



## AGENDA

**SAN RAFAEL CITY COUNCIL – MONDAY, JUNE 6, 2022**

**REGULAR MEETING AT 7:00 P.M.**

### In-Person:

San Rafael City Council Chambers  
1400 Fifth Avenue, San Rafael, CA 94901

### Participate Virtually:

Watch on Zoom Webinar: <https://tinyurl.com/cc-2022-06-06>

Watch on YouTube: [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael)

Listen by phone: (669) 900-9128

ID: 817-3692-0337#

One Tap Mobile: US: +16699009128,,81736920337#

### **CORONAVIRUS (COVID-19) ADVISORY NOTICE**

In response to Assembly Bill 361, the City of San Rafael is offering teleconference without complying with the procedural requirements of Government Code section 54953(b)(3). This meeting will be held in-person, virtually using Zoom and is being streamed to YouTube at [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael).

How to participate in the meeting in-person:

- Stay home if you are experiencing COVID-19 symptoms
- Face coverings are recommended for attendees
- Use the sign-in sheet (optional) which allows notification of potentially exposed individuals if contact tracing reveals COVID-19 transmission may have occurred in a given meeting
- Attendance will be limited to 50 percent of room capacity (no more than 90 persons) and all in-person attendees should socially distance as recommended by public health authorities. If the Chambers are 50% occupied, please participate online instead or utilize the audio feed in the lobby.
- All attendees are encouraged to be fully vaccinated.

How to participate in the meeting virtually:

- Submit public comment in writing before 4:00 p.m. the day of the meeting to [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org).
- Join the Zoom webinar and use the 'raise hand' feature to provide verbal public comment.
- Dial-in to Zoom's telephone number using the meeting ID and provide verbal public comment.

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### **OPEN SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL – 6:00 PM**

*Dial-in: (669) 900-9128, Meeting ID: 919-8305-6599#*

1. Mayor Kate to announce Closed Session items.

### **CLOSED SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL – 6:00 PM**

2. Closed Session:

- a. Conference with Legal Counsel - Anticipated Litigation  
Significant Exposure to Litigation Pursuant to Government Code Sections 54956.9(d)(2) and (e)(3): 1 case
- b. Conference with Legal Counsel - Anticipated Litigation  
Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4): 1 case

### **OPEN TIME FOR PUBLIC EXPRESSION**

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:

### **COUNCILMEMBER REPORTS:**

(including AB 1234 Reports on Meetings and Conferences Attended at City Expense)

4. Councilmember Reports:

### **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.

5. Consent Calendar Items:

- a. **Approval of Minutes**  
Approve Minutes of City Council / Successor Agency Regular Meeting of Monday, May 16, 2022 (CC)  
*Recommended Action – Approve minutes as submitted*
- b. **Use of Teleconferencing for Public Meetings During State of Emergency**  
Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for Continued Use of Teleconferencing to Hold Public Meetings of City Boards and Commissions During the Continuing State of Emergency Relating to the Covid-19 Pandemic (CA)  
*Recommended Action – Adopt Resolution*
- c. **Vacancies on San Rafael Boards and Commissions**  
Announcement of Vacancies on the Public Art Review Board (CC)  
*Recommended Action – Receive and file*
- d. **Statement of Economic Interests Annual Filings**  
Accept Report on Fair Political Practices Commission Form 700, Statement of Economic Interests, 2021 Annual Filings, For Section 87200 Filers and Designated Employees, Including Consultants, Design Review Board, and Park and Recreation Commission (CC)  
*Recommended Action – Accept Report*

- e. **Proposing General Municipal Election 2022**  
Resolution Calling and Giving Notice of By-District Elections for Districts 2/Western and 3/Eastern, and San Rafael Board of Education Trustee Area Elections for Areas 2 and 4, to be Held on November 8, 2022, Requesting the Marin County Board of Supervisors to Consolidate with Any Other Election Conducted on Said Date, and Requesting Election Services (CC)  
*Recommended Action – Adopt Resolution*
- f. **Annual Adjustment to the Library Parcel Tax**  
Report Concerning the Annual Consumer Price Index (CPI) Rate Adjustment for the Special Library Services Parcel Tax for the Fiscal Year July 1, 2022 Through June 30, 2023 as Specified in Voter-Approved Measure D (San Rafael Municipal Code Chapter 3.36) (AS/LR)  
*Recommended Action – Accept Report*
- g. **Crime Analyst Services**  
Resolution Authorizing the City Manager to Execute an Agreement for Crime Analysis Services with LexisNexis Risk Solutions, Inc., In an Amount of \$146,675, and Appropriating this Amount from the Safety Grant Fund to Support the Agreement (PD)  
*Recommended Action – Adopt Resolution*
- h. **Congestion Management Program**  
Resolution Electing to be Exempt from the Marin County Congestion Management Program (PW)  
*Recommended Action – Adopt Resolution*
- i. **Grand Avenue Cycle Track Grant Funding Agreement**  
Resolution Approving and Authorizing the City Manager to Execute a Funding Agreement with Association of Bay Area Governments (“ABAG”) In an Amount Not to Exceed \$240,000 (PW)  
*Recommended Action – Adopt Resolution*
- j. **Bungalow and Woodland Resurfacing Project**  
Resolution Approving the Re-Designed Plans for the Lower Bungalow Roadway Section and Authorizing the City Manager to Execute a Change Order to the Construction Agreement for the Bungalow and Woodland Resurfacing Project, City Project No. 11397, with Ghilotti Bros., Inc. In the Amount of \$352,369, And Authorizing Additional Project Contingency Funds in the Amount of \$47,631, For a Total Additional Appropriated Amount of \$400,000 (PW)  
*Recommended Action – Adopt Resolution*
- k. **2021/22 Slurry Seal Project**  
Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for 2021/22 Slurry Seal Project, City Project No. 11410, to Pavement Coatings Co. In the Amount of \$1,029,500, and Authorizing Contingency Funds In the Amount of \$120,500, for a Total Appropriated Amount of \$1,150,000 (PW)  
*Recommended Action – Adopt Resolution*

- l. Temporary Street Closure to Support Canal Alliance Community Fair Event and Ongoing Mobile COVID-19 Vaccinations in the Canal Neighborhood**  
Resolution Authorizing Street Closure on Saturday, June 18, 2022 from 9 AM to 7 PM to Support Canal Alliance's Community Fair Event and Saturdays in July, 2022 for COVID-19 Mobile Vaccinations (PW)  
*Recommended Action – Adopt Resolution*
  
- m. Baypoint Lagoons Assessment District**  
Baypoint Lagoons Landscaping and Lighting Assessment District Annual Assessment FY 2022-23: (PW)
  - i. Resolution Directing Filing of Engineer's Annual Report FY 2022-23**  
*Recommended Action – Adopt Resolution*
  
  - ii. Resolution Approving Engineer's Annual Report FY 2022-23**  
*Recommended Action – Adopt Resolution*
  
  - iii. Resolution of Intention to Order Improvements and Setting a Public Hearing on the Annual Assessment for the City Council Meeting of July 5, 2022**  
*Recommended Action – Adopt Resolution*
  
- n. Point San Pedro Road Median Landscaping Assessment District**  
Point San Pedro Road Median Landscaping Assessment District Annual Assessment: (PW)
  - i. Resolution Directing Filing of Engineer's 2022-23 Annual Report**  
*Recommended Action – Adopt Resolution*
  
  - ii. Resolution Approving Engineer's 2022-23 Annual Report**  
*Recommended Action – Adopt Resolution*
  
  - iii. Resolution of Intention to Order Improvements and Setting a Public Hearing on the Annual Assessment for the City Council Meeting of July 5, 2022**  
*Recommended Action – Adopt Resolution*

## **SPECIAL PRESENTATIONS**

### **6. Special Presentations:**

- a. Presentation of LGBTQ+ Pride Month Proclamation (CM)**
- b. Presentation of Juneteenth Proclamation (AS)**

## **OTHER AGENDA ITEMS:**

### **7. Other Agenda Items:**

- a. Special Tax on Properties at Loch Lomond 10 – Mello-Roos District No. 1992-1**  
Resolution Setting the Special Tax for Community Facilities District No. 1992-1 (Loch Lomond #10) for Fiscal Year 2022-23 (PW)  
*Recommended Action – Adopt Resolution*
  
- b. The Village at Loch Lomond Marina – Mello-Roos District No. 2**  
Resolution Setting the Special Tax for City of San Rafael Community Facilities District No. 2 (The Village at Loch Lomond Marina) for Fiscal Year 2022-23 (PW)  
*Recommended Action – Adopt Resolution*

## **PUBLIC HEARING**

### **8. Public Hearing:**

#### **a. Board and Commission Updates**

Resolution and Ordinance Changes to Existing City Boards and Commissions

##### **i. Resolution Amending the Bicycle and Pedestrian Advisory Committee Bylaws**

*Recommended Action – Adopt Resolution*

##### **ii. Pass to Print an Ordinance of the City of San Rafael Amending Title 2.16.020 Through 2.16.023 of the San Rafael Municipal Code Related to the Park and Recreation Commission**

*Recommended Action – Pass Ordinance to Print*

##### **iii. Resolution Amending the Park and Recreation Commission Bylaws**

*Recommended Action – Adopt Resolution*

##### **iv. Pass to Print an Ordinance of the City of San Rafael Amending Title 2.16.040 Through 2.16.110 of the San Rafael Municipal Code Related to the Planning Commission**

*Recommended Action – Pass Ordinance to Print*

##### **v. Resolution Amending the Planning Commission Bylaws**

*Recommended Action – Adopt Resolution*

## **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 online, 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 may be requested by calling (415) 485-3066 (voice), emailing [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org) or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request. To request Spanish language interpretation, please submit an online form at <https://www.cityofsanrafael.org/request-for-interpretation/>.



## MINUTES

SAN RAFAEL CITY COUNCIL – MONDAY, MAY 16, 2022

REGULAR MEETING AT 7:00 P.M.

### In-Person:

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1400 Fifth Avenue, San Rafael, CA 94901

### Participate Virtually:

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Present:	Mayor Kate Vice Mayor Kertz Councilmember Bushey Councilmember Hill Councilmember Llorens Gulati
Absent:	None
Also Present:	City Manager Jim Schutz

### **OPEN SESSION**

1. None.

### **CLOSED SESSION**

2. Closed Session: None.

Mayor Kate called the meeting to order at 7:00 p.m. and invited Deputy City Clerk Brenna Nurmi to call the roll. All members of the City Council were present.

Mayor Kate provided opening remarks, which included gratitude to City Staff, National Public Works Week and the COVID-19 pandemic.

Deputy City Clerk Brenna Nurmi informed the community that the in-person meeting would also be recorded and streamed live to YouTube and through Zoom, and members of the public would provide public comment either on the telephone or through Zoom. She explained the process for community participation on the telephone, through Zoom and in-person.

### **OPEN TIME FOR PUBLIC EXPRESSION**

- Ruth Wetherow, President of Rotary Manor Resident's Association addressed the City Council regarding a sinkhole at Rotary Manor. Other Rotary Manor residents including Via Lindbergs, Sharon Seaford, Triva Strauss, Victoria Cooper, Wayne Baker and Maria Di Gregorio also addressed the City Council regarding the sinkhole.
- Salamah Locks, Marin County Commission on Aging announced their upcoming health forum on "Affordable Aging" to be held on Thursday, May 26 at Homeward Bound from 10 a.m. to 2 p.m.
- Eva Chrysanthé, addressed the City Council regarding services at the Service Support Area.
- Michael Wilson, Behavioral Health and Recovery Services (Marin County Adult and Aging Services) announced 920 Grand Avenue, a new residential treatment facility.
- David Smith, Responsible Growth Marin addressed the City Council regarding the Northgate Mall Project.
- Dr. Jei Africa, Director of Behavioral Health and Recovery Services (Marin County) highlighted 920 Grand Avenue, a new residential treatment facility.
- Annika Osborn, Sustainable San Rafael, addressed the City Council regarding the use of natural gas (methane gas) in buildings.

### **CITY MANAGER'S REPORT:**

3. City Manager's Report:

City Manager Jim Schutz announced:

- Dining Under the Lights starts May 26 through September, every Thursday, 6-10 p.m.
- Parks and Recreation Master Plan Update
- National Public Works Week

City Attorney Rob Epstein announced Assistant City Attorney Lisa Goldfien's retirement and welcomed new Assistant City Attorney Genevieve Coyle.

Mayor Kate invited public comment.

Speaker: Eva Chrysanthe

**COUNCILMEMBER REPORTS:**

**(including AB 1234 Reports on Meetings and Conferences Attended at City Expense)**

**4. Councilmember Reports:**

- Councilmember Kertz provided comments on Jewish American Heritage Month and her recently formed North Bay Jewish Electeds group.
- Councilmember Hill provided comments on Asian American and Pacific Islander Heritage Month. He reported on the May Madness Car Show and an Intergenerational Collaboration and the Next Generation of City Leadership event held in Sacramento.
- Councilmember Bushey reported on Central Marin Sanitation Agency, San Rafael Sanitation Agency and Loch Lomond Oversight Committee meetings. She noted an upcoming Dominican community meeting on parking adjustments to be held on Tuesday, May 24 at 6:30 p.m.
- Councilmember Llorens Gulati reported on the May Madness Car Show, as well as, Canal Policy Working Group, San Rafael Park and Services feedback, Economic Development Subcommittee meetings and the 2022 Leaders of the North Bay Awards event.
- Mayor Kate noted National Gun Violence Awareness Day and announced an upcoming Marin Gun Buy-Back event to be held on Saturday, June 4, 9 a.m. to 1 p.m., as well as, a SMART meeting and a St. Vincent de Paul's Ribbon Cutting event for a new case management office.

Mayor Kate invited public comment.

Speaker: Eva Chrysanthe

**CONSENT CALENDAR:**

Mayor Kate invited public comment.

**Speakers:** Sparky Spaeth and Diana Lopez, Age-Friendly San Rafael Community Partnership, Eva Chrysanthe

Councilmember Hill moved and Councilmember Bushey seconded to approve the Consent Calendar.

**5. Consent Calendar Items:**

**a. Approval of Minutes**

**Approve Minutes of City Council / Successor Agency Regular Meeting of Monday, May 2, 2022 (CC)**

*Approved minutes as submitted*

**b. Use of Teleconferencing for Public Meetings During State of Emergency**

**Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for Continued Use of Teleconferencing to Hold Public Meetings of City Boards and Commissions During the Continuing State of Emergency Relating to the Covid-19 Pandemic (CA)**

*Resolution 15066 - Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for Continued Use of Teleconferencing to Hold Public Meetings of*



*City Boards and Commissions During the Continuing State of Emergency Relating to the Covid-19 Pandemic*

- c. **Smoking Ordinance Amendments**  
**Final Adoption of Ordinance 2008: An Ordinance Amending Sections 9.04.030, 9.04.090 and 19.10.060 of the San Rafael Municipal Code Prohibiting Smoking in Open Space Year-Round and Requiring Designated Smoking Areas in Multi-Family Housing Complexes with Over 10 Units Located Within 1,000 Feet from Open Space and Undeveloped Lots in Order to Prevent Cigarette-Caused Fires (CC)**  
*Approved final adoption of Ordinance 2008*
- d. **City of San Rafael 2022 Equity Audit**  
**Resolution Approving and Authorizing the City Manager to Execute an Agreement for Professional Services with BCT Partners for Consulting Services to Perform an Equity Audit of Citywide Policies, Programs, and Practices in the Amount of \$170,000 (CM)**  
*Resolution 15067 - Resolution Approving and Authorizing the City Manager to Execute an Agreement for Professional Services with BCT Partners for Consulting Services to Perform an Equity Audit of Citywide Policies, Programs, and Practices in the Amount of \$170,000*
- e. **Community Engagement, Equity & Housing Policy Consulting Services**  
**Resolution Approving and Authorizing the City Manager to Execute an Agreement for Professional Services with Liz Darby for Consulting Services (CM)**  
*Resolution 15068 - Resolution Approving and Authorizing the City Manager to Execute an Agreement for Professional Services with Liz Darby for Consulting Services*
- f. **National Older Americans Month**  
**Proclamation Supporting National Older Americans Month (LR)**  
*Received and filed*
- g. **National Gun Violence Awareness Day**  
**Proclamation Supporting National Gun Violence Awareness Day (PD)**  
*Received and filed*
- h. **National Public Works Week**  
**Proclamation Supporting National Public Works Week (PW)**  
*Received and filed*
- i. **Jewish American Heritage Month**  
**Proclamation Supporting Jewish American Heritage Month (CC)**  
*Received and filed*
- j. **Asian American and Pacific Islander Heritage Month**  
**Proclamation Supporting Asian American and Pacific Islander Heritage Month (HR)**  
*Received and filed*
- k. **PG&E Easement Required for Third Street Improvements Project**  
**Resolution Authorizing the City Manager to Execute a Deed Granting an Easement for Public Utility Purposes to Pacific Gas and Electric Company (PW)**  
*Resolution 15069 - Resolution Authorizing the City Manager to Execute a Deed Granting an Easement for Public Utility Purposes to Pacific Gas and Electric Company*

- l. Sun Valley Park Deed Restriction**  
**Resolution Authorizing the City Manager to Execute a Deed Restriction on the City Owned Parcel (APN 010-071-01) for Sun Valley Park (PW)**  
*Resolution 15070 - Resolution Authorizing the City Manager to Execute a Deed Restriction on the City Owned Parcel (APN 010-071-01) for Sun Valley Park*
- m. Francisco Boulevard East Sidewalk Improvements**  
**Accept Completion of the Francisco Boulevard East Sidewalk Improvements Project (City Project No. 11349) and Authorize the City Clerk to File the Notice of Completion (PW)**  
*Accepted completion and authorized City Clerk to file NOC*

AYES: Councilmembers: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

### **SPECIAL PRESENTATIONS**

**6. Special Presentations:**

- a. Presentation of Proclamation Supporting Mental Health Awareness Month (PD)**

Vice Mayor Kertz presented the proclamation.

Mayor Kate invited public comment.

**Speakers:** Eva Chrysanthe, Dr. Jei Africa, Director of Behavioral Health and Recovery Services (Marin County)

### **PUBLIC HEARING**

**7. Public Hearing:**

- a. Amendment to San Rafael's Building Code to Require Replacement of Wood Roofing**  
**Final Adoption of Ordinance 2009: An Ordinance Amending Chapters 12.200 and 12.255 of the San Rafael Municipal Code to Make Local Amendments to California Building Codes to Require that Wood Roofing be Replaced by May 31, 2027 (FD)**

Quinn Gardner, Deputy Director of Emergency Management presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speaker:** Eva Chrysanthe

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Kertz seconded to adopt Ordinance No. 2009.

AYES: Councilmembers: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

b. [BioMarin Development Agreement](#)

**Resolution Approving the 2<sup>nd</sup> Anniversary Annual Report for the Executed Development Agreement (Ordinance No. 1982) Between BioMarin Pharmaceutical and the City of San Rafael for the Development of an Expanded San Rafael Corporate Center (750-790 Lindaro Street and 781-791 Lincoln Avenue and 999 3<sup>rd</sup> Street); Case No.: P22-004 (CD)**

Alicia Giudice, Community Development Director presented the Staff Report.

Staff, including Shar Zamanpour, BioMarin responded to questions from Councilmembers.

Mayor Kate invited public comment; however, there was none.

Councilmembers provided comments.

Councilmember Llorens Gulati moved and Councilmember Kertz seconded to adopt the resolution.

AYES:	Councilmembers:	Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

*Resolution 15071 - Resolution Approving the 2<sup>nd</sup> Anniversary Annual Report for the Executed Development Agreement (Ordinance No. 1982) Between BioMarin Pharmaceutical and the City of San Rafael for the Development of an Expanded San Rafael Corporate Center (750-790 Lindaro Street and 781-791 Lincoln Avenue and 999 3<sup>rd</sup> Street); Case No.: P22-004*

**OTHER AGENDA ITEMS:**

8. Other Agenda Items:

a. [Public Art Program and Formation of the Public Art Review Board](#)

**Resolution Approving the Formation of the Public Art Review Board (LR)**

Cristine Alilovich, Assistant City Manager and Catherine Quffa, Library & Recreation Director presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Kristen Jacobson, Youth in Arts, Eva Chrysanthe

Councilmembers provided comments.

Councilmember Kertz moved and Councilmember Llorens Gulati seconded to adopt the resolution.

AYES: Councilmembers: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

*Resolution 15072 - Resolution Approving the Formation of the Public Art Review Board*

b. [Preliminary Capital Improvement Program](#)

**Informational Report on Preliminary Three-Year Capital Improvement Program (PW/Fin)**

April Miller, Assistant Public Works Director/City Engineer presented the Staff Report.

Bill Guerin, Public Works Director provided comments.

Rob Epstein, City Attorney provided clarifying comments regarding potential conflicts of interest.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Salamah Locks, Sunny Lee

Staff responded to public comment.

Councilmembers provided comments.

Councilmember Kertz moved and Councilmember Bushey seconded to accept the report.

AYES: Councilmembers: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

*Accepted report*

**SAN RAFAEL SUCCESSOR AGENCY:**

1. Consent Calendar: - None

**ADJOURNMENT:**

Mayor Kate adjourned the meeting at 9:52 p.m.

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LINDSAY LARA, City Clerk

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022

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KATE COLIN, Mayor



**SAN RAFAEL**  
THE CITY WITH A MISSION

**Agenda Item No: 5.b**

**Meeting Date: June 6, 2022**

## **SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: City Attorney**

**Prepared by: Genevieve Coyle,  
Assistant City Attorney**

**City Manager Approval:** \_\_\_\_\_

**TOPIC: USE OF TELECONFERENCING FOR PUBLIC MEETINGS DURING STATE OF EMERGENCY**

**SUBJECT: RESOLUTION PURSUANT TO ASSEMBLY BILL 361 MAKING FINDINGS AND CONFIRMING THE NEED FOR CONTINUED USE OF TELECONFERENCING TO HOLD PUBLIC MEETINGS OF CITY BOARDS AND COMMISSIONS DURING THE CONTINUING STATE OF EMERGENCY RELATING TO THE COVID-19 PANDEMIC**

### **RECOMMENDATION:**

Adopt the resolution pursuant to Assembly Bill 361 making findings and confirming the need for continued use of teleconferencing to hold public meetings of City boards and commissions during the continuing state of emergency relating to the COVID-19 pandemic.

### **BACKGROUND:**

The Ralph M. Brown Act ("Brown Act") requires that except as specifically provided, "meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body". (Gov. Code §54953(a).) For many years, the Brown Act has authorized members of a local agency's legislative body to attend a public meeting by teleconference in compliance with strict procedural requirements. Under Government Code section 54953(b)(3), to use teleconferencing, at least a quorum of the legislative body must participate from locations within the agency's boundaries, and the agency must give notice of each teleconference location, post an agenda at each teleconference location, provide for public access to each teleconference location, and allow members of the public to address the Council at each teleconference location.

On March 4, 2020, Governor Newsom declared a statewide state of emergency in connection with the COVID-19 pandemic. Subsequently, on March 18, 2020, the Governor issued Executive Order [No. N-29-20](#) suspending the Brown Act's requirements for in-person meetings and facilitating the use of teleconferencing for public meetings during the state of emergency. The Executive Order authorized public meetings to be held by teleconference only, provided that notice and accessibility requirements are met, members of the public are allowed to observe and address the legislative body at the meeting, and there is a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities. This order allowed the City Council and the City's other formal boards and commissions to hold their public meetings using teleconferencing technologies until the order expired on

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

September 30, 2021. On September 16, 2021 Governor Newsom signed into law as an urgency measure Assembly Bill (AB) 361. [AB 361](#) amended the Brown Act provisions governing the use of teleconferencing for public meetings of a local agency's legislative bodies, allowing more liberal teleconferencing requirements to continue during the current and future state-declared emergencies. Therefore, since October 1, 2021, the City has relied on the amendments enacted by AB 361 as its authority to continue to hold meetings using teleconferencing technologies.

Government Code section 54953, as amended by AB 361, now provides in new subsection (e)(1), that during the current and any future state-declared state of emergency, the legislative body of a local agency may use teleconferencing without complying with the procedural requirements of Government Code section 54953(b)(3) in any of three circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Certain additional requirements would apply under the new law, however, including specific requirements as to how public comment must be allowed and heard, with which the City already complies. In addition:

- In the event of a disruption which prevents the City from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the City's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.
- If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:
  - The legislative body has reconsidered the circumstances of the state of emergency.
  - Any of the following circumstances exist:
    - (i) The state of emergency continues to directly impact the ability of the members to meet safely in person.
    - (ii) State or local officials continue to impose or recommend measures to promote social distancing.

**ANALYSIS:**

The City Council has determined that it is now safe to hold in person meetings in the City Council Chambers, and the Council held its first such meeting on April 18, 2022. The City Council Chambers are roomy enough to allow for social distancing in most cases and are now equipped with teleconferencing equipment that also allows participation in public meetings from other locations. This hybrid meeting model provides an alternative means to attend for those persons who feel they cannot safely attend in person, as well as for those persons who may find it more convenient to participate in the meetings through teleconferencing.

Other boards and commissions that meet in the City Council Chambers will also be able to meet in person. However, not all City boards and commissions meet in the City Council Chambers and staff has not yet been able to make comparable arrangements for hybrid meetings in those other meeting locations. Therefore, staff recommends that the City Council continue to adopt the resolution required by AB 361, so that these other boards and commissions can continue to meet using teleconferencing technology.

The resolution before the City Council is intended to comply with the requirement to make specified findings every 30 days. The resolution finds that the state of emergency continues in effect, that measures to promote social distancing are still being imposed or recommended by the state and county, and that the state of emergency directly impacts the ability of the public and the members of the City's Council, boards, and commissions to meet safely in person. The proposed resolution confirms the City Council's determination that all public meetings of the City's legislative bodies (the Council and all formal boards and commissions) may continue to be held using only teleconferencing technology.

**FISCAL IMPACT:**

There is no fiscal impact associated with the adoption of the attached resolution.

**OPTIONS:**

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

1. Adopt the resolution as proposed.
2. Adopt a modified resolution.
3. Direct staff to return with more information.
4. Take no action.

**RECOMMENDED ACTION:**

Adopt the resolution pursuant to Assembly Bill 361 making findings and confirming the need for continued use of teleconferencing to hold public meetings of the San Rafael City boards and commissions during the continuing state of emergency relating to the COVID-19 pandemic.

**ATTACHMENTS:**

1. Resolution

## RESOLUTION NO.

### **RESOLUTION OF THE SAN RAFAEL CITY COUNCIL PURSUANT TO ASSEMBLY BILL 361 MAKING FINDINGS AND CONFIRMING THE NEED FOR CONTINUED USE OF TELECONFERENCING TO HOLD PUBLIC MEETINGS OF CITY BOARDS AND COMMISSIONS DURING THE CONTINUING STATE OF EMERGENCY RELATING TO THE COVID-19 PANDEMIC**

**WHEREAS**, on March 4, 2020 Governor Newsom issued a proclamation pursuant to Government Code Section 8625 declaring a state of emergency in California due to the COVID-19 pandemic; and

**WHEREAS**, the Ralph M. Brown Act (Gov. Code §§ 54950 et seq.) (hereafter, the “Brown Act”) provides in Government Code section 54953 that “all meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided by this chapter”; and

**WHEREAS**, Government Code section 54953(b)(3) permits the legislative body of a local agency to use teleconferencing for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law, subject to specified procedural requirements including, but not limited to, the posting of agendas at all teleconference locations, the opportunity for members of the public to address the legislative body directly at each teleconference location, and that at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the legislative body exercises jurisdiction; and

**WHEREAS**, Government Code section 54953(e), added by Assembly Bill 361 effective September 16, 2021, provides, in section 54953(e)(1), that during a state of emergency proclaimed pursuant to Government Code section 8625, the legislative body of a local agency may hold a meeting using teleconferencing without complying with the procedural requirements of section 54953(b)(3), provided that the legislative body complies with the requirements of section 54953(e)(2); and

**WHEREAS**, pursuant to Government Code section 54953(e)(3), if a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, then in order to continue to teleconference without compliance with the requirements of section 54953(b)(3), the legislative body shall make specified findings at least every 30 days; and

**WHEREAS**, the City Council has reconsidered the circumstances of the proclaimed COVID-19-related state of emergency and finds that it remains active; and

**WHEREAS**, the City Council finds that state and/or local officials continue to impose or recommend measures to promote social distancing, including masking in certain indoor public settings; and

**WHEREAS**, the City Council finds that the state of emergency continues to directly impact the ability of certain City boards and commissions to meet safely in person;



**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of San Rafael that in order to protect the safety of the members of the public and its legislative bodies, for the 30 days following adoption of this resolution, public meetings of the City's legislative bodies may continue to be held using teleconferencing technology in compliance with the requirements of Government Code section 54953(e)(2) and all other applicable laws.

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 6<sup>th</sup> day of June 2022 by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

\_\_\_\_\_  
Lindsay Lara, City Clerk



**SAN RAFAEL**  
THE CITY WITH A MISSION

**Agenda Item No: 5.c**

**Meeting Date: June 6, 2022**

## **SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: City Clerk's Office**

**Prepared by: Lindsay Lara, City Clerk**

**City Manager Approval:** \_\_\_\_\_

**TOPIC: VACANCIES ON SAN RAFAEL BOARDS AND COMMISSIONS**

**SUBJECT: ANNOUNCEMENT OF VACANCIES ON THE PUBLIC ART REVIEW BOARD**

### **RECOMMENDATION:**

Receive and file the announcement of upcoming vacancies on San Rafael's Boards and Commissions.

### **BACKGROUND:**

The City Clerk's office is currently recruiting to fill upcoming vacancies on our boards and commissions. Community members can apply online to serve on our boards and commissions, and more information and eligibility requirements are as follows:

#### **Public Art Review Board**

*Board Description:* The Public Art Review Board's purpose is to help administer the public art review process and to advise the City Council on public art installations.

*Term:*  
One Member: Appointment through August 2024  
One Member: Appointment through August 2026  
One Member: Appointment through August 2026

*2022 Meeting Schedule:* Public meetings shall be held a minimum of four (4) times per year but may meet more frequently or on an ad hoc basis, as needed. Quarterly meetings for the upcoming year shall be scheduled annually by November of the previous year.

*Eligibility Requirements:* Members of the Committee shall be at least 18 years of age and reside within the City limits. The three (3) at-large members shall reflect the diversity of San Rafael, with professional qualifications in the visual arts and/or civic design, such as artists, architects, landscape architects, arts educators, arts administrators, urban designers, urban planners, or owners/managers of a creative business.

*Application Deadline (subject to extension):* Tuesday, June 28, 2022.

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**FOR CITY CLERK ONLY**

**Council Meeting:** \_\_\_\_\_

**Disposition:** \_\_\_\_\_

**COMMUNITY OUTREACH:**

The recruitment for applications is being advertised through mass email notification, the City's website, social media platforms, as well as physically posted at City facilities and the City Clerk's office. Additionally, the City Clerk's office publishes information about how residents can learn about vacancies in the In Your Town section of the Marin IJ on a quarterly basis.

**RECOMMENDED ACTION:**

Receive and file the announcement of upcoming vacancies on San Rafael's Boards and Commissions.



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: City Clerk's Office

Prepared by: Lindsay Lara, City Clerk

City Manager Approval: \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'AS'.

**TOPIC: STATEMENT OF ECONOMIC INTERESTS ANNUAL FILINGS**

**SUBJECT: ACCEPT REPORT ON FAIR POLITICAL PRACTICES COMMISSION FORM 700, STATEMENT OF ECONOMIC INTERESTS, 2021 ANNUAL FILINGS, FOR SECTION 87200 FILERS AND DESIGNATED EMPLOYEES, INCLUDING CONSULTANTS, DESIGN REVIEW BOARD, AND PARK AND RECREATION COMMISSION**

**RECOMMENDATION:** Accept report.

**BACKGROUND:**

On September 21, 2020, the City Council, by [Resolution No. 14855](#), updated/adopted a Conflict of Interest Code for Designated Employees as required by the Fair Political Practices Commission (FPPC).

The City Council is the Code Reviewing Body for all Forms 700, "Conflict of Interest Statement for Designated Employees", and the City Clerk is the Filing Officer.

The annual filings of Form 700 for designated employees, including the Design Review Board, Park and Recreation Commission, and the City's consultants, due April 1, 2022, were for the most part filed in a timely manner, substantially complying with filing requirements, and have been verified for completeness. These documents are available for review in the City Clerk's office. Filers who did not file their Form 700 by the deadline have received their first of two non-filer notifications, and are subject to late fines.

The majority of Forms 700 Statement of Economic Interests filed by Section 87200 filers, such as the Mayor and City Council, City Manager, City Treasurer/Finance Director and City Attorney were filed by the deadline of Friday, April 1, 2022. The City Council and Planning Commission each had one late filer who has since filed their Form 700.

**ATTACHMENTS:**

1. Conflict of Interest Code
  - a. Exhibit A – Designated Employee List
  - b. Exhibit B – Disclosure Categories

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

**APPENDIX A**  
**Designated Employees**

<b><u>DEPARTMENT</u></b>	<b><u>POSITION</u></b>	<b><u>DISCLOSURE CATEGORY</u></b>
All Departments	Associate Management Analyst	1, 2
	Management Analyst	1, 2
	Senior Management Analyst	1, 2
	Administrative Analyst	1, 2
	Professional Analyst (Fixed Term)	1, 2
	Business Systems Analyst (Fixed Term)	1, 2
City Attorney	Assistant City Attorney	1, 2
	Deputy City Attorney II	1, 2
City Clerk	City Clerk	1, 2
	Deputy City Clerk	1, 2
City Manager	Assistant City Manager	1, 2
	Director of Homeless Planning & Outreach	1, 2
	Director of Economic Development and Innovation	1, 2
	Economic Development Program Coordinator	1, 2
	Sustainability and Volunteer Program Coordinator	1, 2
Community Development	Community Development Director	1, 2
	Planning Manager	1, 2
	Senior Planner	1, 2
	Associate Planner	1, 2
	Assistant Planner	1, 2
	Planning Technician	1, 2
	Senior / Code Enforcement Supervisor	1, 2
	Code Enforcement Official III	1, 2
	Code Enforcement Official II	1, 2
	Code Enforcement Official I	1, 2
	Chief Building Official	1, 2
	Permit Services Coordinator	1, 2
	Senior Building Inspector	1, 2
	Building Inspector II	1, 2
	Building Inspector I	1, 2
Digital Service and Open Government	Director of Digital Service and Open Government	1, 2
	Technology Operations Manager	1, 2
	Data & Infrastructure Manager	1, 2
	Civic Design Manager	1, 2
	Network Analyst	3a, 3d, 3g
	GIS Analyst	3e, 3g
Fire	Fire Chief	1, 2
	Deputy Fire Chief	1, 2
	Battalion Chief – Operations	1, 2
	Battalion Chief – Administration	1, 2
	Administrative Fire Captain	2, 3d, 3e, 3g
	Deputy Fire Marshal	1, 2
	Fire Prevention Specialist	2, 3d, 3e, 3g
	Fire Prevention Inspector II	2, 3d, 3e, 3g
	Fire Prevention Inspector I	2, 3d, 3e, 3g
	Environmental Management Coordinator	2, 3d, 3e, 3g
	Emergency Management Coordinator	2, 3d, 3e, 3g

<b><u>DEPARTMENT</u></b>	<b><u>POSITION</u></b>	<b><u>DISCLOSURE CATEGORY</u></b>
	Vegetation Management Specialist	2, 3d, 3e, 3g
Finance	Accounting Manager	1, 2
	Revenue Supervisor	1, 2
	Principal Accountant	1, 2
	Senior Accountant	1, 2
	Payroll Technician	3a, 3c, 3g
Human Resources	Director of Employee Experience and Culture	1, 2
	Human Resources Operations Manager	1, 2
Library and Recreation	Library and Recreation Director	1, 2
	Assistant Library and Recreation Director	1, 2
	Senior Recreation Supervisor	3a, 3b, 3f, 3g
	Program Coordinator	3a, 3b, 3f, 3g
	Supervising Librarian	3a, 3b, 3f, 3g
	Librarian I/II	3a, 3b, 3f, 3g
Parking Services	Parking Services Manager	1, 2
	Parking Operations Supervisor	2, 3a, 3d, 3g
Police	Chief of Police	1, 2
	Police Captain	1, 2
	Police Lieutenant	1, 2
	Police Support Services Supervisor	3d, 3e, 3f, 3g
	Police Community Services Officer	3d, 3f, 3g
Public Works	Public Works Director	1, 2
	Assistant Public Works Director / City Engineer	1, 2
	Deputy Public Works Director	1, 2
	Senior Civil Engineer	1, 2
	Associate Civil Engineer	1, 2
	Assistant Civil Engineer	1, 2
	Sr. Associate Engineer	1, 2
	Jr. Engineer	3e, 3g
	Engineering Technician I	3e, 3g
	Engineering Technician II	3e, 3g
	Traffic Engineer	1, 2
	Traffic Engineering Technician I	3e, 3g
	Traffic Engineering Technician II	3e, 3g
	Streets Maintenance Supervisor	1, 2
	Parks Maintenance Supervisor	1, 2
	Operations and Maintenance Manager	1, 2
	Facility Repair Supervisor	3d, 3e, 3f
	Shop & Equipment Supervisor	3d, 3e, 3f
	Senior Project Manager	1, 2
Sanitation District	District Manager / District Engineer	1, 2
	Sr. Civil Engineer	1, 2
	Associate Civil Engineer	1, 2
	Jr. Engineer	1, 2
	Sewers Maintenance Supervisor	3d, 3e, 3f
	Sewer Maintenance Superintendent	3d, 3e, 3f
Boards & Commissions	Design Review Board	1, 2
	Park & Recreation Commission	1, 2
Consultants **		1, 2

**DEPARTMENT****POSITION****DISCLOSURE  
CATEGORY**

\*\* With respect to Consultants, the relevant department director may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in these categories. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The department director shall forward a copy of this determination to the City Clerk. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

Designated Employees 2020

## **APPENDIX B**

### **Disclosure Categories**

Category 1: All investments and sources of income.

Category 2: All interests in real property in the jurisdiction of San Rafael or within 2 miles of the jurisdiction of San Rafael.

Category 3: Investments in business entities and sources of income of the type which have or foreseeably could contract with the City to provide services, supplies, materials, machinery, or equipment; or which could be enhanced when a designated employee makes or participates in making a decision.

- a. Personnel agencies or personnel consultants;
- b. Municode and Marin County newspapers;
- c. Financial institutions;
- d. Department record forms, communications equipment, safety equipment, firefighting or fire detection equipment, automotive or rolling stock sales, automotive parts or equipment, general departmental supplies or equipment;
- e. Building supplies or building, contractor, or construction firms;
- f. Travel agencies, recreation and athletic supplies, building maintenance and cleaning supplies;
- g. Book, software, and audio-visual publishers and distributors; computer equipment manufacturers and distributors.

#### **NOTE: PENALTY FOR LATE FILING:**

As required under the Political Reform Act of 1974, as amended, section 91013, if any person files an original statement after any deadline, he shall be liable in the amount of \$10.00 per day after the deadline until the statement is filed, up to a maximum of \$100.00, whichever is greater.





**SAN RAFAEL**  
THE CITY WITH A MISSION

Agenda Item No: 5.e

Meeting Date: June 6, 2022

## SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Clerk

Prepared by: Lindsay Lara, City Clerk

City Manager Approval: \_\_\_\_\_

**TOPIC: PROPOSING GENERAL MUNICIPAL ELECTION 2022**

**SUBJECT: RESOLUTION CALLING AND GIVING NOTICE OF BY-DISTRICT ELECTIONS FOR DISTRICTS 2/WESTERN AND 3/EASTERN, AND SAN RAFAEL BOARD OF EDUCATION TRUSTEE AREA ELECTIONS FOR AREAS 2 AND 4, TO BE HELD ON NOVEMBER 8, 2022, REQUESTING THE MARIN COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE WITH ANY OTHER ELECTION CONDUCTED ON SAID DATE, AND REQUESTING ELECTION SERVICES**

### RECOMMENDATION:

Adopt the resolution.

### BACKGROUND:

The Charter of the City of San Rafael ties the date of the general municipal election to the date of election required by general law for the governing board members of a school district. In 2018, the [City Council adopted an ordinance](#) which established a by-district election process in four council districts pursuant to California Elections Code 10010 and California Government Codes 34871(A) and 34886. Pursuant to the ordinance, in the November 2022 election, Councilmembers shall be elected in Council Districts 2/Western and 3/Eastern. Subsequently, in 2019 the [San Rafael City Schools Board of Education adopted a resolution](#) which established a by-trustee area election process in five Board Member Trustee Areas.

Following the Census, the City Council adopted [Resolution 15047](#) which adopted the [unmodified City of San Rafael District Elections Map](#). Subsequently, the San Rafael City Schools Board of Education adjusted the boundaries of the five Trustee Areas and adopted the [Board of Education Trustee Area Map](#).

For the City of San Rafael, the terms of Councilmember Eli Hill (representing District 2/Western) and Councilmember Maribeth Bushey (representing District 3/Eastern) will be expiring in November 2022. Candidates for the City Council seats in Districts 2/Western and 3/Eastern must each reside in the district in which they wish to represent.

For the San Rafael City Schools Board of Education, the terms of Board Vice President Lucia Martel-Dow (representing Trustee Area 2) and Board Member Carolina Martin (representing Trustee Area 4) will

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

be expiring in November 2022. Candidates for the Board of Education seats for Trustee Areas 2 and 4 must each reside in the Area in which they wish to represent.

In preparation for the election, the City Council must adopt a resolution to call the general municipal election to be held on November 8, 2022; request consolidation with Marin County Elections; and request election services from the Marin County Elections Department. In order to consolidate the election, the Marin County Board of Supervisors and the Department of Elections must receive notice by August 12, 2022.

**ANALYSIS:**

California Government Code Section 36503 and California Elections Code Section 1000(c) authorize a regular municipal election to be conducted on November 8, 2022. Sections 10002, 10403 and 10418 of the California Elections Code authorize the City Council to request the County of Marin Board of Supervisors to permit the County Elections Official to render specified services relating to the conduct of the election on a reimbursable basis. The County of Marin has the resources to conduct an election for all special districts and local municipalities in the most cost-effective manner and has routinely provided the City of San Rafael with this service in the past.

Adopting this resolution would call for a general municipal election to be held within the City of San Rafael on Tuesday, November 8, 2022 for the purpose of presenting the following election issues to the voters:

1. Election of one (1) District 2/Western City Councilmember for the full term of four years
2. Election of one (1) District 3/Eastern City Councilmember for the full term of four years
3. Election of one (1) Area 2 Board of Education Trustee for the full term of four years
4. Election of one (1) Area 4 Board of Education Trustee for the full term of four years.

The nomination period for the November 8, 2022 General Municipal Election opens on July 18, 2022 and will close on August 12, 2022. If an incumbent does not file by the August 12, 2022 deadline, the nomination period will be extended to Wednesday, August 17, 2022. If there is only one candidate for each vacant seat and there are no ballot measures, the Council may determine that no election is necessary and may, at that time, vote to cancel the election and appoint the candidates to Office.

**FISCAL IMPACT:**

According to the Registrar of Voters Office, the City's cost will range from \$2.00 to \$3.00 per voter. There are a total of 10,399 voters in District 2, and 9,599 voters in District 3, for a total of 19,998 registered voters resulting in costs totaling between \$39,996 and \$59,994 which has been appropriated in the budget. Due to vote centers, there is a possibility the cost for the election may be higher, per the Marin County Elections Department.

San Rafael City Schools shall cover their portion of the cost related to the November 8, 2022 General Municipal Election.

**RECOMMENDED ACTION:**

Adopt the resolution.

**ATTACHMENTS:**

1. Resolution
2. City Council District Map
3. Board of Education Trustee Area Map

## RESOLUTION NO.

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL CALLING AND GIVING NOTICE OF BY-DISTRICT ELECTIONS FOR DISTRICTS 2/WESTERN AND 3/EASTERN, AND SAN RAFAEL BOARD OF EDUCATION TRUSTEE AREA ELECTIONS FOR AREAS 2 AND 4, TO BE HELD ON NOVEMBER 8, 2022, REQUESTING THE MARIN COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE WITH ANY OTHER ELECTION CONDUCTED ON SAID DATE, AND REQUESTING ELECTION SERVICES**

**WHEREAS**, in 2018, the City Council adopted Ordinance No. 1956, which established a by-district election process in four council districts pursuant to California Elections Code Section 10010 and California Government Code Sections 34871(A) and 34886. Subsequently, in 2019, the San Rafael City Schools Board of Education adopted a resolution which established a by-trustee area election process in five Board Member Trustee Areas; and

**WHEREAS**, in 2022, the City Council adopted Resolution 15047 which adopted the unmodified City of San Rafael District Elections Map. Subsequently, in 2022, the San Rafael City Schools Board of Education adjusted the boundaries of the five Trustee Areas and adopted the Board of Education Trustee Area Map; and

**WHEREAS**, two out of the four San Rafael Districts (Districts 2/Western and 3/Eastern) will have their second district elections in November 2022; and

**WHEREAS**, two out of the five Board of Education Trustee Areas (Areas 2 and 4) will have their second Area elections in November 2022; and

**WHEREAS**, it is the determination of the City Council to continue requesting the Board of Supervisors to provide election services for the upcoming district-based City elections and Trustee Area elections; and

**WHEREAS**, the general municipal election is to be held within the City of San Rafael on Tuesday, November 8, 2022 for the purpose of presenting the following election issues to the voters:

Election of one (1) District 2/Western City Councilmember for the full term of four years  
Election of one (1) District 3/Eastern City Councilmember for the full term of four years  
Election of one (1) Area 2 Board of Education Trustee for the full term of four years  
Election of one (1) Area 4 Board of Education Trustee for the full term of four years; and

**WHEREAS**, the City Council of the City of San Rafael may request the Board of Supervisors of the County of Marin to consolidate the General Municipal Election with any other election conducted on the same date; and

**WHEREAS**, the City Council of the City of San Rafael may request election services by the Registrar of Voters of Marin County, California; and

**WHEREAS**, the estimated cost of the City's election will range between \$39,996 and \$59,994 which has been appropriated in the budget, and San Rafael City Schools shall cover their portion of the cost related to the November 8, 2022 General Municipal Election; and

**WHEREAS**, the City Council reaffirms that should a candidate wish to avail themselves of the right to prepare a candidate's statement of qualifications, there shall be a cost of printing 200 words and handling same, which will be provided by the Marin County Registrar of Voters and will be borne by the candidate and not by the City of San Rafael or San Rafael City Schools.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of San Rafael that pursuant to the requirements of the laws of the State of California there is called and ordered held in the City of San Rafael, County of Marin, State of California, on Tuesday, November 8, 2022, a General Municipal Election of the qualified electors of San Rafael.

**BE IT FURTHER RESOLVED** that the Board of Supervisors of the County of Marin, is hereby requested to:

1. Consolidate this election with any other election conducted on the same day; and
2. Authorize and direct the Registrar of Voters to provide the following election services and to canvass the results of said election:

- Provide Voter Indexes
- Provide Voter Count by Precinct
- Provide Verification of Signatures
- Provide Drayage and Rental of Polling Places
- Provide Printing of Sample and Official Ballots
- Provide Printing of Candidates' Statements of Qualifications
- Appoint and Notify Election Officers
- Mail Sample Ballots and Polling Place Notification
- Provide Precinct Supplies
- Provide Training of Precinct Workers
- Provide Processing of Vote by Mail Ballots
- Provide Central Counting
- Provide Canvass of Votes Cast
- Provide such other services as are necessary to conduct the Municipal Election

**BE IT FURTHER RESOLVED** that the ballots to be used at the election shall be in both form and matter as required by law.

**BE IT FURTHER RESOLVED** that the polls for the election shall be opened at seven o'clock a.m. on the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

**BE IT FURTHER RESOLVED** that the City Council of the City of San Rafael does hereby reaffirm that the number of words of the candidate's statement of qualifications for all San Rafael Municipal Elections shall be no more than 200 words, and the cost of printing of the candidate's statement of qualifications, determined by the Marin County Registrar of Voters

shall be borne by the candidate and not by the City of San Rafael, and that the cost shall be paid by the candidate at the time Nomination Papers are filed.

**BE IT FURTHER RESOLVED** that no additional materials shall be prepared to be sent on behalf of the candidate with the City of San Rafael Ballot/Voters Pamphlet.

**BE IT FURTHER RESOLVED** that in all particulars not recited in this resolution the election shall be held and conducted as provided by law for holding municipal elections in said City.

**BE IT FURTHER RESOLVED** that notice of the time and place of holding the election is hereby given and the City Clerk is hereby authorized, instructed and directed to give such further or additional notice of said election in time, form, and manner as required by law.

**BE IT FURTHER RESOLVED** that the City Clerk is directed to submit a certified copy of this Resolution to the Board of Supervisors of the County of Marin.

