



AGENDA

SAN RAFAEL CITY COUNCIL – TUESDAY, JULY 5, 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-2022-07-05>

Watch on YouTube: 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.

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.
- 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.

Any member of the public who needs accommodations should contact the City Clerk (email city.clerk@cityofsanrafael.org or phone at 415-485-3066) who will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

OPEN SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL – 6:30 PM

Dial-in: (669) 900-9128, Meeting ID: 933-2243-5567#

1. Mayor Kate to announce Closed Session items.

CLOSED SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL – 6:30 PM

2. Closed Session:

- a. Conference with Legal Counsel - Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1): 2 cases
 - i. Korn v. City of San Rafael, et al.
 - ii. Huie v. City of San Rafael, et al.

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 AND COUNCILMEMBER REPORTS:

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

- 3. City Manager and 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.

- 4. Consent Calendar Items:

- a. **Approval of Minutes**

- Approve Minutes of City Council Special Meetings of June 16, 2022 and June 23, 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

SPECIAL PRESENTATIONS

- 5. Special Presentations:

- a. **Presentation of Proclamation Supporting Park and Recreation Month (LR)**

PUBLIC HEARING

- 6. Public Hearing:

- a. **Point San Pedro Road Median Landscaping Assessment District**

- Resolution Confirming the Engineer's Annual Levy Report for the Point San Pedro Road Median Landscaping Assessment District and the Assessment Diagram Connected Therewith and Ordering the Levy and Collection of Assessments for FY 2022-23 (PW)
Recommended Action - Adopt Resolution

b. Baypoint Lagoons Assessment District

Resolution Confirming the Engineer's Annual Report for the Baypoint Lagoons Assessment District and the Assessment Diagram Connected Therewith and Ordering the Levy and Collection of Assessments for FY 2022-23 (PW)

Recommended Action - Adopt Resolution

OTHER AGENDA ITEMS

7. Other Agenda Items:

a. San Rafael Public Safety Alternative Response Team

Alternative Response Pilot Program to Deliver Social Services for Mental Health and Homelessness Support, And Accept Staff's Recommendation to Issue a Request for Proposals (PD)

Recommended Action - Accept report and staff's recommendation to issue a request for proposals

b. Homelessness Update

Informational Report on Status of Homelessness in San Rafael (CM)

Recommended Action - Accept report and provide feedback to staff

c. Draft Leaf Blower Ordinance Input

Accept Report and Provide Direction to Staff on a Draft Ordinance of the City Council of the City of San Rafael Regulating the Operation of Leaf Blowers (CM)

Recommended Action - Accept report and provide feedback to staff

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 <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 SPECIAL MEETING
CITY COUNCIL RETREAT
THURSDAY, JUNE 16, 2022 AT 5:00 P.M.**

In-Person:

San Rafael Community Center
618 B Street
San Rafael, CA 94901

Zoom:

Webinar: <https://tinyurl.com/ccsp-2022-06-16>
Conference Call: (669) 900-9128
Meeting ID: 851-6382-0020#
One-tap Mobile: US: +16699009128,,85163820020#

Present: Mayor Kate
Councilmember Hill
Vice Mayor Kertz
Councilmember Llorens Gulati
Absent: Councilmember Bushey
Also Present: City Manager Jim Schutz
City Clerk Lindsay Lara (left the room 7:05 pm)

Mayor Kate called the session to order at 5:00 p.m. and invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present, except for Councilmember Bushey.

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

AGENDA

- a. Mayor Kate to Open Public Comment on Agenda Items
- b. City Council Discussion on Work Styles and Team Approach

ADJOURNMENT:

Mayor Kate adjourned the meeting at 7:50 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2022

Kate Colin, Mayor



MINUTES

SAN RAFAEL CITY COUNCIL SPECIAL MEETING THURSDAY, JUNE 23, 2022 AT 6:30 P.M.

In-Person:

San Rafael City Hall
City Manager's Conference Room
1400 Fifth Avenue, San Rafael, CA 94901

Participate Virtually:

Watch on Zoom Webinar: <https://tinyurl.com/ccsp-2022-06-23>

Listen by phone: (669) 900-9128

ID: 896-1029-7977#

One Tap Mobile: US: +16699009128,,89610297977#

Present: Mayor Pro Tem Rachel Kertz
Councilmember Hill
Councilmember Llorens Gulati
Absent: Mayor Kate
Councilmember Bushey
Also Present: City Manager Jim Schutz
City Clerk Lindsay Lara

Mayor Pro Tem Kertz called the meeting to order at 7:38 p.m.

Mayor Pro Tem Kertz invited public comment; however, there was none.

1. **Design Review Board Interviews**

Interview Applicants and Make an Appointment to Fill One Four-Year Term to the End of June 2026 on the Design Review Board Due to the Expiration of Term of Larry Paul (CC)

The City Council interviewed the following applicants: Larry Paul, Michael Alexin and Sophia McInerney Corbett. Michael Farris withdrew from the interview.

Councilmember Llorens Gulati moved and Councilmember Hill seconded to appoint Michael Alexin to fill one four-year term to the end of June 2026 on the Design Review Board.

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

2. **Board of Library Trustees Interviews**

Interview Applicants and Make Appointment to Fill One Unexpired Four-Year Term to the End of April 2023 on the Board of Library Trustees Due to the Resignation of Eric Han (CC)

The City Council interviewed the following applicants: Ceci De La Montanya, Sunny Lee and Lawrence 'Larry' Andow. Kelly Stuart withdrew from the interview.

Councilmember Hill moved and Councilmember Llorens Gulati seconded to appoint Lawrence 'Larry' Andow to fill one unexpired four-year term to the end of April 2023 on the Board of Library Trustees.

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

ADJOURNMENT:

Mayor Pro Tem Kertz adjourned the meeting at 7:48 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2022

KATE COLIN, Mayor

DRAFT



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Attorney

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

City Manager Approval: _____

A handwritten signature in black ink, appearing to be the initials 'AS' or similar, written over a horizontal line.

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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Council Meeting:

Disposition:

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2

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 Tuesday, the 5th day of July 2022 by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Lindsay Lara, City Clerk

City of San Rafael
Proclamation
Designation of July 2022 as Park and Recreation Month

WHEREAS parks and recreation programs are an integral part of communities throughout this country, including the City of San Rafael; and

WHEREAS, Parks and Recreation *promotes physical, emotional and mental health and wellness* through organized and self-directed fitness, play, and activity; and

WHEREAS, Parks and Recreation *supports the economic vitality of communities* by providing frontline jobs, childcare for the essential work force and promoting community revitalization; and

WHEREAS, Parks and Recreation *fosters social cohesiveness* in communities by celebrating diversity, providing spaces to come together peacefully, modeling compassion, promoting social equity, connecting social networks, and ensuring all people have access to its benefits; and

WHEREAS, Parks and Recreation *supports human development and endless learning opportunities* that foster social, intellectual, physical and emotional growth in people of all ages and abilities; and

WHEREAS, Parks and Recreation *strengthens community identity* by providing facilities and services that reflect and celebrate community character, heritage, culture, history, aesthetics and landscape; and

WHEREAS, Parks and Recreation *sustains and stewards our natural resources* by protecting habitats and open space, connecting people to nature, and promoting the ecological function of parkland; and

WHEREAS the City of San Rafael recognizes the benefits derived from parks and recreation resources.

NOW, THEREFORE, I, KATE COLIN, Mayor of San Rafael, do hereby recognize that July 2022 is recognized as Park and Recreation Month in the City of San Rafael.



Kate Colin
Mayor



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

Prepared by: April Miller
Public Works Director

City Manager Approval: 

TOPIC: POINT SAN PEDRO ROAD MEDIAN LANDSCAPING ASSESSMENT DISTRICT

SUBJECT: RESOLUTION CONFIRMING THE ENGINEER'S ANNUAL LEVY REPORT FOR THE POINT SAN PEDRO ROAD MEDIAN LANDSCAPING ASSESSMENT DISTRICT AND THE ASSESSMENT DIAGRAM CONNECTED THEREWITH AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FY 2022-23

RECOMMENDATION: Staff recommends that the City Council hold the public hearing and adopt the resolution.

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. On June 6, 2022, City Council adopted three resolutions in accordance with this year's Annual Engineer's Report and assessment process:

1. Resolution Directing Filing of Engineer's FY 2022-23 Annual report
2. Resolution Approving Engineer's FY 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

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 San Rafael City limits, there are pockets of County unincorporated regions served by Point San Pedro Road, therefore both the City and the County have a vested interest and responsibility in the medians. As a part of the formation of the assessment district, the City of San Rafael and the County of Marin entered into a Memorandum of Understanding (MOU) setting forth their respective rights and duties with respect to the formation of the assessment district and also designating the City of San Rafael as the lead agency.

The San Rafael City Council is responsible for filing and approving an Annual Engineer's Report for the assessment district, which includes a proposed levy and assessment for the upcoming fiscal year 2022-23. Prior to the final approval of the report and the levy of assessments each year, the City Council must hold a public hearing to provide members of the public with an

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Disposition:

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opportunity to comment on the Annual Report and proposed assessment. Pursuant to the Landscaping and Lighting Act of 1972, the purpose of the public hearing is to comply with requirements of the California Streets and Highways code (sections referenced):

1. (Section 22628) Any interested person, prior to the conclusion of the hearing, may file a written protest with the clerk, stating their objection to the assessment and Engineer's report as filed;
2. (Section 22630) During the hearing, the City Council may order changes in any of the matters provided in the Engineer's report;
3. (Section 22630.5) If there is a majority protest against the increase of the assessment from any previous year, the proposed increase in the assessment shall be abandoned.
4. (Section 22631) If a majority protest has not been filed, the City Council may adopt a resolution confirming the diagram and assessment, either as originally proposed or as changed. The adoption of the resolution confirms the levy of an assessment for FY 2022-23.

ANALYSIS: As presented at the June 6, 2022 City Council meeting, the Assessment District intends to increase the total annual assessment by \$5.34 for FY 2022-23 per Equivalent Benefit Unit (EBU). The Equivalent Benefit Unit 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.

The total 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

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

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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.

The FY 2022-23 assessment is composed of:

Debt Service Assessment (Not Prepaid)**	\$55.52 per EBU*
Non-Bonded Assessment (annual Operation and Maintenance costs)	\$52.60 per EBU*
Total FY 2022-23 Assessment	\$108.12 per EBU*

**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	FY 2022-23 (proposed)
Total Assessment	\$83.98	\$96.88	\$99.79	\$102.78	\$108.12

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% Increase over prior year Operations & Maintenance Revenue Generated*	6%** \$124,284	15%** \$129,551	3% \$138,613	3% \$150,107	5.2% \$164,514
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**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
Total	<u>\$171,986</u>

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 resistant 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

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 5

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. Conduct the public hearing and adopt the resolution, thus ordering the levy of assessments for FY 2022-23.
2. Do not adopt the resolution, which will result in no levy of assessments for FY 2022-23. This may result in an inability for the required maintenance on the Point San Pedro to be performed, as there will be no revenue for the assessment district collected in the coming year if the levy of assessments is not approved.

RECOMMENDED ACTION: Hold the public hearing and adopt the resolution.

ATTACHMENTS:

1. Resolution ordering the levy and collection of assessments for FY 2022-23
2. Public Hearing Notice
3. [Engineer's Annual Report FY 2022-23](#) (hyperlinked)

RESOLUTION NO.

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL CONFIRMING THE ENGINEER'S ANNUAL LEVY REPORT FOR THE POINT SAN PEDRO ROAD MEDIAN LANDSCAPING ASSESSMENT DISTRICT AND THE ASSESSMENT DIAGRAM CONNECTED THEREWITH AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FY 2022-23

WHEREAS, the City Council, pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Part 2, Division 15 of the California Streets and Highways Code, commencing with Section 22500 (the "1972 Act"), did by previous Resolution adopted on June 6, 2022, initiate proceedings for the annual levy of assessments for the San Rafael Pt. San Pedro Road Median Landscaping Assessment District (the "District") for the fiscal year commencing July 1, 2022 and ending June 30, 2023 (Fiscal Year 2022-23) for the special benefits received by properties therein from the improvements related thereto, and set a public hearing held on July 5, 2022; and

WHEREAS, an Engineer's Report, entitled "City of San Rafael Pt. San Pedro Road Median Landscaping Assessment District, Fiscal Year 2022-23 Engineer's Annual Levy Report", a copy of which is on file in the Department of Public Works and incorporated herein by reference, has been prepared, filed and presented to the City Council in connection with the proposed annual levy of assessments for parcels within the District for Fiscal Year 2022-23 as required by the 1972 Act and the Constitution; and

WHEREAS, at the public hearing, the City Council provided an opportunity for interested parties to comment on the annual report, either in writing or orally, and the City Council desires to proceed to levy and collect the annual assessments against parcels of land within the District for Fiscal Year 2022-23, to pay the costs and expenses determined to be of special benefit to the properties within the District, as described in the Engineer's Report;

NOW, THEREFORE IT IS HEREBY RESOLVED that the City Council does hereby confirm the diagram and assessments as set forth in the annual report of the Engineer of Work and does hereby levy the assessments set forth therein for Fiscal Year 2022-23.

I, LINDSAY LARA, Clerk of the City of San Rafael, do 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 5th day of July 2022, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

Marin Independent Journal

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

2070419

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

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

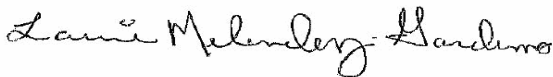
STATE OF CALIFORNIA County of Marin

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

06/24/2022

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

Dated this 24th day of June, 2022.



Signature

PROOF OF PUBLICATION

Legal No. **0006679115**

RESOLUTION NO. 15086

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 5th, 2022

POINT SAN PEDRO ROAD MEDIAN LANDSCAPING ASSESSMENT DISTRICT (Pursuant to the Landscaping and Lighting Act of 1972)

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 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 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/citofsanrafael.

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 6th day of June 2022, by the following vote, to wit:

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

/s/LINDSAY LARA, City Clerk

June 24, 2022

Attachment 3 - 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>



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

**Prepared by: April Miller
Director of Public Works**

City Manager Approval: _____

TOPIC: BAYPOINT LAGOONS ASSESSMENT DISTRICT

SUBJECT: RESOLUTION CONFIRMING THE ENGINEER’S ANNUAL REPORT FOR THE BAYPOINT LAGOONS ASSESSMENT DISTRICT AND THE ASSESSMENT DIAGRAM CONNECTED THEREWITH AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FY 2022-23.

RECOMMENDATION: Staff recommends the City Council hold a public hearing and adopt the resolution ordering the levy of assessments.

