



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Public Works



Date: April 15, 2015
Board Meeting Date: May 19, 2015
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: James C. Porter, Director of Public Works

Subject: Formation of Los Trancos County Maintenance District

RECOMMENDATION:

Adopt a Resolution:

- A) Considering the formation of a County Maintenance District to finance and manage regional maintenance and improvements within the Los Trancos/Vista Verde community; and
- B) After considering the formation of a County Maintenance District, declaring the intention to form a County Maintenance District and setting Tuesday, July 7, 2015 at 9:00 a.m., at the regularly scheduled Board meeting, as the time and place for a public hearing to consider any and all objections to the formation of said district.

BACKGROUND:

The Los Trancos County Water District currently collects approximately \$300,000 in tax revenues annually, but no longer operates a potable water distribution system.

The establishment of a Los Trancos/Vista Verde County Maintenance District would create a successor agency that could manage revenues from the water district after it is dissolved and use those revenues on enhanced fire safety, stormwater and roadway improvements and land stewardship in the District area.

Section 5820 et seq. of the State of California Streets and Highways Code provides that a county board of supervisors may, by resolution:

- 1. Declare its intent to form a County Maintenance district; and
- 2. Set a time and date of a public hearing where the Board of Supervisors considers any and all protests to the formation of the district.

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DISCUSSION:

The Local Agency Formation Commission (LAFCO) previously recommended that the Los Trancos County Water District (LTCWD) be dissolved, and reaffirmed this when the District sold its water distribution system in 2005 to the California Water Service Company. Subsequent to the sale of the water system, the LTCWD continued to collect annual tax revenues of approximately \$300,000; and with these funds, initiated various projects of community interest, including vegetation and land management and storm drainage improvement studies.

LAFCO determined that the LTCWD never specifically applied for and received authorization to perform these functions and that the County and Woodside Fire Protection District include the territory and have the capacity to provide these services assuming property tax is transferred for this purpose.

The LTCWD is currently contemplating dissolution. In working with community members, the LTCWD has drafted a draft dissolution document including a plan for service which would establish guidelines for the dissolution of the district and for management of the District's assets to be transferred to a newly created County Maintenance District. LAFCo has reviewed the draft document which would be included in the formal application to LAFCo.

In order for such a transfer to be viable, a CMD must first be established. The establishment of a Los Trancos/Vista Verde County Maintenance District by your Board would create a successor agency for the LTCWD, should the LTCWD determine that it wishes such a transfer to occur. The new CMD would fund the management of a local lake, vegetation management related to fire department access to the community, stormwater management and roadway maintenance.

Boundaries of the proposed district are described in Exhibit A, and include tax rate areas 007-006, 007-003 commonly known as Los Trancos Woods and Vista Verde and tax rate area 019-062 comprising Oak Forest Court.

Legal staff from the LTCWD, and County Counsel have worked closely on creating a guideline document attached hereto as "Exhibit A", which would establish the goals and outlines of a Los Trancos/Vista Verde CMD, including the allocation of resources received through the CMD and the contemplated improvements.

County Counsel has reviewed and approved the Resolution as to form.

Approval of this action contributes to the Shared Vision 2025 outcome of an Environmentally Conscious Community by working closely with the community to establish appropriate fund management resources for funds that are dedicated to the community.

FISCAL IMPACT:

There is no financial obligation associated with the establishment of a CMD. If the newly created CMD were to be established as the successor agency for the LTCWD, the CMD would operate solely using tax revenue formerly received by the LTCWD which would go to the CMD after the dissolution of the LTCWD.

There is no impact to the General Fund associated with either the creation of a CMD or with future management of a Los Trancos/Vista Verde CMD.

