

DATE: August 6, 2004

TO: Members, Marin Local Agency Formation Commission

FROM: Peter Banning, Executive Officer

SUBJECT: Advisory Public Hearing – Annexation of Territory in
West Marin and Sonoma Counties to the Marin/Sonoma
Mosquito Abatement and Vector Control District

Background

The Marin/Sonoma Mosquito Abatement and Vector Control District has applied to Sonoma LAFCO for the annexation of all territory not already within the boundaries of the District in both Marin and Sonoma counties. The District submitted its resolution of application to Sonoma LAFCO because the District's boundaries include territory in both Marin and Sonoma counties. The majority of the District's assessed value lies within Sonoma County, which gives Sonoma County LAFCO the authority to process the proposal as the LAFCO of the "principle county."

Proposals for annexation of territory to mosquito abatement districts in other California counties have been recently advanced in order to confront the public health issues associated with the spread of West Nile Virus (WNV). The Marin/Sonoma Mosquito Abatement and Vector Control District took action early this year, hiring a consultant to measure public awareness of WNV, the willingness of voters to support a special tax measure to pay for additional service and to aid the District in preparation of its annexation application.

The Marin/Sonoma Mosquito Abatement and Vector Control District adopted a resolution of application for the annexation on July 14, 2004 and submitted it to Sonoma LAFCO. The staff of Sonoma LAFCO circulated the application to Marin LAFCO under a recently-adopted policy on the processing of proposals affecting territory in more than one county. Both Marin and Sonoma LAFCOs adopted the policy (attached) to provide the LAFCO of the non-principle county to hold advisory public hearings and make recommendations to the principle county LAFCO.

Discussion and Analysis

The public health challenge posed by West Nile Virus requires a concerted response on the part of public health officials, given the serious nature of illness resulting from the virus. The spread of the disease from other parts of the nation and the state in mosquito and bird "vectors" has been a regular topic of press coverage in recent months, including the appearance of WNV in Marin County this week. (See Marin Independent Journal, August 6, 2004, attached.) The control of mosquitoes capable of spreading WNV from birds to the human population is the logical approach to the problem, given the current absence of a vaccine or medical treatment for the disease.

The Marin/Sonoma Mosquito Abatement and Vector Control District's proposal would extend the District's "Integrated Vector Management Program" to the areas of both counties that do not receive District services. The District's program consists of:

- Surveillance (monitoring of vector populations, habitats, and other indicators of disease presence),
- Public education,
- Physical Control (application of herbicides and vector predators to create adverse conditions for mosquito populations), and
- Biological Control (application of non-persistent insecticides).

The Initial Study and Mitigated Negative Declaration of Environmental Impact adopted by the District board in connection with this project June 14, 2004 (attached) more thoroughly details the nature of the District's activities in providing its services.

The District operates new facilities for administration, laboratory field operations staff, and vehicle and equipment storage in Cotati that were opened in December 2000. The District states that these facilities will be sufficient to extend service to previously un-served parts of Marin and Sonoma Counties, but that additional personnel and the acquisition of additional vehicles and other equipment will be required if the proposed annexation is completed.

Existing District services are financed through a portion of the property tax and by a parcel tax. Extension of service to the area proposed for annexation must be financed by a voter-approved benefit assessment. Utilization of the property tax for this purpose would require transfer of existing County property tax revenues from the County to the District. Since the applicant has determined that neither county is likely to agree to such a transfer of property tax, the application assumes only the approval of a benefit assessment of \$19. That charge will be

sufficient, according to the District, for the addition of four to six field technicians, one or two lab technicians and one administrative position plus equipment required for new staff.

Voter approval of the required benefit assessment is proposed to be a condition of approval to be adopted by Sonoma LAFCO. If Sonoma LAFCO approves the proposed annexation, an election will be scheduled for October 2004 for approval of the benefit assessment. If the benefit assessment is not approved by a simple majority of voters in the affected area, neither the annexation nor the benefit assessment will become effective.

Under the terms of Proposition 218, the District will document the basis for the proposed benefit assessment, send notices of benefit assessment to each property owner in the affected area with a ballot for approval or disapproval. After a minimum of 45 days, the District will then hold a protest hearing. At the public hearing, the District will consider all protests against the proposed assessment and tabulate the ballots. The District may not impose an assessment if there is a majority protest. The terms of Proposition 218 continue to provide:

A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.

Under Government Code Section 56653, applications initiated by resolution of public agency governing boards must include a Plan for Providing Services. The required content of a Plan for Providing Services may be paraphrased to include:

1. A description of services to be extended.
2. The level and range of those services.
3. The date when those services can be extended.
4. Description of facilities and improvements necessary to extend service.
5. Information on how those services will be financed.

The application submitted to Sonoma LAFCO and the documents associated with it contain in various locations the information required by Section 56653, but does not contain a "Plan for Providing Service" as an attachment to the District's resolution of application. As noted below, staff recommends that Sonoma LAFCO require the applicant to comply with Section 56653 and provide the above listed-information as a summary to enhance public understanding of the proposal.

Environmental Review

The Board of Directors of the Marin/Sonoma Mosquito Abatement and Vector Control District, acting as lead agency under the California Environmental Quality Act, has adopted the attached Mitigated Negative Declaration of Environmental Impact. The District's Negative Declaration, initial study and adopting resolution are attached to this staff report.

Comments Received

Staff has received comment in the form of the attached *Joint Statement Issued by the County of Marin Public Health Officer and the Chief of Environmental Health Services*. The joint statement supports the proposed annexation for a lengthy series of reasons including:

- The susceptibility of adults over age 50 and immuno-compromised persons to serious illness from West Nile Virus;
- The lack of treatment for West Nile Virus;
- That only MSMVCD is equipped to provide large-scale control and eradication measures to confront West Nile Virus; and
- That large areas of west Marin County are presently ineligible to receive the services of MSMVCD.

Recommendation

The purpose of the public hearing held by Marin LAFCO under the recently adopted is to provide the Sonoma LAFCO with public input and the recommendation of Marin LAFCO on the proposed annexation. Staff recommends that the Commission take the following actions:

1. Open the public hearing and receive testimony on the proposed annexation.
2. Close the public hearing.
3. Adopt a resolution conveying the Commission's recommendations to Sonoma LAFCO including the following provisions:
 - A. Marin LAFCO recommends that the proposed annexation of territory by the Marin/Sonoma Mosquito Abatement and Vector Control District be approved subject to specific conditions providing for a voter approved special tax to finance the cost of extending service.

- B. That Sonoma LAFCO direct the applicant to reconfigure information contained in the application and environmental review documents to conform to the requirements of Government Code Section 56653 for a written plan for providing services.

Respectfully submitted,

Peter Banning
Executive Officer

cc: Affected Agencies