BACKGROUND: To comply with provisions of the Landscaping and Lighting Act of 1972, which governs the Baypoint Lagoons Landscaping and Lighting District (Assessment District), the City Council must approve an Engineer’s report on an annual basis. On June 6, 2022 City Council approved three resolutions in accordance with this year’s Engineer’s Annual Report and assessment process:



Assessment District boundaries in east San Rafael

1. Resolution directing filing of Engineer’s FY 2022-23 Annual Report.
2. Resolution approving Engineer’s FY 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.

In 1990, the Baypoint Lagoons Landscaping and Lighting District (Assessment District) was formed 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.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

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.

The City Council is responsible for filing and approving an Annual Engineer’s Report for the Assessment District, including a proposed levy and assessment for the upcoming fiscal year. Prior to the final approval of the report each year, the City Council must hold a public hearing to provide members of the public with an opportunity to comment on the Annual Report and proposed assessment. Pursuant to the Landscaping and Lighting Act of 1972, the purpose of the public hearing is to comply with requirements of the California Streets and Highways Code (sections referenced):

1. (Section 22628) Any interested person, prior to the conclusion of the hearing, may file a written protest with the clerk, stating their objection to the assessment and Engineer’s report as filed;
2. (Section 22630) During the hearing, the City Council may order changes in any of the matters provided in the Engineer’s report;
3. (Section 22630.5) If there is a majority protest against the increase of the assessment from any previous year, the proposed increase in the assessment shall be abandoned.
4. (Section 22631) If a majority protest has not been filed, the City Council may adopt a resolution confirming the diagram and assessment, either as originally proposed or as changed.

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

July 1, 2021 Fund Balance	\$200,104.66
Revenues	
Assessments	\$24,099.53
Interest	\$0.00
Total Revenues	\$24,099.53
YTD Expenditures	
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>Cammissa + Wipf design (encumbered)</i>	\$20,680.00
Total Expenditures (proj.)	\$33,590.04
 Projected June 30, 2022 Fund Balance	 \$190,614.15

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. Conduct the public hearing and adopt the resolution, thus ordering the levy of assessments for FY 2022-23.
2. Do not adopt the resolution, which will result in no levy of assessments for FY 2022-23. This may result in an inability to perform the required improvements in the Assessment District as there will be no revenue collected in the coming year if the levy of assessments is not approved.

RECOMMENDED ACTION: Staff recommends the City Council hold a public hearing and adopt the resolution ordering the levy of assessments.

ATTACHMENTS:

1. Resolution ordering the levy and collection of assessments for FY 2022-23
2. Engineer's Annual Report FY 2022-23
3. Public Hearing Notice

RESOLUTION NO.

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL CONFIRMING THE ENGINEER'S ANNUAL REPORT FOR THE BAYPOINT LAGOONS ASSESSMENT DISTRICT AND THE ASSESSMENT DIAGRAM CONNECTED THEREWITH AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FY 2022-23

WHEREAS, in accordance with Chapter 3 of the Landscaping and Lighting Act of 1972, the City Council directed CSW/Stuber-Stroeh Engineering Group, Inc., Engineer of Work for the Baypoint Lagoons Landscaping and Lighting District, City of San Rafael, Marin County, California, to prepare and file an annual report for fiscal year 2022-23, a copy of which report is on file in the Department of Public Works and incorporated herein by reference; and

WHEREAS, on June 6, 2022 the City Council adopted its resolution of intention to levy and collect assessments within the assessment district for fiscal year 2022-23 and set a public hearing to be held on July 5, 2022; and

WHEREAS, the Engineer's Annual Report establishes the fiscal year 2022-23 assessment at \$131.44 per parcel, unchanged since 1996; and

WHEREAS, at the public hearing, the City Council provided an opportunity for interested parties to comment on the annual report, either in writing or orally, and the City Council has considered such comments;

NOW, THEREFORE IT IS HEREBY RESOLVED that the City Council does hereby confirm the diagram and assessments as set forth in the annual report of the Engineer of Work and does hereby levy the assessments set forth therein for fiscal year 2022-23.

I, LINDSAY LARA, Clerk of the City of San Rafael, do 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 5th day of July, 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 Cammissa + Wipf and another Foth and Van Dyke to provide various improvements. Cammissa + 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 Cammissa + Wipf to design lagoon control improvements to better manage the water levels in the lagoon. Cammissa + Wipf is currently designing those controls. The Cammissa + Wipf contract is for \$74,100 and Cammissa + 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 including, Assessment Proceeds, Plus 2017-2018 Surplus	\$ 5,487.25	
	<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

SURPLUS & RESERVE FUND TO CARRY FORWARD		
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>

SURPLUS & RESERVE FUND TO CARRY FORWARD		
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 (Cammissa + 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)

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

TWENTY-NINTH YEAR ASSESSMENT 2021-2022:		
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 (Cammissa + 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 (Cammissa + 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

SPECIAL ASSESSMENT NUMBER	AMOUNT OF ASSESSMENT (Fiscal Year 2022-2023)	PROPERTY DESCRIPTION Baypoint Lagoons	ASSESSOR'S PARCEL NUMBER
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**

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

SPECIAL ASSESSMENT NUMBER	AMOUNT OF ASSESSMENT (Fiscal Year 2022-2023)	PROPERTY DESCRIPTION Baypoint Lagoons	ASSESSOR'S PARCEL NUMBER
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)

SPECIAL ASSESSMENT NUMBER	AMOUNT OF ASSESSMENT (Fiscal Year 2022-2023)	PROPERTY DESCRIPTION Baypoint Lagoons	ASSESSOR'S PARCEL NUMBER
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)

SPECIAL ASSESSMENT NUMBER	AMOUNT OF ASSESSMENT (Fiscal Year 2022-2023)	PROPERTY DESCRIPTION Baypoint Lagoons	ASSESSOR'S PARCEL NUMBER
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)

SPECIAL ASSESSMENT NUMBER	AMOUNT OF ASSESSMENT (Fiscal Year 2022-2023)	PROPERTY DESCRIPTION Baypoint Lagoons	ASSESSOR'S PARCEL NUMBER
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)

SPECIAL ASSESSMENT NUMBER	AMOUNT OF ASSESSMENT (Fiscal Year 2022-2023)	PROPERTY DESCRIPTION Baypoint Lagoons	ASSESSOR'S PARCEL NUMBER
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)

SPECIAL ASSESSMENT NUMBER	AMOUNT OF ASSESSMENT (Fiscal Year 2022-2023)	PROPERTY DESCRIPTION Baypoint Lagoons	ASSESSOR'S PARCEL NUMBER
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)

SPECIAL ASSESSMENT NUMBER	AMOUNT OF ASSESSMENT (Fiscal Year 2022-2023)	PROPERTY DESCRIPTION Baypoint Lagoons	ASSESSOR'S PARCEL NUMBER
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)

SPECIAL ASSESSMENT NUMBER	AMOUNT OF ASSESSMENT (Fiscal Year 2022-2023)	PROPERTY DESCRIPTION Baypoint Lagoons	ASSESSOR'S PARCEL NUMBER
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
TOTAL ASSESSMENT	\$25,367.92	(For Twenty-Seventh 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 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	

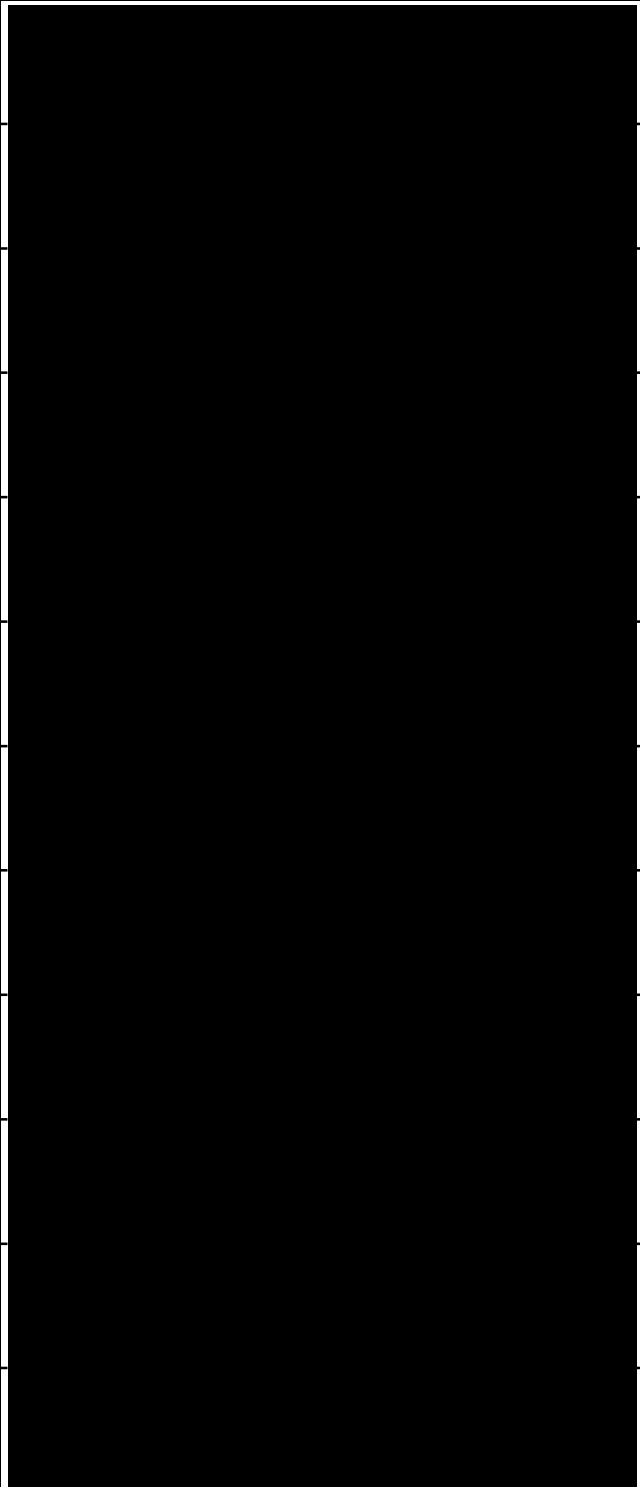
**PART E
ASSESSMENT ROLL**

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

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
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	

