comments that evaluate the application for compliance with the standards in this Policy; and (5) a statement that the FCC requires the City to act on small wireless facility applications, which includes any administrative appeals, in 60 days for attachments to existing structures and 90 days for new structures, unless the applicant voluntarily agrees to toll the timeframe for review.
- (b) **Administrative Review.** Not less than 10 calendar days after the public notice required in subsection (a), the Director shall approve, conditionally approve or deny a complete and duly filed small cell permit application without a public hearing.
- (c) **Required Findings.** The Director may approve or conditionally approve a complete and duly filed application for a small cell permit when the Director finds:
 - (1) the proposed project meets the definition for a "small wireless facility" as defined by the FCC;
 - (2) the proposed project would be in the most preferred location provided in Section 9(b) or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred location(s) within 500 feet would be technically infeasible;
 - (3) the proposed project would not be located on a prohibited support structure identified in this Policy;
 - (4) the proposed project would be on the most preferred support structure provided in Section 9(c) or 9(d) or the applicant has demonstrated with clear and convincing evidence in the

written record that any more-preferred support structure(s) within 500 feet would be technically infeasible;

- (5) the proposed project complies with all applicable design standards in this Policy;
 - (6) the applicant has demonstrated that the proposed project will be in compliance with all applicable health and safety regulations, which include without limitation the Americans with Disabilities Act and all FCC regulations and guidelines for human exposure to RF emissions; and
 - (7) all public notices required for the application have been given.
- (d) **Conditional Approvals; Denials without Prejudice.** Subject to any applicable federal or California laws, nothing in this Policy is intended to limit the Director's ability to conditionally approve or deny without prejudice any small cell permit application as may be necessary or appropriate to ensure compliance with this Policy.
- (e) **Decision Notices.** Within five calendar days after the Director acts on a small cell permit application or before the FCC Shot Clock expires (whichever occurs first), the Director shall notify the applicant of such decision by written notice. If the Director denies the application (with or without prejudice), the written notice must contain the reasons for the decision.
- (f) **Appeals.** Any decision to approve, conditionally approve or deny a small wireless facility shall be appealable directly to the City Council. Appeals shall be filed within 5 working days of a decision having been rendered. Any such appeal shall include a letter identifying the name, address and contact information for the appellant and provides the reasons for the appeal based on the alleged noncompliance with the required findings in Section 7(c). the reasons for appeal. Any such appeal shall be subject to the appeal fees established in the City's Master Fee Schedule. Appeals from an approval will not be permitted to the extent that the appeal is based on environmental effects from RF emissions that comply with all applicable FCC regulations.

SECTION 8 STANDARD CONDITIONS OF APPROVAL

- (a) **General Conditions.** In addition to all other conditions that may be adopted by the Director for a small cell permit, all such permits issued under this Policy shall be automatically subject to the conditions in this subsection (a).
- (1) **Permit Term.** This small cell permit will automatically expire 10 years and one day from its issuance. Any other permits or approvals issued in connection with any collocation, modification or other change to this small wireless facility, which includes without limitation any permits or other approvals deemed-granted or deemed- approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law. To the extent that this small cell permit is issued in connection with any structure owned or controlled by the City and located in the public rights-of-way, this small cell permit shall be coterminous with the cancellation, termination or expiration of the agreement between the applicant and the City for access to the subject City structure.
 - (2) **Permit Renewal.** Not more than one year before this small cell permit expires, the permittee may apply for permit renewal. The permittee must demonstrate that the subject

small wireless facility complies with all the conditions of approval associated with this small cell permit and all applicable provisions in the Municipal Code and this Policy that exist at the time the decision to renew or not renew the permit is rendered. The Director may modify or amend the conditions on a case-by-case basis as may be necessary or appropriate to ensure compliance with this Policy. Upon renewal, this small cell permit will automatically expire 10 years and one day from its issuance.

- (3) **Post-Installation Certification.** Within 60 calendar days after the permittee commences full, unattended operations of a small wireless facility approved or deemed-approved, the permittee shall provide the Director with documentation reasonably acceptable to the Director that the small wireless facility has been installed and/or constructed in strict compliance with the approved construction drawings and photo simulations. Such documentation shall include without limitation as-built drawings, GIS data and site photographs.
- (4) **Build-Out Period.** This small cell permit will automatically expire six (6) months from the approval date (the "build-out period") unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved small wireless facility, which includes without limitation any permits or approvals required by the any federal, state or local public agencies with jurisdiction over the subject property, the small wireless facility or its use. If this build-out period or the construction permit expires, the permit automatically terminates and the City will not extend the build-out period or the permit, but the permittee may resubmit a complete application, including all application fees, for the same or substantially similar project
- (5) **Site Maintenance.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the approved construction drawings and all conditions in this small cell permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.
- (6) **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law ("laws") applicable to the permittee, the subject property, the small wireless facility or any use or activities in connection with the use authorized in this small cell permit, which includes without limitation any laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all laws. No failure or omission by the City to timely notice, prompt or enforce compliance with any applicable provision in the San Rafael Municipal Code, this Policy, any permit, any permit condition or any applicable law or regulation, shall be deemed to relieve, waive or lessen the permittee's obligation to comply in all respects with all applicable provisions in the San Rafael Municipal Code, this Policy, any permit, any permit condition or any applicable law or regulation.
- (7) **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby

properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the San Rafael Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City or other state or federal government agency or official with authority to declare a state of emergency within the City. The Director may issue a stop work order for any activities that violates this condition in whole or in part.

- (8) **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City's officers, officials, staff, agents, contractors or other designees may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee. Notwithstanding the prior sentence, the City's officers, officials, staff, agents, contractors or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the City's officers, officials, staff or other designees while any such inspection or emergency access occurs.
- (9) **Permittee's Contact Information.** Within 10 days from the final approval of this small cell permit, the permittee shall furnish the Director with accurate and up-to-date contact information for a person responsible for the small wireless facility, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and promptly provide the Director with updated contact information if either the responsible person or such person's contact information changes.
- (10) **Indemnification.** The permittee and, if applicable, the property owner (if not on City-owned infrastructure) upon which the small wireless facility is installed shall defend, indemnify and hold harmless the City, City Council and the City's boards, commissions, agents, officers, officials, employees and volunteers (collectively, the "indemnitees") from any and all (1) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("claims") brought against the indemnitees to challenge, attack, seek to modify, set aside, void or annul the City's approval of this small cell permit, and (2) other claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees' or customers' acts or omissions in connection with this small cell permit or the small wireless facility. In the event the City becomes aware of any claims, the City will use best efforts to promptly notify the permittee and the private property owner (if applicable) and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. Within ten calendar days of the service of a claim, the permittee shall execute a letter of agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations.

The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this small cell permit, and that such indemnification obligations will survive the expiration, revocation or other termination of this small cell permit.

