



TOWN OF TIBURON
Tiburon Town Hall
1505 Tiburon Boulevard
Tiburon, CA 94920

**TIBURON TOWN COUNCIL
AGENDA**

Special Meeting - 6:45 p.m.
(for Closed Session)

Regular Meeting - 7:30 p.m

Tiburon Public Financing Authority - 7:40 p.m.

CALL TO ORDER AND ROLL CALL

Councilmember Doyle, Councilmember Fredericks, Councilmember O'Donnell, Vice Mayor Fraser, Mayor Tollini

CLOSED SESSION

Special Meeting - Closed Session

Conference with Legal Counsel - Existing Litigation; Government Code Section 54956.9(d)(1)

Name of Case: *County of Marin vs. Martha Co., Town of Tiburon, Russel Keil et al.; Russell Keil, Jerry Riessen, Maxwell Drever, Marilyn Knight, Joanna Kemper and Mark Brewsher vs. County of Marin, Martha Co., and Town of Tiburon; Martha Co. vs. County of Marin* - United States District Court, Northern District of California - Case No. C06 0200 SBA

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION, IF ANY

ORAL COMMUNICATIONS

Persons wishing to address the Town Council on subjects not on the agenda may do so at this time. Please note however, that the Town Council is not able to undertake extended discussion or action on items not on the agenda. Matters requiring action will be referred to the appropriate Commission, Board, Committee or staff for consideration or placed on a future Town Council meeting agenda. Please limit your comments to three (3) minutes.

Presentation

National Alzheimer's Association in support of June 2016 - Alzheimer's and Brain

Awareness Month

CONSENT CALENDAR

All items on the Consent Calendar may be approved by one motion of the Town Council unless a request is made by a member of the Town Council, public or staff to remove an item for separate discussion and consideration. If you wish to speak on a Consent Calendar item, please seek recognition by the Mayor and do so at this time.

CC-1. Town Investment Summary

Adopt report for month ending May 31, 2016 (Director of Administrative Services Bigall)

Documents: [CC-1 MAY 2016 INVESTMENT SUMMARY.PDF](#)

CC-2. Town Budget Adoption

Adopt resolution approving Fiscal Year 2016-17 Tiburon Municipal Budget and Appoint ad hoc committee to work with staff to study FY 2016-17 Capital Planning Process (Director of Administrative Services Bigall)

Documents: [ADOPT MUNICIPAL BUDGET AND APPOINT CAPITAL PLANNING COMMITTEE.PDF](#)

CC-3. Unfunded Pension Liability

Approve recommendation to remit \$200,000 to CalPERS towards the Town's Unfunded Pension Liability (Director of Administrative Services Bigall)

Documents: [CC-3 UNFUNDED PENSION LIABILITY.PDF](#)

CC-4. Gann Limit

Adopt resolution establishing an appropriations limit (Gann Limit) for Fiscal Year 2016 -17 (Director of Administrative Services Bigall)

Documents: [ADOPT GANN LIMIT.PDF](#)

CC-5. Alzheimer's Awareness Month

Authorize Mayor's Proclamation in support of June 2016 Alzheimer's and Brain Awareness Month (Mayor Tollini)

Documents: [CC-5 ALZHEIMERS MONTH PROCLAMATION.PDF](#)

CC-6. Town Hall Painting

Authorize award of contract for Town Hall exterior painting and current year budget amendment (Department of Public Works)

Documents: [TOWN HALL PAINTING CONTRACT.PDF](#)

ACTION ITEMS

AI-1. Formation Of Reassessment District / Commencement Of Proceedings For The Issuance Of Refunding Bonds

Adopt resolution directing commencement of proceedings for formation of a reassessment district including properties located within the Lyford Cove Utility Undergrounding Assessment District, the Lyford Cove Utility Undergrounding Supplemental Assessment District, the Stewart Drive Undergrounding Assessment District, the Main Street Assessment District, the Del Mar Valley Utility Undergrounding Assessment District and the Del Mar Valley 2010 Supplemental

Utility Undergrounding Assessment District, and further designate NBS Government Finance Group as the reassessment engineer for the reassessment district (Town Attorney Stock)

The Town Council will adjourn to conduct the meeting of the Tiburon Public Financing Authority at 7:40 p.m. and consider the following action:

1. Commencement of Proceedings for the Issuance of Refunding Bonds - Adopt a resolution authorizing commencement of proceedings for the issuance of refunding revenue bonds, the purchase of reassessment bonds, and appointing the law firm of Quint & Thimming LLP as bond and disclosure counsel, and designate Wulff, Hansen & Co. as the underwriter.

The Tiburon Public Financing Authority will then adjourn and the Tiburon Town Council will reconvene its regular meeting at 7:45 p.m.

Documents: [AI-1 ISSUANCE OF REASSESSMENT BONDS.PDF](#)

PUBLIC HEARINGS

PH-1. Cypress Hollow Landscape & Lighting District (LLD)

Hold annual protest hearing and consider adoption of resolution to continue the LLD assessment for Fiscal Year 2016-17 (Department of Public Works)

Documents: [PH-1 CYPRESS HOLLOW LLD ASSESSMENT.PDF](#)

TOWN COUNCIL REPORTS

TOWN MANAGER REPORT

WEEKLY DIGESTS

ADJOURNMENT

GENERAL PUBLIC INFORMATION

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (415) 435-7377. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Belvedere-Tiburon Library located adjacent to Town Hall. Agendas and minutes are posted on the Town's website, www.ci.tiburon.ca.us.

Upon request, the Town will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please send a written request, including your

name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service at least 5 days before the meeting. Requests should be sent to the Office of the Town Clerk at the above address.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing(s) described later in this agenda, or in written correspondence delivered to the Town Council at, or prior to, the Public Hearing(s).

TIMING OF ITEMS ON AGENDA

While the Town Council attempts to hear all items in order as stated on the agenda, it reserves the right to take items out of order. No set times are assigned



STAFF REPORT

To: **Mayor and Members of the Town Council**

From: **Administrative Services Department**

Subject: **Investment Summary – May 2016**

Reviewed By: *[Signature]*

BACKGROUND

Pursuant to Government Code Section 53601, staff is required to provide the Town Council with a report regarding the Town’s investment activities for the period ended May 31, 2016.

ANALYSIS

May 2016

Agency	Investment	Amount	Interest Rate	Maturity
Town of Tiburon	Local Agency Investment Fund (LAIF)	\$23,434,422.37	0.552%	Liquid
	Housing note to Former Town Manager	\$ 800,000.00	0.330%	Based on Contract
	Money Market (Bank of Marin)	\$ 100,000.00	0.15%	Liquid
Total		\$24,334,422.37		

The total invested at the end of the prior month was \$23,634,422.37; therefore the Town’s investments increased by \$700,000 over April 2016.

FINANCIAL IMPACT

No financial impact occurs by accepting this report. The Town continues to meet the priority principles of investing – safety, liquidity and yield in this respective order.

RECOMMENDATION

Staff recommends that the Town Council:
 Move to accept the Investment Summary for May 2016

Prepared By: Heidi Bigall, Director of Administrative Services



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
June 15, 2016
Agenda Item: CC-2

STAFF REPORT

To: Mayor and Members of the Town Council

From: Office of the Town Manager
Department of Administrative Services

Subject: Recommendation to Adopt a Resolution Establishing the Municipal Budget Plan for FY 2016-17; Appoint ad hoc Committee to study Capital Planning Process

Reviewed By: J.C.