Attachment: Guideline Document for Goals of Los Trancos/Vista Verde CMD

EXHIBIT A-SERVICES

Los Trancos County Maintenance District ENHANCED - Storm Drainage and Road Improvements

- I. We will renumber and format once finalized.
 - a. CMD funds - All funds distributed by the CMD to the San Mateo County Public Works Department (DPW) for Storm Drainage and Road Improvements shall solely be used for Enhanced Storm Drainage and Roadway Improvement Work within the boundaries of the CMD ("Enhanced Funds").
 - 1.No Enhanced Funds are to be applied to routine maintenance or improvements to existing facilities that could be otherwise funded through regular appropriations of County monies or other publicly available funding for maintenance or improvements of existing facilities.
 - 2.Certain deficiencies in the existing storm drainage infrastructure within the CMD have been identified and documented in the Storm Drainage Management Master Plan -Final dated December 2013 (2013 SDMP) attached as Exhibit A-1. The 2013 SDMP shall serve to identify and prioritize suggested Enhanced Storm Drainage and Roadway Improvement Work. The information provided in the 2013 SDMP and associated reviews and suggested project prioritization provided by members of the Los Trancos County Water District Board constitute recommendations only. Project selection and scope is solely the responsibility of the San Mateo County DPW.
 - 3.Addressing and resolving storm drainage issues within the CMD identified by the SDMP or newly identified storm drainage issues shall be completed before Enhanced Funds are allocated to improvements that solely address roadway improvements.
 - b. Enhanced Storm Drainage and Road Way Improvement Work shall be defined as any improvements or necessary additions to the existing storm drainage systems and/or associated roadways that serve to correct deficiencies as identified by the staff of the DPW, excepting work that would be identified as routine maintenance or replacement of existing facilities that have reached the end of useful service life ("Enhanced Storm Drainage and Road Way Improvement Work").
- II. Use of Enhanced Funds for Enhanced Storm Drainage and Roadway Improvement Work.

- a. The San Mateo County Department of Public Works (“DPW”) will, within 1 year of the date of approval of this outline of services by the San Mateo County Board of Supervisors, create and provide the Community Advisory Committee with a prioritized list of improvement projects to be funded by the Enhanced Funds allocated under this outline of services.
- b. The DPW will annually thereafter, communicate in writing to the Community Advisory Committee an accounting of Enhanced Funds allocated, Enhanced Funds dispersed on improvement activities, and fund balance as provided by the County financial system.
- c. Representatives of the DPW will meet at least 1 time per year with representatives of the Community Advisory Council formed as a part of the creation of the CMD to conduct a review of past and planned activities.
- d. Enhanced Funds are to be allocated only for Enhanced Storm Drainage and Improvement Work on public property or public easements, except as noted in II.d.1– and II.d.4 below.
 - 1. Projects that necessitate expenditure of Enhanced Funds on private property as an integral and indispensable part of the public portion of the project may be undertaken using Enhanced Funds for the construction of project facilities and appropriate restoration of private property disturbed through the process of construction, subject to the acquisition and/or presence of a public utility or storm drainage easement.
 - 2. Any portions of projects constructed on private property will only be undertaken if the owner(s) of said properties(s) have granted to the County an easement or right of entry as is required for the project.
 - 1. Enhanced Funds may be expended as compensation for obtaining said easements where said easements provide unlimited and unrestricted access to the County for purposes of constructing, maintaining and or upgrading public drainage facilities within the easement, and also temporary construction easements or rights of entry necessary to perform work.
 - 2. The costs associated with preparing and executing the necessary easements and rights of entry shall be covered entirely by Enhanced Funds.
 - 3. No Enhanced Funds shall be allocated to fund improvements that are considered a responsibility of a private property owner even if those improvements are located within a public right of way.
- e. Enhanced Funds may be used to improve existing public or private

roadways if necessary to bring these roadways up to a level that can be accepted for maintenance by the County as needed in order to implement projects to materially improve the storm drainage facilities in the CMD.