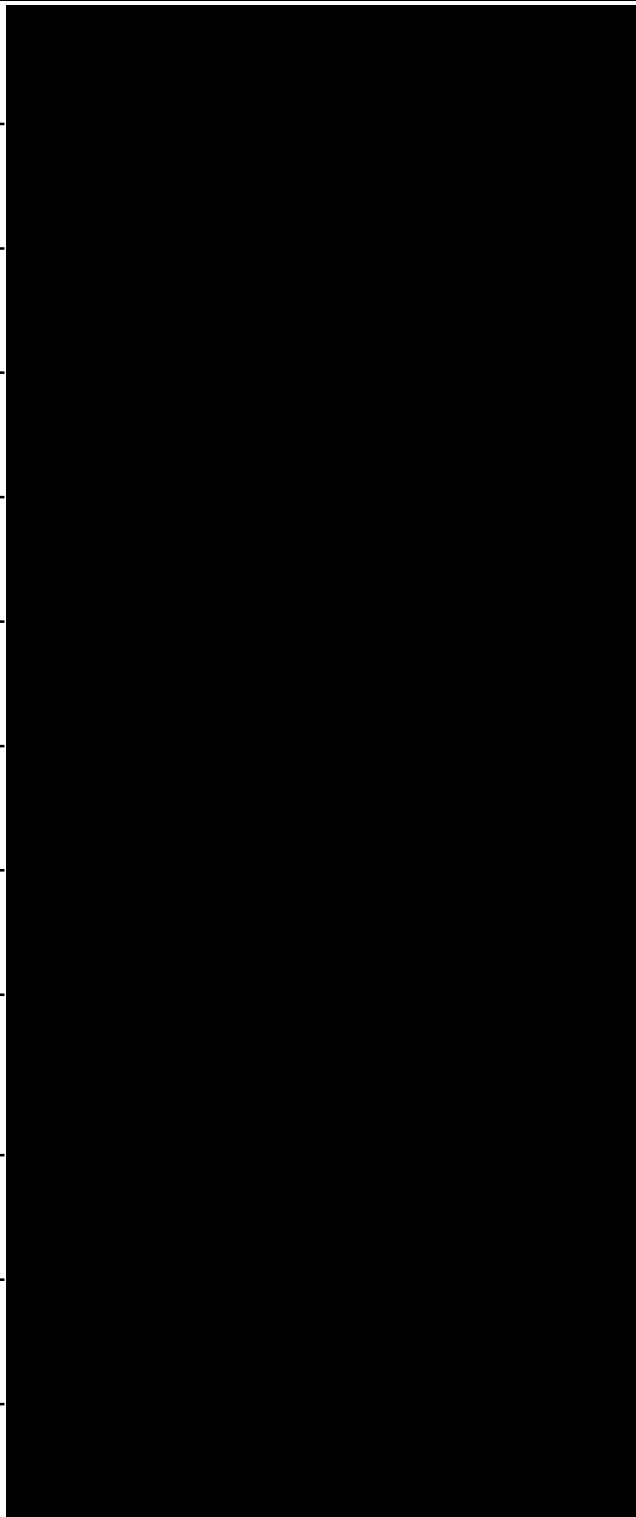
**PART E
ASSESSMENT ROLL**

(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	

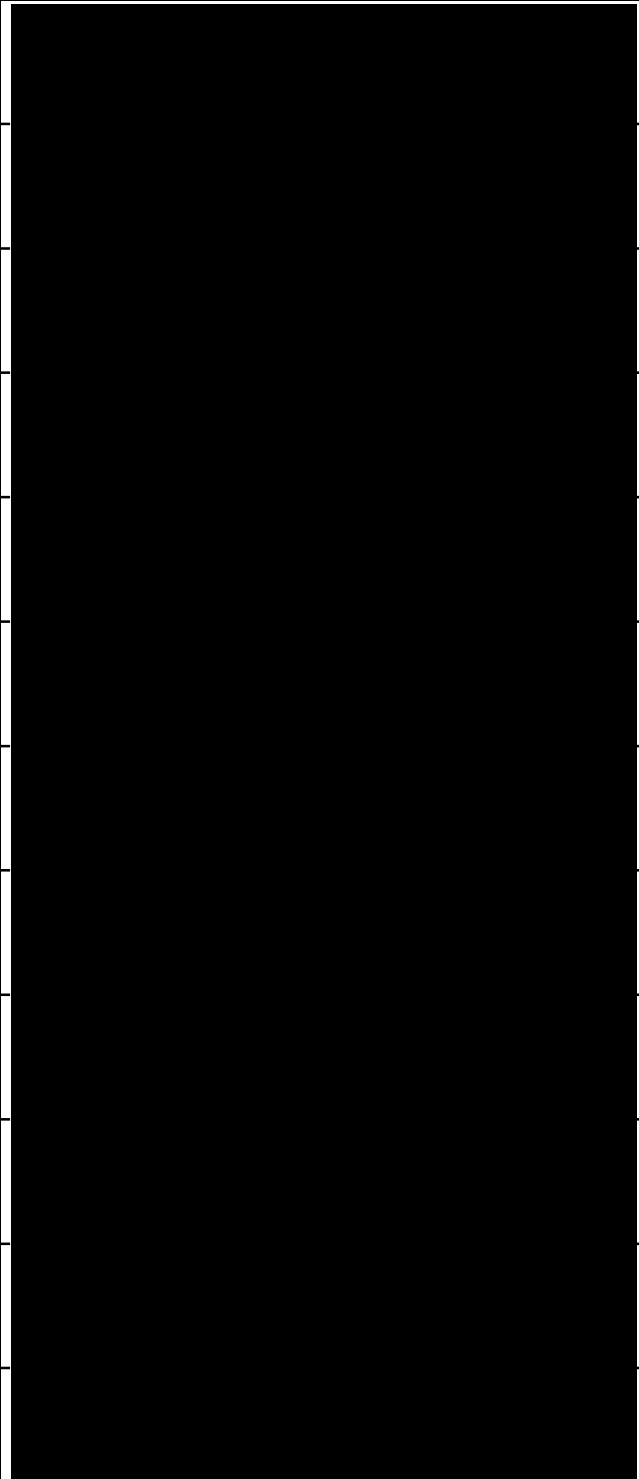
PART E
ASSESSMENT ROLL

(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	

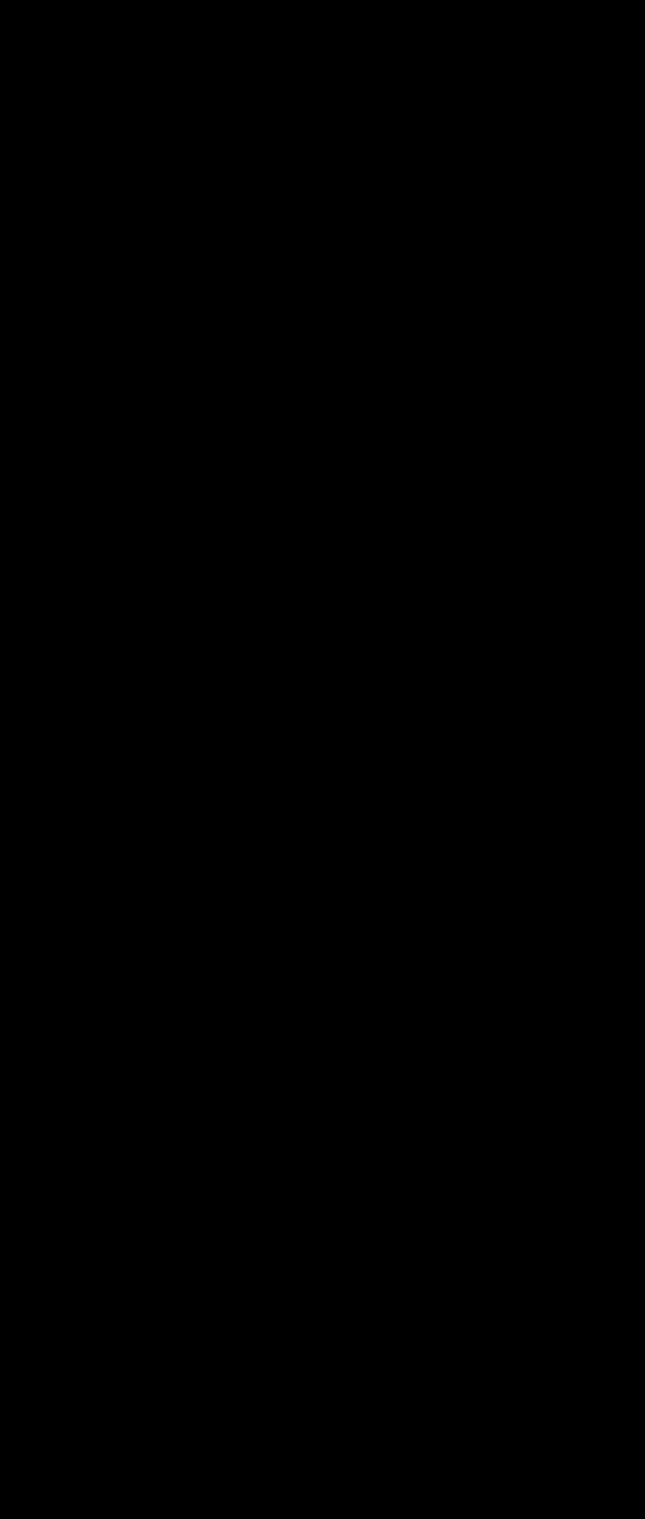
PART E
ASSESSMENT ROLL

(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)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
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)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
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)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
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	

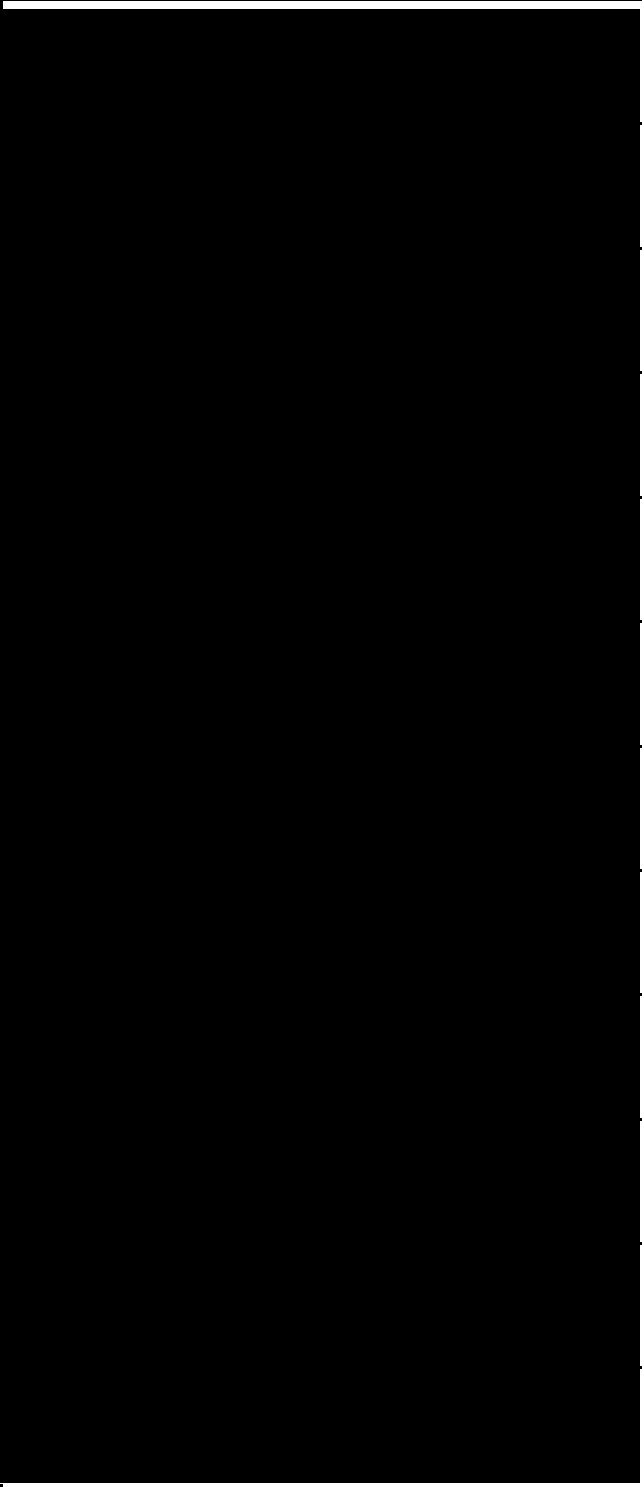
**PART E
ASSESSMENT ROLL**

(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)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
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	

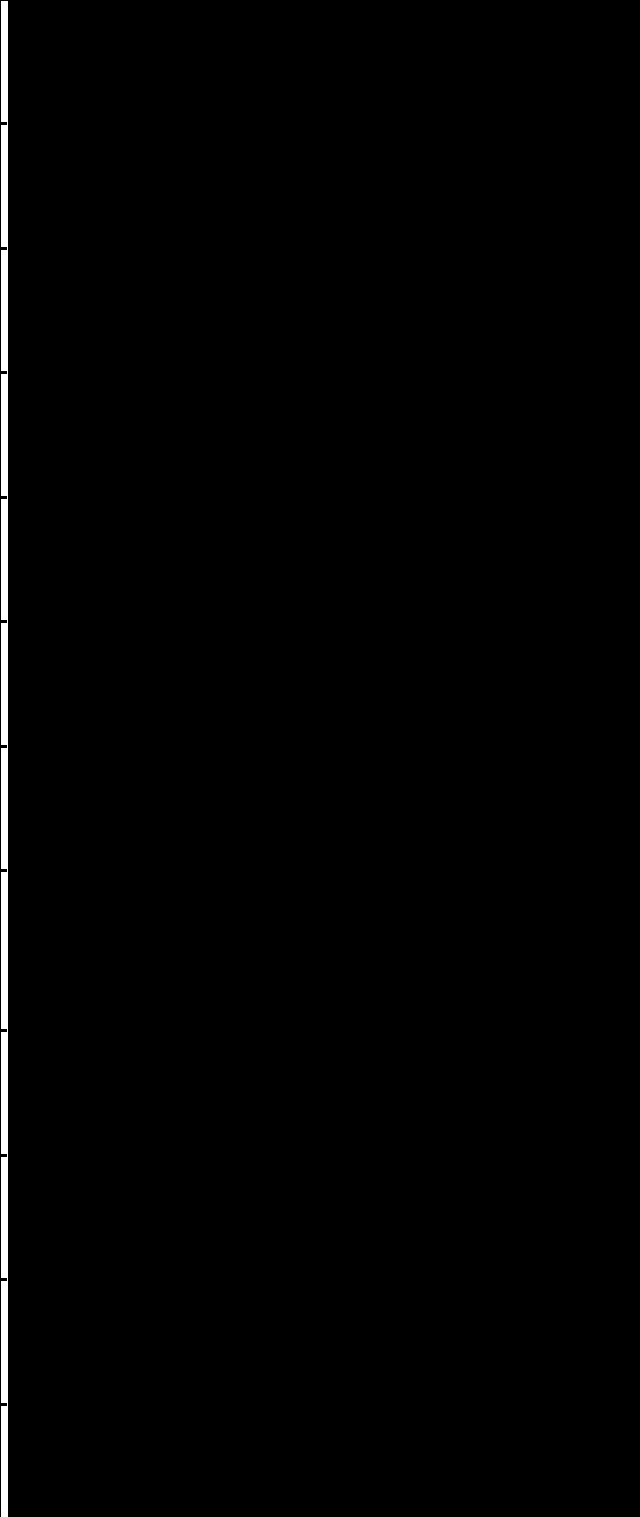
**PART E
ASSESSMENT ROLL**

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

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
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	

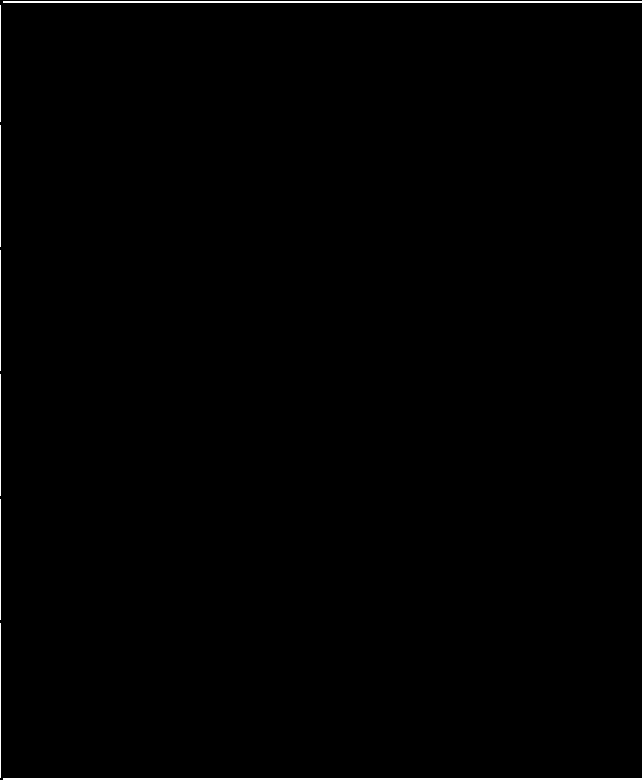
**PART E
ASSESSMENT ROLL**

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

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
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)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
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.

Marin Independent Journal

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San Rafael, CA 94903
415-382-7335
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2070419

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

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

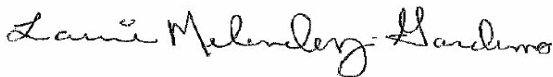
STATE OF CALIFORNIA County of Marin

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

06/24/2022

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

Dated this 24th day of June, 2022.



Signature

PROOF OF PUBLICATION

Legal No. **0006679114**

RESOLUTION NO. 15083

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)

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.
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 6th day of June 2022, by the following vote, to wit:

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

/s/LINDSAY LARA, City Clerk

June 24, 2022



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Police Department

Prepared by: D.C. Spiller, Police Chief

City Manager Approval: _____

TOPIC: SAN RAFAEL PUBLIC SAFETY ALTERNATIVE RESPONSE TEAM

SUBJECT: ALTERNATIVE RESPONSE PILOT PROGRAM TO DELIVER SOCIAL SERVICES FOR MENTAL HEALTH AND HOMELESSNESS SUPPORT, AND ACCEPT STAFF’S RECOMMENDATION TO ISSUE A REQUEST FOR PROPOSALS

RECOMMENDATION: Accept informational staff report on a three-year pilot Alternative Response Program to deliver necessary social services for mental health and homelessness support and alleviate impacts to frontline public safety services, and staff’s recommendation to issue a Request for Proposals.

BACKGROUND:

Over the past several years, there has been an emerging practice of replacing traditional law enforcement responders to 911 calls involving people in crisis with social workers, mental health counselors, or medical staff. The model for this type of response has been in existence in other jurisdictions for decades. A gold standard example of such a model is a program called Crisis Assistance Helping Out On The Streets (CAHOOTS), which has been nationally recognized as the model for an alternative public safety response. This program, originating in municipalities in Oregon, was developed by the White Bird Clinic to send a crisis counselor and emergency medical technician on the streets to engage in the support of vulnerable community members, specifically those with mental health history and those individuals experiencing homelessness.