DISCUSSION

At the regular meeting of June 1, 2016 the Town Council received a presentation and held a public hearing on the proposed Municipal Budget for FY 2016-17. At the conclusion of the Public Hearing, staff was directed to return to Council on June 15 for adoption of the proposed Fiscal year 2016-2017 budget and associated Resolutions.

Subsequent to the June 1 budget presentation, staff has learned a Public Works 2003 Ford F250 utility truck is in need of extensive mechanical repairs, estimated to cost approximately \$7,500-10,000. The vehicle has approximately 100,000 miles on the odometer and is currently not being driven due to the nature and severity of the issues. The Town invested approximately \$8,000 in the same vehicle several years ago addressing issues very similar to the ones being observed at present. Staff had intended to include funds for a replacement vehicle in the FY 2108 budget, but due to the vehicles age, mileage and estimated expense of the current needed repairs, staff is proposing to replace the vehicle in FY 2017 at a cost of \$40,000 rather than make the needed repairs only to replace the vehicle in a year. The vehicle has been fully depreciated, with replacement funds collected in the General Fund Capital Equipment Replacement Reserve. This would be the source of funds if the purchase is approved, leaving this Reserve Fund with a projected ending balance at June 30, 2017 of \$415,338, well above the policy minimum of \$122,200.

Recapping the presentation at the June 1, 2016 meeting, and as revised by adding the proposed purchase of a new Public Works truck, the total Town budget appropriates \$13,988,470 in expenditures. The total budget includes \$10,838,457 in operating expenditures, \$425,300 in capital equipment and IT outlay, \$1,962,000 in capital improvements, and \$762,713 in debt service. The operating budget is balanced and provides a \$253,850 surplus.

Finally, at the Council Retreat, staff and Council discussed a new approach to identifying, prioritizing and presenting capital projects and their associated predicted costs. The proposed

approach involves developing a scoring system for assessing individual projects, and then using that data to develop short and long term plans for implementing a Capital Improvement Program. Council expressed support for this approach at the Retreat. Therefore, staff has included a recommendation in this Staff Report for Council to form, and appoint members to a Fiscal Year 2016-2017 ad hoc committee to work with staff in further developing the proposed Capital Planning Process.

FINANCIAL IMPACT

By approving the Resolution as presented, the Council is authorizing the level of expenses, within funds, for the 2016-17 fiscal year.

RECOMMENDATION

Staff recommends that Council:

1. Adopt the exhibit resolution approving the Municipal Budget Plan for the Town of Tiburon for the Fiscal Year Ending June 30, 2017; and
2. Appoint an ad hoc Council committee to work with staff in further developing the proposed Capital Planning Process.

Exhibit: Resolution Adopting the Municipal Budget Plan for FY 2016-17

Prepared By: Heidi Bigall, Director of Administrative Services

RESOLUTION NO. ____-2016

A RESOLUTION OF THE TOWN COUNCIL OF
 THE TOWN OF TIBURON ADOPTING A MUNICIPAL
 BUDGET PLAN FOR THE TOWN OF TIBURON FOR
THE FISCAL YEAR ENDING JUNE 30, 2017

WHEREAS, the Town Council conducted a Public Hearing concerning the proposed Municipal Budget Plan for fiscal year 2017 at its regularly scheduled meeting on Wednesday, June 1, 2016; and

WHEREAS, the Town Council now finds that the proposed Municipal Budget Plan, as estimated, provides for all appropriate municipal purposes and services with current fund(s) and resources and estimated revenues for fiscal year 2017; and

NOW, THEREFORE, BE IT RESOLVED; that the proposed Municipal Budget Plan appropriates revenues and other sources of funds for expenditures associated with operations, capital outlays, capital improvements, and debt service, in the following amounts:

Section 1. Operating Budget Program - The proposed Plan has sufficient resources to finance the planned expenditures:

Revenues and Funding Sources	\$11,092,307
Expenditures	10,838,457
Total Operating Net:	\$ 253,850

Section 1a. Operating Revenue Appropriation – Estimated Revenues and Sources of Funds for fiscal year 2017

GENERAL FUND	
Property Taxes	\$ 5,140,705
Other Taxes	1,585,614
Franchise Fees	700,000
Fines & Forfeitures	124,500
Investment Earnings	41,350
Intergovernmental & Agency	103,617
Licenses & Permits	977,600
Charges for Services	337,400
Other Revenues	113,310
Subtotal General Fund Revenues	\$ 9,124,096
OTHER FUNDING SOURCES	
Low/Moderate Housing Fund	33,126
Town Owned Housing Fund	109,603

Peninsula Library Agency	1,627,982
Police COPS/SLESF Fund	100,000
Cypress Hollow Fund	16,500
Long Range Planning Fund	48,000
Measure "A" Sales Tax Parks	33,000
Total Revenues & Sources	\$11,092,307

Section 1b. Operating Expenditures Appropriation – Planned Department expenditures for fiscal year 2017:

	AMOUNT
ADMINISTRATION	
Town Attorney	\$ 290,000
Town Administration	1,130,489
Administration Building	192,600
Legislative	74,750
COMMUNITY DEVELOPMENT	
Planning & Design Review	\$ 567,454
Building Inspection	614,166
Advanced Planning	48,000
POLICE	
Police Department	\$3,314,358
Police Building	64,600
PUBLIC WORKS	
Administration	\$ 445,809
Streets Maintenance	505,039
Parks Maintenance	581,001
Street & Signal Light Maintenance	40,100
Corporation Yard	95,800
Cypress Hollow	16,500
NON-DEPARTMENTAL	
Insurances & JPAs	1,187,081
Low-Moderate Income Housing	33,126
Town Owned Housing	109,603
Belvedere/Tiburon Library Agency	1,627,982
Total Expenditures:	\$10,838,457

Section 2. Capital Improvement Program – Sources of Funding for Planned Streets, Drainage and Community Development Improvements in fiscal year 2017:

	SOURCES	PROJECTS
General Fund		
Infrastructure & Facility Fund	442,000	
Gas Tax Fund	227,000	
General Fund Streets & Drainage Reserve	295,000	
Street Impact Fund	45,000	
Measure “A” Funds - Parks	40,000	
General Fund Park Development Fund	325,000	
General Fund Technology	50,000	
Drainage Impact Fund	140,000	
Safe Routes to School Grants	118,000	
Private Donations	125,000	
Measure “A” Transportation	125,000	
Street Frontage Improvement Fund	30,000	
STREETS		
Paradise Drive Foundation Improvements		140,000
Contingency Provision		45,000
Traffic Calming Improvements		20,000
Blackfield Dr/Tiburon Blvd., Crossing Impvts.		125,000
Subtotal Streets Improvements		\$ 330,000
DRAINAGE		
Storm Drain Improvements Mariner Way and Others TBD		250,000
Storm Drain Flushing/CCTV Video		130,000
Consulting – Culvert on Old Rail Trail @ San Rafael Avenue		10,000
Subtotal Drainage Improvements		\$ 390,000
COMMUNITY IMPROVEMENTS		
Railroad Marsh Cattail Removal		\$ 45,000
Hacienda Drive Trail Improvements & Signage		125,000
Rule 20A and 20B Undergrounding of Utilities Lyford Dr. to Ned’s Way		427,000
Ferry Terminal Walk Way Improvements		125,000
Curb Ramps and Misc. Sidewalk Improvements		20,000
Police Facility Carpeting		15,000
Town Council Chambers A/V Improvements		50,000

Railroad Trestle Trail		165,000
McKegney Green Design Phase		200,000
Pt. Tiburon Bayside Steps & Path Easement Purchase		15,000
Las Lomas Path Maintenance		10,000
Resurface Teather Park Tennis Courts		15,000
Street Frontage Improvements New Morning Café Project		30,000
Subtotal Community Development Projects		\$1,242,000
Total Capital Improvements	\$1,962,000	\$1,962,000

Section 3. Debt Service Program – Planned Debt Service and related expenses for special assessment, community facilities districts, and general obligation bond issues of the Town are as previously planned:

BOND ISSUE	AMOUNT
Main Street Assessment District	39,189
Stewart Drive Assessment District	105,503
Lyford Cove Assessment District	273,916
Del Mar Valley Assessment District	214,979
Del Mar 2010 Supplemental Assessment	129,128
Total Debt Service	\$ 762,713

IT IS FURTHER RESOLVED that the Town Manager may make adjustments and activities within the budget provided that no increase or diminishment in salaries result other than that provided by the Town’s Personnel System and Master Salary Program, or as authorized by the Town Council, and provided that no expenditure or encumbrance contingent on contract agreement, or other engagement requiring approval of the Town Council shall be made until such contract is first approved by the Town Council.

