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Upfront: To pave and pave not *San Pedro neighbors, city agree median upkeep a two-way street*

by Peter Seidman

Property owners along a 4.5-mile stretch of San Pedro Road in San Rafael will soon receive ballots in the mail that reflect the new way of doing municipal business—and signal a potential fracture between have- and have-not neighborhoods.

In 2008, a group of residents living near San Pedro Road decided the decrepit condition of the medians along the stretch of San Pedro needed attention after being neglected for decades. About two-thirds of the medians are in the city's jurisdiction; the remaining one-third is within the county's territory. In pre-economic-decline days, the residents might have sought help from the city and county to rehabilitate the medians, replant them and install irrigation.

Instead, in the post-decline real-world paradigm, neighborhoods wanting improvements for non-essential services must increasingly take on the responsibilities—and costs—for doing things such as rehabilitating medians. The culmination of the Point San Pedro Medians Committee's efforts will come next week, when a memorandum of understanding will be presented to the City Council.

At the April 4 meeting, councilmembers will be able to approve the memorandum, which outlines the city's responsibility in a project to improve 27 medians along the 4.5-miles of San Pedro, from Montecito Shopping Center to China Camp State Park. It then goes to county supervisors for their approval. If all goes according to plan, about 2,800 property owners and a dozen or so commercial-property owners will receive ballots in late April or early May, asking if they are willing to form a special assessment district that will raise bond money to fund a median-rehabilitation project. Although exact numbers will not be available until city staff submits the memorandum and an engineering report to councilmembers, a preliminary look shows that the assessment on residential property will be \$75 a year for the 30-year term of the district.

Out of that \$75, \$45 will be used for the initial outlay to dig up existing medians, install new irrigation and infrastructure. The remaining \$30 will go toward yearly maintenance, which will amount to between about \$75,000 and \$80,000 annually, according to Nader Mansourian, San Rafael Public Works director. The total 30-year assessment comes to about \$1.8 million, he said, in the same ballpark as the original estimate of \$1.84 million. Andrew Perry, the neighborhood committee's chairman, says any money left over in any year from the assessment will be carried over to successive years.

If property owners agree to form the assessment district, the city will assume no financial role, although public works and the city attorney have already provided key in-kind contributions leading up to the vote to form the district. The city will assume the lead in the project to oversee a private contract for median improvements and then oversee a private-company maintenance campaign. Money collected will fully fund the installation of the improvements and the maintenance.

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The committee that coalesced around the task of improving the medians numbers about 45 members, which is emblematic of an effort to involve as many residents and businesses as possible in the proposal to give them a stake in the outcome. "They are organized and really together," says San Rafael City Councilman Greg Brockbank. "I really admire that. It is exactly the model we need to follow in these days of tight municipal budgets. People need to come together and figure out how to assess themselves in a way that's fair because cities just can't afford to do it anymore." Brockbank notes that an assessment district like the one proposed along San Pedro increases property values and provides easily seen benefits.

Cities used to view medians as part of the commons, and residents accepted that taxes would cover costs to improve and maintain non-essential services as well as services such as police and fire protection. "But when you have to cut somewhere," says Brockbank, efforts such as median beautification "seem like a logical place to cut."

This isn't the first time residents along San Pedro have tried to form an assessment district to restore sadly neglected medians. In 1969, work crews widened the roadway and built medians, beautifying them with attractive landscaping. Unfortunately, the landscaping plan failed to include water-use strategies and drought-resistant native plants—and the 1976 drought forced a halt to irrigating the medians. "Three years later, when they turned the water back on," says Perry, "pipes had cracked and it was in need of repair because it had been dry for so long."

The city and county tried to determine "who would foot the bill," says Perry. "They basically turned the water off and sent a water truck up and down to water the median. I remember this as a kid."

Perry and others in the area note that if the original plan for the medians had included indigenous landscaping, "this would be a real simple measure." But that wasn't the case. "It's ironic that when you look up at the hills [you] see a bunch of green trees that don't even have an irrigation system." The new landscaping plan will include plants adapted to the climate and a modern irrigation strategy.