Individuals in these circumstances often are involved in public safety calls for service and represent a growing number of calls for service impacting both Police and Fire services. The growing impact of such calls for service limits the “available time” for police and fire units, subsequently impacting response times and other service delivery throughout the community.

The Police Department annually responds to an average of nearly 4,000 calls for service (CFS) involving community members in crisis related to mental health, substance abuse, or homelessness. Combined, these represent roughly 8% of all calls for service that the Police Department responds to annually. Operationally, these types of calls for service are repetitive and generally require two police officers and, in many cases, Fire Department or medical support services for an extended period.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

In the majority of cases, these calls result in a peaceful resolution with the transport of or placement option for the individual. While a vast majority of these interactions have positive outcomes, some instances result in negative outcomes including required use of force by police that can result in injury to community members or first responders. Staff recognizes that there are individuals and entities that are better trained, suited, and equipped to navigate and deliver services related to mental health, substance abuse, and unsheltered and housing services available to individuals in need.

Alternative Response Teams have the capability to deal with a wide range of mental health-related crises, including conflict resolution, welfare checks, substance abuse and potential suicide threats. Relying on trauma-informed de-escalation and harm reduction techniques, Alternative Response Teams are designed to respond to the following:

- Individuals who are intoxicated or under the influence of controlled substances.
- Transports for mental health services.
- Counseling, support, and intervention for depressed or suicidal individuals.
- Assisting the public with emergency shelter resources.
- Transportation to detox services for intoxicated people.
- Welfare checks (when no crime is suspected).
- Reports of intoxicated subjects in public places.
- Reports of disoriented subjects.
- Non-emergency medical evaluations.
- Transports for non-emergency medical care.
- Delivering emergency/death messages.

In addition to public safety services currently provided by the City of San Rafael, additional services exist to support vulnerable populations. An example of additional services includes the “Care Team” through Community Action Marin, which provides on-the-street engagement with individuals for such things as wellness checks and delivering food, water, clothing, or sleeping bags. Additionally, the Care Teams throughout the county can provide transportation to a detox center, homeless shelter and in some cases medical facility in the process of after / follow up care.

From the perspective of Mental Health Services, Marin County Behavioral Health Mobile Crisis Unit responds to individuals throughout Marin County who present in a crisis. Referral sources for Marin County Mobile Crisis include schools, police departments, and the public. The Marin County Mobile Crisis unit has the capacity to initiate a mental health detention, pursuant to Section 5150 of the Welfare and Institutions Code if warranted or to offer crisis intervention, stabilization, and linkage to appropriate community-based services.

Gaps in these services exist and compound the impacts to frontline public safety responders. The Care Teams, as an example, serve individuals experiencing homelessness only and do not provide mental health services or support. The Care Teams are not integrated with public safety services and cannot serve to decrease service calls impacting police and fire services.

Marin County Behavioral Health Mobile Crisis unit lacks consistent response capability. Despite work to expand, the Mobile Crisis responders manage a volume of service throughout the county that limits their availability, and the hours of deployment and operation further limit support for public safety staff requesting their support.

As depicted in the following table, various services delivered from organizations within the community serve to support our vulnerable populations. Recognizing the gaps that exist among service providers, the proposed Alternative Response Team would functionally serve all

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 3

elements listed without any services falling through the gaps between service providers. (See table.)

Services Delivered	Mobile Crisis	Care Teams	Fire Dept.	Police Dept.	Proposed Alternative Response
Food / Water (Meals)		X			X
Clothes / Blanket		X			X
Transport	X	X	X	X	X
Case Mgmt.	X	X			X
Mental Health / Intervention	X			X	X
Immediate Response / Support			X	X	X
First Responder to Community Calls, Complaints & Concerns			X	X	X
Support for Unhoused		X		X	X

In consideration of the needs of the members of our community that are experiencing homelessness and those presenting in mental health crisis, staff is proposing the implementation of an Alternative Response Team (ART) to meet the needs and provide support to those in our community that need additional services. As evidenced with similar successful Alternative Response models, such services and support will further serve to mitigate complaints and calls for service made by San Rafael residents and business operators who are impacted by quality-of-life issues.

After a recent study facilitated by the consulting services of “Crisis Consulting” and its principal consultant, Ben Adam Climer, the implementation of an Alternative Response Team (ART) is recommended based on an analysis of Police and Fire Department calls for service. The consultant’s report is attached. An examination of the calls for service where an Alternative Response would alleviate the need for public safety responses supports the need to utilize paraprofessionals as an alternative to public safety staff employed by the City of San Rafael.

These paraprofessionals serve as “Integrated Health First Responders.” These responders will have quality knowledge of our local homeless services and will be skilled in engaging with people experiencing homelessness and grasp the unique challenges faced by people in those circumstances. In cases where a community member is experiencing regular crises secondary to their homelessness, the team will serve to bridge and connect that individual to the best supportive services available without impact on other on-duty public safety resources.

An additional advantage to the deployment of an Alternative Response Team includes the shift of the power-based, positional law enforcement model of enforcement and compliance to that of a “person first” compassionate engagement with the strong ability to build trust and develop relationships. While the Alternative Response Team does not serve as traditional “Case Managers” and are not intended to take on such a role, these service providers manage calls for service and complaints that may involve individuals known to be associated with multiple calls and can interact with service recipients as someone they know and trust helping them through

the difficult process of getting off the street or getting support services in the mental health arena.

The City’s consultant advanced best practices and recommendations for the implementation of an Alternative Response Team based on the Integrated Health model. This means deploying a team of two people, one who is a mental health worker and one who with a medical certification such as an EMT. The deployment of a team of two mitigates safety concerns. The majority of first responders do not respond to requests for service alone. While it is perhaps for obvious reasons that a team might respond in pairs, it is also for the safety of those receiving a response. The deployment of two staff makes possible independent response without law enforcement on every call.

Additionally, crisis work is centered on connection and trust. Oftentimes, people experiencing mental health crises may feel intense emotional experiences that are difficult to talk about. These emotional experiences may manifest in physical experiences, or they may be caused by physical ailments. Medical personnel who can build rapport and provide support through medical evaluations create opportunities for better care.

The model most effective for an Alternative Response Team is based on a partnership with a community-based organization or non-profit social service provider to deliver and manage these services. Staff recommends a three-year pilot to deliver these services with an on-going evaluation to measure the effectiveness of these Alternative Response services in the City of San Rafael.

The City’s consultant prepared cost estimates and proposed budgets to implement 12-, 18- and 24-hour deployments models of Alternative Response resources. In review of the recommendations from the consultant, staff is recommending a 12-hour deployment for the three-year pilot of these services. The proposed 12-hour deployment will primarily cover daytime hours based on the analysis of associated calls that can be diverted to an Alternative Response Unit.

Should the Council accept this staff report, staff will develop and issue a Request for Proposals (RFP) to identify and partner with a local service provider for the services described in this report. Staff will then seek approval from the Council to enter into an agreement with the selected service provider and authorize project funding.

FISCAL IMPACT: Because this is an informational report, there is no fiscal impact. The fiscal impact of this project, if approved in the future, is estimated to be \$775,000 annually. Using funds from various sources including funds from the American Rescue Plan Act (ARPA), Cannabis Tax revenues, previously allocated funding from the Marin County Major Crimes Task Force as well as other potential funding sources, staff is confident in the funding sources for the three-year pilot of these services. (See table.)

Funding Source	Annual Allocation	Total Allocation for 3-year Pilot
American Rescue Plan Funds	200k	600k
One Time Cannabis Funds	166k	498k

On-going Cannabis Revenue	200k	600K
Marin County Major Crimes Task Force Funding	190k	570K
*AB 109 / Realignment Funding <i>(Potential Off Set - pending approval from Marin CCPEC)</i>	300k	900k
Total (Absent AB109 Contribution)	\$756k	\$2.27M
Total (w/ AB 109 Contribution)	\$1.06M	\$3.17M

OPTIONS:

1. Accept staff report on a three-year pilot Alternative Response Program.
2. Direct staff to return with more information.
3. Do not accept report and provide alternative direction to Staff.

RECOMMENDED ACTION: Accept staff informational report on a three-year pilot Alternative Response Program to deliver necessary social services for mental health and homelessness support and alleviate impacts to frontline public safety services and staff's recommendation to issue a Request for Proposals.

ATTACHMENTS:

1. Consultant's Report *(Implementation of an Integrated Health Response Team)*



REPORT ON THE IMPLEMENTATION OF AN INTEGRATED HEALTH RESPONSE TEAM – MARIN COUNTY

Ben Adam Climer

CRISIS CONSULTING 392 Douglas St. Pasadena, CA 91104



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Executive Summary

- Distinguishing Features of Mobile Integrated Health Teams
 - Staffed by a crisis intervention worker paired with a medical staff member, typically an EMT or nurse
 - Connected to law enforcement via radio in some way
 - Responds to a wide variety of calls for service that are not strictly mental health related
 - Do not require police presence on the majority of responses
- Unlicensed Crisis Intervention Workers
 - Cost less than licensed workers
 - Provide a professional growth opportunity for recent graduates

- Does not remove licensed professionals from therapy provision
- Can be supervised by licensed staff the way EMTs are supervised by doctors
- Data
 - A Mobile Integrated Health team could respond to an approximated 5,500 CFS and 8,800 CFS per year that would otherwise be handled by SRPD and NPD, respectively.
 - Based on data, a team could Co-respond with SRPD and NPD to approximately 2,300 CFS and 650 CFS per year, respectively.
- Vehicles
 - Mobile Integrated Health teams typically use Ford Transits or Mercedes Sprinters
 - Ford makes these as electric vehicles
 - Two vans will need to be purchased whether electric or fuel

CRISIS Consulting

Critical Responses in Supportive Integrated Services Consulting (CRISIS Consulting) was started and is run by Ben Adam Climer. Climer worked for the CAHOOTS (Crisis Assistance Helping Out on the Streets) in Eugene, OR for five years as a crisis intervention worker, EMT (Emergency Medical Technician), and part-time administrator. CRISIS Consulting has helped create four different mobile crisis teams based on the CAHOOTS model, two in Sonoma County and two in Orange County. CRISIS Consulting is also contracted with several other cities throughout California including Vallejo, Culver City, and the University California Santa Cruz.

Understanding a Mobile Integrated Health First Response

History of Its Development

In the late '80s, in two very different parts of the country, two different concepts evolved to create a better response from first responders to people experiencing emotional distress. In Memphis, TN, after the tragic killing of a mentally ill man, the police department developed collaborations with local mental health authorities to train their department in appropriate

responses to people experiencing mental health crises and to create a special response for these types of issues. What was born out of this was CIT (Crisis Intervention Training) for Law Enforcement Agencies (LEA) and a response model known as Co-Response.

While CAHOOTS is a specific team, I am going to refer to the CAHOOTS model primarily as an Integrated Health model. While not all the teams that have attempted to mimic CAHOOTS have been integrated health, many are. The distinctive traits of these types of teams make them the most effective crisis response teams around.

In the same year, 1988, a non-profit health clinic in Eugene, OR known as The White Bird Clinic was developing the idea for a mobile mental health response team. Up until that point, White Bird had been operating a walk-in crisis clinic and a 24-hour crisis phone line. They experienced a significant number of calls into their crisis line that necessitated an in-person response, but due to poverty, mental health, intoxication, or all three, the person calling was unable to come to White Bird's walk-in clinic.

The city of Eugene determined that they were going to hire two new police officers to increase their ability to respond to calls. White Bird proposed that instead of hiring more police officers the city should fund a mobile crisis response team. Since the police had the goal of alleviating the burden of response on the existing officers, they proposed having the team carry police radios and respond to calls for service (CFS) to which the police might otherwise respond. This was the birth of CAHOOTS. The following year, on July 4, 1989, CAHOOTS sent off two crisis counselors in a white van for their first ever shift.

As the CAHOOTS team responded to calls throughout the 1990s, they encountered a problem. Many people experiencing homelessness, mental health crises, or intoxication were

dealing with physical health issues that were contributing to the crisis. For example, at times, the team would respond to a drunk person; but when they arrived, they smelled no alcohol and the person denied drinking even though they behaved as though heavily inebriated. Later, they would discover from EMS that the person was diabetic and hypoglycemic. This is one of many circumstances where they realized that a medical professional on the team would enhance their ability to respond to crises and promote safety for the staff and clients. In the late 90s, they removed one of the crisis counselors and added an EMT onto the team. This created the first ever Mobile Integrated Health First Response team.

Distinguishing Features of a Mobile Integrated Health First Response Model

Before we can discuss the distinguishing features of this model, we need to outline other models of behavioral health response. I will elaborate on two other models: Co-response and County-Based Behavioral Health Response. These are broad models and not every team that operates within these two models operate exactly alike. While these two models are utilized throughout the country, I am going to focus on my own experience and discuss how they function in California.

Additionally, CIT should not be considered a “model” in comparison to the others. CIT is a training program that develops the skills of law enforcement officers (LEOs), builds collaboration between mental health agencies and law enforcement, and has the goal of changing how officers interact with people experiencing crises. It is not designed to get mental health professionals onto CFS the way these other models do.

Co-response

Co-response pairs a licensed mental health worker with a law enforcement officer. The officer is given enhanced CIT training, and the two of them together respond to calls that do not require enforcement actions. They are accessed the same way any officer is accessed. They have the ability to respond to CFS Code 3 (emergency response with lights and sirens), and they can write and place involuntary psychiatric (5150) holds the same way any officer in the state of California can.

The primary benefit of this model is ease of access. It effectively gets a mental health professional to the appropriate calls. It does not require the requesting party (RP) to have any special knowledge about the team. It can be easily integrated into the currently existing first responder structure. Transportation of clients is typically handled by the Co-response team in the law enforcement vehicle.

The negative aspects of this model are primarily that it does not effectively divert law enforcement from calls that do not require, by nature, a law enforcement response. This means that an agency who needs to free up officer time from lengthy behavioral health responses will be unable to do so with this model. The related problem is that people in emotional distress may be reluctant to open up or discuss freely how they are feeling with an officer on scene, even if the officer is in plain clothes. Their presence may, therefore, present a barrier to effective interventions, especially when there is no safety risk involved. Additionally, while transport is simple and more flexible than the “ER-only” requirements of EMS, law enforcement vehicles are not therapeutic spaces for someone experiencing severe emotional distress or mental health crisis.

County-based Behavioral Health Teams

In the state of California, each county operates a health authority. These health authorities were initially created as Medi-Cal distribution loci and operators of social safety nets for individual and public health. Within these health authorities, there are subdivisions. One large subdivision is behavioral or mental health. In many counties throughout the state, the behavioral health divisions of the health authorities operate mobile crisis response teams.