PASSED AND ADOPTED at a special meeting of the Town Council of the Town of Tiburon on June _____, 2016, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

ERIN TOLLINI, MAYOR
TOWN OF TIBURON

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
June 15, 2016
Agenda Item: CC-3

STAFF REPORT

To: Mayor and Members of the Town Council
From: Administrative Services Department
Subject: Recommendation to Remit \$200,000 to CalPERS towards the Town's Unfunded Pension Liability
Reviewed By: 

BACKGROUND

The Town of Tiburon contracts with the California Public Employees' Retirement System to provide retiree pensions. The Town's annual pension costs are broken down into the plan's Normal Cost (cost of one year of benefit accrual), and the unfunded actuarial liability (difference between the accrued liability and market value of assets) amortized over a 30 year period. The unfunded liability is due to the recent recession and changes to actuarial assumptions. CalPERS charges every agency 7.5% interest on their unfunded liability. In FY 2016-17, the Town's required Unfunded Liability payment will be \$269,333. As of the most recent actuarial valuation (June 30, 2014), the Town's Classic Miscellaneous and Safety Plans have a combined unfunded liability of approximately \$4,584,236. Making additional payments on these unfunded liabilities over time would save the Town a significant amount in interest expense.

ANALYSIS

Staff met with the Town's CalPERS actuarial to determine the impact of paying down the Town's unfunded liability. Based on this discussion, it was determined that the most significant financial savings would be achieved by making lump-sum payments to the principal amount. This is akin to making additional principal payments to a 30 year mortgage. It is projected that if the Town makes an additional \$200,000 payment each year, the Town will save approximately \$3 million over the remaining 28 year amortization period. Essentially, the unfunded liability would be paid off in 12 years rather than the remaining 27 years, providing all actuarial assumptions used by CalPERS were met.

The Town currently has \$175,063 set aside in the General Fund CalPERS Reserve. Staff is recommending that these funds, plus an additional \$24,937 of General Fund Unallocated Reserves be remitted to CalPERS prior to July 1, 2016. In FY 2016-17 an additional payment of \$200,000 will be made to CalPERS towards the Unfunded Liability and is included in the budget plan being adopted this evening. As funding permits, the Town may make additional payments towards the unfunded liability in future years. Staff has previously discussed this recommendation with the Council Budget Committee and they fully support the recommendation.

FINANCIAL IMPACT

By making the recommended payment, the General Fund CalPERS Reserve will be depleted. An additional appropriation of \$24,937 will be required from the Unallocated Reserve. It is anticipated that the Town will have a General Fund operating surplus in FY 2015-16 of over \$800,000, including the additional \$24,937 appropriation.

RECOMMENDATION

Staff recommends that the Town Council:

Move to amend the FY 2015-16 Budget to remit \$200,000 to CalPERS as an additional payment towards the Town's unfunded pension liability. This budget amendment is to be funded by \$175,063 from the General Fund CalPERS Reserve and \$24,973 from the Unallocated General Fund Reserve.

Prepared By: Heidi Bigall, Director of Administrative Services



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
June 15, 2017
Agenda Item: CC-4

STAFF REPORT

To: Mayor and Members of the Town Council
From: Office of the Town Manager
Subject: Recommendation to Adopt an Appropriations Limit (Gann) for
FY 2016-17
Reviewed By: *[Signature]*

BACKGROUND

Proposition 4, approved by California voters in November 1979, established and defined annual expenditure appropriation limits on all government entities. Proposition 4 became effective in Fiscal Year 1980-81; however the calculations to determine the annual limit are carried from a Fiscal Year 1978-79 base. Proposition 4 was modified in 1990 with the passage of Proposition 111, which slightly changes the annual adjustment factors, further identification of the types of expenditures which are excluded from the limit, and provisions for the exclusion of emergency expenditures from the limit. Implementation legislation provides that the Town Council shall, at a regularly scheduled meeting, establish by resolution the amount of appropriation subject to limitation. The State is to be provided with informational forms with the filing of the Annual Statement of Financial Transactions no later than ninety days after the start of the fiscal year.

The appropriations limit is the calculated dollar amount which limits the Town's ability to receive and expend proceeds of taxes. Such revenues include: Property Taxes, ERAF rebates, Sales Taxes, Real Property Transfer Taxes, Transient Occupancy Taxes, Business License Taxes, State Motor Vehicle Fees, Off-Highway Taxes, certain rental income, other revenues and rebates, a share of Investment Earnings, and transfer of funds from other funds into reserves of the General Fund.

The limit is calculated by adjusting the previously adopted limit by factors which include: (1) the State of California Per Capita Income Growth, and (2) the Town's Population Growth. Both these figures are provided by the State Department of Finance. The limit is further adjusted if cities bear the costs of legislated fees for the transfer of responsibility. The County, through SB 2335, established fees for the collection of property taxes, which are not subject to the limit.

ANALYSIS

The calculation for the Town of Tiburon's Appropriations Limitation for FY 2016-17 is illustrated below:

Gann Limit Calculation – FY 2016-17

		Amount
1.	Previously established limit, July 1, 2015	\$8,378,898
2.	Adjustment Factors	
	Per capital personal income	5.37%
	Population growth	0.20%
3.	Multiplier, for adjustment to limit	(1.0537 x 1.0020) 1.05581
4.	Annual Adjustment Amount	(1) x (3) \$467,605
5.	Add: legislated pass-through fees	
	County property tax collection	\$55,000
6.	Revised limit, July 1, 2016	\$8,901,503

Once the Appropriations Limitation has been determined for the upcoming fiscal year, Staff must then determine the amount of revenues that the Town expects to receive that are subject to the limit. The table below illustrates revenues that are subject to the Gann Limit.

2016-17 Appropriations Subject to Gann Limit

		Amount
A.	Proceeds of Taxes	\$ 7,167,180
B.	Exclusions	-0-
C.	Appropriations subject to Limitation	\$ 7,167,180
D.	Current Year Limit (from above)	\$ 8,901,503
E.	Over (Under) Gann Limit	(\$1,734,323)
F.	Percent Over (Under) Limit	(24.20%)

Any additional revenues received during FY 2016-17 that are considered “proceeds of taxes” will reduce the amount the Town is currently under the Gann Limit.

FINANCIAL IMPACT

There is no financial impact in adopted the Appropriations Limitation resolution.

