

# DEPARTMENT OF PUBLIC WORKS

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ALL AREA CODES ARE 415

April 26, 2011

Marin County Board of Supervisors  
3501 Civic Center Drive  
San Rafael, CA 94903

Dear Board Members:

**SUBJECT:** Memorandum of Understanding (MOU) with the City of San Rafael concerning the formation of the Point San Pedro Road Median Landscaping Assessment District

**RECOMMENDATION:** Approve the MOU with operating costs not to exceed \$6,000 annually

**SUMMARY:** Approximately 30 years ago, due to financial and budgetary constraints, the County discontinued routine maintenance of roadway medians that did not have dedicated funding, including Point San Pedro Road. Only very occasional maintenance has been performed on Pt. San Pedro medians since that time and efforts have been extremely sporadic and minimal. In 1997-1998, there was an attempt to form an assessment district to fund the improvement and maintenance of the medians. That effort failed to win voter approval.

In 2008, the Point San Pedro Medians Committee, a committee of 46 concerned residents from 20 homeowners associations, was formed to address the beautification of the 4½ miles of medians on Point San Pedro Road. They held community meetings and created a web page to promote and communicate their efforts: <http://www.medianbeautification.com>. The committee raised \$68,737 from 214 donors to cover the cost of initial steps in creating an assessment district under the Landscaping and Lighting Act of 1972.

The median committee fund raising efforts have been sufficient to cover the engineering and assessment district formation costs. Of the \$68,093.98 in available funds, \$65,180 is going towards consultant services. The unused portion of the funds will be included in the assessment calculations (returned to the district). The committee worked with City of San Rafael staff to move the process forward. The City was able to use those funds to initiate professional services agreements to prepare an Engineer's Report and for bond counsel services.

The Engineer's Report identifies the proposed public improvements to be financed by the District, estimates the cost of improvements, and performs the general and special benefit analysis. The Engineer's Report also establishes the district boundaries, which were developed by the Engineer and City staff with input from representatives of the various homeowners associations. Approximately 2,688 parcels are proposed to be assessed within the proposed District.

Approximately one-third of the medians and approximately one-third of the properties in the proposed district are located in the jurisdiction of the County of Marin. Accordingly, the Landscaping and Lighting Act of 1972 requires the City to obtain the approval and consent of your Board before they can proceed with a Resolution of Intention to move forward in the creation of a district. This Resolution would initiate an election and set a public hearing date. The subject MOU provides that necessary approval and consent.

Under this MOU, the City would become solely responsible for the creation, implementation, management and operation of the district. In addition, the MOU would authorize the City to access the County jurisdiction portions of the Point San Pedro Road right of way to install and maintain the proposed improvements.

City and County staff have worked together with our respective legal counsels and the consultants to draft the proposed MOU. On April 4, 2011 the San Rafael City Council took the necessary actions to begin the assessment district process which consisted of adoption of resolutions to initiate an assessment district, to approve the Engineer's Report, and to execute an MOU with the County. If your Board acts to approve the MOU, City staff would then return to the City Council in May to request adoption of the Resolution of Intention with respect to the District. If the City Council adopts the Resolution, City staff will be holding at least two public informational meetings for parcel owners during the period between the mailing of the assessment ballots and the public hearing.

The City will be responsible for complying with Proposition 218 election requirements. If approved by the voters the City intends to issue bonds in order to fund the construction portion of the project, estimated at \$1,771,337. After subtracting the pre-paid non taxable parcel assessment share, approximately \$1,750,000 needs to be financed for the capital improvements. The majority of these funds would be used to implement the irrigation and planting material improvements in the median.

The assessment for each single family unit has been estimated not to exceed \$75 annually (\$46.06 for debt services and \$28.94 for annual maintenance cost).

**FISCAL IMPACT:** If your Board approves this MOU and if the election is successful, the County would be responsible to pay 37% of the one-time capital improvement general benefit cost, and the annual operating costs.

Capital improvement general benefit. The Engineer's Report identifies the general benefit share of the capital improvement costs to be \$45,500 – resulting in a County share of \$16,835. This is a one-time cost. Should actual contractor's costs exceed this estimate, the MOU caps the County's obligation at \$25,000.

Annual operation and maintenance general benefit. An Engineer's Report will be prepared each year following the implementation of an assessment district and will identify the general benefit share of the operation and maintenance costs. Based on recent discussions with the City, the budget will be adjusted so that the annual operating costs will be limited to no more than \$6,000. On a countywide basis, these costs will be fully offset by revenues received by the Tax Collector's office.

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If your Board approves this MOU and if the election is successful, funds to cover the one-time costs of up to \$25,000 are available from existing community partnership funds. Due to offsetting revenues, there will be no ongoing net county costs as a result of this agreement.

<b>REVIEWED BY:</b>	<input type="checkbox"/>	Dept. of Finance	<input checked="" type="checkbox"/>	N/A
	<input checked="" type="checkbox"/>	County Counsel	<input type="checkbox"/>	N/A
	<input type="checkbox"/>	Human Resources	<input checked="" type="checkbox"/>	N/A

Respectfully submitted,

  
FOR Bob Beaumont  
Chief Assistant Director

c: Nadar Mansourian, City of San Rafael