These teams are typically composed of two responders. Throughout the state, they are universally composed of mental health professionals. Sometimes they are composed of two licensed mental health clinicians, and other times they contain a licensed mental health clinician paired with a peer support worker or substance use counselor. They are accessed, universally, although this may be changing, by local 10-digit phone numbers that call to either a call-taker or to the response team themselves.

While some teams in the state will respond to any member of the community, others only respond to indigent or Medi-Cal recipients. They tend to only respond to what might be considered mental health crises. This means that they will often screen out requests involving dementia, autism, substance use, and other types of crises. While most of these teams are staffed by county employees, some, such as in Solano County, are staffed with employees of contracted nonprofit organizations. Some of these teams will respond independently of the police. Others mandate police presence for all responses. PMRT (Psychiatric Mobile Response Team) in LA County and MCRT (Mobile Crisis Response Team) in Marin County are examples of teams that respond without law enforcement on scene, and MST (Mobile Support Team) in Sonoma County and CAT (Crisis Assessment Team) in Orange County are examples of teams that respond exclusively with law enforcement on scene. This latter type is nearly identical to the Co-response

model. With the exception of MCRT, I have not encountered a County-based team that provides transport. Typically, transport of clients is accomplished by law enforcement or a private ambulance company.

The benefits of a team like this are that they can respond independently of law enforcement, and they are accessed by something other than Public Safety Access Points (PSAPs). PSAP is the technical terms for a 911 call and dispatch center. The positive aspects of circumventing the PSAP can be a catch-22, however. While we may see it as desirable to avoid the PSAPs for mental health calls, by circumventing them, the types of calls that the Mobile Integrated Health teams respond to are often missed by the County-based behavioral health teams. This leads to very low call volumes.

For example, in Monterey County, their county-based team, in 2017, responded to the same number of calls in a year as CAHOOTS in Lane County, OR responds to in approximately 3 weeks. Monterey County's population is nearly 200,000 more than what CAHOOTS covers. Similarly, in 2019, Los Angeles' Co-response team, SMART (Systemwide Mental Assessment Response Team), responded to 7,700 CFS. This is approximately 33% the amount of CFS that CAHOOTS responded to in the same year in a region with 5% the population of the City of Los Angeles.

In Solano County, Uplift Family Services reports that they responded to 47 CFS in Vallejo during their first three months of operation. Contrast this with the Petaluma SAFE (Specialized Assistance for Everyone) team who responded to approximately 2,000 CFS in their first six months of operation. That is more than 75 CFS per week. They doubled Uplift's quarterly responses in 10 days. Furthermore, of the 47 CFS that Uplift responded to, 9 of them were phone intervention only, and 18 of them included a law enforcement response. This means

that only 20 total CFS in their first quarter were independently handled. For comparison, 20 CFS is approximately how many calls CAHOOTS responds to every 8 hours.

MCRT and the Current System in Marin County

It should be stated clearly how mobile crisis functions currently in Marin County. MCRT is run and funded by the County. It operates 6 days per week. They are available from 8:00 am – 9:00 pm Monday through Friday and 10:00 am – 9:00 pm on Saturday. They are not available on Sundays. They are staffed by licensed and pre-licensed mental health professionals with graduate degrees in psychology or social work. They respond to any location within the county. They are accessed through a phone number that can be found on their website. Law enforcement routinely request their services, but the majority of their calls for service derive from the community. MCRT can write 5150 holds when they deem them necessary. They respond in teams of two. Additionally, they perform phone crisis interventions when possible. When I was meeting with their staff, they performed two phone interventions. MCRT has two vehicles and is able to use them to safely transport patients to Marin General Hospital's Unit B which is a short-term in-patient psychiatric unit.

According to their leadership, MCRT fielded approximately 2,500 calls in 2021. This comes to 8 calls every working day. This is significantly higher than many similar programs in the state, even programs in areas with higher populations.

Between 2/10/21 and 2/21/22, Marin County Sheriff Dispatch chronicled 241 instances when they wanted MCRT to respond, but MCRT was unable to. They were unable to for three factors: the need was after hours, MCRT did not respond to dispatch's phone call and did not call back, or the team reported that they were currently busy on a different call. 241 calls is

approximately 10% of what MCRT responded to last year. This means that with the ability to respond to every request MCSO made, their call volume would increase approximately 10%.

MCRT's leadership reports that approximately 35% of their call volume derives from San Rafael. This is disproportionate to the rest of the county as San Rafael only makes up 22.3% of the county's population. A reduction in MCRT's response to San Rafael would enable them to be more available for the rest of the county and hopefully get to that 10% of additional CFS that are going unassisted.

While we do not know the percentage of calls that MCRT takes in Novato, it was expressed by MCRT's leadership that responses to Novato are difficult due to the distance and traffic between Greenbrae and Novato. NPD and Novato's city leadership expressed that they would like to see more responses to the city. Later in this report, CRISIS Consulting will recommend that Novato utilize a Mobile Integrated Health team to manage many of their non-law enforcement calls. This will benefit their police department, but it will also enable MCRT to respond to calls more efficiently.

Mobile Integrated Health First Response

What makes this model *Integrated Health* is the pairing of a mental health worker with a medical health professional. Typically, these mental health workers are not licensed clinicians. Integrated Health teams are first responders. Mobile Integrated Health teams respond to CFS without assistance from law enforcement or EMS (Emergency Medical Services). This model is designed to respond to mental health calls such as suicidal people, people experiencing anxiety or psychosis, and other types of emotional crises. It is also designed to respond to other call types that might not get coded at the PSAP as mental health.

This model responds to welfare checks, subjects down, homelessness, attempts to contact, intoxication, and many other types of issues. Because the team is carrying police radios, it is easy for them to shift a call into a co-response if a safety need arises during the response. It is also easy for officers to request the team if they arrive to a CFS that does not require their presence.

As mentioned above, the total CFS that these types of teams respond to far outstrips the other models. In Garden Grove, for example, the Integrated Health team responded to 10 CFS per day in the first week of service. The reason for this is that the model does not screen calls out based on a limited range of types of situations that the team might respond to. Instead of a dispatcher attempting to determine if it is a mental health call from the report of the caller, the decision is made to send the team to any type of call that does not include violence or an explicit law violation. This includes public disturbances, suspicious circumstances, family disputes, welfare checks, verbal arguments, and more. Oftentimes, these end up being nothing, or they end up being mental health calls. On rare occasions, they end up needing law enforcement intervention.

When both law enforcement and the Integrated Health team are required to co-respond, this is easily accomplished because they are on the same dispatch system. This means that all the benefits of Co-response are included in this model as the model can be adjusted to be a co-response when needed.

Integrated Health also provides transport. This is an almost unique component of this model. MCRT provides transportation, but very few other non-law enforcement teams do this. TTV (Therapeutic Transport Vehicle) in LA County does, but that is a restricted model that is more akin to the County-based teams. One important note to make here is that in the County-

based model, transport is usually handled by private ambulances (Sonoma, LA, Orange, Contra Costa, Solano, etc.). This is an inefficient way to operate an Integrated Health model. It employs mental health professionals and medical staff the same way CAHOOTS does. However, it adds an unnecessary step by making the response team call for an ambulance. In every county mentioned, during interviews with their staff, I have fielded complaints of wait times of up to 8 hours from the ambulance companies. In Orange County, there have been cases in which the ambulance simply never responded.

The Usage of Unlicensed Crisis Workers

Crisis intervention and therapy share many traits. They are dialogical models of care that rely on conversation and relationship as the primary forms of care provision. They include speaking and listening as the primary form of interaction.

They possess a shared format. In both, there is a person with a problem and a professional who is there to help contextualize, normalize, and strategize about the problem. They are both a form of counseling for emotional and psychological well-being.

While fundamentally similar, there are many ways in which the two diverge. Therapy is a long, arduous process. It requires a trusting relationship through which change is made possible via difficult emotional work that takes place over months or years. The therapist has a responsibility to remain calm, stable, empathetic, and motivating with the express purpose of helping to create significant change in how their client feels about and interacts with the world.

Crisis intervention is designed to manage the client's emotional distress for the day and not for their life. Its focus is to manage the experience of moments rather than forge relationships that produce long-term changes in well-being that may prevent crises in the future. This

approach results in interactions with people who may have no interest in change or self-awareness to know that they can change. Crisis counseling also deals with the acute emotional distress created by drug use and drug withdrawal in ways that therapy is not designed for.

The primary tool of crisis intervention is rapport building that is developed through emotional validation and quickly-formed, positive, humanizing connection. Therapy relies on rapport, but it utilizes rapport differently. Its goal is to form a secure relationship that heals a person's ruptured psychosocial integration.

When the mobile component is added, therapy and crisis intervention become more distinct. Crises derive from an array of circumstances. When these crises become unmanageable within a person's psychosocial context and they are unable to utilize environmental, familial, economic, or social resources to resolve their crisis, they often end up being contacted by emergency services. Our current reliance on emergency services is what is driving the need to create new response models.

Crisis intervention is a set of skills that are centered on quick-formed connections, positive regard, empathetic listening, and the ability to develop a plan for the short-term before getting to long-term care. These are not skills that require years of schooling to develop. Many people have these skills already and can implement them with fine tuning. Furthermore, through multiple interactions with people that routinely experience mental health crises, the mobile crisis responders can build relationships. These positive relationships help reduce the severity and time spent on crises in the future.

There are several other reasons for using unlicensed staff. First, it widens the pool from which to hire. This enables greater diversity among the staff. Second, it reduces cost. Paying

unlicensed workers is simply cheaper than licensed staff who cost nearly double. Third, by taking licensed clinicians out of therapy offices and putting them into mobile teams, the local region loses therapists and program directors who can provide ongoing support using their advanced training. By taking them out of the therapy offices, this decreases the amount of highly trained staff to which the mobile team can refer clients.

As an example, I heard a story out of Marin County, a very wealthy county. A family reported to law enforcement that they were attempting to get their 12-year-old a therapist. They reported that money was no issue. They spent months attempting to find someone to help and were unable to do so. Taking six potential therapists out of the therapy clinics and putting them into a mobile team to respond to welfare checks and subjects down depletes the system of therapeutic care. It is important for teams like this to have therapists to refer clients to. Therefore, the unlicensed workers help keep therapists in therapy offices.

As a useful analogy, these mobile teams are similar to paramedics but for mental health. In EMS, paramedics are sent to medical crises and assess whether the patient should see a doctor or not. They have a limited scope of interventions compared to a doctor. Doctors do not staff ambulances. It would be prohibitively expensive and impossible to do so. Mobile Integrated Health model are the same. They assess the clients in the field and determine if the client should go see a licensed clinician. They do not need to be staffed by the licensed clinicians.

In addition to all of this, the usage of unlicensed crisis workers opens up opportunities for those who have graduated from local psychology departments and social work schools, to work a job that would prepare them for future work as therapists. Mobile crisis teams in the Mobile Integrated Health model provide excellent training for mental health workers, especially those

considering master's degrees and licensure. It could be a useful job for local graduate students who are working while getting their degree, as well.

Distinguishing First Response from Homeless Case Management and Outreach

Integrated Health First Response carries similar responsibilities to homeless outreach workers. The mobile responders need to have quality knowledge of the local homeless services system. They need to be skilled at engaging with people experiencing homelessness and grasp the unique challenges faced by people in those circumstances. Especially when a person is experiencing regular crises secondary to their homelessness, the team needs to be aware of how to connect that person to the best supportive services available.

However, outreach work and case management have some distinct characteristics that should not be confused with first response work. Case managers have case loads of clients with whom they work. First responders work with anyone and everyone. Outreach is predicated on building trust and relationship so that when housing becomes available, the person experiencing homelessness has someone they know and trust helping them through the difficult process of getting off the street. Homeless outreach and case management are designed to respond to a specific population whereas first responders respond to anyone with the city limits.

Currently, homeless outreach services in San Rafael and Novato are provided by Downtown Streets Team. In the same way that the prospective mobile response team will need to collaborate with MCRT and other first responders, it is expected that a good collaborative environment will exist between local outreach teams and the Mobile Integrated Health team.

Recommended Make-up of the Team

CRISIS Consulting recommends creating a mobile crisis team that is based on the Integrated Health model in San Rafael and Novato. This means deploying a team of two people, one who is a mental health worker and one who with a medical certification, an EMT or some form of nurse. It makes sense to contract with a local social service provider for these services in the same way that other cities have done throughout the state and have already done in four cities in Sonoma County. There are some considerations to make about this.

First, deploying a team of two mitigates safety concerns. The majority of first responders do not respond to requests for service alone. It is, perhaps, for obvious reasons that a team might respond in pairs. It is also for the safety of those receiving a response. By having a colleague present, abuse is less likely to occur. The deployment of two staff makes possible independent response without law enforcement on every call.

Second, crisis work is centered on connection and trust. Oftentimes, people experiencing mental health crises may feel intense emotional experiences that are difficult to talk about. These emotional experiences may manifest in physical experiences, or they may be caused by physical ailments. Medical personnel who can build rapport and provide support through medical evaluations create possibilities for better care. This has been shown by the development of MDT (Multi-disciplinary Teams) among homeless outreach workers throughout the state.

An example of what is meant here can be seen in the deployment of an integrated health team in Petaluma. In the first week of operation, a person who received daily response from police and EMS was engaged by the new team, SAFE. The SAFE team addressed this person's issue of homelessness, but the person was disinterested in discussing that. On second contact, SAFE offered bandages for wounds on their feet. This opened the door for further support, and a

person who had not accepted help in over five years was engaged in medical care at a local clinic and accepting case management within one week of the team's deployment.

Third, there is a consideration to be made regarding 201 rights for SRFD, NFD, and the cities as a whole. 201 rights refer to Health and Safety Code 1797 which established Emergency Medical Services legislation in California. Section 201 of that code lays out who can respond to transport to local Emergency Rooms. San Rafael currently possesses sole rights over transport in an ambulance to an ER when a medical CFS comes into dispatch. If SRFD or NFD gave away some of these transports to another organization, it is possible that an ambulance company could argue that they should have the ability to bid for the right to transport. It will not violate 201 to send a team with an EMT to mental health, substance use, and homelessness related CFS. However, it will potentially violate SRFD's and NFD's 201 rights if the mobile crisis team is dispatched to medical calls and then transports to the ER for medical purposes as though they are a *de facto* ambulance. It will therefore be incumbent upon the dispatchers and team to refrain from doing this.

There are a couple ways this team could be implemented. One is that the City of San Rafael and the City of Novato could attempt to coordinate with MCRT to station a team of a mental health worker and an EMT in San Rafael and Novato, exclusively. Another option would be for San Rafael and Novato to contract with a local nonprofit to provide services similar to how the SAFE team in Sonoma County operates. These two options would create expansion of services and would add capacity. The question becomes what is most effective, efficient, and possible.