RECOMMENDATION

Staff recommends that the Town Council:

1. Move to approve a Resolution Establishing the Appropriations Limit for Fiscal Year 2016-17

Exhibits: 1. Draft Resolution

Prepared By: Heidi Bigall, Director of Administrative Services

RESOLUTION NO. ____ -2016

A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF TIBURON ESTABLISHING
AN APPROPRIATION LIMIT FOR FISCAL YEAR 2016-17
PURSUANT TO ARTICLE XIII B. OF THE CONSTITUTION
OF THE STATE OF CALIFORNIA

WHEREAS, Article XIII B. of the Constitution of the State of California requires governmental jurisdictions to establish appropriations limits each year, and

WHEREAS, the previously established limit for Fiscal Year 2015-16 was \$8,378,898, and the State Department of Finance has determined that the 2016-17 Per Capita Personal Income Factor is 5.37%, and the Population Change Factor is 0.20%; the Director of Administrative Services estimates that legislated pass-through fees of the County will be \$55,000; the Director of Administrative Services of the Town of Tiburon has determined that the appropriations limit in the amount of \$8,901,503 shall be established for Fiscal Year 2016-17.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Tiburon that an appropriations limit in the amount of \$8,901,503 is established for Fiscal Year 2016-17 pursuant to Article XIII B of the Constitution of the State of California.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Tiburon on June ____, 2016 by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ERIN TOLLINI, MAYOR

ATTEST:

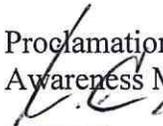
DIANE CRANE IACOPI, TOWN CLERK



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
June 15, 2016
Agenda Item: CC-5

STAFF REPORT

To: Mayor and Members of the Town Council
From: Office of the Town Manager
Subject: Proclamation in support of June 2016 as National Alzheimer's and Brain Awareness Month
Reviewed By: 

BACKGROUND

Mayor Tollini was recently contacted by Tiburon resident Randy Greenberg requesting that the Town Council adopt a proclamation honoring June as National Alzheimer's and Brain Awareness Month. Ms. Greenberg is a longtime Tiburon resident and volunteer who currently serves on the North Bay public policy committee of the Alzheimer's Association. She notes that many Tiburon residents are affected by Alzheimer's – directly and indirectly – and an increasing number will be affected in the future.

According to Greenberg, Alzheimer's is the only cause of death among the top ten in the United States for which there is no treatment and no cure. Other facts about the disease: Alzheimer's is the 5th leading cause of death in those 65 and older in the United States; one in 9 older Americans is afflicted with the disease; and one in every five Medicare dollars is spent on someone with Alzheimer's.

Ms. Greenberg says the goal of the Alzheimer's Association is to eliminate Alzheimer's disease through the advancement of research; to provide and enhance care and support for all affected; and to reduce the risk of dementia through the promotion of brain health. The proclamation is an effort to further that goal.

In addition to adopting the proclamation and presenting it at the June 15 meeting, Greenberg has requested that the Council allow a member of the Alzheimer's Association to make a brief statement. This request is being made to all Marin cities, as well as the Marin County Board of Supervisors, which has agendized this item for its June 7 meeting.

RECOMMENDATION

Staff recommends that the Town Council:

- 1) Hear a brief presentation by a representative of the National Alzheimer's Association; and
- 2) Adopt the proclamation in support of June 2016 as National Alzheimer's and Brain Awareness Month.

Exhibit: Draft Proclamation

Prepared By: Diane Crane Iacopi, Town Clerk

TOWN OF TIBURON PROCLAMATION
In support of Alzheimer's Association
Honoring June 2016 as
National Alzheimer's and Brain Awareness Month

WHEREAS, today there are more than 5 million Americans living with Alzheimer's, a figure that is expected to grow to as many as 16 million by mid-century if we don't develop a cure or an effective treatment; and

WHEREAS, there are currently more than 588,000 people with Alzheimer's living in the state of California, with 5,600 of these in Marin County, with an additional 16,800 caregivers in Marin County who are looking after a loved one with Alzheimer's; and

WHEREAS, the greatest known risk factor for Alzheimer's disease is advancing age; and in Marin County persons over 60 comprise 25% of the total population, making Marin County the one of the oldest in the Bay Area. One in nine persons over the age of 65 has Alzheimer's, with that number increasing to one in three for those over 85; and

WHEREAS, more than 20% of Tiburon residents are over the age of 65 and that number is projected to grow steadily, putting residents at increasing risk for Alzheimer's disease and other dementias; and

WHEREAS, researchers are making progress in developing ways to accurately diagnose and treat Alzheimer's disease, and we need to accelerate the pace of that research if we are going to have a disease-altering treatment in the next 15 years; and

WHEREAS, the Alzheimer's Association is marking June as Alzheimer's and Brain Awareness Month and June 20th as "The Longest Day", a sunrise to sunset event symbolizing the challenging journey shared by those living with Alzheimer's and their caregivers.

NOW, THEREFORE BE IT RESOLVED that the Tiburon Town Council hereby proclaims its support of June 2016 as Alzheimer's and Brain Awareness month and urges every resident to take time to visit www.actionalz.org and learn more about Alzheimer's and become part of the effort to combat this disease.

ERIN TOLLINI, MAYOR
Town of Tiburon

ATTEST:

Diane Crane Iacopi, Town Clerk



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
June 15, 2016
Agenda Item: CC-6

STAFF REPORT

To: Mayor and Members of the Town Council
From: Department of Public Works
Subject: Town Hall Exterior Painting
Reviewed By: *Ue.*

BACKGROUND

The Fiscal Year 2015-2016 budget included an allocation of \$40,000 for the re-painting of Town Hall. In February 2016, five painting contractors were contacted to provide quotes for the work. Three of the contractors decided not to bid and one painter provided an informal quote of \$44,600. The only formal quote received was from Paul Clisham Painting & Decorating for \$31,116. In April 2016 a contract was drafted and sent to Paul Clisham Painting & Decorating. However, this company was unable to provide a performance bond for the work and subsequently withdrew their quote.

Staff subsequently contacted an additional six painting contractors to obtain quotes and only two responded; Omni Painting & Waterproofing provided a quote for \$68,350 and Jerry Thompson & Sons for \$44,200.

ANALYSIS

Jerry Thompson & Sons has provided the lowest quote, is based out of San Rafael and has an extensive portfolio of successfully completed projects that include: the San Francisco Opera House, the Dome of San Francisco City Hall, the San Francisco Ferry Building, California Academy of Sciences and San Francisco's De Young Museum. This company is not expected to have difficulty providing a performance bond for the work, and staff is recommending approval of the contract as proposed.

FINANCIAL IMPACT

The painting of Town Hall was included in the 2015/16 Capital Improvement Program Plan as a Community and Miscellaneous Project and was funded in the amount of \$40,000. Funding is from the General Fund Infrastructure & Facility Reserve. A budget amendment authorizing an additional appropriation in the amount of \$4,200.00 from the General Fund Infrastructure Reserve is needed to fund the proposed work.

RECOMMENDATION

Staff recommends the Town Council:

1. Approve the award of, and authorize the Town Manager to execute, a contract for the exterior painting of Town Hall to Jerry Thompson & Sons in the amount of \$44,200.00 and,
2. Approve a Fiscal Year 2016 budget amendment for an additional appropriation in the amount of \$4,200.00 from the General Fund Infrastructure Reserve.