- (11) **Performance Bond.** Before the City issues any permits required to commence construction in connection with this small cell permit, the permittee shall post a performance bond from a surety and in a form acceptable to the Director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the small wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws. In establishing or adjusting the bond amount required under this condition, and in accordance with California Government Code § 65964(a), the Director shall take into consideration any information provided by the permittee regarding the cost to remove the small wireless facility to a standard compliant with applicable laws. The performance bond shall expressly survive the expiration, revocation or other termination of this small cell permit to the extent required to completely remove the equipment and improvements, restore the affected areas and perform all other obligations in accordance with this condition.
- (12) **Permit Revocation.** Any permit granted under this Policy may be revoked in accordance with the provisions and procedures in this condition. The Director may initiate revocation proceedings when the Director has information that the facility may not be in compliance with all applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s). Before the Director may conduct a public hearing to revoke any permit granted under this Policy, the Director must issue a written notice to the permittee that specifies (i) the facility; (ii) the violation(s) to be corrected; (iii) the timeframe in which the permittee must correct such violation(s); and (iv) that, in addition to all other rights and remedies the City may pursue, the City may initiate revocation proceedings for failure to correct such violation(s). A permit granted under this Policy may be revoked only by the City Council after a duly notice public hearing. The City Council may revoke a permit when it finds substantial evidence in the written record to show that the facility is not in compliance with any applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s). Any decision by the City Council to revoke or not revoke a permit shall be final and not subject to any further appeals. Within five business days after the City Council adopts a resolution to revoke a permit, the Director shall provide the permittee with a written notice that specifies the revocation and the reasons for such revocation.
- (13) **Record Retention.** Throughout the permit term, the permittee must maintain a complete and accurate copy of the written administrative record, which includes without limitation the small cell permit application, small cell permit, RF report, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval, any ministerial permits or approvals issued in connection with this approval and any records, memoranda, documents, papers and other correspondence entered into the public record

in connection with the small cell permit (collectively, “records”). If the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved by inspecting the missing records will be construed against the permittee. The permittee shall protect all records from damage from fires, floods and other hazards that may cause deterioration. The permittee may keep records in an electronic format; provided, however, that hard copies or electronic records kept in the City’s regular files will control over any conflicts between such City-controlled copies or records and the permittee’s electronic copies, and complete originals will control over all other copies in any form. The requirements in this condition shall not be construed to create any obligation to create or prepare any records not otherwise required to be created or prepared by other applicable laws. Compliance with the requirements in this condition shall not excuse the permittee from any other similar record-retention obligations under applicable law.

- (14) **Abandoned Wireless Facilities.** The small wireless facility authorized under this small cell permit shall be deemed abandoned if not operated for any continuous six-month period. Within 90 days after a small wireless facility is abandoned or deemed abandoned, the permittee and/or property owner shall completely remove the small wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the San Rafael Municipal Code. In the event that neither the permittee nor the property owner complies with the removal and restoration obligations under this condition within said 90-day period, the City shall have the right (but not the obligation) to perform such removal and restoration with or without notice, and the permittee and property owner shall be jointly and severally liable for all costs and expenses incurred by the City in connection with such removal and/or restoration activities.
- (15) **Landscaping.** The permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee’s direction on or about the site. If any trees are damaged or displaced, the permittee shall hire and pay for a licensed arborist to select, plant and maintain replacement landscaping in an appropriate location for the species. Only International Society of Arboriculture certified workers under the supervision of a licensed arborist shall be used to install the replacement tree(s). Any replacement tree must be substantially the same size as the damaged tree and consistent with the City’s list of pre-approved street trees. The permittee shall, at all times, be responsible to maintain any replacement landscape features.
- (16) **Cost Reimbursement.** The permittee acknowledges and agrees that (i) the permittee’s request for authorization to construct, install and/or operate the wireless facility will cause the City to incur costs and expenses; (ii) the permittee shall be responsible to reimburse the City for all costs incurred in connection with the permit, which includes without limitation costs related to application review, permit issuance, site inspection and any other costs reasonably related to or caused by the request for authorization to construct, install and/or operate the wireless facility; (iii) any application fees required for the application may not cover all such reimbursable costs and that the permittee shall have the obligation to reimburse City for all such costs 10 days after a written demand for reimbursement and reasonable documentation to support such costs; and (iv) the City shall have the right to withhold any permits or other approvals in connection with the wireless facility until and unless any outstanding costs have been reimbursed to the City by the permittee.

- (17) **Cooperation with RF Compliance Evaluations.** At all times relevant to this permit, the permittee and the property owner shall reasonably cooperate with efforts by the City to evaluate whether the wireless facility complies with all applicable FCC rules and regulations for human exposure to RF emissions. Such cooperation shall be at no cost to the City and may include, but is not limited to: (1) furnishing the City with a written affidavit signed by an RF engineer certifying the wireless facility's compliance with applicable FCC rules and regulations; (2) providing technical data such as the frequencies in use, power output levels and antenna specifications, reasonably necessary to evaluate compliance with maximum permissible exposure levels set by the FCC; (3) allowing the City or its designee to have supervised access to the areas near the wireless facility for inspections and field measurements; and (4) promptly responding to all requests by the City or its designee for information and/or cooperation with respect to any of the foregoing. The City may conduct random tests to ensure compliance with the FCC's rules and regulations. In the event that the City determines that permittee is not in compliance with any legal requirements or conditions, the permittee shall be responsible for all costs and expenses incurred by the City in connection with the investigation, enforcement and/or remediation of such noncompliance.
- (b) **Conditions for Small Wireless Facilities in the Public Rights-of-Way.** In addition to all conditions in subsection (a), all small cell permits for small wireless facilities in the public rights-of-way issued under this Policy shall be automatically subject to the conditions in this subsection (b).
- (1) **Future Undergrounding Programs.** If other public utilities or communications providers in the public rights-of-way underground their facilities in the segment of the public rights-of-way where the permittee's small wireless facility is located, the permittee must underground its equipment except the antennas, any electric meter and any other equipment that must be placed above ground to function. Accessory equipment such as radios and computers that require an environmentally controlled underground vault to function are not exempt from this condition and shall be undergrounded. Small wireless facilities installed on wood utility poles that will be removed pursuant to the undergrounding program may be reinstalled on a streetlight that complies with the City's standards and specifications. Such undergrounding shall occur at the permittee's sole cost and expense except as may be reimbursed through tariffs approved by the CPUC for undergrounding costs.
- (2) **Electric Meter Upgrades.** If the commercial electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure, the permittee on its own initiative and at its sole cost and expense shall remove the separate or ground-mounted electric meter and enclosure. Prior to removing the electric meter, the permittee shall apply for any encroachment and/or other ministerial permit(s) required to perform the removal. Upon removal, the permittee shall restore the affected area to its original condition that existed prior to installation of the equipment.
- (3) **Rearrangement and Relocation.** The permittee acknowledges that the City, in its sole discretion and at any time, may: (1) change any street grade, width or location; (2) add, remove or otherwise change any improvements in, on, under or along any street owned by the City or any other public agency, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric or telecommunications; and/or (3) perform any other work deemed necessary, useful or desirable by the City (collectively, "City work"). The City reserves the rights to do any and all City work without any admission on its part that the City would not have such

rights without the express reservation in this small cell permit. If the Public Works Director determines that any City work will require the permittee's small wireless facility located in the public rights-of-way to be rearranged and/or relocated, the permittee shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation. If the permittee fails or refuses to either permanently or temporarily rearrange and/or relocate the permittee's small wireless facility within a reasonable time after the Public Works Director's notice, the City may (but will not be obligated to) cause the rearrangement or relocation to be performed at the permittee's sole cost and expense. The City may exercise its rights to rearrange or relocate the permittee's small wireless facility without prior notice to permittee when the Public Works Director determines that the City work is immediately necessary to protect public health or safety. The permittee shall reimburse the City for all costs and expenses in connection with such work within ten (10) days after a written demand for reimbursement and reasonable documentation to support such costs.

