

**Marin County Flood Control and Water Conservation District**

**FLOOD CONTROL ZONE 7 ADVISORY BOARD MEETING**  
**MEETING AUGUST 6, 2020**

**STAFF REPORT**

**Item 1. Welcome New Member and Brown Act Review**

The District Board of Supervisors appointed Greg Fox to the Flood Zone Advisory Board at the end of March. Since we are welcoming a new member, staff will start with a quick review of the Brown Act. The Brown Act was enacted to ensure that the actions and deliberations of legislative bodies be conducted openly. Chapter 3 of the County of Marin Board and Commission Handbook, available here: <https://www.marincounty.org/depts/bs/boards-and-commissions/member-handbook>, describes the legal requirements of the Brown Act relevant to serving on an advisory board. Here are some key points:

- Requires publicly noticing every regular meeting of the advisory board at least 72 hours in advance; special, single-topic meetings may be called with 24 hours-notice, and emergency meetings on one-hour notice.
- Actions can only be taken on items that are included on the publicly noticed agenda, unless a truly urgent item not previously on the agenda is approved by 4 of the advisory board members to add to the agenda.
- Applies to any congregation of more than a majority of advisory board members who are discussing a matter within Zone 7's jurisdiction.
- The Brown Act applies to "standing committees" of less than a quorum of the advisory board if the subject matter is continuing (i.e. not an ad hoc committee that dissolves upon completing its specific task).

Note, recommendations from advisory boards are not official District policy until formal action is taken by the District Board of Supervisors.

**Item 2. Election of Chairperson and Vice-Chairperson**

Article VI of the Advisory Board's bylaws stipulate that officers of the Advisory Board be elected to a two-year term by a majority vote of the Advisory Board. There are two officers – chair and vice-chair. The previously elected chairperson, Jacqueline Garcia has resigned from the advisory board.

***Recommended Action:*** Elect chairperson and elect vice-chairperson.

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

Attachment 1: August 21 Draft Minutes  
[https://www.marinwatersheds.org/sites/default/files/2020-07/A1%20FCZ7\\_AB\\_Mtg\\_Draft\\_Minutes\\_082119.pdf](https://www.marinwatersheds.org/sites/default/files/2020-07/A1%20FCZ7_AB_Mtg_Draft_Minutes_082119.pdf)

***Recommended Action:*** Approve minutes.

**Item 4. Open Time for Items Not on the Agenda**

Comments will be heard for items not on the agenda (limited to three minutes per speaker).

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

In October 2019, the Marin Local Agency Formation Commission (LAFCo), prepared a Municipal Service Review (MSR) for San Rafael environs. In July 2020 they drafted up a supplemental MSR that includes Flood Control Zones No 6 and 7. Draft MSRs are open for review and public comment until September 14<sup>th</sup>. LAFCo staff will present at the meeting and take comment from Advisory Board members and the public.

Attachment 2: Marin LAFCo Draft MSR of Flood Zone 7

<https://www.marinflco.org/files/638848884/San+Rafael+Region+Supplemental+Flood+Zones+6+and+7+MSR+Public+Draft.pdf>

**Item 6. Gallinas Levee Upgrade Project**

Project information is available on the website:

<http://www.marinwatersheds.org/resources/projects/gallinas-levee-upgrade-project>

Below is an estimated timeline of next steps for the project.

Finalize Flood Barrier Study Technical Memorandum	August 2020
Finalize Benefit Assessment Engineer's Report	August 2020
Prepare Construction Plans and Specifications	August 2020 - April 2021
Town Hall / Z7 Advisory Board meeting to consider recommending sending a ballot for benefit assessment	September 15-17, 2020
District BOS to consider Resolution of Intention and Resolution Preliminarily Approving Engineer's Report. Set the date and time for Public Hearing.	October 20, 2020
Mail assessment ballots to property owners	By October 23, 2020
Environmental Permitting	November 2020 - February 2021
District BOS Conducts Public Hearing and opens ballots (tabulation); considers Resolution Adopting Engineer's Report, Confirming the Assessment, and Ordering the Work.	December 15, 2020
Easement Acquisition Process	December 2020 - May 2021
Advertise Construction Contract to Potential Bidders	May 2021 - June 2021
Reconstruct Timber-Reinforced Berm	June 2021 - November 2022
Grant Closeout Process	November 2022 - February 2023