Prepared by: Dmitriy Lashkevich, Associate Engineer



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
June 15, 2016
Agenda Item: *AI-1*

STAFF REPORT

To: Mayor and Members of Town Council

From: Office of the Town Manager

Subject: Recommendation to Adopt a Resolution Directing Commencement of Proceedings for the Issuance of Reassessment Bonds, Designating a Consultant and Authorizing Related Actions

Reviewed By: *[Signature]*

BACKGROUND

Staff has been exploring the possibility of refinancing the Town's previously-formed assessment districts by issuing refunding bonds with lower interest rates. Depending on interest rates, this could reduce annual property assessment payments for property owners in the affected districts, which include the following:

- 1999 Main Street District
- 2001 Stewart Drive Undergrounding District
- 2005 Del Mar Valley Utility Undergrounding District
- 2010 Del Mar Supplemental Undergrounding District
- 2005 Lyford Cove Undergrounding District 1&2
- 2006 Lyford Cove Supplemental Undergrounding District

Preliminary analysis indicates if market interest rates do not change significantly in the near term, debt service savings as a result of the refinancing are available.

To that end, on June 1, 2016, the Town adopted a Resolution declaring the need for a Parking Authority and that the Town Council be the legislative body of the Parking Authority, and a Resolution authorizing the execution by the Town of a joint exercise of powers agreement with the newly-activated Parking Authority establishing the Tiburon Public Financing Authority. The Parking Authority also adopted a Resolution on June 1, 2016, authorizing the execution by the Parking Authority of the joint exercise of powers agreement with the Town.

The joint exercise of powers agreement has now been executed by the Town and the Parking Authority, and the Town and the Tiburon Public Financing Authority are now requested to adopt

resolutions to designate and approving agreements with the consultants needed to move forward with the proposed refunding transaction.

ANALYSIS

The process to refinance the outstanding bonds previously issued by the Town for the existing assessment district, payable from assessments levied by Town annually on owners of property in the assessment districts, involves the formation of a single reassessment district and the levy by the Town of reassessments that will supplant the current property owner assessments. In order to form the new reassessment district, the Town needs the services of a reassessment engineer, and Town Staff has received a proposal from NBS Government Finance Group, the firm that currently assists the Town with the administration of the assessment districts, to serve as the reassessment engineer.

Also needed to move forward with the process to refinance the outstanding assessment bonds, the newly-formed Tiburon Public Financing Authority needs the services of a bond counsel and disclosure counsel to prepare the legal documents needed to authorize and sell the reassessment bonds to be issued for the Town, and the refunding revenue bonds that are to be issued by the Financing Authority proceeds of which will acquire the Town's reassessment bonds, and the Financing Authority needs to designate an underwriter to sell the Financing Authority refunding revenue bonds to the public. The law firm of Quint & Thimmig LLP has submitted a proposed Agreement for Legal Services pursuant to which it will serve as bond counsel and disclosure counsel to the Financing Authority, and the firm of Wulff, Hansen & Co. has submitted a proposal to serve as the underwriter for the Financing Authority refunding revenue bonds.

There have been submitted a Resolution for the Town Council to adopt and a Resolution for the Financing Authority to adopt to accomplish the foregoing, which can be adopted at the same meeting in the following steps:

1. Town Council adopts a Resolution directing commencement of proceedings for issuance by the Town of reassessment bonds (Exhibit 1), and then adjourns its meeting.
2. The Town Council then convenes as the Board of Directors of the Financing Authority, adopts a Resolution directing commencement of proceedings for issuance by the Financing Authority of refunding revenue bonds (Exhibit 2), and then adjourns its meeting.
3. The Town Council then reconvenes, and continues with its agenda.

FINANCIAL IMPACT

The contract for the Reassessment Engineer will obligate the Town to pay the fees of the Reassessment Engineer, but the Town will be reimbursed from proceeds of the Financing Authority refunding revenue bonds for any amount so paid by the Town. The fees of Bond Counsel and Disclosure Counsel are contingent upon the issuance of the Financing Authority refunding revenue bonds and will be paid from the proceeds of those bonds. The fees of the Underwriter will be paid by means of a discount on the sale by the Financing Authority of the

refunding revenue bonds to the Underwriter. If for some reason the refinancing program is not completed as expected, the Town would need to pay the fees of the Reassessment Engineer to the date the refinancing program is terminated.

If the refinancing program is completed, all costs of the Town and the Financing Authority related thereto will be paid for with refunding revenue bond proceeds or from a portion of the annual reassessments on property owners. The refinancing program is expected to result in lower annual costs to property owners in the several assessment districts.

RECOMMENDATION

Staff recommends that the Town Council:

Adopt the Resolution directing commencement of proceedings for the issuance of reassessment bonds. A Resolution of the Financing Authority directing commencement of proceedings for the issuance of refunding revenue bonds is on the agenda for the Financing Authority.

EXHIBITS

- 1) A Resolution of the Town Council of the Town of Tiburon Directing Commencement of Proceedings for the Issuance of Reassessment Bonds, Designating a Consultant and Authorizing and Directing Related Actions; and
- 2) A Resolution of the Board of Directors of the Tiburon Public Financing Authority Directing Commencement of Proceedings for the Issuance of Refunding Revenue Bonds, Designating Consultants and Authorizing and Directing Related Actions.
- 3) Agreement for Legal Services with Quint & Thimmig LLP

Prepared By: Benjamin Stock, Town Attorney

RESOLUTION NO. XX-2016

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF TIBURON
DIRECTING COMMENCEMENT OF PROCEEDINGS
FOR THE ISSUANCE OF REASSESSMENT BONDS,
DESIGNATING A CONSULTANT AND
AUTHORIZING AND DIRECTING RELATED ACTIONS**

WHEREAS, the Town of Tiburon (the “Town”) has formed various assessment districts, including the Lyford Cove Utility Undergrounding Assessment District, the Lyford Cove Utility Undergrounding Supplemental Assessment District, the Stewart Drive Undergrounding Assessment District, the Main Street Assessment District, the Del Mar Valley Utility Undergrounding Assessment District and the Del Mar Valley 2010 Supplemental Utility Undergrounding Assessment District (collectively, the “Assessment Districts”), and has issued seven different series of limited obligation improvement bonds (collectively, the “Assessment Bonds”) payable from annual assessments levied on properties in the Assessment Districts; and

WHEREAS, due to prevailing financial market conditions, the Town has determined that it could be advantageous for the Town to form a reassessment district (the “Reassessment District”) to include the properties now being assessed in the Assessment Districts, to issue reassessment bonds (the “Reassessment Bonds”) payable from reassessments levied on properties in the Reassessment District, the proceeds of which Reassessment Bonds will be used to refund the Assessment Bonds, all with the purpose of lowering the future annual assessment payments to be made by the owners of the properties in the Assessment Districts; and

WHEREAS, it is expected that the Reassessment Bonds will be purchased by the Tiburon Public Financing Authority (the “Authority”) with proceeds of the issuance of refunding revenue bonds to be issued by the Authority; and

WHEREAS, the Town Council now desires to direct the commencement of proceedings necessary for the formation of the Reassessment District, the issuance and sale of the Reassessment Bonds to the Authority and the refunding of the Assessment Bonds and, in connection therewith, to appoint a reassessment engineer for the Reassessment District.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Tiburon as follows:

1. **Direction to Proceed With Refunding.** Officers and officials of the Town are hereby directed to proceed with the preparation of documents necessary to provide for the formation of the Reassessment District, the issuance of the Reassessment Bonds, the refunding of the Assessment Bonds and the sale of the Reassessment Bonds to the Authority. All primary legal documents to which the Town will be a party related to the Reassessment Bonds shall be subject to the final approval thereof by the Town Council at a subsequent meeting of the Town Council.

Exhibit 1

2. **Designation of Consultant.** NBS Government Finance Group is hereby designated as reassessment engineer in connection with the formation of the Reassessment District. The Town Manager is hereby authorized and directed to execute an agreement with such firm for its services with respect to the Reassessment District in the form on file with the Town Clerk.