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the forgoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City held on Monday, the 6<sup>th</sup> day of June 2022, by the following vote, to wit:

AYES: COUNCILMEMBERS:

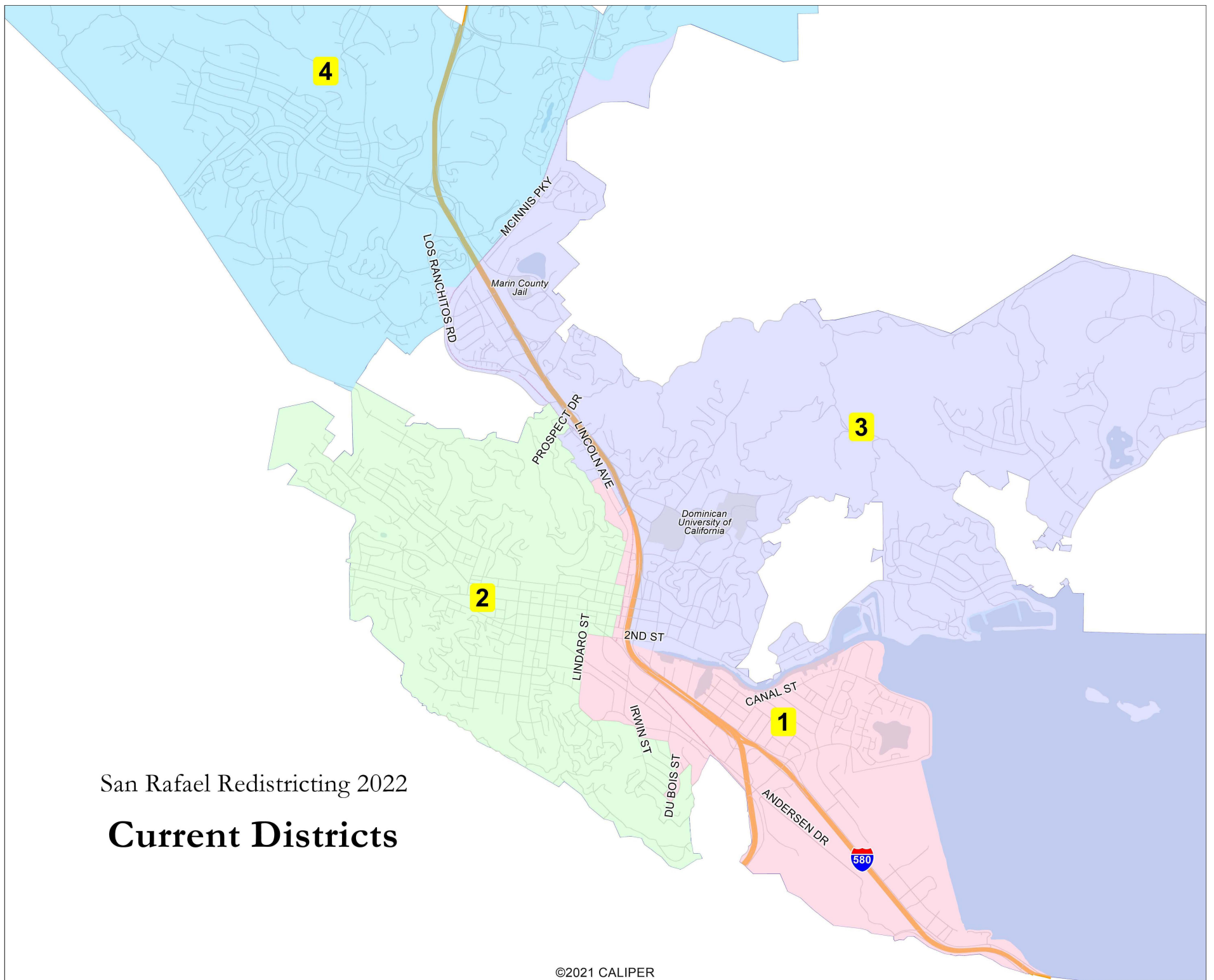
NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

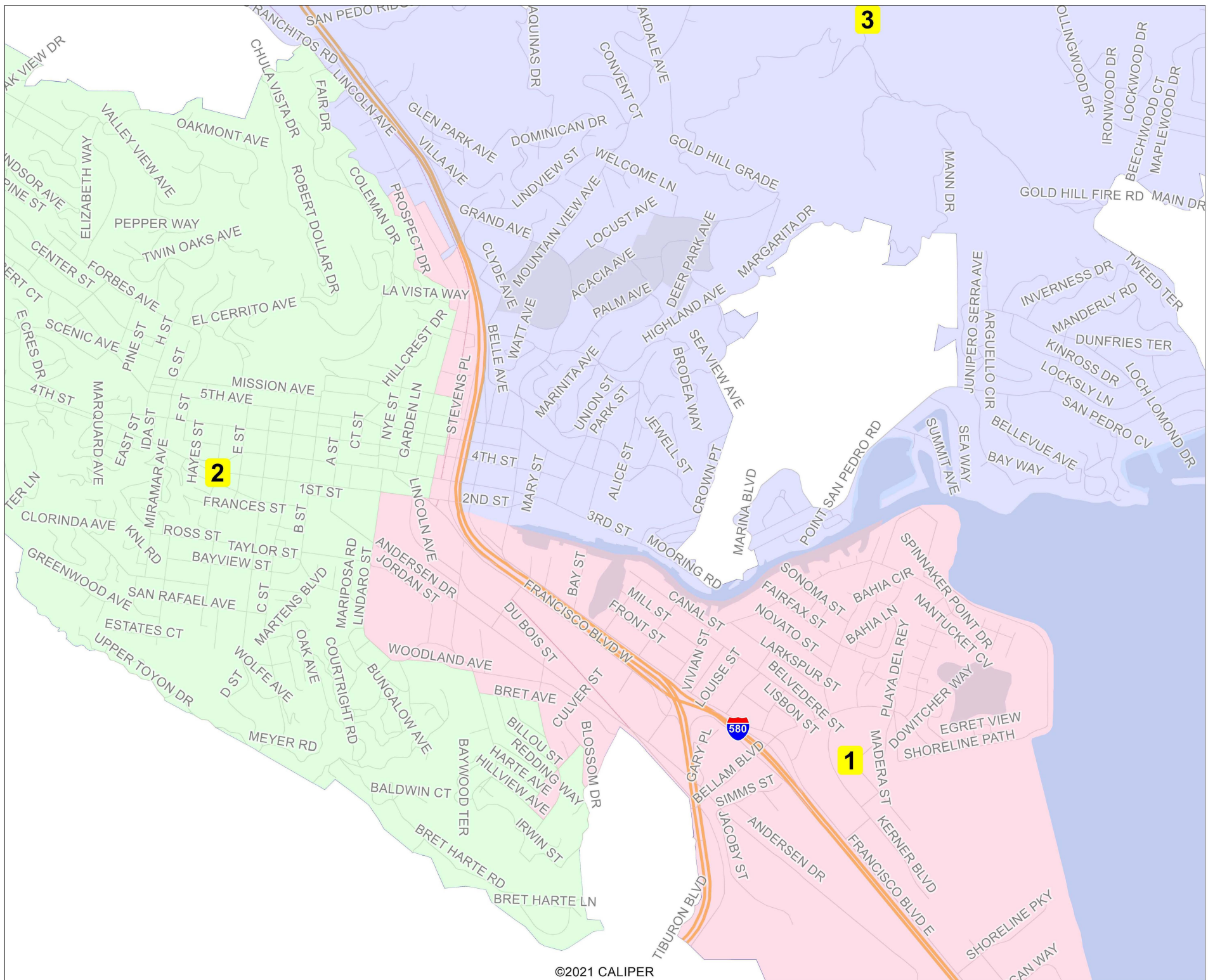
\_\_\_\_\_  
Lindsay Lara, City Clerk

San Rafael Redistricting 2022

## Current Districts

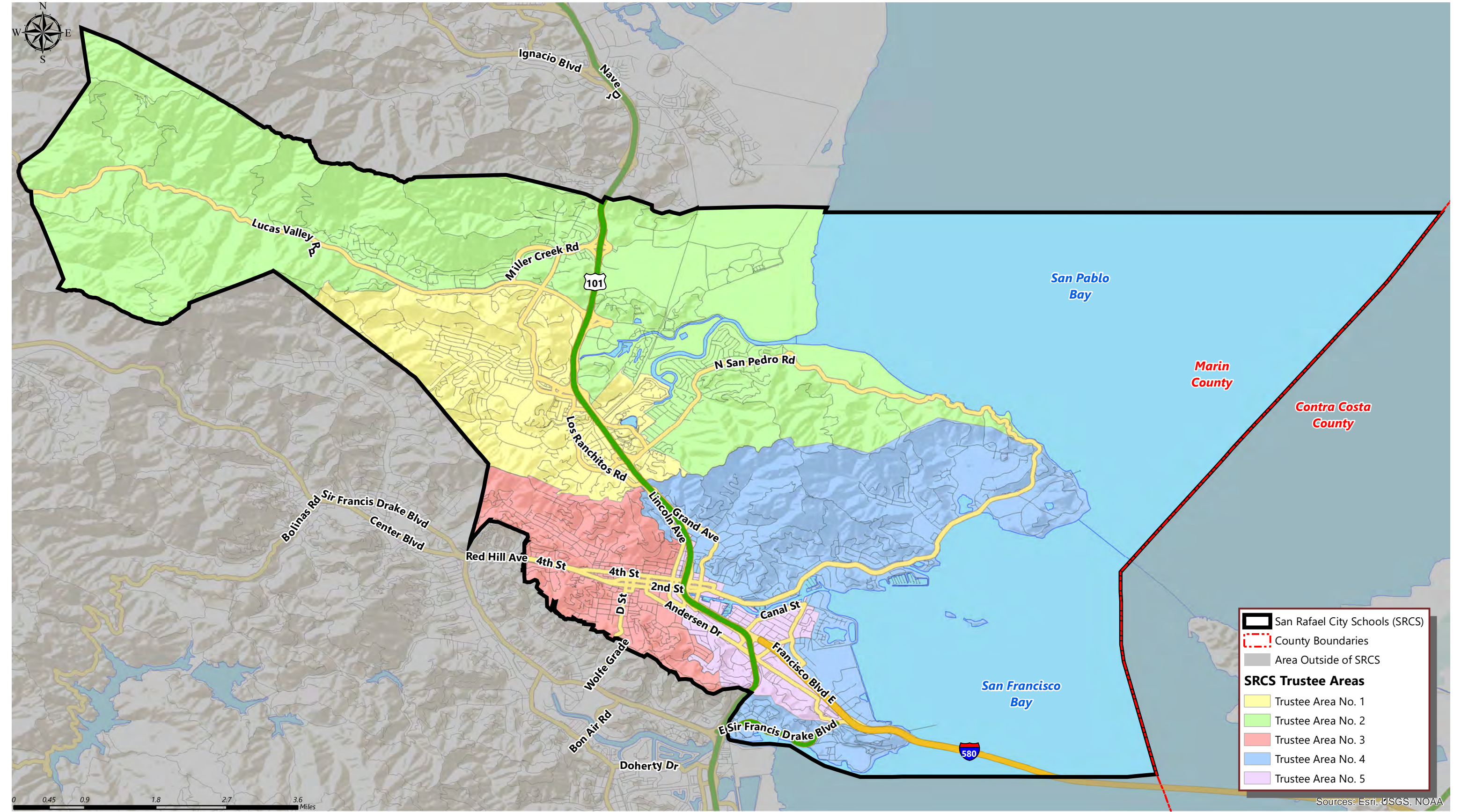




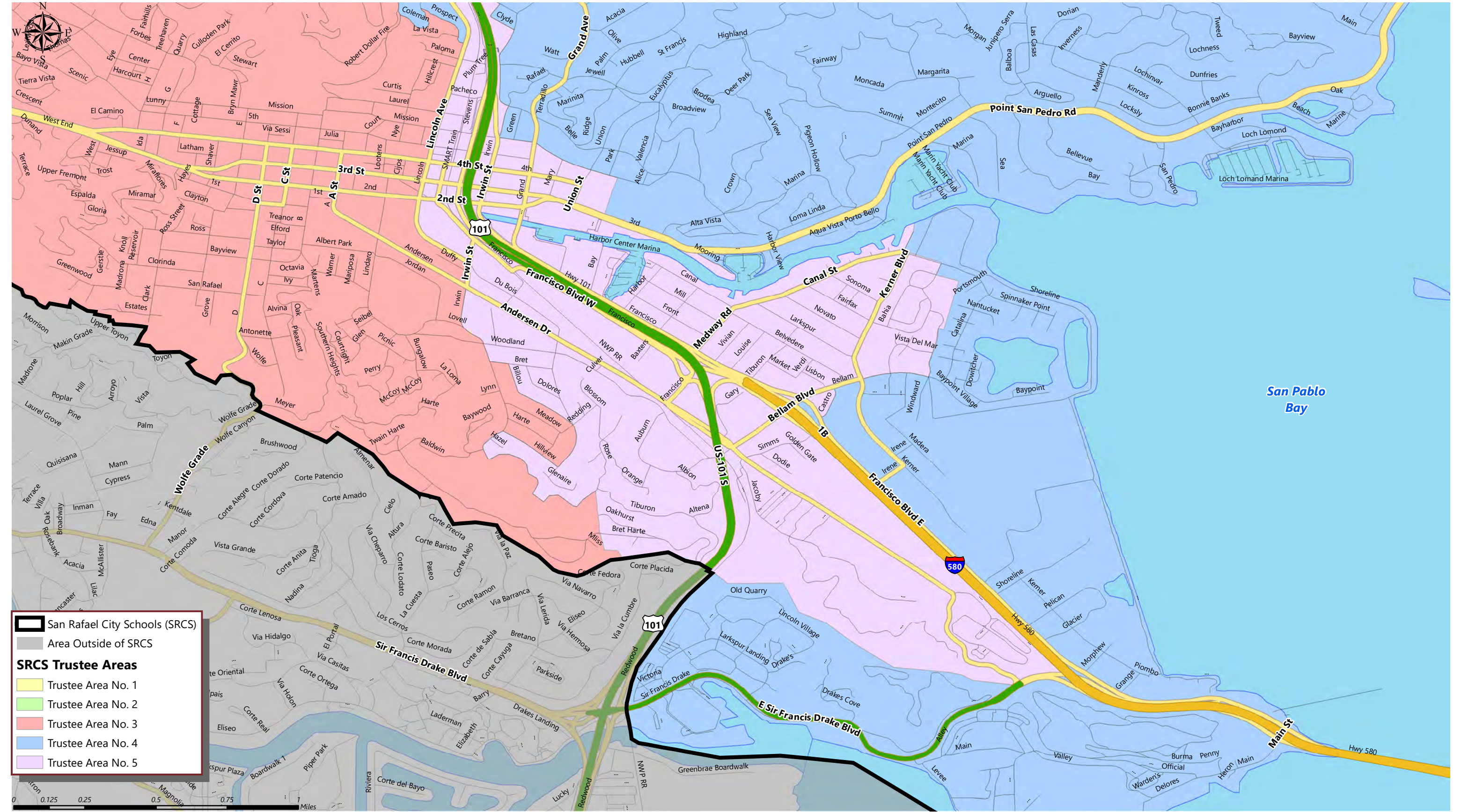


Current Districts						
District		1	2	3	4	Total
	Total Pop	14,853	15,732	14,720	16,028	61,333
	Deviation from ideal	-480	399	-613	695	1,308
	% Deviation	-3.13%	2.60%	-4.00%	4.53%	8.53%
Total Pop	% Hisp	79.8%	21%	21%	18%	34%
	% NH White	12%	65%	64%	64%	52%
	% NH Black	1%	2%	2%	2%	2%
	% Asian-American	5%	7%	9%	12%	8%
Citizen Voting Age Pop	Total	4,296	10,843	10,421	10,843	36,403
	% Hisp	42%	7%	10%	9%	12%
	% NH White	41%	84%	76%	80%	75%
	% NH Black	3%	3%	3%	1%	3%
	% Asian/Pac.Isl.	13%	5%	9%	8%	8%
Voter Registration (Nov 2020)	Total	3,340	10,501	9,653	10,440	33,934
	% Latino est.	33%	7%	7%	7%	10%
	% Spanish-Surnamed	30%	7%	7%	6%	9%
	% Asian-Surnamed	10%	3%	4%	4%	4%
	% Filipino-Surnamed	1%	1%	1%	1%	1%
	% NH White est.	54%	85%	86%	87%	83%
	% NH Black	3%	3%	2%	1%	2%
Voter Turnout (Nov 2020)	Total	2,637	9,288	8,610	9,231	29,766
	% Latino est.	30%	7%	6%	6%	9%
	% Spanish-Surnamed	28%	6%	6%	6%	8%
	% Asian-Surnamed	10%	3%	4%	4%	4%
	% Filipino-Surnamed	1%	1%	1%	1%	1%
	% NH White est.	56%	86%	87%	87%	84%
	% NH Black	3%	3%	2%	1%	2%
Voter Turnout (Nov 2018)	Total	1,858	7,801	7,233	7,691	24,583
	% Latino est.	22%	5%	6%	5%	7%
	% Spanish-Surnamed	21%	5%	5%	5%	6%
	% Asian-Surnamed	8%	3%	3%	4%	4%
	% Filipino-Surnamed	1%	0%	1%	1%	1%
	% NH White est.	64%	88%	88%	89%	86%
	% NH Black est.	3%	2%	2%	1%	2%
ACS Pop. Est.	Total	15,353	14,193	13,721	15,632	58,898
Age	age0-19	37%	17%	20%	23%	25%
	age20-60	54%	57%	44%	47%	50%
	age60plus	9%	25%	36%	31%	25%
Immigration	immigrants	48%	18%	19%	22%	27%
	naturalized	17%	38%	63%	48%	34%
Language spoken at home	english	25%	82%	76%	72%	64%
	spanish	67%	12%	11%	11%	25%
	asian-lang	4%	2%	5%	5%	4%
	other lang	3%	4%	8%	12%	7%
Language Fluency	Speaks Eng. "Less than Very Well"	48%	7%	9%	12%	19%
Education (among those age 25+)	hs-grad	32%	29%	28%	25%	28%
	bachelor	12%	37%	34%	34%	31%
	graduatedegree	8%	22%	24%	29%	22%
Child in Household	child-under18	51%	22%	23%	27%	29%
Pct of Pop. Age 16+	employed	73%	71%	57%	62%	66%
Household Income	income 0-25k	20%	12%	14%	11%	13%
	income 25-50k	24%	17%	14%	11%	16%
	income 50-75k	21%	12%	8%	15%	13%
	income 75-200k	25%	38%	36%	40%	36%
	income 200k-plus	10%	22%	28%	23%	22%
Housing Stats	single family	30%	53%	74%	60%	56%
	multi-family	70%	47%	26%	40%	44%
	rented	77%	58%	36%	37%	50%
	owned	23%	42%	64%	63%	50%
Total population data from the 2020 Decennial Census.						
Surname-based Voter Registration and Turnout data from the California Statewide Database.						
Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2015-2019 American Community Survey and Special Tabulation 5-year data.						

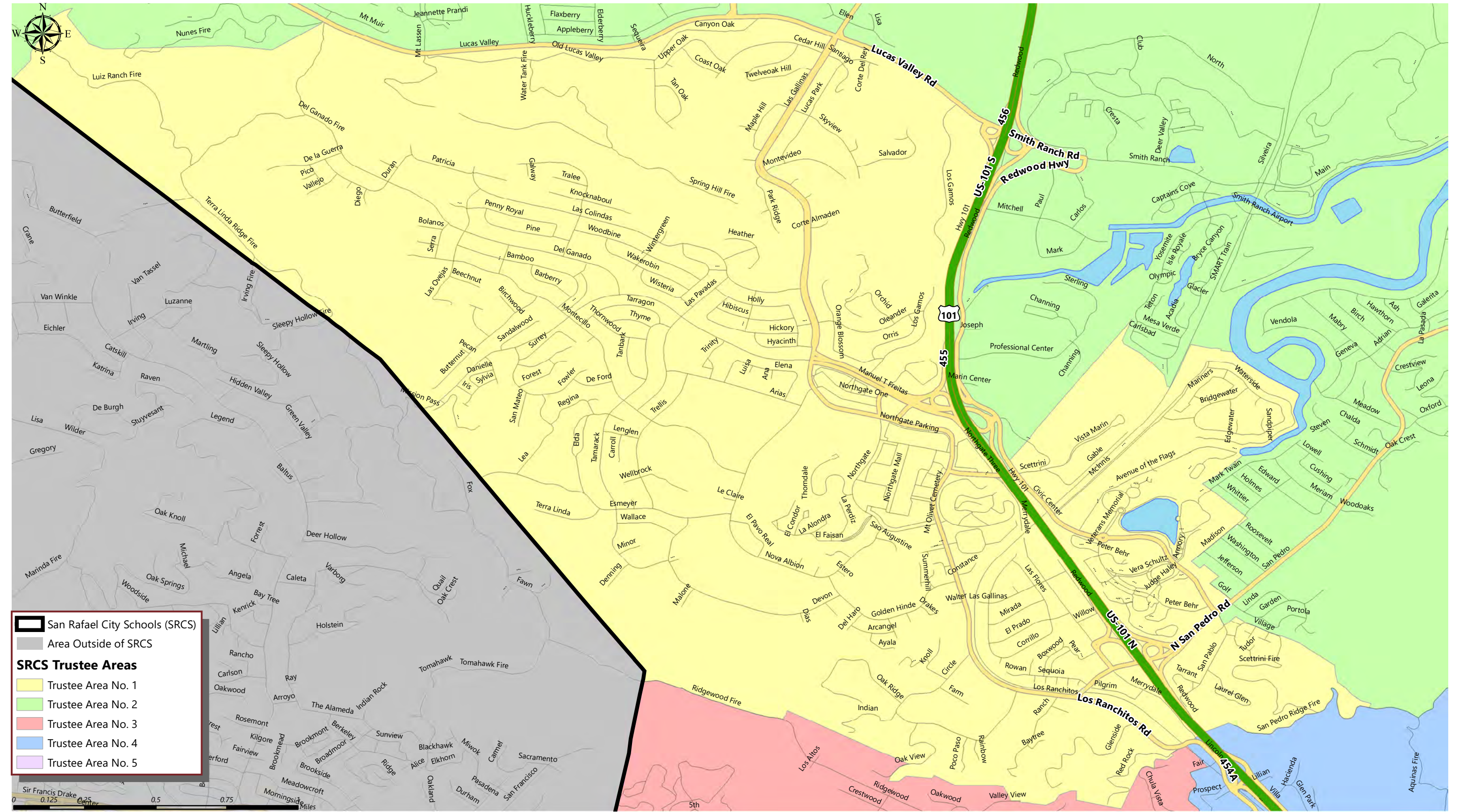
















**SAN RAFAEL**  
THE CITY WITH A MISSION

**Agenda Item No: 5.f**

**Meeting Date: June 6, 2022**

## **SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: ADMINISTRATIVE SERVICES/LIBRARY & RECREATION**

**Prepared by: Nadine Atieh Hade, Administrative  
Services Director  
Henry Bankhead, Assistant Library  
& Recreation Director/City  
Librarian**

**City Manager Approval:** \_\_\_\_\_

**TOPIC: ANNUAL ADJUSTMENT TO THE LIBRARY PARCEL TAX**

**SUBJECT: REPORT CONCERNING THE ANNUAL CONSUMER PRICE INDEX (CPI) RATE  
ADJUSTMENT FOR THE SPECIAL LIBRARY SERVICES PARCEL TAX FOR THE  
FISCAL YEAR JULY 1, 2022 THROUGH JUNE 30, 2023 AS SPECIFIED IN VOTER-  
APPROVED MEASURE D (SAN RAFAEL MUNICIPAL CODE CHAPTER 3.36)**

**RECOMMENDATION:** Accept report concerning the San Rafael Special Library Services Parcel Tax rate adjustment for Fiscal Year 2022-23, from July 1, 2022 through June 30, 2023, based upon the Consumer Price Index (CPI) as authorized by Section 3.36.030 of the San Rafael Municipal Code.

**BACKGROUND:** On June 7, 2016 San Rafael residents voted in favor of Measure D, amending SRMC Chapter 3.36 by extending, revising and increasing the existing Special Library Services Parcel Tax ("Tax") as adopted in Ordinance No. 1942 on [July 18, 2016](#). The Tax is required to be levied annually for nine (9) years commencing in fiscal year July 1, 2017 through June 30, 2018. SRMC section 3.36.030, Imposition of the Tax, requires an annual adjustment to the Tax rate commensurate with the annual percentage increase, if any, in the previous fiscal year to the San Francisco-Oakland-Hayward Price Index for All Urban Consumers ("CPI"), not to exceed three (3) percent annually. The Tax rate may not be adjusted downward.

**ANALYSIS:** Utilizing the Bureau of Labor Statistics - Western CPI Summaries (BLS-WS) for the San Francisco-Oakland-Hayward, CA, All Urban Consumers Index, the April 2021 Index was 309.419 and the April 2022 Index was 324.878 resulting in a twelve (12)-month composite index of 5% increase over the previous year's index. Because the SRMC caps the annual adjustment at no more than 3%, the Tax rate for the upcoming fiscal year should be increased by 3%.

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**FOR CITY CLERK ONLY**

**Council Meeting:** \_\_\_\_\_

**Disposition:** \_\_\_\_\_

The following table provides the Tax rate adjustments by parcel type.

**Section 3.36.030 Imposition of Tax:**

<b>Parcel Rate Types</b>	<b>FY 21-22 Rates</b>	<b>FY 22-23 Rates with 3% CPI Adjustment</b>
Single Family Residential Parcel	\$65.12	\$67.06
Multi-Family Residential or Other Residential Parcel	\$65.12 + \$11.04 per Living unit, in excess of one, up to a maximum of \$1,104.32 per year per parcel	\$67.06 + \$11.36 per Living unit, in excess of one, up to a maximum of \$1,137.44 per year per parcel
Non-Residential Parcel	\$65.12	\$67.06

Adjusting the Tax rate by the 3% CPI for the upcoming fiscal year 2022-23 is expected to increase the total amount of proceeds collected under the annual Measure D Tax by approximately \$33,211. In accordance with Measure D, the funds are used to provide and maintain library hours, equipment, materials, and services for children, teens, and adults. Additionally, an increase in revenue due to the CPI will help to offset the decrease in revenue seen annually due to the increasing number of Senior Exemptions filed for the tax.

**FISCAL IMPACT:** The application of the CPI increase is expected to generate approximately an additional \$33,211 in Measure D Tax revenue for the fiscal year 2022-23. These revenues are recorded in the Measure D special revenue fund.

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

1. Accept the report.
2. Direct staff to return with more information.
3. Take no action.

**RECOMMENDED ACTION:**

Accept report concerning the San Rafael Special Library Services Parcel Tax rate adjustment for Fiscal Year 2022-23, from July 1, 2022 through June 30, 2023, based upon the Consumer Price Index (CPI) as authorized by Section 3.36.030 of the San Rafael Municipal Code.



**SAN RAFAEL**  
THE CITY WITH A MISSION

**Agenda Item No: 5.g**

**Meeting Date: June 6, 2022**

**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Police Department**

**Prepared by: Glenn McElderry, Captain**

**City Manager Approval:** \_\_\_\_\_

**TOPIC: CRIME ANALYST SERVICES**

**SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR CRIME ANALYSIS SERVICES WITH LEXISNEXIS RISK SOLUTIONS, INC., IN AN AMOUNT OF \$146,675, AND APPROPRIATING THIS AMOUNT FROM THE SAFETY GRANT FUND TO SUPPORT THE AGREEMENT**

**RECOMMENDATION:** Staff recommends that the City Council adopt a resolution to renew for an eighth year an agreement for grant-funded crime analyst services as a resource for Marin County law enforcement agencies.

**BACKGROUND:** In 2011, California Governor Brown signed Assembly Bill 109 (AB 109), establishing the California Prison Realignment Plan, under which low-level offenders and parole violators are sent to county jail instead of state prison to serve their sentence. In FY 2012-13 the Board of State and Community Corrections (BSCC) allotted funds to cities throughout the state to address front line law enforcement needs arising from AB 109 offenders in our communities. Each county was to elect one city/town to be the fiscal agent for the funds. The City of San Rafael is the fiscal agent for Marin County. The goal of the funding is to enable a collective effort by municipal law enforcement agencies in each county to address criminal activity and an increase in calls for service due to realignment.

Law enforcement agencies in Marin County are challenged with fighting crime in a time of shrinking resources. As a result, the law enforcement agencies in Marin County face the challenge of deploying patrol resources and crime prevention units in the highest yield manner possible, focusing on those locations and times when crimes are most likely to occur. One means of addressing this challenge has been to create a regional information-sharing crime analyst position where participating agencies can share crime data to analyze trends, build crime pattern predictions and execute regional – as opposed to jurisdictional – response strategies while collaborating with resources. All parties share their crime information for a regional approach to recognizing trends and collaborating on solutions.

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**FOR CITY CLERK ONLY**

**Council Meeting:** \_\_\_\_\_

**Disposition:** \_\_\_\_\_

Accordingly, the Marin County Police Chiefs agreed in 2014 to use the BSCC funds, with additional funds from the Marin County Probation Department's AB 109 funds, to hire a regional crime analyst who provided crime data analysis to all the Marin law enforcement agencies. On March 3, 2014 the City Council approved a resolution authorizing an agreement, using these AB 109 funds, for professional services with BAIR Analytics, Inc. to provide a crime analyst for a period of one year as a countywide resource. Each year since 2014, on request of the Police Chiefs and recommendation of staff, the City Council has approved a resolution authorizing the City Manager to sign an amendment to the professional services agreement with LexisNexis Risk Solutions, Inc. ("LexisNexis"), the legal successor to BAIR Analytics, to extend the crime analyst services under the agreement through the following year. The current agreement covers through June 30, 2022.

**ANALYSIS:** During the contract, the analyst has:

- Conducted research and strategic crime analysis and identified crime patterns and trends;
- Analyzed long term crime patterns and trends using probability studies and complex statistical analyses;
- Developed and tested hypotheses; developed victim and suspect profiles;
- Forecasted future criminal activity;
- Prepared strategic action plans;
- Assisted operations and management personnel in planning deployment of resources;
- Made written and oral presentations;
- Identified series of crimes;
- Gathered data on criminal activity, probation and parole information to analyze crime trends;
- Used and maintained general and specialized computer applications to gather, categorize and analyze crime data as well as assist in dissemination of information pertinent to law enforcement; and
- Coordinated and participated in regional meetings of law enforcement management and crime analysis professionals to share information on crime patterns, risk analysis of known offenders, new methodologies and developing tools.

Each of Marin County's police agencies, as well as the Sheriff's Office and Adult Probation, have shared their records management data (including report narratives) with the crime analyst via secure computer links. The data has been used to compile different analytic reports such as: Predictive Analysis, Hot Spot Analysis, Trend Analysis, Space-Time Predication Analysis, and Geographic Profile Analysis.

The Marin County Police Chiefs have again decided to use the Marin County Police Chief's BSCC and the Marin County Probation AB 109 funds to renew the contract for the LexisNexis crime analyst for a new term of twelve months, through June 30, 2023.

**FISCAL IMPACT:** There is no direct fiscal impact to the City of San Rafael because the contract is funded by Marin County Probation AB 109 funds and the Marin County Police Chiefs' BSCC funds. The funds to support this contract will be deposited to and appropriated from the Safety Grant Fund. The original Agreement with BAIR Analytics, Inc. was for one year for a flat fee of

\$125,000. Over eight years, subsequent amendments and agreements with LexisNexis, Inc. have increased the yearly cost. The current agreement is a flat annual fee of \$143,799. The proposed new agreement with LexisNexis (Attachment 2) is for 12 months, beginning July 1, 2022 and ending June 30, 2023, for a total flat annual fee of \$146,675.

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

1. Approve the Resolution as proposed to approve a new agreement for crime analyst services.
2. Give direction to staff for changes to the recommendations.
3. Direct staff to develop alternatives to the recommendations.

**RECOMMENDED ACTION:** Adopt a resolution authorizing the City Manager to execute an agreement with LexisNexis Inc. for crime analyst services from July 1, 2022 through June 30, 2023, in an amount of \$146,675.

**ATTACHMENTS:**

1. Resolution
2. Proposed Analyst for Hire Agreement



## **RESOLUTION NO.**

### **RESOLUTION OF THE SAN RAFAEL CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR CRIME ANALYSIS SERVICES WITH LEXISNEXIS RISK SOLUTIONS, INC., IN AN AMOUNT OF \$146,675, AND APPROPRIATING THIS AMOUNT FROM THE SAFETY GRANT FUND TO SUPPORT THE AGREEMENT**

**WHEREAS**, in 2011, California Governor Brown signed Assembly Bill 109 (AB 109), establishing the California Prison Realignment Plan, under which low-level offenders and parole violators are sent to county jail instead of state prison to serve their sentence; and

**WHEREAS**, in Fiscal Year 2012-13, the California Board of State and Community Corrections (BSCC) allotted funds to cities throughout the state to enable a collective effort by municipal law enforcement agencies in each county to address criminal activity and an increase in calls for service due to realignment; and

**WHEREAS**, each county was to elect one city/town to be the fiscal agent for the funds and the City of San Rafael was chosen as the fiscal agent for Marin County; and

**WHEREAS**, in 2014, the Marin County Police Chiefs agreed to use their departments' BSCC funds, with additional funds from the Marin County Probation Department's AB 109 funds, to hire a regional crime analyst to provide crime data analysis to all Marin County law enforcement agencies; and

**WHEREAS**, on March 3, 2014, the City Council approved a resolution authorizing an agreement to use these funds to obtain professional crime analyst services from BAIR Analytics, Inc. for a period of one year, as a countywide resource; and the agreement has been renewed with BAIR Analytics, Inc. and subsequently to that company's successor, LexisNexis Risk Solutions, Inc. (LexisNexis), continuously since; and

**WHEREAS**, the current agreement with LexisNexis is scheduled to expire on June 30, 2022 and the Marin County Police Chiefs wish to renew the agreement for another one-year term; and

**WHEREAS**, the City of San Rafael will again act as the fiduciary agent and project manager for the agreement, on behalf of the law enforcement agencies in Marin County; and

**WHEREAS**, the cost of the crime analysis services under the renewed agreement will again be supported by funds provided by Marin County Probation AB 109 funds and the Marin County Police Chiefs' BSCC funding, to be deposited in the City's Safety Grant Fund.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of San Rafael hereby approves and authorizes the City Manager to execute an Analyst for Hire Agreement with LexisNexis Risk Solutions Inc., in an amount of \$146,675, subject to final approval as to form by the City Attorney.

**BE IT FURTHER RESOLVED**, that the City Council of the City of San Rafael appropriates \$146,675 from the City's Safety Grant Fund to support this Agreement.

**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 the 6<sup>th</sup> day of June 2022, by the following vote, to wit:

**AYES: COUNCILMEMBERS:**

**NOES: COUNCILMEMBERS:**

**ABSENT: COUNCILMEMBERS:**

Lindsay Lara, City Clerk

**SCHEDULE A**  
**Analyst for Hire**  
**Accurint Virtual Crime Center**  
**Online (Subscription)**

Customer Name:	<u>City of San Rafael on behalf of the San Rafael Police Department</u>
Billgroup #:	<u>1616930</u>
LN Account Manager:	<u>Elizabeth Marshall</u>

This Schedule A sets forth additional or amended terms and conditions for the use of the Analyst for Hire and Accurint Virtual Crime Center services ("LN Services"), as set forth in the services agreement for the LN Services between Customer and the LexisNexis Risk Solutions entity as further defined therein ("Agreement"), to which this Schedule A is incorporated by reference. For purposes of the Agreement and this Schedule A, all LexisNexis Risk Solutions affiliates shall be individually and collectively referred to as "LN". The LN Services herein shall be provided by LexisNexis Risk Solutions FL Inc.. Customer acknowledges that the services provided under this Schedule A are non-FCRA services and are not "consumer reports" within the meaning of the FCRA and Customer agrees not to use such reports in any manner that would cause them to be characterized as "consumer reports".

**1. SCHEDULE A TERM**

The term of this Schedule A will be 12 months beginning July 1, 2022 and ending June 30, 2023 (the "Term"). If an account is activated after the first day of a calendar month, charges will not be pro-rated.

**2. ANALYST FOR HIRE ("AFH")**

**2.1 AFH Annual Fee:** Beginning on the effective date hereof, Customer shall pay to LN \$146,674.61 ("AFH Annual Fee"), to be invoiced in equal monthly installments, in exchange for the professional service of one (1) Analyst for Hire ("AFH User").

**3. ACCURINT VIRTUAL CRIME CENTER ("AVCC")**

**3.1** The AFH Annual Fee includes unlimited use of Accurint Virtual Crime Center, Accurint for Law Enforcement, Accurint for Law Enforcement Plus (as further described in Section 2.2) and Accurint for Law Enforcement Mobile.

**3.2 Accurint for Law Enforcement Plus Subscription:** All of the searches and reports included in the attached Price Schedules are referred to as the "Features". The AFH Annual Fee includes unlimited access to all Features, excluding those Features identified herein as Excluded Features but including the Premium Features listed in Section 2.3.

**3.3 Accurint for Law Enforcement Plus Premium Features:** Email Search Premium, Real Time Phones, Real Time MVR and Virtual Identity Search & Report, including when these features are report components.

**3.4 Features Not Included:** The following Features ("Excluded Features") are not included in the AFH Annual Fee and shall in all cases be charged separately according to the pricing specified in the attached Price Schedule:

Advanced Sexual Offender Search
Bankruptcy Docket Sheet
Bankruptcy Documents
Canadian Phones
Comprehensive Healthcare Business and Provider Report
Court Search Wizard
DE Corporation Search and Report
FCRA Credit Reports

Flat Rate Comprehensive Healthcare Business and Provider Report
Identity Authenticate
Identity Verification
Law Enforcement Location Report
MVR Reports (Driving Records)
National Motor Vehicle Accident Search and Report
News Searches
Online Batch Services
Property Deed Image
Provider Report Card
Provider Sanction Search and Report
Provider Search and Report
Real Time Person Search
Workplace Locator
XML

***LN standard pricing will be in effect for any new features made generally available by LN subsequent to the execution of this Schedule A.***

**3.5 Amounts Payable:** Customer agrees to pay LN in accordance with any invoice for the fees set forth above.

#### **4. EXPIRATION**

Unless otherwise accepted by LN, the terms herein are valid if the Schedule A is signed by the Customer and received by LN on or before **June 20, 2022**.

#### **5. CLOUD SERVICES**

LN is executing a multi-year plan to move certain LexisNexis Risk Solutions products and services to Microsoft Azure Cloud services. Should you have questions regarding this plan, please document and send them via email to [cloudquestions@lexisnexisrisk.com](mailto:cloudquestions@lexisnexisrisk.com).

#### **6. CONFIDENTIAL INFORMATION**

This Schedule A contains the confidential pricing information of LN. Customer acknowledges that the disclosure of such pricing information could cause competitive harm to LN, and as such, Customer agrees to maintain this Schedule A in trust and confidence and take reasonable precautions against disclosure to any third party to the extent permitted by local and state law.

**AGREED TO AND ACCEPTED BY: City of San Rafael on behalf of the San Rafael Police Department**

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

# Accurint for Law Enforcement Plus

(Updated August 12, 2021)

(Plan 44)

(Pricing is per hit unless otherwise indicated. All searches/reports with a price of \$0.00 are considered "Standard Features" and are included in Subscription plan.)

PRICE SCHEDULE (Subscription)	
ACCURINT FOR LAW ENFORCEMENT PLUS FEATURES	PRICE
Accurint Mapping (Charged per layer)	\$0.00
Advanced Motor Vehicle Search	\$0.00
Advanced Person Alerts Update	\$0.00
Advanced Person Search	\$0.00
Advanced Sexual Offender Search	\$2.00
Automated Valuation Model (AVM) Report	\$0.00
Bankruptcies, Liens & Judgments Search	\$0.00
Bankruptcy Search	\$0.00
Bankruptcy Report	\$0.00
Boolean Search	\$0.00
Business Search	\$0.00
Businesses In The News (not discountable)	\$5.00
Civil Courts Search (Report Included)	\$0.00
CLIA Report	\$0.00
Corporation Filings (Report Included Except In Delaware)	\$0.00
Criminal Records	\$0.00
Criminal Records Report	\$0.00
DEA Controlled Substances License Search	\$0.00
Death Records	\$0.00
Death Records Report	\$0.00
Driver Licenses	\$0.00
Dun & Bradstreet Search (not discountable)	\$0.25
Dun & Bradstreet Report (not discountable)	\$3.75
Email Search Premium (not discountable)	\$0.40
FAA Aircraft (Report Included)	\$0.00
FAA Certifications (Report Included)	\$0.00
Federal Civil Court Records Search	\$0.00
Federal Criminal Court Records Search	\$0.00
Federal Firearms & Explosives	\$0.00
Federal Employer ID Numbers (FEIN)	\$0.00
Fictitious Business Name	\$0.00
Foreclosures Search (Report Included)	\$0.00
Hunting/Fishing Licenses	\$0.00
Identity Authenticate (charged per search)	\$1.25
Identity Verification (charged per search)	\$0.60
Liens & Judgments	\$0.00
Lineup	\$0.00
Marriages / Divorces Search	\$0.00

## Customized Schedule A

Analyst for Hire + Accurint Virtual Crime Center

Any unauthorized revisions to this Schedule A by Customer after receipt of the final version from LN shall be considered unenforceable, and may void this Schedule A at the option of LN.

Motor Vehicles Search	\$0.00
Motor Vehicles Report	\$0.00
National Motor Vehicle Accident Search & Report (not discountable)	\$3.00
National UCC Filings (Report Included)	\$0.00
NCPDP (National Council for Prescription Drug Programs) Search	\$0.00
NCPDP (National Council for Prescription Drug Programs) Report	\$0.00
NPI Data Search	\$0.00
NPI Report	\$0.00
Passport Validation	\$0.00
People At Work Search	\$0.00
People In The News (not discountable)	\$5.00
Person Alerts Monitoring (Monthly Monitoring Transactions Per Acct.) (Alerts Charged At Regular Price)	--
-1 - 50	\$0.00
-51 - 250	\$0.00
-251 - 500	\$0.00
-501 - 1,000	\$0.00
-1,001 - 5,000	\$0.00
-5,001 - 25,000	\$0.00
-25,001 - 100,000	\$0.00
Person Search	\$0.00
Phones Plus	\$0.50
Professional Licenses (Report Included)	\$0.00
Property Deed Search	\$0.00
Property Assessment Search	\$0.00
Property Assessment Report	\$0.00
Property Deed Report (excluding Deed Image)	\$0.00
Provider Search	\$0.25
Provider Report	\$5.00
Provider Report Card (charged per search)	\$5.00
Provider Sanction Search (charged per search)	\$0.25
Provider Sanction Report	\$5.00
Real Time Phone Search	\$0.50
Relavint Plus Link Analysis (per diagram)	\$0.00
Reverse Lookup	\$0.00
Sexual Offenders (Report Included)	\$0.00
USA Patriot Act	\$0.00
Virtual Identity Search & Report	\$2.00
Watercraft	\$0.00
Watercraft Report	\$0.00
Wildcard Search	\$0.00
WorkPlace Locator (not discountable)	\$3.50
<b>Reports</b>	
Asset Report: Property Deeds & Assessments, Vehicle Registrations, Watercraft, FAA Pilots, FAA Aircraft, and UCC Filings.	\$0.00
Business Link Report	\$0.00

**Customized Schedule A**

Analyst for Hire + Accurint Virtual Crime Center

Any unauthorized revisions to this Schedule A by Customer after receipt of the final version from LN shall be considered unenforceable, and may void this Schedule A at the option of LN.

Comprehensive Report (Best Value): Summary Report, Associates, Bankruptcy, Concealed Weapons Permits, Criminal Records, DEA Controlled Substances License Search, Driver's Licenses, Email Search Premium, FAA Aircraft, FAA Pilots, Federal Firearms & Explosives License Search, Hunting/Fishing Permits, Liens/Judgments, National Motor Vehicle Accident Search & Report, Neighbors, People at Work, Phones Plus, Possible Education, Professional Licenses, Property, Relatives (3 Degrees), Sexual Offenders, UCC Filings, Vehicle Registrations, Voter Registration and Watercraft.	\$0.00
Additional Report Options:	--
-Real Time Phone Search (not discountable)	\$0.50
Contact Card Report: Summary Report: Names Associated with Subject, Contact List: At Home, At Work, Through Family, Through Associates, Through Neighbors, Possible Relocation, Email Search Premium, Address Summary and Phones Plus (optional).	\$0.00
Finder Report: Address Summary, Others Using SSN, Date/Location Where SSN Issued, Phone Summary, Current Listed Phones, Unverified Phones With Type And Date Indicators, Current Neighbor Phones, Possible Relative Phones (2 Degrees), Possible Associate Phones, Phones At Historical Addresses, Email Search Premium, Bankruptcy Filings And Corporate Affiliations.	\$0.00
Law Enforcement Location Report (charged per search)	\$1.00
Relatives, Neighbors, & Associates Report	\$0.00
Comprehensive Address Report: (Base Report Features: Current And Previous Residents And Phones At Address)	\$0.00
Additional Report Options:	--
-Bankruptcy	\$0.00
-Businesses At Address	\$0.00
-Concealed Weapons Permit Search	\$0.00
-Criminal Records Search	\$0.00
-Criminal Records Report	\$0.00
-Driver Licenses At Address	\$0.00
-Hunting/Fishing License Search	\$0.00
-Liens And Judgments	\$0.00
-Motor Vehicles Registered At Address	\$0.00
-Neighborhood Profile (2010 Census)	\$0.00
-Neighbors At Address	\$0.00
-Property Ownership Current / Previous	\$0.00
-Sexual Offenders Search (Report Included)	\$0.00
Comprehensive Business Report (Base Report Features: Name and TIN Variations, Parent Company, and Industry Information)	\$0.00
Additional Report Options:	--
-Associated Businesses	\$0.00
-Associated People	\$0.00
-Bankruptcy	\$0.00
-Business Registrations	\$0.00
-Corporation Filings	\$0.00
-Dun & Bradstreet Records (not discountable)	\$3.75
-Liens and Judgments	\$0.00
-Motor Vehicles	\$0.00
-Properties	\$0.00

**Customized Schedule A**

Analyst for Hire + Accurint Virtual Crime Center

Any unauthorized revisions to this Schedule A by Customer after receipt of the final version from LN shall be considered unenforceable, and may void this Schedule A at the option of LN.

-UCC Filings	\$0.00
Custom Comprehensive Report (Base Report Features: Others Using Same SSN, Date and Location where SSN Issued, Company Header, Address Summary, Possible Education, Comprehensive Report Summary)	\$0.00
Additional Report Options:	--
-Associates	\$0.00
-Bankruptcy	\$0.00
-Criminal Records	\$0.00
-DEA Controlled Substances License Search	\$0.00
-Driver Licenses Information	\$0.00
-Email Search Premium (not discountable)	\$0.40
-Federal Firearms & Explosives License Search	\$0.00
-Liens And Judgments	\$0.00
-Motor Vehicle(s) Registration (Watercraft & Boat Trailers Included)	\$0.00
-National Motor Vehicle Accident Search & Report	\$0.00
-Neighborhood Profile (2010 Census)	\$0.00
-Neighbors (Up To 6 Neighbors At 10 Different Addresses)	\$0.00
-People At Work	\$0.00
-Phones Plus	\$0.50
-Professional Licenses (Report Included)	\$0.00
-Properties	\$0.00
-Real Time Phone Search (not discountable)	\$0.50
-Real Time Vehicle Registrations (charged per search) (not discountable)	\$3.50
-Relatives (Up to 3 Degrees of Separation)	\$0.00
-Sexual Offenders	\$0.00
-Supplemental Data Sources	\$0.00
-UCC Filings	\$0.00
Flat Rate Comprehensive Healthcare Business Report (includes Base Report Features and Additional Report Options listed below)	\$10.00
Comprehensive Healthcare Business Report (Base Report Features: Name, Address and Phone Variations; Parent Company, ID Numbers and Industry Information)	\$0.50
Additional Report Options:	--
-Associated Businesses	\$1.00
-Associated People	\$1.00
-Bankruptcy (charged per search)	\$1.00
-Business Phone Matches	\$0.25
-Business Registrations	\$0.25
-Corporation Filings	\$1.00
-Dun & Bradstreet Records (not discountable)	\$3.75
-FAA Aircraft	\$0.25
-IRS 5500	\$0.50
-Liens And Judgments (charged per search)	\$0.25
-Motor Vehicles	\$0.75
-Properties	\$1.00
-Sanctions	\$0.50
-UCC Filings	\$0.50

**Customized Schedule A**

Analyst for Hire + Accurint Virtual Crime Center

Any unauthorized revisions to this Schedule A by Customer after receipt of the final version from LN shall be considered unenforceable, and may void this Schedule A at the option of LN.



-Verification	\$0.75
-Watercraft	\$1.00
Flat Rate Comprehensive Healthcare Provider Report (includes Base Report Features and Additional Report Options listed below)	\$6.00
Comprehensive Healthcare Provider Report (Base Report Features: Gender, Date of Birth, Social Security Number, Tax ID(s) UPIN and NPI number)	\$0.50
Additional Report Options:	--
-Additional Deceased Data Sources	\$0.00
-Associates	\$0.00
-Bankruptcy (charged per search) (not discountable)	\$0.25
-Business Address Summary	\$0.25
-Business Affiliations	\$0.50
-Business Phone Matches	\$0.25
-DEA Licenses	\$0.25
-Degrees	\$0.00
-Education	\$0.50
-Group Affiliations	\$0.50
-GSA Sanctions (charged per search)	\$0.50
-Hospital Affiliations	\$0.50
-Liens And Judgments (charged per search)	\$0.25
-Medical Licenses (charged per search)	\$1.00
-Possible Criminal Records (charged per search)	\$0.25
-Professional Licenses (charged per search)	\$1.00
-Sanctions (Disciplinary) (charged per search)	\$0.50
-Sexual Offenses (charged per search)	\$1.00
-Specialties	\$0.00
-Verification	\$0.75
<b>Online Batch</b>	
Advanced Person Search	\$0.50
Batch Person Search	\$0.50
Batch Telephone	\$0.10
Deceased Person	\$0.25
Real Time Phone Search	\$0.50

**Customized Schedule A**

Analyst for Hire + Accurint Virtual Crime Center

Any unauthorized revisions to this Schedule A by Customer after receipt of the final version from LN shall be considered unenforceable, and may void this Schedule A at the option of LN.

# Accurint for Law Enforcement

(Updated August 12, 2021)  
(Plan 44)

(Pricing is per hit unless otherwise indicated. All searches/reports with a price of \$0.00 are considered "Standard Features" and are included in Subscription plan.)

PRICE SCHEDULE (Subscription)	
ACCURINT FOR LAW ENFORCEMENT FEATURES	PRICE
Advanced Motor Vehicle Search	\$0.00
Advanced Person Alerts Update	\$0.00
Advanced Person Search	\$0.00
Automated Valuation Model (AVM) Report	\$0.00
Associates ("Next Steps")	\$0.00
Bankruptcies, Liens & Judgments Search	\$0.00
Bankruptcy Search	\$0.00
Bankruptcy Report	\$0.00
Bankruptcy Docket Sheet (\$0.50 For First 5 Pages & \$0.20 Per Page Thereafter) (not discountable)	\$0.50
Bankruptcy Documents (Per Page, Up To Max Charge Of \$6 Per Document) (not discountable)	\$0.20
Boolean Search	\$0.00
Business Credit	\$0.00
Business Credit Report	\$0.00
Business Search	\$0.00
Businesses In The News (not discountable)	\$5.00
Canadian Phones	\$0.40
Civil Courts Search (Report Included)	\$0.00
CLIA Report	\$0.00
Concealed Weapons Permit	\$0.00
Corporation Filings (Report Included Except In Delaware)	\$0.00
Court Search Wizard (Additional Fees May Apply; Orders Are Non-Refundable)	--
-County Civil Lower & Upper Court - 7 Year (not discountable)	\$35.00
-County Civil Lower & Upper Court - 10 Year (not discountable)	\$40.00
-County Criminal - 7 Year (not discountable)	\$25.00
-County Criminal - 10 Year (not discountable)	\$30.00
-Federal Division Civil - 7 Year (not discountable)	\$16.00
-Federal Division Civil - 10 Year (not discountable)	\$25.00
-Federal Division Criminal - 7 Year (not discountable)	\$16.00
-Federal Division Criminal - 10 Year (not discountable)	\$25.00
-Statewide Criminal (not discountable)	\$24.00
Criminal Records	\$0.00
Criminal Records Report	\$0.00
DEA Controlled Substances License Search	\$0.00
Death Records	\$0.00
Death Records Report	\$0.00
Delaware Corporations (not discountable)	\$1.00

## Customized Schedule A

Analyst for Hire + Accurint Virtual Crime Center

Any unauthorized revisions to this Schedule A by Customer after receipt of the final version from LN shall be considered unenforceable, and may void this Schedule A at the option of LN.

Delaware Corporations Report (not discountable)	\$11.00
Disclosed Entity Service	\$0.00
Driver Licenses	\$0.00
Dun & Bradstreet Search (not discountable)	\$0.25
Dun & Bradstreet Report (not discountable)	\$3.75
Email Search Premium (not discountable)	\$0.40
FAA Aircraft (Report Included)	\$0.00
FAA Pilots (Report Included)	\$0.00
Federal Civil Court Records Search	\$0.00
Federal Criminal Court Records Search	\$0.00
Federal Firearms & Explosives	\$0.00
Federal Employer ID Numbers (FEIN)	\$0.00
Fictitious Business Name	\$0.00
Foreclosures Search (Report Included)	\$0.00
Hunting/Fishing Licenses	\$0.00
Identity Authenticate (charged per search)	\$1.25
Identity Verification (charged per search)	\$0.60
Law Enforcement Location Report (charged per search)	\$1.00
Liens & Judgments	\$0.00
Liens & Judgments Report	\$0.00
Marriages / Divorces Search	\$0.00
Motor Vehicles Search	\$0.00
Motor Vehicles Report	\$0.00
MVR Reports (Driving Records)** (plus state fee) (charged per search) (not discountable)	\$6.00
** Coverage and state fees are available in the product and are subject to change	--
MVR Wildcard Search	\$0.00
National Motor Vehicle Accident Search & Report (not discountable)	\$3.00
National UCC Filings (Report Included)	\$0.00
NCPDP (National Council for Prescription Drug Programs) Search	\$0.00
NCPDP (National Council for Prescription Drug Programs) Report	\$0.00
Neighbors ("Next Steps")	\$0.00
NPI Data Search	\$0.00
NPI Report	\$0.00
Passport Validation	\$0.00
People At Work Search	\$0.00
People In The News (not discountable)	\$5.00
Person Alerts Monitoring (Monthly Monitoring Transactions Per Acct.) (Alerts Charged At Regular Price)	--
-1 - 50	\$0.00
-51 - 250	\$0.00
-251 - 500	\$0.00
-501 - 1,000	\$0.00
-1,001 - 5,000	\$0.00
-5,001 - 25,000	\$0.00

**Customized Schedule A**

Analyst for Hire + Accurint Virtual Crime Center

Any unauthorized revisions to this Schedule A by Customer after receipt of the final version from LN shall be considered unenforceable, and may void this Schedule A at the option of LN.

-25,001 - 100,000	\$0.00
Professional Licenses (Report Included)	\$0.00
Property Deed Search	\$0.00
Property Assessment Search	\$0.00
Property Assessment Report	\$0.00
Property Deed Report (excluding Deed Image)	\$0.00
Property Deed Image (additional charge when ordered from within Property Reports) (not discountable)	\$8.00
Property Search (Property Assessments, Deeds & Mortgages)	\$0.00
Property Report (Property Assessments, Deeds & Mortgages, excluding Deed Image)	\$0.00
Provider Search	\$0.25
Provider Report	\$5.00
Provider Report Card (charged per search)	\$5.00
Provider Sanction Search (charged per search)	\$0.25
Provider Sanction Report	\$5.00
Real Time Person Search (charged per search)	\$3.50
Real Time Phone Search	\$0.50
Relatives ("Next Steps")	\$0.00
Relatives, Neighbors & Associates ("Next Steps")	\$0.00
Relavint Visual Link Analysis (Per Diagram)	\$0.00
Satellite Image Search	\$0.00
Sexual Offenders (Report Included)	\$0.00
USA Patriot Act	\$0.00
Virtual Identity Search & Report	\$2.00
Voter Registrations	\$0.00
Watercraft	\$0.00
Watercraft Report	\$0.00
WorkPlace Locator (not discountable)	\$3.50
<b>Reports</b>	
Asset Report: Property Deeds & Assessments, Vehicle Registrations, Watercraft, FAA Pilots, FAA Aircraft, and UCC Filings.	\$0.00
Business Link Report	\$0.00
Comprehensive Report (Best Value): Summary Report, Associates, Bankruptcy, Concealed Weapons Permits, Criminal Records, DEA Controlled Substances License Search, Driver's Licenses, Email Search Premium, FAA Aircraft, FAA Pilots, Federal Firearms & Explosives License Search, Hunting/Fishing Permits, Liens/Judgments, National Motor Vehicle Accident Search & Report, Neighbors, People at Work, Phones Plus, Possible Education, Professional Licenses, Property, Relatives (3 Degrees), Sexual Offenders, UCC Filings, Vehicle Registrations, Voter Registration and Watercraft.	\$0.00
Additional Report Options:	--
-Real Time Phone Search (not discountable)	\$0.50
Contact Card Report: Summary Report: Names Associated with Subject, Contact List: At Home, At Work, Through Family, Through Associates, Through Neighbors, Possible Relocation, Email Search Premium, Address Summary and Phones Plus (optional).	\$0.00
Finder Report: Address Summary, Others Using SSN, Date/Location Where SSN Issued, Phone Summary, Current Listed Phones, Unverified Phones With Type And	\$0.00

**Customized Schedule A**

Analyst for Hire + Accurint Virtual Crime Center

Any unauthorized revisions to this Schedule A by Customer after receipt of the final version from LN shall be considered unenforceable, and may void this Schedule A at the option of LN.

