October 29, 2019

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

SUBJECT: Revised Joint Exercise of Powers Agreement

RECOMMENDATION: Approve, by Adoption of the Attached Resolution (Attachment A), the Revised Joint Exercise of Powers Agreement (Attachment B) to participate in and form the Marin Wildfire Prevention Authority, and Approve Next Steps as Outlined in Staff Report.

BACKGROUND: Given the changing climate and increased risk of wildfires, we have been partnering with FIRESafe Marin and Marin's nineteen (19) fire-responsible agencies to develop a countywide Wildfire Prevention program and authority to coordinate and oversee the ongoing programs to make our community safer and better prepared.

On September 24th, your Board (1) adopted a resolution authorizing the County's participation in the Joint Exercise of Powers Agreement (JPA) to participate in and form the Marin Wildfire Prevention Authority; (2) directed staff to seek approval of the JPA from all fire responsible agencies; and (3) in November, consider placing a Parcel Tax on the March 2020 ballot.

Based on feedback received subsequent to these actions, the JPA agreement was revised October 2nd with three amendments. The City of Larkspur, Town of Fairfax and Novato Fire Protection District adopted the revised JPA that evening. We are expecting 17 of the 19 fire-responsible agencies to approve the JPA and request that your Board place a Parcel Tax on the March 2020 ballot to fund the JPA’s operations. Only the Tiburon Fire Protection District and City of Belvedere have declined to participate as of this date. The Bolinas Fire Protection District is scheduled to consider the item October 28th. Including Bolinas, the MWPA’s service area would comprise over 98 percent of Marin’s land area and over 96 percent of the population of the County.

The expected 17 JPA Member Agencies include:

1. Southern Marin Fire Protection District
2. Novato Fire Protection District
3. Stinson Beach Fire Protection District
4. Sleepy Hollow Fire Protection District
5. Kentfield Fire Protection District
6. Bolinas Fire Protection District
7. Marinwood Community Services District
8. Muir Beach Community Services District
9. Inverness Public Utility District
10. Town of Fairfax
11. Town of San Anselmo
12. Town of Ross
13. Town of Corte Madera
14. City of Larkspur
15. City of San Rafael
16. City of Mill Valley
17. County of Marin (including Community Service Areas 13, 19 and 31)

The three amendments to the original JPA Agreement are outlined below, as well as in Attachment A, which we’re asking your Board to consider today. Attachment B represents the JPA Agreement as amended October 2, 2019.

SECTION 9. Funding

(Added to the end of subsection a.)
"To accelerate services being provided to the community, during the first year of operations any core program funds not allocated to Authority start-up costs will be returned to Members in proportion to the tax revenue raised that fiscal year in each Member’s respective tax rate area for uses that are consistent with the tax measure funding the Authority. This provision shall not be construed to prevent the Board of Directors from allocating funds for multi-year projects or programs."

(Added to the end of subsection b.)
"Vegetation management funds will be allocated with consideration towards equitable spending over the five operational zones. As part of the five-year review of funding levels described in Section 9.f., at least 80% of the revenue generated for vegetation management by each operational zone should be allocated within the respective zone. If this requirement is not met, it must be remedied within the next five-year period."

SECTION 21. Amendments

(Added after last sentence.)
"Every ten years, the Marin County Board of Supervisors shall hold a public hearing for the purpose of considering the effectiveness of the tax measure and whether any changes in the tax measure should be placed before the voters."

Next Steps
We will return to your Board on November 5th with a First Reading to formally request that your Board consider placing a Parcel Tax Measure on the March 2020 ballot to fund operations of the Marin Wildfire Prevention Authority for 10 years. A Merit Hearing regarding a parcel tax ordinance will be scheduled for November 19. The proposed ballot language of the measure is as follows:

Marin Wildfire Prevention Measure. To support coordinated wildfire prevention including improving early wildfire detection, warning and alerts; reducing brush and vegetation; ensuring defensible space around homes, neighborhoods and critical infrastructure; and improving disaster evacuation routes/procedures; shall the Marin Wildfire Prevention Measure, levying up to 10¢ per building square foot tax (described in the ballot pamphlet) for 10 years, providing $19,300,000 annually, with annual inflation adjustments, independent citizen oversight/audits, and low-income senior exemptions, be adopted?

Please let me know if you have any questions or concerns.
Respectfully submitted,

Matthew Hymel
County Administrator

Jason Weber
Fire Chief

Attachments:  A - Resolution Amending the Joint Exercise of Powers Agreement
              B - Revised Joint Exercise of Powers Agreement (October 2, 2019)