3. **Effective.** This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Tiburon on _____, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

ERIN TOLLINI, MAYOR

ATTEST:

Diane Crane Iacopi, Town Clerk

**RESOLUTION NO. XX-2016
[TIBURON PARKING AUTHORITY]**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE TIBURON PUBLIC FINANCING AUTHORITY
DIRECTING COMMENCEMENT OF PROCEEDINGS
FOR THE ISSUANCE OF REFUNDING REVENUE BONDS,
DESIGNATING CONSULTANTS AND
AUTHORIZING AND DIRECTING RELATED ACTIONS**

WHEREAS, the Tiburon Public Financing Authority (the “Authority”) is a public agency duly organized and existing pursuant to a Joint Exercise of Powers Agreement, dated June 1, 2016 (the “JPA Agreement”), by and between the Town of Tiburon (the “Town”) and the Tiburon Parking Authority; and

WHEREAS, the Authority is statutorily authorized by Article 4 of Chapter 5 of Division 7 of Title 1 of the California Government Code and is empowered under the JPA Agreement to issue bonds, subject to Section 5 of the JPA Agreement; and

WHEREAS, the Town has formed various assessment districts, including the Lyford Cove Utility Undergrounding Assessment District, the Lyford Cove Utility Undergrounding Supplemental Assessment District, the Stewart Drive Undergrounding Assessment District, the Main Street Assessment District, the Del Mar Valley Utility Undergrounding Assessment District and the Del Mar Valley 2010 Supplemental Utility Undergrounding Assessment District (collectively, the “Assessment Districts”), and has issued seven different series of limited obligation improvement bonds (collectively, the “Assessment Bonds”) payable from annual assessments levied on properties in the Assessment Districts; and

WHEREAS, due to prevailing financial market conditions, the Board of Directors has determined that it could be advantageous for the Authority to issue refunding revenue bonds (the “Refunding Bonds”) the proceeds of which would be used to purchase a series of reassessment bonds (the “Reassessment Bonds”) to be issued by the Town, the proceeds of which Reassessment Bonds will be used to refund the Assessment Bonds, all with the purpose of lowering the future annual assessment payments to be made by the owners of the properties in the Assessment Districts; and

WHEREAS, the Board of Directors now desires to direct the commencement of proceedings necessary for the issuance of the Refunding Bonds and the purchase of the Reassessment Bonds and, in connection therewith, to appoint a bond counsel for the Refunding Bonds and an underwriter for the Refunding Bonds.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Tiburon Public Financing Authority as follows:

Exhibit 2

1. **Direction to Proceed With Refunding.** Officers and officials of the Authority are hereby directed to proceed with the preparation of documents necessary to provide for the issuance and sale of the Refunding Bonds and the purchase of the Reassessment Bonds. All primary legal documents to which the Authority will be a party related to the Refunding Bonds and the purchase of the Reassessment Bonds shall be subject to the final approval thereof by the Board of Directors at a subsequent meeting of the Board of Directors.

2. **Appointment of Consultants.** The law firm of Quint & Thimmig LLP is hereby designated as bond counsel and as disclosure counsel to the Authority in connection with the issuance and sale of the Refunding Bonds. The Executive Director is hereby authorized and directed to execute an agreement with such firm for its services with respect to the Refunding Bonds in the form on file with the Secretary, provided that any and all compensation payable to such firm shall be contingent upon the sale and issuance of the Refunding Bonds and shall be payable solely from the proceeds of the Refunding Bonds.

The firm of Wulff, Hansen & Co. is hereby designated as the underwriter for the Refunding Bonds. The Authority hereby ratifies the contract previously executed by such firm and the Town related to the Reassessment Bonds and the Refunding Bonds, provided that all compensation to such firm shall be in the form of an underwriter's discount upon the sale of the Refunding Bonds by the Authority to such firm

3. **Effective.** This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Tiburon on _____, by the following vote:

AYES:	BOARDMEMBERS:
NOES:	BOARDMEMBERS:
ABSENT:	BOARDMEMBERS:
ABSTAIN:	BOARDMEMBERS:

ERIN TOLLINI, CHAIR

ATTEST:

Diane Crane Iacopi, Secretary

Agreement For Legal Services (Bond Counsel and Disclosure Counsel)

Tiburon Public Financing Authority 2016 Refunding Revenue Bonds (Undergrounding Reassessment District)

THIS AGREEMENT FOR LEGAL SERVICES (Bond Counsel and Disclosure Counsel) is made and entered into this _____ day of June, 2016, by and between the TIBURON PUBLIC FINANCING AUTHORITY (the "Authority"), and QUINT & THIMMIG LLP, Larkspur, California ("Attorneys").

RECITALS:

WHEREAS, the Authority anticipates the issuance of refunding revenue bonds of the Authority pursuant to the California Government Code (the "JPA Bonds") to provide funds to purchase a series of reassessment bonds (the "Local Obligations") to be issued by the Town of Tiburon (the "Town") in connection with the refunding of various outstanding limited obligation utility undergrounding improvement bonds (the "Prior Bonds") previously issued by the Town;

WHEREAS, the Town has determined that Attorneys are specially trained and experienced to provide services as bond counsel and disclosure counsel in connection with the issuance of the JPA Bonds and Attorneys are willing to provide such services; and

WHEREAS, the public interest, economy and general welfare will be served by this Agreement for Legal Services (Bond Counsel and Disclosure Counsel).

NOW THEREFORE, IT IS HEREBY AGREED, as follows:

Section 1. Duties of Attorneys.

(a) *Bond Counsel Services.* Attorneys shall provide bond counsel services in connection with the authorization and issuance of the JPA Bonds, the issuance by the Town of the Local Obligations and the refunding of the Prior Bonds. Such services shall include the following:

(i) confer and consult with the officers and administrative staff of the Town as to matters relating to the issuance of the JPA Bonds, the establishment by the Town of a reassessment district, the issuance of the Local Obligations, and the refunding of the Prior Bonds;

(ii) attend all meetings of the Board of Directors of the Authority and the Town Council, and any administrative meetings at which the financing proceedings are to be discussed, deemed necessary by Attorneys for the proper planning of the proceedings or when specifically requested by Town Staff to attend;

(iii) prepare any required resolutions and legal documents (other than the Reassessment Report to be prepared by the Reassessment Engineer) necessary for the proper conduct of the proceedings for the establishment of the reassessment district and for the financing proceedings relating to the JPA Bonds, the Local Obligations and the refunding of the Prior Bonds;

Exhibit 3

(iv) review, without undertaking an independent investigation, any official statement or other disclosure document prepared in connection with the financing proceedings to assure correctness of disclosure relating to the legal documents prepared by Attorneys;

(v) prepare and provide a signature and no-litigation certificate, an arbitrage certificate and any and all other closing documents required to accompany delivery of the JPA Bonds;

(vi) prepare and provide a complete transcript of the proceedings to form the Authority, establish the reassessment district and issue the JPA Bonds and the Local Obligations as necessary to accompany delivery of the Bonds;

(vii) subject to the completion of the legal proceedings, provide the legal opinion of Attorneys to the effect that the JPA Bonds have been validly authorized and issued, and that the interest on the JPA Bonds is excluded from gross income of the owners of the JPA Bonds for purposes of federal income taxation and is exempt from California personal income taxation; and

(viii) confer and consult with Town officials and agents with regard to problems which may arise during the servicing and payment of principal of and interest on the JPA Bonds.