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### **6a. Flood Barrier Study Draft Technical Memo**

The grant application for upgrade of the Las Gallinas Levee was submitted to FEMA in November 2017 with a concept-level design. As part of the application funding was requested from FEMA to perform necessary design and engineering and complete construction. With award of the grant in January 2020, design and engineering of the levee upgrade is underway and is anticipated to be completed in May 2021. This memo evaluates potential alternatives for upgrades that meet the 30-year design life requirement for this FEMA grant project, for which land subsidence and sea level rise must be considered. The memo recommends design upgrades and the pros and cons of several materials including composite and pressure treated wood, concrete blocks, and sheet pile.

Attachment 3: Flood Barrier Study Draft Technical Memo  
[https://www.marinwatersheds.org/sites/default/files/2020-07/Santa\\_Venetia\\_TRB\\_FINAL\\_DRAFT\\_2020-06-11.pdf](https://www.marinwatersheds.org/sites/default/files/2020-07/Santa_Venetia_TRB_FINAL_DRAFT_2020-06-11.pdf)

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

The Zone 7 Advisory Board is being asked to review a report on a possible method of financing the last \$1,000,000 of project funding needed in order to obtain the right-of-way and fund the required local share of design and construction costs that applies to the FEMA grant program.

#### **Background**

At the most recent Advisory Board meeting, August 21, 2019, a board action tentatively recommended the special parcel tax measure for the March 2020 election, subject to some edits (see Attachment 1). It would have been a flat 7-year tax of about \$200 per year, or \$1400 total. The follow-up meeting (September 24, 2019) was canceled at the last minute due to concerns that there was not consensus on the basis of the tax and lacking certain other pieces of information about the project, it would not likely pass with a 2/3 majority.

Since that time

1. The CEQA Initial Study/ Mitigated Negative Declaration (IS/MND) has been filed and posted by the County including comment responses
2. The Flood Barrier Study Technical Memo draft has refined the design, provides a better description of the new TRB to adjacent residents, and evaluates alternatives that were raised during the CEQA process
3. The easement acquisition process has been described in two documents on the project website
4. FEMA awarded the \$3,000,000 hazard mitigation grant, providing approximately half of the overall project funding

The levee project has limited relevance to and support from the ~220 homes within Zone 7 that are located above the reach of a tidal flooding event. As seen in Figure 1, this is approximately ¼ of the Zone that would have been asked to vote on and pay into this project without receiving any direct benefit.

In December and January staff began working with the Advisory Board's election subcommittee (JG and AK) to reconfigure the tax proposal to more specifically target the affected area and increase the chances of a successful ballot measure. The Benefit Assessment District concept came out of this need because placing the assessment most directly on the beneficiaries of the project is what they are

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structured to do. The County of Marin Watershed Program (not Zone 7) hired consultant, NBS, to prepare an Engineer's Report specifying what the benefit assessment methodology could look like.

### **What is a Benefit Assessment District?**

There is a lot of information online and NBS staff will be present at the meeting to discuss legal differences. Like a special tax, a benefit assessment is just another way of raising funds in a particular community for a specific project or service. One difference is that assessments (the amount homeowners would pay) are in proportion to the benefit each parcel receives from the project.

### **Assessment Methodology**

This draft report is presented as a possible methodology and includes the resultant assessment values. The method delineates the district and assigns assessments based primarily upon the ground elevation at the house (from Figure 2). The average (mean) elevation beneath each house is categorized into 1-foot intervals and converted to a 'Mean Elevation Factor' described in the report.

The four parcels that are not zoned single family residential have building square footage factors that increases their assessments proportional to their size.

Structures that have been elevated are eligible for a discount based upon their finished floor elevation as documented in a FEMA elevation certificate.