Data Assessment

Method

CRISIS Consulting worked with San Rafael Police Department (SRPD) and their dispatchers to extract data from 2019 and 2021 regarding the call types that an Integrated Health team could respond to. CRISIS Consulting also worked with Novato Police Department (NPD). To reduce the considerable time it takes to assess the data, we decided to only use 2021 data from Novato. 2020 data has been excluded due to the COVID-19 pandemic creating anomalies in requests and responses. First, CRISIS Consulting provided a list of call types that a team could respond to. SRPD and NPD catalogued the calls that matched these call types. There were 13,634 CFS from 2019 and 13,271 CFS in 2021 from SRPD and 4,308 CFS from NPD. A subset of these calls was randomly selected then assessed for how appropriate they might be for a CAHOOTS-style response. The information put into the CAD (Computer-Aided Dispatch) for each of the calls in the subsets was put into an excel spreadsheet.

In the assessment, each CFS was assigned one of four categories: Diversion, Co-response, Possible Diversion, or No Response. The only way to know if an Integrated Health team could be sent to a call is by using the initial information given by the person calling to make a request. This person calling to request assistance is known as the reporting party or the RP in radio lingo. It is at the communication point between the RP and the dispatcher that a decision about who should be sent is made. CRISIS Consulting used this information to determine if a Mobile Integrated Health team team could respond.

From 2019, CRISIS Consulting assessed 638 CFS, and from 2021, 648 CFS were assessed for SRPD. For NPD, 400 CFS were assessed. Of the four categories of response,

Diversion, Co-response, and Possible Diversion, all represent CFS that the team could respond to. Of the CFS assessed, 453 of the CFS in 2019 could have received a response from an Integrated Health team in San Rafael. This is 71% of all CFS assessed. This gives an estimate of 9,680 total estimated responses from that year. Of the CFS assessed in 2021, 439 could have received a response from an Integrated Health team. That is 67.7% of all CFS and an estimate of 8,984 responses from that year. While the percentages in Novato were similar, the totals are lower. In 2021, of the 400 CFS that were assessed, 264 were assigned Diversion, Co-response, or Possible Diversion. This is a 66% response rate. It gives us an estimate of 2,843 total CFS per year or approximately 8 CFS per day.

The two numbers for San Rafael, 9,680 and 8,984 are very high, and most likely, they do not reflect what would be the actual call volume for a team. We were liberal in categorizing calls as “Possible Diversions.” The goal was to demonstrate that an Integrated Health team can respond to more than what is typically expected of a mobile crisis team that responds strictly to mental health. Therefore, the Diversion and Co-response assignments give a better picture of what might actually be the call volume for a team. More details about what kind of responses are below.

Diversions

A CFS that is assessed as a Diversion is a CFS that, from the initial information given by the caller, could be handled by a Mobile Integrated Health team without police assistance. Frequently, objections to this model bring up the consideration of safety for the staff. In order to combat stigma toward mental health, Integrated Health teams operate with the belief that people experiencing crises are rarely dangerous toward those offering them assistance. This belief means that LEOs are not mandatory for safe responses. However, being closely linked to law

enforcement and maintaining the ability to request their assistance for safety reasons is critical. By diverting LEAs from these types of CFS, a better therapeutic environment is created.

In San Rafael, of the 638 CFS assessed in 2019, 275 of them were categorized as Diversions. This is 43.1% of the CFS that were assessed. This means that with an Integrated Health team, 5,877 CFS could have been diverted from SRPD in 2019. The numbers from 2021 are similarly promising. Of the 648 total CFS assessed, 271, or 41.8%, were categorized as Diversions. This translates to 5,550 total Diversions for SRPD in 2021. This is approximately 10 CFS per day for both years. The benefit this could provide to SRPD is large.

In Novato, 167 of the 400 CFS assessed were categorized as Diversions. This is approximately 42% of all calls or 1,799 Diversions for the year. This works out to be about five CFS per day that an Integrated Health Team could handle instead of the police. Only 14 of the 167 CFS assigned as a Diversion were between midnight and 6:00 a.m. This indicates a very low need during that time.

Of the 275 CFS categorized as Diversions in 2019, 29 of them occurred between the hours of midnight and 6:00 a.m. Of the 271 CFS categorized as Diversion in 2021, 21 of them occurred during that time frame. That equates to approximately 620 CFS in 2019 and 430 CFS in 2021. These numbers are low enough that it might not be advisable to implement a 24-hour team or at least not right away. At approximately 6:00 a.m., call volume begins to increase. Between the hours of 6:00 and 9:00 a.m. in 2021, for example, there were 28 CFS assessed as Diversions. That means that more than 10% of all CFS assessed as Diversion occurred during that three hour window.

Co-response

Some of the details of Co-response are explained above so I will not belabor the point here. What is important to note is that when the person calling makes a request for assistance, there can be public safety and mental health considerations involved. When this is the case, the Integrated Health team and LEA can be dispatched simultaneously. Unlike Diversions which completely relieve LEAs from handling social service or mental health CFS, Co-responses require the LEA's presence. However, the purpose of their presence is strictly safety. What this means is that if they arrive and the scene is safe, they do not need to remain on scene for extended periods. In this way, a Co-response in the Mobile Integrated Health model can relieve LEOs of time spent on CFS that might otherwise be prolonged interactions.

Of the 638 CFS assessed in 2019 in San Rafael, 108 of them were categorized as Co-response. This is 16.9% of the CFS that were assessed. This means that with an Integrated Health team, 2,308 CFS could have included SRPD with an Integrated Health team in 2019. The numbers from 2021 are similar. Of the 648 total CFS assessed, 114, or 17.6%, were categorized as Co-response. This translates to 2,335 potential Co-responses with SRPD in 2021. This is approximately 6.3 CFS per day in 2019 and 6.4 CFS per day in 2021. For Novato, 15%, or 60 out of 400, of the assessed calls were assigned Co-response. That comes to 646 estimated annual CFS that could involve an Integrated Health Team and NPD.

Possible Diversions and No Responses

In determining what kinds of CFS to assess, we cast a very wide net. This produced a huge number of CFS to draw from. This is not the typical method CRISIS Consulting has used in other cities where we typically narrow down the search before moving to the assessment stage. Nevertheless, the method we used in San Rafael and Novato proved to be more accurate to how

the process of dispatching an Integrated Health team works in real time. For example, most of the time, a “Suspicious Circumstances” CFS would typically go to police. On some occasions, the caller may sound as though they are reporting something suspicious because they are experiencing paranoia or are experiencing other mental health issues. There are other reasons that a “Suspicious Circumstances” call might go to a crisis team rather than police. By drawing from all of the call types that potentially had the possibility of a crisis response, we were able to see how call types that might seem to have no possibility for the team do have room for it.

70 CFS in 2019 and 54 in 2021 were categorized as Possible Diversions in San Rafael. In Novato, there were only 20 CFS assigned as Possible Diversions. There is little reason to spend much time on this. Most of these were things like jail release notifications and noise complaints outside of the restricted nighttime hours. Most of these are “Possible” Diversions because an Integrated Health team *could* respond to these, if necessary, especially if all other officers were busy. The numbers from Diversions and Co-response were high enough that we should focus on those for demonstrating what the call volume for a team would be.

As for CFS categorized as No Response, the numbers are below. While they may seem high, it is good to remember that we made the assessment very broad. The No Response calls were call types that indicated that maybe an Integrated Health team could respond, but upon further investigation, it was determined that these CFS should remain with the PD. In 2019 and 2021, in San Rafael, 29% and 32.3%, respectively, of the CFS assessed were categorized as No Responses. For Novato, 29% of all CFS were categorized as No Response.

Integrating with Local Fire Departments

CRISIS Consulting spoke at length with Jason Hatfield of SRFD. San Rafael has shown interest and leadership in developing innovative programs designed to benefit people with the highest needs. One of these programs was SRFD's Direct Connect. Direct Connect utilized nurses to evaluate and support the highest utilizers of EMS. They found this program to be useful and successful.

He reported that our EMS system correctly trains fire fighters and paramedics to be prepared for intense and dangerous situations. However, the majority of their interactions with patients are mundane and simple. He views it as an important step to deploy a team that can assess physical wellness but also manage a person's emotional and mental health needs.

While we don't have precise numbers, there were several calls for service in the data assessment section where SRFD was called to assist police during a check on a subject down. Nearly all of these calls ended with the person sleeping being woken up with no acute medical issue. This means that SRFD is routinely being sent on calls out of caution. A CAHOOTS-style team alleviates this over-deployment by making the EMT on the team the one who determines if EMS is needed after the client is contacted. This enables the vast majority of subject down and sleeper calls to receive the appropriate response of two people in one vehicle instead of seven people in three vehicles (two officer in two cars, five fire fighter-paramedics in an engine and an ambulance). Additionally, no one wants a delayed response to an actual emergency because medics are responding to someone sleeping.

Qualitative Data

Throughout the process of developing this report, CRISIS Consulting met with numerous agencies in the area. These include Homeward Bound, Ritter Center, Buckelew, Marin County Fire, Marin County Sheriffs, Novato PD, San Rafael PD, MCRT, San Rafael Fire Department, and the dispatchers for SRPD, NPD, MCSO, and the fire departments. Out of these conversations, important information was contributed.

When talking to the social service agencies, they universally expressed that there were times when they were in need of assistance with a crisis but felt that neither police nor fire were the correct response. Both law enforcement and the fire departments corroborated these observations. The social service agencies expressed interest in having a team based on the CAHOOTS-model and stated that they look forward to it. One critical component of this was the prospect of having increased capacity for cooperation facilitated through the team. The police departments made similar comments. They noted that there used to be a coordinated care team that focused on the highest utilizers of emergency and social services. They report that they hope a Mobile Integrated Health team could function as the hub for recreating a similar team.

There has been a lot of energy and willingness to collaborate in Marin County. Oftentimes, in other counties, County-based behavioral health response teams look at new responders with incredulity, but MCRT has warmly welcomed the idea of a new team. There is strong interest in working with whoever operates a new team.

The dispatchers at all departments expressed confidence that they could handle incorporating a mobile response team into their system. They indicated that they were excited about the prospect. Police dispatch in San Rafael and Novato are straightforward operations

where only two staff work at any given time. MCSO dispatch, however, is a massive operation that receives many frequent callers who are experiencing mental health crises. They dispatch for nearly all agencies in the county except for SRPD and NPD. They expressed hope that a mobile crisis team in San Rafael would free up MCRT to respond to the rest of the county with more regularity.

Homeward Bound brought up a few specific situations where an Integrated Health team could be useful. These situations are crises deriving from substance use and minor wounds in their permanent supportive housing units. They report that when their clients become intoxicated, their case managers respond but do not know what to do to support the client. They report that MCRT will not respond because it is substance use rather than mental health. They feel as though calling for EMS is unwarranted. These responses can often occur after business hours. This causes the case managers to have to work long hours which leads to overtime and burnout. With a team who could respond, assess, and assist the client, they could prevent case managers from spending long hours handling these crises.

They also report that some of their clients develop wounds due to physical health or mental health issues. They routinely taxi these clients to urgent care for assistance. They report that a team who could assess and bandage these injuries would be of great use to them.

The dispatchers expressed interest in having an expanded mental health response team capacity within the cities and county. Each dispatch brought up the situation of frequent callers who are seeking psychosocial support through dispatch and police response. They reported that having a team who could go to these clients to provide crisis counseling would be of great use to them.

A Note About Implementation

The critical component of this assessment is that this gives a benchmark by which to measure the success of the first year after implementation of the program. We expect that the number of Co-responses will be higher than our estimates in the first year as the system and the staff adjust to having the alternate team available. However, if after one year, the team's total responses are significantly lower than our estimates here, that will create a space from which we can assess the system. Is the team not being dispatched appropriately? Are they not agreeing to go to calls appropriately? Are they taking too long to respond? Are they not resolving CFS adequately?

Building Capacity and Phased Launch

Starting a mobile crisis team is an important step for all cities. Having trained staff who are skilled at behavioral health first response is a benefit to all first responders and all residents. Many people have worked doing crisis intervention, many people have worked as first responders, but few have done both. CRISIS Consulting provides training to teams in how to do this and supports contracted organizations with the development, hiring, and implementation of these teams. It is less daunting than it may first appear.

With 12-hour or 9-hour shifts, it is possible to train one group of responders at a time, but this cannot be done 24 hours a day. CRISIS Consulting, therefore, recommends starting with 12 hours per day of coverage. After running that schedule for at least 2 months, a second set of employees can be brought on and trained. Either six hours per day could be added to get to 18 hours per day, or 12 hours could be added for 24-hour coverage.

The Countywide Effects of Integrated Health Teams in San Rafael and Novato

The County is expecting to expand MCRT this year. They received a grant to do so. While this is good, it will not cover all the need that is there for an alternative response, especially in San Rafael and Novato. By implementing an Integrated Health team in those two cities while expanding MCRT, the majority of non-law enforcement calls for service within Marin County could be handled by someone other than the police and sheriffs. This would build the necessary fourth arm of the first response system that currently exists only in part. It would enable MCRT to respond to West County without feeling pressure to return quickly to cover San Rafael and Novato where a large portion of their calls derive. MCRT also might add substance use counselors to their team. If this occurs, they would be able to expand the types of call to which they respond.

The benefits to everyone in Marin County cannot be understated. These teams would alleviate police, fire, MCRT, and smooth out the systemic barriers to getting mental health workers onto CFS that do not require law enforcement or EMS. Shifting MCRT's focus to the broader county and creating collaborations between all the first responders as the mental health arm of the first response system is expanded will benefit the residents of Marin County, immensely.

Vehicles

CRISIS Consulting has provided guidelines for how the vehicles could be laid out. Typically, Ford Transit or Mercedes Sprinter vans are used. Fords are preferred because they are more cost efficient at the outset and for maintenance throughout their lifespan.

One option is to utilize the new Ford Electric Transit. These vans are the same as normal transits but are fully electric. A fully electric vehicle will save immensely on gas and maintenance. They have a short range, however, and so two vans will need to be purchased. While one is being used, the other will be charging. While this may sound expensive, even if a fuel van is purchased, there will still need to be two vans, a primary and a backup. Ford Transit and Mercedes Sprinters experience frequent service interruptions due to mechanical and electrical failures.

The vans are typically stocked with supplies such as food, water, medical gear, an AED, blankets, feminine hygiene products, and more. There are safety features of these vehicles that are added in the upfitting process. These safety features include a reinforced plexiglass barrier between the patient compartment and the crew compartment. It is advised to cover the patient compartment windows with plexiglass barriers in case of attempts of self-harm against the window glass. Other safety features are listed in the guidelines provided by CRISIS Consulting.



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Manager

**Prepared by: Marc Sabin,
Homeless Program Manager**

City Manager Approval: _____

A handwritten signature in black ink, appearing to be 'MS' or similar initials.