- f. Storm Drainage projects will be prioritized in the sequence as follows in sections II.f.1– II.f.4. In all cases prioritization of projects is ultimately left to the judgment of technically appropriate members of the DPW staff.
 - 1. Projects to mitigate risks of possible flooding of occupied structures or other infrastructure.
 - 2. Projects that will reduce the risks of flooding that could lead to landslide threats to roadways, other structures, or other infrastructure.
 - 3. Projects to mitigate risks of possible flooding of garages and other outbuildings.
 - 4. Projects that mitigate risks to landscaping and property appearance.
 - 5. An initial review of projects and prioritization has been created and reviewed by the Board of Directors of the District and is attached hereto as Exhibit A-2. This review is a recommendation only and is meant to serve as a starting point for recommendations by the DPW.
- iii. Use of Enhanced Funds for roadway improvements
 - a. Some of the public roadways in the CMD are substantially below current county standards and community safety may be improved if some private roadways in the CMD are considered for upgrade and dedication for county maintenance purposes.
 - 1. As Enhanced Funds become available the DPW should consider possible improvements on both public and privately maintained roadways within public rights of ways and prioritize projects in conjunction with prioritized storm drainage projects.
 - 2. Any improvements to privately maintained roadways within public rights of ways should only be undertaken with the unanimous consent of property owners of the existing rights of way.
 - 3. Any portions of projects constructed on private property will only be undertaken if the owner(s) of said properties(s) have granted to the County an easement for the construction, maintenance and public use of the roadway.
 - 4. Enhanced Funds may be expended as compensation for obtaining said easements where said easements provide unlimited and unrestricted access to the County for purposes of constructing, maintaining and or upgrading public drainage facilities within the

easement, and also temporary construction easements and rights of entry. The costs associated with preparing and executing the necessary easements and rights of entry shall be covered entirely by Enhanced Funds.

5. Improvement funding may be augmented through co-funding through the creation of benefit assessment districts for individual roadways with Enhanced Funds covering the community benefit portion and benefit assessment Enhanced Funds covering the private benefit portion.

b. Enhanced Funds may also be applied to scheduling repaving of some roadways deteriorated through multiple construction projects at a point in time sooner than would occur under the standard County formulas for determining repaving schedules.

iv. Emergency repairs

a. In the event of significant landslides affecting roadways or catastrophic events such as fire, earthquake, or extreme rain events that cause damage to infrastructure within the CMD, available Enhanced Funds may be loaned for emergency damage repairs.

b. Any such loans will only be made upon approval of the San Mateo County Board of Supervisors.

c. Loans will be made on a maximum terms of 3 years.

d. Loans will be made at an interest rate based on the average daily LIBOR index (or an equivalent index if LIBOR ceases to exist) plus 1.0%.

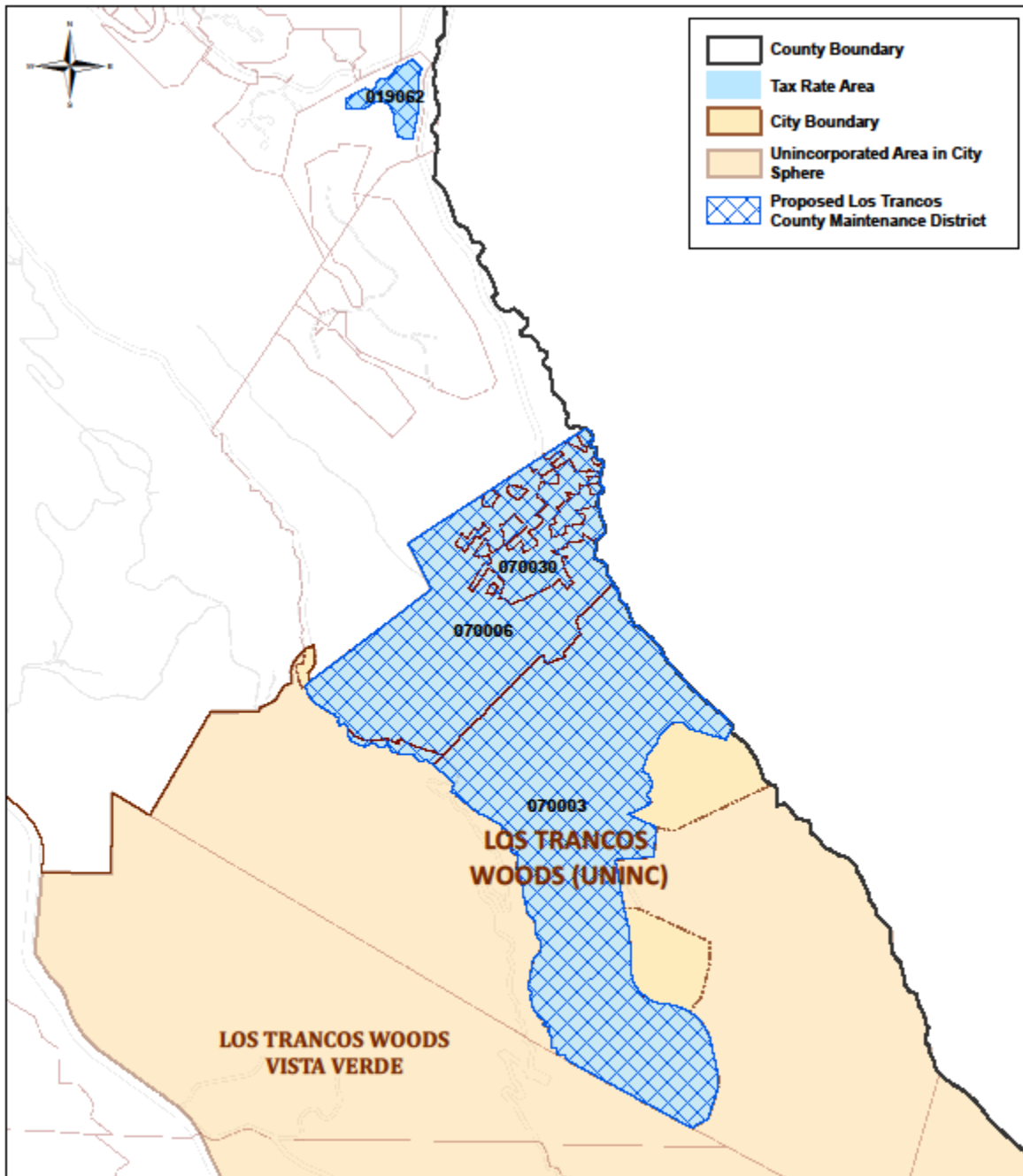
e. Loan duration can be extended on an annual basis for an additional 3 years maximum