(b) *Disclosure Counsel.* Attorneys, in their role as disclosure counsel, shall provide legal services in connection with the preparation of the official statement to be used in connection with the offering and sale of the JPA Bonds and a related continuing disclosure agreement. Such services shall include the following:

(i) Prepare the official statement (both preliminary and final) in connection with the offering of the JPA Bonds to the public;

(ii) Confer and consult with the officers and administrative staff of the Town as to matters relating to the official statement;

(iii) Attend all meetings of the Board of Directors of the Authority and the Town Council, and any administrative meetings, at which the official statement is to be discussed, deemed necessary by Attorneys for the proper exercise of their due diligence with respect to the official statement, or when specifically requested by Town Staff to attend;

(iv) Prepare the continuing disclosure agreement for the JPA Bonds;

(v) Subject to the completion of proceedings to the satisfaction of Attorneys, provide a letter addressed to the Authority and to the underwriter of the JPA Bonds to the effect that, although Attorneys have not undertaken to determine independently or assume any responsibility for the accuracy, completeness or fairness of the statements contained in the official statement for the JPA Bonds, in the course of Attorney's participation in the preparation of the official statement, Attorneys have been in contact with representatives of the Authority and others concerning the contents of the official statement and related matters, and based upon the foregoing, nothing has come to Attorneys attention to lead Attorneys to believe that the official statement (except for any financial or statistical data or forecasts, numbers, charts, estimates, projections,

assumptions or expressions of opinion included therein, and information relating to The Depository Trust Company and its book-entry system, as to which Attorneys need express no view) as of the date of the official statement or the date of the closing for the JPA Bonds contains any untrue statement of a material fact or omits to state any material fact necessary in order to make the statements therein, in the light of the circumstances under which they were made, not misleading; and

(vi) Such other and further services as are normally performed by disclosure counsel on similar financings.

Section 2. Compensation. For the services listed in Section 1(a), Attorneys shall be paid a fee of \$60,000.00, inclusive of all out-of-pocket costs and expenses incurred by Attorneys in connection with such services. For the services listed in Section 1(b), Attorneys shall be paid a fee of \$30,000.00, inclusive of all out-of-pocket costs and expenses incurred by Attorneys in connection with such services. *Payment of said compensation shall be entirely contingent upon the successful issuance of the JPA Bonds, and shall be payable solely from the proceeds of the JPA Bonds and from no other funds of the Authority or the Town.*

Section 3. Exceptions. Attorneys shall not be responsible for providing advice, legal or otherwise, to property owners within the reassessment district. Attorneys shall not be responsible for providing any municipal advisory or other financial advice to the Town or the Authority in connection with the reassessment district, the JPA Bonds or the Local Obligations. Attorneys shall not be responsible for any review of prior compliance by the Town with continuing disclosure obligations under the federal securities laws, or any ongoing continuing disclosure or federal rebate services for the Town or the Authority. Attorneys' services do not include any representation of the Town or the Authority in connection with any litigation or threatened litigation involving the reassessment district, the JPA Bonds or the Local Obligations that may arise.

For any such excluded services which Attorneys are requested to render for and on behalf of the Authority or the Town, compensation shall be on the basis of reasonable fees to be agreed upon by the Authority or the Town, as applicable, and Attorneys; however Attorneys shall in no way be responsible for the services described in the first sentence of this Section 3.

Section 4. Responsibilities of the Authority. The Authority shall cooperate with Attorneys and shall furnish Attorneys with certified copies of all proceedings taken by the Authority and the Town, or other information deemed necessary by Attorneys to render an opinion upon the validity of the JPA Bond proceedings. All costs and expenses incurred incidental to the actual formation of the reassessment district and the issuance and delivery of the JPA Bonds and the Local Obligations, including the cost and expense of preparing certified copies of proceedings required by Attorneys in connection with the issuance of the JPA Bonds, the cost of preparing the JPA Bonds for execution and delivery, all printing costs and publication costs, and any other expenses incurred in connection with the issuance of the JPA Bonds and the Local Obligations (other than any out-of-pocket expenses of Attorneys, which are included in Attorney's fees described in Section 2, and so are to be paid by Attorneys), shall be paid by the Authority from proceeds of the JPA Bonds.

Section 5. Non-Legal Services. In performing their services as bond counsel and disclosure counsel pursuant to this Agreement for Legal Services, it is understood and acknowledged by the Authority that Attorneys will not be providing municipal advisory, placement agent, investment banking or other similar services. It is expected that the Authority will engage other consultants to provide any such services, as and if desired by the Authority, with respect to the formation of the reassessment district, the issuance of the Local Obligations or the JPA Bonds.

Section 6. Termination of Agreement. This Agreement for Legal Services (Bond Counsel and Disclosure Counsel) may be terminated by the Authority at any time by giving thirty (30) days prior written notice to Attorneys, with or without cause. In the event of termination, all finished and unfinished documents shall, at the option of Authority, become its property and shall be delivered to it by Attorneys.

Section 7. Amendment or Modification. No amendment, modification, or other alteration of this Agreement for Legal Services (Bond Counsel and Disclosure Counsel) shall be valid unless in writing and signed by both of the parties hereto.

Section 8. Entire Agreement. This Agreement for Legal Services (Bond Counsel and Disclosure Counsel) contains the entire agreement of the parties hereto. No other agreement, statement, or promise made on or before the effective date of this Agreement for Legal Services (Bond Counsel and Disclosure Counsel) will be binding on the parties hereto.

IN WITNESS WHEREOF, the Authority and Attorneys have executed this Agreement for Legal Services (Bond Counsel and Disclosure Counsel) as of the date first written above.

TIBURON PUBLIC FINANCING AUTHORITY

By: _____
Executive Director

QUINT & THIMMIG LLP

By: _____
Paul J. Thimmig, Partner



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
June 15, 2016
Agenda Item: PH-1

STAFF REPORT

To: Mayor and Members of the Town Council
From: Department of Public Works
Subject: Recommendation to Approve a Resolution Continuing the Cypress Hollow Lighting & Landscaping District Assessment for FY 2016/17
Reviewed By:

BACKGROUND

In 1998, the residents of Cypress Hollow petitioned and received approval from the Local Agency Formation Commission for annexation from unincorporated Marin County into the Tiburon Town Limits. Since 1990, the County of Marin had maintained and operated a Landscaping and Lighting District in Cypress Hollow.

In 1998, the Tiburon Town Council and the Marin County Board of Supervisors passed a joint resolution transferring jurisdiction of the Cypress Hollow Landscape and Lighting District to the Town of Tiburon. The resolution also transferred the financial resources and documentation associated with operation, maintenance and funding to the Town.

Based on this resolution, the Town of Tiburon has maintenance responsibility for:

1. The 25 foot sanitary sewer easement landscape and irrigation on the east boundary;
2. Entry landscaping and the 30 foot storm drainage easement on the southwesterly boundary and irrigation system; and
3. Ownership and maintenance of the park site.

Since 1998, the Town of Tiburon has continued the operation and maintenance activities of the Cypress Hollow Landscaping and Lighting District and assessed the residents the cost thereof.

ANALYSIS

The California Streets and Highways Code requires the Town to publicly notice the affected residents annually in order to continue the Landscaping and Lighting Assessment District. The Town must provide the residents an opportunity to submit either written or oral protests. On April 26, 2016, the residents of Cypress Hollow were sent a notice of this evening's public hearing via U.S. Mail. As of the writing of this report, the Town has not received any inquiries on the proposed assessment. There is no change in the amount of the assessment since incorporation, which is \$378 per year.

FINANCIAL IMPACT

The Cypress Hollow Landscape and Lighting District generates about \$16,632 per year.

The table below shows past year Town expenditures and the proposed budget for next year.