TOPIC: HOMELESSNESS UPDATE

SUBJECT: INFORMATIONAL REPORT ON STATUS OF HOMELESSNESS IN SAN RAFAEL

RECOMMENDATION:

Accept informational report and provide direction and/or comment to staff.

BACKGROUND:

The homelessness updates that were presented to the City Council on [June 7, 2021](#) and [December 6, 2021](#) serve as a comprehensive background to this informational update. In particular, readers of this staff report that would like a more comprehensive background and understanding of the City's efforts regarding homelessness over the past several years should direct their attention to the June 7, 2021 staff report.

While it is not possible to capture the breadth and depth of the June 7, 2021 staff report in a small number of bullet points, the following are a few key dates to demonstrate some highlights of the past five years:

- Spring 2016: Marin Homeless Outreach Team (HOT Program) launched - develops customized housing strategies across service providers for each person experiencing homelessness.
- Mid-2017: Coordinated Entry System launched – moves customized strategy approach to a Countywide program. Uses objective measurements of vulnerability to determine housing prioritization.
- Mid-2017: Marin Housing Authority pledges annual slots of Section 8 vouchers for referrals from Coordinated Entry. State releases new funding for “Whole Person Care” to provide resources to high utilizers of the healthcare system. “Housing First” is launched at scale, which is the underlying approach for Marin County’s system of care - including housing and case management. In Marin County, the primary provider of case

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

management is through the Marin County Department of Health and Human Services and the Marin Housing Authority is the key player in providing housing.

- 2017-present: As of May 2022, the Coordinated Entry system has housed 488 people who had been experiencing chronic homelessness.
- 2018-2022: Community Homeless Fund (CHF) supported by all Marin jurisdictions. Conversations are on-going regarding the use of the CHF for the next three years with those jurisdictions that wish to participate.
- Fall 2020: City of San Rafael allocates \$1.54M towards Marin's first Project Homekey site at 3301 Kerner Boulevard.
- Fall 2020: City of San Rafael allocates \$750,000 towards Mill Street 2.0 permanent supportive housing and shelter site.
- Summer 2021: Case Management regional expansion - City of San Rafael contributes \$260,000 for case management services.
- Summer 2021: Service Support Area (SSA) opens to focus supportive services to the encampment.
- February 2022: City of San Rafael increases its funding of the Mill Street 2.0 permanent supportive housing and shelter site by \$350,000 for a total of \$1,100,000.
- March 2022: The State's Project RoomKey program ends
- April 2022: City of San Rafael Awarded Encampment Resolution Funding (ERF) by the State of California (\$522,619)
- May 2022: Marin County convened a Homelessness Summit for all Marin's jurisdictions and partner agencies – the focus was on the Housing First model
- June 2022- City Council approves ERF Funding services to be provided by St. Vincent de Paul Society of Marin County

Prior to the pandemic, there had been a decrease in homelessness in Marin County. Between 2017 and 2019, overall homelessness in Marin had fallen by 7%, long term chronic homelessness had declined by 28% and unsheltered homelessness in San Rafael had dropped by 30%. However, numbers since the pandemic are growing. In February 2022, Marin County conducted its Point in Time Count. Preliminary reports indicate that there has been an 8.4% increase in overall homelessness, 10.5% increase in chronic homelessness, 35.2% increase in family homelessness, and a 34.3% decrease in veteran homelessness. About 74% of the people experiencing homelessness in Marin County are unsheltered.

This informational report will outline what has transpired since the December 2021 report and will provide applicable updates to the specific elements included in that report.

ANALYSIS:

The below is a brief update on each of the three-tracks recommended in the June 7, 2021, report (also included in the December 9, 2022 report).

“Track 1 – Immediate. Facilitate using Project Roomkey and Project Homekey existing beds to house people and match them with case management.”

The shelter at 3301 Kerner Boulevard continues to operate as a shelter as Homeward Bound's new project on Mill Street continues to be under construction. The “Mill Street 2.0” project,

which was partially funded through the City of San Rafael’s Affordable Housing Trust Fund (AHTF), is nearing the completion of construction and will include 32 permanent supportive housing units in addition to 44 shelter beds. Once Homeward Bound moves into the Mill Street site, the 3301 Kerner Boulevard site will undergo improvements to create 44 permanent supportive housing units. This project is being developed by Eden Housing. Partial funding for the 3301 Kerner Boulevard site was also funded through the City of San Rafael’s AHTF. The City of San Rafael has allocated approximately \$2 million to this permanent supportive housing project.

Regarding Project Roomkey, as mentioned in the June and December 2021 staff reports, there were 40 hotel room beds through Project Roomkey in San Rafael that the County of Marin was funding (and receiving reimbursement through the State for the room cost) that were being operated by Catholic Charities. The Project Roomkey program came to an end this spring.

The [Casa Buena](#) site in Corte Madera adds another 18 units of permanent supportive housing for individuals experiencing homelessness. As an illustration, the following is a table showing recent and upcoming new permanent supportive housing units.

Site	Type	New Units
3301 Kerner Boulevard – San Rafael	Project Homekey/City’s AHTF	44
Casa Buena – Corte Madera	Project Homekey	18
S. Eliseo Drive – Larkspur	Project Homekey	43
Mill Street 2.0 – San Rafael	City’s AHTF	32

[Marin County shows](#) the total supply of permanent supportive housing at 649 units. There was a 10% increase in permanent supportive housing units between 2020 and 2021.

“Track 2 – Leverage one-time stimulus monies to supercharge our existing Coordinated Entry system while also mitigating current health and safety concerns (beginning June 2021, subject to ability to hire and operationalize case management capacity)”

Staff’s recommendation on this Track was implemented by the San Rafael City Council through the [allocation of \\$260,000](#) to support an increased program of housing-first case management regionally in Marin County. Each of the Marin cities and towns decided to join in this regional effort to support additional case management in Marin.

This case management will allow local cities and towns to continue to support high-needs, chronically homeless individuals with transitioning into permanent housing. At the same time, it is also critical for the City to continue to address the immediate health and safety concerns among people experiencing unsheltered homelessness. This case management work is already underway, and many individuals experiencing homelessness who have been resistant to case management and unhoused for decades, are finally finding the stability they need to engage on the next step towards getting housed.

As a second component to Track 2, staff recommended possible code amendments to restrict encampments in certain high fire risk areas and critical use facilities to address public health

and safety hazards. The San Rafael City Council subsequently [approved such code amendments](#) as a part of the July 6, 2021 City Council meeting.

Also, as a part of staff's Track 2 recommendation, staff suggested a program to "create a designated area for people experiencing homelessness where they can have access to clean camping facilities, restrooms, and storage." This recommendation subsequently turned into the Service Support Area (SSA) in early July 2021, which is intended as a temporary solution to assist individuals experiencing homelessness. In the months leading up to July 2021, there were extensive encampments under Highway 101 in downtown San Rafael on Caltrans owned property. The City worked with Caltrans to relocate the encampments to the block between Fifth and Mission Avenues, so that it can be an area of focused, supportive services.

The SSA is a collaborative approach with involvement from many local service providers who have a focus on homelessness. It creates a central, designated place for our community partners to provide services. Services vary and are provided weekly or multiple times per week. Examples of partners providing services include: the Downtown Streets Team, Ritter Center, Marin County Health and Human Services, Marin Humane Society, the CARE team, the Spahr Center, the Salvation Army, and members of the Marin Street Chaplaincy. Service providers have remarked to staff that the SSA allows them to reach more people and make greater impacts than if encampments were spread out over many locations.

As part of the collaboration with Caltrans, the County of Marin, CHP, and multiple service organizations, the SSA located between Fifth and Mission in downtown San Rafael provides:

- Full time security, 24x7
- Tents, cots, and sleeping bags
- Three restrooms with on-going maintenance
- Handwashing stations
- Electrical outlets and phone charging stations
- Garbage pick-up three times weekly
- Regular outreach
- Service referrals
- Dedicated meeting space to meet with case managers/social workers
- Weekly showers through Downtown Streets Team
- Other quality of life amenities

In addition to the above list, the service provider community also provided services such as mobile medical health, animal care, Covid-19 testing and vaccination, legal service, and Behavioral Health and Recovery Services. The SSA also provided dedicated office space for the many providers who came on site. This office space created a dignified location for SSA residents to talk about the services they needed in a manner that afforded them privacy.

The City and Caltrans had collectively agreed from the beginning that the SSA would be temporary (6-12 months). It has now been in place for 12 months. With the number of individuals declining within the SSA, and the addition of funding being increased for support services, the SSA is planned to wind down in August 2022. The individuals that are currently

residing in the space have been given a case manager who will provide them support to help transition to permanent housing. At any given time, approximately 23 SSA residents had an assigned case manager. Over the past 12 months, approximately 35 individuals who utilized the SSA had a case manager. The success of the program has helped house 21 individuals and cultivated important relationships that will provide supportive services for years to come.

The City of San Rafael roughly estimates that 15-20 individuals will still require ongoing services post-SSA. The City is working with Saint Vincent de Paul through the Encampment Resolution funding to ensure all individuals connected to the SSA remain or become closely linked to services and case management once the SSA winds down. Additionally, the City plans to continue other established resources such as mobile showers, restrooms, mental health liaison services, outreach services, etc.

In December 2021, the State of California released a Request for Proposals (RFP) for a program entitled Encampment Resolution Funding (ERF). The City applied for these funds and received notification at the beginning of April 2022 that it was awarded \$522,619. The services which this funding provides are two full time case managers- one of which will focus on creating stronger links to Behavioral Health and Recovery services. The ERF services were initiated on June 21, 2022 and will sunset on June 30, 2024.

It is important to note that Saint Vincent de Paul will work with the individuals while the SSA is still in operation and will maintain an intensive case management approach with individuals post-SSA. This is the critical function of the ERF services. Saint Vincent de Paul case managers will strive to maintain connections with individuals to develop a path to housing.

As a side note, the City has also participated in the regional Community Homeless Fund (CHF), which has been supported in the past by all cities and towns in Marin at a total of \$180,000 per year for the past several years. Over the past few years, this fund has focused on providing mobile showers at various locations in Marin County, including at Homeward Bound's temporary site at 3301 Kerner Boulevard and at the SSA. The City led a Request for Proposals (RFP process) for the next round of the CHF with a focus on outreach, rapid response, case management, and showers. The City received two proposals that primarily focused on showers. City staff is now working with the two applicants to further explore the proposals. The CHF will continue but likely with just the participation from Marin cities and towns with a desire for mobile showers, including the County of Marin.

While "Housing First" and the creation of permanent supportive housing is the primary goal shared by most involved entities in Marin, it can be a long process. Recognizing that, the City is interested in exploring further partnerships in the area of "Interim Housing" that would be a bridge between tent encampments and permanent supportive housing. Some examples have included temporary one room, single occupancy structures built in a village setting.

The City has reached out to the County to explore the idea of a Request for Information (RFI) modeled after the [County's approach](#) to seek Project Homekey interested parties and sites. This RFI would seek community partners, which could be private or public land owners and the faith-based community, who are interested in the Interim Housing model.

These units, common in other counties in California, can be stood up and in operation often in less than six months. Interim Housing is not presented as the solution to homelessness, but rather part of the continuum of services which mitigates individuals from having to remain unsheltered while waiting on permanent housing stock to increase. The approximate cost for an Interim Housing unit-including development of land, construction, office space and bathroom facilities are approximately \$30,000-\$40,000 per door.

Additionally, the City and County staff are discussing additional encampment strategies that will help San Rafael and other jurisdictions assist people get from encampments to permanent housing.

“Track 3 – Leverage new housing monies to create additional permanent supportive housing (beginning summer 2021)”

As noted above, 3301 Kerner Boulevard was selected as an original Project Homekey site in the first round of the program. The Casa Buena (18 units) and S. Eliseo Drive (43 units) sites were to follow. Also of note, the City of San Rafael has been very active with the City’s AHTF. The City has allocated over \$5 million from the AHTF to create new affordable units in San Rafael.

In addition to funding permanent supportive housing, the City continues to put substantial additional resources into homelessness in terms of outreach resources, case management, neighborhood clean-up and job training, basic amenities like showers or restrooms, security services, grant applications, and significant staff resources across all City departments.

Additional Updates

- In December 2021, the City of San Rafael filled its vacant “Homeless Program Manager” position, continuing a commitment to dedicated staff on this topic that began in 2013 with the mental health liaison position and then in 2016 with the homeless program manager position. In June 2022, the City Council allocated additional funding for an analyst-type position to support these efforts.
- In December 2021, the Marin County Board of Supervisors set aside \$500,000 in matching funds to assist with support on homeless encampment strategies in San Rafael, Novato, and Sausalito. The staff report listed potential proposals could include service for encampment security, camp management, and outreach or other services.
- The County and City is seeking additional funding through the current State budget process which would add additional funds from the State, to be matched by the County, for efforts such as Interim Housing.
- San Rafael continues to advocate for additional support and housing at the County level. The City has seen the success of the SSA and believes that a similar program, or Interim Housing programs, would provide an ongoing option for interim shelter for unhoused individuals who are stabilizing before moving into housing.

Lastly, based on Marin County’s [Data Dashboard](#) from May 2022, since October 2017:

- 488 people have been housed in Permanent Supportive Housing, 10 in May. 94% are still housed.
- 72 veterans experiencing homelessness have been housed, four in May. Approximately 32 homeless veterans remain in Marin.
- 111 homeless families have been housed, six in May.
- Approximately 43 unsheltered and 36 sheltered homeless families remain in Marin.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

RECOMMENDATION:

Accept informational report and provide direction to staff.



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Manager’s Office

Prepared by: Walter Gonzalez, Management Analyst

City Manager Approval: _____

TOPIC DRAFT LEAF BLOWER ORDINANCE INPUT

SUBJECT ACCEPT REPORT AND PROVIDE DIRECTION TO STAFF ON A DRAFT ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL REGULATING THE OPERATION OF LEAF BLOWERS

RECOMMENDATION

1. Accept report and provide direction to staff.

BACKGROUND

California State Assembly Bill 1346 (AB 1346) mandates that by July 1, 2022, the California Air Resources Board (CARB) adopt regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines, which includes leaf blowers and other gardening equipment. As written, AB 1346 infers that CARB will restrict the sale of gas-powered garden equipment, including leaf blowers statewide, which may apply to all new small off-road engines produced on or after January 1, 2024. CARB has yet to adopt regulations, and staff will continue to monitor and update the Council once regulations are published.