SECTION 9 LOCATION REQUIREMENTS

- (a) **Preface to Location Requirements.** This subsection (a) provides guidance as to how to interpret and apply the location requirements in this Section 9. To better assist applicants and decisionmakers understand and respond to the community's aesthetic preferences and values, subsections (b), (c) and (d) set out listed preferences for locations and support structures to be used in connection with small wireless facilities in ordered hierarchies. Applications that involve least-preferred locations or structures may be approved so long as the applicant demonstrates that either: 1) no more preferred locations or structures exist within 500 feet from the proposed site; or 2) any more preferred locations or structures within 500 feet from the proposed site would be technically infeasible as supported by clear and convincing evidence in the written record. Subsection (e) identifies "prohibited" support structures on which the City shall not approve any small cell permit application for any competitor or potential competitor.

- (b) **Location Preferences.** The City prefers small wireless facilities to be installed in locations, ordered from most preferred to least preferred, as follows:
 - (1) **Most Preferred Locations.**
 - (A) City-owned parcels in any zoning district;
 - (B) any parcel or public right-of-way location in Industrial Zoning Districts (I, LI/O, CCI/O & LMU);
 - (C) any parcel or public right-of-way location in Commercial Zoning Districts (GC, NC, R/O, C/O & FBWC);
 - (D) any parcel or public right-of-way location in Marine Zoning District (M); and
 - (E) any parcel or public right-of-way location in Public/Quasi Public District (P/QP);

 - (2) **Less Preferred Locations.**
 - (A) any parcel or public right-of-way location in Parks/Open Space (P/OS) Districts;
 - (B) any public right-of-way location in Residential Zoning Districts (R, DR, MR, HR) on or along roads designated as arterial or minor arterial roads (see Exhibit A of this resolution);

 - (3) **Least Preferred Locations.**

- (A) any public right-of-way location in Residential Zoning Districts (R, DR, MR, HR) on or along roads not designated as arterial or minor arterial roads (see Exhibit A of this resolution);
- (B) any parcel located in Residential Zoning Districts (R, DR, MR, HR).

For purposes of these location preferences, the applicant's proposed location in the public right-of-way shall be classified by the same zoning district that applies to the nearest adjacent parcel. Planned Development Zoning District shall follow the closest zoning district from lists above, based on the approved uses.

- (c) **Support Structures in the Public Rights-of-Way.** The City prefers small wireless facilities to be installed on support structures in the public rights-of-way, ordered from most preferred to least preferred, as follows:
 - (1) existing or replacement streetlight poles;
 - (2) existing or replacement wood utility poles;
 - (3) new, non-replacement streetlight poles;
 - (4) new, non-replacement poles for small wireless facilities.
- (e) **Support Structures Outside the Public Rights-of-Way.** The City prefers small wireless facilities to be installed on support structures outside the public rights-of-way, ordered from most preferred to least preferred, as follows:
 - (1) existing buildings or other non-tower structures previously approved for use as a support structure for personal wireless service facilities;
 - (2) other existing buildings or non-tower structures;
 - (3) existing or replacement poles or towers;
 - (4) new, non-replacement towers for small wireless facilities.
- (f) **Prohibited Support Structures.** The City prohibits small wireless facilities to be installed on the following support structures, whether located in the public rights-of-way or not:
 - (1) decorative poles;
 - (2) traffic signals, signs, poles, cabinets and related devices;
 - (3) any utility pole scheduled for removal or relocation within 12 months from the time the Director acts on the small cell permit application;
 - (4) new, non-replacement wood poles.

SECTION 10 DESIGN STANDARDS

- (a) **General Standards.**
 - (1) **Noise.** Small wireless facilities and all accessory equipment and transmission equipment must comply with all applicable noise control standards and regulations in San Rafael Municipal Code Articles 8.13, and shall not exceed, either on an individual or cumulative basis, the noise limit in the applicable district.
 - (2) **Lights.** Small wireless facilities shall not include any lights that would be visible from publicly accessible areas, except as may be required under Federal Aviation

Administration, FCC, other applicable regulations for health and safety. All equipment with lights (such as indicator or status lights) must be installed in locations and within enclosures that mitigate illumination impacts visible from publicly accessible areas. The provisions in this subsection shall not be interpreted or applied to prohibit installations on streetlights or luminaires installed on new or replacement poles as may be required under this Policy.

- (3) **Landscape Features.** Small wireless facilities shall not displace any existing landscape features unless: (A) such displaced landscaping is replaced with native and/or drought-resistant plants, trees or other landscape features approved by the Director and (B) the applicant submits and adheres to a landscape maintenance plan. The landscape plan must include existing vegetation, and vegetation proposed to be removed or trimmed, and the landscape plan must identify proposed landscaping by species type, size and location. Landscape maintenance must be performed in accordance with San Rafael Municipal Code 14.25.050.G.
- (4) **Site Security Measures.** Small wireless facilities may incorporate reasonable and appropriate site security measures, such as locks and anti-climbing devices, to prevent unauthorized access, theft or vandalism. The Director shall not approve any barbed wire, razor ribbon, electrified fences or any similarly dangerous security measures. All exterior surfaces on small wireless facilities shall be constructed from or coated with graffiti-resistant materials.
- (5) **Signage; Advertisements.** All small wireless facilities must include signage that accurately identifies the site owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. Small wireless facilities may not bear any other signage or advertisements unless expressly approved by the City, required by law or recommended under FCC, OSHA or other United States governmental agencies for compliance with RF emissions regulations.
- (6) **Compliance with Health and Safety Regulations.** All small wireless facilities shall be designed, constructed, operated and maintained in compliance with all generally applicable health and safety regulations, which includes without limitation all applicable regulations for human exposure to RF emissions, the Americans with Disabilities Act, California Building Standards Code and the San Rafael Municipal Code.

(b) Small Wireless Facilities in the Public Right-of-Way.

- (1) **Overall Height.** Small wireless facilities may not exceed either (A) the minimum separation from electrical lines required by applicable safety regulations (such as CPUC General Order 95), plus four feet or (B) four feet above the existing support structure. However, at no point shall an existing support structure be increased by more than 10 feet above existing height.
- (2) **Antennas.**
 - (A) **Concealment.** All antennas and associated mounting equipment, hardware, cables or other connectors must be completely concealed within an opaque antenna shroud or radome. The antenna shroud or radome must be graffiti-resistant and painted a flat, non-reflective color to match the underlying support structure.
 - (B) **Antenna Volume.** Each individual antenna may not exceed three cubic feet in

volume and all antennas may not exceed six cubic feet in volume.