Date Indicators, Current Neighbor Phones, Possible Relative Phones (2 Degrees), Possible Associate Phones, Phones At Historical Addresses, Email Search Premium, Bankruptcy Filings And Corporate Affiliations.	
Summary Report: Address Summary, Others Using SSN, Date/Location Where SSN Issued, Census Data, Bankruptcy Indicator, Property Indicator And Corporate Affiliations Indicator.	\$0.00
Comprehensive Address Report: (Base Report Features: Current And Previous Residents And Phones At Address)	\$0.00
Additional Report Options:	--
-Bankruptcy	\$0.00
-Businesses At Address	\$0.00
-Concealed Weapons Permit Search	\$0.00
-Criminal Records Search	\$0.00
-Criminal Records Report	\$0.00
-Driver Licenses At Address	\$0.00
-Hunting/Fishing License Search	\$0.00
-Liens And Judgments	\$0.00
-Motor Vehicles Registered At Address	\$0.00
-Neighborhood Profile (2010 Census)	\$0.00
-Neighbors At Address	\$0.00
-Property Ownership Current / Previous	\$0.00
-Sexual Offenders Search (Report Included)	\$0.00
Comprehensive Business Report (Base Report Features: Name and TIN Variations, Parent Company, and Industry Information)	\$0.00
Additional Report Options:	--
-Associated Businesses	\$0.00
-Associated People	\$0.00
-Bankruptcy	\$0.00
-Business Registrations	\$0.00
-Corporation Filings	\$0.00
-Dun & Bradstreet Records (not discountable)	\$3.75
-FAA Aircraft	\$0.00
-IRS 5500	\$0.00
-Liens and Judgments	\$0.00
-Motor Vehicles	\$0.00
-Properties	\$0.00
-UCC Filings	\$0.00
-Watercraft	\$0.00
Custom Comprehensive Report (Base Report Features: Others Using Same SSN, Date and Location where SSN Issued, Company Header, Address Summary, Possible Education, Comprehensive Report Summary)	\$0.00
Additional Report Options:	--
-Associates	\$0.00
-Bankruptcy	\$0.00
-Criminal Records	\$0.00
-DEA Controlled Substances License Search	\$0.00
-Driver Licenses Information	\$0.00

**Customized Schedule A**

Analyst for Hire + Accurant Virtual Crime Center

Any unauthorized revisions to this Schedule A by Customer after receipt of the final version from LN shall be considered unenforceable, and may void this Schedule A at the option of LN.

-Email Search Premium (not discountable)	\$0.40
-Federal Firearms & Explosives License Search	\$0.00
-Liens And Judgments	\$0.00
-Motor Vehicle(s) Registration (Watercraft & Boat Trailers Included)	\$0.00
-National Motor Vehicle Accident Search & Report	\$0.00
-Neighborhood Profile (2010 Census)	\$0.00
-Neighbors (Up To 6 Neighbors At 10 Different Addresses)	\$0.00
-People At Work	\$0.00
-Phones Plus	\$0.00
-Professional Licenses (Report Included)	\$0.00
-Properties	\$0.00
-Real Time Phone Search (not discountable)	\$0.50
-Real Time Vehicle Registrations (charged per search) (not discountable)	\$3.50
-Relatives (Up to 3 Degrees of Separation)	\$0.00
-Sexual Offenders	\$0.00
-Supplemental Data Sources	\$0.00
-UCC Filings	\$0.00
Flat Rate Comprehensive Healthcare Business Report (includes Base Report Features and Additional Report Options listed below)	\$10.00
Comprehensive Healthcare Business Report (Base Report Features: Name, Address and Phone Variations; Parent Company, ID Numbers and Industry Information)	\$0.50
Additional Report Options:	--
-Associated Businesses	\$1.00
-Associated People	\$1.00
-Bankruptcy (charged per search)	\$1.00
-Business Phone Matches	\$0.25
-Business Registrations	\$0.25
-Corporation Filings	\$1.00
-Dun & Bradstreet Records (not discountable)	\$3.75
-FAA Aircraft	\$0.25
-IRS 5500	\$0.00
-Liens And Judgments (charged per search)	\$0.25
-Motor Vehicles	\$0.75
-Properties	\$1.00
-Sanctions	\$0.50
-UCC Filings	\$0.50
-Verification	\$0.75
-Watercraft	\$1.00
Flat Rate Comprehensive Healthcare Provider Report (includes Base Report Features and Additional Report Options listed below)	\$6.00
Comprehensive Healthcare Provider Report (Base Report Features: Gender, Date of Birth, Social Security Number, Tax ID(s) UPIN and NPI number)	\$0.50
Additional Report Options:	--
-Additional Deceased Data Sources	\$0.00
-Associates	\$0.00
-Bankruptcy (charged per search) (not discountable)	\$0.25

**Customized Schedule A**

Analyst for Hire + Accurint Virtual Crime Center

Any unauthorized revisions to this Schedule A by Customer after receipt of the final version from LN shall be considered unenforceable, and may void this Schedule A at the option of LN.

-Business Address Summary	\$0.25
-Business Affiliations	\$0.50
-Business Phone Matches	\$0.25
-DEA Licenses	\$0.25
-Degrees	\$0.00
-Education	\$0.50
-Group Affiliations	\$0.50
-GSA Sanctions (charged per search)	\$0.50
-Hospital Affiliations	\$0.50
-Liens And Judgments (charged per search)	\$0.25
-Medical Licenses (charged per search)	\$1.00
-Possible Criminal Records (charged per search)	\$0.25
-Professional Licenses (charged per search)	\$1.00
-Sanctions (Disciplinary) (charged per search)	\$0.50
-Sexual Offenses (charged per search)	\$1.00
-Specialties	\$0.00
-Verification	\$0.75
<b>Online Batch</b>	
Advanced Person Search	\$0.50
Deceased Person	\$0.25
Address (Single)	\$0.13
Address (Multiple)	\$0.16
Waterfall Phones: Directory Assistance Match, Address And Name Variations, Co-Residents, Phones Plus & Relatives; Add-Ons Possible Relocation, Neighbors & People At Work (Single)	\$0.23
Waterfall Phones: Directory Assistance Match, Address And Name Variations, Co-Residents, Phones Plus & Relatives; Add-Ons Possible Relocation, Neighbors & People At Work (Multiple)	\$0.25
Waterfall Phone with Address (single)	\$0.25
Waterfall Phone with Address (multiple)	\$0.30
Address and/or Phone Confirmation (per input) (single)	\$0.03
Address and/or Phone Confirmation (per input) (multiple)	\$0.04
Phones Plus	\$0.50
Real Time Phone Search	\$0.50
Real Time Motor Vehicle Registrations	\$1.50
Property - Add Up To Five Properties Owned By The Subject	\$1.00
Consumer InstantID	\$0.65
Consumer InstantID With Fraud Defender	\$0.95
Consumer InstantID With Red Flags Rule	\$0.90
Business InstantID	\$1.30
Business InstantID With Fraud Defender	\$1.30
Multiple = 2 Or More Phones/Addresses Returned	--

**Customized Schedule A**

Analyst for Hire + Accurint Virtual Crime Center

Any unauthorized revisions to this Schedule A by Customer after receipt of the final version from LN shall be considered unenforceable, and may void this Schedule A at the option of LN.

# Accurint for Law Enforcement Mobile

(Updated August 12, 2021)  
(Plan 44)

PRICE SCHEDULE	
FEATURES	PRICE
Advanced Motor Vehicle Search	\$0.00
Advanced Person Search	\$0.00
Business Search	\$0.00
Identity Authenticate (charged per search)	\$1.25
Identity Verification (charged per search)	\$0.60
Motor Vehicles Search	\$0.00
Motor Vehicles Report	\$0.00
Phones Plus	\$0.00
Property Search (Property Assessments, Deeds & Mortgages)	\$0.00
Property Report (Property Assessments, Deeds & Mortgages, excluding Deed Image)	\$0.00
Real Time Phone Search	\$0.00
<b>Reports</b>	
Comprehensive Report (Best Value): Summary Report, Associates, Bankruptcy, Concealed Weapons Permits, Criminal Records, DEA Controlled Substances License Search, Driver's Licenses, Email Search Premium, FAA Aircraft, FAA Pilots, Federal Firearms & Explosives License Search, Hunting/Fishing Permits, Liens/Judgments, National Motor Vehicle Accident Search & Report, Neighbors, People at Work, Phones Plus, Possible Education, Professional Licenses, Property, Relatives (3 Degrees), Sexual Offenders, UCC Filings, Vehicle Registrations, Voter Registration and Watercraft.	\$0.00
Comprehensive Address Report: (Base Report Features: Current And Previous Residents And Phones At Address)	\$0.00
Additional Report Options:	--
-Bankruptcy	\$0.00
-Businesses At Address	\$0.00
-Concealed Weapons Permit Search	\$0.00
-Criminal Records Search	\$0.00
-Criminal Records Report	\$0.00
-Driver Licenses At Address	\$0.00
-Hunting/Fishing License Search	\$0.00
-Liens And Judgments	\$0.00
-Motor Vehicles Registered At Address	\$0.00
-Neighborhood Profile (2010 Census)	\$0.00
-Neighbors At Address	\$0.00
-Property Ownership Current / Previous	\$0.00
-Sexual Offenders Search (Report Included)	\$0.00
Comprehensive Business Report (Base Report Features: Name and TIN Variations, Parent Company, and Industry Information)	\$0.00
Additional Report Options:	--
-Associated Businesses	\$0.00

## Customized Schedule A

Analyst for Hire + Accurint Virtual Crime Center

Any unauthorized revisions to this Schedule A by Customer after receipt of the final version from LN shall be considered unenforceable, and may void this Schedule A at the option of LN.



-Associated People	\$0.00
-Bankruptcy	\$0.00
-Business Registrations	\$0.00
-Corporation Filings	\$0.00
-Dun & Bradstreet Records (not discountable)	\$3.75
-FAA Aircraft	\$0.00
-IRS 5500	\$0.00
-Liens and Judgments	\$0.00
-Motor Vehicles	\$0.00
-Properties	\$0.00
-UCC Filings	\$0.00
-Watercraft	\$0.00

**Customized Schedule A**

Analyst for Hire + Accurint Virtual Crime Center

Any unauthorized revisions to this Schedule A by Customer after receipt of the final version from LN shall be considered unenforceable, and may void this Schedule A at the option of LN.



**SAN RAFAEL**  
THE CITY WITH A MISSION

**Agenda Item No: 5.h**

**Meeting Date: June 6, 2022**

## **SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Public Works**

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

**City Manager Approval:** \_\_\_\_\_

**TOPIC: CONGESTION MANAGEMENT PROGRAM**

**SUBJECT: RESOLUTION ELECTING TO BE EXEMPT FROM THE MARIN COUNTY  
CONGESTION MANAGEMENT PROGRAM**

**RECOMMENDATION:** Adopt the resolution electing that the City of San Rafael be exempt from the Marin County Congestion Management Program (CMP) in accordance with the State CMP statute as authorized by California Government Code Section 65088.3.

**BACKGROUND:** As the Congestion Management Agency (CMA) for Marin County, TAM is required by State law to prepare and update on a biennial basis a Congestion Management Program (CMP) for Marin County. The CMP process was established as part of a 1990 legislative package to implement Proposition 111, which increased the state Gas Tax from 9 to 18 cents. The intent of the CMP was to tie the appropriation of new gas tax revenues to congestion reduction efforts by improving land use and transportation coordination. Proposition 111 was not tied to inflation and has largely been replaced with Senate Bill (SB) 1, which was passed in 2016, but funding from Proposition 111 still flows to local jurisdictions in Marin County and throughout the state.

With the passage of Assembly Bill (AB) 32 (California Global Warming Solutions Act of 2006), SB 375 (Sustainable Communities and Climate Protection Act of 2008), and SB 743 (Environmental quality: transit-oriented infill projects, judicial review streamlining for environmental leadership development projects), the CMP is largely out of alignment with regional and state policy direction. Whereas the new legislation focuses on reducing emissions and vehicle miles traveled (VMT), the CMP legislation focused on Level of Service and congestion. In fact, with SB 743, the CMP now conflicts with current California Environmental Quality Act (CEQA) Transportation Analysis guidance.

At the April 28, 2022, TAM Board of Commissioners Meeting, the TAM Board directed TAM staff to initiate the Opt-Out process and work with local jurisdictions to pass resolutions to Opt-Out of the CMP.

**ANALYSIS:** The CMP legislation has been updated many times since its passage. In 1997, the state allowed for local jurisdictions to opt out of the CMP process. California Government Code § 65088.3, states that counties may opt out of the CMP requirement without loss of Proposition 111 Gas Tax

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

revenues, if the majority of jurisdictions representing the majority of the county's population pass resolutions electing to be exempt from the CMP.

TAM is designated by local resolutions as the Congestion Management Agency for Marin County, responsible for developing the county's CMP. TAM inherited CMP activities from the Marin County Congestion Management Agency (a function of County Department of Public Works) in 2004. TAM has maintained the CMP in mostly its original form since its inception, expanding its traffic monitoring efforts, but limiting any substantive changes.

The CMP is intended to establish designated performance standards on our roadway network using a vehicle delay-based Level of Service (LOS) standard and comparing roadway conditions against those standards. Local land use developments are also reviewed to ensure performance standards are met. If performance standards on roadways are not met, local jurisdictions are required to perform corrective actions to mitigate LOS (typically through adding capacity). This deficiency planning process has never been conducted in the county but would be required of local jurisdictions, with failure to do so resulting in TAM being mandated to ask the State to withhold Proposition 111 funding. This process has the benefit of providing a uniform analysis for land use and transportation projects with resulting large traffic volumes. In practice, the CMP has never been used to withhold funding and serves primarily as a report on traffic conditions (on the subset of roads in the CMP network), rather than a functional planning process.

Due to its mandated process, the CMP is a rigid framework. TAM staff have raised concerns with the process including the inability to remove CMP segments once designated in the network, and removal of performance standards.

#### **Changes to Transportation Impact Analysis in CEQA**

Prior to the implementation of SB 743, the CMP was considered as part of the CEQA requirements, serving as a mutually supportive process for the CMP and lead agencies. The implementation of SB 743 in July 2020, however, excluded vehicle delay from CEQA; therefore, the CMP requirements now result in additional analysis and review beyond current CEQA and local jurisdiction general plan requirements. This additional tier of CMP requirements can potentially conflict with VMT and General Plan analysis requirements. As housing element updates are required this year, staff have been coordinating discussions on traffic analysis from housing element updates. Planning directors have expressed support to remove CMP requirements which conflict with CEQA processes.

#### **Marin Public Works Association Review**

In November 2021, TAM staff presented information on next steps for the CMP to the Marin Public Works Association (MPWA) and asked if the CMP provided any value to local jurisdictions. MPWA members noted that they did not derive much value from the CMP process other than the traffic monitoring data, which they do find useful. They also asked TAM to consider development of a CMP 2.0 or next generation planning process. In response to these comments, MPWA formed a subcommittee of public works directors to take a closer look at the CMP process. This group met in February 2022 and TAM presented an overview of the CMP, its use, and three options for next steps, including maintaining the CMP, continuing the CMP for an additional cycle, or initiating the Opt-Out Process.

The MPWA sub-committee recommended initiating the Opt-Out Process to MPWA at its March 2022 meeting. MPWA verbally agreed with this recommendation, although no formal action was taken.

**CMP Opt-Out Process**

As noted, at the April 28, 2022, TAM Board of Commissioners Meeting, the TAM Board directed TAM staff to initiate the Opt-Out process and work with local jurisdictions to pass resolutions to Opt-Out of the CMP.

To complete the Opt-Out process, a majority of local jurisdictions representing a majority of the population of the county would be required to pass resolutions electing to be exempt from the CMP. Marin County would not be the first county to opt out of the CMP. The following agencies have already conducted the Opt-Out Process or no longer prepare a CMP:

- Fresno Council of Governments (Fresno County) – 1997
- Los Angeles Metropolitan Transportation Authority – 2019
- Napa Valley Transportation Authority (Napa County) – (late 1990s/early 2000s)
- Sacramento Transportation Authority (Sacramento County) – 1996
- San Diego Association of Governments (San Diego County) – 2009
- San Joaquin Council of Governments – (2019-2020)
- San Luis Obispo Council of Governments (San Luis Obispo County) – 1997
- Santa Cruz County Regional Transportation Commission (Santa Cruz County) – 2000
- Sonoma County Transportation Authority (Sonoma County) – 2000

To date, local jurisdiction staff from both DPW and Community Development have indicated no concerns with proceeding with an Opt-Out process at this time. TAM staff are requesting consideration of council resolutions by December 2022.

Once local jurisdictions have passed the necessary resolutions, TAM staff would return to the TAM Board for administrative updates, including updates to previous resolutions as appropriate.

**FISCAL IMPACT:** There is no impact to the current fiscal year budget, nor any anticipated impact to future budgets or the continued flow of state Gas Tax revenues to local jurisdictions.

**OPTIONS:**

- Accept the report and adopt the resolution.
- Do not adopt the resolution.

**RECOMMENDED ACTION:** Adopt the Resolution electing that the City of San Rafael be exempt from the Marin County Congestion Management Program (CMP) in accordance with the State CMP statute as authorized by California Government Code Section 65088.3.

**ATTACHMENTS:**

1. Resolution
2. CMP Opt-Out FAQ

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN RAFAEL ELECTING TO BE EXEMPT  
FROM THE MARIN COUNTY CONGESTION MANAGEMENT PROGRAM**

**WHEREAS**, California voters passed Proposition 111 in June of 1990 requiring urbanized counties to develop and implement a Congestion Management Program; and

**WHEREAS**, the California Legislature and Governor established the specific requirements of the Congestion Management Program by passage of legislation that was a companion to Proposition 111 and is codified in California Government Code Sections 65088 to 65089.10; and

**WHEREAS**, the Transportation Authority of Marin is the Congestion Management Agency responsible for Marin County's Congestion Management Program; and

**WHEREAS**, pursuant to California Government Code Section 65088.3, the Congestion Management Program requirements do not apply in a county in which a majority of local governments which in total represent a majority of the population in the county, each adopt resolutions electing to be exempt from the Congestion Management Program; and

**WHEREAS**, over time the Congestion Management Program has become increasingly out of step with current regional, State, and Federal planning processes and requirements, including new State requirements for transportation performance measures related to greenhouse gas reduction; and

**WHEREAS**, on the 28<sup>th</sup> day of April 2022, the Transportation Authority of Marin Board of Commissioners directed its staff to work with the various local governments within the County in pursuing exemption from the Congestion Management Program under California Government Code Section 65088.3.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of San Rafael hereby adopts this Resolution electing the City of San Rafael to be exempt from the Marin County Congestion Management Program pursuant to California Government Code Section 65088.3.

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 6<sup>th</sup> day of June 2022 by the following vote, to wit:

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

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**LINDSAY LARA, City Clerk**

## **Congestion Management Program (CMP) Frequently Asked Questions**

**Draft as of March 31, 2022**

**What is the CMP?** The CMP is an early attempt at developing a performance-based planning process to determine local development impacts on a specified network of arterials and highways. The CMP identifies a roadway network, sets level of service performance standards, develops a standardized land use development review for regional traffic impacts, identifies transportation demand measures, requires the development of a travel model and a capital improvement plan to address any identified deficiencies to system performance.

**Why does TAM prepare a CMP?** TAM is founded as a sales tax authority and designated by local resolution as the congestion management agency (CMA). Section 65088 - 65089.10 of the state government code requires the development of a congestion management program every two years for local streets and roads funding from 1990's Proposition 111 to flow to local jurisdictions. TAM conducts CMA duties, specifically planning, programming and project delivery functions based on the CMA designation.

**Why is TAM exploring opting out?** An "opt-out" provision was incorporated into the state government code in 1997, and some CMAs chose to opt out of the CMP subsequently. TAM's funding agreement with MTC has historically required TAM to develop either a congestion management program or a countywide transportation plan and allowed TAM to fund the CMP. In October 2021, TAM received guidance from MTC encouraging CMAs to opt out of the CMP process and stating MTC's intention to not allow future MTC planning agreement funds to be used for future CMP development.

**Why is MTC encouraging CMAs to opt out?** MTC is encouraging CMAs to opt out due to conflicts between level of service-based planning and the state legislative focus on greenhouse gas reduction from AB 32, SB 375, SB 743 and CEQA's use of Vehicle Miles Traveled as the preferred metric for transportation analysis. Additionally, MTC has noted that the CMP process does not include public participation, equity, climate change and other critical factors for consideration. The process also does not consider operations and maintenance costs, or adaptation needs such as sea level rise in its planning process.

**What CMAs have opted out?** TAM is not the first county to consider opting out. The following agencies have either opted out or no longer prepare a CMP:

- Fresno Council of Governments (Fresno County) – 1997
- Sacramento Transportation Authority (Sacramento County) – 1996
- San Diego Association of Governments (San Diego County) – 2009
- San Luis Obispo Council of Governments (San Luis Obispo County) – 1997
- Santa Cruz County Regional Transportation Commission (Santa Cruz County) – 2000
- Sonoma County Transportation Authority (Sonoma County) – 2000s
- Napa Valley Transportation Authority (Napa County) – 2000s
- LA Metro (Los Angeles County) – 2019
- San Joaquin Council of Governments – 2020

**Will opting out of the CMP affect Marin County's Transportation Funding?** There is no impact to Marin County transportation funding from opting out. MTC guidance supports this determination, and TAM sales tax expenditures have no relationship to the CMP. The impact on TAM member fees from local jurisdictions would remain in place. Retaining the CMP may require additional funding from local jurisdictions if MTC funds are no longer allowed for use.

**Would opting out of the CMP affect Marin County Transportation Projects?** There would be no impact to transportation projects if TAM retains or opts out of the CMP. MTC guidance and SCTA and NVTA practice assure that TAM can still input projects into the TIP.

**Would opting out remove TAM's CMA designation?** The opt-out language refers specifically to the CMP, and not the broader CMA designation. TAM would maintain CMA functions outside of the CMP process, including but not limited to, designation of a representative to the SMART board, and distribution of Bay Area Air Quality Management District funds as designated.

**What process is required to opt out of the CMP?** The CMA designation is provided by local resolution. State code above allows for opting out of the CMP when "a majority of local governments, collectively comprised of the city councils and the county board of supervisors, which in total also represent a majority of the population in the county, each adopt resolutions electing to be exempt from the congestion management program." (Section 65088.3)

**Would opting out of the CMP require a Countywide Transportation Plan?** To comply with MTC's funding agreement, a countywide transportation plan would be required. TAM has the basis of a countywide plan with the development of 2017's Strategic Vision Plan, as well as components of a countywide plan through other plans, programs and model development activities. Future updates to the Strategic Vision Plan are expected to meet Countywide Transportation Plan Requirements.

**What is TAM's process for a decision on opting out?** TAM is currently exploring opting out with local jurisdictions, in advance of a future board discussion. If TAM needs to develop a 2023 CMP, staff will need to release an RFP around April 2022 to meet procurement and upcoming monitoring deadlines. TAM would like staff level agreement by the April timeframe, and local resolutions to be passed no later than December 30, 2022.

**Does opting out of the CMP have any impact on how TAM and partner agencies address congestion?** TAM will continue to monitor and report on traffic conditions and expects to be able to deliver more robust monitoring efforts for less expense than the legislatively required CMP performance analysis. TAM will continue to work with our partner agencies to deliver congestion and mobility improvements in Marin County as required by voters in approved expenditure plans. The CMP is not the only tool used to address congestion in the county, and sales tax measures and other planning efforts are more effective at delivering improvements in the county.

**What is the relationship between the CMP and TAM's Measure Programs?** The voter-approved Measure AA, the 0.5 cent transportation sales tax, and Measure B, the \$10 vehicle registration fee, would have no impact from opting out. Expenditure plans and strategic plans for these funds are not based on the CMP.



**SAN RAFAEL**  
THE CITY WITH A MISSION

Agenda Item No: 5.i

Meeting Date: June 6, 2022

**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: Public Works

Prepared by: Bill Guerin,  
Director of Public Works

City Manager Approval: 

**TOPIC: GRAND AVENUE CYCLE TRACK GRANT FUNDING AGREEMENT**

**SUBJECT: RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A FUNDING AGREEMENT WITH ASSOCIATION OF BAY AREA GOVERNMENTS ("ABAG") IN AN AMOUNT NOT TO EXCEED \$240,000**

**RECOMMENDATION:** Staff recommends that the City Council adopt the attached Resolution, authorizing the City Manager to sign a Funding Agreement with the Association of Bay Area Governments ("ABAG").

**BACKGROUND:**

The Grand Avenue protected two-way cycle track is ranked third in Group F, Canal Connections of the City's Bicycle and Pedestrian Master Plan (BPMP). The City has been proactive and successful in applying for and receiving grant funding to improve the multimodal connections between the Canal neighborhood and Central San Rafael. The Francisco Boulevard East Sidewalk Widening, funded by the Active Transportation Program (ATP), resulted in widening the sidewalk to eight feet to allow for more room for pedestrians and bicyclists. North of the sidewalk widening, the Grand Avenue Bicycle and Pedestrian bridge was completed in 2019. The protected two-way cycle track and sidewalk improvements on Grand Avenue up to Fourth Street will meet the goal of the San Francisco Bay Trail of connecting to Third Street and also get bicyclists and pedestrians to Fourth Street, where they may go west to the downtown or east to San Rafael High School. Construction for this project is expected to be coordinated with the Third Street Rehabilitation project.

**ANALYSIS:**

This project would add a bicycle facility on the east side of Grand Avenue between Fourth Street and Second Street. The vehicle travel lanes and turn pockets would remain, but there would be an impact to on-street parking and one existing driveway.

Currently, Grand Avenue between Fourth Street and Third Street is one travel lane in each direction with some driveways and on-street parking on both sides. The on-street parking would remain in the southbound direction, but six on-street spaces would be eliminated in the northbound direction.

Grand Avenue between Third Street and Second Street is one travel lane with a turn pocket and on-street parking southbound and two travel lanes northbound, separated by a concrete median. There is also a driveway just north of Second Street that provides access to the gas station on

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**



## **SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2**

the northeast corner of Second Street/Grand Avenue. The gas station currently has five driveways: one on Grand Avenue, two on Second Street, and two on Third Street. The existing median would be removed, and the travel lanes would all be shifted to the west. The gas station driveway access on Grand Avenue would be modified to minimize vehicular and bicycle conflicts.

**PUBLIC OUTREACH:** Public Works reviewed this project with the Bicycle and Pedestrian Advisory Committee at the August 8, 2021 regular meeting.

### **FISCAL IMPACT:**

The total project cost is expected to be around \$1,100,000 for construction. The City requested \$240,000 through San Francisco Bay Trail Funding (Prop 68) and \$335,000 through Transportation Authority of Marin (TAM) Transportation for Clean Air (TFCA) funding. The City has set aside the remaining amount of \$575,000 in the Capital Improvement Program (CIP) using a combination of Traffic Mitigation Fund 246 and Gas Tax Fund 206. The City will continue to apply for grant funding if there are any other relevant sources.

### **OPTIONS:**

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

1. Adopt the resolution authorizing the City Manager to execute a Funding Agreement with ABAG (*staff recommendation*); or
2. Reject the grant funding; or
3. Continue the matter and request additional information.

### **RECOMMENDED ACTION:**

Staff recommends that the City Council adopt the attached Resolution authorizing the City manage to sign the Funding Agreement with ABAG.

### **ATTACHMENT:**

1. Resolution
2. Exhibit A to the Resolution - Funding Agreement with ABAG

**RESOLUTION NO.**

**RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A FUNDING AGREEMENT WITH ASSOCIATION OF BAY AREA GOVERNMENTS ("ABAG") FOR THE CONSTRUCTION OF GRAND AVEUNE BICYCLE TRACK, IN AN AMOUNT NOT TO EXCEED \$240,000**

**WHEREAS**, the City of San Rafael has been proactive and successful in applying for and receiving grant funding to improve the multimodal connections between the Canal neighborhood and Central San Rafael; and

**WHEREAS**, a protected two-way cycle track and sidewalk improvements on Grand Avenue up to Fourth Street and north of the recently completed Grand Avenue Bridge will meet the goal of the [San Francisco Bay Trail](#) of connecting to Third Street and also get bicyclists and pedestrians to Fourth Street, where they may go west to the downtown or east to San Rafael High School; and

**WHEREAS**, the Grand Avenue Bay Trail Extension Construction Project ("Project") would add a bicycle facility on the east side of Grand Avenue between Fourth Street and Second Street; and

**WHEREAS**, the Association of Bay Area Governments ("ABAG") approved a grant application by the City of San Rafael to receive funds to augment the construction of the Project; and

**WHEREAS**, the grant funds in an amount not to exceed \$240,000 from the ABAG would augment the local funds set aside for the completion of the Project; and

**WHEREAS**, ABAG requires the City Council to adopt a resolution authorizing the execution of the grant funding agreement between ABAG and the City of San Rafael and approving the agreement's terms and conditions to ensure the receipt of the funds.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of San Rafael that the City Manager is hereby authorized to execute the Construction Grant Agreement for the Grand Avenue Bay Trail Extension Construction Project with ABAG, attached hereto as Exhibit A, and that the City Council approves, at the meeting of Monday, the 6<sup>th</sup> day of June 2022, of its terms and conditions.

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Lindsay Lara, City Clerk

**ASSOCIATION OF BAY AREA GOVERNMENTS  
SAN FRANCISCO BAY TRAIL PROJECT**

**CONSTRUCTION GRANT AGREEMENT**  
Grand Avenue Bay Trail Extension Construction Project

Grantee's full, legal name: City of San Rafael

Address: 111 Morphew St. San Rafael, CA 94901

Phone No.: (415) 485-3355

Name of Contact: Lauren Davini

Title of Contact: Traffic Engineer

**Taxpayer ID Number** \_\_\_\_\_

**I. SCOPE OF AGREEMENT**

Pursuant to Chapter 9 of Division 21 of the California Public Resources Code, the State Coastal Conservancy ("the Conservancy") awarded grant funds to be administered by the Association of Bay Area Governments (ABAG) for development of the Bay Trail Project. ABAG grants **City of San Rafael** ("the Grantee") a sum not to exceed **Two Hundred Forty Thousand Dollars (\$240,000)**, Proposition 68 funds, the "California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018", subject to the terms and conditions of this Agreement, to complete the **Grand Avenue Bay Trail Extension Construction Project** ("the Project"), as shown on Exhibit A, which is incorporated by reference and attached. The Project description is attached as Exhibit B, which is incorporated by reference.

The Grantee shall carry out the Project in accordance with this Agreement and a work program to be approved by ABAG pursuant to this Agreement. The Grantee shall provide any funds beyond those granted under this Agreement which are needed to complete the Project.

**II. CONDITIONS PRECEDENT TO CONSTRUCTION AND DISBURSEMENT**

The Grantee shall not commence construction of the Project and ABAG shall not be obligated to disburse any funds under this Agreement unless and until the following conditions precedent have been met:

- A. A resolution has been adopted by the **City Council** of the Grantee authorizing the execution of this Agreement and approving its terms and conditions.
- B. ABAG has approved in writing:
  - 1. The work program for the Project;
  - 2. All contractors that the grantee intends to employ in connection with the project; and
  - 3. A rendering, with dimensions and proposed placement, of the acknowledgment sign and a plan for the dimensions and placement of San Francisco Bay Trail emblem all as described in section II of the Standard Provisions.

Written evidence has been provided to ABAG:

1. That all permits and approvals necessary to the completion of the Project under applicable local, state and federal laws and regulations have been obtained;
2. That the Grantee has acquired and recorded all easements and other interests in real property necessary to the construction, use and/or maintenance of the Project;
3. That notices of non-responsibility are recorded for all private property improved by the Project (see Exhibits C-1 and C-2);
4. That the Grantee has provided for liability insurance, including the additional insured endorsement, or is self-insured, as described in Exhibit D of this Agreement; and
5. That the Grantee has provided for fire and other loss insurance as described in Exhibit D of this Agreement.

Notwithstanding the above, the Grantee may commence preparation of plans, specifications and engineering work upon meeting conditions set forth in subsections A and B.1 of this section, and upon ABAG's review and approval of a separate work program (tasks, budget and timeline) and approval of any contractors that the Grantee will retain to perform the work.

### **III. TERM OF AGREEMENT**

This Agreement shall be deemed executed and effective when signed by both parties and received in the offices of ABAG together with the resolution described in the "CONDITIONS PRECEDENT TO CONSTRUCTION AND DISBURSEMENT" section of this Agreement.

Grantee shall complete grant tasks by **December 31, 2023**, ("the completion date") and shall submit a final Request for Disbursement no later than thirty (30) days after the completion date. This Agreement shall run from its effective date through **December 31, 2044**, ("the termination date") to ensure compliance with the requirements of Article VIII unless otherwise terminated or amended as provided in this Agreement.

## **STANDARD PROVISIONS**

### **I. WORK PROGRAM**

- A. If any portion of the construction to be funded under this Agreement will be performed by third parties ("contractors") under contract with the Grantee, prior to initiating any request for contractor bids, the Grantee shall submit for review and written approval by ABAG the bid package including construction plans and specifications which have been certified or approved as described above. Upon approval by ABAG, the Grantee shall proceed with the bidding process.
- B. Prior to final selection, the Grantee shall submit to ABAG for written approval the names, addresses and licenses of all contractors that the Grantee intends to hire and any change or clarification to the bid package.
- C. Prior to beginning construction, the Grantee shall submit a detailed work program to ABAG for review and written approval of its consistency with this Agreement. The work program shall include:
  - 1. Construction plans and specifications which have been certified by a registered architect or engineer, or approved by the Grantee's Public Works Director.
  - 2. For projects not exempt from CEQA: (a) plans for implementing and for documenting implementation of all actions and mitigation measures identified in the project's environmental document as needed to avoid significant environmental effects or reduce them to a level of insignificance (e.g, as contained in a Mitigation Monitoring and Reporting Program) and (b) provisions for compliance with any conditions of Conservancy authorization to fund the Project.
  - 3. A schedule of completion for the Project specifically listing the completion date for each Project component and a final Project completion date, including all mitigation measures and actions, if any.
  - 4. A detailed Project budget (the "Project Budget"). The Project Budget shall describe all labor and materials costs to be incurred to complete each component of the Project. For each Project component, the Project Budget shall list all intended funding sources, including grant funds, the Grantee's required contribution and all other sources of monies, materials, or labor.
  - 5. A list of all permits required to complete the Project, including but not limited to environmental documentation. For each such permit, Grantee shall identify the attendant conditions, mitigation measures, fees and the like. The Grantee shall indicate how each attendant condition, mitigation measure, fee and the like is treated in the documents provided under paragraphs I.C.1, 2 and 3 of these Standard Provisions.
  - 6. A meeting with ABAG at the Project site to review the Project plans.
- D. The work program shall have the same force and effect as if included in the text of this Agreement. However, the work program may be modified without amendment of this Agreement upon the Grantee's submission of a modified work program and ABAG's written approval of it. If this Agreement and the work program are inconsistent, the Agreement shall control.

- E. The Grantee shall construct the Project in accordance with the approved work program.
- F. The Grantee shall comply with, fulfill, accomplish or pay each condition, mitigation measure, fee (or the like) identified in paragraph I.C.2 of these Standard Provisions which are applicable at the completion of the Project. For each condition, mitigation measure, fee (or the like) identified in paragraph I.C.2 of these Standard Provisions which, by its terms, cannot be, or is not required to be, complied with, fulfilled, accomplished or paid by the time the Project is completed, the Grantee shall state in a narrative format, the plan for future compliance or payment.
- G. If any portion of the construction to be funded under this Agreement will be performed by contractors, the Grantee shall implement, or cause to be implemented, a labor compliance program that meets the requirements of California Labor Code Section 1771.5(b).
- H. ABAG will not approve the work program or any amendments thereto without first obtaining the Conservancy's written approval.

## **II. SIGNS**

The Grantee shall erect and maintain signs visible from the nearest public roadway directing the public to the Project and acknowledging ABAG and Conservancy assistance and displaying the San Francisco Bay Trail and Conservancy logos. In addition to signs acknowledging Conservancy assistance, the Grantee shall install and maintain San Francisco Bay Trail emblems on the real property and, where appropriate on all other real property interests controlled, maintained or managed by the Grantee that are deemed by ABAG to be existing segments of the San Francisco Bay Trail. Emblem locations shall be determined by the Grantee in consultation with ABAG. ABAG shall provide specifications for the Conservancy and Bay Trail signs, emblems and logo to the Grantee for this purpose. Plans describing the number, design, placement and wording of the signs shall be submitted to ABAG for review and written approval prior to the installation of signs. Final reimbursement may be withheld by ABAG pending placement of the signs in the manner approved by ABAG.

## **III. BONDING**

If the Grantee intends to use any contractor(s) on any portion of the Project to be funded under this Agreement, construction shall not begin until each such contractor has furnished a performance bond in favor of the Conservancy, ABAG and the Grantee, in the following amounts: for faithful performance, one hundred percent (100%) of the contract value; and for labor and materials, one hundred percent (100%) of the contract value. The requirement shall not apply to any contract for less than \$20,000.

Any bond furnished under this section shall be executed by an admitted corporate surety insurer licensed in the State of California.

#### **IV. COSTS AND DISBURSEMENTS**

- A. Upon determination by ABAG that all "CONDITIONS PRECEDENT TO CONSTRUCTION AND DISBURSEMENT" have been fully met, ABAG shall disburse to the Grantee, in accordance with the approved Project Budget, a total amount not to exceed the amount of this grant, as follows:

The provision of this section with a check mark, "x" or equivalent mark opposite it will apply at the commencement of the Agreement.

☐ **PROGRESS PAYMENTS**

Disbursements shall be made on the basis of costs incurred to date, less ten percent (10%), upon satisfactory progress in accordance with the approved work program and upon the Grantee's submission of a "Request for Disbursement" form, which shall be submitted no more frequently than monthly but no less frequently than quarterly. Disbursement of the ten percent (10%) withheld shall be made upon the Grantee's satisfactory completion of construction of the Project and compliance with the "PROJECT COMPLETION" section of this Agreement, and upon ABAG's acceptance of the Project.

☐ **TASK COMPLETION**

Disbursements shall be made on the basis of costs incurred to date, less ten percent (10%), upon the Grantee's satisfactory completion of each Project task identified in the approved work program. The final disbursement, together with amounts earlier withheld, shall be made upon the Grantee's satisfactory completion of construction of the Project and compliance with the "PROJECT COMPLETION" section of this Agreement, and upon ABAG's acceptance of the Project.

☐ **PROJECT COMPLETION**

Disbursement shall be made on the basis of costs incurred, upon the Grantee's satisfactory completion of construction of the Project and compliance with the "PROJECT COMPLETION" section of this Agreement, and upon ABAG's acceptance of the Project.

- B. The Grantee shall request disbursements by filing with ABAG fully executed "Request for Disbursement" forms (available from ABAG). The Grantee shall include on the forms its name and address, the date of the submission, the amount of the invoice, the period during which the work was actually done, and an itemized description of all work done for which disbursement is requested. Hourly rates identified in invoices shall be consistent with the approved Project Budget and equal to the actual compensation paid by the Grantee to employees, which may include employee benefits. The forms shall be signed by an authorized official of the Grantee. Each form shall be accompanied by any supporting invoices or other source documents from contractor(s) that the Grantee engaged to complete any portion of the Project funded under this Agreement, and/or by written substantiation of completion of the portion of the Project for which disbursement is requested. With each form, the Grantee shall also submit a supporting progress report summarizing the current status of the Project and comparing it to the status required by the work program (budget, timeline, tasks, etc.). Failure to fully execute and submit a

“Request for Disbursement” form, including attachment of supporting documents, will relieve ABAG of its obligation to disburse funds to the Grantee unless and until all deficiencies in the form are rectified.

ABAG will reimburse travel and related expenses at actual costs not to exceed the rates provided in Title 2, Division 1, Chapter 3, Subchapter 1, Article 2 of the California Code of Regulations ("CCR"), except that reimbursement may be in excess of these rates upon documentation that these rates are not reasonably available to the project grantee. Reimbursement for the cost of operating a private vehicle shall not, under any circumstance, exceed the current rate specified by the State of California for unrepresented state employees as of the date the cost is incurred. ABAG will disburse funds for other necessary expenses if those expenses are reasonable in nature and amount taking into account the nature of the Project, its location, and other relevant factors.

## **V. EXPENDITURE OF FUNDS AND ALLOCATION OF FUNDING AMONG BUDGET ITEMS**

The Grantee shall expend funds in the manner described in the approved Project Budget. The allocation of ABAG's total grant among the items in the Project Budget, other than overhead and indirect costs, may vary by as much as ten percent (10%) without approval by ABAG, provided that Grantee first submits a revised Project Budget to ABAG and requests disbursement based on the revised budget. Grantee shall obtain the advance written approval of ABAG for any difference of more than ten percent (10%) and any deviation that shifts funds from approved budget items into an overhead or indirect costs category. ABAG will not provide such approval without first obtaining written approval of the Conservancy. ABAG may withhold payment for changes in particular budget items which exceed the amount allocated in the Project Budget by more than ten percent (10%) and which have not received the approval required above. The total amount of this grant may not be increased except by amendment to this Agreement. Any increase in the funding for any particular budget item shall mean a decrease in the funding for one or more other budget items.

## **VI. PROJECT COMPLETION**

- A. Within ninety (90) days of completion of construction of the Project, the Grantee shall supply ABAG with two copies of evidence of completion by submitting a final report which includes:
1. An inspection report by a registered architect or engineer or the Grantee's Public Works Director certifying completion of the Project according to the approved work program.
  2. A fully executed final "Request for Disbursement" form.
  3. "As built" drawings of the completed Project, and “before” and “after” photos in electronic form.
  4. If the Project is built by third parties, a copy of a recorded Notice of Completion covering the Project.
  5. For projects not exempt from CEQA, any items required to demonstrate compliance with the Conservancy’s authorization with respect to CEQA (e.g., evidence of



compliance with a Mitigation Monitoring and Reporting Program) as specified in the project work program.

6. Documentation that the acknowledgement signs and San Francisco Bay Trail emblems required under section II have been erected and installed in compliance with that section.
- B. Within forty-five (45) days of Grantee's compliance with this section, ABAG shall determine whether the Project has been satisfactorily completed. If ABAG determines that the Project has been satisfactorily completed, ABAG shall issue to the Grantee a letter of acceptance of the Project. The Project shall be deemed complete as of the date of the letter of acceptance. ABAG will not determine that the Project has been satisfactorily completed without first obtaining a letter of acceptance of the Project from the Conservancy.

## **VII. EARLY TERMINATION AND FAILURE TO PERFORM**

ABAG may terminate or suspend this agreement for any reason, by providing Grantee with seven days notice in writing. In either case, Grantee shall immediately take all reasonable measures to prevent further costs to ABAG and the Conservancy, which measures shall include terminating or suspending any project agreements if necessary to prevent further costs. ABAG shall be responsible for any reasonable and non-cancelable obligations incurred by Grantee in the performance of this Agreement prior to the date of the notice to terminate or suspend, but only up to the undisbursed balance of funding authorized in this Agreement. Any notice suspending work under this agreement shall remain in effect until further written notice from ABAG authorizes work to resume.

Grantee shall include suspension and termination provisions in their agreements with contractors for the Project.

The parties expressly agree to waive, release and relinquish the recovery of any consequential damages that may arise out of the termination or suspension of this Agreement under this section.

## **VIII. OPERATION AND MAINTENANCE**

- A. The Grantee or its successor in interest shall maintain the facilities and structures constructed as part of the Project, including all applicable post-construction mitigation measures identified in the environmental document to avoid significant environmental effects or reduce them to a level of insignificance, and shall operate these facilities and structures throughout the term of this Agreement consistent with the purposes for which ABAG's grant was made and in a manner that complies with the nondiscrimination requirements of section XV. The Grantee assumes all operation and maintenance costs of these facilities and structures. Neither ABAG nor the Conservancy shall be liable for any cost of such maintenance, management or operation. The Grantee may be excused from its obligations for operation and maintenance during the term of this Agreement only upon the written approval of ABAG.

- B. For purposes of this Agreement, "operation costs" include direct costs incurred for material and labor needed for operations, utilities, insurance and expenses necessary to produce gross revenues. "Maintenance costs" include ordinary repairs and replacements of a recurring nature necessary to prolong the life of capital assets and basic structures, and the expenditure of funds necessary to replace or reconstruct capital assets or basic structures.
- C. The parties to this Agreement expressly agree and acknowledge that the Conservancy is a third party beneficiary of the provisions of this section

## **IX. INSPECTION**

Throughout the term of this Agreement, ABAG and the Conservancy shall have the right to inspect the Project area to ascertain compliance with this Agreement.

## **X. MITIGATION**

The Grantee shall not use, or allow the use of, any portion of the Project or Project site for mitigation (in other words, to compensate for adverse changes to the environment elsewhere) without the written permission of the Executive Officer of the Conservancy. The Conservancy may require that all funds generated in connection with any authorized or allowable use of the Project or Project site as mitigation be remitted promptly to the Conservancy. As used in this section, mitigation includes, but is not limited to, any use of the property in connection with the sale, trade, transfer or other transaction involving carbon sequestration credit or carbon mitigation.

## **XI. LIABILITY**

- A. The Grantee shall be responsible for, indemnify and save harmless ABAG, the Bay Trail Project, the Conservancy and State of California (the "State"), and their respective members, directors, officers, agents and employees from any and all liabilities, claims, demands, damages or costs resulting from, growing out of, or in any way connected with or incident to this Agreement to the fullest extent permitted by law. The duty of the Grantee to indemnify and save harmless includes the duty to defend as set forth in Civil Code Section 2778.

**PUBLIC ENTITY GRANTEES:** This Agreement supersedes the Grantee's right as a public entity to indemnity (see Gov. Code Section 895.2) and contribution (see Gov. Code Section 895.6) as set forth in Gov. Code Section 895.4.

- B. The Grantee waives any and all rights to any type of express or implied indemnity or right of contribution from ABAG, the Bay Trail Project, the Conservancy, the State, and their respective members, directors, officers, agents or employees, for any liability resulting from, growing out of, or in any way connected with or incident to this Agreement.

- C. Nothing in this Agreement is intended to create in the public or in any member of it rights as a third party beneficiary under this Agreement.

## **XII. INSURANCE**

See Exhibit D.

## **XIII. AUDITS/ACCOUNTING/RECORDS**

Grantee shall maintain financial accounts, documents, and records (collectively, "records") relating to this Agreement in accordance with the guidelines of "Generally Accepted Accounting Principles" ("GAAP") published by the American Institute of Certified Public Accountants. The records shall include, without limitation, evidence sufficient to reflect properly the amount, receipt, deposit, and disbursement of all funds related to the Project, and the implementation, operation and maintenance of the Project. Time and effort reports are also required. Grantee shall maintain adequate supporting records in a manner that permits tracing from the request for disbursement forms to the accounting records and to the supporting documentation.

Additionally, ABAG, the Conservancy or their respective agents may review, obtain, and copy all records relating to performance of this Agreement. Grantee shall provide ABAG, the Conservancy or their respective agents with any relevant information requested and shall permit ABAG, the Conservancy or their respective agents access to Grantee's premises upon reasonable notice, during normal business hours, to interview employees and inspect and copy books, records, accounts, and other material that may be relevant to a matter under investigation for the purpose of determining compliance with this Agreement and any applicable laws and regulations.

Grantee shall retain the required records for a minimum of three years following the later of final disbursement by ABAG, and the final year to which the particular records pertain. The records shall be subject to examination and audit by ABAG, the Conservancy and the Bureau of State Audits during the retention periods.

If Grantee retains any contractors to accomplish any of the work of this Agreement, the Grantee shall first enter into an agreement with each contractor requiring the contractor to meet the terms of this section and to make the terms applicable to all subcontractors.

ABAG or the Conservancy may disallow all or part of the cost of any activity or action that either determines to be not in compliance with the requirements of this Agreement.

#### **XIV. COMPUTER SOFTWARE**

Grantee certifies that it has instituted and will employ systems and controls appropriate to ensure that, in the performance of this Agreement, funds will not be used for the acquisition, operation or maintenance of computer software in violation of copyright laws.

#### **XV. NONDISCRIMINATION**

During the performance of this agreement, Grantee shall not unlawfully discriminate against, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, ethnic group identification, physical disability (including HIV and AIDS), mental disability, medical condition, marital status, age (over 40) or sexual orientation (Government Code section 12940). Grantee shall not unlawfully deny a request for, or take unlawful action against, any individual because of the exercise of rights related to family-care leave (Government Code sections 12945.1 and 12945.2). Grantee shall ensure that the evaluation and treatment of its employees and applicants for employment are free of such discrimination, harassment and unlawful acts.

Consistent with Government Code section 11135, Grantee shall ensure that no one, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability, is unlawfully denied full and equal access to the benefits of, or is unlawfully subjected to discrimination under, the Project funded under this Agreement.

Pursuant to Government Code section 12990, Grantee shall comply with the provisions of the Fair Employment and Housing Act (Government Code section 12900 et seq.) and the applicable regulations (California Code of Regulations Title 2, section 7285.0 et seq.). The regulations of the Fair Employment and Housing Commission regarding Contractor Nondiscrimination and Compliance (Chapter 5 of Division 4 of Title 2 of the California Code of Regulations) are incorporated into this agreement by this reference.

This nondiscrimination clause shall be included in all contracts and subcontracts for the Project.

#### **XVI. PREVAILING WAGE**

Work done under this Agreement may be subject to the prevailing wage and other related requirements of the California Labor Code (see Labor Code sections 1720 et seq.). Grantee shall pay prevailing wage to all persons employed in the performance of any part of the Project and otherwise comply with all associated requirements and obligations, if required by law to do so.

#### **XVII. ASSIGNMENT**

Without the written consent of ABAG, this Agreement is not assignable by the Grantee in whole or in part.

#### **XVIII. TIMELINESS**

Time is of the essence in this Agreement.

#### **XIX. ABAG'S DESIGNEE**

Toshi Shepard-Oha is ABAG's Project Manager who shall have authority to act on behalf of ABAG with respect to this Agreement.

#### **XX. AMENDMENT**

Except as expressly provided in this Agreement, no changes in this Agreement shall be valid unless made in writing and signed by the parties to the Agreement. No oral understanding or agreement not incorporated in this Agreement shall be binding on any of the parties.

**XXI. LOCUS**

This Agreement is deemed to be entered into in the City and County of San Francisco.

The parties have caused this Agreement to be executed by their respective officers, duly authorized, the provisions of which Agreement are effective as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

ASSOCIATION OF BAY AREA GOVERNMENTS

GRANTEE

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Therese W. McMillan, Metropolitan  
Transportation Executive Director  
Acting pursuant to the Contract for Services  
dated May 30, 2017

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Jim Schutz  
City Manager  
City of San Rafael

## **EXHIBIT A**

### **Project Location**

## **EXHIBIT B**

### **Project Description**

This project involves the construction of approximately 0.04 mile of Class IV Bikeways and sidewalk improvements along Grand Avenue between 2<sup>nd</sup> Street and 3<sup>rd</sup> Street in the City of San Rafael. These facilities will be a part of the Bay Trail spine when completed.