Attachment 4: Benefit Assessment District - Draft Engineer's Report

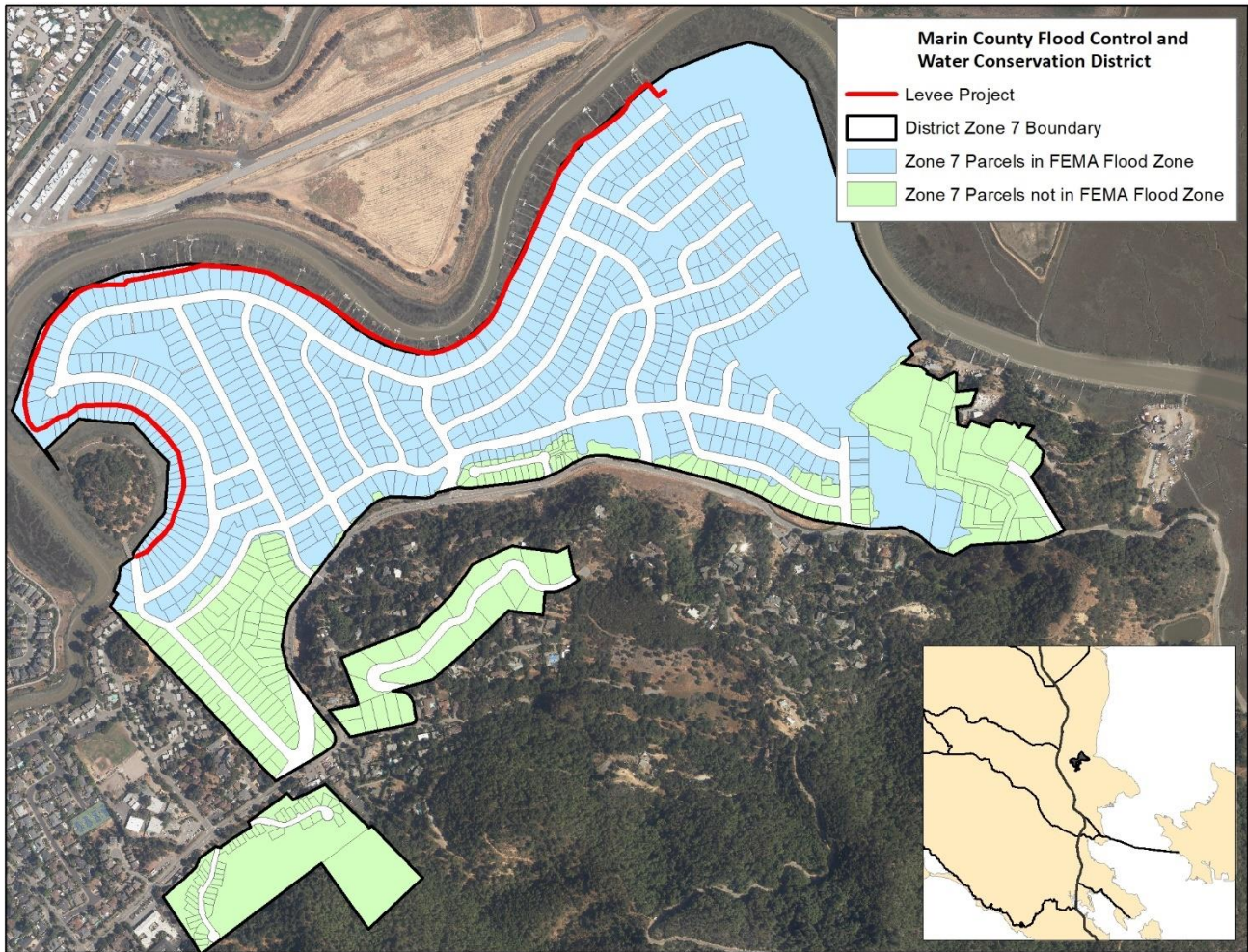
[https://www.marinwatersheds.org/sites/default/files/2020-07/A4%20Benefit%20Assessment%20Draft%20Engineers%20Report\\_7.28.20\\_1.pdf](https://www.marinwatersheds.org/sites/default/files/2020-07/A4%20Benefit%20Assessment%20Draft%20Engineers%20Report_7.28.20_1.pdf)

### **Item 7. Schedule Next Meeting**

***Recommended Action:*** *Schedule a special meeting for mid-September to consider recommending that the District Board of Supervisors prepare a Resolution of Intention, Resolution Preliminarily Approving Engineer's Report, and hold a Public Hearing regarding the proposed benefit assessment.*



