

Marin County Flood Control and Water Conservation District

**DRAFT MINUTES OF THE
FLOOD CONTROL ZONE 7 ADVISORY BOARD MEETING
HELD THURSDAY, AUGUST 6, 2020**

MEETING HELD ONLINE VIA ZOOM

Advisory Board (AB)

Members Present

Russ Greenfield (RG)
Greg Fox (GF)
Roger Kirk (RK)
Alex Kahl (AK)

District Staff (Staff) Present

Hannah Lee, Senior Civil Engineer
Gerhard Epke, Senior Program Coordinator
Liz Lewis, Water Resources Manager
Tony Williams, Assistant Director

Advisory Board (AB)

Members Absent

Jeffrey Krupnick (JK)

Invited Panelists

Jason Fried -LAFCo
Stephanie Parson – NBS consultants

RK opened the meeting at 6:38pm

Item 1. Welcome New Member and Brown Act Review

RK Introduced GF newest AB member. Greg joined AB to get involved after reading USACE levee report. Provided introductory remarks.

Staff provided brief overview of Brown Act

Item 2. Election of Chairperson and Vice-Chairperson

Action by Board: Election of RK as Chairperson

M/S: RG/AK Ayes: FOUR, Nay: NONE

Election of RG as Vice-Chairperson

M/S: RK/AK Ayes: Four, Nay: None

Item 3. Approval of Meeting Minutes: August 21, 2019

Action by Board: Approve minutes as written with no amendments.

M/S: RG/RK Ayes: FOUR, Nay: NONE

Item 4. Open Time for Items Not on the Agenda

A member of the public expressed appreciation to Marin County Parks for widening the levee path.

Item 5. Marin LAFCo Draft Municipal Service Review of Flood Zone 7

Jason Fried, Marin LAFCo, gave a verbal report. Every 5 years LAFCo prepares municipal

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service reports about local agencies in Marin. LAFCo is currently evaluating all the local agencies within each regional sphere of influence including the flood zones within each area. They just finished adding a review of Flood Zone 7 as a supplemental to the San Rafael Sphere of Influence Municipal Service Report (MSR).

- Verify that AB is following Brown Act
- Review outreach and public materials are posted and available to public, posting agendas online
- Financial reports are also evaluated for the Zone.
- District has history of intermittent taxes-concern that Zone may not be keeping up with cost of living and therefore not keeping up with increasing maintenance costs.
- Also concerns with rising sea levels
- Recommendation to set up reserve account to avoid borrowing against future revenues to pay for projects to minimize financing costs.
- LAFCo will accept public comment through 9/14 with a tentative finalization date of October 8 at the LAFCo Commission meeting.

Comments from AB: RK asked for coordination with County of Marin Roads Dept to maintain storm drain system

RG echoed and raised concerns of street flooding which are not being addressed through levee project.

LAFCo to follow up with County staff for more information so road drainage can be addressed in the Zone 7 Supplement to the MSR.

Item 6. Gallinas Levee Upgrade Project

6a. Flood Barrier Study Draft Technical Memo

Staff gave a report on Levee Design memo

Link to presentation slides:

<https://www.marinwatersheds.org/sites/default/files/2020-09/8%3A6%3A20%20AB%20slides.pdf>

6b. Benefit Assessment District - Draft Engineer's Report

Staff gave a report on the background of funding opportunities. Introduced Stephanie Parson with NBS who made presentation on Benefit Assessment methodology.

AB questions:

Q-Once assessment paid off in 7 years is the house lien removed?

A-Yes

Comment- For homes that are elevated and have an elevation certificate, homeowners eligible for an assessment corresponding to the elevation of the finished floor rather than adjacent grade.

Comment- Money has to be used for specific project a plus.

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Comment- Prefer to see less distinction between assessment amounts for different elevations and would prefer to have the assessment based on floor elevations not ground.

Comment- The cost is a fraction of the benefit. Concern with assessment amounts for those on fixed incomes. Hoping to identify ways to mitigate that with methodology and engender fellowship within community.

Comment- Warns against passing up the FEMA grant opportunity.

Comment- According to news article, some mortgage companies starting to require 40% down payment in high flood risk areas
<https://www.nytimes.com/2020/06/19/climate/climate-seas-30-year-mortgage.html>

Comment- Preventing levee failure is high priority because if there is a hole in the levee, stormwater pumped out will just reenter the neighborhood. Flood damage is greater with levee failure compared to street flooding even though street flooding occurs more frequently.

AB discussed lack of representation on the AB by those that live adjacent to the levee and encouraged levee owners to apply when there is a vacancy.

Comments and questions from Santa Venetia residents submitted by email and letter from COST are posted here:

<https://www.marinwatersheds.org/sites/default/files/2020-08/Compiled%20Public%20Comment2.pdf>

Questions from public heard at the meeting:

Q- What is margin of error for the LiDAR flyover derived elevations? How accurate is it?

A- It's remarkably accurate, generally within 6 inches. Burden of proof is on homeowner to prove their elevation is different through an elevation certificate. Using elevations as a proxy for risk and this approach is considered the industry standard.

Q- ADU and requirements to raise home if adding an ADU. Any incentives for those who would like to add ADUs?

A- CA Building Code defines substantial improvements. Requirements are set by State and Federal policies not possible to exempt requirements to elevate.

Q- How are ballots counted as part of majority protest?

A- Based on ballots returned. Ballots are weighted by their benefit.

Q-What happens if funding sources are insufficient, can Benefit Assessment be extended?

A- Benefit Assessment can't be automatically extended or increased. Dissolves when assessments are collected. How to address any future budget shortfalls would be discussed with AB at future meetings

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Q- How do Sea Level Rise projections from the past compare to current day levels

A- Levee design report uses current guidance from state, see references section of project web page <https://www.marinwatersheds.org/resources/projects/gallinas-levee-upgrade-project>

Q- What if two owners per parcel? What if they don't agree.

A- One ballot/vote per parcel. If homeowners don't agree a split ballot can be requested.

Q- Do project costs include real estate costs?

A- Project costs include compensation for easements

Item 7. Schedule next meeting

Next Advisory Board meeting date recommended for sometime around 9/16.