## **EXHIBIT C-1**

### **Notice of Nonresponsibility**

(version 1 – use if property site has a street address)

## **EXHIBIT C-2**

### **Notice of Nonresponsibility**

(version 2 – use if property site does not have a street address)

## EXHIBIT D

### Insurance Requirements

Throughout the term of this agreement, the Grantee shall procure and maintain insurance, as specified in this section, against claims for injuries to persons or damage to property that may arise from or in connection with any activities by the Grantee or its agents, representatives, employees, or contractors associated with the project undertaken pursuant to this agreement. As an alternative, with the written approval of ABAG and the Executive Officer of the Conservancy, the Grantee may satisfy the coverage required by this section in whole or in part through: (a) its contractor's procurement and maintenance of insurance for work under this contract, if the coverage otherwise fully satisfies the requirements of this section; or (b) the Grantee's participation in a "risk management" plan, self insurance program or insurance pooling arrangement, or any combination of these, if consistent with the coverage required by this section. Any required errors and omissions liability insurance shall be maintained from the effective date through two calendar years after the completion date. The Grantee shall maintain all other required insurance from the effective date through the completion date.

1. Minimum Scope of Insurance. Coverage shall be at least as broad as:

- a. Insurance Services Office ("ISO") Commercial General Liability coverage, occurrence basis (Form CG 0001) or comparable.
- b. Automobile Liability coverage: ISO Form Number CA 0001, Code 1 (any auto).
- c. Workers' Compensation insurance as required by the Labor Code of the State of California.

If facilities or structures are to be constructed and if they will be designed by a professional architect or engineer and constructed by a licensed contractor, then the coverage should also include:

- d. Course-of-Construction (also known as "Builder's Risk") insurance covering all risks of loss. (Any proceeds of loss payable under this coverage shall be used to replace, rebuild or repair the damaged portions of the facilities and structures constructed under this agreement.)
- e. Property Insurance covering the loss, damage, or destruction of the facilities or structures constructed under this agreement against fire and extended coverage perils. (Any proceeds of loss payable under this coverage shall be used to replace, rebuild or repair the damaged portions of the facilities and structures constructed under this agreement.)

2. Minimum Limits of Insurance. The Grantee shall maintain coverage limits no less than:

- |  |   |
|--|---|
| a. General Liability:<br><i>(Including operations, products and completed operations, as applicable)</i> | \$2,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the activities under this |
|--|---|

agreement or the general aggregate limit shall be twice the required occurrence limit.

b. Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.

c. Course of Construction: Completed value of the project with no coinsurance penalty provisions.

d. Property Insurance: Ninety percent of full replacement cost of the facilities or structures.

3. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by ABAG and the Conservancy.

4. Required Provisions.

a. Each insurance policy required by this section shall be endorsed to state that coverage shall not be canceled by either party, except after thirty days' prior written notice by first class mail has been given to ABAG and the Conservancy; or in the event of cancellation of coverage due to nonpayment, after ten days prior written notice to ABAG and the Conservancy. The project grantee shall notify ABAG and the Conservancy within two days of receipt of notice that any required insurance policy will lapse or be cancelled. At least ten days before an insurance policy held by the grantee lapses or is cancelled, the grantee shall provide ABAG and the Conservancy with evidence of renewal or replacement of the policy.

b. Grantee shall obtain from each of its insurers a waiver of any right of subrogation which such insurer may otherwise acquire against ABAG or the State of California, its officers, agents, employees, and volunteers, by virtue of the payment of any loss under such insurance.

c. The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

i. ABAG and the State of California, their officers, agents and employees are to be covered as additional insureds with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of the Grantee; and with respect to liability arising out of work or operations, including completed operations, performed by or on behalf of the Grantee including materials, parts or equipment furnished in connection with such work or operations.

ii. For any claims related to this agreement, the Grantee's insurance coverage shall be primary insurance as respects ABAG and the State of California, their officers, agents and employees.

iii. The limits of the additional insured coverage shall equal the limits of the named insured coverage regardless of whether the limits of the named insurance coverage exceed those limits required by the project agreement.

5. Acceptability of Insurers. Insurance shall be placed with insurers admitted to transact business in the State of California and having a current Best's rating of "B+:VII" or better or, in the alternative, acceptable to the Conservancy and approved in writing by the Executive Officer.
6. Verification of Coverage. The Grantee shall furnish ABAG and the Conservancy with original certificates, on an ACORD form, and amendatory endorsements effecting coverage required by this clause. All certificates and endorsements are to be received and approved by ABAG and the Conservancy before work commences. ABAG and/or the Conservancy may, at any time, require complete, certified copies of all required insurance policies, including endorsements affecting the coverage.
7. Contractors. The Grantee shall include all contractors as insureds under its policies or shall require each contractor to provide and maintain coverage consistent with the requirements of this section. To the extent generally available, Grantee shall also require each professional contractor to provide and maintain Errors and Omissions Liability insurance appropriate to the contractor's profession and in a reasonable amount in light of the nature of the project with a minimum limit of liability of \$1,000,000.
8. Premiums and Assessments. ABAG and the Conservancy are not responsible for premiums and assessments on any insurance policy.



**SAN RAFAEL**  
THE CITY WITH A MISSION

**Agenda Item No: 5.j**

**Meeting Date: June 6, 2022**

## **SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Public Works**

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

**City Manager Approval:** \_\_\_\_\_

**TOPIC: BUNGALOW AND WOODLAND RESURFACING PROJECT**

**SUBJECT: RESOLUTION APPROVING THE RE-DESIGNED PLANS FOR THE LOWER BUNGALOW ROADWAY SECTION AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO THE CONSTRUCTION AGREEMENT FOR THE BUNGALOW AND WOODLAND RESURFACING PROJECT, CITY PROJECT NO. 11397, WITH GHILOTTI BROS., INC. IN THE AMOUNT OF \$352,369, AND AUTHORIZING ADDITIONAL PROJECT CONTINGENCY FUNDS IN THE AMOUNT OF \$47,631, FOR A TOTAL ADDITIONAL APPROPRIATED AMOUNT OF \$400,000**

**RECOMMENDATION:** Adopt the resolution approving the lower Bungalow re-design and authorizing the City Manager to execute a change order to the construction agreement with Ghilotti Bros., Inc. (GBI) for the Bungalow and Woodland Resurfacing Project in an additional amount of \$352,369 and authorizing additional contingency of \$47,631 for a total additional appropriated amount of \$400,000.

**BACKGROUND:** On September 13, 2021 the City Council awarded and authorized a contract with GBI to construct the City's Bungalow Ave Rehabilitation Project, for the bid amount of \$737,373.77, and authorized contingency funds for the project in the amount of \$112,626, for a total appropriated project amount of \$850,000.

In November 2021, City staff issued the first contract change order CCO1 authorizing \$50,000 in contingency funds to go towards additional work, including two new curb ramps on Woodland Ave and Bayview Street and storm drain improvements along both Woodland Ave and Bungalow Ave.

After a month and a half of construction, residents in the neighborhood requested a site visit with City staff to discuss the overall scope of the project. This site visit took place in late November 2021, when City staff, GBI, residents, Mayor Kate, and Councilmember Hill walked the project together to discuss community needs. Requests from the public included expanding concrete repairs and modifying the lower section of Bungalow Ave from Woodland Ave to Picnic Ave. City staff was able to use a portion of the contingency funds to increase the limits of pavement repair. For areas outside the project budget, the city hired Precision Concrete Cutting to shave remaining offsets within the road that were over half an inch.

In May 2022, City staff issued a second change order CCO2 authorizing an additional \$40,000 in contingency funds to go towards project work requested by the community. The improvements

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

## **SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2**

include: replacement of additional sections of damaged vehicular concrete, re-grading of the concrete road to improve drainage, and the installation of new curbs and concrete berms which would deter stormwater away from downhill driveways that have historically flooded.

The City provided comments from the residents regarding the lower section of Bungalow Ave to the design consultant, BKF Engineers, who came up with an alternate design to include removal of steep gutters and widening of the roadway. This re-design of lower Bungalow Ave will allow more space for vehicles to pass each other while maintaining the sidewalk for pedestrians.

**ANALYSIS:** The City had originally budgeted approximately \$1.1 million for the construction of the Bungalow and Woodland Resurfacing Project. The construction bids received in September 2021 plus contingency were under the project budget of \$850,000. After the community site visit, the paving of the lower section of Bungalow Ave was not performed under the original contract, so it could be re-designed. The City requested and received a change order cost proposal from GBI, in the amount of \$352,369, to construct the lower Bungalow Ave as redesigned. City Staff has reviewed the cost proposal against recent bid pricing including the original contract prices and has found the prices fair and reasonable. City Staff recommends the City Council authorize the City Manager to execute the change order in the amount of \$352,369, for a total amended contract amount of \$1,179,743, and authorize additional project appropriations of \$400,000. With adoption of this resolution, the amended total project appropriated amount will increase to \$1,250,000. This project change will improve vehicular safety at the entrance to this neighborhood.

**PUBLIC OUTREACH:** In addition to the noticing prior to construction, a site visit with the community was done in November 2021. Since the beginning of construction, City staff has been in consistent communication with members of the community by mail, e-mail, and phone to convey timelines, road closures, detours, and general construction updates.

**FISCAL IMPACT:** Staff proposes to increase the construction appropriations for this project by \$400,000 using Gas Tax funds (Fund #206).

### **OPTIONS:**

1. Adopt the resolution as presented.
2. Do not adopt the resolution and provide direction to staff.

**RECOMMENDED ACTION:** Adopt the resolution approving the lower Bungalow Ave re-design and authorizing the City Manager to execute a change order to the construction agreement with Ghilotti Bros., Inc. (GBI) for the Bungalow and Woodland Resurfacing Project in an additional amount of \$352,369 and authorizing additional contingency of \$47,631 for a total additional appropriated amount of \$400,000.

### **ATTACHMENTS:**

1. Resolution

## RESOLUTION NO.

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL APPROVING THE RE-DESIGNED PLANS FOR THE LOWER BUNGALOW ROADWAY SECTION AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO THE CONSTRUCTION AGREEMENT FOR THE BUNGALOW AND WOODLAND RESURFACING PROJECT, CITY PROJECT NO. 11397, WITH GHILOTTI BROS., INC. IN THE AMOUNT OF \$352,369, AND AUTHORIZING ADDITIONAL PROJECT CONTINGENCY FUNDS IN THE AMOUNT OF \$47,631, FOR A TOTAL ADDITIONAL APPROPRIATED AMOUNT OF \$400,000**

**WHEREAS**, the City Council adopted [Resolution Number 14970](#) on September 13, 2021, authorizing and directing the City Manager to enter into a Construction Agreement with Ghilotti Bros., Inc. for the Bungalow and Woodland Resurfacing Project, City Project No. 11397, for the bid amount of \$737,373.77; and

**WHEREAS**, through [Resolution Number 14970, the City Council also](#) authorized contingency funds for the project in the amount of \$112,626, for a total appropriated project amount of \$850,000; and

**WHEREAS**, through Change Orders CCO1 and CCO2 to the Construction Agreement with Ghilotti Bros., Inc., the City has expended \$90,000 of the \$112,626 project contingency funds on additional street repair work; and

**WHEREAS**, based on community input, staff has recommended that the project for the lower section of Bungalow Ave. from Woodland Ave. to Picnic Ave. incorporate a re-design to include the removal of steep gutters and overall widening of the roadway; and

**WHEREAS**, staff requested and received a change order proposal from Ghilotti Bros., Inc. in the amount of \$352,369 to construct the re-designed lower section of Bungalow, for a total amended contract amount of \$1,179,743; and

**WHEREAS**, staff has recommended that the project budget be amended to add contingency funds in the amount of \$47,631, for a total additional appropriated amount of \$400,000; and

**WHEREAS**, with adoption of this resolution to authorize an additional \$400,000 in appropriations, the total appropriated project amount will increase to \$1,250,000.



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

1. The revised plans and specifications for the “Bungalow and Woodland Resurfacing Project”, City Project No. 11397, including the re-design of the lower section of Bungalow Ave. from Woodland Ave. to Picnic Ave. on file in the Department of Public Works, are hereby approved.
2. The City Manager is authorized to execute a change order to the Construction Agreement with Ghilotti Bros., Inc. in an amount of \$352,369, for a total amended contract amount of \$1,179,743, subject to final approval as to form by the City Attorney.
3. Additional funds for the project totaling \$400,000, which includes the contract change order of \$352,369 and additional contingency funds of \$47,631, will be appropriated for City Project No. 11397, using \$400,000 in Gas Tax funds (Fund #206).
4. 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 City Council of said City held on Monday, the 6<sup>th</sup> day of June 2022 by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

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**LINDSAY LARA, City Clerk**



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: Public Works

Prepared by: Bill Guerin,  
Director of Public Works

City Manager Approval: \_\_\_\_\_

A handwritten signature in black ink, likely of the City Manager.

File No.: 16.06.96

**TOPIC: 2021/22 SLURRY SEAL PROJECT**

**SUBJECT: RESOLUTION AWARDING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT FOR 2021/22 SLURRY SEAL PROJECT, CITY PROJECT NO. 11410, TO PAVEMENT COATINGS CO. IN THE AMOUNT OF \$1,029,500, AND AUTHORIZING CONTINGENCY FUNDS IN THE AMOUNT OF \$120,500, FOR A TOTAL APPROPRIATED AMOUNT OF \$1,150,000**

**RECOMMENDATION:** Adopt the resolution awarding and authorizing the City Manager to execute a construction agreement for the 2021/22 Slurry Seal Project to Pavement Coatings Co. in the amount of \$1,029,500 and authorizing contingency funds in the amount of \$120,500, for a total appropriated amount of \$1,150,000.

**BACKGROUND:** The City's annual pavement management program provides vital updates to the City's 331 lane mile network. One of the most important aspects of managing a road network is continual investment toward preservation of recently rehabilitated roads. These types of preservation projects represent relatively low-cost improvements that prolong the effective life of roadways in good condition. The City utilizes the industry standard Pavement Condition Index (PCI) system to initially identify streets in need of preventative maintenance and then conducts field investigation to further analyze conditions.

This fiscal year the proposed project is a slurry seal project that includes crack sealing, slurry sealing, and the installation of new traffic striping, crosswalks and legends to the current standards for the streets shown in Attachment 1.

On May 2, 2022, the project was advertised in accordance with San Rafael's Municipal Code.

**ANALYSIS:** On May 19, 2022, the following bids were received and read aloud:

<u>NAME OF BIDDER</u>	<u>AMOUNT</u>
Pavement Coatings Co.	\$1,029,500
American Asphalt Repair Resurfacing Co., Inc.	\$1,044,084

**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

Sierra Nevada Construction, Inc.	\$1,104,972
VSS International, Inc.	\$1,183,120
Dryco Construction, Inc.	\$1,220,713
Graham Contractors, Inc	\$1,232,820

The construction bids have been reviewed by City staff and the low bid from Pavement Coatings Co. in the amount of \$1,029,500 was found to be both responsive and responsible. City staff recommends awarding the construction contract to Pavement Coatings Co. for the amount bid, and also recommends the City Council authorize a construction contingency of approximately twelve percent in an amount of \$120,500 for a total authorized amount of \$1,150,000.

**PUBLIC OUTREACH:** In March 2022, staff worked with consultant, Ghirardelli Associates, to develop the list of roadways under consideration for slurry sealing and notified all utility companies of the project. The original roadway list was refined to accommodate utility companies performing scheduled work. These utility coordination efforts will minimize the need for repairs within the limits of the newly resurfaced roadways. A mailer has been sent to residents within the project limits describing the project and its impacts, along with an FAQ about the city's annual pavement management program and the proposed treatments for their roadways. In addition, Staff posted updates on the Department of Public Works news blogs and added updates on the City's Resurfacing and Pavement Maintenance website.

**FISCAL IMPACT:** Staff proposes to appropriate construction funding for this project in the amount of \$1,150,000 utilizing the City's Gas Tax Fund #206.

**OPTIONS:**

1. Adopt the resolution as presented.
2. Do not award the contract and direct staff to rebid the project. If this option is chosen, rebidding will delay construction by approximately two months.
3. Do not award the contract and provide direction to staff.

**RECOMMENDED ACTION:** Adopt the resolution awarding and authorizing the City Manager to execute a construction agreement for the 2021/22 Slurry Seal Project to Pavement Coatings Co. in the amount of \$1,029,500 and authorizing contingency funds in the amount of \$120,500, for a total appropriated amount of \$1,150,000

**ATTACHMENTS:**

1. Map of Streets to be Slurry Sealed.
2. Resolution awarding the construction agreement to Pavement Coatings Co.



# City of San Rafael, CA - District 3 Street Treatment Recommendations

District 3

Recommendation

- Slurry Seal
- Intensive Repair
- Micro-surfacing
- Election District



0 0.25 0.5 1  
Miles

Recommendation	Segments	Total Miles	Total Square Yards
Slurry Seal	116	12.53	208,985.81

Map data © OpenStreetMap contributors, Microsoft, Esri, Community Maps contributors, Mapbox, etc.



**RESOLUTION NO.**

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL AWARDING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT FOR THE 2021/22 SLURRY SEAL PROJECT, CITY PROJECT NO. 11410, TO PAVEMENT COATINGS CO. IN THE AMOUNT OF \$1,029,500, AND AUTHORIZING CONTINGENCY FUNDS IN THE AMOUNT OF \$120,500, FOR A TOTAL APPROPRIATED AMOUNT OF \$1,150,000**

**WHEREAS**, on the 19th day of May 2022, 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:

**“City of San Rafael 2021/22 Slurry Seal Project”**

**City Project No. 11410**

in accordance with the plans and specifications therefore on file in the office of the Department of Public Works; and

**WHEREAS**, the bid of \$1,029,500 from Pavement Coatings Co. at the unit prices stated in its bid, was and is the lowest and best bid for said work and said bidder is the lowest responsive and responsible bidder; and

**WHEREAS**, staff has recommended that the project budget include a contingency amount of \$120,500;

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

1. The plans and specifications for the “City of San Rafael 2021/22 Slurry Seal Project”, City Project No. 11410 on file in the Department of Public Works, are hereby approved.
2. The City Manager is authorized and directed to execute a contract with Pavement Coatings Co. for the bid amount, subject to final approval as to form by the City Attorney, and to return the bidder’s bond upon the execution of the contract.

3. Funds for the project totaling \$1,150,000 which includes the construction award amount and contingency, will be appropriated for City Project No. 11410, using \$1,150,000 in Gas Tax funds (Fund #206).
4. 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 City Council of said City held on Monday, the 6<sup>th</sup> day of June 2022 by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

File No.: 16.06.96

**LINDSAY LARA, City Clerk**



**SAN RAFAEL**  
THE CITY WITH A MISSION

**Agenda Item No: 5.I**

**Meeting Date: June 6, 2022**

## **SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Public Works Department**

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

**City Manager Approval:** \_\_\_\_\_

**TOPIC: TEMPORARY STREET CLOSURE TO SUPPORT CANAL ALLIANCE COMMUNITY FAIR EVENT AND ONGOING MOBILE COVID-19 VACCINATIONS IN THE CANAL NEIGHBORHOOD**

**SUBJECT: RESOLUTION AUTHORIZING STREET CLOSURE ON SATURDAY, JUNE 18, 2022 FROM 9 AM TO 7PM TO SUPPORT CANAL ALLIANCE'S COMMUNITY FAIR EVENT AND SATURDAYS IN JULY, 2022 FOR COVID-19 MOBILE VACCINATIONS**

### **RECOMMENDATION:**

Adopt the Resolution authorizing the closure of Alto Street on Saturday June 18, 2022 to support Canal Alliance's Community Fair Event and Saturdays in July 2022 for mobile Covid-19 vaccinations.

### **BACKGROUND:**

Canal Alliance is a nonprofit champion of immigrants who are challenged by a lack of resources and an unfamiliar environment. Their mission statement reads "We believe everyone has the right to achieve their dreams. Because when we support immigrants, Marin becomes a place where everyone can live, learn, work, and succeed". In furtherance of their mission, Canal Alliance intends to host a Community Fair event where they will be engaging with other organizations including local business in hopes to build economic stability for the community.

The partial street closure on June 18<sup>th</sup> will allow people seeking information about opportunities to learn more in an outdoor setting relatively safe from Covid-19 infection. The closures on other Saturdays in July will allow Marin County's mobile vaccination unit to provide Covid-19 vaccinations to area residents. Other businesses on this short street support the Community Fair and vaccination effort and can access their properties from the Belvedere Street end of Alto Street.

### **ANALYSIS:**

Temporary road closures require that the City Council adopt a resolution finding that the closing is necessary for the safety and protection of persons using the road during the closing, per Vehicle Code section 21101(e) which states:

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**



*“(e) Temporarily closing a portion of any street for celebrations, parades, local special events, and other purposes when, in the opinion of local authorities having jurisdiction or a public officer or employee that the local authority designates **by resolution**, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.”*

Department of Public Works staff will support the street closure by providing closure signage and traffic control support. The Police Department and Fire Department may provide ancillary support as well.

**STREET TO BE CLOSED:**

Alto Street from its intersection with Larkspur Street to mid-block at approximately the entrance to the Johnson and Daly Moving Company warehouse entrance on Saturday June 18, 2022, from 9 a.m. to 7 p.m., and on Saturdays in July from 6 a.m. to 3 p.m. Public walk-up access to businesses will be maintained during event hours. Staff also requests the City Council to ratify the City Manager’s emergency decision to approve the closure on Saturday June 4, 2022 to facilitate the Canal Alliance effort to vaccinate local residents on that date.

**COMMUNITY OUTREACH:**

Canal Alliance is advertising the Community Fair event and mobile vaccinations through their public outreach network. Canal Alliance has also received the support of other nearby businesses for these closures.

**FISCAL IMPACT:**

The City will provide in-kind services, such as “no parking” signage and traffic control support and advice. Any cost associated with this support will be minimal.

**OPTIONS:**

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

1. Adopt resolution.
2. Adopt resolution with modifications.
3. Direct staff to return with more information.
4. Take no action.

**RECOMMENDED ACTION:**

Adopt the Resolution authorizing the closure of Alto Street on Saturday June 18, 2022 to support Canal Alliance’s Community Fair event, and on Saturdays in July 2022 to support Covid-19 vaccinations.

**ATTACHMENTS:**

1. Resolution



## **RESOLUTION NO.**

### **RESOLUTION OF THE SAN RAFAEL CITY COUNCIL AUTHORIZING STREET CLOSURE ON SATURDAY, JUNE 18, 2022 FROM 9 AM TO 7 PM TO SUPPORT CANAL ALLIANCE'S COMMUNITY FAIR EVENT AND SATURDAYS IN JULY, 2022 FOR COVID-19 MOBILE VACCINATIONS**

**WHEREAS**, the Canal Alliance is a non-profit group advocating for the needs of the immigrant residents in San Rafael; and

**WHEREAS**, the Canal Alliance, intends to host a Community Fair event where they will be engaging other organizations including local businesses in hopes to build economic stability for the community; and

**WHEREAS**, the Canal Alliance intends to host Covid-19 vaccinations sponsored by Marin County; and

**WHEREAS**, the Canal Alliance has requested that the City allow the temporary closure of a portion of Alto Street on Saturday June 18, 2022 and Saturdays in July 2022 to support their events; and

**WHEREAS**, after reviewing the request, City staff has determined and recommended that, in the interest of the safety and welfare of pedestrian and auto traffic in the Downtown area, Alto Street should be temporarily closed to through traffic on Saturday June 18, 2022 from 9 am to 7 pm for the event, and on Saturdays in July 2022 from 6 a.m. to 3 p.m.; and

**WHEREAS**, under his authority as Director of Emergency Services during the existing state of local emergency, the City Manager approved the temporary closure of Alto Street on June 4, 2022 to support the community's vaccination event;

### **NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL HEREBY RESOLVES AS FOLLOWS:**

1. That all of the above findings are true and correct.
2. That, pursuant to the authority of Vehicle Code section 21101(e), for the safety and protection of persons, both pedestrians and vehicle drivers, the City Council hereby authorizes the temporary closure of Alto Street for the dates and times described above.
3. The decision of the City Manager/Director of Emergency Services to approve the temporary closure of Alto Street on June 4, 2022 is hereby ratified and confirmed.

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 6<sup>th</sup> day of June 2022 by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

**Lindsay Lara, City Clerk**



**SAN RAFAEL**  
THE CITY WITH A MISSION

**Agenda Item No: 5.m**

**Meeting Date: June 6, 2022**

## **SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Public Works**

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

**City Manager Approval:** 

**TOPIC: BAYPOINT LAGOONS ASSESSMENT DISTRICT**

**SUBJECT: BAYPOINT LAGOONS LANDSCAPING AND LIGHTING ASSESSMENT  
DISTRICT ANNUAL ASSESSMENT FY 2022-23:**

- 1. RESOLUTION DIRECTING FILING OF ENGINEER'S ANNUAL REPORT FY 2022-23**
- 2. RESOLUTION APPROVING ENGINEER'S ANNUAL REPORT FY 2022-23**
- 3. RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS AND SETTING A PUBLIC HEARING ON THE ANNUAL ASSESSMENT FOR THE CITY COUNCIL MEETING OF JULY 5, 2022.**

**RECOMMENDATION:** Staff recommends that the City Council approve the following items:

1. Adopt a resolution directing filing of Engineer's FY 2022-23 Annual Report.
2. Adopt a resolution approving Engineer's FY 2022-23 Annual Report.
3. Adopt a resolution of intention to order improvements and setting a public hearing on the annual assessment for the City Council meeting of July 5, 2022.

**BACKGROUND:** To comply with provisions of the [Landscaping and Lighting Act of 1972](#), which governs this type of assessment district, the City Council must approve an Engineer's report on an annual basis. Assessments to be collected by the District must be allocated and levied annually after an appropriate public hearing, to be held this year on July 5, 2022.



*Assessment District boundaries in East San Rafael (yellow)*

**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

The Baypoint Lagoons Landscaping and Lighting District (Assessment District) was formed in 1990 to protect and enhance wildlife habitat and water quality in the Baypoint (Spinnaker) Lagoons, the adjacent ponds, and diked salt marsh. There are four total ponds/lagoons located within the Assessment District. Primarily, maintenance provided by this district has historically included mowing around the lagoon, replanting areas with native vegetation, and eradicating exotic plants such as cattails.

Since the mid-2000's, the Baypoint Lagoons Homeowners Association (HOA) has taken a more active role in the landscaping of the lagoon areas. The HOA, as opposed to the Assessment District, has funded landscaping and biannual mowing of the grass around the lagoon in recent years.

In 2015, with the landscaping and eradication of non-native species moved to a manageable maintenance level, the HOA approached the City with two major concerns: the odor nuisance seasonally emitted from the lagoons and the related need for improvements to the nearby Cayes Stormwater Pump Station. The homeowners agreed Assessment District funds could be used towards these priorities.

The Assessment District has three dedicated Funds:

**1. Eradication of Exotic Plants Fund**

The Eradication of Exotic Plants Fund was established as the primary funding source to protect and enhance the wildlife habitat in the lagoons, ponds and diked salt marsh located within the district parameters. As noted, the HOA took over the maintenance of the waterfront around the lagoon in the mid-2000's. Since that time, the City has performed occasional maintenance of the vegetation within the lagoon and on the islands.

The Eradication of Exotic Plants Fund balance as of June 30, 2022 is anticipated to be \$44,986.

**2. Environmental Monitoring Fund**

This fund was set up to address the homeowners concern over the odor emitted from the lagoons in the summer months. While the salt pond (the major source of the odor) falls within the boundary of the Assessment District, the pond itself is on private property and therefore is not within the Assessment District's responsibility to maintain. However, due to their proximity to the pond and the odor emitted from the main lagoon as well, members of the Assessment District approached the City in 2014 requesting that funds from the District be allocated to further study odor control options for all lagoons. Since that time, the City completed a comprehensive study of lagoon health and options for odor control with Siegel Environmental.

In 2017, the City also applied for a grant to the San Francisco Bay Restoration Authority Measure AA grant for the restoration of Spinnaker Marsh and Shoreline Flood Protection measures. The project would aim to not only reinforce the levee, but resolve long-time odor issues resulting from the seasonal drying of the marsh. However, the 2017 grant application was ultimately turned down and there was some homeowner opposition to the proposed levee.

The City reapplied for the same grant in the fall of 2019 after extensive outreach by the HOA. While the grant application was accompanied by over 100 support letters, more than a dozen neighbors remained opposed to the project. In March 2020, the grant application was turned down once again with the granting agency, the San Francisco Bay Restoration

Authority, noting that the remaining resident opposition to the project may inhibit CEQA compliance.

The Environmental Monitoring Fund balance as of June 30, 2022 is anticipated to be \$44,854.

**3. Cayes Stormwater Pump Station Improvements Fund**

Though the Cayes Pump Station is located just outside the Assessment District, the station serves as the key drainage facility and its regular pumping action keeps it as the odor regulator for the district's lagoon. The Assessment District is concerned with improving the functionality and remote operability of the 50-year old pump station, and since 2006 has set aside money every year to fund control system improvements. Bringing the control system up to date would allow for a more automated method of control of the water level to reduce the potential odors caused by hot weather and algae growth.

The Cayes Stormwater Pump Station Improvements Fund is expected to have a balance of \$78,893 as of June 30, 2022.

**ANALYSIS:** On behalf of the homeowners and the District, the City has undergone two major efforts in the previous two years to advance the goals of the district and homeowners. The first was the engineering and design of the reconstruction of Cayes Pump Station. A design contract was awarded to Cammisa + Wipf and completed in 2021. The City currently has 90% electrical plans and estimated construction cost from the Cammisa + Wipf design contract.

The second major effort was with the environmental consultants Foth and Van Dyke to design an aeration system to both monitor and maintain water quality; but chiefly to reduce the odor from the lagoon. In the Fall and Winter of 2021, the City worked closely with Foth and Van Dyke to pilot a new aeration and oxidation method to improve water quality and reduce odor. Due to the shallow water level of the lagoon, it was deemed infeasible to aerate the pond and the contract with Foth and Van Dyke was terminated. Remaining funds have been allocated to the Pump Station Improvements Fund.

The activities for the Assessment District Fund during FY 2021-22 were as follows:

<b>July 1, 2021 Fund Balance</b>	<b>\$200,104.66</b>
<b>Revenues</b>	
Assessments	\$24,099.53
Interest	\$0.00
<b>Total Revenues</b>	<b>\$24,099.53</b>
<b>YTD Expenditures</b>	
County Admin Fee	\$386.00
Engineer's report	\$5,862.50
Environmental Monitoring Fund	
<i>Foth and Van Dyke study</i>	\$6,661.54
Pump Station Improvements Fund	
<i>Cammisa + Wipf design (encumbered)</i>	\$20,680.00
<b>Total Expenditures (proj.)</b>	<b>\$33,590.04</b>

**Projected June 30, 2022 Fund Balance**

**\$190,614.15**

The attached resolutions provide for filing and approval of the Engineer's 2022-23 Annual Report for the District and setting the public hearing on the assessments.

**FISCAL IMPACT:** All revenues and expenses are generated by the Assessment District and are contained within the Baypoint Lagoons Assessment District Fund (Fund No. 235). The proposed FY 2022-23 assessment is \$131.44 per parcel, which has remained unchanged since 1996. The City does incur indirect General Fund costs as it relates to staff time spent monitoring and adjusting the lagoon water level, as well as managing the capital improvements at the Cayes Stormwater Pump Station. The District pays for all direct contracted costs.

**OPTIONS:**

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

1. Adopt the three resolutions as presented.
2. Provide direction to staff to modify any or all of the resolutions and return to the City Council with additional information.
3. Do not adopt the resolutions. If the resolutions are not adopted by the Council, the public hearing will not take place and the City will be unable to levy the annual assessment against property owners within the Assessment District.

**RECOMMENDED ACTION:**

1. Adopt resolution directing filing of Engineer's FY 2022-23 Annual Report.
2. Adopt resolution approving Engineer's FY 2022-23 Annual Report.
3. Adopt resolution of intention to order improvements and setting a public hearing on the annual assessment for the City Council meeting of July 5, 2022.

**ATTACHMENTS:**

1. Resolution directing filing of Engineer's 2022-23 Annual Report
2. Resolution Approving Engineer's 2022-23 Annual Report
3. Resolution of intention to order improvements and setting a Public Hearing on the Annual Assessment for the City Council meeting of July 5, 2022
4. CSW/Stuber-Stroeh Engineer's 2022-23 Annual Report

**RESOLUTION NO.**

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL DIRECTING  
FILING OF ENGINEER'S ANNUAL REPORT FY 2022-23**

**BAYPOINT LAGOONS LANDSCAPING AND LIGHTING DISTRICT  
(Pursuant to the Landscaping and Lighting Act of 1972)**

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**THE CITY COUNCIL OF THE CITY OF SAN RAFAEL RESOLVES** that:

1. CSW/Stuber-Stroeh Engineering Group, Inc. is designated by this Council as the Engineer of Work for Baypoint Lagoons Landscaping and Lighting District, City of San Rafael, Marin County, California, and is hereby directed to file with the City Clerk an annual report for fiscal year 2022-23 in accordance with the provisions of the Landscaping and Lighting Act of 1972.

2. This resolution is adopted pursuant to Section 22622 of the Streets and Highways Code.

**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 6<sup>th</sup> day of June 2022, 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 APPROVING  
ENGINEER'S ANNUAL REPORT FY 2022-23**

**BAYPOINT LAGOONS LANDSCAPING AND LIGHTING DISTRICT  
(Pursuant to the Landscaping and Lighting Act of 1972)**

---

**THE CITY COUNCIL OF THE CITY OF SAN RAFAEL RESOLVES** that:

1. CSW/Stuber-Stroeh Engineering Group, Inc. as designated Engineer of Work for Baypoint Lagoons Landscaping and Lighting District has filed with the City Clerk an Engineer's Annual Report for fiscal year 2022-23 in accordance with the provisions of the Landscaping and Lighting Act of 1972.

2. The aforementioned Engineer's Annual Report, on file with the City Clerk, is approved as filed.

**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 6<sup>th</sup> day of June 2022, by the following vote, to wit:

**AYES: COUNCILMEMBERS:**

**NOES: COUNCILMEMBERS:**

**ABSENT: COUNCILMEMBERS:**

**LINDSAY LARA, City Clerk**



## **RESOLUTION NO.**

### **SAN RAFAEL CITY COUNCIL RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS AND SETTING A PUBLIC HEARING ON THE ANNUAL ASSESSMENT FOR THE CITY COUNCIL MEETING OF JULY 5, 2022**

#### **BAYPOINT LAGOONS LANDSCAPING AND LIGHTING DISTRICT (Pursuant to the Landscaping and Lighting Act of 1972)**

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**THE CITY COUNCIL OF THE CITY OF SAN RAFAEL RESOLVES** that:

1. The City Council intends to levy and collect assessments within the Baypoint Lagoons Landscaping and Lighting District, City of San Rafael, Marin County, California, during the fiscal year 2022-23. The area of land to be assessed is located in the City of San Rafael, Marin County.

2. In accordance with this Council's resolution directing the filing of an Engineer's Annual Report, CSW/Stuber-Stroeh Engineering Group, Inc., Engineer of Work, has filed with the City Clerk the report required by the Landscaping and Lighting Act of 1972. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessment district and the proposed assessments upon assessable lots and parcels of land within the assessment district.

3. The proposed assessment does not increase the assessment from the previous year.

4. On Tuesday, the 5th of July, 2022 at the hour of 7:00 o'clock P.M., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held both in person at the City Council Chambers

as well as virtually through Zoom at the webinar location listed on the agenda online at <https://www.cityofsanrafael.org/departments/public-meetings/>, as well as being streamed to YouTube at [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael).

5. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972 by publishing a copy of this resolution once in the Marin Independent Journal, publication to be completed not less than ten (10) days before July 5, 2022.

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 6<sup>th</sup> day of June 2022, by the following vote, to wit:

**AYES:**           **COUNCILMEMBERS:**

**NOES:**           **COUNCILMEMBERS:**

**ABSENT:**       **COUNCILMEMBERS:**

**LINDSAY LARA, City Clerk**

**ENGINEER'S ANNUAL REPORT**  
**FOR**  
**BAYPOINT LAGOONS LANDSCAPING**  
**AND LIGHTING DISTRICT**

**2022 - 2023**

**FOR THE CITY OF SAN RAFAEL**

**CALIFORNIA**

**COUNCIL MEETING**

**JUNE 6, 2021**

First Meeting

**JULY 5, 2021**

Second Meeting

**Prepared By:**  
**CSW/Stuber-Stroeh Engineering Group, Inc.**  
45 Leveroni Court  
Novato, CA 94949

**ENGINEER'S ANNUAL REPORT**  
**2022-2023**

BAYPOINT LAGOONS LANDSCAPING AND LIGHTING DISTRICT  
CITY OF SAN RAFAEL, MARIN COUNTY, CALIFORNIA  
(Pursuant to the Landscaping and Lighting Act of 1972)

The undersigned respectfully submits the enclosed annual report as directed by the City Council.

DATED: \_\_\_\_\_, 2022

CSW/STUBER-STROEH ENGINEERING GROUP, INC.  
Engineer of Work

By \_\_\_\_\_  
Alan G. Cornwell

I HEREBY CERTIFY that the enclosed Engineer's Annual Report, together with Assessment and Assessment Diagram thereto attached, was filed with me on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

LINDSAY LARA, City Clerk, City of San Rafael, Marin County,  
California

By \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Annual Report, together with Assessment and Assessment Diagram thereto attached, was approved on \_\_\_\_\_, 2020 and confirmed by the City Council of the City of San Rafael, Marin County, California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

LINDSAY LARA, City Clerk, City of San Rafael, Marin County,  
California

By \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Annual Report, together with Assessment and Assessment Diagram thereto attached, was filed with the County Auditor of the County of Marin on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

LINDSAY LARA, City Clerk, City of San Rafael, Marin County,  
California

By \_\_\_\_\_

# ENGINEER'S ANNUAL REPORT

## 2022-2023

### BAYPOINT LAGOONS LANDSCAPING AND LIGHTING DISTRICT CITY OF SAN RAFAEL, MARIN COUNTY, CALIFORNIA (Pursuant to the Landscaping and Lighting Act of 1972)

CSW/Stuber-Stroeh Engineering Group, Inc., Engineer of Work for Baypoint Lagoons Landscaping and Lighting District, City of San Rafael, Marin County, California, makes this annual report, as directed by the City Council, by its Resolution No. \_\_\_\_\_, adopted \_\_\_\_\_, 2022.

The improvements which are the subject of this report are briefly described as follows:

Creating, maintaining, and monitoring open space habitat. Each year for the foreseeable future, cattail removal will be undertaken to enhance the habitat. After at least five years of cattail eradication, a monitoring assessment will be completed to document the effectiveness of the removal effort. The monitoring will be done in accordance with the proposal for SPINNAKER LAGOON MANAGEMENT, as prepared by Resource Management International, Inc. previously known as Western Ecological Services Company, Inc., dated February 25, 1998, and the letter dated November 28, 1999 by Wetlands Research Associates. The future Report will reflect anticipated costs to provide funds for the monitoring program necessary to demonstrate the contingent viability of the diked marsh area. Future monitoring is the best way to demonstrate to interested agencies the success of the mitigation program that is the responsibility of the district.

This report consists of six parts, as follows:

**PART A** - Plans (SPINNAKER LAGOON MANAGEMENT PLAN, WETLAND RESEARCH ASSOCIATES LETTER, and PACIFIC OPEN SPACE, INC. LETTER) for the improvements are filed with the City Clerk. Although separately bound, the plans and specifications are a part of this report and are included in it by reference.

**PART B** - An Amended Estimated Cost of the Assessment District.

**PART C** - Assessment Roll - An assessment of the estimated cost of the improvement on each benefited parcel of land within the assessment district.

**PART D** - Method of Apportionment of Assessment - A statement of the method by which the undersigned has determined the amount proposed to be assessed against each parcel.

**PART E** - List of Property Owners - A list of the names and addresses of the owners of real property within this assessment district, as shown on the last equalized assessment roll for taxes, or as known to the Clerk. The list is keyed to Exhibit "C" by assessment number.

**PART F** - Assessment Diagram - A diagram showing all of the parcels of real property within this assessment district. The diagram is keyed to Part "C" by assessment number.

Respectfully submitted,  
CSW/Stuber-Stroeh Engineering Group, Inc.

By \_\_\_\_\_  
Alan G. Cornwell, Engineer of Work

## PART A

Plans for the maintenance and improvement of the lagoon are the monitoring portions of the report prepared by Western Ecological Services Company, Inc., dated May 31, 1996 and titled REVISED PROPOSAL FOR 1998 and 1999 BUDGET FOR SPINNAKER LAGOON MANAGEMENT, the Letter Report prepared November 28, 1999 by Wetlands Research Associates, Inc., the Letter Proposal prepared by Pacific OpenSpace dated August 9, 1999, and subsequent documents and contracts between Pacific OpenSpace and the City of San Rafael. These documents have been filed previously with the clerk of the legislative body and are incorporated in this report by reference.

The actual eradication of the cattails has been handled directly through a City contract. Several years ago, the City obtained a number of preliminary proposals to completely eliminate the cattails from the entire lagoon. At that time, the estimated cost to do this work was \$90,000. Since the Assessment District was not able to fund the amount from a single annual assessment, the City developed a program to complete a portion of the eradication each year on an on-going basis, thereby arresting future expansion of the cattail area and slowly reclaiming the lagoon from the emerging cattail areas. In addition, the City also began replanting some areas with native vegetation. The fund to eradicate exotic plants has remained constant with no additional allocation. The fund value is currently \$55,000.00.

In past years, additional weed abatement was performed by Pacific OpenSpace, Inc. under the direction of the City. The Pacific OpenSpace maintenance crew performed weed control in the form of mowing at Baypoint Lagoon during 2005. The major focus of their work was the eradication of broadleaf perennials, such as bristly ox-tongue (*Picris echioides*) and fennel (*Foeniculum vulgare*), as well as perennial weeds such as Harding grass (*Phalaris aquatica*). The most recent maintenance mowing by Pacific OpenSpace took place on March 21, 2006 followed by spraying of broadleaf weeds on May 15, 2006. In 2006 the contract between the City and Pacific OpenSpace lapsed, and the second mowing was not completed with Assessment District funds. No mowing using Assessment District funds occurred during the 2016-2017 fiscal year.

The Homeowners Association has continued to take an active role in managing and directing the Assessment District. Representatives from the Homeowners Association have met on numerous occasions with the District Engineer, the City's engineering staff and the City's maintenance staff regarding the management and operations of the lagoon and surrounding open area. These meetings started a number of years ago and have continued, allowing the homeowners to gain expertise and insight into the original intentions of the Assessment District and develop ideas and plans to make the best use of the Assessment District funds. The most recent discussion took place in May 2017.

Based on the active role that the homeowners have taken, much of the annual landscape control maintenance work that had previously been completed by the District is being paid for directly by the Homeowners Association. This includes the annual or bi-annual mowing around the lagoon.

In early 2015, the Baypoint homeowners approached Nader Mansourian, then Director of Public Works, with two concerns relative to the assessment district. The first concern was the seemingly hopeless task of obtaining adequate funds to replace and upgrade the City of San Rafael's Cayes Storm Water Pump Station, and the second, the more immediate need, to address the odor nuisance from the Lagoon.

## PART A

### First Concern:

Since 2006, the Assessment District has set aside money every year to fund improvements to the Cayes Storm Water Pump Station. The amount of set aside started small, \$5,000.00, and has increased to approximately \$15,000.00 annually. However, in Fiscal Year 2018-2019 maintenance to clean the pump station and outfall was undertaken which reduced Cayes Pump Fund (see below). The amount set aside is designated to fund the control improvements to the pump station to bring the control system up to date and allow a more automated control of the water level to reduce the potential for hot weather odors and algae growth. This fund now stands at \$157,000.00. The cost of the controls system has increased steadily over the years, and there has never been a formal assessment of the specific control system improvements needed to automate the system. The Homeowners Association would like to work with the City to use District funds to undertake a formal study to determine the feasibility, cost, and potential benefit of enhancing the control systems at the Cayes Storm Water Pump Station, with specific emphasis on alleviating the unpleasant odors which emanate from the lagoon. As noted below, this more pressing need (odor control) has been the focus of the homeowners, and the funds normally anticipated to be added to the fund from 2015-2016 and 2016-2017 assessments have been used for other benefits. Nevertheless, an additional \$10,000 allocation from the 2020-2021 assessments is suggested for the coming year.

### Second Concern:

In the summer of 2014, the odor complaints continued to get worse, and the funding for the improvements to the Cayes Storm Water Pump Station continued to be short of what was needed to fund the pump station improvements. Members of the Assessment District approached the City and requested that funds from the district be allocated to further study options to control the odor. In January, 2015, the City Council, acting on the request from the members of the Assessment District, authorized the Public Works Director to engage Siegel Environmental to study the problem and suggest solutions to the odor problems that might be accomplished without changing the controls at the pump station. The cost of the study was \$35,485.00, and the members of the Assessment District agreed to fund this out of the set aside funds available in the district. The study was completed in February, 2016, and the District paid the appropriate invoices.

The result of this work reduced the overall funds available. Since the work was environmentally driven, the District paid for the study from the set-asides allocated as the Environmental Monitoring Fund. This reduced the Environmental monitoring fund to \$31,515.00. For the subsequent two years the set-aside from the District has continued to grow this balance. Based on the contribution since 2016, the fund is \$51,515. No additional funds will be added for 2020-2021.

Environmental Monitoring: It is anticipated that a complete monitoring of the environmental health of the lagoon will be required at some time in the future. This year no additional allocation is being recommended for the 2020-2021 expenditures. The fund will remain at \$51,515.00 in June, 2021.

Cayes Storm Water Pump Station: The homeowners continue to desire to add motor controls to better regulate the level of the lagoon. This would require that additional control devices be integrated into the Cayes Storm Water Pump Station. The District is allocating \$10,000.00 of next year's expenditures toward further analysis of the Cayes Storm Water Pump Station controls. The fund is projected to hold \$167,000.00 in June, 2021.



## PART A

Eradication of Exotic Plants: This fund has remained the same for many years, anticipating removal of invasive and exotic plants and debris. In earlier years, the District removed grass and cattails along with mowing the waterfront. As noted above, the Home Owners Association took over the maintenance of the water front around 2006. Since that time the City has performed sporadic maintenance on the vegetation within the lagoon which is difficult to reach from the shoreline. Until the 2019-2020 fiscal year, the City did this with its own maintenance staff and did not charge the district for the work. The fund will remain at 39,178.00 in June 2021.

Additional Activities for the Fiscal Year 2017-2018: During Fiscal Year 2017-2018 the City, on behalf of the District, has made several inquiries into obtaining additional funding for restoration of the Lagoon. In the fall of 2017, the City made a grant application to the San Francisco Bay Restoration Authority under the Authority's First Round of Measure AA Funding. Unfortunately, the City's project was not chosen. In addition, the City has continued to work with Mr. Stuart Siegel (Siegel Environmental and Adjunct Professor at San Francisco State University to try and persuade the San Francisco Bay Joint Venture to accept the project in order to demonstrate to the Restoration Authority that the project has been "vetted" and has support from the environmental community. These efforts are on-going. As with many grant applications, final approval may be several years in the future.

### 2018 – 2019 Activities

During Fiscal Year 2018-2019 the City contracted with Ghilotti Construction to clean the pump station and outlet pipes to improve flow. The cost of the work was \$32,111.00. This was paid out of the Pump Station Fund, reducing it to \$103,899. (\$136,000 - \$32,111 = \$103,899)

### 2019 – 2020 Activities

During Fiscal Year 2019-2020 the Homeowners Association requested that the City provide maintenance to remove non-native vegetation which had be a growing concern to the viability of the lagoon. The City completed two tasks relating to long-term maintenance on the lagoon and two others on the pump station. The first was to improve the maintenance operation on the pump station. This included the annual cleaning and debris removal before the beginning of the rainy season. The City included this work as part of the routine maintenance required for the pump station and did not charge the District for that work. The second task was to upgrade the controls and improve their responsiveness and long term viability. The City contracted this work through the City's Stormwater Maintenance Fund and expects the District to reimburse the fund. This will reduce the Pump Station Control Fund.

A discussion of the two maintenance tasks follow:

The first task was algae removal and was performed by Solitude Lake Management, LLC. This work was completed in the fall of 2019. The work included having a pontoon watercraft fitted with a skimmer remove the surface algae from the pond and place it along the shoreline. The City's maintenance staff then removed the algae from the site. The outside (Solitude Lake Management, LLC) cost for this work was \$11,550. The City did not assess the District for the work done by City staff and equipment.

The second effort removed the cattail vegetation from the pond and pampas grass and debris from the islands, some of which was hampering the operations of the gate and pipe connection at the

## PART A

outlet to San Rafael Bay. The City first lowered the level in the lagoon to allow better access to the cattails. Then the City contracted Forster and Kroeger Landscape to hand cut the cattails below the lowered waterline and remove them from the site. The cost of the cattail removal was \$4,272 and again the City did not charge the District for the City's staff and equipment.

The total cost of the work was \$15,822 (\$11,550 + \$4,272). This was paid out of the Eradication of Exotic Plants Fund reducing it to \$39,178 (\$55,000 - \$15,822). Since this type of work will be likely be needed at regular intervals in the future we are allocating \$16,000 of the 2020-2021 assessment budget to the Eradication of Exotic Plants Fund replacing that spent in the 2019-2020 year.

The cost of the upgrades to the controls of the Cayes Pump Station was \$42,007.50. The expenses below shown a reduction in the Pump Station Control Fund of this amount reducing the Fund from \$156,000 to \$114,992.50. These reductions are reflected in Part B below.

### 2020 – 2021 Activities

At the request of the Homeowners and noted in the 2020-2021 Report, the City is coordinating an effort to help reduce odors and better manage both the water levels in the lagoon and the lagoon itself. On behalf of the homeowners and the District, the City has entered into two contracts, one with Cammisa + Wipf and another Foth and Van Dyke to provide various improvements. Cammisa + Wipf is designing a control system for the Cayes Pump Station and Foth and Van Dyke is designing an aeration system in addition to monitoring water quality.

The City contracted with Cammisa + Wipf to design lagoon control improvements to better manage the water levels in the lagoon. Cammisa + Wipf is currently designing those controls. The Cammisa + Wipf contract is for \$74,100 and Cammisa + Wipf are approximately 50% complete as of April 2021. The cost to upgrade and rehabilitate the pump station is estimated to be in the range of \$400,000 to \$500,000. The City will be including that amount in future Capital Improvement Budgets to supplement the contribution from the District. The District will continue to make an allocation of 2021-2022 assessment proceeds to the Pump Station Control Fund (\$10,000). The Pump Station Control Fund is expected to have a balance of \$85,050.00 (\$124,992.50 - \$37,942.50 - \$2,000) on June 30, 2021.

The City entered into a contract with Foth and Van Dyke on April 15, 2021 to provide various services including monthly monitoring and reporting, water quality control enzyme applications, water quality testing, improving water circulation and installing equipment. The Contract covers the entire Spinnaker Point Lagoon. Since the Lagoon is only approximately half within the frontage of the Bay Point Lagoons Assessment District, the District is only responsible for half of the contract. The contract will run through 2022 and has a not-to-exceed amount of \$51,242 (\$25,621 assigned to the District). Using the funds available from the Eradication of Exotic Plants, the District will be able to cover these costs. No contribution from the 2021-2022 proceeds is available for the Eradication Fund. The Eradication Fund is expected to have a balance of \$44,985.88 (\$55,178 - \$10,192.12) on June 30, 2021.

Together, both of these contracts total \$125,342. In addition, Foth and Van Dyke suggests the City allow a budget of \$37,000 to \$45,000 for the installation of the equipment. This amount will be funded through the Monitoring and Status Report Fund. This will mostly deplete this fund, although future assessment revenue may be assigned to this fund to re-build it when needed for

## PART A

further improvements. The Monitoring and Status Report Fund is expected to remain with a balance of \$51,515.00 on June 30, 2021.

### 2021 – 2022 Activities

Foth and Van Dyke continued to perform Monitoring and reporting on the water quality during the fiscal year 2021-2022. The water quality did not appear to improve even using an aeration bubbler to try to introduce oxygen into the lagoon. Foth and Van Dyke was paid a total of \$6,661.54 for the work that was completed. Since there was no noticeable improvement in the water quality, the City elected to cancel the remainder of the Foth and Van Dyke contract so that those funds could be better spent in the future on the capital improvement to structurally address the water quality. Since the City spent a significant amount of staff time manually controlling the water level to provide odor relief and the staff time exceeded the Foth and Van Dyke invoice, the District paid the full invoice and the City did not charge the District for the staff time.

Since the equipment suggested in the method to control odors is no longer needed, the District will no longer continue to hold \$45,000 toward the installation of the equipment. This money will be returned to the Eradication Fund. The fund will remain as it was in the 2021-2022 report at \$44,985.88

As noted above, the City contracted with Cammisa + Wipf to design lagoon control improvements to better manage the water levels in the lagoon. Cammisa + Wipf is currently designing those controls. The Cammisa + Wipf contract is for \$74,100 and Cammisa + Wipf are approximately 90% complete as of April 2022. However, Cammisa + Wipf have only incurred \$58,622.50 in design costs in the fiscal years 2020-2021 and 2021-2022. The City expects the remaining contract to be completed in fiscal year 2022-2023. The cost to upgrade and rehabilitate the pump station is now estimated to be in the range of \$ 375,000 to \$400,000. The City will be including that amount in future Capital Improvement Budgets to supplement the contribution from the District. The District will increase an allocation to the Pump Station Control Fund for 2022-2023. This amount will be \$20,000.00. The Pump Station Control Fund is expected to have a balance of \$78,892.50(\$95,050.00 - \$20,680.00 - \$15,477.50 + \$20,000) on June 30, 2023.