(3) **Accessory Equipment.**

- (A) **Installation Preferences.** All non-antenna accessory equipment shall be installed in accordance with the following preferences, ordered from most preferred to least preferred: (i) underground in any area in which the existing utilities are primarily located underground; (ii) on the pole or support structure; or (iii) integrated into the base of the pole or support structure. Applications that involve lesser-preferred installation locations may be approved so long as the applicant demonstrates that no more preferred installation location would be technically infeasible as supported by clear and convincing evidence in the written record.
- (B) **Undergrounded Accessory Equipment.** All undergrounded accessory equipment must be installed in an environmentally controlled vault that is load-rated to meet the City's standards and specifications. Underground vaults located beneath a sidewalk must be constructed with a slip-resistant cover. Vents for airflow shall be flush-to-grade when placed within the sidewalk and may not exceed two feet above grade when placed off the sidewalk. Applicants shall not be permitted to install an underground vault in a location that would cause any existing tree to be materially damaged or displaced.
- (C) **Pole-Mounted Accessory Equipment.** All pole-mounted accessory equipment must be installed at least 10 feet above grade and flush to the pole to minimize the overall visual profile. If any applicable health and safety regulations prohibit flush-mounted equipment, the maximum separation permitted between the accessory equipment and the pole shall be the minimum separation required by such regulations. All pole-mounted equipment and required or permitted signage must be placed and oriented away from adjacent sidewalks and structures. Pole-mounted equipment may be installed behind street, traffic or other signs to the extent that the installation complies with applicable public health and safety regulations. All cables, wires and other connectors must be routed through conduits within the pole, and all conduit attachments, cables, wires and other connectors must be concealed from public view. To the extent that cables, wires and other connectors cannot be routed through the pole, applicants shall route them through a single external conduit or shroud that has been finished to match the underlying support structure.
- (D) **Base-Mounted Accessory Equipment.** All base-mounted accessory equipment must be installed within a shroud, enclosure or pedestal integrated into the base of the support structure. All cables, wires and other connectors routed between the antenna and base-mounted equipment must be concealed from public view.
- (E) **Ground-Mounted Accessory Equipment.** The Director shall not approve any ground-mounted accessory equipment including, but not limited to, any utility or transmission equipment, pedestals, cabinets, panels or electric meters.
- (F) **Accessory Equipment Volume.** All accessory equipment associated with a small wireless facility installed above ground level shall not cumulatively exceed: (i) nine (9) cubic feet in volume if installed in a residential district or within 500 feet from any structure approved for a residential use; or (ii) seventeen (17) cubic feet in volume

if installed in a non-residential district. The volume calculation shall include any shroud, cabinet or other concealment device used in connection with the non-antenna accessory equipment. The volume calculation shall not include any equipment or other improvements placed underground.

- (4) **Streetlights.** Applicants that propose to install small wireless facilities on an existing streetlight must remove and replace the existing streetlight with one substantially similar to the City's standards and specifications but designed to accommodate wireless antennas and accessory equipment, unless the existing streetlight has been designed and engineered to support a small wireless facility in accordance with applicable health and safety regulations. To mitigate any material changes in the streetlighting patterns, the replacement pole must: (A) be located as close to the removed pole as possible; (B) be aligned with the other existing streetlights; and (C) include a luminaire at substantially the same height and distance from the pole as the luminaire on the removed pole. All antennas must be installed above the pole within a single, canister style shroud or radome that tapers to the pole.
- (5) **Wood Utility Poles.** Applicants that propose to install small wireless facilities on an existing wood utility pole must install all antennas above the pole unless the applicant demonstrates that mounting the antennas above the pole would be technically infeasible as supported by clear and convincing evidence in the written record. Side-mounted antennas on a stand-off bracket or extension arm must be concealed within a shroud. All cables, wires and other connectors must be concealed within the side-arm mount or extension arm. The maximum horizontal separation between the antenna and the pole shall be the minimum separation required by applicable health and safety regulations.
- (6) **New, Non-Replacement Poles.** Applicants that propose to install small wireless facilities on a new, non-replacement pole must demonstrate that any existing structures within 500 feet from the proposed site would be technically infeasible as supported by clear and convincing evidence in the written record. Any new, non-replacement pole must be a new streetlight substantially similar to the City's standards and specifications but designed to accommodate wireless antennas and accessory equipment located immediately adjacent to the proposed location. If there are no existing streetlights in the immediate vicinity, the applicant may install a metal or composite pole capable of concealing all the accessory equipment either within the pole or within an integrated enclosure located at the base of the pole. The pole diameter shall not exceed twelve (12) inches and any base enclosure diameter shall not exceed sixteen (16) inches. All antennas, whether on a new streetlight or other new pole, must be installed above the pole within a single, canister style shroud or radome.
- (7) **Encroachments over Private Property.** Small wireless facilities may not encroach onto or over any private or other property outside the public rights-of-way without the property owner's express written consent.
- (8) **Backup Power Sources.** Fossil-fuel based backup power sources shall not be permitted within the public rights-of-way; provided, however, that connectors or receptacles may be installed for temporary backup power generators used in an emergency declared by federal, state or local officials.
- (9) **Obstructions; Public Safety.** Small wireless facilities and any associated equipment or

improvements shall not physically interfere with or impede access to any: (A) worker access to any above-ground or underground infrastructure for traffic control, streetlight or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors; (B) access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop; (C) worker access to above-ground or underground infrastructure owned or operated by any public or private utility agency; (D) fire hydrant or water valve; (E) access to any doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building appurtenant to the rights-of-way; or (F) access to any fire escape.

- (10) **Utility Connections.** All cables and connectors for telephone, data backhaul, primary electric and other similar utilities must be routed underground in conduits large enough to accommodate future collocated wireless facilities. Undergrounded cables and wires must transition directly into the pole base without any external doghouse. All cables, wires and connectors between the underground conduits and the antennas and other accessory equipment shall be routed through and concealed from view within: (A) internal risers or conduits if on a concrete, composite or similar pole; or (B) a cable shroud or conduit mounted as flush to the pole as possible if on a wood pole or other pole without internal cable space. The Director shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost.
- (11) **Spools and Coils.** To reduce clutter and deter vandalism, excess fiber optic or coaxial cables shall not be spooled, coiled or otherwise stored on the pole outside equipment cabinets or shrouds.
- (12) **Electric Meters.** Small wireless facilities shall use flat-rate electric service or other method that obviates the need for a separate above-grade electric meter. If flat-rate service is not available, applicants may install a shrouded smart meter. The Director shall not approve a separate ground-mounted electric meter pedestal.
- (13) **Street Trees.** To preserve existing landscaping in the public rights-of-way, all work performed in connection with small wireless facilities shall not cause any street trees to be trimmed, damaged or displaced. If any street trees are damaged or displaced, the applicant shall be responsible, at its sole cost and expense, to plant and maintain replacement trees, consistent with the City's list of pre-approved street trees, at the site for the duration of the permit term.

(c) Small Wireless Facilities Outside the Public Right-of-Way.

- (1) **Overall Height.** Small wireless facilities on private property may not exceed the applicable height limit for structures in the applicable zoning district or overlay zone.
- (2) **Setbacks.** Small wireless facilities on private property may not encroach into any applicable setback for main structures in the subject zoning district.
- (3) **Backup Power Sources.** The Director shall not approve any diesel generators or other similarly noisy or noxious generators in or within 250 feet from any residence; provided, however, the Director may approve sockets or other connections used for temporary

backup generators.