Town of Tiburon Cypress Hollow Expenditures					
	2012/13	2013/14	2014/15	2015/16	2016/17
	Actual	Actual	Actual	Estimated	Budget
Contractual Services (Cost Recovery)	\$14,000	\$14,000	\$14,000	\$14,000	\$14,000
Landscape Grounds & Materials	\$467	\$80	\$6,450	\$500	\$500
Water-MMWD	\$1,706	\$1,659	\$1,918	\$1,600	\$2,000
TOTAL	\$16,173	\$16,739	\$22,368	\$16,100	\$16,500

The \$14,000 cost recovery is an average of about 5 hours per week for a Parks Maintenance employee. Staff believes that the total time spent in the three areas totals an average of 7 to 8.5 hours per week. Work tracking software staff hopes to implement in the next year will provide further data on this in the future.

Note that there is a small surplus in most years. This has generated a reserve of about \$30,260, which is used for larger projects. Special trimming is needed about every four years and can cost over \$6,000. This was done in 2014/15. Additionally, the park infrastructure needs renewal about every 20 years. In 2009, the Town spent \$40,000 rehabilitating the park area.

The total budget for FY 2016/17 compares favorably with the Marin County budget from FY 1996/97, ten years ago. For FY 1996/97, the assessment report from Marin County estimated the following costs for the maintenance and operation of Cypress Hollow LLD:

County Budget for Cypress Hollow FY 1996/97	
Miscellaneous Maintenance	\$2,500
Miscellaneous Fees	\$88
Contractual Services, Monthly Maintenance	\$8,728
Water	\$2,300
Indirect County Overhead	\$5,733
Contingencies (carry over)	\$8,564
Total Expenditure	\$27,913

Note that even without the contingencies line item, this County budget was \$19,349, or about 17% more than the Town's budget for FY 2015/16 – 20 years later. Staff believes that the Cypress Hollow development is receiving a good value from the Town of Tiburon.

Cypress Hollow Park is unique among neighborhood parks in Tiburon. It is the only neighborhood park that is manicured. It is the only neighborhood park with a play set for children. The park is a well used amenity benefitting the residents of Cypress Hollow.

Two years ago, one resident spoke against the assessment at the Town Council meeting. Prior to last year, no resident had ever spoken or written in protest to the assessment. There are 44 parcels in the LLD and the LLD has been in the Town since 1998, 18 years. That is a $(1/(18*44)) = 0.13\%$ protest rate.

The resident who spoke against the LLD assessment two years ago said that he had been told by the developer that the assessment would be paid for in a few years and then disappear. A disappearing assessment would normally be to fund the cost of initial construction. It is clear from 1997 Marin County documents that the assessment is for "landscape services" for the "operation and maintenance" of these areas, not initial construction.

The levy of the annual lighting and landscaping assessment provides a funding source for the cost of Town maintenance of the park and any required improvements. Without this source of funding, these costs would be paid for from the General Fund.

RECOMMENDATION

Staff recommends that the Town Council:

1. Conduct a public hearing to hear any protests on the intent to levy the annual assessment, and
2. Move to adopt the resolution continuing the Cypress Hollow Lighting and Landscaping District for FY 2016-17

Exhibits: **Draft Resolution continuing the maintenance and operation of the Landscape and Lighting District in the Cypress Hollow Subdivision for Fiscal Year 2016-17**

Prepared By: Patrick Barnes, Director of Public Works

RESOLUTION NO. ##-2016

**A RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF TIBURON CONTINUING
MAINTENANCE AND OPERATION OF THE LANDSCAPE
AND LIGHTING DISTRICT IN THE CYPRESS HOLLOW SUBDIVISION**

WHEREAS, the County of Marin has maintained and operated a Landscape and Lighting District in Cypress Hollow, and received assessments from the parcels therein for the purpose of operating and maintaining the following areas: (1) landscaping and irrigation of the sewer sanitary easement on the east boundary, (2) entry landscaping and irrigation of the 30' storm drainage easement in the southwest boundary area, and (3) ownership and maintenance of the park site, all as part of the Cypress Hollow Development; and

WHEREAS, in December 1998 the Town of Tiburon annexed the Cypress Hollow Area, and in April 1999 accepted the Grant Deed from the County of Marin for the Cypress Hollow Public Park; and

WHEREAS, the Town of Tiburon, having completed annexation of the parcels in the Cypress Hollow District, herein states its intention to continue the operation and maintenance activities of the Cypress Hollow Landscape and Lighting District heretofore the responsibility of the County of Marin.

NOW THEREFORE IT IS RESOLVED, as follows:

Section 1. The special assessment levy for the District is established as follows, for continued operation and maintenance District:

034.012.56	220 Rancho Dr.	\$378.00	034.394.01	10 Monterey Dr.	\$378.00
034.012.57	110 Monterey Dr.	\$378.00	034.394.02	20 Monterey Dr.	\$378.00
034.392.02	10 Cypress Hollow.	\$378.00	034.394.03	30 Monterey Dr.	\$378.00
034.392.03	20 Cypress Hollow	\$378.00	034.394.04	40 Monterey Dr.	\$378.00
034.392.04	30 Cypress Hollow	\$378.00	034.394.05	50 Monterey Dr.	\$378.00
034.392.05	40 Cypress Hollow	\$378.00	034.394.06	60 Monterey Dr.	\$378.00
034.392.06	50 Cypress Hollow	\$378.00	034.394.07	70 Monterey Dr.	\$378.00
034.392.07	60 Cypress Hollow	\$378.00	034.394.08	80 Monterey Dr.	\$378.00
034.392.08	70 Cypress Hollow	\$378.00	034.394.09	90 Monterey Dr.	\$378.00
034.392.09	80 Cypress Hollow	\$378.00	034.394.10	100 Monterey Dr.	\$378.00
034.392.10	145 Rancho Dr.	\$378.00	034.394.11	60 Baccharis Pl.	\$378.00
034.393.01	110 Rancho Dr.	\$378.00	034.394.12	50 Baccharis Pl.	\$378.00
034.393.02	120 Rancho Dr.	\$378.00	034.394.13	40 Baccharis Pl.	\$378.00
034.393.03	130 Rancho Dr.	\$378.00	034.394.14	30 Baccharis Pl.	\$378.00
034.393.04	140 Rancho Dr.	\$378.00	034.394.15	20 Baccharis Pl.	\$378.00
034.393.05	150 Rancho Dr.	\$378.00	034.394.16	10 Baccharis Pl.	\$378.00
034.393.06	160 Rancho Dr.	\$378.00	034.394.18	185 Rancho Dr.	\$378.00
034.393.07	170 Rancho Dr.	\$378.00	034.395.01	35 Monterey Dr.	\$378.00
034.393.08	180 Rancho Dr.	\$378.00	034.395.02	45 Monterey Dr.	\$378.00
034.393.09	190 Rancho Dr.	\$378.00	034.395.03	55 Monterey Dr.	\$378.00
034.393.10	200 Rancho Dr.	\$378.00	034.395.04	65 Monterey Dr.	\$378.00
034.393.11	210 Rancho Dr.	\$378.00	034.395.05	75 Monterey Dr.	\$378.00

Total assessment charge to the parcels of the District: \$ 16,632.00.

Section 2. The estimated District budget for Fiscal Year 2015-2016 provides for continuing operating functions, and reserves funds for capital maintenance:

	<u>Amount</u>
Contractual Services	\$14,000
Materials & Supplies	600
Water	<u>2,000</u>
Total Estimated Budget:	\$16,500
To reserves	\$132

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Tiburon, on _____ 2016, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ERIN TOLLINI, MAYOR
TOWN OF TIBURON

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK