



San Mateo County Flood & Sea Level Rise Resiliency District

Board of Directors

Supervisors:

- District 3 Don Horsley
- At-Large: Dave Pine - **Chair**

City Representatives:

- North: Donna Colson
- Central: Diane Papan
- South: Lisa Gauthier
- Coast: Debbie Ruddock – **Vice Chair**
- At-Large Maryann Moise Derwin

Due to the risk of COVID-19 transmission, local guidelines in effect for social distancing, and recent State Executive Orders allowing local government bodies to conduct meetings remotely, this meeting is being held remotely.

To join the meeting, click on:
<https://smcgov.zoom.us/j/97203834985>

or call by phone: 669-900-6833, ID 97203834985#

Public Comment can be submitted during the Zoom meeting by using the “Raise Hand” feature, by speaking up at the appropriate time if joining by phone, or via email to board@oneshoreline.org prior to 2:00 pm on the day of the Board meeting; please indicate the specific agenda item to which your comment applies. All written public comments received by this deadline will be read or summarized at the meeting by the Clerk of the Board.

AGENDA

July 13, 2020

4:00 PM

1. Roll Call

2. Public Comment This item is reserved for persons wishing to address the Board for up to two minutes on any District-related matters not listed on this agenda. Public comments for up to two minutes on matters listed on the agenda shall be heard at the time the matter is called.

3. Action to Set the Agenda

4. Approval of Consent Agenda

- A. Approve Minutes of June 8, 2020 Board Meeting (ACTION)
- B. Adopt a resolution adopting the San Francisco Bay Area Integrated Regional Water Management Plan October 2019 Update (ACTION)
- C. Adopt resolutions adopting FY 2020-21 Water Pollution Control Service Charges Reports for Flood Zone One - Countywide, and Flood Zone Two - City of Pacifica (ACTION)

5. Regular Agenda

- A. Bayfront Canal and Atherton Channel Project: update on project status, including a potential Memorandum of Understanding to share in the costs and responsibilities of preparing for construction, completing construction, and conducting five years of post-construction activities
- B. Discuss, create, and determine membership of potential standing and *ad hoc* committees of the Board of Directors

6. Chair’s Report*

7. CEO’s Report*

8. Board Member Reports*

9. Items for Future Agenda

10. Adjournment

* Indicates that there is no written staff report for this item.

Meeting Rules and Procedures

Please contact the Clerk of the Board by 10:00 am on the day of the Board of Directors meeting at board@oneshoreline.org if you require auxiliary aids or services to attend or participate in the meeting or if you wish to submit written communication or materials to all Board Members.

Public records that relate to any open session item on the agenda of a Regular Board meeting are available for public inspection at least 72 hours prior to the meeting, at the same time records are distributed to members of the Board. Public records related to a Special Board meeting are available at least 24 hours prior to that meeting.

Such public records will be available at the San Mateo County Flood and Sea Level Rise Resiliency District office, 1700 El Camino Real, Suite 502, San Mateo, CA 94402 and at www.oneshoreline.org. Should you wish to have such documents sent to you by email, please email board@oneshoreline.org.

**SAN MATEO COUNTY
FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT
Board of Directors meeting held remotely via Zoom
June 8, 2020
MINUTES**

1. Roll Call

Chair Pine called the meeting to order at 4:03 p.m. via Zoom video conference software. Interim Clerk Boland took the roll call and confirmed a quorum was present.

Directors Present:

Dave Pine, Representing Board of Supervisors, At Large (Chair)
Donna Colson, Representing Northern San Mateo County cities
Maryann Moise Derwin, Representing San Mateo County cities at-large
Lisa Gauthier, Representing Southern San Mateo County cities
Don Horsley, Representing Board of Supervisors, District 3
Diane Papan, Representing Central San Mateo County cities
Debbie Ruddock, Representing Coastside (Vice Chair)

Directors Absent:

None

Staff Present:

Len Materman, Chief Executive Officer
Brian Kulich, Esq., Legal Counsel
Colin Martorana, Associate Project Manager
Lucy Dong, Senior Accountant
Christine Boland, Interim Clerk of the Board
Larry Patterson, Consultant

2. Public Comment

None.

3. Action to Set the Agenda

Motion/Second: Colson/Ruddock moved to set the agenda, as posted.
Ayes: Colson, Derwin, Gauthier, Horsley, Papan, Ruddock, Pine
Noes: None
Absent: None
Vote: 7-0-0

4. Approval of Consent Agenda

Motion/Second: Colson/Ruddock moved to approve the Consent Agenda.