- (4) **Parking; Access.** Any equipment or improvements constructed or installed in connection with any small wireless facilities must not reduce any parking spaces below the minimum requirement for the subject property. Whenever feasible, small wireless facilities must use existing parking and access rather than construct new parking or access improvements. Any new parking or access improvements must be the minimum size necessary to reasonably accommodate the proposed use.
- (5) **Towers, Poles and Other Freestanding Small Wireless Facilities.** All new towers, poles or other freestanding structures that support small wireless facilities must be made from a metal or composite material capable of concealing all the accessory equipment, including cables, mounting brackets, radios, and utilities, either within the support structure or within an integrated enclosure located at the base of the support structure. All antennas must be installed above the pole in a single, canister-style shroud or radome. The support structure and all transmission equipment must be painted with flat/neutral colors that match the support structure. The pole height shall not exceed thirty-five (35) feet or the height limit for the applicable zoning district or overlay zone, whichever is less. The pole diameter shall not exceed twelve (12) inches and any base enclosure diameter shall not exceed sixteen (16) inches.
- (6) **Building-Mounted Small Wireless Facilities.**
 - (A) **Preferred Concealment Techniques.** All applicants must propose new non-tower small wireless facilities that are completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials). Alternatively, if the applicant demonstrates with clear and convincing evidence that integration with existing features is technically infeasible, the applicant may propose completely concealed new structures or appurtenances designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, steeples and chimneys).
 - (B) **Facade-Mounted Equipment.** When small wireless facilities cannot be placed behind existing parapet walls or other existing screening elements, the Director may approve facade-mounted equipment in accordance with this subsection (c)(6)(B). All facade-mounted equipment must be concealed behind screen walls and mounted flush to the facade. The Director may not approve "pop-out" screen boxes. Except in industrial zones, the Director may not approve any exposed facade-mounted antennas, including but not limited to exposed antennas painted to match the facade.

BE IT FURTHER RESOLVED that any and all amendments to the Small Wireless Facilities policies, procedures, standards and limitations herein, as deemed necessary from time-to-time shall be adopted by resolution of the City Council.

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the forgoing resolution was adopted as a regular meeting of the City Council on the 17th day of December 2018.

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

EXHIBITS:

- A. General Plan 2020, Exhibit 22-San Rafael Roadways and Arterials

ATTACHMENT 3

23-Point Recommendations from "5G-Free Marin"

Ordinance Recommendations, 11/29 Planning Commission

Dear Fairfax Planning Commission:

Below you will find a comprehensive list of recommendations for our Fairfax Urgency Ordinance addressing 5G. Please consider these as you make recommendations and edits for the Town Council, and factor in the following suggestions we believe will be helpful in creating the strongest, most effective ordinance.

Attachments we refer to below include:

1. ADA/US Access Board Information
2. Property Value Reduction Information
3. Permitting Process and Measurements
4. Peter Lacques Recommendations

Below are proposed ideas/language to be included in the ordinance:

1. **Zoning and other prohibitions-** Installations in residential zoning districts, public rights of way and easements in all zones are prohibited. Note: the Mill Valley Ordinance has an unintentional loophole on public rights of way- **this needs to be addressed in all further ordinances, to make sure public rights of way *and* easements are also prohibited in zones where facilities are and *are not* permitted.** We recommend eliminating the following additional zones: CC, CL, PD. We recommend keeping CS and CH as allowable zones, but further restricting areas by parcel delineation, to be reviewed and approved by the Planning Commission. **Also eliminate the item stating "in the public right of way with the closest district being the commercial district". (we can provide exact details of where to make these amendments in the ordinance.)**
2. **Property Values-** We have data that shows that property values can drop up to 20% when a small cell antenna is nearby, and 94% of home buyers are less interested in a property (**see attachment #2 Property Value Reduction Information**). We are recommending language be included in our Fairfax ordinance that protects property owners and property values from this effective "taking" of Fairfax residents' property should 5G installations go forward. **Please see attachment #2 for more details and our specific recommendations.**
3. **Public Process-** Upon proposal of any wireless facilities from telecoms, the town must notify the public via website, postings, and paper mail. Include all residents within 3000 feet. During the application process, the town must provide a public comment period and schedule meetings to

address issues about the proposed facility. Telecoms are required to use story poles to demonstrate actual size and physical impact. Public notice mailings should include information about the notification contents on the *outside of the envelope* such as, "Notice of Nearby Cell Antenna Proposal" to ensure the public sees and has an opportunity fully participate. See permitting process details, **Attachment #3, Permitting Process and Measurements** (composed by Frank Leahy, Mill Valley). Note: public hearings have been effective in discouraging the telecoms for Montgomery, MD and Burlington, MA.

4. **Permitting process-** The town must adopt a more rigorous permitting process. A new telecom permit application should be designed, with new components. As stated in the attached content, this equipment can often be remotely upgraded or changed via software at any time, so both permitting and monitoring process should be specific, frequent, and rigorous. Details for exactly what to include in the process can be found in the attached document from electrical engineer Frank Leahy, **item #3**.
5. **Monitoring-** The town of Fairfax/San Anselmo must create a robust signal monitoring plan and use our own contractors to do the work- not industry contractors. In addition to developing a protocol on how and where to measure, the issue of how frequently measurement should be taken needs attention. Once per year is grossly inadequate. We would like to recommend including language for an ongoing real time monitoring plan that the telecoms would pay for. We need to know specifics about what kind and how strong the signals are from antennas. This requires more research, but we think is quite reasonable and feasible. If this cannot be done, then we will need monitoring at least once per month. (The attached document on permitting process recommendations written by Mill Valley electrical engineer Frank Leahy gives some guidance and suggestions on this as well, **item #3**.)
6. **ADA-** Add language about the ADA, which addresses electrical sensitivity as a federally recognized disability: "The reviewing authority may NOT grant an exception if the exception itself violates federal and/or state law, including, but not limited to, the ADA", (Please see **Attachment #1, ADA/US Access Board Informaiton.**) [Note: the ADA was originally part of the revised Urgency Ordinance, then appeared to be removed by town staff edits. We are asking that the content about the ADA be replaced and addressed.]
7. **Undergrounding** – Require undergrounding for cables and accessory equipment for facilities in the public right-of-way and amend language to state that ground-level equipment **MUST** be undergrounded. Omit "if feasible" in ordinance (Fairfax has "if feasible" language). Undergrounding must occur within 3 feet of the utility pole on which the antennas are

mounted. This language should also be spelled out in the Conditions of Approval section. Before any digging occurs, a full cultural resources evaluation should be required (see above). Also, Fairfax has some undergrounding districts. ***If we restrict installation to these districts, it could create a strong disincentive for antenna installation here.*** It is our understanding that undergrounding can cost telecoms 3 to 10 times as much as installing equipment on poles.

8. **Co-location-** Co-location (the addition of multiple antennas on an existing antenna structure) rules in California provide telecoms a green light with virtually no controls or regulations by local jurisdictions unless there are changes to the physical dimensions of the structure that the new equipment will be installed on. Co-location may be difficult to fight in places where there is existing equipment, but we have identified a problem with this issue. Once equipment is installed in a town on a pole, then anything afterwards is considered co-location. We need to have language in place that does not allow this to be abused, and that ensures that telecoms do not circumvent the normal permitting processes we are planning on putting into place (such as public meetings, etc.) This is complex because co-location is protected by state law (or possibly federal), and local laws do not supersede state and federal laws, yet this is a critical element to review. We would like to discuss this with you before 11/29 if possible.
9. **Exceptions Clauses-** We have had many suggestions about exceptions and how they could work for us or against us. If we are excessively restrictive in other areas, having an exception clause can protect us from being sued by the telecoms as it provides them a doorway in. If, however, we have too broad of an exceptions clause, it creates loopholes that can be big enough for 5G antennas to get through too easily. We would like the town's legal council to craft this skillfully with the town's interest as the priority rather than the telecoms, and to not allow a major loophole for telecom entry.
10. **Fire Hazard and Other Hazard Potential-**A full fire hazard potential assessment must be conducted that includes the presence of nearby vegetation and structures. All materials in the facilities must be disclosed, including hazardous materials in any and all equipment. No poles should be overloaded such that a risk is created for life or property. There should be no co-location of equipment on such facilities. Mechanical consideration: poles and other structures must exceed general guidelines to ensure they can withstand earthquakes and storms. There are studies that show equipment killing trees and drying local vegetation through desiccation creates further fire hazards. This needs further assessment, which we can help provide.

11. **Other Hazards-** 5G equipment is frequently installed on poles underneath or adjacent to electrical wires and equipment, which has been the cause of several recent local fires (Santa Rosa, Camp, Malibu, etc.). Additionally, as indicated above, studies show equipment killing and drying out adjacent vegetation. [Please see the additions to Chapter 20 in Fairfax, attached-Peter Lacques proposed changes to urgency ordinance 9/26, listed also in the Findings section of the ordinance, **Attachement #4, Peter Lacques Recommendations.**]

12. **Decorative Light Poles-** Prohibit installations on all Decorative Light Poles. In Fairfax, we have asked for this prohibition. (To protect our street lamps from a 50% height increase, amend by adding, "The downtown decorative street light poles are exempt from this section.")

13. **Viewsheds and Aesthetics Considerations-**Viewsheds and general aesthetics need to be considered via the design review process for all applications with full public noticing and involvement. Consideration should include historic preservation considerations and the general aesthetic character of our towns. Facilities must not disrupt or alter the aesthetic beauty or historic character of the town. This should be subject to review by the Town Planning Commission and approved by the Town Council.

14. **Schools and Child Care Centers-** Similarly, we wish to restrict a 1000 foot buffer around schools, child care centers, and elder facilities from consideration of 5G installation. As with the item above, this can be accomplished through our zoning restrictions.

Related to this: are there any opportunities for potential compensation from the telecoms to pay for relocating children from schools impacted by 5G radiation? There may be issues around inter-district transfer limitations and potentially forcing kids into private schools which are very expensive. If this were to happen, who would pay? And, what about lost revenue for schools that lose children due to transfers to other schools? This is a very real possibility we believe needs to be addressed.

15. **Health Care Facilities** – We recommend that the Town of Fairfax require a 1000-foot buffer around medical care facilities for 5G small cell and other similar wireless antennas to ensure safety of recovering patients. [Note: We are recommending only certain planning zones be eligible for 5G antennas. Within those zones, there will be further restrictions. This item may best be addressed in our zoning section without mentioning Care Meridian in Fairfax, our only health care facility (head injury care facility).

This may be a wise strategy as mentioning health is, of course, a red flag for telecoms.]

16. **Establishing setbacks and antenna intervals-** We know each antenna can transmit up to at least 1 GB/sec of data at 3000 feet. Even with prohibition in the residential areas for antennas, this would impact a large swath of town, both residential and commercial. With setbacks and antenna intervals, as well as limiting zoning and strategic placing, we can control where antennas are placed. We want to minimize exposure to people living in mixed use zones and on the edge of commercial zones. Our strategy is to eliminate most of the zones, all with residential, except for two commercial zones. Within those zones we are recommending further restricting locations on specific parcels to protect the most vulnerable populations, among others (children and elderly, etc.)

17. **Endangered/Threatened Species, ESA-** Fairfax is home to several endangered and threatened species. Here in Fairfax we have spotted owls, and in our creeks we have threatened steelhead and other listed species. We need to review the Natural Resources Database to see what else we have here. There are increasing numbers of studies emerging that focus on insect and other wildlife impacts from this technology. We recently learned that there may be a state or federal law prohibiting local jurisdictions from using environmental impacts to stop 5G installations, but we are not sure if this is the case. Using provisions in the Endangered Species Act could certainly help, especially with regards to creating a rationale for buffers. More research is needed here, and we can help in this area.

18. **Trees-** The town of Fairfax has a tree ordinance that requires a permitting process to remove trees. Fairfax has a committee that reviews applications and make recommendations for approval/disapproval. There are studies that show cell tower radiation kills trees. The study we recently reviewed was focused on cell towers installed in trees, but any trees in close proximity would have similar effects. Telecoms would need to do a tree analysis within a certain number of feet of antennas and if there is a risk of killing trees, the telecoms should be required to apply for a tree removal permit if equipment is installed within 100 feet of trees.

19. **Cultural Resources-** Under CEQA there needs to be full assessment of cultural resources, including artifacts buried under the ground. We are asking for undergrounding of equipment and want to be assured that there are no cultural artifacts where telecoms may want to dig, and if there are, the proper process is followed (archeologists on site, etc.).

20. **Cumulative Impact Assessment-** CEQA requires cumulative impact assessments. Despite the FCC and 1996 FTA's prohibition on health as a rationale for prohibiting installations, there may be other cumulative impacts that need to be assessed, such as visual or aesthetic and environmental impacts. We have not come up with other specific examples, but perhaps there could be language included about health if deemed useful.

21. **Conflicts with Other Plans and Regulations-** CEQA has a category of "Conflict with any land use plan, policy or regulation". We have outlined our undergrounding districts and our tree ordinance here. These are two that we can think of, please investigate to see if there are more.

22. **Future Damages-** Regarding health, we want to investigate if there is anything in the law that allows corporations to be held liable for future damages (could a coal burning plant be liable for future damage to air quality or health of neighbors, etc.?) We are curious if something like that could be applied here.

23. **Noise Assessment/Evaluation-** There should be no equipment that generates noise whatsoever. Ordinance needs to have language that specifies details around noise and abatement, including containment if there are fans or other noisy components.

Marin Independent Journal

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San Rafael, CA 94903
415-382-7335
legals@marinij.com

2070419

CITY OF SAN RAFAEL
CITY OF SAN RAFAEL
CITY CLERK, ROOM 209
1400 FIFTH AVENUE, SAN RAFAEL, CA 94901
SAN RAFAEL, CA 94915-1560

PROOF OF PUBLICATION (2015.5 C.C.P.)

STATE OF CALIFORNIA County of Marin

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer of the MARIN INDEPENDENT JOURNAL, a newspaper of general circulation, printed and published daily in the County of Marin, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Marin, State of California, under date of FEBRUARY 7, 1955, CASE NUMBER 25566; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

12/07/2018

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated this 7th day of December, 2018.



Signature

PROOF OF PUBLICATION

Legal No. **0006265233**

CITY OF SAN RAFAEL NOTICE OF PUBLIC HEARING

You are invited to attend the City Council hearing on the following project:

DATE/TIME/PLACE:

Monday, December 17, 2018 at 7:00 P.M.
City Hall Council Chambers, 1400 Fifth Avenue,
San Rafael, CA 94901

PROJECT:

Proposed amendments to San Rafael Municipal Code (SRMC) Title 14 (Zoning Ordinance):

The City Council will hold a public hearing to consider an urgency ordinance to amend the Zoning Ordinance to include provisions defining and regulating the placement of small wireless facilities in the City; File No: Z018-004.

This project qualifies for a Exemption from the provisions of the California Environmental Quality Act Guidelines pursuant to Sections 15183(a) because it entails a project that can be found consistent with the General Plan policies and pursuant to 15061(b)(3), Review for Exemptions, which states that as a 'general rule' that the California Environmental Quality Act (CEQA) applies only to projects which have the potential to cause a significant, physical environmental effects.

WHAT WILL HAPPEN:

You can comment on the project. The City Council will consider all public testimony and will then decide whether to adopt the urgency ordinance.

IF YOU CANNOT ATTEND:

You can send written correspondence to the City Clerk, City of San Rafael, P.O. Box 94915-1560; 1400 5th Avenue, San Rafael, CA 94901.

FOR MORE INFORMATION:

Contact Ali Giudice, Project Planner at (415) 485-3092 or Alicia.giudice@cityofsanrafael.org. The office is open from 8:30 a.m. to 4:30 p.m. on Monday, Tuesday and Thursday and 8:30 a.m. to 1:30 p.m. on Wednesday and Friday. The staff report will be available on Thursday, December 13, 2018 at www.cityofsanrafael.org/public-meetings.

SAN RAFAEL CITY COUNCIL

/s/ Lindsay Lara
Lindsay Lara
CITY CLERK

No. December 7, 2018

Associated Constituent

Adam Silver

C-1057588, added on December 3rd, 2018 at 6:32 PM

Phone Numbers: [REDACTED]

Email Addresses: [REDACTED]

Locations: None

Conversation:

First Name: Adam**Last Name:** Silver**Email Address:** [REDACTED]**Phone Number:** 4157178580**Subject:** SMALL CELL "5G" WIRELESS COMMUNICATION TECHNOLOGY

Message: I'm concerned the city will have no way to verify, and no recourse, if small cell sites prove to not be compliant with FCC guidelines concerning microwave emissions and microwave emissions at prescribed distances. The city should add, as part of their 'fees', charges for independent testing and verification of each cell site's compliance. Furthermore, the vendor, shall be held responsible to fix or replace any cell sites out of compliance and be subject to re-verification at the vendor's expense. Furthermore, data communications between small cell-sites be done via fiber optic cable or some other 'wired' means to insure that data transport does not happen wirelessly between cell sites, thus increasing transmissions.

**A:** LOCATION

[REDACTED]

Inbound form submission from Adam Silver to Contact the City Council on December 3rd, 2018 at 6:32 PM

Thank you for your message. We value your input and strive to respond to any questions or concerns within 2 business days. Thank you, City of San Rafael

Automated message sent to Adam Silver via City Manager's Office on December 3rd, 2018 at 6:32 PM

From: Sangita Moskow

Sent: Tuesday, December 11, 2018 5:48 AM

To: Gary Phillips; John Gamblin; Andrew McCullough; Kate Colin; Maribeth Bushey; Jim Schutz Paul Jensen; Alicia Giudice; Caron Parker; Lisa Goldfien

Subject: 5G ordinance

Thank you so much for supporting the health of the citizens of San Rafael and Marin County.

I am including part of an article about some other people who are thinking of human and animal safety:

"It all comes down to this: Jim Turner, Esq., President of NISLAPP (The National Institute for Science, Law & Public Policy, says: "NISLAPP considers it a mistake to place new high-frequency radiating antennas in local communities, in very close proximity to homes, offices and schools, when no pre-market health testing at scale has been conducted on the effects of the radiation emitted, to our knowledge, and when much safer hard-wired internet access technologies are readily available. We strongly support Senator Blumenthal's request of FCC Commissioner Carr to provide the documentation evidencing the FCC's 'safety determination for 5G,' along with the supporting scientific citations used in making that determination."

<https://www.businesswire.com/news/home/20181203006017/en/Blumenthal-Presses-FCC-Commissioner-Brendan-Carr-Disclose>

There actually is a huge amount of info about health problems with other EMF-radiating technology like the "smart" meters.

To opt out, BEFORE installation and negative effects, makes sense.

Furthermore 5G does not offer any great tech advantages to citizens--it is for the convenience of the telecoms.

I would not worry about lawsuits because companies do not want the bad publicity.

Thank you, Sangita Moskow

Sangita Moskow

For sound samples:

<http://www.lisasangitamoskow.com>

From: Lonner Holden

Sent: Monday, December 10, 2018 4:57 PM

To: Gary Phillips; John Gamblin; Andrew McCullough; Kate Colin; Maribeth Bushey; Jim Schutz; Paul Jensen; Alicia Giudice; Caron Parker; Lisa Goldfien

Subject: Dec. 3rd SR City Council Meeting & 5G

Dear Mayor, Council Members & Staff,

As a resident of San Rafael for over 25 years, I want to thank you for your astonishing sustained presence during the long-houred meeting on Decemeber 3rd.

You listened to perhaps a record number of open-period public comments on a single topic; your reflections at the end of the evening reflected sincere interest in the concerns of your constituents, and your questions to the attorney, Mr. Johnson who advised on the FCC ruling, and staff who drafted a urgency Ordinance were intelligent and far reaching, seeking a skillful strategy for protecting the local jurisdiction from federal and telecom domination.

As you work on your current draft, please incorporate into the new Ordinance/Resolution, specific Revisions and Recommendations submitted by Vicki Sievers, Kim Hahn, Bob Berg and Alex Stadtner.

Many Thanks,
Lonner Holden

From: Arthur D. Saftlas

Sent: Sunday, December 09, 2018 8:28 PM

To: Gary Phillips; John Gamblin; Kate Colin; Jim Schutz; Andrew McCullough; Lisa Goldfien; Alicia Giudice; Paul Jensen; Caron Parker; Maribeth Bushey; Melanie Moran

Subject: I spoke December 3rd on 5G...

I spoke December 3rd on the 5G issue. I was not able to finish, so I am sending this simple solution for your consideration.

NO 5G IN MARIN COUNTY, PERIOD!

I suggest our City Councils clearly say NO to the FCC. NO 5G installations of any kind in Marin, until it can be proven safe for us and the environment. The mandates of the FCC, by not allowing health and safety to be a consideration, clearly show their mandates are unjust. We have an obligation and a right to refuse to obey unjust laws.

A popular quote of Thomas Jefferson is, "If a law is unjust, a man is not only right to disobey it, he is obligated to do so." The Thomas Jefferson foundation website, suggests this quote it is a paraphrase of Jefferson's statement in the Declaration of Independence, "...whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government...". Martin Luther King, Jr.'s comment in his famous letter from Birmingham Jail: "One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws."

And there is Jury Nullification, a right not forthrightly shared by judges. A jury has the right to nullify an unjust law and free a defendant so charged. We disobey or counter sue and nullify the FCC by jury or grand jury. We need to be proactive and not lay down to this Industry.

What I am proposing is simple. We just say NO, period. The FCC has the power of the Federal Government, but we are stronger, because we have LOVE. We have love for ourselves, our children, our neighbors, and our beautiful natural environment. Marin is a special place, a garden spot in an insane world. We refuse to be polluted by big money interests.

To say NO to the rulers takes courage. Courage comes from the French corage meaning 'heart' and 'spirit' and Latin, cor, meaning 'more at heart', 'inner strength'. We in Marin County have heart and spirit, we are an advanced society of intelligent beings. We must come together face to face, heart to heart, where our ultimate power of love resides. The revolution starts now, and I was assured by Marin TV, it will be televised.

From: [Victoria Sievers](#)
To: [Gary Phillips](#); [John Gamblin](#); [Andrew McCullough](#); [Kate Colin](#); [Maribeth Bushey](#); [Jim Schutz](#); [Paul Jensen](#); [Alicia Giudice](#); [Caron Parker](#); [Lisa Goldfien](#); [Lindsay Lara](#)
Cc: [Kim Hahn](#); [Bob Berg](#); [Alex Stadtner](#)
Subject: U.S. legislators challenge FCC on 5G safety
Date: Tuesday, December 11, 2018 10:52:33 PM

Hello Mr. Mayor, Councilmembers and Staff,
You may well have already learned of this December 3 letter to the FCC from Senator Richard Blumenthal and Congresswoman Anna Eshoo, but we'd like to be certain that you know you're in responsible company when you express and exercise precaution about this untested technology. Also, below the ehtrust link to the letter, please find Dr. Martin Pall's statement on how EMF/RF radiation causes plants to become more flammable. This critical info was presented by a speaker at the Dec. 3 San Rafael hearing.
Thank you for your interest in protecting our city and its residents.
Vicki Sievers, EMF Safety Network

<https://ehtrust.org/u-s-senator-richard-blumenthal-and-u-s-representative-anna-g-eshoo-ca-18-letter-to-federal-communications-commission-commissioner-brendan-car-about-5g-health-hazards/>

Pima County, AZ 5G Awareness Coalition Public Forum: Is 5G a Technological Revolution or a Pandora's Box?

Nov 17, 2018 — Tucson, AZ Live-Streamed Event

[Link to](#) event video

- **0:00:15** — Ashley Portman: Start of Program
- **0:02:30** — Elizabeth Kelley
- **0:24:30** — [Dr. Martin Pall at 1:44:54 in the video talks about terpenes*](#), produced by plants, in his 90-page document: <https://peaceinspace.blogs.com/files/5g-emf-hazards--dr-martin-l.-pall--eu-emf2018-6-11us3.pdf>
- **0:54:35** — Dr. Timothy Schoechle
- **1:18:00** — Eric Windheim
- **1:37:55** — Questions & Answers
- **2:02:00** — Ashley Portman: End of Program

* At 1:48:13 . . . **Q:** "How do EMFs make plants more flammable?" **A:** "What EMFS do is that they work in the cells of plants very similarly to the way EMFS work in the cells of our bodies, by increasing intracellular calcium, by working on the channels in the plasma membranes in plants. I have published on that. What happens as a consequence of that is that the plants make much, much higher levels of terpenes, which are highly volatile and highly flammable. It's a bit like having a light spray of gasoline on the plants. So they do become more flammable."

City Council Appointments 2019

Position	2019
Vice-Mayor, City Council	Andrew McCullough
Other Agencies (OA)	
San Rafael Sanitation District	Gary O. Phillips (C) Maribeth Bushey Andrew McCullough (Alt)
Central Marin Sanitation Agency (informational only- appointed by SRSD)	Maribeth Bushey Dean DiGiovanni Katie Rice (Alt) Alan Zahradnik (Alt) Marc Solomon (Alt)
City Rep. to Association of Bay Area Government (ABAG)	Maribeth Bushey
Joint Powers Authority Oversight Committee	Kate Colin
League of California Cities, North Bay Division	Maribeth Bushey Andrew McCullough (Alt)
Sonoma/Marin Area Rail Transit (SMART)	Gary O. Phillips Maribeth Bushey (Alt)
County Priority-Setting Committee (re: Community Development Block Grant Funds – CDBG)	John Gamblin Kate Colin (Alt)
Marin Energy Authority (MEA)	Andrew McCullough John Gamblin (Alt)
Transportation Authority of Marin (TAM) Board of Commissioners	Gary O. Phillips Kate Colin (Alt)
Transportation Authority of Marin (TAM) - Safe Routes to Schools Program	Kate Colin
County of Marin - Las Gallinas Watershed Program	John Gamblin
City Council Standing Committees, Adhoc Subcommittees & Liaisons 2018	
City Council Standing Committees (Noticed public meetings)	
Economic Development Committee	Kate Colin Gary O. Phillips (C)
Finance Committee	Gary O. Phillips (C) John Gamblin
San Rafael Neighborhoods Association (Noticed Joint Committee/City Council meeting)	Gary O. Phillips (C) John Gamblin (1 st Alt) Kate Colin (Alt)
City/School Liaison Committee (Noticed Joint City Council /Schools meeting)	Gary O. Phillips John Gamblin
General Plan 2040 Steering Committee	Maribeth Bushey Kate Colin (Alt)

City Council Standing Committees, Adhoc Subcommittees & Liaisons cont. 2018

City Council Adhoc Subcommittees
(Not subject to Brown Act)

Adhoc City/County Liaison Committee	Gary O. Phillips (C) Kate Colin
Adhoc Pension/Other Post-Employment Benefits (OPEB) Subcommittee	Gary O. Phillips (C) John Gamblin
Adhoc SMART Subcommittee	Gary O. Phillips (CC) Maribeth Bushey (CC)
Adhoc Homelessness Subcommittee	Gary O. Phillips John Gamblin (C)
Adhoc Facilities Subcommittee	Gary O. Phillips (C) Andrew McCullough
New Library Adhoc Subcommittee	Maribeth Bushey (C) Andrew McCullough
Adhoc Multi-Use Path Subcommittee	Andrew McCullough (C) Gary O. Phillips
Adhoc Latino Civic Leadership Initiative	Kate Colin Gary O. Phillips (Alt)
Adhoc Mayor’s Advisory Group (Canal Advisory)	Gary O. Phillip John Gamblin

Council Liaisons to City of San Rafael, Boards, Commissions and Committees
(Open, noticed meetings)

ADA Access Advisory Committee	John Gamblin
Bicycle and Pedestrian Advisory Committee	Kate Colin
Board of Library Trustees	Maribeth Bushey
Business Improvement District Advisory Group	John Gamblin
Citizens Advisory Committee “CAC” on Economic Development and Affordable Housing	John Gamblin
Design Review Board	Andrew McCullough
Fire Commission	Gary O. Phillips Andrew McCullough
Measure “E” Citizens Oversight Committee	Gary O. Phillips
Park and Recreation Commission	John Gamblin

Planning Commission	Gary O. Phillips
Pickleweed Advisory Board	Kate Colin
Special Library Parcel Tax “Measure D” Committee	Maribeth Bushey
Climate Change Action Plan Quarterly Update Forum	Kate Colin
Library Foundation Board	Maribeth Bushey
Joint Powers Agreement (JPA)	
Marin County Animal Control	Jim Schutz
Marin County Hazardous and Solid Waste Joint Powers Authority Board and Executive Committee	Jim Schutz Cristine Alilovich (Alt)
Marin Emergency Radio Authority (MERA) Governing Board	Diana Bishop Glenn McElderry (Alt) Robert Sinnott (Alt)
Marin Emergency Radio Authority (MERA) Executive Board 9/2018	Christopher Gray
Marin General Services Authority	Jim Schutz Cristine Alilovich (Alt)
Marin Telecommunications Agency	Andrew McCullough Maribeth Bushey (Alt)
Marin County Council of Mayors & Councilmembers (MCCMC)	
Legislative Committee	Maribeth Bushey
Marin Transit District	Kate Colin
Homeless Committee	Kate Colin, Co-Chair
Sea Level Rise Subcommittee	Kate Colin
Pension	John Gamblin Gary Phillips (Alt)
Disaster Preparedness	Maribeth Bushey John Gamblin (Alt)

Updated December 3, 2018