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**Figure 1** Flood Zone 7, the FEMA flood zone, and the levee project



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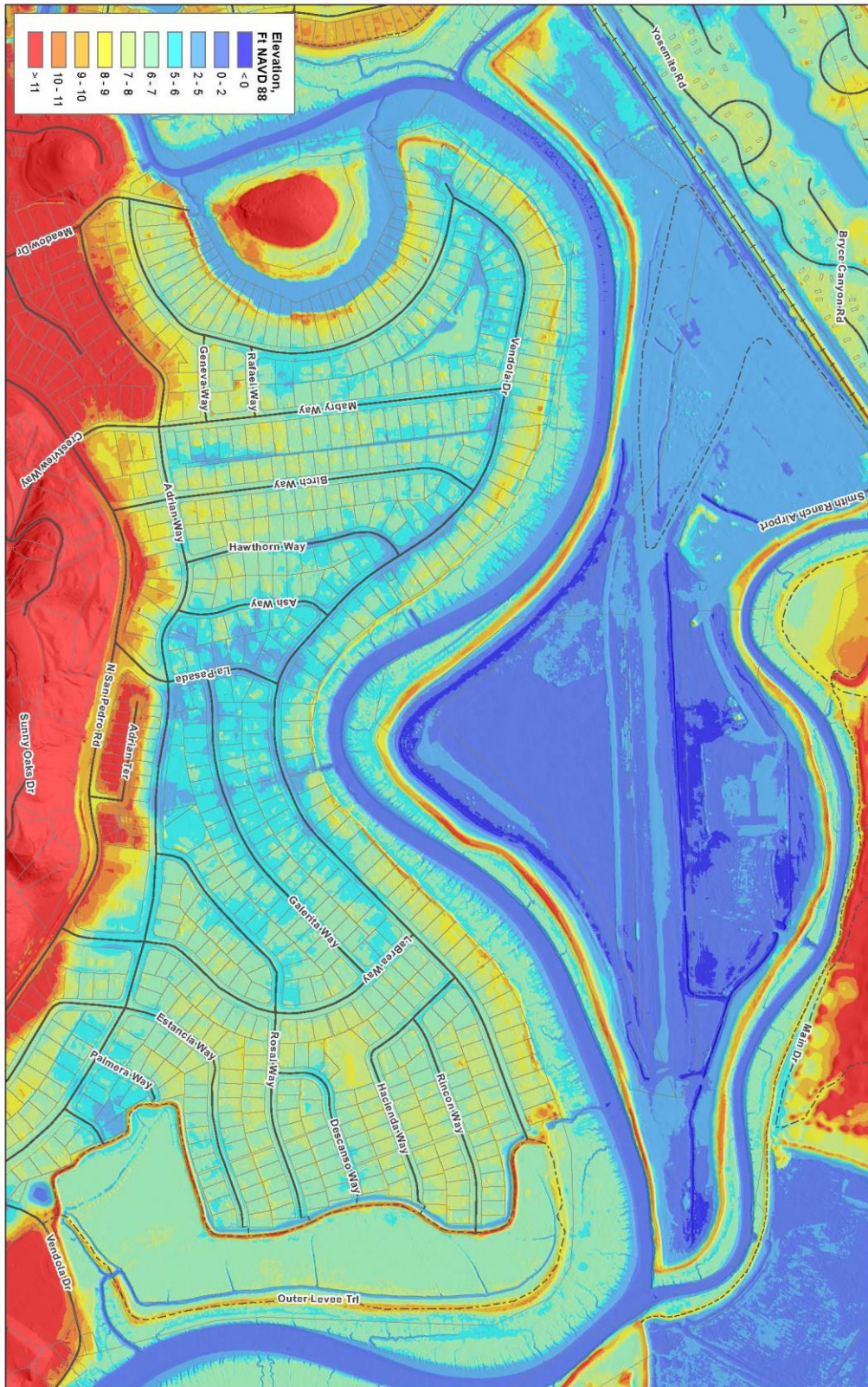
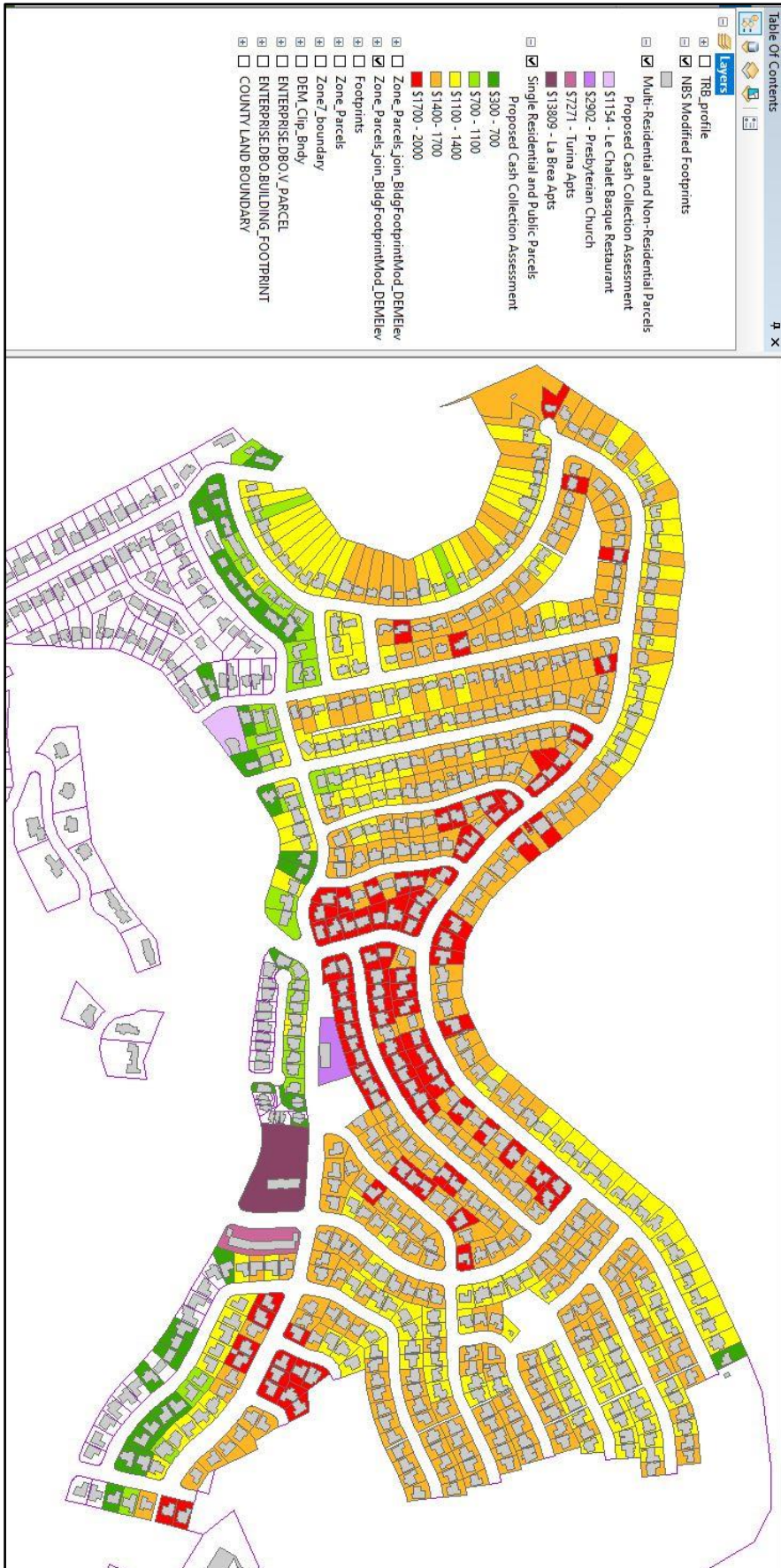


Figure 2 Bare earth elevations of the proposed Benefit Assessment District area



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**Figure 3**  
 Figure 3 shows the draft assessments weighted from the elevations in Figure 2. The assessments shown are the upfront 'cash collection' values. Paid over 7 years, the total assessments increase with interest and loan carrying costs to the district.