In 1998, another group of residents along San Pedro mounted an effort to pass a similar assessment district. But that effort failed when 60 percent of property owners rejected the idea of forming an assessment district. The condition of the medians, which have received no significant maintenance since 2007, declined to such an extent that by 2009 they posed a safety hazard, prompting Supervisor Susan Adams, whose district includes the area, to find \$8,600 to pay for a one-time weeding.

The city and county remained in tight financial straits. The city recently projected a fourth consecutive year of budget deficits and possible further cutbacks in service. The county is also tackling a budget that requires serious financial pullback.

"During these tough economic times, when local governments are not able to deliver the same level of services because of cutbacks and restructuring, it's really important for public/private community partnerships to achieve the goals we want for our community," says Adams.

Back in 1998, the Marin United Taxpayers Association took on the proposed assessment district, an engagement that Perry says contributed to the proposal's defeat. No opposition has organized around the new campaign.

Perry says that backers of the 1998 effort considered it a done deal and failed to mount a sophisticated education and political campaign. Members of the current committee learned those lessons. Before going public with the plan to call for a vote, they spent considerable time researching possibilities for funding and potential plans to accomplish the median refurbishing.

According to Perry, a positive reaction in the community to the new assessment district effort comes from explaining Proposition 218 to prospective voters. The proposition is something of an addendum to Proposition 13, the famous (or infamous) tax-restricting measure that has played a significant part in causing the budget crisis in which the state, cities and counties now find themselves. Right or wrong, Prop. 13 cut tax revenue, and the Legislature has been unable and/or unwilling to make adjustments.

California voters passed Prop. 218 in 1996 to close Prop. 13 loopholes. It gave taxpayers the right to approve or reject tax increases and special assessments at the local-government level. It also mandates a simple majority vote to form a benefit assessment district such as this one. Under Prop. 218, funds raised in the assessment district can be spent only on the medians for which it was created.

That's a key point, says Perry. "Knowing that money goes for a certain function is quite nice" in the campaign to convince voters to approve the assessment district. Many anti-tax activists base their stand on the vagaries of tax law and distribution. "You pay your property taxes and your income taxes and your sales taxes and all that, but you don't really know where any of that goes. This little tiny sum will give you the most pleasure of all the taxes you pay because you know exactly where it goes." That's the campaign strategy Perry and others will use as they fan out into the neighborhoods along San Pedro.

Other neighborhoods have created assessment districts to improve their roads and medians. Sir Francis Drake Boulevard has received a beautification boost by way of an assessment district in Greenbrae and Kentfield. A similar assessment district covers Tamalpais Drive in Corte Madera. And neighbors in the Peacock Gap area of San Rafael formed an assessment district in a partnership with the city. The San Pedro proposal is the latest in the public/private partnership paradigm of municipal service delivery, the result of a converging anti-tax gestalt and an economic decline.

If property owners approve the new assessment district, work on the medians could begin this summer or fall. "This shows that the public supports things they believe are important in their community," says Adams. "And as long as there is accountability, they know how the dollars are spent, those are easier assessments to pass. Polls are showing that people are more likely to trust local-government initiatives where they feel they have a more direct control, than state and federal government initiatives."

The move toward hyper-local initiatives to form assessment districts to provide services cities and counties no longer can afford creates a potential problematic element: the consequences of what happens when less-affluent neighborhoods cannot afford assessment districts in a time when cities and counties have little hope of finding adequate funds in their budgets for non-critical services. At one time cities and counties could pick up the slack in the name of a public commons. No longer.

Despite the potential drawbacks of relying on neighborhoods to do the business that cities once tackled, the effort along San Pedro highlights how a community effort can accomplish a goal that the city can no longer reach. "It is great work by the leadership in the community," says Adams. "They spent a great deal of time making personal contacts, phone calls, emails, making signs. They've really been running a very extraordinary campaign. And I think it's going to pay off. We'll see."

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