

RESOLUTION NO. 3363

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO SETTING A POLICY FOR TOWN ASSISTANCE TOWARDS COOPERATIVE EFFORTS IN DRAINAGE IMPROVEMENT PROJECTS

WHEREAS, there are drainage facilities in San Anselmo that fall into disrepair; and

WHEREAS, property owners may join together to raise funds and make arrangements to improve drainage facilities in their neighborhood; and

WHEREAS, there is a community interest in encouraging the improvement of drainage facilities in neighborhoods,

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Town will consider proposals by property owners of Town maintain roads and non-Town maintained roads for financial assistance in making improvements to drainage facilities, using the following criteria to evaluate an appropriate funding level, if any, for such proposals:

1. Participation by other public agencies. Priority may be given to projects to which other public and/or private agencies are making contributions.
2. Town participation as leverage for project accomplishment. To what extent does the Town participation facilitate performance of the project? What is the percentage of Town versus private contribution relative to total project cost. Is the Town being asked to fund more than half of the repair/improvement?
3. Fundraising. Are the property owners making other efforts to raise funds?
4. Property owner participation. What is the percentage of property owners affected who are participating? How much are they contributing?
5. Condition of drainage facility. Has there been a failure, or is the proposal to prevent a failure? How does the condition of this drain compare with the condition of other drains in Town - both public and private?
6. Use of facility. How large is the watershed draining into the proposed improvement? What are the number of properties affected? Preference will be given to projects affecting more than one property.
7. Cost benefit of the proposed improvement. Is there a savings to the Town? Does it save funds on improvements to public drainage facilities?
8. Town property. Is it within a public, but unaccepted right-of-way? Higher priority will be given to drains in the public right-of-way.
9. Cost of repair. Smaller requests will be given higher consideration than larger requests, in order to spread the funds over many projects.
10. Degree of risk. What is the threat of damage and amount of potential damage if the improvements are not made?

11. **Private work that is necessitated by a Town project.** Is there a public project that depends on work being done that is private property owner responsibility?

BE IT FURTHER RESOLVED that the following conditions will apply to contributions for drainage improvements:

- A. Agreement to accept a cash contribution without Town oversight of project beyond that of standard residential developments. The Town will not design, contract, administer, or exercise dominion and control on the project.
- B. Agreement that maintenance responsibility remains with the property owners.
- C. Agreement to indemnify the Town against any claim or litigation related to the improvements performed with the Town contribution.
- D. Agreement to hold the Town harmless for any actions, or lack thereof, related to the filing of a proposal for Town contribution, whether or not the proposal is funded.

BE IT FURTHER RESOLVED that the Town will:

- 1) Waive permit fees for the improvements.
- 2) If desired by the property owners, provide a holding account for funds contributed by property owners and other agencies.
- 3) Coordinate with local utilities for any work that needs to be done prior to the start of paving.
- 4) Not provide technical assistance, except for the inspection of private improvements.
- 5) Consider contribution of Town funds, contingent upon the availability of funds and applicability of the criteria in this resolution to the proposed drainage improvement project.
- 6) Endorse requests for funding for other public or private sources.

BE IT FURTHER RESOLVED that Town assistance in the improvements of drainage facilities on non-Town maintained roads or private property does not obligate the Town to perform maintenance on these improvements, or be liable for any consequences of these improvements.

I hereby certify that the foregoing resolution was duly passed and adopted on the 10th day of September, 1996, by the following vote, to wit:

AYES: Breen, Chignell, Kroot, Hodgins, Yarish

NOES: (None)

ABSENT: (None)

ATTEST:

Debra Stutsman

TOWN OF SAN ANSELMO

PROCEDURE TO REQUEST FINANCIAL ASSISTANCE TOWARDS DRAINAGE IMPROVEMENT PROJECTS

Drainage facilities on non-Town maintained roads are the responsibility of the adjacent property owners, as are drainage facilities on private property. Sometimes, neighbors join together in an effort to make improvements to the drainage facilities in their neighborhood that are their responsibility.

The San Anselmo Town Council has adopted Resolution No. 3363, which establishes criteria for its consideration of proposals from neighborhoods for financial assistance from the Town towards drainage improvement projects. Council has also designated for the next three years, or more, up to \$50,000 each year for appropriation to paving and drainage improvements on non-Town maintained roads.

To have a proposal considered for funding contribution, the procedure is:

1. A total of \$50,000 is allocated for neighborhood paving and drainage projects, as long as \$50,000 is budgeted in the Measure G capital improvement program for that purpose.
2. The neighborhood designates a primary contact to interact with Town staff regarding the proposal process.
3. Staff advises the neighborhood contact on the process for submitting information related to the funding criteria in Resolution No.3363.
4. A proposal from the neighborhood is received by the Town by May 1, beginning in May, 1997.
5. In May of each year, Council designates either a Council subcommittee, or a separate committee such as one with engineering expertise, to review the proposals. The Public Works Director/Town Engineer serves as a staff liaison to this subcommittee or committee.
6. The subcommittee or committee reviews the proposals in relation to the criteria and conditions in Resolution No.3363, and makes a recommendation to the Council on funding of the proposals for paving and/or drainage improvements.
7. Council takes an action on the proposals.
8. The neighborhood arranges for the design and construction of the improvements, makes provisions with staff - if needed - to set up a holding account for the neighborhood contributions, and the work is performed.