## PART B ESTIMATE OF COSTS

First Year Expenditures 1993-1994, Phase II Program	\$ 27,017.00
Assessment Proceeds, Plus 1992-1993 Surplus	<u>\$ 27,208.36</u>
Surplus to Carry Forward	\$ 191.36
Second Year Expenditures 1994-1995, Phase II Program	\$ 25,340.05
Assessment Proceeds, Plus 1993-1994 Surplus	<u>\$ 25,385.36</u>
Surplus to Carry Forward	\$ 45.31
Third Year Expenditures 1995-1996, Phase II Program	\$ 19,990.88
Assessment Proceeds, Plus 1994-1995 Surplus	<u>\$ 27,253.67</u>
Surplus to Carry Forward	\$ 7,262.79
Fourth Year Expenditures 1996-1997, Phase II Program	\$ 22,116.76
Assessment Proceeds, Plus 1995-1996 Surplus	<u>\$ 34,471.15</u>
SURPLUS & RESERVE FUND TO CARRY FORWARD	\$ 12,354.39
Fifth Year Expenditures 1997-1998, Phase II Program	\$ 29,681.42
Assessment Proceeds, Plus 1996-1997 Surplus	<u>\$ 39,644.38</u>
SURPLUS & RESERVE FUND TO CARRY FORWARD	\$ 9,962.96
Sixth Year Expenditures 1998-1999, Phase II Program	\$ 26,646.72
Assessment Proceeds, Plus 1997-1998 Surplus	<u>\$ 37,171.32</u>
SURPLUS & RESERVE FUND TO CARRY FORWARD	\$ 10,524.60
Seventh Year Expenditures 1999-2000, Phase II Program	\$ 12,350.00
Assessment Proceeds, Plus 1998-1999 Surplus	<u>\$ 37,647.13</u>
SURPLUS & RESERVE FUND TO CARRY FORWARD	\$ 25,297.13
Eighth Year Expenditures 2000-2001, Phase II Program	\$ 45,079.76
Assessment Proceeds, Plus 1999-2000 Surplus	<u>\$ 75,205.08</u>
SURPLUS & RESERVE FUND TO CARRY FORWARD	\$ 30,125.32
Ninth Year Expenditures 2001-2002, Phase II Program	\$ 20,386.00
Assessment Proceeds, Plus 2000-2001 Surplus	<u>\$ 55,382.83</u>
SURPLUS & RESERVE FUND TO CARRY FORWARD	\$ 34,996.83
Tenth Year Expenditures 2002-2003, Phase II Program	\$ 25,944.08
Assessment Proceeds, Plus 2001-2002 Surplus	<u>\$ 60,097.87</u>
SURPLUS & RESERVE FUND TO CARRY FORWARD	\$ 34,153.79
Eleventh Year Expenditures 2003-2004, Phase II Program	\$ 28,333.58
Assessment Proceeds, Plus 2002-2003 Surplus	<u>\$ 63,743.79</u>
SURPLUS & RESERVE FUND TO CARRY FORWARD	\$ 35,410.21
Twelfth Year Expenditures 2004-2005, Phase II Program	\$ 28,041.08
Assessment Proceeds, Plus 2004-2005 Surplus	<u>\$ 59,634.21</u>
SURPLUS & RESERVE FUND TO CARRY FORWARD	\$ 31,593.13
Thirteenth Year Expenditures 2005-2006 Phase II Program	\$ 12,669.63
Assessment Proceeds, Plus 2005-2006 Surplus	<u>\$ 56,078.66</u>
SURPLUS & RESERVE FUND TO CARRY FORWARD	\$ 43,409.03

## PART B ESTIMATE OF COSTS

Fourteenth Year Expenditures 2006-2007 Phase II Program	\$ 10,566.59	
Assessment Proceeds, Plus 2006-2007 Surplus	<u>\$ 68,278.56</u>	
SURPLUS & RESERVE FUND TO CARRY FORWARD	\$ 57,711.97	
Fifteenth Year Expenditures 2007-2008 Phase II Program	\$ 386.00	
Assessment Proceeds, Plus 2007-2008 Surplus	<u>\$ 86,473.89</u>	
SURPLUS & RESERVE FUND TO CARRY FORWARD	\$ 86,087.89	
Sixteenth Year Expenditures 2008-2009 Phase II Program	\$ 4,896.06	
Assessment Proceeds, Plus 2008-2009 Surplus	<u>\$ 111,250.42</u>	
SURPLUS & RESERVE FUND TO CARRY FORWARD	\$ 106,354.36	
Seventeenth Year Expenditures 2009-2010 Phase II Program	\$ 5,079.22	
Assessment Proceeds, Plus 2009-2010 Surplus	<u>\$ 133,546.22</u>	
SURPLUS & RESERVE FUND TO CARRY FORWARD	\$ 128,467.00	
Eighteenth Year Expenditures 2010-2011 Phase II Program	\$ 4,344.03	
Assessment Proceeds, Plus 2010-2011 Surplus	<u>\$ 153,053.53</u>	
SURPLUS & RESERVE FUND TO CARRY FORWARD	\$ 148,709.50	
Nineteenth Year Expenditures 2011-2012 Phase II Program	\$ 4,391.16	
Assessment Proceeds, Plus 2011-2012 Surplus	<u>\$ 173,033.03</u>	
SURPLUS & RESERVE FUND TO CARRY FORWARD	\$ 168,641.87	
Twentieth Year Expenditures 2012-2013 Phase II Program	\$ 4,338.60	
Assessment Proceeds, Plus 2012-2013 Surplus	<u>\$ 192,959.40</u>	
SURPLUS & RESERVE FUND TO CARRY FORWARD	188,620.80	
Twenty-First Year Expenditures 2013-2014 Phase II Program	\$ 4,881.03	
Assessment Proceeds, Plus 2013-2014 Surplus	<u>\$ 214,106.83</u>	
SURPLUS & RESERVE FUND TO CARRY FORWARD	209,225.80	
Twenty-Second Year Expenditures 2014-2015 Phase II Program including, Conceptual Enhancement and Measurement Report*	\$ 23,503.31	
Assessment Proceeds, Plus 2014-2015 Surplus	<u>\$ 233,684.33</u>	
SURPLUS & RESERVE FUND TO CARRY FORWARD	\$ 210,181.02	
Twenty-Third Year Expenditures 2015-2016 Phase II Program including, Conceptual Enhancement and Measurement Report**	\$ 22,516.31	
Assessment Proceeds, Plus 2015-2016 Surplus	<u>\$ 212,712.63</u>	
SURPLUS & RESERVE FUND TO CARRY FORWARD		\$ 190,196.32
Twenty-Third through Twenty-Fourth Year Adjustment***		<u>\$ 27,723.68</u>
Available Funds on July 1, 2016		\$ 217,920.00
Twenty-Fourth Year Expenditures 2016-2017 Phase II Program including, Assessment Proceeds, Plus 2016-2017 Surplus	\$ 5,721.61	
	<u>\$ 244,047.24</u>	
SURPLUS & RESERVE FUND TO CARRY FORWARD		
Available Funds on July 1, 2017***		\$ 238,325.63
Twenty-Fifth Year Expenditures 2017-2018 Phase II Program	\$ 5,487.25	
including, Assessment Proceeds, Plus 2017-2018 Surplus	<u>\$ 263,384.52</u>	
SURPLUS & RESERVE FUND TO CARRY FORWARD		

**PART B**  
**ESTIMATE OF COSTS**

Available Funds on June 1, 2018 (2018-2019 Report)	\$ 257,897.27
Unallocated Contingencies from City Finance Department	<u>\$ 2,219.73</u>
Available Funds on June 1, 2018 (per City Finance Department)	\$ 260,117.00

Twenty-Sixth Year Expenditures 2018-2019 Phase II Program	\$ (37,930.63)
Including Pump Station Clean-out (used Pump Station Control Fund)	
and Assessment Proceeds Plus 2018-2019 /surplus	\$ 285,332.00

<b>SURPLUS &amp; RESERVE FUND TO CARRY FORWARD</b>	
Available Funds on June 1, 2019	\$ 247,401.37

Unallocated Contingencies from City Finance Department	<u>\$ 5,013.08</u>
Available Funds on June 30, 2019 (per City Finance Department)	\$ 252,414.45

Twenty-Seventh Year Expenditures 2019-2020 Phase II Program	\$ (5,028.00)
Vegetation Removal (used Eradication of Exotic Plant Fund)	\$ (15,822.00)
Cayes Pump Station Controller Upgrade	\$ (42,007.50)
Assessment Proceeds 2019-2020	\$ 24,099.53
Interest	<u>\$ 2,390.00</u>

<b>SURPLUS &amp; RESERVE FUND TO CARRY FORWARD</b>	
Available (Estimated) Funds on June 1, 2020	\$ 216,052.48
Unallocated Contingencies from City Finance Department	<u>\$ (6,360.48)</u>
Available Funds on June 30, 2020 (per City Finance Department)	\$ 209,692.00

Twenty-Eighth Year Expenditures 2020-2021 Phase II Program	
Water Quality Program (Foth and Van Dyke)	\$ (10,192.12)
Cayes Pump Station Electrical Upgrade (Cammisa + Wipf)	\$ (37,942.50)
PG&E Utility Hook-Up	\$ (2,000.00)
Marin County fee	\$ (386.00)
2020-2021 Engineer's Report	\$ (6,815.19)
Assessment Proceeds 2020-2021	\$ 24,099.53
Interest	<u>\$ 316.68</u>
Total Twenty-Eighth Year Expenditures	\$ (32,919.60)

<b>SURPLUS &amp; RESERVE FUND TO CARRY FORWARD</b>	
Available Funds on June 1, 2021 (per 2021-2022 Engineer's Report)	\$ 176,772.40

<b>TWENTY-NINTH YEAR ASSESSMENT 2021-2022:</b>	
Unallocated Contingencies (per City Finance Department)	\$ 23,332.26
Available Funds on July 1, 2021 (per City Finance Department)	\$ 200,104.66

Twenty-ninth year expenditures (2021-2022)	
Water Quality Program (Foth)	\$ (6,661.46)
Pump Station electrical upgrades (Pump Station Control Fund)	\$ (20,680.00)
PG&E Bill	\$ 0.00
Marin County Fee	\$ (386.00)
2020-2021 Annual Engineer's Report	\$ (5,862.50)
Assessment Proceeds 2021-2022	\$ 24,099.53
Interest	\$ 0.00
Total Twenty-Ninth Year Available Funds (May 9, 2021):	<u>\$ (9,490.43)</u>

**THIRTIETH YEAR ASSESSMENT 2022-2023**

**PART B**  
**ESTIMATE OF COSTS**

Monitoring and Status Report Fund (2021-2022 Report less actual)	\$	44,853.54	
Pump Station Control Fund (Cammisa + Wipf)	\$	74,370.00	
Eradication of Exotic Plants	\$	<u>44,985.88</u>	
Total Cost of Phase II Monitoring, Pump Station Fund & Eradication	\$	<u>164,209.42</u>	
Anticipated 2022-2023 Expenses			
Pump Station Electrical Design (Cammisa + Wipf)	\$	15,477.00	
Incidental Expenses			
Uncollected Assessments (2022-2023)	\$	1,268.39	
Engineer's Report (2022-2023)	\$	6,800.00	
Cayes Pump Station – 2022-2023 Allocation	\$	20,000.00	
Eradication of Exotic Plants Fund – 2022-2023 Allocation	\$	0.00	
Monitoring Fund Contribution	\$	0.00	
County Administrative Fees	\$	<u>400.00</u>	
Total Cost of Incidental Expenses	\$	<u>28,468.39</u>	
Total Cost of Expenses and Held Funds			<u>\$ 208,155.31</u>
Contingencies	\$	<u>7,826.84</u>	
TOTAL ANTICIPATED THIRTIETH YEAR EXPENSES AND ALLOCATIONS:			<u>\$ 25,367.92</u>
Total Thirtieth Year available funds:			<u>\$ 215,982.15</u>

\*2014-2015 expenses were not fully available at the time the 2014-2015 report was prepared. The 2015 expense for Siegel Environmental of \$18,110.00 should be added, reducing the 2014-2015 allocation (\$5,000.00) to the environmental and monitoring fund to zero (\$0.00) and using a portion of the reserves in that fund to pay for the study (\$13,110.00).

\*\*2015-2016 expenses include the payments to Siegel Environmental to complete the Conceptual Enhancements and Management Report, \$17,375.00. This does not allow any contribution to the Environmental and Monitoring Fund as previously noted and reduces the Environmental and Monitoring Fund to (\$67,000.00-\$35,485.00) \$31,515.

\*\*\*Based on a complete reconciliation of revenue and expenses from years 1 – 23, the City's ledger shows the May 6, 2016 balance of \$205,748.13, \$15,551.81 (\$27,723.68 using July 1, 2016 fund balance of \$217,920.00) greater than the balance which has been carried by the Assessment District; this balance has been building gradually over the years since the Homeowners Association elected to take on the maintenance and District projections of expenses have been purposely conservative. This was further updated in 2017-2018 year to reflect fund balances at fiscal year-end as of July 1, 2016 and 2017.

\*\*\*\*For 2019-2020, prior contingencies were used to pay, in part, for the Pump Station clean-out.

**PART C**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part C – Assessment Roll

<b>SPECIAL ASSESSMENT NUMBER</b>	<b>AMOUNT OF ASSESSMENT (Fiscal Year 2022-2023)</b>	<b>PROPERTY DESCRIPTION Baypoint Lagoons</b>	<b>ASSESSOR'S PARCEL NUMBER</b>
1	\$131.44	1	009-361-06
2	\$131.44	2	009-361-05
3	\$131.44	3	009-361-04
4	\$131.44	4	009-361-03
5	\$131.44	5	009-361-02
6	\$131.44	6	009-361-08
7	\$131.44	7	009-361-09
8	\$131.44	8	009-361-10
9	\$131.44	9	009-361-11
10	\$131.44	10	009-361-12
11	\$131.44	11	009-361-17
12	\$131.44	12	009-361-16
13	\$131.44	13	009-361-15
14	\$131.44	14	009-361-14
15	\$131.44	15	009-361-13
16	\$131.44	16	009-361-19
17	\$131.44	17	009-361-20
18	\$131.44	18	009-361-21
19	\$131.44	19	009-361-22
20-1	\$0.00	20	009-371-02
20-2	\$0.00	Portion of 20	009-371-03
21	\$131.44	21	009-372-01
22	\$131.44	22	009-372-02
23	\$131.44	23	009-372-03
24	\$131.44	24	009-372-04
25	\$131.44	25	009-372-05



**PART C**  
**ASSESSMENT ROLL**

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for a Summary of Changes to Part C – Assessment Roll)

<b>SPECIAL ASSESSMENT NUMBER</b>	<b>AMOUNT OF ASSESSMENT (Fiscal Year 2022-2023)</b>	<b>PROPERTY DESCRIPTION Baypoint Lagoons</b>	<b>ASSESSOR'S PARCEL NUMBER</b>
26	\$131.44	26	009-372-06
27	\$131.44	27	009-372-07
28	\$131.44	28	009-372-08
29	\$131.44	29	009-372-09
30	\$131.44	30	009-372-10
31	\$131.44	31	009-372-11
32	\$131.44	32	009-372-12
33	\$131.44	33	009-372-13
34	\$131.44	34	009-372-14
35	\$131.44	35	009-372-15
36	\$131.44	36	009-372-26
37	\$131.44	37	009-372-27
38	\$131.44	38	009-372-25
39	\$131.44	39	009-372-24
40	\$131.44	40	009-372-23
41	\$131.44	41	009-372-22
42	\$131.44	42	009-372-21
43	\$131.44	43	009-372-20
44	\$131.44	44	009-372-18
45	\$131.44	45	009-372-19
46	\$131.44	46	009-362-03
47	\$131.44	47	009-362-04
48	\$131.44	48	009-362-05
49	\$131.44	49	009-362-13
50	\$131.44	50	009-362-12
51	\$131.44	51	009-362-14

**PART C**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part C – Assessment Roll)

<b>SPECIAL ASSESSMENT NUMBER</b>	<b>AMOUNT OF ASSESSMENT (Fiscal Year 2022-2023)</b>	<b>PROPERTY DESCRIPTION Baypoint Lagoons</b>	<b>ASSESSOR'S PARCEL NUMBER</b>
52	\$131.44	52	009-362-15
53	\$131.44	53	009-362-16
54	\$131.44	54	009-362-17
55	\$131.44	55	009-362-18
56	\$131.44	56	009-362-19
57	\$131.44	57	009-362-20
58	\$131.44	58	009-362-21
59	\$131.44	59	009-362-10
60	\$131.44	60	009-362-09
61	\$131.44	61	009-362-06
62	\$131.44	62	009-362-22
63	\$131.44	63	009-362-25
64	\$131.44	64	009-362-26
65	\$131.44	65	009-362-30
66	\$131.44	66	009-362-31
67	\$131.44	67	009-362-32
68	\$131.44	68	009-362-33
69	\$131.44	69	009-362-34
70	\$131.44	70	009-362-29
71	\$131.44	71	009-362-35
72	\$131.44	72	009-362-38
73	\$131.44	73	009-362-39
74	\$131.44	74	009-362-42
75	\$131.44	75	009-362-43
76	\$131.44	76	009-362-46
77	\$131.44	77	009-373-11

**PART C**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part C – Assessment Roll)

<b>SPECIAL ASSESSMENT NUMBER</b>	<b>AMOUNT OF ASSESSMENT (Fiscal Year 2022-2023)</b>	<b>PROPERTY DESCRIPTION Baypoint Lagoons</b>	<b>ASSESSOR'S PARCEL NUMBER</b>
78	\$131.44	78	009-373-14
79	\$131.44	79	009-373-15
80	\$131.44	80	009-373-18
81	\$131.44	81	009-373-19
82	\$131.44	82	009-373-01
83	\$131.44	83	009-373-02
84	\$131.44	84	009-373-03
85	\$131.44	85	009-373-04
86	\$131.44	86	009-373-08
87	\$131.44	87	009-373-07
88	\$131.44	88	009-373-06
89	\$131.44	89	009-373-05
90	\$0.00	Portion of Parcel A (Shoreline Park)	009-010-34
91-1	\$0.00	Parcels B, F, L & M	009-361-24
92-1	\$0.00	Parcel C & Lots L46, L61, L60, L62, L63, L64, L70, L71, L72, L73, L74, L75 & L76	009-362-49
93	\$0.00	Parcel D	009-362-11
94-1	\$0.00	Parcel E	009-362-47
94-2	\$0.00	Portion of Parcel E	009-373-22
96-1	\$0.00	Parcels G, H & I & Lots L77, L78, L79, L80 & L81	009-373-23
99-1	\$0.00	Parcels C, J & K	009-372-28
103	\$0.00	Parcel N	009-010-31
104-1	\$0.00	Parcel A	009-390-01
104-3	\$131.44	94	009-390-03
104-4	\$131.44	95	009-390-04

**PART C**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part C – Assessment Roll)

<b>SPECIAL ASSESSMENT NUMBER</b>	<b>AMOUNT OF ASSESSMENT (Fiscal Year 2022-2023)</b>	<b>PROPERTY DESCRIPTION Baypoint Lagoons</b>	<b>ASSESSOR'S PARCEL NUMBER</b>
104-5	\$131.44	96	009-390-05
104-6	\$131.44	97	009-390-06
104-7	\$131.44	98	009-390-07
104-8	\$131.44	99	009-390-08
104-9	\$131.44	100	009-390-09
104-10	\$131.44	101	009-390-10
104-11-1	\$131.44	102	009-390-66
104-12	\$131.44	103	009-390-12
104-13	\$131.44	104	009-390-13
104-14	\$131.44	105	009-390-14
104-15	\$131.44	106	009-390-15
104-16	\$131.44	107	009-390-16
104-17	\$131.44	108	009-390-17
104-18	\$131.44	109	009-390-61
104-19	\$131.44	110	009-390-19
104-20	\$131.44	111	009-390-20
104-21	\$131.44	112	009-390-21
104-22	\$131.44	113	009-390-22
104-23	\$131.44	114	009-390-23
104-24	\$131.44	115	009-390-24
104-25	\$131.44	116	009-390-25
104-26	\$131.44	117	009-390-26
104-27	\$131.44	118	009-390-27
104-28	\$131.44	119	009-390-28
104-29	\$131.44	120	009-390-29
104-30	\$131.44	121	009-390-30

**PART C**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part C – Assessment Roll)

<b>SPECIAL ASSESSMENT NUMBER</b>	<b>AMOUNT OF ASSESSMENT (Fiscal Year 2022-2023)</b>	<b>PROPERTY DESCRIPTION Baypoint Lagoons</b>	<b>ASSESSOR'S PARCEL NUMBER</b>
104-31	\$131.44	122	009-390-31
104-32	\$131.44	123	009-390-63
104-33	\$131.44	124	009-390-51
104-34	\$131.44	125	009-390-34
104-35	\$131.44	126	009-390-35
104-36	\$131.44	127	009-390-36
104-37	\$131.44	128	009-390-37
104-38-1	\$0.00	Parcel B & Lots 128E, 129E, 132E, 133E & 134E	009-390-64
104-39	\$131.44	129	009-390-39
104-41	\$131.44	130	009-390-41
104-42	\$131.44	131	009-390-42
104-43	\$131.44	132	009-390-43
104-45-1	\$131.44	133	009-390-65
104-47-1	\$131.44	134	009-390-59
104-49	\$0.00	Parcel D	009-390-49
104-51-1	\$131.44	135	009-411-01
104-51-2	\$131.44	136	009-411-02
104-51-3	\$131.44	137	009-411-03
104-51-4	\$131.44	138	009-411-04
104-51-5	\$131.44	139	009-411-05
104-51-6	\$131.44	140	009-411-06
104-51-7	\$131.44	141	009-411-07
104-51-8	\$131.44	142	009-411-08
104-51-9	\$131.44	143	009-411-09
104-51-10	\$131.44	144	009-411-10
104-51-11	\$131.44	145	009-411-11

**PART C**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part C – Assessment Roll)

<b>SPECIAL ASSESSMENT NUMBER</b>	<b>AMOUNT OF ASSESSMENT (Fiscal Year 2022-2023)</b>	<b>PROPERTY DESCRIPTION Baypoint Lagoons</b>	<b>ASSESSOR'S PARCEL NUMBER</b>
104-51-12	\$131.44	146	009-411-12
104-51-13	\$0.00	Parcel F	009-411-13
104-51-14	\$131.44	147	009-412-01
104-51-15-1	\$0.00	Lots 147E, 148E, 149E, 150E, 151E, 152E & 155E	009-412-20
104-51-16	\$131.44	148	009-412-03
104-51-18	\$131.44	149	009-412-05
104-51-20	\$131.44	150	009-412-07
104-51-22	\$131.44	151	009-412-09
104-51-24	\$131.44	152	009-412-11
104-51-26	\$131.44	153	009-412-13
104-51-27	\$131.44	154	009-412-14
104-51-28	\$131.44	155	009-412-15
104-51-30	\$131.44	156	009-412-17
104-51-31	\$0.00	156E	009-412-18
104-51-32	\$0.00	Parcel G	009-412-19
104-51-33	\$0.00	Portion of Parcel O	009-400-03
104-51-34-1	\$131.44	157	009-420-45
104-51-34-2	\$0.00	157E	009-420-46
104-51-35-1	\$131.44	158	009-420-47
104-51-35-2	\$0.00	158E	009-420-48
104-51-36-1	\$131.44	159	009-420-49
104-51-36-2	\$0.00	159E	009-420-50
104-51-37-1	\$131.44	160	009-420-51
104-51-37-2	\$0.00	160E	009-420-52
104-51-38-1	\$131.44	161	009-420-53
104-51-38-2	\$0.00	161E	009-420-54

**PART C**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part C – Assessment Roll)

<b>SPECIAL ASSESSMENT NUMBER</b>	<b>AMOUNT OF ASSESSMENT (Fiscal Year 2022-2023)</b>	<b>PROPERTY DESCRIPTION Baypoint Lagoons</b>	<b>ASSESSOR'S PARCEL NUMBER</b>
104-51-39-1	\$131.44	162	009-420-55
104-51-39-2	\$0.00	162E	009-420-56
104-51-40-1	\$0.00	Parcels H & I & Lots 163E, 164E, 167E, 168E, 169E, 170E & 171E	009-420-71
104-51-41-1	\$131.44	163	009-420-57
104-51-42-1	\$131.44	164	009-420-59
104-51-43	\$131.44	165	009-420-10
104-51-44	\$131.44	166	009-420-11
104-51-45-1	\$131.44	167	009-420-61
104-51-46-1	\$131.44	168	009-420-63
104-51-47-1	\$131.44	169	009-420-65
104-51-48-1	\$131.44	170	009-420-67
104-51-49-1	\$131.44	171	009-420-69
104-51-51	\$131.44	172	009-420-17
104-51-52	\$131.44	173	009-420-18
104-51-53	\$131.44	174	009-420-19
104-51-54	\$131.44	175	009-420-20
104-51-55	\$131.44	176	009-420-21
104-51-56	\$131.44	177	009-420-22
104-51-57	\$131.44	178	009-420-23
104-51-58	\$131.44	179	009-420-24
104-51-59	\$131.44	180	009-420-25
104-51-60	\$131.44	181	009-420-26
104-51-61	\$131.44	182	009-420-27
104-51-62	\$131.44	183	009-420-28
104-51-63	\$131.44	184	009-420-29

**PART C**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part C – Assessment Roll)

<b>SPECIAL ASSESSMENT NUMBER</b>	<b>AMOUNT OF ASSESSMENT (Fiscal Year 2022-2023)</b>	<b>PROPERTY DESCRIPTION Baypoint Lagoons</b>	<b>ASSESSOR'S PARCEL NUMBER</b>
104-51-64	\$131.44	185	009-420-30
104-51-65	\$131.44	186	009-420-31
104-51-66	\$131.44	187	009-420-32
104-51-67	\$131.44	188	009-420-33
104-51-68	\$131.44	189	009-420-34
104-51-69	\$131.44	190	009-420-35
104-51-70	\$131.44	191	009-420-36
104-51-71	\$131.44	192	009-420-37
104-51-72	\$131.44	193	009-420-38
104-51-73	\$131.44	194	009-420-39
104-51-74	\$131.44	195	009-420-40
104-51-75	\$131.44	196	009-420-41
104-51-76	\$131.44	197	009-420-42
104-51-77	\$131.44	198	009-420-43
105	\$0.00	Parcel P	009-010-34
106	\$0.00	Parcel Q	009-010-35
<b>TOTAL ASSESSMENT</b>	<b>\$25,367.92</b>	<b>(For Twenty-Seventh Year)</b>	

The lines and dimensions of each parcel are as shown on the maps of the County Assessor of the County of Marin.

Property descriptions are lot or parcel numbers as shown on the recorded final maps of Baypoint Lagoons, recorded: in Book 20 of Maps at Page 80, and Book 21 of Maps at Page 34, Book 21 of Maps at Page 55, and Record Maps Book 1998 at Page 99, Marin County Records.



**PART D**  
**METHOD OF APPORTIONMENT OF ASSESSMENT**

There are 193 single family dwelling units existing within the Assessment District boundary.

(NOTE: This is a reduction from 207 originally included. The reduction is based on the actual number of lots recorded and is appropriate.)

Subdivision Phase I consists of 89 lots, of which lot 20 anticipates low cost housing (not single family) and lots 1 through 19 and 21 through 89 anticipates one single family dwelling unit each. Subdivision Phase II consists of 41 lots and anticipates one single family dwelling unit each.

Subdivision IIIa consists of 22 lots and anticipates one single family dwelling unit each.

Subdivision IIIb consists of an additional 42 units, one single family dwelling unit each.

The “Remaining” 12 lots were not created and have been removed from the assessment.

The number of single family dwelling units is:

Phase I.....	88
Phase II.....	41
Phase IIIa.....	22
Phase IIIb .....	<u>42</u>
TOTAL:.....	193

Each of the single family dwelling unit lots are assessed for equal portions of the total assessment.

This assessment is exempt from the procedures and requirements of the (recently enacted Proposition 218) California Constitution, Article 13D, Section 4 pursuant to the exemption contained in Article 13D, Section 5(d) [*previously majority voter approval or*] Section 5(b) [*petition signed by persons owning all the property*]. The benefits are entirely special benefits and there are no general benefits. Additionally, the proposed assessment is the same assessment as last year.

Assessment Parcels 1 through 19, 21 through 89, 104-3 through 104-11-1, 104-12 through 104-37, 104-39 through 104-47-1, 104-51-1 through 104-51-12, 104-51-14, 104-51-16, 104-51-18, 104-51-20, 104-51-22, 104-51-24, 104-51-26 through 104-51-28, 104-51-30, 104-51-34-1, 104-51-35-1, 104-51-36-1, 104-51-37-1, 104-51-38-1, 104-51-39-1, 104-51-41-1 through 104-51-77 are each assessed 1/193 of the total assessment.

Assessment Parcels 20-1 and 20-2, 90 through 104-1, 104-38-1, 104-49, 104-51-13, 104-51-15-1, 104-51-31 through 104-51-33, 104-51-34-2, 104-51-35-2, 104-51-36-2, 104-51-37-2, 104-51-38-2, 104-51-39-2, 104-51-40-1, 105 and 106 each have zero (\$0.00) assessment.

The following changes were made to the Assessment Rolls and Assessment Diagram in the 2004-2005 Baypoint Lagoons Annual Engineer’s Report due to Mapping Changes at the Marin County Assessor’s Office:

On May 6, 2005 our office contacted the Marin County Assessor's Office due to obvious changes to the Assessor's Parcel Maps for the Baypoint Lagoons development. According to information

**PART D**  
**METHOD OF APPORTIONMENT OF ASSESSMENT**

received from Mapping Department staff, in calendar year 2004 several Applications for Parcel Merger were received by the County of Marin from representatives of Baypoint Lagoons Homeowners Association. The following parcels were affected by the Parcel Merger Applications:

Assessment Numbers 91, 95, 101 and 102, all zero (\$0.00) assessment parcels, were merged into a single parcel assigned APN 009-361-24 by the Marin County Assessor's Office.

Assessment Number 91 has been changed to 91-1 and reflects the new APN. Assessment Numbers 95, 101 and 102 have been removed from Parts C and E of this Report.

Assessment Numbers 92, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118 and 119, all zero (\$0.00) assessment parcels, were merged into a single parcel assigned APN 009-362-49 by the Marin County Assessor's Office. Assessment Number 92 has been changed to 92-1 and reflects the new APN. Assessment Numbers 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118 and 119 have been removed from Parts C and E of this Report.

Assessment Numbers 96, 97, 98, 120, 121, 122, 123 and 124, all zero (\$0.00) assessment parcels, were merged into a single parcel assigned APN 009-362-23 by the Marin County Assessor's Office. Assessment Number 96 has been changed to 96-1 and reflects the new APN. Assessment Numbers 97, 98, 120, 121, 122, 123 and 124 have been removed from Parts C and E of this Report.

Assessment Numbers 99, 100 and 104-2, all zero (\$0.00) assessment parcels, were merged into a single parcel assigned APN 009-372-28 by the Marin County Assessor's Office. Assessment Number 99 has been changed to 99-1 and reflects the new APN. Assessment Numbers 100 and 104-2 have been removed from Parts C and E of this Report.

Assessment Numbers 104-38, 104-40, 104-44, 104-46, 104-47-2, 104-48, 104-48-1 and 104-50, all zero (\$0.00) assessment parcels, were merged into a single parcel assigned APN 009-390-64 by the Marin County Assessor's Office. Assessment Number 104-38 has been changed to 104-38-1 and reflects the new APN. Assessment Numbers 104-40, 104-44, 104-46, 104-47-2, 104-48 and 104-50 have been removed from Parts C and E of this Report.

Assessment Numbers 104-51-15, 104-51-17, 104-51-19, 104-51-21, 104-51-23, 104-51-25 and 104-51-29, all zero (\$0.00) assessment parcels, were merged into a single parcel assigned APN 009-412-20 by the Marin County Assessor's Office. Assessment Number 104-51-15 has been changed to 104-51-15-1 and reflects the new APN. Assessment Numbers 104-51-17, 104-51-19, 104-51-21, 104-51-23, 104-51-25 and 104-51-29 have been removed from Parts C and E of this Report.

Assessment Numbers 104-51-40, 104-51-41-2, 104-51-42-2, 104-51-45-2, 104-51-46-2, 104-51-47-2, 104-51-48-2, 104-51-49-2 and 104-51-50, all zero (\$0.00) assessment parcels, were merged into a single parcel assigned APN 009-420-71 by the Marin County Assessor's Office. Assessment Number 104-51-40 has been changed to 104-51-40-1 and reflects the new APN. Assessment Numbers 104-51-41-2, 104-51-42-2, 104-51-45-2, 104-51-46-2, 104-51-47-2, 104-51-48-2, 104-51-49-2 and 104-51-50 have been removed from Parts C and E of this Report.

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
1	009-361-06	
2	009-361-05	
3	009-361-04	
4	009-361-03	
5	009-361-02	
6	009-361-08	
7	009-361-09	
8	009-361-10	
9	009-361-11	
10	009-361-12	
11	009-361-17	
12	009-361-16	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

<b>ASSESSMENT NUMBER</b>	<b>ASSESSOR'S PARCEL NUMBER</b>	<b>NAME AND ADDRESS</b>
13	009-361-15	
14	009-361-14	
15	009-361-13	
16	009-361-19	
17	009-361-20	
18	009-361-21	
19	009-361-22	
20-1	009-371-02	
20-2	009-371-03	
21	009-372-01	
22	009-372-02	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
23	009-372-03	
24	009-372-04	
25	009-372-05	
26	009-372-06	
27	009-372-07	
28	009-372-08	
29	009-372-09	
30	009-372-10	
31	009-372-11	
32	009-372-12	
33	009-372-13	
34	009-372-14	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
35	009-372-15	
36	009-372-26	
37	009-372-27	
38	009-372-25	
39	009-372-24	
40	009-372-23	
41	009-372-22	
42	009-372-21	
43	009-372-20	
44	009-372-18	
45	009-372-19	
46	009-362-03	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
47	009-362-04	
48	009-362-05	
49	009-362-13	
50	009-362-12	
51	009-362-14	
52	009-362-15	
53	009-362-16	
54	009-362-17	
55	009-362-18	
56	009-362-19	
57	009-362-20	
58	009-362-21	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
59	009-362-10	
60	009-362-09	
61	009-362-06	
62	009-362-22	
63	009-362-25	
64	009-362-26	
65	009-362-30	
66	009-362-31	
67	009-362-32	
68	009-362-33	
69	009-362-34	
70	009-362-29	



**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
71	009-362-35	
72	009-362-38	
73	009-362-39	
74	009-362-42	
75	009-362-43	
76	009-362-46	
77	009-373-11	
78	009-373-14	
79	009-373-15	
80	009-373-18	
81	009-373-19	
82	009-373-01	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

<b>ASSESSMENT NUMBER</b>	<b>ASSESSOR'S PARCEL NUMBER</b>	<b>NAME AND ADDRESS</b>
83	009-373-02	
84	009-373-03	
85	009-373-04	
86	009-373-08	
87	009-373-07	
88	009-373-06	
89	009-373-05	
90	009-010-34	
91-1	009-361-24	
92-1	009-362-49	
93	009-362-11	
94-1	009-362-47	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

<b>ASSESSMENT NUMBER</b>	<b>ASSESSOR'S PARCEL NUMBER</b>	<b>NAME AND ADDRESS</b>
94-2	009-373-22	
96-1	009-373-23	
99-1	009-372-28	
103	009-010-31	
104-1	009-390-01	
104-3	009-390-03	
104-4	009-390-04	
104-5	009-390-05	
104-6	009-390-06	
104-7	009-390-07	
104-8	009-390-08	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
104-9	009-390-09	
104-10	009-390-10	
104-11-1	009-390-66	
104-12	009-390-12	
104-13	009-390-13	
104-14	009-390-14	
104-15	009-390-15	
104-16	009-390-16	
104-17	009-390-17	
104-18	009-390-61	
104-19	009-390-19	
104-20	009-390-20	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

<b>ASSESSMENT NUMBER</b>	<b>ASSESSOR'S PARCEL NUMBER</b>	<b>NAME AND ADDRESS</b>
104-21	009-390-21	
104-22	009-390-22	
104-23	009-390-23	
104-24	009-390-24	
104-25	009-390-25	
104-26	009-390-26	
104-27	009-390-27	
104-28	009-390-28	
104-29	009-390-29	
104-30	009-390-30	
104-31	009-390-31	
104-32	009-390-63	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
104-33	009-390-51	
104-34	009-390-34	
104-35	009-390-35	
104-36	009-390-36	
104-37	009-390-37	
104-38-1	009-390-64	
104-39	009-390-39	
104-41	009-390-41	
104-42	009-390-42	
104-43	009-390-43	
104-45-1	009-390-65	
104-47-1	009-390-59	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

<b>ASSESSMENT NUMBER</b>	<b>ASSESSOR'S PARCEL NUMBER</b>	<b>NAME AND ADDRESS</b>
104-49	009-390-49	
104-51-1	009-411-01	
104-51-2	009-411-02	
104-51-3	009-411-03	
104-51-4	009-411-04	
104-51-5	009-411-05	
104-51-6	009-411-06	
104-51-7	009-411-07	
104-51-8	009-411-08	
104-51-9	009-411-09	
104-51-10	009-411-10	
104-51-11	009-411-11	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
104-51-12	009-411-12	
104-51-13	009-411-13	
104-51-14	009-412-01	
104-51-15-1	009-412-20	
104-51-16	009-412-03	
104-51-18	009-412-05	
104-51-20	009-412-07	
104-51-22	009-412-09	
104-51-24	009-412-11	
104-51-26	009-412-13	
104-51-27	009-412-14	
104-51-28	009-412-15	



**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

<b>ASSESSMENT NUMBER</b>	<b>ASSESSOR'S PARCEL NUMBER</b>	<b>NAME AND ADDRESS</b>
104-51-30	009-412-17	
104-51-31	009-412-18	
104-51-32	009-412-19	
104-51-33	009-400-03	
104-51-34-1	009-420-45	
104-51-34-2	009-420-46	
104-51-35-1	009-420-47	
104-51-35-2	009-420-48	
104-51-36-1	009-420-49	
104-51-36-2	009-420-50	
104-51-37-1	009-420-51	
104-51-37-2	009-420-52	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
104-51-38-1	009-420-53	
104-51-38-2	009-420-54	
104-51-39-1	009-420-55	
104-51-39-2	009-420-56	
104-51-40-1	009-420-71	
104-51-41-1	009-420-57	
104-51-42-1	009-420-59	
104-51-43	009-420-10	
104-51-44	009-420-11	
104-51-45-1	009-420-61	
104-51-46-1	009-420-63	
104-51-47-1	009-420-65	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
104-51-48-1	009-420-67	
104-51-49-1	009-420-69	
104-51-51	009-420-17	
104-51-52	009-420-18	
104-51-53	009-420-19	
104-51-54	009-420-20	
104-51-55	009-420-21	
104-51-56	009-420-22	
104-51-57	009-420-23	
104-51-58	009-420-24	
104-51-59	009-420-25	
104-51-60	009-420-26	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

<b>ASSESSMENT NUMBER</b>	<b>ASSESSOR'S PARCEL NUMBER</b>	<b>NAME AND ADDRESS</b>
104-51-61	009-420-27	
104-51-62	009-420-28	
104-51-63	009-420-29	
104-51-64	009-420-30	
104-51-65	009-420-31	
104-51-66	009-420-32	
104-51-67	009-420-33	
104-51-68	009-420-34	
104-51-69	009-420-35	
104-51-70	009-420-36	
104-51-71	009-420-37	
104-51-72	009-420-38	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

<b>ASSESSMENT NUMBER</b>	<b>ASSESSOR'S PARCEL NUMBER</b>	<b>NAME AND ADDRESS</b>
104-51-73	009-420-39	
104-51-74	009-420-40	
104-51-75	009-420-41	
104-51-76	009-420-42	
104-51-77	009-420-43	
106	009-010-35	

## **PART F**

### **ASSESSMENT DIAGRAM**

See sheets 1 through 8 which follow.



**SAN RAFAEL**  
THE CITY WITH A MISSION

Agenda Item No: 5.n

Meeting Date: June 6, 2022

**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Public Works**

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

**City Manager Approval:** 

**TOPIC: POINT SAN PEDRO ROAD MEDIAN LANDSCAPING ASSESSMENT DISTRICT**

**SUBJECT: POINT SAN PEDRO ROAD MEDIAN LANDSCAPING ASSESSMENT DISTRICT ANNUAL ASSESSMENT:**

- 1. RESOLUTION DIRECTING FILING OF ENGINEER'S 2022-23 ANNUAL REPORT**
- 2. RESOLUTION APPROVING ENGINEER'S 2022-23 ANNUAL REPORT**
- 3. RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS AND SETTING A PUBLIC HEARING ON THE ANNUAL ASSESSMENT FOR THE CITY COUNCIL MEETING OF JULY 5, 2022.**

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**RECOMMENDATION:** Staff recommends that the City Council approve the following:

1. Adopt a resolution directing filing of Engineer's FY 2022-23 Annual Report.
2. Adopt a resolution approving Engineer's FY 2022-23 Annual Report.
3. Adopt a resolution of intention to order improvement and setting a public hearing on the annual assessment for the City Council meeting of July 5, 2022.

**BACKGROUND:** In order to comply with provisions of the Landscaping and Lighting Act of 1972, which governs this assessment district, the City Council must approve an Engineer's report for the Point San Pedro Median Landscaping Assessment District on an annual basis. Assessments to be collected by the District will be allocated and levied annually after a public hearing, to be held this year on July 5, 2022.

In 2011, the Point San Pedro Road Median Landscaping District was formed to generate revenue to reconstruct, repair, and maintain the 29 median islands along Point San Pedro Road, from Union Street to Biscayne Drive. While the medians themselves are located within the San Rafael City limits, there are pockets of unincorporated County of Marin regions served by Point San Pedro Road, and therefore both the City and the County have a vested interest and responsibility in the medians. The original medians were constructed half a century ago, but over time their

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

## **SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2**

infrastructure eventually decayed to the point of needing replacement. Moreover, due to significant staffing and budgetary cut-backs, landscaping maintenance for the medians prior to the formation of the assessment district had been reduced to vegetation trimming to control overgrowth. Over time, existing plants and irrigation infrastructure had deteriorated significantly to the point that very little of the original landscaping remained, other than some of the trees and vegetation that were able to survive with little water.

As a result, a group of property owners in close proximity to Point San Pedro Road (both within the City limits of the City of San Rafael and in the immediate contiguous unincorporated area of the County of Marin) organized an effort to form an assessment district to fund the capital costs associated with re-construction and restoration of the landscaping within the Point San Pedro Road medians, as well as the ongoing maintenance and operation of those improvements. As a part of the formation of the assessment district, the City of San Rafael and unincorporated portions of the County of Marin entered into a Memorandum of Understanding (MOU) in which the City of San Rafael was designated as the lead agency.

Since the formation of the district, the City has worked closely with several community members on the Point San Pedro Road Coalition's Roadway Committee who have assisted not only in recommendations and oversight of the medians, but have served as key community liaisons between the City and the residents within the Assessment District. These community members have served as the "citizen's oversight" committee for the district. Department of Public Works (DPW) Staff routinely meet with these representatives and provides updates on maintenance of the medians and takes in feedback from the residents in the area. DPW staff also work closely with those community members on key decisions on financial planning for the assessment district.

**ANALYSIS:** The annual assessment has two components:

1. Capital debt service assessment

This amount is to finance the debt service associated with the large capital costs of re-constructing the medians in 2014. The total project cost was \$1,703,245, which included expenditures for design, construction, and construction management. The total amount bonded for the capital portion of the district was \$1,750,000.

The total annual debt service payment for the assessment district is outlined in the 20-year debt service schedule in the Annual Engineer's Report. The average annual debt service is \$144,942. When the district was formed, residents were given the option to pre-pay the capital portion of the assessment, and some residents chose this option.

2. Operations and maintenance assessment

This portion of the assessment is intended to fund the annual operations and maintenance portion of the assessment district. Operations and maintenance costs include:

- Monthly contractual maintenance for all 29 medians
- Landscaping repairs and plant replacement
- Irrigation system maintenance and repairs
- Utilities (water and electricity)
- Financial services for administration of assessment district (Engineer's report)
- Annual fee charged by County of Marin Assessors' Office for collection of assessments



## **SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 3**

Total operation and maintenance costs for FY 2022-23 is projected to be \$199,994.

The Assessment District therefore has **two** funds: An Operation and Maintenance Reserve Fund and a Capital & Debt Service Reserve Fund. The estimated Year End Fund balances are as follows:

<b>Fund</b>	<b>6-30-22 Fund Balance (Projected)</b>
<b>Operation and Maintenance Reserve Fund #234</b>	\$144,388.68
<b>Capital &amp; Debt Service Reserve Fund #714</b>	\$221,000.00

The fund balance in the Operations and Maintenance Reserve Fund #234 may be used for regular maintenance activities and for broader improvements. The Capital and Debt Service Reserve Fund #714 is restricted for capital improvements related to the initial reconstruction of the medians.

From FY 2013-14 to FY 2017-18, the total annual assessment stayed flat at \$79.48. While the assessment stayed flat, the revenue generated did not keep up with the actual operations and maintenance costs for the 29 medians. The revenue generated under the \$79.48 assessment for operation and maintenance costs was \$82,814 while the actual operational cost was closer to \$110,150. Year after year, the difference was made up by steady use of a modest Operation and Maintenance Fund balance. Though there was the ability to increase the total assessment by 3% each year, the City did not elect to bring forward an increase in prior years, due to input from the citizen's oversight committee ("committee"). The City and committee agreed to first get a better handle on issues and actual costs associated with maintaining the relatively new medians to a standard that meets the community's expectations, prior to pursuing an increase.

In recent years, the City and the committee have made considerable progress on resolving community concerns regarding maintenance expectations of the medians. Since FY 2018-19, the City and committee have agreed on the need to raise the assessment annually up to the maximum allowable rate in order to bring the revenues generated from the annual assessment closer to the actual annual maintenance costs for the 29 medians.

While the District has reduced the gap between the revenue generated and expenses, there remains a shortfall. Per the District formation documents, annual assessments can be increased up to 3% or the value of the Consumer Price Index (CPI), whichever is greater. The [CPI as of February 28, 2022 for the San Francisco-Oakland-Hayward region](#), of which San Rafael derives its inflation calculation, stood at 5.2%. Therefore, the City and committee are recommending a rate increase of 5.2% to be applied for FY 2022-23. This increase in revenue will offset the increased costs for maintenance and utilities (mostly water and electricity) for the District.

The assessment proposed for FY 2022-23 is the maximum allowable rate of **\$108.12** (considering the allowed increase of the greater of local area CPI of 5.2% for FY 2022-23). The assessment district does not need to return to the voters of the assessment district for approval of the increase per Proposition 218.

## **SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 4**

The FY 2022-23 assessment is composed of:

<b>Debt Service Assessment (Not Prepaid)**</b>	\$55.52 per EBU*
<b>Non-Bonded Assessment (annual Operation and Maintenance costs)</b>	\$52.60 per EBU*
<b>Total FY 2022-23 Assessment</b>	<b>\$108.12 per EBU*</b>

*\*EBU = Equivalent Benefit Unit method of assessment apportionment establishes a basic unit (base value) of benefit and then calculates the benefit derived by each assessed parcel as a multiple (or a fraction) of the basic unit. Details for how the EBU applies to other land uses, such as apartments and businesses, is outlined in the Engineer's Report.*

*\*\* When the assessment district was first established property owners were allowed to pay a pre-payment for the improvement cost. Parcels that have prepaid or paid off their full assessment lien (bonded obligation) are no longer levied for the Debt Service Assessment, but will continue to pay their proportionate share of the Non-Bonded Operation and Maintenance Assessment.*

A four-year history of assessments is as follows:

	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	<b>FY 2022-23 (proposed)</b>
<b>Total Assessment</b>	\$83.98	\$96.88	\$99.79	\$102.78	<b>\$108.12</b>
<b>% Increase over prior year</b>	6%**	15%**	3%	3%	<b>5.2%</b>
<b>Operations &amp; Maintenance Revenue Generated*</b>	\$124,284	\$129,551	\$138,613	\$150,107	<b>\$164,514</b>

*\*Each year about 4% of assessments are uncollected, and therefore annual revenues are always slightly lower than anticipated*

*\*\*The increases in FY 2018-19 and FY 2019-20 assessments were greater than 3% due to "catch up" increases allowed from prior years when the assessment was not increased.*

The total proposed increase over last year's rate is \$5.34. The revenue generated from this increase will be used entirely to support operation and maintenance costs of the district.

### **Operations and Maintenance Budget FY 2022-23**

Monthly contractual maintenance	\$83,786
Landscaping Rehabilitation/Repair	\$11,500
Irrigation repairs	\$11,500
Utilities (Water + Electricity)	\$45,000
Engineer's Report	\$11,200
County Fee	\$9,000
<b>Total</b>	<b>\$171,986</b>

This table and others can be found in the attached Engineer's report. It is important to note that all Point San Pedro Road Median Landscaping Assessment District fees collected are legally restricted for use on the Point San Pedro medians and cannot be used for any other purpose.

It should also be noted that the budget for irrigation has been increased significantly for FY 2022-23. Marin Municipal Water District (MMWD) has notified the City that due to current drought conditions, the utility costs of irrigation, especially for high-water needs landscaping like that in

place in the Pt. San Pedro medians, will increase significantly in coming years. Additionally, the irrigation system in place for the medians is extensive in length and highly complex. The financial cost associated with any leaking irrigation infrastructure will also be much higher in coming years due to the drought compared to previous years.

Knowing the shifting climate conditions, and that future drought years are likely, the committee will be working closely with the City staff to plan for strategic replacement of high-water needs plants with more drought-tolerant landscaping. As replanting is needed and funds are available, the committee will assist in selecting drought resist vegetation consistent with the comprehensive landscaping plans for the medians.

**FISCAL IMPACT:** All operation and maintenance reserve fund revenues and expenses are contained within the Point San Pedro Road Median Assessment District Fund (fund no. 234). All debt service revenues and expenses are contained within the Point San Pedro Road Median Assessment District Fund #714.

The Public Works Department does incur General Fund staff costs for personnel who execute and manage the landscaping maintenance contract. There are also staff costs associated with budgetary and financial management of the assessment district and coordination with the consultant who prepares the annual Engineer's report. Per the MOU from 2011, the City has agreed to offset the City staff time associated with maintaining the assessment district as a City contribution to the assessment district, at an approximate cost of \$15,060. For FY 2022-23, the bond value reduction is expected to reduce by approximately one percent of the value of total funds, at cost of approximately \$3,328. The County makes an annual financial payment to the Assessment district as their contribution to the cross-jurisdictional district. For FY 2022-23, the County payment will be \$8,845.02, which will be deposited into the district's Operations and Maintenance fund.

**COMMUNITY OUTREACH:** The City continues to work closely with several community representatives of the Pt. San Pedro Road Coalition Roadway Committee who have served as the Citizen's Oversight committee for the district.

The committee is in frequent and direct communication with the Public Works Department Parks Supervisor who manages the median's landscaping contractor. The committee has been a great partner to the City; serving as the liaison to the community in relaying concerns and reporting issues when they arise, as community members are often the first eyes on issues with the medians. The committee also receives a weekly report from the maintenance contractor of work done on the medians, and routinely utilizes it to respond to inquiries from residents.

Each spring, the City meets with committee members specifically to review the financials of the district and discuss various strategies to ensure that the district remains financially solvent over time.

After this meeting, the Committee members post an annual note to the community via NextDoor and the [Pt. San Pedro Road Coalition website](#) updating residents on the district's financial situation and maintenance priorities.

**OPTIONS:**

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

1. Adopt the three resolutions as presented.
2. Provide direction to staff to modify any or all of the resolutions.

## **SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 6**

3. Do not adopt the resolutions. If the resolutions are not adopted by the City Council, the public hearing will not take place and the City will be unable to levy the annual assessment against property owners within the Assessment District.

### **RECOMMENDED ACTION:**

1. Adopt a resolution directing filing of Engineer's FY 2022-23 Annual Report.
2. Adopt a resolution approving Engineer's FY 2022-23 Annual Report.
3. Adopt a resolution of intention to order improvement and setting a public hearing on the annual assessment for the City Council meeting of July 5, 2022.

### **ATTACHMENTS:**

1. Resolution Directing Filing of Engineer's Annual report FY 2022-23
2. Resolution Approving Engineer's Annual Report FY 2022-23
3. Resolution of Intention to Order Improvements and Setting a Public Hearing on the Annual Assessment for the City Council meeting of July 5, 2022
4. [Engineer's Annual Report FY 2022-23](#) (hyperlinked)

**RESOLUTION NO.**

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL DIRECTING  
FILING OF ENGINEER'S ANNUAL REPORT FY 2022-23**

**POINT SAN PEDRO ROAD MEDIAN LANDSCAPING ASSESSMENT DISTRICT  
(Pursuant to the Landscaping and Lighting Act of 1972)**

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**THE CITY COUNCIL OF THE CITY OF SAN RAFAEL RESOLVES** that:

1. CSW/Stuber-Stroeh Engineering Group, Inc. is designated by this Council as the Engineer of Work for the Point San Pedro Road Median Landscaping Assessment District, City of San Rafael, Marin County, California, and is hereby directed to file with the City Clerk an annual report for fiscal year 2022-23 in accordance with the provisions of the Landscaping and Lighting Act of 1972.

2. This resolution is adopted pursuant to Section 22622 of the Streets and Highways Code.

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 6<sup>th</sup> day of June 2022, 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 APPROVING  
ENGINEER'S ANNUAL LEVY REPORT FY 2022-23**

**POINT SAN PEDRO ROAD MEDIAN LANDSCAPING ASSESSMENT DISTRICT  
(Pursuant to the Landscaping and Lighting Act of 1972)**

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**THE CITY COUNCIL OF THE CITY OF SAN RAFAEL RESOLVES** that:

1. CSW/Stuber-Stroeh Engineering Group, Inc., as designated Engineer of Work for Point San Pedro Road Median Landscaping Assessment District, has filed with the City Clerk an Engineer's Annual Levy Report for fiscal year 2022-23 in accordance with the provisions of the Landscaping and Lighting Act of 1972.

2. The aforementioned Engineer's Annual Levy Report, on file with the City Clerk, is approved as filed.

**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 6<sup>th</sup> day of June 2022, by the following vote, to wit:

**AYES: COUNCILMEMBERS:**

**NOES: COUNCILMEMBERS:**

**ABSENT: COUNCILMEMBERS:**

**LINDSAY LARA, City Clerk**

## **RESOLUTION NO.**

### **SAN RAFAEL CITY COUNCIL RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS AND SETTING A PUBLIC HEARING ON THE ANNUAL ASSESSMENT FOR THE CITY COUNCIL MEETING OF JULY 5<sup>th</sup>, 2022**

#### **POINT SAN PEDRO ROAD MEDIAN LANDSCAPING ASSESSMENT DISTRICT (Pursuant to the Landscaping and Lighting Act of 1972)**

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**THE CITY COUNCIL OF THE CITY OF SAN RAFAEL RESOLVES** that:

1. The City Council intends to levy and collect assessments within the Point San Pedro Road Median Landscaping Assessment District, City of San Rafael, Marin County, California, during the fiscal year 2022-23. The area of land to be assessed is located in the City of San Rafael, Marin County.

2. In accordance with this Council's resolution directing the filing of an Engineer's Annual Report, CSW/Stuber-Stroeh Engineering Group, Inc., Engineer of Work, has filed with the City Clerk the report required by the Landscaping and Lighting Act of 1972. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessment district and the proposed assessments upon assessable lots and parcels of land within the assessment district.

3. The proposed assessment increases the assessment \$2.99 from the previous year, from \$102.78 to \$108.12 per EBU (Equivalent Benefit Unit), which is the maximum allowable assessment amount for FY 2022-23.

4. On Tuesday, the 5<sup>th</sup> of July, 2022 at the hour of 7:00 o'clock P.M., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held live at the San Rafael City Council Chambers and virtually through Zoom at the webinar location listed on the agenda online

at <https://www.cityofsanrafael.org/departments/public-meetings/>, as well as being streamed to YouTube at [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael).

5. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972 by publishing a copy of this resolution once in the Marin Independent Journal, publication to be completed not less than ten (10) days before July 5, 2022.

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 6<sup>th</sup> day of June 2022, by the following vote, to wit:

**AYES: COUNCILMEMBERS:**

**NOES: COUNCILMEMBERS:**

**ABSENT: COUNCILMEMBERS:**

**LINDSAY LARA, City Clerk**



## Attachment 4 - Engineer's Annual Report FY 2022-23

<https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2022/06/2022-06-01-PSP-Assessment-District-Annual-Engineers-Report-2019-10-018-2022-5-20-redacted-6-1.pdf>

Agenda Item 6.a

**PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL  
PROCLAIMING THE MONTH-LONG CELEBRATION OF  
LGBTQ+ PRIDE MONTH IN JUNE**

- WHEREAS, the City of San Rafael recognizes and proclaims the month of June 2022 as "Lesbian, Gay, Bisexual, Transgender, Queer+ (LGBTQ+) Pride Month"; and
- WHEREAS, in honor of the 1969 Stonewall Riots in Manhattan, led by trans women of color, and the subsequent first Pride March in New York City in June 1970, each June, Americans come together to celebrate LGBTQ+ people; and
- WHEREAS, the City of San Rafael has a diverse LGBTQ+ community and is committed to supporting visibility, dignity, and equity for all people in the community; and
- WHEREAS, the City of San Rafael observes June as a time to celebrate our dynamic LGBTQ+ community, raise awareness of quality services, and foster a dialogue to promote healthy, safe, and prosperous school climates and communities for all; and
- WHEREAS, LGBTQ+ individuals continue to face hate, discrimination and persistent efforts to undermine their human rights in the US and worldwide, and face higher rates of depression and suicide than any other demographic subset, particularly among the trans community; and
- WHEREAS, LGBTQ+ people make vital contributions to and enhance the social and economic fabric of San Rafael in the fields of education, law, health, business, science, research, economic development, architecture, fashion, sports, government, music, film, technology, literature, civil rights, politics, and more; and
- WHEREAS, because of the acts of courage of the millions who came out and spoke out to demand justice, and of those who still fight and push for progress, our community continues to work towards a society in which the LGBTQ+ community can be seen, safe and live with dignity.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of San Rafael recognizes June as "Lesbian, Gay, Bisexual, Transgender, Queer+ (LGBTQ+) Pride Month" in the City of San Rafael to inspire equity, create alliances, celebrate diversity, and establish safe environments in our schools and communities throughout the City.

BE IT FURTHER RESOLVED, that the City Council of the City of San Rafael fully supports the rights, freedoms, and equal treatment of lesbian, gay, bisexual, transgender, and queer people; and to unequivocally show this support, directs staff to fly the Progress Pride Flag at City Hall for the entirety of the month of June.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of San Rafael to be affixed this 6<sup>th</sup> day of June, in the year two thousand and twenty-two.



Kate Colin  
Mayor

**City of San Rafael**  
Proclamation Commemorating  
**Juneteenth**

- WHEREAS, Juneteenth is the oldest nationally celebrated commemoration of the ending of slavery in the United States; and
- WHEREAS, Juneteenth was originally celebrated in Texas, on June 19, 1866. It marked the first anniversary of the day that African Americans there first learned of the Emancipation Proclamation, more than two years after it was initially issued; and
- WHEREAS, Juneteenth celebrations are a tribute to those African Americans who fought so long for freedom and worked so hard to make the dream of equality a reality; and
- WHEREAS, these celebrations are a time for reflection and rejoicing and to celebrate African American culture and achievements through prayer and religious services, speeches, educational events, family gatherings and picnics, and festivals with food, music, and dancing; and
- WHEREAS, the City of San Rafael embraces diversity, equity and inclusion and believes that all are valued and welcomed.; and
- WHEREAS, we urge our community to join in celebrating Juneteenth as a day to honor and reflect on the significant role that African Americans have played in the history of the United States and how they have enriched society through their steadfast commitment to promoting unity and equality; and
- WHEREAS, On June 17, 2021, President Joe Biden signed the Juneteenth National Independence Day act, declaring the first federal holiday since Martin Luther King Jr. Day in 1983; and
- WHEREAS, the City of San Rafael, its elected officials and our employees acknowledge the significance of this day and the importance of Black culture, resilience, and achievements in our country's history.

NOW, THEREFORE, BE IT RESOLVED that, effective June 2022, Juneteenth is proclaimed as an official holiday for the City of San Rafael in observance of the emancipation of enslaved persons in the United States and the City reaffirms its commitment to safeguard the civil rights, safety, and dignity of all its residents.



Kate Colin  
Mayor



**SAN RAFAEL**  
THE CITY WITH A MISSION

**Agenda Item No: 7.a**

**Meeting Date: June 6, 2022**

## **SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Public Works**

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

**City Manager Approval:** \_\_\_\_\_

**TOPIC: SPECIAL TAX ON PROPERTIES AT LOCH LOMOND 10 - MELLO-ROOS  
DISTRICT NO. 1992-1**

**SUBJECT: RESOLUTION SETTING THE SPECIAL TAX FOR COMMUNITY FACILITIES  
DISTRICT NO. 1992-1 (LOCH LOMOND #10) FOR FISCAL YEAR 2022-23**

### **RECOMMENDATION:**

Adopt a resolution setting the special tax rates for Fiscal Year 2022-23 for Community Facilities District No. 1992-1 (Loch Lomond 10).

**BACKGROUND:** Loch Lomond 10 is a community facilities district (commonly referred to as a "Mello-Roos") located on the Pt. San Pedro Peninsula, north of Point San Pedro Road. The community facilities district comprises 28 home parcels, and one open space parcel which borders China Camp State Park open space.



The community facilities district was formed in the early 1990s when the area was developed. The District was formed, in part, to provide funding to mitigate the drainage impacts and concerns of the development on the surrounding Loch Lomond community. This was extensively documented in the Environmental Impact Review (EIR) documents, comments, and subsequent approvals for the original subdivision. The final conditional approval of Loch Lomond 10 required the District to be formed. The District was created to have three funds of money with which to maintain and operate the storm drain system and insure against damage from potential landslides. These functions were defined in the formation of Community Facilities District No. 1992-1 and passed by resolution #8839 by the City Council on March 1,

1993. The three funds and purposes are as follows:

### **FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

## **SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2**

1. **Self-Insurance Fund:** Provides a fund balance of \$500,000 plus accumulated interest to cover the deductible amount of the City's insurance should a landslide occur in the watershed above the District.
2. **Sinking Fund:** Provides for long term capital replacement of drainage infrastructure and facilities as the original may fall into disrepair.
3. **Maintenance Fund:** Provides for maintaining drainage facilities within the Loch Lomond 10 boundary to include annual cleaning of drainage structures, monitoring structures during storm events, and cleaning facilities as required during storm events.

Since the early 1990s, the Finance Department has brought forward the levying of this annual special tax to City Council in the spring. The annual special tax collected is divided in the three distinct funds; a portion of the special tax went to the Self-Insurance Fund, the Sinking Fund, and the Maintenance Fund. The Self-Insurance fund portion of the special tax was \$1,852 per parcel annually until the \$500,000 balance was achieved in FY 2004-05, and thereafter, the annual special tax for the Self-Insurance fund was \$0.

An overview of recent assessments for the district are as follows:

		Self-Insurance Fund	Sinking Fund	Maintenance Fund
FY 2016-17*	Assessment	\$0	\$143	\$435
	<b>Total revenue</b>	<b>\$0</b>	<b>\$3,861</b>	<b>\$11,745</b>
FY 2017-18*	Assessment	\$0	\$143	\$435
	<b>Total revenue</b>	<b>\$0</b>	<b>\$3,861</b>	<b>\$11,745</b>
FY 2018-19**	Assessment	\$0	\$0	\$0
	<b>Total revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20	Assessment	\$0	\$171	\$622
	<b>Total revenue</b>	<b>\$0</b>	<b>\$3,538</b>	<b>\$16,791</b>
FY 2020-21	Assessment	\$0	\$174	\$661
	<b>Total revenue</b>	<b>\$0</b>	<b>\$4,701</b>	<b>\$17,857</b>
FY 2021-22	Assessment	\$0	\$178	\$709
	<b>Total revenue</b>	<b>\$0</b>	<b>\$4,795</b>	<b>\$19,148</b>
FY 2022-23 (proposed)	Assessment	\$0	\$181.14	\$867
	<b>Total revenue</b>	<b>\$0</b>	<b>\$4,890.78</b>	<b>\$23,417.64</b>

*\*While the Sinking Fund and Maintenance Fund have an allowable annual inflationary factor (increase), the rates of \$143 and \$435 were held flat from FY 2011-12 to FY 2017-18.*

*\*\*In late 2017, the Homeowners Association Board of Loch Lomond Highlands requested the City review historical expenditures and provide an accounting of the finances of the Loch Lomond 10 community facilities district, as well as conduct a thorough review of the purpose and allowable expenditures of the three district funds. Due to the ongoing nature of the research at the time FY 2018-19 assessments would have been levied, it was decided that there would be no special tax levied in spring 2018 for FY 2018-19.*

Applying the allowable 2% inflationary factor to the Sinking Fund Assessment brings the FY 2022-23 Assessment from \$178 to \$181.14. Applying the allowable personal income index inflationary factor for San Francisco area to the Maintenance Fund Assessment brings the FY 2022-23

## **SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 3**

assessment from \$709 to \$867. See Attachment 2 for Sinking Fund and Maintenance Fund calculations.

In late 2017, the Homeowners Association Board of Loch Lomond Highlands requested that the City review historical expenditures and provide an accounting of the finances of the Loch Lomond 10 community facilities district, as well as conduct a thorough review of the purpose and allowable expenditures of the three district funds.

Since that time, the City and homeowners have worked together on a Maintenance Manual and annual maintenance plan for the district. The City sends the Homeowners Association regular reports and updates on maintenance activities in the district, and the HOA provides the City feedback and direction on where they would like maintenance activities directed.

**ANALYSIS:** In FY 2021-22, the district generated \$22,557.96 in funds to be utilized for allowable maintenance purposes within the Loch Lomond #10 Maintenance District. The funds were utilized as follows:

<b>FY 2021-22 Maintenance Activity</b>	<b>Amount</b>
County Admin Fee	\$54.00
City provided services (July 2021 – April 2022)	\$8,544.00
Vegetation Management (May 2022 – June 2022)	\$10,500.00
<b>Total</b>	<b>\$19,098.00</b>

The \$8,544 in City provided services costs represents only a portion of the actual cost of Public Works Streets Maintenance staff maintaining the district during FY 2021-22. In addition to the typical pre-storm inspection and clearing of catch basins, staff spent several days in August 2021 with Ad-Lite Craning Services clearing debris from the upper and lower Las Casas drainage basins within the district, removing several tons of debris. Throughout the storm season DPW staff patrolled, inspected and cleared drainage basins within the district to ensure the system continued to flow properly to the downhill drainage infrastructure.

It is important to note the City may only seek reimbursement for staff time from the special district based on what is available in the Maintenance Fund. The balance of the maintenance fund will be used by City staff during May and June 2022 to complete an additional \$10,500 of vegetation management services. Annually, the Loch Lomond #10 Maintenance Fund balance ends the year at \$0. The City's General Fund subsidizes additional City staff time beyond the available Loch Lomond #10 maintenance funding.

For FY 2022-23, the City plans to utilize 100% of available maintenance funds. The Maintenance Activities for the coming year are anticipated as follows:

<b>FY 2022-23 Maintenance Activity</b>	<b>Amount</b>
County Admin Fee	\$120.00
Incidental Expenses ( <i>Engineer's Report + Bond Value reduction</i> )	\$14,729.69
City Staff Time ( <i>vegetation management</i> )	\$8,567.95
<b>Total</b>	<b>\$23,417.64</b>

**FISCAL IMPACT:** All district financial activities are within Fund #236. Public Works intends to utilize the full amount of Maintenance funds available each year for contracted maintenance activities and the remainder to reimburse City staff time within the allowable and intended use of District funds.

The Sinking Fund shall be used to cover larger, capital costs, though with a current fund balance of \$36,336.42, it will take many more years to build up the fund to a significant amount to cover the rebuilding of any capital infrastructure in the District.

The Loch Lomond 10 Self-Insurance Fund shall remain reserved for its intended purpose of use for a claim within the District that would otherwise be covered by the City's excess liability insurance to pay the City-required self-insured retention under this coverage. The FY 2021-22 Year End fund balance for the Self-Insurance Fund is projected to be \$723,484.20 and represents the \$500,000 balance, plus all accumulated interest over time.

**OPTIONS:**

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

1. Adopt the resolution as presented, levying the full special tax for Loch Lomond 10 – Mello-Roos District No. 1992-1 for FY 2022-23.
2. Do not adopt the resolution as presented. Provide direction to staff to make changes on recommended future actions.

**RECOMENDED ACTION:** Adopt a resolution setting the special tax rates for FY 2022-23.

**ATTACHMENTS:**

1. Resolution setting the District Tax for FY 2023-23 at \$1,048.46 per parcel
2. Annual Engineer's Report for Loch Lomond #10 CFD
3. Loch Lomond #10 Assessment Roll and Calculations (based on prior year's Engineer's Report)

**RESOLUTION NO.**

**A RESOLUTION OF THE SAN RAFAEL CITY COUNCIL  
SETTING THE SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT  
NO. 1992-1 (LOCH LOMOND #10) FOR FISCAL YEAR 2022-23**

**WHEREAS**, the City Council of the City of San Rafael by Resolution No. 8839 formed “Community Facilities District No. 1992-1, (Loch Lomond #10), City of San Rafael, County of Marin, State of California,” (hereafter “CFD 1992-1”); and

**WHEREAS**, the landowners of CFD 1992-1 voted in a mail ballot election called by the City Council by Resolution No. 8840, and unanimously approved the imposition of a special district tax, as declared in Resolution No. 8841; and

**WHEREAS**, on March 9, 1993, the City of San Rafael prepared and caused to be recorded a “Notice of Special Tax Lien” for all of the parcels within CFD 1992-1, which included the facilities and services to be funded by the tax, and method for establishing a rate and calculating the apportionment of the tax; and

**WHEREAS**, on July 17, 1995 the City Council adopted Ordinance No. 1683 levying special taxes within CFD 1992-1; and

**WHEREAS**, Ordinance No. 1683 provides that the special tax rate will be set annually by resolution subject to the maximum authorized by Resolution No. 8839; and

**WHEREAS**, the Department of Public Works is recommending the amount of the special taxes to be assessed in FY 2022-23 as \$181.14 for the Sinking Fund and \$867.32 in the Maintenance Fund – totaling \$1048.46; and

**WHEREAS**, the City Council wishes to set the specific tax rate to be imposed on the parcels within CFD 1992-1 in fiscal year 2022-23;

**NOW THEREFORE BE IT RESOLVED** that the City Council of San Rafael hereby sets the special tax for Community Facilities District No. 1992-1 (Loch Lomond #10) at \$1048.46 per parcel for FY 2022-23 (\$181.14 towards the Sinking Fund and \$867.32 towards the Maintenance Fund), excepting exempt Assessor Parcel Nos. 16-330-12,13,14, as provided in the Assessment Roll for fiscal year 2022-23 on file with the City Clerk and incorporated herein by reference.

**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 6<sup>th</sup> day of June 2022, by the following vote, to wit:

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

LINDSAY LARA, City Clerk



**ENGINEER'S ANNUAL REPORT**  
**FOR**  
**LOCH LOMOND #10**  
**MELLO-ROOS**  
**COMMUNITY FACILITIES DISTRICT 1992-1**

**2022 – 2023**

Prepared for  
**FOR THE CITY OF SAN RAFAEL**  
**CALIFORNIA**  
**COUNCIL MEETING**  
**JUNE 6, 2022**

**Prepared By:**  
**CSW/Stuber-Stroeh Engineering Group, Inc.**  
45 Leveroni Court  
Novato, CA 94949

**ENGINEER'S ANNUAL REPORT**  
**2022-2023**

LOCH LOMOND DISTRICT #10  
CITY OF SAN RAFAEL, MARIN COUNTY, CALIFORNIA  
Mello-Roos Community Facilities District

The undersigned respectfully submits the enclosed annual report as directed by the City Council.

DATED: \_\_\_\_\_, 2022.

CSW/STUBER-STROEH ENGINEERING GROUP, INC.  
Engineer of Work

By \_\_\_\_\_  
Alan G. Cornwell

I HEREBY CERTIFY that the enclosed Engineer's Annual Report, together with Assessment and Assessment Diagram thereto attached, was filed with me on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

LINDSAY LARA, City Clerk, City of San Rafael, Marin County,  
California

By \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Annual Report, together with Assessment and Assessment Diagram thereto attached, was approved on \_\_\_\_\_, 2019 and confirmed by the City Council of the City of San Rafael, Marin County, California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

LINDSAY LARA, City Clerk, City of San Rafael, Marin County,  
California

By \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Annual Report, together with Assessment and Assessment Diagram thereto attached, was filed with the County Auditor of the County of Marin on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

LINDSAY LARA, City Clerk, City of San Rafael, Marin County,  
California

By \_\_\_\_\_

## **ENGINEER'S ANNUAL REPORT 2022-2023**

### **LOCH LOMOND DISTRICT #10 CITY OF SAN RAFAEL, MARIN COUNTY, CALIFORNIA Mello-Roos Community Facilities District**

CSW/Stuber-Stroeh Engineering Group, Inc., Engineer of Work for Loch Lomond #10 District, City of San Rafael, Marin County, California, makes this annual report, as directed by the City Council, by its Resolution No. \_\_\_\_\_, adopted \_\_\_\_\_, 2022.

The improvements which are the subject of this report are briefly described as follows:

The District was created to have three funds of money with which to maintain and operate the storm drain system and insure against damage from potential landslides. The three funds are defined as a maintenance fund, a sinking fund and insurance reserve fund. These functions were defined in the formation of Community Facilities District No. 1992-1 and passed by resolution #8839 by the City Council Meeting on March 1, 1993. The resolution and formation of the District was meant to be a mitigation for potential impacts to the downstream drainage facilities from the development of the 28 lots which encompass Loch Lomond #10 District. Maintaining drainage facilities within the Loch Lomond #10 boundary to include annual cleaning of drainage structures, monitoring structures during storm events, cleaning facilities as required during storm events. Provide a sinking fund to provide monies to replace facilities as those facilities fall into disrepair. Lastly provide a fund to provide \$500,000 plus accumulated interest to provide the deductible amount of the City's insurance should a landslide occur in the watershed above the District.

This report consists of six parts, as follows:

**PART A** – Plans and Specifications: These plans include the Improvement As-Built Plans prepared by Oberkamper and Associates and dated March 4, 1996. In addition the City asked CSW|ST2 to prepare a maintenance manual to guide the City Public Works staff in checking on the facilities that require annual and storm-related maintenance at a regular intervals. These items are filed with the City Clerk. Although separately bound, the plans and specifications are a part of this report and are included in it by reference.

**PART B** - An Amended Estimated Cost of the Community Facilities District.

**PART C** - Assessment Roll - An assessment of the estimated cost of the improvement on each benefited parcel of land within the Community Facilities District.

**PART D** - Method of Apportionment of Assessment - A statement of the method by which the undersigned has determined the amount proposed to be assessed against each parcel.

**PART E** - List of Property Owners - A list of the names and addresses of the owners of real property within this Community Facilities District, as shown on the last equalized assessment roll for taxes, or as known to the Clerk. The list is keyed to Exhibit "C" by assessment number.

**PART F** - Assessment Diagram - A diagram showing all of the parcels of real property within this Community Facilities District. The diagram is keyed to Part "C" by assessment number.

Respectfully submitted,  
CSW/Stuber-Stroeh Engineering Group, Inc.

By \_\_\_\_\_  
Alan G. Cornwell, Engineer of Work

## **PART A**

### **INTRODUCTION AND PURPOSE:**

In 2017 the residents of Loch Lomond District 10 requested that the City review the expenditures and provide an accounting of the finances of the Community Facilities District No. 1992-1, also known as the Loch Lomond #10 ("LL 10") District. The residents also requested that the City review the maintenance schedules which the City had provided on behalf of the District. Through research and discussion with City staff, the HOA Board, residents and CSW / ST2 staff, a clearer picture of the funding available in each of the three spending tranches identified in the formation documents (maintenance fund, sinking fund, and insurance reserve fund) has been identified. The funding to support the maintenance of the District is very limited and does not cover the annual cost to maintain and repair the system. Given the limited funding that the District generates, the finances of the District are insufficient to fund the level of service and repair of the infrastructure. Therefore, this report identifies the minimum work required to maintain the storm water system and fire/maintenance access roads within the district. The City intends to continue to use district funding to maintain the LL10 District and will use additional City storm water funding as it may be available to supplement the maintenance costs.

The City has actively and regularly maintained the system by performing pre-storm inspections and performing needed maintenance of the drainage facilities since the District was formed. Interviews with current maintenance staff verify that facilities within the LL10 District were maintained on an annual basis (pre-storm) and as needed before, during, and after storm events throughout each rainy season. In addition, since the District's formation in 1993 there have been sporadic, as-needed repairs of the system (particularly the debris basins 2 and 3 above Las Casas) as a result of storm damage and/or silt and debris accumulation. In general the overall storm drain system has performed well given the fact that it has been in place for over 23 years. The condition of the overall system is evidence that the City has performed regular maintenance on the system. The regular maintenance notwithstanding, there have been a number of major storm events which have required repairs of facilities within the watershed, particularly the debris basins. In recent years the City has often had to clean debris and silt after, and in some cases during storm events to maintain the function of the two major basins above Las Casas Drive.

The District was formed, in part, to mitigate the impacts of the development on the surrounding community. This was extensively documented in the EIR documents, comments on the Draft EIR, and the subsequent approvals. The final conditional approval of Loch Lomond #10 required the District to be formed. The work required of the District was laid out in the three categories shown below. Preliminary estimates of maintenance cost were stated, as well as the contribution to the sinking fund.

The District was formed to provide financing for 3 specific items:

1. Annual and periodic Maintenance of the storm drain system and fire access/maintenance roads.
2. A Sinking Fund which provides long term capital replacement of the infrastructure.
3. A \$500,000 amount to reimburse the city in the event the City's insurance was tapped and the City would be required to use the \$500,000 deductible to satisfy a claim.

### **COVERED FACILITIES:**

The District was formed to provide a source of funding for ongoing maintenance and capital replacement of storm water improvements within the District and to provide funding for the

## **PART A**

deductible portion of the City's insurance policy to cover potential damage from slides and rain events within the open space known as Parcel A. Parcel A is owned as open space by the 27 lots and three condominiums within the boundary of Loch Lomond #10 as well as to maintain the storm water systems integrated into the 28 parcels within the District. Note that one of the 28 lots (lot 9, specifically) has been further subdivided into three below market (BMR) units.

The Loch Lomond #10 area drains into two distinct drainage systems maintained by the City of San Rafael. The larger westerly watershed includes 10 lots and three BMR units mostly off the extension of Las Casas Drive. The second, eastern watershed is located above Manderly Road on the extension of Inverness Drive and includes the remaining 17 lots and drains to three culverts (two 18 inch and one 24 inch) which cross Manderly Road.

The westerly watershed is significantly larger and includes areas both inside the District as well as areas beyond the District boundary and owned by other private parties and the City of San Rafael as open space. The watershed is approximately 111.3 acres including private lots and City Open Space upstream and outside the District Boundary, and Loch Lomond #10 Open Space and the 11 lots within Loch Lomond #10. The easterly watershed includes approximately 21.2 acres all of which are within the District boundary.

Within the district there are approximately 2,855 feet of storm drain culverts, 762 feet of v-ditches, 27 catch basins, inlets and manholes, 2 outlet structures and 6 headwalls according to the Engineer's estimates provided with the subdivision improvements. The City typically maintains storm drain lines draining major watersheds, pipes, catch basins and manholes with the street or public rights-of-way, and catchment/debris basins. Within the Loch Lomond #10 District, the City also maintains the local v-ditches and swales and other smaller private drainage systems on private property as directed in the formation of the District.

### **MAINTENANCE COSTS**

The maintenance costs of the District were estimated by Mr. Lloyd Strom in 1992 to be \$36,140 per year. City Council Resolution 8839 states that "except where other funds are otherwise available, a special tax sufficient to pay for such facilities and services, will be annually levied within CFD 1992-1", and City Council Resolution 8243 clearly states that "maintenance shall be funded by the Community Facilities District." However, the tax rate developed at the time the Community Facilities District was established does not cover the cost of the maintenance needs of the district. The anticipated maintenance included: Cleaning silt basins, maintaining access/fire roads, cleaning the storm drain system (pipes, boxes and v-ditches) and replacing debris fences.

In order to determine the appropriate levels of maintenance, we discussed the City's maintenance approach with staff. Based on that discussion, we have updated the recommended maintenance plan to include annual pre-season inspection and cleaning, observation of the drainage system, observation and cleaning as necessary for large storms during the season (we assumed two per year), a 15-year schedule to provide minor repairs to the main water course ditch and pipe systems, a 3-year schedule to remove brush and vegetation within the main open swales, a once-in-5-years access road maintenance schedule for 1,952 feet of roads, and three-year schedule for removal of accumulated silt in the catchment basins. It should be noted that small concrete v-ditches and minor swales elsewhere in the City are maintained by the individual property owner consistent with public works' policy. The anticipated annual maintenance for the District should be budgeted at \$37,512. The details of this budget are shown below.

## PART A

Annual Pre-season inspection/cleaning storm drainages, ditches, catch basins, debris basins, etc.				
2 days per year	Rate	Hours per year	<i>Annual</i>	\$2,553
Lead Maintenance Worker	\$77.39	15	\$1,160.85	
Maintenance Worker I/II	\$72.79	15	\$1,091.85	
Truck + Misc Equipment	\$20.00	15	\$300.00	
Twice annual inspection during storm season				<i>Annual</i>
1 day per year	Rate	Hours per year		\$1,276
Lead Maintenance Worker	\$77.39	7.5	\$580.43	
Maintenance Worker I/II	\$72.79	7.5	\$545.93	
Truck + Misc Equipment	\$20.00	7.5	\$150.00	
Contracted storm-season drainage maintenance support				<i>Annual</i>
				\$7,000
Repairs to ditch and pipe system 3,620				
3,620 LF of pipe	\$20/LF for pipe	\$60,910	15 year schedule	\$4,061
	\$5/LF for V ditch			
Access road repair				
1,952 LF of road		\$23,073	5 year schedule	\$4,615
Brush and clean open swales				
1,400 LF of swales		\$21,596	3 year schedule	\$4,319
Remove silt (clamming operations)				<i>Annual</i>
				\$7,688
Annual Engineer's Report				<i>Annual</i>
				\$6,000
Total				<u><u>\$37,512</u></u>

### STATUS AND ACTIVITIES

IMPROVEMENT PLANS LOCH LOMOND UNIT 10 PREPARED BY OBERKAMPER AND ASSOCIATES, AND "AS BUILTS," DATED MARCH 4, 1996

Over the 27 years that the District has been in existence the City, on behalf of the District has maintained the system within the District as it would normally maintain the drainage systems throughout the Loch Lomond area and the City in general. Since the mid- 1990's there has been little oversight of the District and for a number of years no annual engineers report was prepared. While the storm drain system continually required significant maintenance the City continued to take funds from the General Fund to perform normal and extraordinary maintenance and repairs. As City Administrations changed, the City realized that Community Facilities District did have funds available to contribute to the maintenance of the drainage facilities within the District. Around 2012 the City revisited the work done by the City on behalf of the District and transferred funds from the District into the general fund as a "catch-up" to compensate the City for providing over 10 years of maintenance and repairs without drawing on District funds.

Beginning in 2017, the Homeowners Association questioned the City on the disbursement of District funds and began to take a more active role in oversight of the District. The discussion

## PART A

between the Homeowners and City are continuing. The discussion has pointed out how underfunded the District is and the necessity to increase the assessments to the maximum allowed under the defining resolution which established the District. The increases are covered in PART C of this annual report.

Additional Activities for the fiscal year 2019-2020: The City has implemented a more rigorous accounting of the labor and materials which it employs in maintaining the Drainage system within the boundaries of the Loch Lomond #10 District. The City will continue to work with the homeowners to identify what additional future repairs may be necessary and whether there are alternative methods to assist in funding those repairs.

### Activities for 2020-2021 fiscal year

The status of the District for the 2020-2021 fiscal year was prepared by City staff. The activities can be found in the City Staff Report for the Council's consideration dated June 7, 2021 and attached hereto.

### Status for the fiscal year 2021-2022

The City continues to provide maintenance services throughout the district to clean storm drains, manage open space vegetation and provide on-call storm related services to keep storm water collection systems open during the winter. During fiscal year 2021-2022 the City charged \$8,544.00 to the District for storm drain cleaning services. The City will be charging additional time during May and June at the request of the residents to provide additional vegetation management to close out the 2021-2022 fiscal year.

An overview of the three components of the District funds follows:

**Self-Insurance Fund:** Provides a fund balance of \$500,000 plus accumulated interest to cover the deductible amount of the City's insurance should a landslide occur in the watershed above the District. The balance in this fund is \$723,484.20 and no contributions are necessary at this time.

**Sinking Fund:** Provides for long term capital replacement of drainage infrastructure and facilities as the original may fall into disrepair. The balance in this fund is \$36,336.42. The District is allowed to collect a small portion of the overall annual assessment for this use. As shown in part D, the 2022-2023 contribution will be \$181.14 per parcel for an additional \$4,890.78 to add to the current balance. The balance in the fund should be \$41,227.20 less any amount paid to repair capital improvements which might occur in the 2022-2023 fiscal year.

**Maintenance Fund:** Provides for maintaining drainage facilities within the Loch Lomond 10 boundary to include annual cleaning of drainage structures, monitoring structures during storm events, and cleaning facilities as required during storm events. The District is allowed to collect increasing assessments for this use. As shown in part D, the 2022-2023 contribution will be \$867.32 per parcel for an additional \$23,417.64 to be available for the coming fiscal year.

As noted above, the City continues to provide maintenance for Loch Lomond District #10, recognizing the funds provided by the District are inadequate. While the current residents and Board have not expressed interest in increasing the contribution to the maintenance or sinking funds, the documents forming the District allowed for annual increase to be based on the Consumer Price Index or Personal Income Growth for maintenance and 2% annual increases for the sinking fund. For the 2019-20 season the District increased the assessments as shown in Part D.



## PART B ESTIMATE OF COSTS

The City prepared Reports for 2019-2020, 2020-2021, and 2021-2022

District Status May 20, 2022 (includes 2021-2022 interest)	
Total Estimated Fund Balance (per 2019 report)	<u>\$ 728,493.32</u>

Anticipated 2022-2023 Revenues and Fund Balance Allocations	
Anticipated Available Funds on July 1, 2020	<u>\$ 728,493.32</u>

Adjustment to match final amount	\$ 32,797.97	
Actual Available Funds on July 1, 2021		<u>\$ 761,291.29</u>

Assessment District Expenditures 2021-2022		
Assessor/Recorders Fee	\$ 90.00	
City provided services (July 2021 through April 2022)	\$ 8,544.00	
Vegetation Management May/June 2022 (estimated)	\$ 10,500.00	
County Administrative Fees	<u>\$ 54.00</u>	
	\$ 19,188.00	

Assessment District Proceeds 2021-2022	\$ 22,557.96	
Interest	\$ 0.00	
Estimated Available Funds on July 1, 2022		<u>\$ 764,661.25</u>

### ESTIMATED ASSESSMENT DISTRICT EXPENSES 2022-2023

Uncollected Assessment 2022-2023 (2%)	\$ 566.16	
City Maintenance and Vegetation Management Services	\$ 8,500.00	
Sinking Fund to carry forward (from 2021 Staff Report)	\$ 36,336.42	
Self-Insurance Fund to carry forward (from 2021 Staff Report)	<u>\$ 723,484.20</u>	

Annual contribution to Sinking Fund	\$ 4,890.78	
Annual Engineer's Report	\$ 6,800.00	
Bond reduction estimate	\$ 7,929.69	
County Administration Fee	<u>\$ 120.00</u>	
	\$ 788,627.26	

Contingencies (Future Additional Capital Reserve and Maintenance)	\$ 4,342.41	
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Total Anticipated Expenses and Allocation June 30, 2022	\$ 792,969.67	
Total Anticipated Assessment Funding		\$ 28,308.42

Total ESTIMATED AVAILABLE FUNDS June 30, 2022	<u>\$ 792,969.67</u>
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\*The City agreed to waive the Assessment for the District for the 2018-2019 fiscal year while the discussions were on-going with the homeowners and other residents.

\*\* The District has carried a negative balance in the Maintenance Fund since 2012. The District Needs to be reimbursed by the General Fund to account for general funds expended on behalf of the District.

\*\*\* The City agreed to reimburse the Sinking Fund \$7,800 from the FY 2012-13 transfer of funds

**PART B**  
**ESTIMATE OF COSTS**

from the District. \$7,800 of the funds drawn from the Sinking Fund were identified in fact as Maintenance Fund expenditures.

**PART C**  
**ASSESSMENT ROLL**  
(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part C – Assessment Roll)

<b>SPECIAL ASSESSMENT NUMBER</b>	<b>AMOUNT OF ASSESSMENT (Fiscal Year 2019-2020)</b>	<b>PROPERTY DESCRIPTION Loch Lomond #10 Assessment District</b>	<b>ASSESSOR'S PARCEL NUMBER</b>
1	\$1,048.46	1	016-330-01
2	\$1,048.46	2	016-330-02
3	\$1,048.46	3	016-330-03
4	\$1,048.46	4	016-330-04
5	\$1,048.46	5	016-330-05
6	\$1,048.46	6	016-330-06
7	\$1,048.46	7	016-330-07
8	\$1,048.46	8	016-330-08
9-1	\$0.00	Portion of 9	016-330-12
9-2	\$0.00	Portion of 9	016-330-13
9-3	\$0.00	Portion of 9	016-330-14
10	\$1,048.46	10	016-330-10
11	\$1,048.46	11	016-330-11
12	\$1,048.46	12	016-321-04
13	\$1,048.46	13	016-321-03
14	\$1,048.46	14	016-321-05
15	\$1,048.46	15	016-321-01
16	\$1,048.46	16	016-321-02
17	\$1,048.46	17	016-321-06
18	\$1,048.46	18	016-321-07
19	\$1,048.46	19	016-321-08
20	\$1,048.46	20	016-321-09
21	\$1,048.46	21	016-321-10
22	\$1,048.46	22	016-322-01
23	\$1,048.46	23	016-322-02
24	\$1,048.46	24	016-322-03

**PART C**  
**ASSESSMENT ROLL**  
(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part C – Assessment Roll)

<b>SPECIAL ASSESSMENT NUMBER</b>	<b>AMOUNT OF ASSESSMENT (Fiscal Year 2019-2020)</b>	<b>PROPERTY DESCRIPTION Loch Lomond #10 Assessment District</b>	<b>ASSESSOR'S PARCEL NUMBER</b>
25	\$1,048.46	25	016-322-04
26	\$1,048.46	26	016-322-05
27	\$1,048.46	27	016-322-06
28	\$1,048.46	28	016-322-07
29	\$0.00	Parcel A	186-520-19
30	\$0.00	Parcel B	186-520-20
<b>TOTAL ASSESSMENT</b>	<b>\$28,308.42</b>	<b>(For Twenty-Eighth Year)</b>	

Each parcel is as shown on the maps of the County Assessor of the County of Marin at Book 16, Pages 32 and 33 and Book 186, Page 52.

Property descriptions are lot or parcel numbers as shown on the recorded final maps of Loch Lomond #10, recorded in Book 21 of Maps at Page 21, Marin County Records.

**PART D**  
**METHOD OF APPORTIONMENT OF ASSESSMENT**  
**AND ALLOWABLE INCREASES**

**ORIGINAL APPORTIONMENT**

There are 27 single family dwelling units and 3 below market rate units that were a further tax division of lot 9 in the original subdivision existing within the Community Facilities District boundary.

Each of the single family dwelling unit lots are assessed for equal portions of the total assessment. And Lot 9 is assessed zero.

This assessment is exempt from the procedures and requirements of the (recently enacted Proposition 218) California Constitution, Article 13D, Section 4 pursuant to the exemption contained in Article 13D, Section 5(d) [*previously majority voter approval or*] Section 5(b) [*petition signed by persons owning all the property*]. The benefits are entirely special benefits and there are no general benefits. Additionally, the proposed assessment is within the limits of that allowed by the annual increases.

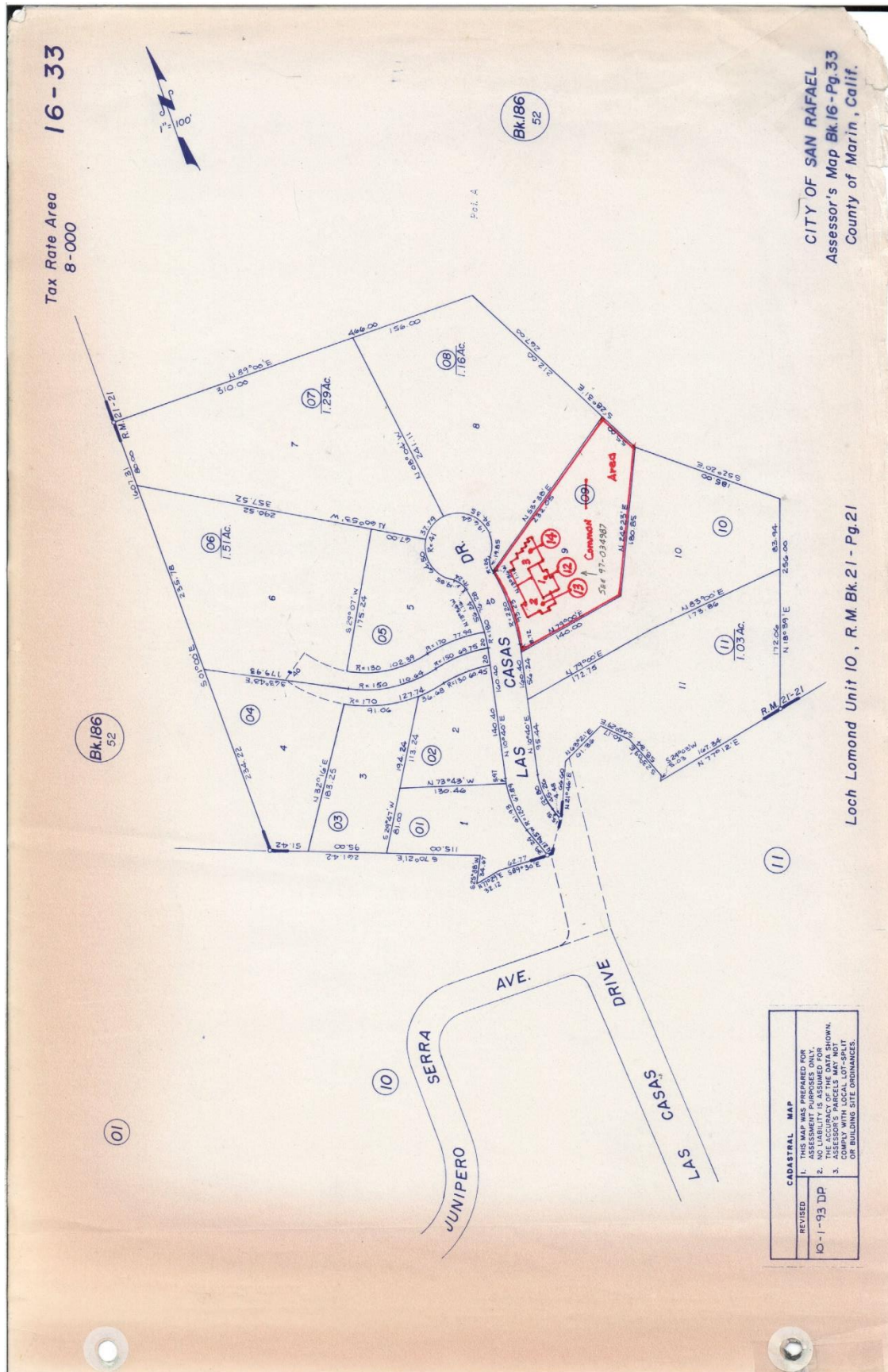
Assessment Parcels 1 through 8, 10 through 28, are each assessed 1/27 of the total assessment.

Assessment Parcel 9-1, 9-2, 9-3, 29, and 30 each have zero (\$0.00) assessment.

The following changes were made to the Assessment Rolls and Assessment Diagram in 1993, although do not appear to have been noted in the Annual Engineer's Reports. Mapping Changes at the Marin County Assessor's Office are noted as follows:

Our office contacted the Marin County Assessor's Office due to obvious changes to the Assessor's Parcel Maps for the Loch Lomond #10 development. According to information received from Mapping Department staff, in calendar year 1993 a change was made to Parcel 9 splitting it into 3 APNs to accommodate the special status of the ownership of that lot. (see map below)

# **PART D** **METHOD OF APPORTIONMENT OF ASSESSMENT** **AND ALLOWABLE INCREASES**



**PART D**  
**METHOD OF APPORTIONMENT OF ASSESSMENT**  
**AND ALLOWABLE INCREASES**

**2022-2023 ASSESSMENT CALCULATIONS**

Applying the method outlined the following increases are allowed:

Maintenance:

Original Assessment	\$225/unit
Personal Income Index 1992	\$28,809
Personal Income Index 20120	\$111,050

$$\text{Factor } \$111,050 / \$28,809 = 3.8547$$

$$\text{2022-2023 Maintenance Assessment } (3.85) \times \$225 = \$867.32$$

Sinking Fund:

Original Assessment	\$100/unit
28 years at 2%, current assessment	\$181.14

$$\text{TOTAL PROPOSED ASSESSMENT 2019-2020} \quad \$1,048.46 \text{ per unit}$$

$$\text{Total Available Funds (27 units)} \quad \$28,319.15$$

NOTE: Per Capita Personal Income Index from the St. Louis Fed for the San Francisco-Oakland-Hayward, California area. Latest index is for the 2020 year.

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
1	016-330-01	
2	016-330-02	
3	016-330-03	
4	016-330-04	
5	016-330-05	
6	016-330-06	
7	016-330-07	
8	016-330-08	
9-1	016-330-12	
9-2	016-330-13	
9-3	016-330-14	
10	016-330-10	



**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
11	016-330-11	
12	016-321-04	
13	016-321-03	
14	016-321-05	
15	016-321-01	
16	016-321-02	
17	016-321-06	
18	016-321-07	
19	016-321-08	
20	016-321-09	
21	016-321-10	
22	016-322-01	

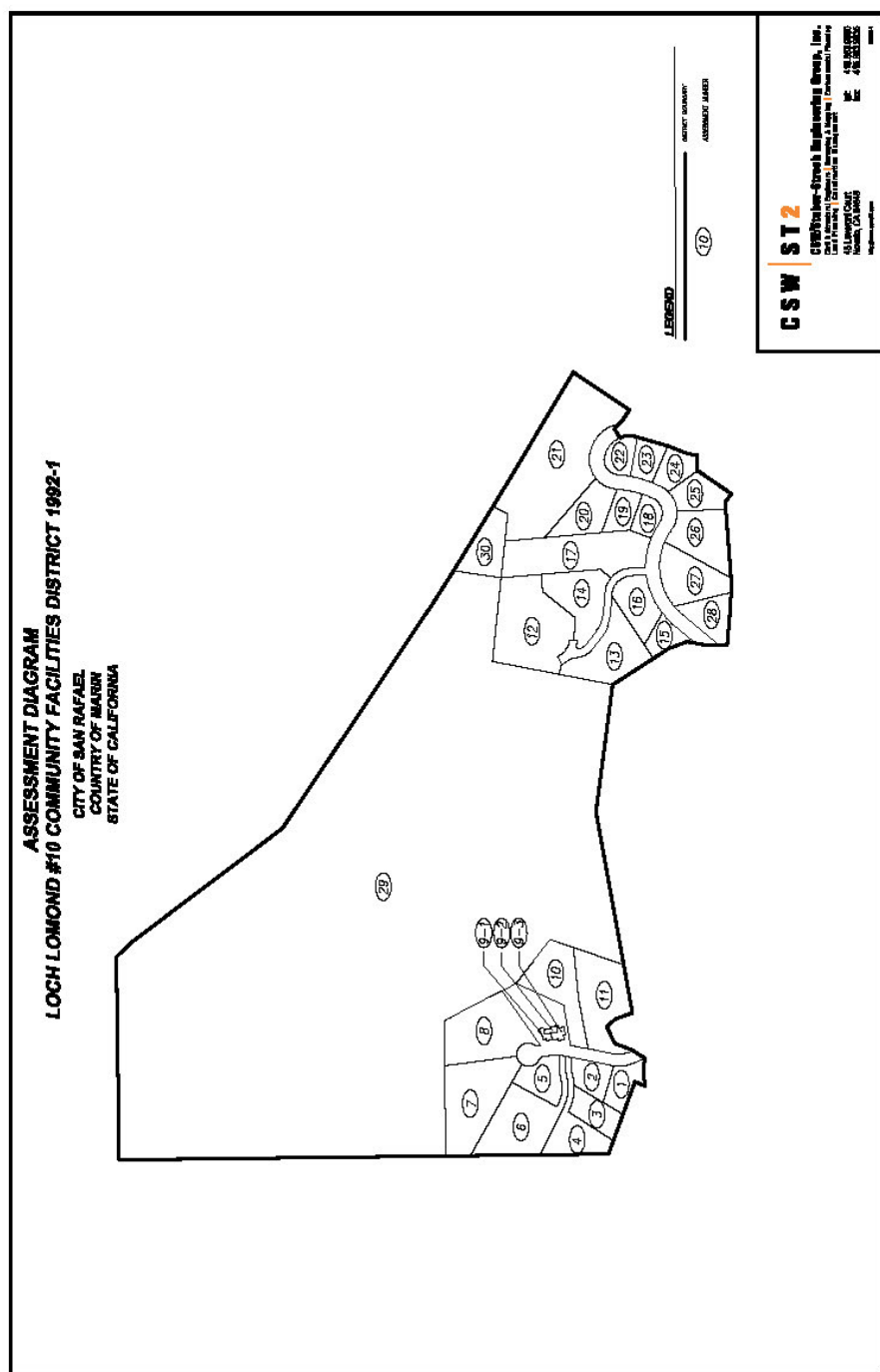
**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

<b>ASSESSMENT NUMBER</b>	<b>ASSESSOR'S PARCEL NUMBER</b>	<b>NAME AND ADDRESS</b>
23	016-322-02	
24	016-322-03	
25	016-322-04	
26	016-322-05	
27	016-322-06	
28	016-322-07	
29	186-520-19	
30	186-520-20	

## PART F ASSESSMENT DIAGRAM

The original Assessment Diagram is no longer available in the City's files. The following represents the current District Engineer's best re-creation of the Assessment Diagram likely used to form the District. It is based on the Record Map of Loch Lomond #10 prepared by Oberkamper & Associates Map Recorded May 27, 1993, in Book 21 of Maps, at Page 21 and the Assessment Diagram used for the Pt. San Pedro Road Median Landscaping Assessment District.



**ASSESSMENT ROLL**  
(Please Refer to Part A – Method of Apportionment of Assessment  
for a Summary of Changes to Assessment Roll)

<b>SPECIAL ASSESSMENT NUMBER</b>	<b>AMOUNT OF ASSESSMENT (Fiscal Year 2021-2022)</b>	<b>PROPERTY DESCRIPTION Loch Lomond #10 Assessment District</b>	<b>ASSESSOR'S PARCEL NUMBER</b>
1	\$1048.46	1	016-330-01
2	\$1048.46	2	016-330-02
3	\$1048.46	3	016-330-03
4	\$1048.46	4	016-330-04
5	\$1048.46	5	016-330-05
6	\$1048.46	6	016-330-06
7	\$1048.46	7	016-330-07
8	\$1048.46	8	016-330-08
9-1	\$0.00	Portion of 9	016-330-12
9-2	\$0.00	Portion of 9	016-330-13
9-3	\$0.00	Portion of 9	016-330-14
10	\$1048.46	10	016-330-10
11	\$1048.46	11	016-330-11
12	\$1048.46	12	016-321-04
13	\$1048.46	13	016-321-03
14	\$1048.46	14	016-321-05
15	\$1048.46	15	016-321-01
16	\$1048.46	16	016-321-02
17	\$1048.46	17	016-321-06
18	\$1048.46	18	016-321-07
19	\$1048.46	19	016-321-08
20-1	\$1048.46	20	016-321-09
21	\$1048.46	21	016-321-10
22	\$1048.46	22	016-322-01
23	\$1048.46	23	016-322-02
24	\$1048.46	24	016-322-03

**ASSESSMENT ROLL**  
**(Please Refer to Part A – Method of Apportionment of Assessment**  
**for a Summary of Changes to Assessment Roll)**

<b>SPECIAL ASSESSMENT NUMBER</b>	<b>AMOUNT OF ASSESSMENT (Fiscal Year 2021-2022)</b>	<b>PROPERTY DESCRIPTION Loch Lomond #10 Assessment District</b>	<b>ASSESSOR'S PARCEL NUMBER</b>
25	\$1048.46	25	016-322-04
26	\$1048.46	26	016-322-05
27	\$1048.46	27	016-322-06
28	\$1048.46	28	016-322-07
29	\$0.00	Parcel A	186-520-19
30	\$0.00	Parcel B	186-520-20
<b>TOTAL ASSESSMENT</b>	<b>\$28,319.15</b>	<b>(For Twenty-Eighth Year)</b>	

Each parcel is as shown on the maps of the County Assessor of the County of Marin at Book 16, Pages 32 and 33 and Book 186, Page 52.

Property descriptions are lot or parcel numbers as shown on the recorded final maps of Loch Lomond #10, recorded in Book 21 of Maps at Page 21, Marin County Records.

**PART A**  
**METHOD OF APPORTIONMENT OF ASSESSMENT**  
**AND ALLOWABLE INCREASES**

**ORIGINAL APPORTIONMENT**

There are 27 single family dwelling units and 3 below market rate units that were a further tax division of lot 9 in the original subdivision existing within the Community Facilities District boundary.

Each of the single family dwelling unit lots are assessed for equal portions of the total assessment. And Lot 9 is assessed zero.

This assessment is exempt from the procedures and requirements of the (recently enacted Proposition 218) California Constitution, Article 13D, Section 4 pursuant to the exemption contained in Article 13D, Section 5(d) *[previously majority voter approval or]* Section 5(b) *[petition signed by persons owning all the property]*. The benefits are entirely special benefits and there are no general benefits. Additionally, the proposed assessment is within the limits of that allowed by the annual increases.

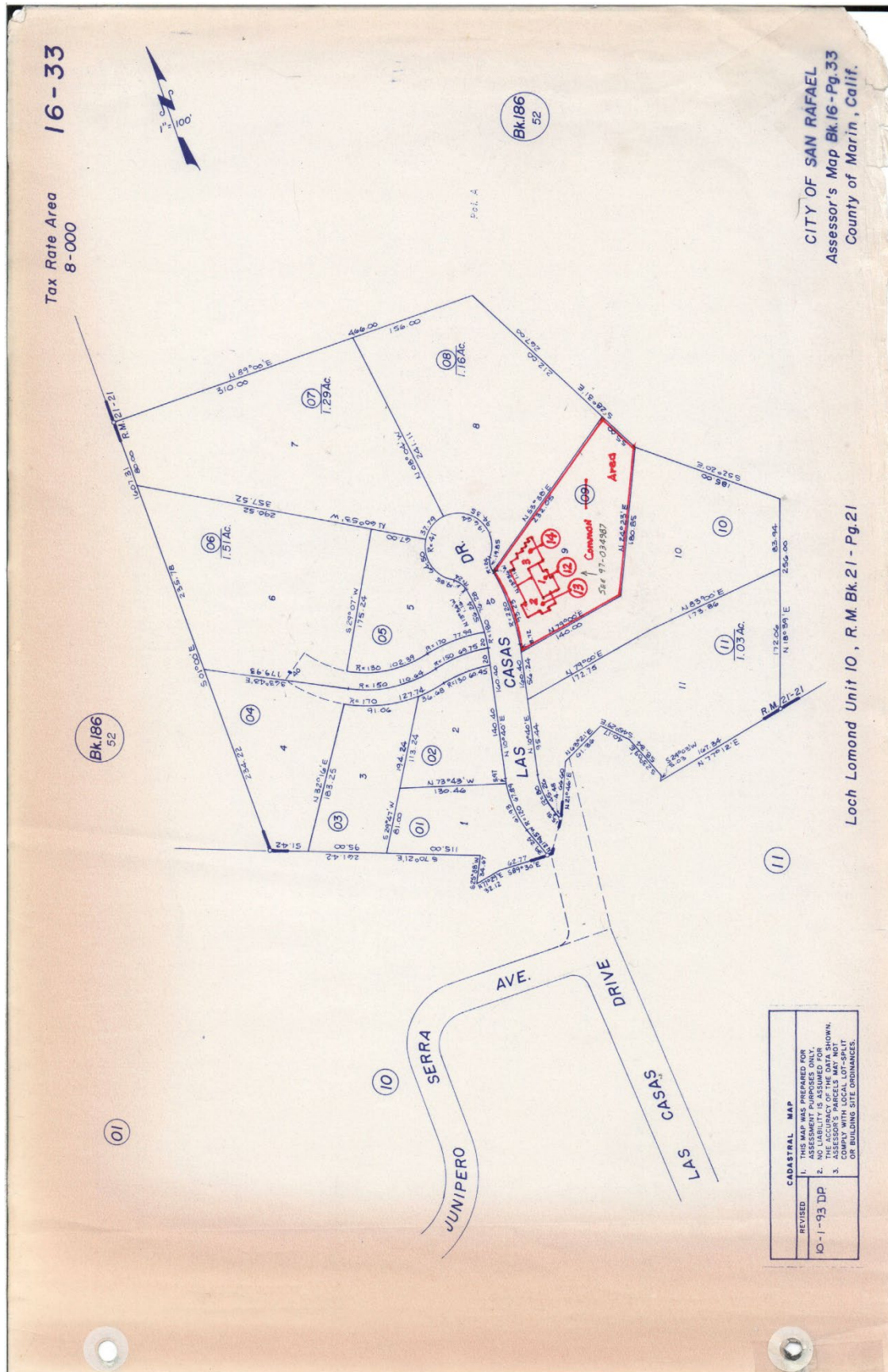
Assessment Parcels 1 through 8, 10 through 28, are each assessed 1/27 of the total assessment.

Assessment Parcel 9-1, 9-2, 9-3, 29, and 30 each have zero (\$0.00) assessment.

The following changes were made to the Assessment Rolls and Assessment Diagram in 1993, although do not appear to have been noted in the Annual Engineer's Reports. Mapping Changes at the Marin County Assessor's Office are noted as follows:

Our office contacted the Marin County Assessor's Office due to obvious changes to the Assessor's Parcel Maps for the Loch Lomond #10 development. According to information received from Mapping Department staff, in calendar year 1993 a change was made to Parcel 9 splitting it into 3 APNs to accommodate the special status of the ownership of that lot. (see map below)

# **PART A** **METHOD OF APPORTIONMENT OF ASSESSMENT** **AND ALLOWABLE INCREASES**



**PART A**  
**METHOD OF APPORTIONMENT OF ASSESSMENT**  
**AND ALLOWABLE INCREASES**

**2022-2023 ASSESSMENT CALCULATIONS**

Applying the method outlined the following increases are allowed:

Maintenance:

Original Assessment:	\$225/unit
Personal Income Index 1992:	\$22,644
Personal Income Index 2018:	\$62,586
Factor $\$62,586 / \$22,644 = 2.7369$	

2022-2023 Maintenance Assessment  $(3.85) \times \$225 = \$867.32$

Sinking Fund:

Original Assessment	\$100/unit
28 years at 2%, current assessment	\$181.14

TOTAL PROPOSED ASSESSMENT 2022-23 \$1048.46 per unit

Total Available Funds (27 units) \$28,319.15



**ASSESSMENT ROLL**  
(Please Refer to Part A – Method of Apportionment of Assessment  
for a Summary of Changes to Assessment Roll)

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1	016-330-01	
2	016-330-02	
3	016-330-03	
4	016-330-04	
5	016-330-05	
6	016-330-06	
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**ASSESSMENT ROLL**  
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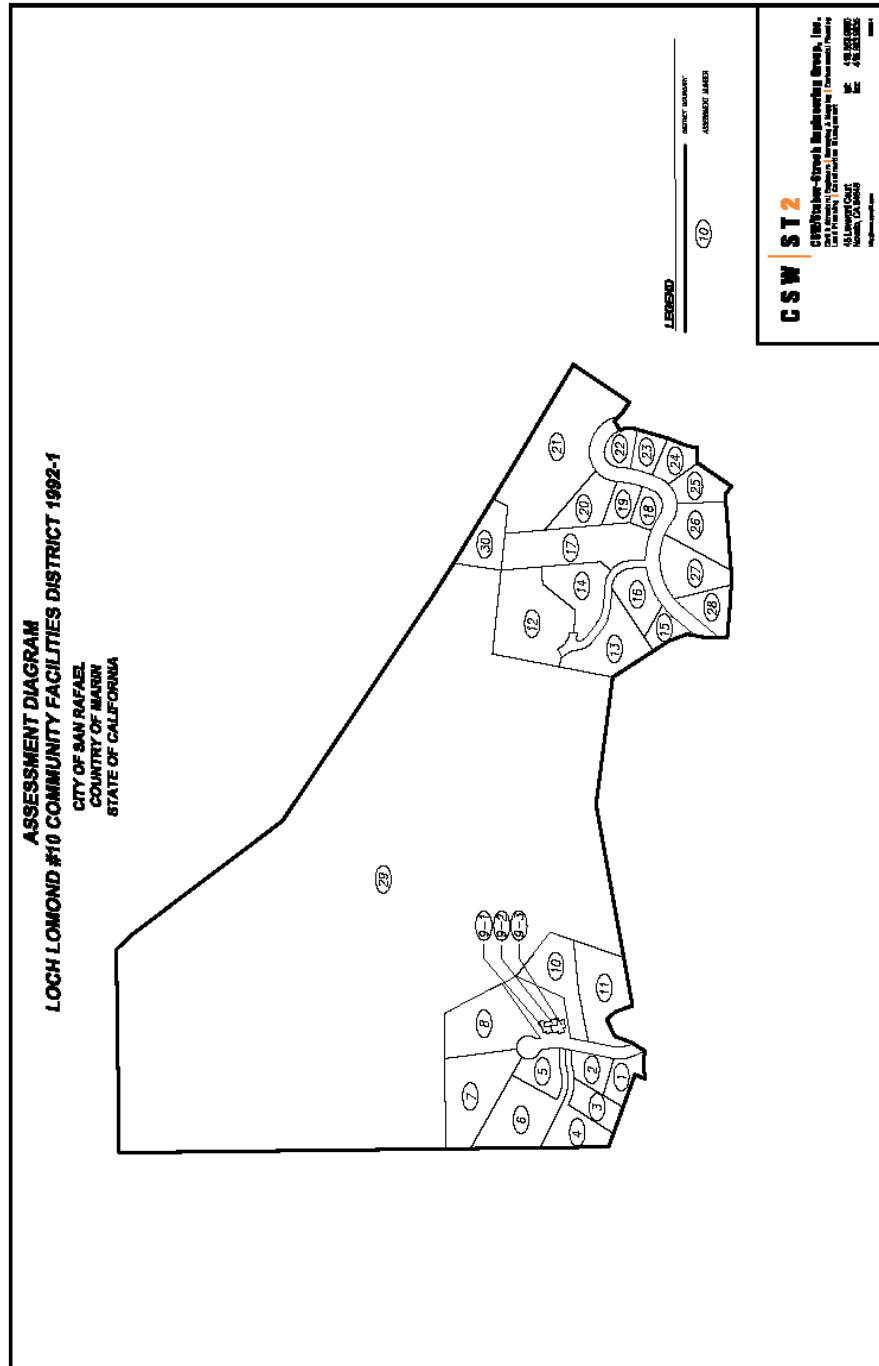
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**ASSESSMENT ROLL**  
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## PART B ASSESSMENT DIAGRAM

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**SAN RAFAEL**  
THE CITY WITH A MISSION

**Agenda Item No: 7.b**

**Meeting Date: June 6, 2022**

## **SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Public Works**

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

**City Manager Approval:** \_\_\_\_\_

**TOPIC: THE VILLAGE AT LOCH LOMOND MARINA – MELLO-ROOS DISTRICT NO. 2**

**SUBJECT: RESOLUTION SETTING THE SPECIAL TAX FOR CITY OF SAN RAFAEL COMMUNITY FACILITIES DISTRICT NO. 2 (THE VILLAGE AT LOCH LOMOND MARINA) FOR FISCAL YEAR 2022-23**

### **RECOMMENDATION:**

Adopt a resolution setting the special tax rates for Fiscal Year 2022-23 for Community Facilities District No. 2 – the Village at Loch Lomond Marina.

**BACKGROUND:** In August 2007, the City granted land use and subdivision approvals for the Village at Loch Lomond Marina development. The Loch Lomond development project is a mixed-use development which includes the construction of single-family homes, flats, townhomes, and commercial facilities and the existing marina. The project originally included the approval of 81 residential units, 17

of which were below-market units. In 2020, the developer and City reached an agreement on an in-lieu fee for six of the below-market units, leaving 11 below-market units in the district at present.



*Loch Lomond Marina Community Facilities District No. 2 Boundaries*

As one condition of approving the project, the City required the developer, Marina Village Associates (MVA), to provide certain park and recreation improvements and to impose a special tax on homes in the development in order to pay for the maintenance of the landscaping, streets, sidewalks and wetland monitoring.

By adoption of [Resolution No. 13014](#) on July 19, 2010, the City Council officially formed the community facilities district, which included all the parcels within the Village at Loch Lomond Marina Subdivision, as “City of San Rafael Community Facilities District No. 2”, pursuant to the Mello-Roos Community Facilities Act of 1982 ([Government Code sections 53311 - 53368.3](#)). It should be noted that the residential Below Market Rate (BMR) units within the district are exempt from the annual special tax.

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

The facilities to be maintained by the Loch Lomond #2 CFD include:

- The Marina Green and Boardwalk
- Kayak Launch
- Park Play Equipment and Area
- Pedestrian pathways along the west jetty/spit and east jetty/spit
- Viewing areas along the west jetty/spit, east jetty/spit
- Public restrooms (2), one on the east jetty/spit and one at the entrance to the breakwater
- Fishing cleaning station located near the entrance to the breakwater
- Park and informational signs within these areas
- Lawn/turf, shrubs and ground cover, irrigation systems, storm water drainage inlets within the boundaries of the area, lighting pole standards, and fixtures above the foundation, benches, trash receptacles and bicycle racks
- Conservation/seasonal wetland area
- Roadways and sidewalks

While some of these facilities require regular maintenance (e.g., landscaping and restroom maintenance), others will need to build up reserves over a longer period of time in order to fund future repairs or reconstruction (e.g., playground structure, roads, pedestrian pathways).

The special tax has two components:

**1. Capital Reserve**

A portion of the annual assessment is set aside to fund larger, long-term capital improvements such as the eventual replacement of pavement, curb and gutter, roadway and other improvements that were constructed as a part of the development. At the end of the useful life of these large-scale public improvements, enough funds need to have been accumulated to replace them – e.g. resurfacing the access road, etc.

As of June 30, 2022, the Capital Reserve Fund is projected to have a fund balance of \$338,124, and an additional \$121,000 will be added this year (based on the previous years' contributions increase by 20% due to the rapid rise in construction costs for capital improvements). As shown below the Capital Reserve Fund, June 30, 2023, is anticipated to be \$459,124 before unforeseen distributions in 2022-2023.

**2. Annual Maintenance**

The other portion of the annual special tax is to fund the regular and annual maintenance activities required to maintain the district's public facilities such as landscaping of medians and pathways, garbage service, restroom maintenance and the semi-annual monitoring of wetland habitats.

As of June 30, 2022, the District will have maintained the accepted portions of the landscaping and grounds maintenance for three- and one-half months. The District contracted with Forester and Kroeger to provide this service in a manner similar to that level of maintenance that is provided in other City parks. It has become apparent that the contracted level of maintenance for both the grounds and landscaping are less than what the residents desire. The owner of the marina, Safe Harbor Marinas, has continued to assist with the responsibility for the ground maintenance. During FY 2022-23, the City will be working with the Master Village Association to

determine an appropriate level of maintenance that can be sustained by the District funding. The budgets for FY 2022-23 indicated in Part B reflect an increased level of maintenance that has been requested by the residents.

The special tax was first levied during the FY 2017-18 fiscal year, based on upon the progress being made on construction of the subdivision improvements. It was imperative that funds were available for annual maintenance once the public improvements were turned over to the City and to start funding the Capital Reserves since the improvements, while not accepted by the City, were being used by the residents and the public.

However, various construction delays resulted in the developer, Marina Village Associates, LLC not finishing the improvements that year as anticipated. Various punch-lists were provided to the developer and on February 15, 2022, the City accepted the Landscaping and streets, drainage, and other facilities with the exception of the Central Jetty park, adjacent parking and restroom and the Breakwater connector, adjacent parking and restroom since those areas will be reconstructed during FY 2022-23.

Currently, the HOA is working with Forster & Kroeger to maintain the facilities at the level which the public has come to expect.

**ANALYSIS:** Since the first year assessments were levied in FY 2017-18, the history of assessments has been as followed:

		<i>Residential (per unit)</i>	<i>Non- Residential (per sq ft)</i>	<i>Marina (lump sum)</i>
<b>FY 2017-18</b>	Max. allowable	\$1,948	\$0.92	\$59,260
	<b>Actual</b>	<b>\$1,948</b>	<b>\$0.92</b>	<b>\$59,260</b>
<b>FY 2018-19</b>	Max. allowable	\$2,439	\$1.15	\$74,216
	<b>Actual</b>	<b>\$760</b>	<b>\$0.36</b>	<b>\$23,112</b>
<b>FY 2019-20</b>	Max. allowable	\$3,152	\$1.49	\$95,927
	<b>Actual</b>	<b>\$760</b>	<b>\$0.36</b>	<b>\$23,112</b>
<b>FY 2020-21</b>	Max. allowable	\$3,193	\$1.51	\$97,155
	<b>Actual</b>	<b>\$1,597</b>	<b>\$0.75</b>	<b>\$48,576</b>
<b>FY 2021-22</b>	Max. allowable	\$3,193	\$1.51	\$97,155
	<b>Actual</b>	<b>\$1,597</b>	<b>\$0.75</b>	<b>\$48,576</b>
<b>FY 2022-23</b>	Max. allowable	\$3,315	\$1.57	\$100,857
	<b>Actual (proposed)</b>	<b>\$2,203.18</b>	<b>\$1.04</b>	<b>\$67,034.60</b>

As previously referenced, the annual assessment has two portions: the capital reserve to save for long-term replacement of major infrastructure, and the annual maintenance costs.

The maintenance portion has yet to be utilized because the improvements have not been accepted by the City. Therefore, this portion of the annual assessment fund continues to build. The capital reserve fund continues to build as it was designed to in order to generate sufficient funds in a number of years to resurface the roadways, replace pathways, etc.

The FY 2022-23 Engineer's Report recommends the District assess properties in the District at an amount of \$2,203.18 per residential unit. Since City maintenance of the public facilities has not yet begun as the facilities have not been given to the City, there is available fund balance to use towards the annual

maintenance costs for FY 2021-22 and therefore the maximum assessment does not need to be levied. However, an assessment which goes towards the capital reserve fund still must be levied at the full amount since the facilities must be eventually replaced based on their anticipated useful life since originally constructed.

Adjustments to Maximum Allowable Assessment reflect an increase in inflation from the base year of June 2010. The increases are based on the Consumer Price Index (CPI) for the San Francisco-Oakland-Hayward region.

The FY 2022-23 assessment will generate \$244,286.06 in revenues, of which \$121,000 will be applied towards the Capital Reserve Fund, as consistent with the capital reserve set-aside policies in the Engineer's Report. The remaining \$123,286.06 will go towards the Annual Maintenance Fund with planned maintenance expenditures as follows (the difference in the total cost of annual maintenance of \$191,114 will be made up with fund balance):

***Annual Maintenance Fund***

**Maintenance**

Groundskeeping and Landscaping services	\$47,000
Litter Removal	\$54,000
Utilities (Refuse, Water, Sewer & Electrical)	\$30,600
Uncollected Assessments (2021-22) at 8%	\$12,214
Irrigation Maintenance start-up repairs and checking	\$5,000
Restroom Cleaning and Maintenance	\$21,300
Street Sweeping	\$800
Playground Inspection	\$400
Storm Drain Maintenance Catch Basins	\$10,300
Storm Response	\$1,500
Annual Engineer's Report	\$7,000
County Administration Fee	\$1000
	<hr/>
	\$191,114

**Special Charges (funded by MVA through the District)**

Signs	\$ 4,926
SE Corner Landscaping	\$ 2,500
Landscape replacement	\$11,400
	<hr/>
Total Special Charges	\$18,826

Total Maintenance and Special charges	<hr/>	\$209,940
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<b><i>Annual Capital Reserve Fund Contribution</i></b>	<hr/>	\$121,000
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<b>Total Loch Lomond CFD #2 FY 2021-22 Expenditures</b>	<hr/>	<b>\$330,940</b>
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The special tax is not term-based, nor does it sunset. The special tax will continue to be levied in perpetuity as specified in the formation documents.



Staff has prepared a resolution for the City Council to adopt to impose the required special tax for FY 2022-23. The special taxes will be included on the County property tax bills and will be collected by the County of Marin.

**FISCAL IMPACT:** The FY 2022-23 assessment will generate \$244,286.06 in revenue required to support maintenance and capital reserves towards the new City facilities in Community Facilities District No. 2. All special tax revenues and expenditures related to the district will be maintained in the Loch Lomond Marina Assessment District Fund (fund no. 237).

**OPTIONS:**

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

1. Adopt the resolution as presented setting the special tax rates for FY 2022-23.
2. Adopt the resolution with modifications.
3. Direct staff to return with more information.
4. Take no action.

**RECOMMENDED ACTION:**

Adopt a resolution setting the Mello-Roos Special Tax for City of San Rafael Community Facilities District No. 2 for Fiscal Year 2022-23.

**ATTACHMENTS:**

1. Resolution Setting the Mello-Roos Special Tax for City of San Rafael Community Facilities District No. 2 for Fiscal Year 2022-23
2. Annual Engineers Report for Loch Lomond CFD No. 2

**RESOLUTION NO.**

**A RESOLUTION OF THE SAN RAFAEL CITY COUNCIL SETTING THE SPECIAL TAX FOR CITY OF SAN RAFAEL COMMUNITY FACILITIES DISTRICT NO. 2 (THE VILLAGE AT LOCH LOMOND MARINA) FOR FISCAL YEAR 2022-23**

**WHEREAS**, on July 19, 2010, the San Rafael City Council by Resolution No. 13014 formed the City of San Rafael Community Facilities District No. 2 (hereafter "CFD No. 2"); and

**WHEREAS**, the landowners of CFD No. 2 voted in a mail ballot election called by the City Council by Resolution No. 13015, and unanimously approved the imposition of a special district tax; and

**WHEREAS**, on August 16, 2010, the City Council adopted Ordinance No. 1886 levying special taxes within CFD No. 2; and

**WHEREAS**, on or about August 16, 2010, the City of San Rafael prepared and caused to be recorded a "Notice of Special Tax Lien" for all of the parcels within CFD No. 2, which specified the facilities and services to be funded by the tax and the approved method for establishing a rate and calculating the apportionment of the tax; and

**WHEREAS**, at the request of the Director of Public Works, CSW/Stuber-Stroeh Engineering Group, Inc., has prepared an Engineer's Annual Report for Community Facilities District No. 2 for Fiscal Year 2022-23 recommending the amount of the special taxes to be assessed; and

**WHEREAS**, the City Council wishes to set the specific tax rate to be imposed on the parcels within CFD No. 2 in Fiscal Year 2022-23;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of San Rafael hereby sets the amount of the special tax to be imposed on all nonexempt parcels within CFD No. 2 for Fiscal Year 2022-23, as set forth in the Engineer's Annual Report for fiscal year 2022-23 on file with the City Clerk and incorporated herein by reference.

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 said City held on Monday, the 6<sup>th</sup> day of June 2022, by the following vote, to wit:

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

LINDSAY LARA, City Clerk

**ENGINEER'S ANNUAL REPORT**  
**FOR**  
**COMMUNITY FACILITIES DISTRICT**  
**LOCH LOMOND #2**

**2022-2023**

**FOR THE CITY OF SAN RAFAEL**  
**CALIFORNIA**  
**COUNCIL MEETING**  
**JUNE 6, 2022**

**Prepared By:**  
**CSW/Stuber-Stroeh Engineering Group, Inc.**  
45 Leveroni Court  
Novato, CA 94949

**ENGINEER'S ANNUAL REPORT**  
**2022-2023**

COMMUNITY FACILITIES DISTRICT LOCH LOMOND #2  
CITY OF SAN RAFAEL, MARIN COUNTY, CALIFORNIA  
(Mello-Roos Community Facilities Act of 1982)

The undersigned respectfully submits the enclosed annual report as directed by the City Council.

DATED: \_\_\_\_\_, 2022.

CSW/STUBER-STROEH ENGINEERING GROUP, INC.  
Engineer of Work

By \_\_\_\_\_  
Alan G. Cornwell

I HEREBY CERTIFY that the enclosed Engineer's Annual Report, together with Assessment and Assessment Diagram thereto attached, was filed with me on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

LINDSAY LARA, City Clerk, City of San Rafael, Marin County,  
California

By \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Annual Report, together with Assessment and Assessment Diagram thereto attached, was approved on \_\_\_\_\_, 2020 and confirmed by the City Council of the City of San Rafael, Marin County, California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

LINDSAY LARA, City Clerk, City of San Rafael, Marin County,  
California

By \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Annual Report, together with Assessment and Assessment Diagram thereto attached, was filed with the County Auditor of the County of Marin on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

LINDSAY LARA, City Clerk, City of San Rafael, Marin County,  
California

By \_\_\_\_\_

**ENGINEER'S ANNUAL REPORT**  
**2022-2023**

COMMUNITY FACILITIES DISTRICT LOCH LOMOND #2  
CITY OF SAN RAFAEL, MARIN COUNTY, CALIFORNIA  
(Mello-Roos Community Facilities Act of 1982)

CSW/Stuber-Stroeh Engineering Group, Inc., Engineer of Work for the Community Facilities District Loch Lomond #2, City of San Rafael, Marin County, California, makes this annual report, as directed by the City Council, by its Resolution No. \_\_\_\_\_, adopted \_\_\_\_\_, 2022.

The improvements which are the subject of this report are briefly described as follows:

Maintenance of Improvements including streets, curbs, gutter, sidewalks, storm drain, storm inlets, street surfaces, Landscaping, street furniture, lighting, pathways, restrooms, park play equipment, picnic tables, fish cleaning stations, signage, and parking. The maintenance includes providing irrigation, paying water and utility bills as well as oversight. The improvements are also anticipated to need major capital funding in future years and a capital improvement allowance is included as part of the Community Finance District.

This report consists of six parts, as follows:

**PART A** – Plans for the improvements are filed with the City Clerk. Although separately bound, the plans and specifications are a part of this report and are included in it by reference.

**PART B** - An Estimated Cost of the Assessment District.

**PART C** - Assessment Roll - An assessment of the estimated cost of the improvement on each benefited parcel of land within the assessment district.

**PART D** – Rate and Method of Apportionment of Special Taxes - A statement of the method by which the undersigned has determined the amount proposed to be assessed against each parcel.

**PART E** - List of Property Owners - A list of the names and addresses of the owners of real property within this assessment district, as shown on the last equalized assessment roll for taxes, or as known to the Clerk. The list is keyed to Part "C" by assessment number.

**PART F** - Assessment Diagram - A diagram showing all of the parcels of real property within this assessment district. The diagram is keyed to Part "C" by assessment number.

Respectfully submitted,  
CSW/Stuber-Stroeh Engineering Group, Inc.

By \_\_\_\_\_  
Alan G. Cornwell, Engineer of Work

## **PART A**

### **INTRODUCTION AND BACKGROUND INFORMATION**

#### **The Loch Lomond Project**

The Loch Lomond development project (the “Project”) is a mixed-use development which will include the construction of single-family homes, flats, townhomes and commercial facilities and will include the existing marina, which is located in San Francisco Bay. The Project is located in the City of San Rafael (“City”), off of Point San Pedro Road. It was approved by the San Rafael City Council (“City Council”) of the City in 2007, by means of a series of approvals, including Resolution 12332 (“the Approval Resolution”). As one condition of approving the Project, the City required the developer to provide certain park and recreation improvements and to provide for their maintenance by means of a special tax to be imposed by means of a Mello-Roos Community Facilities District (“CFD”). Since the approval of the Project, the developer has determined that it would be more beneficial to the homeowners and more cost-efficient if the maintenance of certain additional facilities, consisting of landscaping and street and sidewalk improvements, as well as wetland monitoring, could also be financed by means of the CFD. Collectively, the park and recreation improvements, landscaping, streets, and sidewalks and these additional facilities are referred to herein as the “Facilities.”

On June 7, 2010, the City Council adopted a Resolution of Intention to form a CFD (the “Resolution of Intention”) in accordance with the Mello-Roos Community Facilities District Act of 1982 (the “Act”). The Resolution of Intention indicated that the maintenance of the Facilities would be financed by means of a special tax imposed pursuant to the Act. The Resolution of Intention requested the preparation of this Report, directing that the report describe the facilities to be maintained and an estimate of the cost of maintaining those facilities.

For purposes of imposing a special tax to fund the maintenance of the Facilities, the development will be split into four tax categories: Residential; Non-residential; Mixed-use and Marina. As approved, the Project features 81 residential units, of which 76 units will be located in the Residential tax category and 5 units will be in the Mixed-use category, as they will be located above commercial space. Of these residential units, 17 will be below-market units, 15 located in the residential category area and 2 located in the mixed-use category. There is expected to be 22,500 square feet in the Non-residential category, which will be devoted to neighborhood commercial restaurant and marina-support facilities. The Marina category will contain areas serving the existing marina area, including the yacht club.

#### **The Mello-Roos Community Facilities Act of 1982**

In the Approval Resolution, the City Council determined that the Act would be an effective tool for funding the maintenance of the park and recreation improvements and conservation area. The Act provides substantial flexibility as to the range of facilities and services that can be funded and the method by which their cost can be allocated. As the financing mechanism is a special tax, and not an assessment, the costs can be allocated according to any method that is reasonable, without the need to make a specific finding of benefit to each property. The Act permits the City Council to form the CFD and allows for the owners of the property, if it is uninhabited, to vote to approve the special tax (which requires a two-thirds majority).

#### **Purpose of the CFD Report**

## **PART A**

As directed in the Resolution of Intention, this CFD Report has been prepared and is being submitted pursuant to Section 53321.5 of the Act. The Act requires that this report describe the facilities to be maintained (see “Description of Facilities to be Maintained” below)

### Formation of the CFD

On June 7, 2010, the City Council adopted the Resolution of Intention. A map identifying the boundaries is attached as Exhibit A to this work.

On July 19, 2010 the City Council held a public hearing, as required by the Act, to hear any protests to the formation of the CFD and to consider this report. Following the public hearing, the Council adopted a Resolution of Formation and called an election to allow the qualified electors to consider the special tax to fund the services described herein. With at least two-thirds of the votes cast in favor of the special tax, the CFD was formed and the levy of the special tax was authorized.

### Description of Facilities to be Maintained

The facilities to be maintained include those specifically described in Condition 45 of the Approval Resolution:

- The Marina Green and Boardwalk
- Kayak Launch
- Park Play Equipment and Area
- Pedestrian pathways along the west jetty/spit and east jetty/spit
- Viewing areas along the west jetty/spit, east jetty/spit
- Public restrooms (2), one on the east jetty/spit and one at the entrance to the breakwater
- Fishing cleaning station located near the entrance to the breakwater
- Park and informational signs within these areas
- Lawn/turf, shrubs and ground cover, irrigation systems, storm water drainage inlets within the boundaries of the area, lighting pole standards, and fixtures above the foundation, benches, trash receptacles and bicycle racks
- Conservation/seasonal wetland area
- Roads, streets, sidewalks, and stormwater infrastructure
- Parkway strip along Point San Pedro Road frontage of the commercial and residential properties (This is added in the 2021-2022 Engineer’s Report to reflect the responsibility of the Master Association and its various sub-associations.)

In addition, the CFD will also maintain the common access road shown on the map attached as Exhibit D, its landscaping, lighting and sidewalk areas.

In July 2017, the San Rafael City Council approved levying the first assessment for Community Facilities District No. 2 (“CFD-2”) at the Village at Loch Lomond Marina. The CFD activity during Fiscal Year 2017-2018 was very minimal. After a number of assurances in 2017, the developer, Marina Village Associates, LLC (“MVA”) did not finish the work to a point where the City could accept a portion of the improvements as anticipated in the beginning of Fiscal Year 2017-2018. On June 1, 2018, the City received a letter from MVA requesting an extension of the Subdivision Improvement Agreements through December 31, 2019 and, by implication, acceptance of a portion of the improvements. The City answered this letter on June 20, 2018, including a final punch list

## **PART A**

which the letter directed the developer to complete prior to August 1, 2018. The successful completion of the punch list would set the process in motion to accept the improvements, begin the warranty period, and provide a partial reduction in bond amount for the improvements.

### June 2018 Status and Actions

For Fiscal Year 2017-2018 the District received payments based on the first year assessments anticipating that the District would be taking over maintenance during the year. As noted above, this did not occur. The District had a positive account balance to pay for maintenance, fund capital replacement, and pay for City administration.

Since the District holds unused maintenance funds from the previous year, there was no reason to tax the homeowners for Fiscal Year 2019-2020 for the maintenance, utilities and operational aspect of the District. However, the capital fund and City oversight are continuing expenses and needed to be funded for Fiscal Year 2019-2020. The fiscal year assessment remained the same as 2018-2019 to cover only the capital fund, City oversight, and contingencies totaling \$79,737.22. The breakdown of these costs can be found in Part B below.

### June 2019 Status and Actions

The developer had completed the punch list and had been in the process of finalizing the remaining work, including a map showing the remaining work to be done and the corresponding cost estimates to complete the remaining work. We anticipated that this will be complete within the next 60 to 90 days. The City had requested quotes from landscape maintenance contractors to maintain the public areas, once accepted. For these reasons the City anticipated paying for maintenance during the 2019-2020 year.

As the developer has been finalizing improvements, it has been noted that at high tides and during storms two of the public areas are unusable. The first is the connection between the end of the parking/paved area to the breakwater. The second is the play equipment and park on the central jetty. Both of these areas will be improved by the developer prior to acceptance by the City. The capital cost of these improvements will be paid by the developer. However, once these improvements are accepted by the City, their maintenance and ultimate replacement at the end of their usable life will be the responsibility of the CFD-2. It was anticipated that during fiscal year 2019-2020 the District would ask the assessed properties in the District for an additional assessment to be added to the capital fund to provide monies to pay for this work in the future. This action will require a public hearing and vote of the assessed properties.

### June 2020 Status and Actions

The developer has completed most of the improvements for the Phase 1 “Backbone” infrastructure. On April 20, 2020, the City Council voted to accept the partial completion of the infrastructure, and authorize the City Manager and Mayor to enter into a combined Subdivision Improvement Agreement which covers the remaining work to be completed as well as the flooding repairs, described above, kayak dock and other small improvements that will, when completed become part of the maintenance responsibility of CFD-2. In anticipation of the City accepting the improvements the City will be soliciting proposals from Landscape Maintenance firms to begin maintaining the CFD-2 facilities in fiscal year 2020-2021.



## PART A

At the writing of this report, the City has prepared and delivered to the developer an combined Subdivision Improvement Agreement (SIA) and is waiting for the developer to execute, provide bonds, and complete the Memorandum of Understanding and BMR buyout agreements which parallel the combined SIA.

The current assessments cover three areas: Capital Reserve Fund, Annual Maintenance Fund, and a Contingency.

*Capital Reserve Fund:* As discussed above a contribution to the Capital Reserve Fund will need to be annually in order for the District to have funds available to replace pavements, curb and gutter and other improvements in the future as the useful life expires. The amount of the Capital Reserve currently stands as \$164,124.00 and another \$59,000.00 will be added this year.

*Annual Maintenance:* Since the Maintenance portion has yet to be tapped, if no increase in assessments for 2020-2021 are made, the District would enter the 2021-2022 fiscal year with minimal reserves. In addition, a significant increase in assessment would be required. The Engineer recommends that the District increase the assessment for 2020-2021 as calculated in Part D below and as follows:

Proposed Assessments for the year 2020-2021:

Residential	\$1,596.51	per residential unit
Non-Residential	\$0.75	per square foot of non-residential area
Marina	\$48,575.80	Lump Sum
	\$172,100.92	Total Anticipated Revenue for the year 2020-2021

It should be noted that the District will be again increasing the assessment next year to levels similar to the assessments levied in the first year of the district. This is based on the District now fulfilling its function of maintaining the landscaping and other improvements within the District.

The maintenance can be separated into three components. First, will be weekly or more often (depending on the time of year) landscape maintenance consisting of mowing, trash collection, dog waste control, pruning and other items. Second, will be the monthly, quarterly, or semi-annual inspections of equipment and structural facilities to confirm that they can be safely used. Third, will be the cost of the water to provide irrigation to keep the landscaping grass, plants, shrubs, and trees in a healthy condition.

The District will be assuming these costs from the developer upon final acceptance. The District has reviewed the costs that the developer has incurred in the past 18 months for maintenance. The developer has stated that these costs include areas of maintenance that will not be assumed by the District. A review of those costs and making some reduction for areas the District will not maintain were compared with the original budgets established for the District when formed in 2010 to determine a probable budget for 2020-2021.

*Contingency:* As noted in the financial summary in Part B, the District carries a contingency for unforeseen circumstances. The contingency is large this year in anticipation of the District assuming the maintenance responsibilities.

## PART A

### June 2021 Status and Actions

The Developer has taken major actions with respect to ownership during FY 20-21. However, while the City Council has voted to accept the partial completion (April 2020), the developer has yet to complete the punch list and continues to maintain the landscaping.

The major actions included transferring ownership of the Marina Property to Safe Harbor Marinas and transferring the ownership of the second phase of the residential development to Trumark Homes. In addition, Trumark Homes has an option to purchase the Mixed-use building.

The developer also requested to “buy-out” the remaining BMR units and pay an in-lieu fee to do so. This action was also approved by the City Council and has been executed by both the Developer and the City. For the CFD this will provide 6 additional units to assess going forward, since the original District did not include assessments on BMR units. It is the Engineers recommendation that these additional units be assessed at the same rates as the other residential properties, providing a nominal increase in total revenue for the District.

The District collects assessments to cover three areas of funding: Capital Reserve Fund, Annual Maintenance Fund and a Contingency. The 2021 status of these funds are discussed below.

*Capital Reserve Fund:* The Capital Reserve Fund needs to be collected annually in order for the District to have funds available to replace pavements, curb and gutter and other improvements in the future as the infrastructure approaches the end of its useful life. The amount of the Capital Reserve currently stands at \$223,124 and an additional \$115,000 (including the assessments for the former BMR units) will be added this year. As shown below the Capital Reserve Fund, June 30, 2022, is anticipated to be \$338,124 before unforeseen distributions in 2021-2022.

*Annual Maintenance:* Since the Maintenance portion has yet to be tapped, this fund continues to build. Nevertheless, the Engineer recommends the District continue to assess properties in the District on the schedule suggested in the 2020-2021 Report. This will provide a graduated “bump” in assessments to meet the rate needed to cover all the expenses once the City accepts the improvements from the developer. The Engineer recommends that the District increase the assessment for 2021-2022 as calculated in Part D and noted as follows:

#### Proposed Assessments for the year 2021-2022:

Residential	\$1,915.81	per residential unit
Non-Residential	\$0.90	per square foot of non-residential area
Marina	\$58,290.96	Lump Sum
	\$228,108.03	Total Anticipated Revenue for the year 2021-2022

Currently the District is carrying \$223,670.00 in un-allocated maintenance since the developer has yet to complete the improvements for the City to accept and the CFD to begin maintaining. If this continues for FY 2021-2022, the maintenance fund would add an additional \$160,000 and the District will re-evaluate the assessments. However, this is unlikely. Should this occur, the anticipated funds available for maintenance would be \$383,670.00 without any expenses.

It should be noted that the increase next year may need to be made to bring the assessment funding in line with the max assessments allowed in the District formation documents and further increase would be only based on the index allowed for the District.

## PART A

The District will be assuming all costs from the developer upon final acceptance. Since the District will be accepting infrastructure that is several years old, the Engineer recommends that any monies not used in District maintenance be allocated to repair infrastructure under the Capital Reserve Fund.

*Contingency:* As noted in the financial summary in Part B, the District carries a contingency for unforeseen circumstances. The contingency remains relatively large in anticipation of the District assuming the maintenance responsibilities and completing minor maintenance such as resealing the asphalt pavement.

### June 2022 Status and Actions

In April, 2020, the City agreed to partially accept the improvements constructed by the developer, Marina Village Associates (MVA). The improvements that were to be accepted included the roadway and parking areas, landscape maintenance, marina green, the west jetty and other ancillary facilities. However, MVA did not complete the work and the punch list items until January, 2022. The City did agree to accept those improvements and take on the maintenance of the accepted portion of the District on February 15, 2022. The specific areas that the City is not accepting are the playground and middle jetty as well as the restroom and adjacent parking area and the breakwater and access to the breakwater including the adjacent parking and restroom. These improvement require additional work, which MVA is permitted and scheduled to complete in the summer through spring of 2022-2023.

To affect the maintenance, the City contracted with Forster and Kroger on a month to month basis to cover landscaping maintenance on the accepted portion of the project through the remainder of the fiscal year. The maintenance level originally anticipated in the formation of the District matched that provided by the City in other public parks. Since the areas have been open to the public, MVA and their successor owner of the marina, Safe Harbor Marinas, have maintained the property more aggressively, on an almost daily basis. This is the condition that the residents and the visiting public have come to expect in the area.

While the City supports the concept to continue to maintain the area in the manner to which the residents have become accustom, it is unclear whether the financing provided by the District will be able to sustain that level of maintenance in the long term. Currently there are some surplus funds resulting from MVA's lack of completing the improvements which can help to fund a more intensive maintenance schedule. Furthermore, as shown in Part D below, the District has the ability to increase the assessments to help fund the level of maintenance that is expected by the residents. The residents have requested that a District oversight committee be established to work with the City in managing the District finances and guide the maintenance in the future. The City and the residents will be exploring this relationship further in the coming fiscal year.

The District collects assessments to cover three areas of funding: Capital Reserve Fund, Annual Maintenance Fund and a Contingency. The 2022 status of these funds are discussed below.

*Capital Reserve Fund:* The Capital Reserve Fund needs to be collected annually in order for the District to have funds available to replace pavements, curb and gutter and other improvements in the future as the infrastructure approaches the end of its useful life. The amount of the Capital

## PART A

Reserve currently stands at \$338,124 and an additional \$121,000 (based on the previous years' contributions increase by 20% due to the rapid rise in construction costs for capital improvements) will be added this year. As shown below the Capital Reserve Fund, June 30, 2023, is anticipated to be \$459,124 before unforeseen distributions in 2022-2023.

*Annual Maintenance:* Since the Maintenance portion has just begun to be tapped, this fund had continued to build during the current fiscal year. Nevertheless, and based on the level of maintenance expected by the residents, the Engineer recommends the District continue to assess properties in the District. The Engineer suggest increasing the assessments so that the District participants experience a graduated “bump” in assessments to meet the rate needed to cover all the expenses once the City accepts the improvements from the developer and the level of maintenance required become apparent. The Engineer recommends that the District increase the assessment for 2022-2023 as calculated in Part D and noted as follows:

Proposed Assessments for the year 2022-2023:

Residential	\$2,203.18	per residential unit
Non-Residential	\$1.04	per square foot of non-residential area
Marina	\$67,034.60	Lump Sum
	\$244,286.06	Total Anticipated Revenue for the year 2021-2022

Currently the District is carrying \$276,120.42 in un-allocated maintenance since the developer has yet to complete the improvements for the City to accept and the CFD to begin maintaining. As noted above this will be evaluated during FY 2022-2023 to determine what the maintenance fund will require going forward.

It should be noted that future increases may need to be made to bring the assessment funding in line with the max assessments allowed in the District formation documents and further increase would be only based on the index allowed for the District.

The District will be assuming all costs from the developer upon final acceptance. Since the District will be accepting infrastructure that is several years old, the Engineer recommends that any monies not used in District maintenance be allocated to repair infrastructure under the Capital Reserve Fund.

*Contingency:* As noted in the financial summary in Part B, the District carries a contingency for unforeseen circumstances. The contingency remains relatively large in anticipation of the District assuming the maintenance responsibilities and determining the acceptable level of maintenance to meet the residents' expectations as well as covering deferred maintenance of completed improvements such as resealing the asphalt pavement and repairing damaged fixtures and furniture.

## PART B ESTIMATE OF COSTS

### FIRST YEAR EXPENDITURES 2017-2018

2017-2018 County Administration Fee	\$ 130.00
First Year Capital Contribution Fund	\$ 52,075.30
2017-2018 Surplus	\$ 142,248.30
Annual Adjustment June 22 – July 1, 2018	\$ 11,112.40

### SURPLUS & RESERVE FUND TO CARRY FORWARD

Available Funds on July 1, 2018	\$ 205,566.00
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### SECOND YEAR EXPENDITURES 2018-2019

2018-2019 Revenue	\$ 7,552.67	\$ 198,013.33
Assessment Proceeds 2018-2019	\$ 75,750.34	
Interest	\$ <u>957.90</u>	
	\$ 76,708.24	

### SURPLUS & RESERVE FUND TO CARRY FORWARD

Available Funds on July 1, 2019	\$ 282,719.1
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### THIRD YEAR EXPENDITURES 2019-2020

Projected Available Funds on July 1, 2020	\$ 358,073.41
Adjustment to match actual funds available July 1, 2020	\$ 6,826.59
2019-2020 County Administration Fee	\$ (97.50)
2019-2020 Annual Engineer's Report	\$ (4,949.45)
Assessment Proceeds 2019-2020	\$ 75,710.21
Interest	\$ <u>4,690.99</u>
Available Funds on July 1, 2020	\$ 364,900.00

### FOURTH YEAR EXPENDITURES 2020-2021

2020-2021 County Administration Fee	\$ (130.00)
2020-2021 Annual Engineer's Report	\$ (5,152.54)
Assessment Proceeds 2020-2021	\$ 159,031.83
Interest	\$ <u>653.72</u>
Available (Estimated) Funds on July 1, 2021	\$ 519,303.01
Adjustment to match final amount	(\$ 8,944.57)
Total Actual funds available July 1, 2021	<u>(\$ 510,358.44)</u>

### FIFTH YEAR EXPENDITURES 2021-2022

County Administration Fee	\$ 138.00
Assessor/Recorders Fee	\$ 0.00
Landscape Maintenance (2 months)	\$ 8,000.00
Landscaping mulching	\$ 6,800.00
Landscaping monthly fee (April, May, June)	\$ 12,000.00
Utilities (Water) Estimate February - June	\$ 15,000.00
Annual Engineer's Report	\$ <u>5,900.00</u>
	\$ 47,838.00

**PART B**  
**ESTIMATE OF COSTS**

Assessment Proceeds 2021-2022	\$ 201,869.26
MVA Payments for signs, mulching, and plant replacement	<u>\$ 25,626.00</u>

Estimated Available Funds on July 1, 2021	<u>\$ 610,015.70</u>
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SIXTH YEAR ESTIMATED EXPENSES 2022-2023

Uncollected Assessments (2021-2022) at 8%	\$ 12,214.30
Restroom Cleaning and Maintenance (7 days/week; 4 months)	\$ 21,300.00
Litter Removal (7 days/week; 4 months)	\$ 54,000.00
Landscape Maintenance (mowing, blowing, weeds, pruning, etc.)	\$ 37,000.00
Playground Inspection (3 months)	\$ 400.00
Irrigation Maintenance start-up repairs and checking	\$ 5,000.00
Utilities (Water)	\$ 27,000.00
Utilities (Sewer)	\$ 2,400.00
Utilities (Electrical)	\$ 1,200.00
Street Sweeping	\$ 800.00
Storm Drain Maintenance Inc. Catch Basins	\$ 10,300.00
Storm Response	\$ 1,500.00
Annual Engineer's Report	\$ 7,000.00
County/City Administrative Fee	<u>\$ 1,000.00</u>
	\$ 181,114.30

Special Charges

Signs	\$ 4,926.00
SE corner landscaping	\$ 2,500.00
Replacement landscaping	<u>\$ 11,400.00</u>
	<u>\$ 199,940.30</u>

Capital Reserve Fund (Held 2021-2022)	\$ 338,124.00
Capital Reserve Contribution (2022-2023)	<u>\$ 121,000.00</u>
Anticipated Capital Reserve Fund June 30, 2023	\$ 459,124.00

Total Anticipated Sixth Year Expenses and Allocations 2022-2023	\$ 659,064.30
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Contingencies (Future Additional Capital Reserve and Maintenance Takeover Costs)	<u>\$ 275,237.46</u>
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TOTAL ANTICIPATED SIXTH YEAR EXPENSES AND ALLOCATIONS:	<u>\$ 934,301.76</u>
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SIXTH YEAR ASSESSMENT FUNDING	<u>\$ 244,286.06</u>
Total estimated Available Funds June 30, 2023	<u>\$ 934,301.76</u>

**PART C**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part C – Assessment Roll

<b>SPECIAL ASSESSMENT NUMBER</b>	<b>AMOUNT OF ASSESSMENT Fiscal Year 2022-2023</b>	<b>PROPERTY DESCRIPTION Loch Lomond</b>	<b>ASSESSOR'S PARCEL NUMBER</b>
2	\$17,563.22	Lot 2	016-070-14
3	\$13,861.74	Lot 3	016-070-16
4	\$2,619.80	Lot 4	016-070-17
5	\$67,034.60	Lot 5	016-070-09
A	\$0.00	Lot A	016-070-12
B	\$0.00	Lot B	016-070-10
C	\$0.00	Lot C	016-070-13
D	\$0.00	Lot D	016-070-19
E	\$0.00	Lot E	016-070-15
F	\$0.00	Lot F	016-070-18
G	\$0.00	Lot G	016-070-21
H	\$0.00	Lot H	016-070-22
I	\$0.00	Lot I	016-070-20
1-1	\$0.00	1	016-341-01
1-2	\$2,203.18	2	016-341-02
1-3	\$0.00	3	016-341-03
1-4	\$2,203.18	4	016-341-04
1-5	\$2,203.18	5	016-341-05
1-6	\$2,203.18	6	016-341-06
1-7	\$2,203.18	7	016-341-07
1-8	\$2,203.18	8	016-341-08
1-9	\$2,203.18	9	016-341-09
1-10	\$2,203.18	10	016-341-10
1-11	\$2,203.18	11	016-341-11
1-12	\$2,203.18	12	016-341-12
1-13	\$2,203.18	13	016-341-13

**PART C**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part C – Assessment Roll)

<b>SPECIAL ASSESSMENT NUMBER</b>	<b>AMOUNT OF ASSESSMENT Fiscal Year 2022-2023</b>	<b>PROPERTY DESCRIPTION Loch Lomond</b>	<b>ASSESSOR'S PARCEL NUMBER</b>
1-14	\$2,203.18	14	016-341-14
1-15	\$2,203.18	15	016-341-15
1-16	\$2,203.18	16	016-341-16
1-17	\$2,203.18	17	016-341-17
1-18	\$2,203.18	18	016-341-18
1-19	\$2,203.18	19	016-341-19
1-20	\$2,203.18	20	016-341-20
1-21	\$2,203.18	21	016-341-21
1-22	\$2,203.18	22	016-341-22
1-23	\$2,203.18	23	016-341-23
1-24	\$2,203.18	24	016-341-24
1-25	\$2,203.18	25	016-341-25
1-26	\$2,203.18	26	016-341-26
1-27	\$2,203.18	27	016-341-27
1-28	\$2,203.18	28	016-341-28
1-29	\$2,203.18	29	016-341-29
1-30	\$2,203.18	30	016-341-30
1-31	\$2,203.18	31	016-341-31
1-32	\$2,203.18	32	016-341-32
1-33	\$2,203.18	33	016-341-33
1-34	\$2,203.18	34	016-341-34
1-35	\$2,203.18	35	016-341-35
1-36	\$0.00	36	016-341-36
1-37	\$2,203.18	37	016-341-37
1-38	\$0.00	38	016-341-38
1-39	\$2,203.18	39	016-341-39



**PART C**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part C – Assessment Roll)

<b>SPECIAL ASSESSMENT NUMBER</b>	<b>AMOUNT OF ASSESSMENT Fiscal Year 2022-2023</b>	<b>PROPERTY DESCRIPTION Loch Lomond</b>	<b>ASSESSOR'S PARCEL NUMBER</b>
1-40	\$2,203.18	40	016-341-40
1-41	\$0.00	41	016-341-41
1-42	\$2,203.18	42	016-341-42
1-43	\$0.00	43	016-341-43
1-44	\$2,203.18	44	016-341-44
1-45	\$2,203.18	45	016-341-45
1-46	\$0.00	46	016-341-46
1-47	\$2,203.18	47	016-341-47
1-48	\$0.00	48	016-341-48
1-49	\$2,203.18	49	016-341-49
1-50	\$2,203.18	50	016-341-50
1-51	\$0.00	51	016-341-51
1-52	\$2,203.18	52	016-341-52
1-53	\$2,203.18	53	016-341-53
1-54	\$2,203.18	54	016-341-54
1-55	\$2,203.18	55	016-341-55
1-56	\$2,203.18	56	016-341-56
1-57	\$0.00	57	016-341-57
1-58	\$2,203.18	58	016-341-58
1-59	\$2,203.18	59	016-341-59
1-60	\$0.00	60	016-341-60
1-61	\$2,203.18	61	016-341-61
1-62	\$2,203.18	62	016-341-62
1-63	\$2,203.18	63	016-341-63
1-64	\$2,203.18	64	016-341-64
1-65	\$2,203.18	65	016-341-65

**PART C**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part C – Assessment Roll)

<b>SPECIAL ASSESSMENT NUMBER</b>	<b>AMOUNT OF ASSESSMENT Fiscal Year 2022-2023</b>	<b>PROPERTY DESCRIPTION Loch Lomond</b>	<b>ASSESSOR'S PARCEL NUMBER</b>
1-66	\$2,203.18	66	016-341-66
1-67	\$2,203.18	67	016-341-67
1-68	\$2,203.18	68	016-341-68
1-69	\$2,203.18	69	016-341-69
1-70	\$2,203.18	70	016-341-70
1-71	\$2,203.18	71	016-341-71
1-72	\$2,203.18	72	016-341-72
1-73	\$2,203.18	73	016-341-73
1-74	\$2,203.18	74	016-341-74
1-75	\$2,203.18	75	016-341-75
1-76	\$2,203.18	76	016-341-76
1-77	\$0.00	K	016-341-77
1-78	\$0.00	L	016-341-78
1-79	\$0.00	M	016-341-79
1-80	\$0.00	D	016-341-80
1-81	\$0.00	N	016-341-81
1-82	\$0.00	E	016-341-82
1-83	\$0.00	O	016-341-83
1-84	\$0.00	F	016-341-84
1-85	\$0.00	P	016-341-85
1-86	\$0.00	H	016-341-86
1-87	\$0.00	A	016-341-87
1-88	\$0.00	I	016-341-88
1-89	\$0.00	B	016-341-89
1-90	\$0.00	J	016-341-90
1-91	\$0.00	C	016-341-91

**PART C**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part C – Assessment Roll)

<b>SPECIAL ASSESSMENT NUMBER</b>	<b>AMOUNT OF ASSESSMENT Fiscal Year 2022-2023</b>	<b>PROPERTY DESCRIPTION Loch Lomond</b>	<b>ASSESSOR'S PARCEL NUMBER</b>
1-92	\$0.00	G	016-341-92
TOTAL ASSESSMENT	\$244,286.06	(For 2022-2023 Fiscal Year)	

The lines and dimensions of each parcel are as shown on the maps of the County Assessor of the County of Marin.

Property descriptions are lot or parcel numbers as shown on the recorded final maps of Loch Lomond, recorded:

## PART D

### RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

#### I. INTRODUCTION

A special tax authorized under the Mello-Roos Community Facilities Act of 1982, as amended (“Act”) shall be levied on each Parcel of land within Community Facilities District No. 2 of the City of San Rafael (“CFD No. 2”), and collected according to the Special Tax Liability determined by the City, the City of San Rafael (“City”), through the application of the following procedures. The Special Tax is being levied for the purpose of providing and guaranteeing long-term funding and maintenance of park and recreation improvements that are approved for public use, and an adjacent conservation area (seasonal wetland) as more particularly described in the Approval Resolution, as well as appurtenant roadways, sidewalk and landscaping areas.

All of the property within CFD No. 2, unless otherwise exempted by law or the express provisions of the rate and method of apportionment expressed below, shall be taxed to the extent and in the manner provided below.

It is intended that all special taxes applicable to Parcels be collected in the same manner and at the same time as ordinary ad valorem property taxes, and that special taxes so levied will be subject to the same penalties and procedures, sale and lien priority in case of delinquency as is provided for ad valorem taxes.

#### II. DEFINITIONS

**Act** means the Mello-Roos Community Facilities Act of 1982, as amended, Sections 53311 *et seq.* of the California Government Code.

**Approval Resolution** means Resolution No. 12332, adopted on August 6, 2007 by the City Council of the City of San Rafael.

**Area of Use** means the area falling within a single tax category of a Parcel devoted to multiple uses.

**Base Year** means the Fiscal Year commencing July 1, 2011.

**BMR Unit** means a Dwelling Unit that is classified as “low or moderate income housing” pursuant to that certain agreement among San Rafael Marina, LLC, the City of San Rafael, and the Housing Authority of the County of Marin, dated July 1, 2008 and recorded as document 2008-0038363 in the Official Records of the County of Marin on August 14, 2008.

**Building Floor Area** means a measurement of the area contained within the perimeter of each non-residential structure on a given Parcel, which can be or has been developed on that Parcel based on a building permit. If a building permit is not available, the amount shall be based on the Master Use Permit, or other planning approval. This figure shall be determined in accordance with the standard practice of the City in calculating structural parameters. The figure includes the square footage of each floor of any multi-floor building.

**CFD No. 2** means the Community Facilities District No. 2 of the City of San Rafael.

**PART D**  
**RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES**

**City** means the City of San Rafael.

**Dwelling Unit** means each separate building, or housing unit within a common building, used to provide living accommodations which are intended, design, or legally required to be occupied by a single family unit. For Parcels which have not yet been subdivided into the number of lots shown on the Tentative Map, the number of Dwelling Units shall be the number of lots shown on the Tentative Map within the limits of that Parcel. BMR Units do not count as Dwelling Units. For Parcels with mixed uses, the number of Dwelling Units shall be the number of residential units allowed under the Master Use Permit, not counting any BMR Units.

**Fiscal Year** means the period starting on July 1, and ending the following June 30.

**Master Use Permit** means that certain Master Use Permit as approved by the City Council of the City of San Rafael by means of Resolution No. 12332, adopted on August 6, 2007.

**Maximum Special Tax** means the greatest amount of Special Tax that can be levied against a Parcel in any Fiscal Year. The Maximum Special Tax for each Category of Taxable Property is established in Section III.

**Parcel** means any County Assessor's Parcel or that portion thereof that is within the boundaries of CFD No. 2 based on the equalized tax rolls of the County as of March 1 of each Fiscal Year. Parcels referred to by a specific number indicate the parcels shown on the Tentative Map.

**Service Annual Cost(s)** means for each Fiscal Year, the total of 1) the estimated cost of providing and guaranteeing long-term funding and maintenance of park and recreation improvements that are approved for public use and an adjacent conservation area (seasonal wetland) as more particularly described in Vesting Tentative Map Condition No. 45 in the Approval Resolution (the "Improvements"); 2) the estimate costs of providing additional landscaping and maintenance costs; and 3) any amounts needed to cure actual or estimated delinquencies in Special Taxes for the current or previous Fiscal Year.

**Special Tax Escalation Factor** means the annual percentage increase in the Consumer Price Index for the San Francisco-Oakland-San Jose area as published in "Consumer Price Indexes – Pacific Cities and U.S. City Average" from the U.S. Department of Labor, Bureau of Labor Statistics or, in the event such index ceases to be published, by a comparable index designated by the City Council.

**Tax Categories** are those categories set forth in the body hereof.

**Taxable Property** means Parcels that are not in public ownership, but excludes privately-held Parcels used solely for vehicular and pedestrian access, utilities, or as common areas. Such areas include Parcels A through W, inclusive, as shown on the Tentative Map. However, Taxable Properties that are acquired by a public agency after the CFD is formed or subsequent Final Subdivision Maps are recorded will remain subject to the applicable Special Tax.

**Tentative Map** means that certain tentative map as approved by the City Council of the City of San Rafael by means of Resolution 12332, adopted on August 6, 2007.

**PART D**  
**RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES**

III. CATEGORIES OF SPECIAL TAX AND DESIGNATION OF MAXIMUM SPECIAL TAX

A. **RESIDENTIAL CATEGORY:** The Residential Category includes each Parcel of developed Taxable Property within CFD No. 2 that is zoned or permitted to be used for residential purposes. This consists of Parcels 2 through 76, inclusive, as well as the second floor residential use permitted on Parcel 78, all as shown on the Tentative Map. The Maximum Special Tax that may be levied annually on Taxable Property within the Residential Category during the Base Year is \$2,439.22 per Dwelling Unit.

B. **MARINA CATEGORY:** The Marina includes that Parcel of Taxable Property within CFD No. 2 that is designated as Parcels 80 and 82 on the Tentative Map. The Maximum Special Tax that may be levied annually on Taxable Property within the Marina Category during the Base Year is \$74,216.22. In the event that Parcel 80 is subdivided, the Maximum Special Tax shall be allocated to the subdivided Parcels in proportion to the number of marina slips contained in each subdivided Parcel within the Marina Category. In the event that Parcel 82 is subdivided from the other property within the Marina Category, it shall be taxed on the same rate and basis (per square foot) as property within the Non-Residential Category and the Maximum Special Tax for the remainder of the Marina Category shall be the amount calculated above, less the tax for Parcel 82.

C. **NON-RESIDENTIAL CATEGORY:** The Non-Residential Category includes each Parcel of developed Taxable Property within CFD No. 2 which has been zoned or is permitted to be used for non-residential uses (including office, retail, industrial, and other commercial uses) but not property within the Marina Category. These Parcels consist of Parcels 79, and 81 shown on the Tentative Map, as well as portions of Lot 78 devoted to Non-Residential Uses. The Maximum Special Tax that may be levied annually on Taxable Property in the Non-Residential Category during the Base Year is \$1.15 per square foot of Building Floor Area.

D. **MIXED USE CATEGORY:** Parcels within CFD No. 2 which are zoned or permitted to be used for uses which fall in more than one of the above Categories shall be taxed for each category of use. The calculation of the Maximum Special Tax shall be performed separately for each Area of Use. For example, the Special Tax Liability for a Parcel featuring two Dwelling Units and 10,000 square feet of Non-Residential Use shall be the sum of the Special Tax for the two Dwelling Units at the rate applied to all Dwelling Units in the CFD and for the Non-Residential tax rate per square foot times 10,000. The Maximum Special Tax for Parcels in the Mixed Use Category shall be calculated accordingly.

E. **ADJUSTMENTS TO MAXIMUM SPECIAL TAX:** The Maximum Special Tax for all Categories shall increase each Fiscal Year as determined annually by the City Council by the Consumer Price Index for the San Francisco-Oakland-San Jose area, All Urban Consumers/All Items, as published by the U.S. Department of Labor, Bureau of Labor Statistics, or, in the event such index ceases to be published, by a comparable index designated by the City Council.

**PART D**  
**RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES**

**IV. SETTING THE ANNUAL SPECIAL TAX LIABILITY FOR TAXABLE PROPERTIES**

On or about July 1 of each year, but in an event in sufficient time to include the levy of the special taxes on the County's secured tax roll, the City shall determine the Category or Categories representing each Parcel of land within CFD No. 2. Parcels subject to levy and their respective Tax Category shall be determined based upon the records of the County Assessor as of the March 1 preceding such July.

For each Fiscal Year, the City shall determine the Special Tax Liability for each Parcel for the Fiscal Year. The City shall make available for review by the general public information regarding the Category to which each Parcel is assigned and the information used to calculate the Special Tax Liability for each Parcel.

Attachment 1 shows the Base Year Maximum Special Tax rates. Each Fiscal Year following the Base Year, the Maximum Special Tax rate shall be increased in accordance with the Special Tax Escalation Factor.

To determine the Maximum Special Tax in each Fiscal Year, multiply the number of Dwelling Units for each residential Parcel times the applicable Maximum Special Tax rates shown in Attachment 1 as adjusted by the Special Tax Escalation Factor. For the Mixed Use Category, take the sum of those two products.

The City shall calculate the Special Tax Liability for each Taxable Property for each fiscal year as follows:

- A. **STEP ONE:** Determine if the Improvements have been inspect and accepted by the City. If not, the Special Tax Liability shall be zero for that fiscal year.
- B. **STEP TWO:** As noted above the District is allowed to increase assessments based on the CPI for the San Francisco-Oakland Hayward region. The CPI index for April 2021 (latest available) is 309.419. This is an increase of 3.81% from April, 2020 (309.419/298.074).

Based on this information, the Maximum Allowable Assessment for the 2022-2023 year would be:

Residential	$\$3,193.14 \times 1.0381$	=	\$3,314.80 per residential unit
Non-Residential	$\$1.51 \times 1.0381$	=	\$1.57 per Sq Ft of non-residential area
Marina	$\$97,155.10 \times 1.0381$	=	\$100,856.71 Lump Sum

Since the District (and the City) have not accepted the improvements for the CFD to maintain, not all of this funding is required at this time. Nevertheless, the Engineer recommends an increase in funding in anticipation of accepting the improvements and recognizing that due to the age of the improvements and the use to which they have been subject since opening to the public. A 3.85% increase is recommended, yielding the following assessments for 2021-2022:

Residential	\$2,203.18 per residential unit
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**PART D**  
**RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES**

Non-Residential	\$1.04	per square foot of non-residential area
Marina	\$67,034.60	Lump Sum

Setting the amount in 2022-2023 does not preclude future increases in future years to the maximum allowable assessment based on the CPI.

C. **STEP THREE:** Calculate the Special Tax Liability for each Parcel of Taxable Property by the following steps:

Step 1: Compute the potential Maximum Special Tax revenue for all Parcels in the CFD by summing the Maximum Special Tax assigned to each Parcel for that Fiscal Year.

Step 2: Compare the Service Annual Costs with the potential maximum Special Tax revenue calculated in the previous step.

Step 3: If the Service Annual Costs are less than the Maximum Special Tax revenue from Step 1, decrease proportionately the Maximum Special Tax amount for each Parcel until the total Special Tax revenue equals the Service Annual Cost. These amounts will be that year's Special Tax Liability for each Parcel.

Step 4: If the Service Annual Costs are great than or equal to the potential Maximum, Special Tax revenue calculated in Step 1, the amount of the Special Tax Liability for each Taxable Property shall be the Maximum Special Tax assigned to each Parcel in II above.

D. **STEP FOUR:** After the Special Tax Liability for each Parcel has been calculated, consult Section V of this Rate and Method in order to prepare the Tax Collection Schedule.

V. **PREPARATION OF TAX COLLECTION SCHEDULE**

Prepare the Tax Collection Schedule listing the Special Tax Liability for each Parcel of Taxable Property and send it to the County Auditor, requesting that it be placed on the general, secured property tax roll for the Fiscal Year. The Tax Collection Schedule shall not be sent later than the date required by the Auditor for such inclusion.

The City shall make every effort to correctly calculate the Special Tax Liability for each Parcel. It shall be the burden of the taxpayer to correct any errors in the determination of the Parcels subject to the tax and the Special Tax Liability assigned to them. The City will maintain a file available for public inspection of each current County Assessor's Parcel Number within the CFD, its Maximum Special Tax, and the Maximum Special Tax for all Parcels within the CFD.

VI. **2021-2022 ALLOWABLE AND ACTUAL ASSESSMENTS**

As noted in part III E. above, Adjustments to Maximum Special Tax, the City anticipated increases in the special tax up to a maximum amount to allow for normal inflation based increases in the costs to make capital improvements and continue maintenance. The increases were to be based



**PART D**  
**RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES**

on the Consumer Price Index (CPI) for the San Francisco-Oakland-Hayward region. The Maximum Allowable assessment for the 2021-2022 year for each category is calculated as follows:

Base Year 2011:

Residential	\$ 2,439.22	per residential unit
Non-Residential	\$ 1.15	per square foot of non-residential area
Marina	\$ 74,216.22	lump sum

Base Year June, 2010, CPI = 227.697

CPI, April, 2021 (Latest available data) = 309.419

Allowable increase  $309.419/298.074$  = 1.359

Maximum Allowable Assessment 2021-2022 year:

Residential	$\$3,193.14 \times 1.0381$	=	\$3,314.80	per residential unit
Non-Residential	$\$1.51 \times 1.0381$	=	\$1.57	per square foot of non-residential area
Marina	$\$97,155.10 \times 1.0381$	=	\$100,856.71	Lump Sum

The Actual assessments for 2021-2022 will be based on the partial needs of the District as outlined elsewhere in this report and be increased for the year 2022-2023 as shown below.

Assessments for the year 2022-2023:

Residential	\$2,203.18	per residential unit
Non-Residential	\$1.04	per square foot of non-residential area
Marina	\$67,034.60	Lump Sum

Setting the amount in 2022-2023 does not preclude future increases to the maximum allowable based on the CPI in future years.

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
2	016-070-14	
3	016-070-16	
4	016-070-17	
5	016-070-09	
A	016-070-12	
B	016-070-10	
C	016-070-13	
D	016-070-19	
E	016-070-15	
F	016-070-18	
G	016-070-21	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
H	016-070-22	
I	016-070-20	
1-1	016-341-01	
1-2	016-341-02	
1-3	016-341-03	
1-4	016-341-04	
1-5	016-341-05	
1-6	016-341-06	
1-7	016-341-07	
1-8	016-341-08	
1-9	016-341-09	
1-10	016-341-10	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
1-11	016-341-11	
1-12	016-341-12	
1-13	016-341-13	
1-14	016-341-14	
1-15	016-341-15	
1-16	016-341-16	
1-17	016-341-17	
1-18	016-341-18	
1-19	016-341-19	
1-20	016-341-20	
1-21	016-341-21	
1-22	016-341-22	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

<b>ASSESSMENT NUMBER</b>	<b>ASSESSOR'S PARCEL NUMBER</b>	<b>NAME AND ADDRESS</b>
1-23	016-341-23	
1-24	016-341-24	
1-25	016-341-25	
1-26	016-341-26	
1-27	016-341-27	
1-28	016-341-28	
1-29	016-341-29	
1-30	016-341-30	
1-31	016-341-31	
1-32	016-341-32	
1-33	016-341-33	
1-34	016-341-34	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

<b>ASSESSMENT NUMBER</b>	<b>ASSESSOR'S PARCEL NUMBER</b>	<b>NAME AND ADDRESS</b>
1-35	016-341-35	
1-36	016-341-36	
1-37	016-341-37	
1-38	016-341-38	
1-39	016-341-39	
1-40	016-341-40	
1-41	016-341-41	
1-42	016-341-42	
1-43	016-341-43	
1-44	016-341-44	
1-45	016-341-45	
1-46	016-341-46	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

<b>ASSESSMENT NUMBER</b>	<b>ASSESSOR'S PARCEL NUMBER</b>	<b>NAME AND ADDRESS</b>
1-47	016-341-47	
1-48	016-341-48	
1-49	016-341-49	
1-50	016-341-50	
1-51	016-341-51	
1-52	016-341-52	
1-53	016-341-53	
1-54	016-341-54	
1-55	016-341-55	
1-56	016-341-56	
1-57	016-341-57	
1-58	016-341-58	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
1-59	016-341-59	
1-60	016-341-60	
1-61	016-341-61	
1-62	016-341-62	
1-63	016-341-63	
1-64	016-341-64	
1-65	016-341-65	
1-66	016-341-66	
1-67	016-341-67	
1-68	016-341-68	
1-69	016-341-69	
1-70	016-341-70	



**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
1-71	016-341-71	
1-72	016-341-72	
1-73	016-341-73	
1-74	016-341-74	
1-75	016-341-75	
1-76	016-341-76	
1-77	016-341-77	
1-78	016-341-78	
1-79	016-341-79	
1-80	016-341-80	
1-81	016-341-81	
1-82	016-341-82	

**PART E**  
**ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment  
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
1-83	016-341-83	
1-84	016-341-84	
1-85	016-341-85	
1-86	016-341-86	
1-87	016-341-87	
1-88	016-341-88	
1-89	016-341-89	
1-90	016-341-90	
1-91	016-341-91	
1-92	016-341-92	

**PART F**  
**ASSESSMENT DIAGRAM**

See sheets 1 through 2 in attached packet.



**SAN RAFAEL**  
THE CITY WITH A MISSION

Agenda Item No: 8.a

Meeting Date: June 6, 2022

## SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Clerk

Prepared by: Lindsay Lara, City Clerk

City Manager Approval: 

**TOPIC: BOARD AND COMMISSION UPDATES**

**SUBJECT: RESOLUTION AND ORDINANCE CHANGES TO EXISTING CITY BOARDS AND COMMISSIONS**

- I. RESOLUTION AMENDING THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE BYLAWS
- II. PASS TO PRINT AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 2.16.020 THROUGH 2.16.023 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE PARK AND RECREATION COMMISSION
- III. RESOLUTION AMENDING THE PARK AND RECREATION COMMISSION BYLAWS
- IV. PASS TO PRINT AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 2.16.040 THROUGH 2.16.110 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE PLANNING COMMISSION
- V. RESOLUTION AMENDING THE PLANNING COMMISSION BYLAWS

### RECOMMENDATION:

Approve the following actions:

- i. Resolution Amending the Bicycle and Pedestrian Advisory Committee Bylaws
- ii. Pass to Print an Ordinance of the City of San Rafael Amending Sections 2.16.020 Through 2.16.023 of the San Rafael Municipal Code Related to the Park and Recreation Commission
- iii. Resolution Amending the Park and Recreation Commission Bylaws
- iv. Pass to Print an Ordinance of the City of San Rafael Amending Sections 2.16.040 Through 2.16.110 of the San Rafael Municipal Code Related to the Planning Commission
- v. Resolution Amending the Planning Commission Bylaws

### BACKGROUND:

With the exception of the Planning Commission, which is a decision-making body, the City's Boards, commissions, and committees ("BCC's") are advisory bodies, made up of volunteer community members who are appointed by the City Council to serve in an advisory role by reviewing and making recommendations to the City Council on matters within a certain purview. The City of San Rafael has 12

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FOR CITY CLERK ONLY

Council Meeting: \_\_\_\_\_

Disposition: \_\_\_\_\_

active BCC's, each with varying styles of guidelines which outline how they carry out business as an advisory body to the San Rafael City Council. BCCs are either established by the voters (through a ballot initiative), by resolution of the City Council, or ordinance (and codified in the San Rafael Municipal Code) and the Council has the discretion to both add and remove volunteers.

Based on a review of our current BCC's, staff recommends changes to the Bicycle and Pedestrian Advisory Committee, the Park and Recreation Commission and the Planning Commission with regard to membership and eligibility requirements.

*Current Makeup:*

Bicycle and Pedestrian Advisory Committee

- 7 voting members
- 2 youth members
- 2 alternate members

Park and Recreation Commission

- 7 voting members

Planning Commission

- 7 voting members

**ANALYSIS:**

Staff is recommending changes to the membership and/or eligibility requirements for the Bicycle and Pedestrian Advisory Committee, Park and Recreation Commission and the Planning Commission. In an effort to bring our advisory bodies to a total of five voting members, staff recommends amending the membership of the Park and Recreation Commission and the Bicycle and Pedestrian Advisory Committee to five voting members. The purpose of this change is to have uniformity across our advisory committees, improve efficiencies in meetings, and have inclusivity of experiences in our members, while remaining manageable.

**Bicycle and Pedestrian Advisory Committee:**

In 2015 the City Council accepted the [staff report](#) revising the Bicycle and Pedestrian Advisory Committee's mission, and no changes have been made to the Committee since then. The Bicycle and Pedestrian Advisory Committee is comprised of seven adult voting members, two youth voting members and two alternate members. In an effort to move our advisory bodies to a total of five voting members, staff is recommending the Committee be comprised of five members and one alternate member. Current eligibility requirements include residing in city limits and/or owning property or a business in city limits, and being at least 18 years of age except for youth members. Staff recommends changing eligibility to those who "reside or work in city limits" and to remove the 18 or older clause. This format will allow for youth members to be appointed at any time instead of when a vacancy for the youth member is created. If the recommended changes are approved, the changes to membership will happen through attrition. As terms expire, staff will not fill the vacancies until the new membership number is reached. No current members will be removed to meet the new composition of the board.

In addition, staff is recommending adoption of bylaws for the Committee to be consistent with recently approved bylaws for other boards, to include clear information on meetings, voluntary resignation and compensation, and to include the policy on term limits as outlined in [Resolution No. 13681 approved by the City Council in February 2014](#). These rules and procedures are consistent with current practice; however, incorporating them into bylaws will clarify the expectations for Committee members. Attachment 1 to this report is a resolution adopting the proposed bylaws.

<b>Present</b>	<b>Proposed</b>
9 members: 7 regular members (voting) 2 youth members (voting) 2 alternates (non-voting)	5 members: 5 regular members (voting) 1 alternate (non-voting)
Must reside or own business or property in city limits	Must reside or work in city limits
Regular members must be 18 years or older if not the youth member	Silent on age requirements for regular members
Silent on compensation	Provides authority to approve compensation of Commissioners by resolution
Silent on voluntary resignation	2 unexcused absences in a calendar year constitute voluntary resignation
Silent on the term limits approved in 2014	Maximum of 2 consecutive four-year terms

**Park and Recreation Commission**

The Park and Recreation Commission is currently comprised of seven voting members. In an effort to move our advisory bodies to a total of five voting members, staff is recommending the Commission be comprised of five voting members. If approved, the changes to membership will happen through attrition. As terms expire, staff will not fill the vacancies until the new membership number is reached. No current members will be removed to meet the new composition of the board. With the prior merger of the Community Services Department and the Library Department to the Library and Recreation Department, it is possible there would be a future desire to combine the Park and Recreation Commission and the Board of Library Trustees. Changing the membership from seven to five would assist that process should the City Council ever wish to make that change.

The Park and Recreation Commission is required per the City's Charter. Commission membership, terms, and powers and duties are set forth in San Rafael Municipal Code Sections 2.16.021 through 2.16.023. Staff is recommending that the City Council adopt an ordinance (Attachment 2) amending the code to allow specific details of the commission such as meeting frequency, eligibility requirements, membership composition, and compensation, to be approved by resolution of the City Council instead of ordinance. Also, staff recommends that the Commission's powers and duties be amended to remove the Commission's power to review and make comments and recommendations regarding the annual operating budget of the department, as the City Council is the budget review authority. Additionally, staff recommends that the City Council approve a resolution (Attachment 3) adopting Park and Recreation Commission Bylaws which will outline specific information about the Commission and be consistent with recently approved bylaws for boards and commissions, as well as include the policy on term limits as outlined in the [resolution approved by the City Council in February 2014](#).

<b>Present</b>	<b>Proposed</b>
<b>Ordinance</b>	
7 members	5 members
Masculine language	Gender-neutral language

Term of office and removal	Delete this section – duplicative to Charter Article VIII, Section 11
Operating budget review	Deletion of review, comment, and recommendations regarding department operating budget
Requirement to serve without compensation set by Municipal Code	Provides authority to approve compensation of Commissioners by resolution
<b>Bylaws</b>	
Silent on voluntary resignation	Unexcused absences from 2 consecutive Commission meetings without notification to Staff Liaison shall constitute voluntary resignation
Silent on the term limits approved in 2014	Maximum of 2 consecutive four-year terms

**Planning Commission**

The Planning Commission is comprised of seven at-large voting members. With our recent transition to district-based City elections, staff is recommending four of the seven voting members be representatives of each district, and the remaining three members be at-large. The purpose of this change is to provide for representation from each district, but similar to the City Council, the goal of the Commission is to serve the entire city of San Rafael in their decision making. Staff recommends making the district representation change to the Planning Commission, but not the other BCCs, due to the decision-making authority of the Planning Commission that the others do not have. The recommended composition of the Planning Commission is:

- District 1 Representative
- District 2 Representative
- District 3 Representative
- District 4 Representative
- At-large Member
- At-large Member
- At-large Member

The Planning Commission membership, terms, and powers and duties are set forth in San Rafael Municipal Code Sections 2.16.040 through 2.16.110. Staff is recommending that the City Council adopt an ordinance (Attachment 4) amending the code to update the Planning Commission's powers and duties. This section was last amended in 1968 and no longer accurately reflects the Planning Commission's current role and references outdated documents. Staff is also recommending amending the code to allow specific details of the commission to be approved by resolution of the City Council, such as meeting frequency, eligibility requirements for becoming a planning commissioner, composition of the commission, and specific compensation of planning commissioners. Additionally, staff recommends that the Council approve a resolution (Attachment 5) adopting Planning Commission Bylaws which will outline specific information about the commission, as well as to include the policy on term limits as outlined in the [resolution approved by the City Council in February 2014](#).

<b>Present</b>	<b>Proposed</b>
<b>Ordinance</b>	
Membership: 7 members	Membership: 7 members 4 District Representatives

<b>Present</b>	<b>Proposed</b>
	3 At-large Members
Outdated information regarding implementation process	Deletion of implementation process
Chair and Secretary Selection established in Municipal Code	Eligibility requirements, meetings and Commission composition to be established by resolution
Meeting frequency and quorum information specified in Municipal Code	Deletion – to be established by resolution
Requirement to serve without compensation set by Municipal Code	Provides authority to approve compensation of Commissioners by resolution
<b>Bylaws</b>	
Silent on voluntary resignation	Unexcused absences from 2 consecutive Commission meetings without notification to Staff Liaison shall constitute voluntary resignation
Silent on the term limits approved in 2014	Maximum of 3 consecutive four-year terms

**City Council Role with BCCs**

On an annual basis, the City Council designates liaison positions to the BCCs. The role of the liaison is to generally stay abreast of the activities of the BCC which may include attending one or more meetings per year, checking in with the Chair of the BCC on a quarterly basis, reporting out on significant activities during City Council meetings as needed, assisting in culling down applications into an interview list when there is a vacancy, and providing a “mentor” role for the needs of the BCCs which could relate to answering procedural questions, facilitating training, or other assistance. Additionally, the Mayor may act in the acting role of the city council liaison for each BCC.

**Alternate Members**

Attendance at any regularly scheduled meeting is a necessary part of being an effective Alternate Member. If a regular member is unable to attend a scheduled meeting, the Member notifies the staff liaison in advance and the Alternate Member is notified of their attendance as a full voting member. Alternate Members will be expected to review all meeting materials in preparation for BCC meetings and will vote in the absence of a full voting member. If more than one Alternate Member exists, there shall be a pre-determined first and second Alternate, and they will alternate between first and second Alternate Member annually. First Alternates shall vote in the absence of one voting member, and Second Alternates shall vote in the absence of a second voting member. If no member is absent, the Alternate Member may still participate in the discussion, deliberation and questions/answers of staff during meetings but will not vote.

**FISCAL IMPACT:**

There is no fiscal impact associated with this recommendation.

**OPTIONS:**

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

1. Adopt resolutions and pass the ordinances to print.
2. Adopt resolutions/pass ordinances to print with modifications.



3. Direct staff to return with more information.
4. Take no action.

**RECOMMENDED ACTION:**

Approve:

- i. Resolution Amending the Bicycle and Pedestrian Advisory Committee Bylaws
- ii. Pass to Print an Ordinance of the City of San Rafael Amending Sections 2.16.020 Through 2.16.023 of the San Rafael Municipal Code Related to the Park and Recreation Commission
- iii. Resolution Approving the Park and Recreation Commission Bylaws
- iv. Pass to Print an Ordinance of the City of San Rafael Amending Sections 2.16.040 Through 2.16.110 of the San Rafael Municipal Code Related to the Planning Commission
- v. Resolution Approving the Planning Commission Bylaws

**ATTACHMENTS:**

1. Resolution (Bicycle and Pedestrian Advisory Committee) & Exhibit A – Bylaws
2. Ordinance (Park and Recreation Commission)
3. Resolution (Park and Recreation Commission) & Exhibit A – Bylaws
4. Ordinance (Planning Commission)
5. Resolution (Planning Commission) & Exhibit A – Bylaws

**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING  
THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE BYLAWS**

**WHEREAS**, the Bicycle and Pedestrian Advisory Committee is comprised of seven adult voting members, two youth voting members and two alternate members; and

**WHEREAS**, in an effort to move our advisory bodies to a total of five voting members, staff is recommending the Committee be comprised of five regular members, and one alternate member; and

**WHEREAS**, changes to membership will happen through attrition. As terms expire, staff will not fill vacancies until the new membership number is attained. No current members will be removed to meet the new composition of the Committee; and

**WHEREAS**, current eligibility requirements include residing in city limits and/or owning property or a business in city limits, and being at least 18 years of age except for youth members; and

**WHEREAS**, staff recommends changing eligibility to “reside or work in city limits” and to remove the 18 or older age requirement; and

**WHEREAS**, staff is recommending adoption of bylaws for the Bicycle and Pedestrian Advisory Committee, set forth in Exhibit A attached and incorporated herein, to be consistent with recently approved bylaws of other City boards, to include information on meetings, voluntary resignation and compensation; and

**WHEREAS**, the rules and procedures in the proposed bylaws are consistent with the Committee’s current practice; however, written bylaws will clarify the expectations for Committee members;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby adopts the Bicycle and Pedestrian Advisory Committee Bylaws as set forth in Exhibit A.

**I, LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was regularly introduced and adopted at a regular meeting of the City Council held on Monday, the 6<sup>th</sup> day of June 2022, by the following vote, to wit:

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

\_\_\_\_\_  
Lindsay Lara, City Clerk

# **BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE BYLAWS**

## **ARTICLE I. NAME AND PURPOSE**

**Section 1.1. Name.** The name of this body shall be the City of San Rafael Bicycle and Pedestrian Advisory Committee, hereinafter referred to as the "BPAC," or the "Committee."

**Section 1.2. Purpose.** The purpose of the Bicycle and Pedestrian Advisory Committee is to promote bicycling and walking as viable means of transportation throughout San Rafael, to provide conceptual input on public bicycle and pedestrian infrastructure projects, and to support the implementation of the City's Bicycle and Pedestrian Master Plan.

**Section 1.3. Committee Responsibility.** The Committee's authority is advisory only. The Bicycle and Pedestrian Advisory Committee has no power to act on behalf of the City of San Rafael or any other entity. The Bicycle and Pedestrian Advisory Committee's responsibilities shall be in accord with these Bylaws, as amended from time-to-time by the City Council.

The Bicycle and Pedestrian Advisory Committee's advisory and review function on matters related to bicycling and walking include, but are not limited to:

1. Implementation of the Bicycle and Pedestrian Master Plan and other adopted plans

Participating in the development, review, and implementation of comprehensive bicycle/pedestrian goals, objectives and policies in the Bicycle and Pedestrian Master Plan, and/or other City adopted community plans and area specific plans.

2. Existing Conditions

Reviewing and commenting on the functional classification and physical condition of existing pedestrian routes, bicycle paths, bicycle lanes, protected bikeways, and bicycle routes (Caltrans Class I, II, III & IV facilities, respectively) within the City.

3. Review of Major Development and Infrastructure Projects

Reviewing development and infrastructure projects that fall within the City's jurisdiction insofar as they relate to bicycling and walking at their planning and design stages for accommodation of cyclists' and pedestrians' needs.

Members of BPAC will serve as liaisons to City departments, commissions, and committees related to bicycle and pedestrian issues and will report back to BPAC.

4. Project Development and Funding

Making recommendations on capital improvements to increase use and safety of bicycle/pedestrian facilities; and providing recommendations to staff on the prioritization of bicycle/pedestrian projects for funding under Capital Improvements Programs or other district, county, state or federal bicycle and pedestrian grant programs.

## 5. Educational Efforts

Participating in the City's efforts to promote bicycling and walking as viable forms of urban transportation and recreation.

## **ARTICLE II. MEMBERSHIP**

**Section 2.1. Number of Members.** The Committee shall consist of a total of five (5) regular members.

The Committee shall have one alternate member who may vote in the absence of any voting member.

**Section 2.2. Eligibility.** The Committee shall be composed of five (5) regular voting members.

Requirements for eligibility: Shall either reside or work in city limits.

Membership on the Committee shall not be limited based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age or sexual orientation. An effort will be made to ensure that the membership is balanced and diverse based on the eligibilities above.

**Section 2.3. Term Limits.** Members of the Committee shall be limited to two (2) consecutive four-year terms. Additional terms may be served if there is a break between terms.

**Section 2.4. Absence and Removal.** An unexcused absence from two (2) consecutive Committee meetings without notification to the Chairperson will constitute an immediate vacancy and shall be considered a voluntary resignation from the Committee. Previously dismissed Committee members may be eligible for reappointment.

**Section 2.5. Compensation.** Committee members shall serve without compensation.

## **ARTICLE III. MEETINGS**

**Section 3.1. Time and date of Regular Meeting.** Notification of meeting place, date, and time shall be rendered to the public through posting on the City of San Rafael website. The Committee shall meet at least every other month, on a consistent day of the month,

and shall be scheduled annually. The schedule for the upcoming year will be set by December of the previous year.

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING  
SECTIONS 2.16.020 THROUGH 2.16.023 OF THE SAN RAFAEL  
MUNICIPAL CODE RELATED TO THE PARK AND RECREATION  
COMMISSION**

**WHEREAS**, regulations governing the requirement to have a Park and Recreation Commission of the City of San Rafael are located in Article VIII, Section 11 of the San Rafael Charter; and

**WHEREAS**, regulations governing the Park and Recreation Commission of the City of San Rafael are located in the San Rafael Municipal Code (SRMC) Sections 2.16.020 through 2.16.023 of Chapter 2.16 (Board and Commissions); and

**WHEREAS**, in an effort to move our advisory bodies to a total of five voting members, staff is recommending the Park and Recreation Commission be comprised of five voting members; and

**WHEREAS**, changes to membership will happen through attrition. As terms expire, staff will not fill vacancies until the new membership number is reached. No current members will be removed to meet the new composition of the Commission; and

**WHEREAS**, staff recommends the removal of the Commission's power to review, and make comments and recommendations regarding the annual operating budget of the department; and

**WHEREAS**, there are instances throughout the SRMC where masculine language is used, and changes are being recommended to amend language to be gender-neutral; and

**WHEREAS**, the provisions of section 2.16.022 of the SRMC, regarding term of office and removal of Commission members, are already set forth in Article VIII, Section 11 of the San Rafael Charter and staff recommends eliminating those provisions from this section of the SRMC.

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

**Division 1. Amendment of Municipal Code.**

Sections 2.16.020 through 2.16.023 of Chapter 2.16 (Board and Commissions) of the San Rafael Municipal Code are hereby amended to read as follows. Additions are shown in underline, and deletions are shown in ~~striketrough~~.

**2.16.020 - Park and recreation commission.\***

A park and recreation commission is created.

\* *Park commission—See San Rafael Charter, Art. III § 52 and Art. VIII § 11.*

**2.16.021 - Commission membership—Compensation.**

The park and recreation commission shall consist of ~~seven~~ five members appointed by the city council, one of whom may be a ~~councilman~~ councilmember. ~~All members of the park and recreation commission shall serve without compensation. The city council may establish compensation for members of the park and recreation commission by resolution.~~

**2.16.022 –Commission term of office and removal.**~~Reserved.~~

~~Members of the park and recreation 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 city council.~~

**2.16.023 - Commission 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 parks and recreation commissioners shall be:

To assist in the preparation and adoption of a review annually and revise as necessary a long-range plan for parks including neighborhood parks, community-wide parks, special use facilities and open space lands;

To focus public attention upon the need for adequate parks and healthful and creative year-round supervised recreation for all age groups;

To assist in promoting the public recreation programs;

To solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein;

To assist the parks and recreation director in establishing general policies and procedures in respect to park usage;

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

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

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

**Division 2. Severability.**

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

**Division 3. CEQA Determination.**

This Ordinance makes only administrative changes to the operations of a City commission and is therefore exempt from the requirements of the California Environmental Quality Act (CEQA) under 14 Cal. Code Regs. §15061(b)(3), the common sense exemption, because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

**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.

\_\_\_\_\_  
KATE COLIN, Mayor

ATTEST:

\_\_\_\_\_  
LINDSAY LARA, City Clerk

The foregoing Ordinance No. \_\_\_\_\_ was introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 6th day of June 2022 and ordered passed to print by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 21<sup>st</sup> day of June 2022.

\_\_\_\_\_  
LINDSAY LARA, City Clerk



**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL  
APPROVING BYLAWS OF THE PARK AND RECREATION COMMISSION**

**WHEREAS**, the City Council wishes to establish consistent rules and procedures for the operation of its boards, commissions and committees, including the Park and Recreation Commission; and

**WHEREAS**, the Park and Recreation Commission bylaws in Exhibit A attached hereto are recommended by staff and include specific rules and practices for the operation of the Commission to be consistent with recently approved bylaws for other City boards and commissions; and

**WHEREAS**, the attached bylaws include a provision for voluntary resignation of members based on unexcused absences;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby adopts the Park and Recreation Commission Bylaws as set forth in Exhibit A.

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 6<sup>th</sup> day of June 2022, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

---

LINDSAY LARA, City Clerk

EXHIBIT A: PARK AND RECREATION COMMISSION BYLAWS

## **PARK AND RECREATION COMMISSION BYLAWS**

### **ARTICLE I. NAME AND PURPOSE**

**Section 1.1. Name.** The name of this body shall be the City of San Rafael Park and Recreation Commission, hereinafter referred to as the "Commission."

**Section 1.2. Purpose.** The purpose of the Commission is to assist the City Council in developing and implementing the long-range plans for City parks and recreation facilities; monitor current service levels and community needs; review the performance of City partnerships with community groups in the utilization of facilities and production of programs; and review and advise on general policies and procedures in the delivery of park, recreation, child care and cultural services.

**Section 1.3. Committee Responsibility.** The Commission's authority is advisory only. The Commission has no power to act on behalf of the City of San Rafael or any other entity.

Subject to the direction and control of the City Council, as provided in Section 2.04.030 of the San Rafael Municipal Code, the powers and duties of the Commission shall be:

1. To assist in the preparation and adoption of a review annually and revise as necessary a long-range plan for parks including neighborhood parks, community-wide parks, special use facilities and open space lands;
2. To focus public attention upon the need for adequate parks and healthful and creative year-round supervised recreation for all age groups;
3. To assist in promoting the public recreation programs;
4. To solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein;
5. To assist the Parks and Recreation Director in establishing general policies and procedures in respect to park usage;
6. To receive periodic 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 council.

### **ARTICLE II. MEMBERSHIP**

**Section 2.1. Number of Members.** The Commission shall consist of five (5) members, one of whom may be a Councilmember.

**Section 2.2. Eligibility.** Committee members shall reside in City limits.

**Section 2.3. Term Limits.** Members of the Committee shall be limited to two (2) consecutive four-year terms. Additional terms may be served if there is a break between terms.

**Section 2.4. Absence and Removal.** An unexcused absence from two (2) consecutive Commission meetings without notification to the Staff Liaison shall be considered a voluntary resignation from the Commission. Previously dismissed Commission members may be eligible for reappointment to the Commission.

**Section 2.5. Compensation.** Commissioners shall serve without compensation.

### **ARTICLE III. MEETINGS**

**Section 3.1. Time and date of Regular Meeting.** Notification of meeting place, date, and time shall be rendered to the public through posting on the City of San Rafael website. The Commission shall meet once per month, on a consistent day of the month, and shall be scheduled annually. The schedule for the upcoming year will be set by December of the previous year.

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING  
SECTIONS 2.16.040 THROUGH 2.16.110 OF THE SAN RAFAEL  
MUNICIPAL CODE RELATED TO THE PLANNING COMMISSION**

**WHEREAS**, regulations governing the planning commission of the City of San Rafael are located in the San Rafael Municipal Code (SRMC) Sections 2.16.040 through 2.16.110 of Chapter 2.16 (Board and Commissions); and

**WHEREAS**, currently, any changes to the planning commission requires an amendment to the Municipal Code and staff is recommending amending the code to allow specific details of the commission to be approved by resolution of the City Council, such as meeting frequency, eligibility requirements for becoming a planning commissioner, and composition of the commission, and specific compensation of planning commissioners; and

**WHEREAS**, Section 2.16.050 of the municipal code currently outlines the process for the initial implementation of the planning commission and is no longer needed, and staff is recommending deleting the implementation process; and

**WHEREAS**, the municipal code currently outlines the process for chair and secretary selection and staff is recommending that changes to eligibility requirements, meetings and Commission composition be established by resolution; and

**WHEREAS**, the municipal code currently outlines meeting frequency and quorum and staff is recommending the deletion of this section because it will be outlined in the bylaws to be consistent with other boards and commissions; and

**WHEREAS**, the municipal code currently states that members of the planning commission will serve without compensation and staff is recommending an amendment to the code providing City Council authority to approve compensation of commissioners by resolution; and

**WHEREAS**, the municipal code outlines the powers and duties of the planning commission and references duties and documents that are no longer relevant to the current role of the planning commission;

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

**Division 1. Amendment of Municipal Code.**

Sections 2.16.040 through 2.16.110 of Chapter 2.16 (Board and Commissions) of the San Rafael Municipal Code are hereby amended to read as follows. Additions are shown in underline, and deletions are shown in ~~strike through~~.

**2.16.040 – Planning commission—Creation—Membership.**

There is created a planning commission for the city, consisting of seven members, not officials of the city, appointed by the mayor with the approval of the city council. Eligibility requirements for members of the planning commission are as follows:

The Commission shall be composed of seven (7) regular voting members, one commissioner from each of the city's four city council electoral districts, and three at-large commissioners.

Requirements for eligibility:

1. District Representatives: Each district representative must reside in the district they represent.
2. At-Large Members: Must reside in city limits.

**2.16.050 – Terms of planning commission members.**

~~Of the members of the commission first appointed, two shall be appointed for the terms of one year; two for the terms of two years; two for the terms of three years; and one for the term of four years. Their successors~~ Planning commissioners shall be appointed for terms of four years; if a vacancy occurs otherwise than by expiration of term it shall be filled by appointment for the unexpired portion of the term.

**2.16.060 – Advisory members of planning commission.**

Advisory members of the commission shall be the city manager, the city attorney, and the city engineer. The advisory members shall not have the power to vote and their terms shall correspond to their respective official tenure.

**~~2.16.070 – Chairman and secretary of planning commission.~~ Composition of planning commission.**

~~The commission shall elect a chairman from its appointed members, and may also elect a secretary who may be an employee of the city. Meeting frequency, commission composition and other operations of the planning commission shall be set by resolution of the council.~~

**~~2.16.080 – Meetings and quorum of planning commission.~~ Reserved.**

~~At least one regular meeting shall be held each month on a date selected by the commission.~~

~~Four of the appointed members of the commission shall be required to constitute a quorum for the transaction of the business of the commission.~~

**2.16.090 – Removal from planning commission.**

Any appointed member of the commission may be removed by the mayor with the approval of the city council or by a majority vote of the council.

**2.16.100– Compensation of planning commission.**

~~All members of the commission shall serve as such without compensation. The city council may establish compensation for members of the planning commission by resolution.~~

**2.16.110– Powers and duties of planning commission.**

It shall be the function and duty of the planning commission to act as a decision-making body on quasi-legislative matters including but not limited to:

- major subdivisions as delegated to the planning commission under Title 15 of this Code
- conditional use permits delegated to the planning commission
- environmental and design review permits delegated to the planning commission
- appeals made by a lower body and appealed to the planning commission.

It shall be the function and duty of the planning commission to act as an advisory body to the city council on legislative matters related to but not limited to the following:

- general plan updates and amendments
- zoning text and zoning map amendments
- Other land use matters requiring city council action.

It shall be the duty of the members of the planning commission to inform themselves on matters affecting the functions and duties of the commission and all planning matters, and, to that end, they may attend training and planning conferences and the reasonable traveling expenses incidental to the attendance shall be charged upon the funds allocated to the commission.

The planning commission shall endeavor to promote public interest and understanding of plans developed, and the regulations relating thereto. The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.

~~It shall be the function and duty of the planning commission to prepare and adopt, in accordance with and as provided by the Conservation and Planning Act of the state of California, comprehensive long-term general plans for the physical development of the city of San Rafael, and of any land outside the boundary thereof which bears relation to the city. The plans may be comprised of the following or other and additional plans and maps which may in commission's judgment relate to the physical development of the city:~~

~~Streets and highway plan  
Parking plan  
Recreation plan  
Public buildings plan  
Transit plan~~

~~The planning commission shall be charged with the duty of making investigations, reports on the design and improvements of proposed subdivisions, and shall have such powers in connection therewith as are outlined in the Subdivision Map Act of the state of California, and the subdivision regulations adopted by the city of San Rafael.~~

~~It shall be the duty of the members of the planning commission, including advisory members and members of its staff, to inform themselves on matters affecting the functions and duties of the commission and all planning matters, and, to that end, when authorized by a majority of the commission, may attend planning conferences, or meetings of planning executives, hearings on planning legislation or matters affecting the master plan or any part thereof, and the reasonable traveling expenses incidental to the attendances shall be charges upon the funds allocated to the commission.~~

~~The planning commission shall endeavor to promote public interest and understanding of plans developed, and the regulations relating thereto. It shall be part of its duty to consult with and advise the public officials, agencies, public utilities companies, school boards, civic and other organizations, and with the citizens generally in relation to carrying out the plans.~~

~~The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.~~

#### **Division 2. Severability.**

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

#### **Division 3. CEQA Determination.**

This Ordinance makes only administrative changes to the operations of a City board and is therefore exempt from the requirements of the California Environmental Quality Act (CEQA) under 14 Cal. Code Regs. §15061(b)(3), the common sense exemption, because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

#### **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.

\_\_\_\_\_  
KATE COLIN, Mayor

ATTEST:

\_\_\_\_\_  
LINDSAY LARA, City Clerk

The foregoing Ordinance No. \_\_\_\_\_ was introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 6<sup>th</sup> day of June 2022 and ordered passed to print by the following vote, to wit:

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

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 21<sup>st</sup> day of June 2022.

---

LINDSAY LARA, City Clerk



**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL  
APPROVING BYLAWS OF THE PLANNING COMMISSION**

**WHEREAS**, the City Council wishes to establish consistent rules and procedures for the operation of its boards, commissions and committees, including the Planning Commission; and

**WHEREAS**, the Planning Commission bylaws in Exhibit A attached hereto are recommended by staff and include specific rules and practices for the operation of the commission to be consistent with recently approved bylaws for other boards and commissions; and

**WHEREAS**, the attached bylaws outline membership eligibility, composition of the Planning Commission and term limits; and

**WHEREAS**, the attached bylaws include a provision for voluntary resignation of members based on unexcused absences; and changes to powers and duties;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby adopts the Planning Commission Bylaws as set forth in Exhibit A.

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 6<sup>th</sup> day of June 2022, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

EXHIBIT A: PLANNING COMMISSION BYLAWS

## **PLANNING COMMISSION BYLAWS**

### **ARTICLE I. NAME AND PURPOSE**

**Section 1.1. Name.** The name of this body shall be the City of San Rafael Planning Commission, hereinafter referred to as the “Commission.”

**Section 1.2. Purpose.** The purpose of the Commission to make decisions or advise the Council on land use and property development issues. The Commission assures that new development is consistent with our long-range General Plan, State laws and other public policies that advance the interests of our community.

**Section 1.3. Committee Responsibility.** The Commission’s authority is decision-making.

It shall be the function and duty of the planning commission to act as a decision-making body on quasi-legislative matters including but not limited to:

- major subdivisions as delegated to the planning commission under Title 15
- conditional use permits delegated to the planning commission
- environmental and design review permits delegated to the planning commission
- appeals made by a lower body and appealed to the planning commission

It shall be the function and duty of the planning commission to act as an advisory body to the city council on legislative matters related to but not limited to the following:

- General Plan updates and amendments
- Zoning Text and Zoning Map Amendments
- Other land use item requiring City Council action

It shall be the duty of the members of the planning commission, to inform themselves on matters affecting the functions and duties of the commission and all planning matters, and, to that end, may attend training and planning conferences and the reasonable traveling expenses incidental to the attendances shall be charged upon the funds allocated to the commission.

The planning commission shall endeavor to promote public interest and understanding of plans developed, and the regulations relating thereto. The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.

### **ARTICLE II. MEMBERSHIP**

**Section 2.1. Number of Members.** The Commission shall consist of a total of seven (7) members as follows:

- District 1 Representative
- District 2 Representative
- District 3 Representative
- District 4 Representative
- At-large Member
- At-large Member
- At-large Member

**Section 2.2. Eligibility.** The Commission shall be composed of seven (7) regular voting Members, one commissioner from each district, and three at-large commissioners.

Requirements for eligibility:

1. District Representatives: Each district representative must reside in the district they represent.
2. At-Large Members: Must reside in city limits.

**Section 2.3. Term Limits.** Members of the Committee shall be limited to three (3) consecutive four-year terms. Additional terms may be served if there is a break between terms.

**Section 2.4. Absence and Removal.** An unexcused absence from two (2) consecutive Commission meetings without notification to the Staff Liaison shall be considered a voluntary resignation from the Commission. Previously dismissed Commission members may be eligible for reappointment to the Commission.

**Section 2.5. Compensation.** Commissioners shall serve without compensation.

### **ARTICLE III. MEETINGS**

**Section 3.1. Time and date of Regular Meeting.** Notification of meeting place, date, and time shall be rendered to the public through posting on the City of San Rafael website. Regularly scheduled Commission meetings shall be the second and fourth Tuesday of each month, but these dates may be impacted by holidays. A schedule shall be approved annually by the Commission. The Commission shall meet once per month and shall be scheduled annually. The schedule for the upcoming year will be set by December of the previous year.