v. Notwithstanding anything to the contrary in this Exhibit A the Director of Public Works for San Mateo County shall have authority to determine how best to provide Enhanced Storm Drain and Roadway Improvement to the area served by the CMD. This discretion shall include, but not be limited to the right to increase, decrease and/or suspend any of the programs listed above and to add new programs. Before exercising discretion to suspend or add a new program the Director of Public Works shall advise the Community Advisory Council. The express intent of this Agreement is to provide funding for Enhanced Storm Drain and Roadway Improvements, with an initial emphasis on Storm Drainage, and for the Director of Public Works in consultation with the Community Advisory Council to use the Director's knowledge and expertise to provide Enhanced Storm Drainage and Roadway Improvements in the most efficient manner possible to reflect the advances in technology and engineering and changes in need for Enhanced Storm Drainage and Roadway Improvements in the CMD.

RECOMMENDATIONS FOR THE ESTABLISHMENT OF THE LOS TRANCOS COMMUNITY ADVISORY COMMITTEE

The Los Trancos County Water District's Board of Directors proposes the following:

1. It will be named, "Los Trancos Community Advisory Committee".
2. The CAC's mission is to be the conduit between the Los Trancos Community Maintenance District ("LTCMD") and the residents of the unincorporated area of the Los Trancos County Maintenance District. It will provide input to the LTCMD on enhanced fire protection and enhanced storm drainage improvements, emerging changes and needs, provide local communications and review of the CMD's annual accounting.
3. To the extent possible, the CAC will be balanced between residents from Los Trancos Woods and Vista Verde.
4. The CAC would be composed between of no fewer than 5 members and no more than 9 members so to ensure a broad, local participation and representation.
5. The CAC will elect its own Chair and Vice Chair while creating its own bylaws within the first year of operation. Those bylaws will be reviewed and approved by County Counsel.
6. The LTCMD will appointment a representative to be the LTCMD's contact with the CAC.
7. The CAC will have one contact person who will communicate with the LTCMD representative and represent the CAC with the County.
8. Annual accounting will be provided to the CAC from the LTCMD.
9. CAC Meeting schedule will be determined by the members but will meet a minimum of 2 meetings per year.



LOS TRANCOS COUNTY MAINTENANCE DISTRICT



LOCAL AGENCY FORMATION COMMISSION