Local community members have advocated for additional regulations on the use and operability of leaf blowers in the City of San Rafael. Community members want to restrict leaf blower usage to specific business hours due to the noise emitted and have requested a ban on the operation of gas-powered leaf blowers due to adverse environmental impacts. A ban on gas-powered leaf blowers will further the City's efforts to achieve its 2030 Climate Change Action Plan, as it will specifically address goal LCT-C10: Electric Landscape Equipment, which calls for the reduction of emissions by reducing the usage of small gas-powered engines. Banning the use of gas-powered leaf blowers in the City aligns with the State's zero-emission policy adopted by AB 1346.

ANALYSIS

Gas-powered leaf blowers have detrimental effects on the environment. The CARB found that hydrocarbon emissions from a one-half hour of leaf blower operation equal about 7,700 miles of

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

driving, at 30 miles per hour average speed. Half an hour of leaf blower usage for carbon monoxide would be equivalent to about 440 miles of automobile travel at 30 miles per hour.¹ As the State of California has moved towards legislating to restrict the sale of small gas-powered engines on or after 2024, as inferred by AB 1346, various other municipalities have adopted similar or more restrictive bans of gas-powered leaf blowers.

In Marin County, seven out of eleven municipalities have banned or partially banned the operation of gas-powered leaf blowers (Attachment A). Some municipalities offer exceptions to the gas ban related to size and property type. San Rafael is in the minority of jurisdictions that solely regulate leaf blowers through a general noise ordinance.

To assess the impact of the proposed ordinance on local businesses, Staff surveyed gardening and landscaping businesses registered with the City of San Rafael in English and Spanish. Staff sent a detailed survey to all registered gardening and landscaping businesses that provided an email, of which 60 out of the 88 registered provided an email address. Out of 60 local businesses surveyed, 23 responded.

Staff found that 75% (15) of the respondents already owned at least one electric-powered leaf blower. The 25% (5) of businesses that do not own an electric-powered leaf blower are firmly in favor of keeping the gas option available. Surveyed businesses cited short battery life and loss of efficiency, especially at larger properties, as reasons why gas-powered leaf blowers are preferred.

Businesses also provided City staff with time frames they operate leaf blowers. Over 70% (14) of surveyed businesses start operating leaf blowers at 8:00 a.m., and 95% (19) end at or before 5:00 p.m. No business reported starting earlier than 8:00 a.m., and most businesses reported that they stopped utilizing leaf blowers at or before 4:00 p.m.; however, a sizeable minority of 25% reported that they used leaf blowers until 5:00 p.m.

Through an online form, staff invited residents to provide their thoughts on a proposed policy change to regulate leaf blowers. Staff circulated the request for community feedback on the City's social media platforms. Staff received over 55 responses from residents and found that 93% of respondents supported a ban on gas-powered leaf blowers, and 46% of respondents urged the City to start the ban as soon as possible.

Staff also consulted with the Department of Public Works (DPW) to ensure a policy change would not negatively affect DPW's operations. DPW requested an earlier start time to operate leaf blowers in non-residential areas, specifically Downtown, to ensure their workflow is not interrupted.

Financial Assistance

Staff does not recommend that the City provide financial assistance to businesses to change to electric-powered leaf blowers. Electric-powered leaf blowers cost significantly less in recent years due to advances in technology. As a result of these price decreases, price points are similar or even less for an electric leaf blower than a gas-powered engine. In addition, the proposed gas-powered leaf blower ban will closely coincide with the release of statewide funding available to

¹ *California Air Resources Board*. Health and Environmental Impacts of Leaf Blowers | California Air Resources Board. (n.d.). Retrieved April 26, 2022, from <https://ww2.arb.ca.gov/resources/documents/health-and-environmental-impacts-leaf-blowers>.

implement AB 1346, which will provide funds to businesses to aid in the transition to electric-powered equipment for small engine devices, including leaf blowers. The CARB is currently researching this voucher program, which is expected to provide rebate opportunities to the public by the Fall of 2022. Therefore, Staff does not recommend that the City provide financial assistance.

Proposed Leaf Blower Ordinance:

The operation of leaf blowers in San Rafael is now regulated through the City’s general noise ordinance, at San Rafael Municipal Code § 8.13.040, for operation of residential power equipment. This regulation restricts the operation of noise-producing machines on any residential property between the hours of 8:00 a.m. – 8.00 p.m. on weekdays and 9:00 a.m. to 6:00 p.m. on weekends and holidays.

The proposed ordinance would be effective by October 1st, 2022, which will address after-hours use restrictions by establishing time limitations on the operation of leaf blowers and address the pollution impacts by banning the use of gas-powered leaf blowers.

Violation of the ordinance would constitute a public nuisance and be subject to the penalties and remedies available to the city under chapters 1.40, 1.42, 1.44, or 1.46 of the San Rafael Municipal Code. This code enforcement provision is consistent with other Marin municipalities’ leaf blower ordinances. Likely enforcement would proceed first with administrative citations, which would be levied as allowed by the municipal code (SRMC Chapter 1.44). That is, first a pre-citation notice would be issued and then citations escalating for the first, second, and third and further offenses. However, the City could pursue any enforcement mechanism provided for in the SRMC.

<p>October 1st, 2022</p> <p><i>Set hours of operation for leaf blowers</i></p>	<p>Leaf blowers in <u>residential properties</u> may operate only during: Monday to Friday: 8:00 a.m. – 5:00 p.m. Saturday to Sunday and Holidays: 10:00 a.m. – 4:00 p.m.</p> <p>Leaf blowers in <u>non-residential properties</u> may operate only during: Monday to Friday: 7:30 a.m. – 5:00 p.m. Saturday to Sunday and Holidays: 8:00 a.m. – 5:00 p.m.</p>
<p><i>Debris regulation</i></p>	<p>It shall be unlawful for any person to deposit dirt, dust, leaves, grass clippings, trimmings, green waste, solid waste, or debris, or authorize, permit, or direct another who engages in such activities, onto a neighboring property or into streets, gutters, or storm drains within city limits.</p>
<p><i>Ban the operation of gas-powered leaf blowers</i></p>	<p>It shall be unlawful for any person to operate or authorize, permit, or direct another who engages in the operation of any gas-powered leaf blower within the city limits.</p>
<p>Penalty: Penalties and remedies available to the city under chapters 1.40, 1.42, 1.44, or 1.46 of the San Rafael Municipal Code</p>	

Limiting the hours of operation

Operation of a leaf blower on any residential property would be permitted Monday to Friday from 8:00 a.m. to 5:00 p.m., and Saturday to Sunday, and holidays (defined at SRMC § 8.13.020) from 10:00 a.m. to 4:00 p.m. Operation of a leaf blower on any non-residential property would be

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 4

allowed Monday to Friday from 7:30 a.m. to 5:00 p.m., and Saturday to Sunday and holidays from 8:00 a.m. to 5:00 p.m.

These restrictions on leaf blower operations would be in addition to and not replace existing City noise ordinances. For example, SRMC § 8.13.040 will continue to govern noise levels for operation of residential power equipment by residential property owners, which prohibits the production of noise levels that exceeds ninety (90) dBA beyond the property plane of the property on which the equipment is being used, or the activity is occurring.

Staff requests direction from the City Council on if the above hours of operation for leaf blowers are the preferred direction for the upcoming Ordinance.

Use of leaf blowers: Debris

The debris regulations would prohibit a person from blowing debris onto other private or public property, storm drain systems, and public right of way.

Banning the operation of gas leaf blowers

The City would ban the operation of all gas-powered leaf blowers. No exceptions are to be granted. Residents and businesses who operate gas-powered leaf blowers that require aid in updating equipment may receive funds through the State's rebate program managed by CARB.

City staff will push a robust community engagement strategy to inform residents of the regulatory change.

Staff requests direction from the City Council as to if the above recommendation when to initiate the ban of gas-powered leaf blowers is the preferred direction for the upcoming Ordinance – or whether to give more or less time or make other adjustments.

FISCAL IMPACT

There is minimal financial impact associated with this item. The Department of Public Works (DPW) will need to purchase electric powered leaf blowers, which will cost an estimated \$36,000. These appropriations are already incorporated in the approved FY 2022-23 General Fund - Park Maintenance program budget.

OPTIONS

1. Accept report and provide direction to staff to prepare a final ordinance
2. Reject report and request more information before preparing a final ordinance

ATTACHMENTS

Attachment A: Summary of Leaf Blower Regulations in Marin County
Attachment B: DRAFT Leaf Blower Ordinance

Attachment A: Summary of Leaf Blower Regulations in Marin County

Municipality	Type of ban	Residential time permitted	Non-residential time permitted*
Belvedere	Gas ban	Sun- Thu 7 a.m.to 9 p.m. F-Sat: 7 a.m. to 11 p.m.	Sun- Thu 7 a.m.to 9 p.m. F-Sat: 7 a.m. to 11 p.m.
Corte Madera	Gas ban	M-F: 9 a.m. – 5 p.m. Saturday: 10 a.m. – 4 a.m. Sunday: Not permitted	M-F: 7 a.m. – 5 p.m. Saturday: 10 a.m. – 4 a.m. Sunday: Not permitted
Larkspur	Partial gas ban	M-F: 9 a.m. – 5 p.m. Saturday: 10 a.m. – 4 a.m. Sunday: Not permitted	M-F: 7 a.m. – 5 p.m. Saturday: 10 a.m. – 4 a.m. Sunday: Not permitted
Mill Valley**	Gas ban	7:00 a.m. – 9:00 p.m.	7:00 a.m. – 9:00 p.m..
Novato	Ordinance limits hours of operation, no gas ban	M-S: 8 a.m. to 6 p.m. Sunday: 9:00 a.m. to 6 p.m.	M-S: 8 a.m. to 6 p.m. Sunday: 9:00 a.m. to 6 p.m.
Ross	Partial gas ban	M-F: 8 a.m.- 5 p.m. Sat: Not permitted Sun: Not permitted	M-F: 8 a.m.- 5 p.m. Sat: Not permitted Sun: Not permitted
San Anselmo	Gas ban	M, Th, Sat: 1 p.m. – 4 p.m.	M, Th, Sat: 1 p.m. – 4 p.m.
Tiburon	Partial gas ban	M-Sun 9 a.m. – 4 p.m.	M-F 9 a.m. – 4 p.m. Sat-Sun : Not permitted

Leaf Blower Restrictions in Marin County, last updated Spring 2022

*Some jurisdictions may consider multifamily dwellings as a non-residential property.

** Noise levels dictate the times they are allowed, for reference, we included the higher noise levels on this chart

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN RAFAEL ADDING
CHAPTER 8.40 TO THE SAN RAFAEL MUNICIPAL CODE
ENTITLED “REGULATION OF SMALL OFF-ROAD ENGINES”**

WHEREAS the City Council aims to reduce noise impacts from the use of leaf blowers on neighboring properties by establishing reasonable hours for their use; and

WHEREAS the City of San Rafael’s 2030 Climate Action Plan includes section LCT-C10, titled “Electric Landscape Equipment”, that encourages the reduction of emissions through reducing the usage of small gas-powered engines: and

WHEREAS research by the California Air Resources Board has identified the use of gas-powered small off-road engines, including leaf blowers, as detrimental to the environment as they emit high levels of air pollutants like oxides of nitrogen and other reactive organic gases; and

WHEREAS the City Council seeks to reduce greenhouse emissions by regulating the use of gasoline-powered leaf blowers; and

WHEREAS the State of California recently passed AB 1346, that will restrict the sale of new gas-powered small off-road engines and require the California Air Resources Board to adopt regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines on such gas-powered engines, which is intended to be implemented January 1, 2024.

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

**DIVISION 1. ADDING CHAPTER 8.40 “REGULATION OF SMALL OFF-ROAD ENGINES” TO
MUNICIPAL CODE**

A new chapter 8.40 entitled “Regulation of Small Off-Road Engines” is hereby added to the San Rafael Municipal Code to read in its entirety as follows:

8.40.010 Definitions.

The following words and phrases shall, whenever used in this Chapter, be construed as set forth in this section:

“Electrically-powered leaf blower” means any leaf blower powered by electric means, including but not limited to battery-powered leaf blowers and cordless rechargeable leaf blowers.

“Gas-powered leaf blower” means any leaf blower directly powered by an internal combustion engine using gasoline, alcohol or other liquid or gaseous fluid.

“Leaf blower” means a machine, powered by a gasoline engine or electric motor, used to blow, displace, or vacuum leaves, dirt and/or debris.

“Small off-road engines” means any device that utilizes a gas-powered, spark-ignition engine rated at or below 19 kilowatts (25 horsepower), including but not limited to a leaf blower.

Engines in this category are used in lawn and garden equipment as well as other outdoor power equipment and specialty vehicles.

8.40.020 Permitted Days and Times for Operation of Leaf Blowers.

Effective October 1, 2022, it shall be unlawful for any person to operate or authorize, permit, or direct another who engages in the operation of any leaf blower within city limits except during the following hours:

Property type	Monday to Friday	Weekends and Holidays
Residential	8:00 a.m. to 5:00 p.m.	10:00 a.m. to 4:00 p.m.
Non-residential	7:30 a.m. to 5:00 p.m.	8:00 a.m. to 5:00 p.m.

This ordinance does not supersede, alter or in any way affect the noise levels of current City of San Rafael noise ordinances.

8.40.030 Prohibition of Gas-Powered Leaf Blowers.

Effective October 1, 2022, it shall be unlawful for any person to operate or authorize, permit, or direct another who engages in the operation of any gas-powered leaf blower within city limits.

8.40.040 Use of Leaf Blowers.

Effective October 1, 2022, it shall be unlawful for any person to deposit dirt, dust, leaves, grass clippings, trimmings, green waste, solid waste, or debris, or authorize, permit, or direct another who engages in such activities, onto a neighboring property or into streets, gutters, or storm drains within city limits.

8.40.050 Violations a public nuisance; penalties, nuisance abatement, and other remedies.

Any leaf blower operated in violation of the provisions of this chapter shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the city attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement thereof, in the manner provided by law. Such remedies shall be in addition to any other judicial and administrative penalties and remedies available to the city under chapters 1.40, 1.42, 1.44, or 1.46 of this code, or under state law.

DIVISION 2. CEQA DETERMINATION

The adoption of this Ordinance, which is intended to restrict the hours of operation for leaf blowers, prohibit the use of gasoline powered leaf blowers and to encourage the use of electric equipment is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061 because it can be seen with certainty that there is no possibility that adoption of the Ordinance may have a significant effect on the environment. (14 Cal. Code Regs. § 15061(3)).

DIVISION 3: SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this

Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

DIVISION 4. PUBLICATION; EFFECTIVE DATE.

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

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

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this Ordinance along with the names of those Councilmembers voting for and against the Ordinance

Kate Colin, Mayor

ATTEST:

LINDSAY LARA, City Clerk

The foregoing Ordinance **NUMBER** was introduced at a regular meeting of the City Council of the City of San Rafael on **DATE** and was 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 **DATE**.

LINDSAY LARA, City Clerk