



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

**Prepared by: April Miller, Director of Public Works
Thomas Wong, Senior Management Analyst**

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 2023-24

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 this type of assessment district, the City Council must approve an Engineer's report annually. On June 20, 2023 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 (yellow)

1. Resolution directing filing of Engineer's FY 2023-24 Annual Report.
2. Resolution approving Engineer's FY 2023-24 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 17, 2023.

The Baypoint Lagoons Landscaping and Lighting District (Assessment District) was formed in 1990 to protect and enhance wildlife habitat and water quality in the Baypoint (Spinnaker) Lagoons, the adjacent ponds, and diked salt marsh. There are four total ponds/lagoons located within the Assessment District. Maintenance provided by this district has historically included

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

mowing around the lagoon, replanting areas with native vegetation, and eradicating exotic plants such as cattails.

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

In 2015, 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, 2023, 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, 2023, 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 \$73,470 as of June 30, 2023.

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: To advance the goals of homeowners and the Assessment District, the City has undergone two major efforts in the previous two years. The first was the engineering and design of the reconstruction of Cayes Pump Station. In 2021 a design contract was awarded to Cammisa + Wipf and design up to 90% electrical plans with a construction estimate was completed. The estimated cost exceeded the amount of money in the pump station fund. As part of the fiscal year 2023-24 Capital Improvement Program (CIP), the City will be evaluating the entire storm drain system including pump stations as part of the Storm Drain Master Plan to determine where the City's limited stormwater funds will be allocated. The larger pump station project will have to wait until this process is complete to see where it ranks citywide. In fiscal year 2023-24 the City will explore the replacement of the automatic pump controls. Currently the City receives many requests to recharge the lagoon for odor control and help remove water before large storms instead of just allowing the lagoons to rise and fall with the tides. Replacing the flap gate and controls with a gate that can be controlled from dry ground will allow the city to improve safety and response time.

In addition, some of the residents of the Assessment District have approached the City about vegetation and invasive species. The City is working to secure a consultant to assist with determining potential viable alternatives to address these issues.

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The activities for the Assessment District Fund during fiscal year 2022-23 were as follows:

July 1, 2022 - Fund Balance	\$204,245
Revenues	
Assessments	\$24,100
Interest	\$1,224
Total Revenues	\$25,324
YTD Expenditures	
County Admin Fee	\$386
Engineer's report	\$7,293
Contractual Services Adjustment	\$90
Total Expenditures (proj.)	\$7,769
Projected June 30, 2023 Fund Balance	\$221,800*

* The Engineer's Report approved on the June 20, 2023 meeting had a typo that incorrectly stated the projected fund balance by exactly \$20. This error has been corrected on the attached Engineer's Report.

The attached resolutions provide for filing and approval of the Engineer's fiscal year 2023-24 Annual Report for the District and setting the public hearing on the assessments.

FISCAL IMPACT: All revenues and expenses are generated by the Assessment District and are contained within the Baypoint Lagoons Assessment District Fund (Fund No. 235). The proposed fiscal year 2023-24 assessment is \$131.44 per parcel, which has remained unchanged since 1996. The proposed assessment is estimated to generate \$25,368 in revenues supporting planned Assessment District activities for this fiscal year. 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 Assessment District pays for all direct contracted costs.

ENVIRONMENTAL ANALYSIS: Landscaping and lighting district assessments are exempt from the California Environmental Quality Act (CEQA) under Guidelines Section 15378 (b) (4), because government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment are not considered a project.

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 fiscal year 2023-24.
2. Do not adopt the resolution, which will result in no levy of assessments for fiscal year 2023-24. 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 fiscal year 2023-24
2. Public Hearing Notice
3. Engineer's Annual Report Fiscal Year 2023-24

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 2023-24

WHEREAS, in accordance with Chapter 3 of the Landscaping and Lighting Act of 1972, the City Council directed Al Cornwell, 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 2023-24, a copy of which report is on file in the Department of Public Works and incorporated herein by reference; and

WHEREAS, on June 20, 2023 the City Council adopted its resolution of intention to levy and collect assessments within the assessment district for fiscal year 2023-24 and set a public hearing to be held on July 17, 2023; and

WHEREAS, the Engineer's Annual Report establishes the fiscal year 2023-24 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 2023-24.

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 17th day of July 2023, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

RESOLUTION NO. 15230

**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 17, 2023**

**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 2023-24. 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, Al Cornwell, 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 17th of July, 2023 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 17, 2023.

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 20th day of June 2023, by the following vote, to wit:

AYES: COUNCILMEMBERS: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



LINDSAY LARA, City Clerk

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

2023 - 2024

FOR THE CITY OF SAN RAFAEL

CALIFORNIA

COUNCIL MEETING

JUNE 20, 2023

First Meeting

JULY 17, 2023

Second Meeting

Prepared By:
City of San Rafael

**ENGINEER'S ANNUAL REPORT
2023-2024**

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: _____, 2023

CITY OF SAN RAFAEL
Al Cornwell, City of San Rafael, Engineer of Work

By _____

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 _____, 2023.

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 _____, 2023 and confirmed by the City Council of the City of San Rafael, Marin County, California, on the _____ day of _____, 2023.

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 _____, 2023.

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

By _____

**ENGINEER'S ANNUAL REPORT
2023-2024**

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

City of San Rafael, 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 _____, 2023.

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,
City of San Rafael

By _____
Al Cornwell, City of San Rafael, 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 2023.

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

PART A

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.

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.

2017 – 2018 Activities

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 been 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

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

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

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

2020 – 2021 Activities

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

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

The City entered into a contract with Foth and Van Dyke on April 15, 2021 to provide various services including monthly monitoring and reporting, water quality control enzyme applications, water quality testing, improving water circulation and installing equipment. The Contract covers the entire Spinnaker Point Lagoon. Since the Lagoon is only approximately half within the frontage of the Bay Point Lagoons Assessment District, the District is only responsible for half of the contract. The contract will run through 2022 and has a not-to-exceed amount of \$51,242 (\$25,621 assigned to the District). Using the funds available from the Eradication of Exotic Plants, the District will be

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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 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.

In an effort to improve the water quality and reduce the attendant odors, the City staff is currently manually controlling the lagoon level allowing bay water to come into the lagoon and then flushing it out. In order to preserve the Pump Station Control Fund, the City is not charging for the staff time to control the water level. The District will continue to make an allocation of 2022-2023 assessment proceeds to the Pump Station Control Fund (\$10,000). The Pump Station Control Fund is expected to have a balance of \$95,050.00 (\$85,050.00 + \$10,000.00) on June 30, 2022.

The work to improve water quality through new equipment to address water circulation has yet to be done. The City is currently evaluation alternative solutions before committing further funds to the effort. The District will continue to hold \$45,000 toward the installation of the equipment once it is determined to be the best solution.

2022 – 2023 Activities

The City has continued to regulate the water levels in the lagoon to try to minimize the odor complaints of the residents and recharge the lagoon levels. In addition to manually regulating water levels for both stormwater control and odor regulation, the City Staff cleaned out both the pipe that discharge into the lagoon and the pipe that connects the salt marsh to the lagoon. As noted in previous years this manual effort ideally would be replaced by a automatic pump control that could be monitored at the Department of Public Works (DPW). The District will continue to make an allocation of 2023-2024 assessment proceeds to the Pump Station Control Fund (\$20,000). The Pump Station Control Fund is expected to have a balance of \$93,470.00 (\$73,470.00 + \$20,000.00) on June 30, 2024.

During the past year, some of the residents of Bay Point Lagoons have approached the City concerned about vegetation and invasive species as well as water quality. The City is currently

PART A

working with this group to determine if there are any viable alternatives to address these issues. The City expects to continue this dialogue to determine what actions could be taken by the Assessment District that might improve the overall state of the lagoon given the limited funds available within the District. The District will allocate \$25,000 from the contingencies to the Eradication of Exotic Plants fund and \$25,000 from contingencies to the Phase II Monitoring fund this year. The Eradication of Exotic Plants Fund is expected to have a balance of \$69,985.88 (\$44,985.88 + \$25,000.00) on June 30, 2024. The Phase II Monitoring fund is expected to have a balance of \$69,853.54 (\$44,853.54 + \$25,000.00) on June 30, 2024.

PART C
ASSESSMENT ROLL

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

For a summary of expenditures and proceeds from 1993-2022 see the prior reports filed with the City Clerk

Total Estimated FY 2021-2022 Available Funds June 30, 2022:		<u>\$ 215,982.15</u>
Adjustments to from Estimated to Actual		\$ (11,737.45)
Available Funds on July 1, 2022 per City Finance Department		\$ 204,244.70
Direct Expenditures		
County fee	\$	386.00
2022-2023 Engineers Report	\$	7,293.00
Contractual Services Adjustment	\$	<u>90.00</u>
Total Direct Expenditures	\$	7,769.00
Assessment Proceeds		
Interest		\$ 24,099.53
		\$ 1,223.83
Total Available Funds estimated for June 30, 2023		\$221,799.06
FY 2022-2023 Funds, Phase II Program		
Monitoring and Status Report Fund	\$	44,853.54
Pump Station Control Fund	\$	73,470.00
Eradication of Exotic Plants	\$	<u>44,985.88</u>
Total Funds available for Phase II Monitoring, Pump Station Fund & Eradication	\$	163,309.42
Available Unallocated Funds (June 30, 2023)	\$	58,489.64
Anticipated 2023-2024 Expenses		
Incidental Expenses		
Uncollected Assessments (2023-2024)	\$	1,268.39
Engineer's Report (2023-2024)	\$	6,800.00
Cayes Pump Station – 2023-2024 Allocation	\$	20,000.00
Eradication of Exotic Plants Fund – 2023-2024 Allocation	\$	25,000.00
Monitoring Fund Contribution	\$	25,000.00
County Administrative Fees	\$	<u>400.00</u>
Total Cost of Incidental Expenses and Fund Contributions	\$	<u>78,468.39</u>
Contingencies	\$	5,389.17
TOTAL ANTICIPATED FY 2023-2024 EXPENSES AND ALLOCATIONS:	\$	<u>247,166.98</u>
FY 2023-2024 ASSESSMENTS:		<u>\$ 25,367.92</u>
Fiscal Year 2023 - 2024 Available Funds:		<u>\$ 247,166.98</u>

**PART C
ASSESSMENT ROLL**

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

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

**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
25	\$131.44	25	009-372-05
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
78	\$131.44	78	009-373-14

**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
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
104-5	\$131.44	96	009-390-05

**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
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
104-31	\$131.44	122	009-390-31
104-32	\$131.44	123	009-390-63

**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
104-33	\$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
104-51-12	\$131.44	146	009-411-12
104-51-13	\$0.00	Parcel F	009-411-13

**PART C
ASSESSMENT ROLL**

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

SPECIAL ASSESSMENT NUMBER	AMOUNT OF ASSESSMENT (Fiscal Year 2022-2023)	PROPERTY DESCRIPTION Baypoint Lagoons	ASSESSOR'S PARCEL NUMBER
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
104-51-39-1	\$131.44	162	009-420-55
104-51-39-2	\$0.00	162E	009-420-56

**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
104-51-40-1	\$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
104-51-64	\$131.44	185	009-420-30
104-51-65	\$131.44	186	009-420-31

**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
104-51-66	\$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		

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. The total assessment for Baypoint Lagoons was set at \$25,367.92. The District formation documents did provide for any increase in this amount. Each residential parcel will be assessed 1/193 of the total assessment or \$131.44 (\$25,367.92/193).

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:

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT

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 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-

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT

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 (Redacted)
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 (Redacted)
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 (Redacted)
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 (Redacted)
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	

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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 (Redacted)
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	
59	009-362-10	

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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 (Redacted)
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	
71	009-362-35	

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 (Redacted)
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	
83	009-373-02	

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 (Redacted)
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	
94-2	009-373-22	

PART E
ASSESSMENT ROLL

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

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS (Redacted)
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	
104-9	009-390-09	

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 (Redacted)
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	
104-21	009-390-21	

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 (Redacted)
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	
104-33	009-390-51	

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 (Redacted)
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	
104-49	009-390-49	

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 (Redacted)
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	
104-51-12	009-411-12	
104-51-13	009-411-13	

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 (Redacted)
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	
104-51-30	009-412-17	
104-51-31	009-412-18	

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 (Redacted)
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	
104-51-38-1	009-420-53	
104-51-38-2	009-420-54	

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 (Redacted)
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	
104-51-48-1	009-420-67	
104-51-49-1	009-420-69	

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 (Redacted)
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	
104-51-61	009-420-27	
104-51-62	009-420-28	
104-51-63	009-420-29	

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 (Redacted)
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	
104-51-73	009-420-39	
104-51-74	009-420-40	
104-51-75	009-420-41	

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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 (Redacted)
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.