Ayes: Colson, Derwin, Gauthier, Horsley, Papan, Ruddock, Pine
Noes: None
Absent: None
Vote: 7-0-0

- A. Approved Minutes of May 11, 2020 District Board Meeting
- B. Adopted Resolution 2020-68A, Adopting District Conflict of Interest Code (Administrative Memo 4)
- C. Adopted Resolution 2020-68B, Authorizing the CEO to apply for grant funds for the California Natural Resources Agency Urban Flood Protection Grant Program

5. **Regular Agenda**

- A. Approve Fiscal Year 2020-2021 Operating Budget

Chair Pine stated the Board reviewed the draft budget at its last meeting. He introduced CEO Materman, who provided the final operating budget for Board approval. He noted that only minor changes were made to the initial draft budget as discussed last month. Again, he reviewed the four areas of the operating budget and expenditures associated with each: General Operations and Administration, Regional Program, Flood Control/ Countywide Projects and Financial Strategies. Mr. Materman reviewed the projected revenues, expenditures for the coming year and discussed a small expected surplus (“reserves”). He stated that the start-up funding had been secured from all 20 Peninsula cities, as of June 1, 2020.

Outgoing CEO Patterson responded to a question regarding the County staff time and other expenditures that were incurred prior to the inception of the District on January 1, 2020 that were not counted against the current fiscal year budget.

Continuing, CEO Materman answered questions of Board members regarding future start-up funding contributions for the next two years, the expenses related to the three flood control districts and a line item for a communications plan to member cities. Development of a long-term funding strategy for District operations was discussed and it was determined that that would need to be agendaized for continued discussion. Upcoming debt service payments for the Colma Creek construction project was discussed as well as the FEMA grant received for the project.

Board members requested to follow up with discussions on Colma Creek and its FEMA grant, San Bruno Creek expenditures, and to hold an information discussion on certain details of budget expenditures.

Legal Counsel Kulich noted the availability of the budget presentation on the District’s website (www.oneshoreline.org).

Motion/Second: Ruddock/Papan moved to approve the FY 2020-2021 Operating Budget.

Ayes: Colson, Derwin, Gauthier, Horsley, Papan, Ruddock, Pine
Noes: None
Absent: None
Vote: 7-0-0

- B. Approve an Agreement with Macias, Gini & O'Connell, LLP for financial auditing services

CEO Materman stated the District solicited proposals for professional financial auditing services. He stated responses were reviewed by himself and the Senior Accountant, Lucy Dong. He stated the firm of Macias, Gini & O'Connell, LLP was recommended as the most responsive bidder, noting that they are also the auditor of the County of San Mateo.

Board members inquired about the audit process and the possibility of using Board subcommittees to review the audit and finance process. It was suggested to discuss the use of subcommittees for a future discussion.

Motion/Second: Horsley/Gauthier moved to approve an agreement with Macias, Gini & O'Connell, LLP, to provide professional financial auditing services for a three year term beginning June 8, 2020 through May 31, 2023 at a not-to-exceed amount of \$223,300, with option to extend the contract for an additional three years.

Ayes: Colson, Derwin, Gauthier, Horsley, Papan, Ruddock, Pine

Noes: None

Absent: None

Vote: 7-0-0

- C. Adopt Resolution amending San Mateo County Flood and Sea Level Rise Resiliency District Fiscal Year 2019-2020 Salary Schedule, effective April 1, 2020

CEO Materman discussed the need to amend the original resolution in order to add provisions for vacation, sick leave, retirement and adjust job titles.

Board members inquired about the payout of accrued sick leave, using extended vacation leave and difference between management leave and vacation. CEO Materman and Legal Counsel Kulich responded to board members questions.

Motion/Second: Ruddock/Horsley adopted Resolution 2020-68C, Amending the FY 2019-2020 Salary Schedule, effective April 1, 2020 (Resolution 2020-6).

Ayes: Colson, Derwin, Gauthier, Horsley, Papan, Ruddock, Pine

Noes: None

Absent: None

Vote: 7-0-0

6. Chair's Report

Chair Pine noted that the CEO has been full time since May 1, 2020 and that they have met with Senator Hill and others about possible opportunities in Sacramento. He discussed an infrastructure resiliency bond.

7. **CEO's Report**

CEO Materman reported on the purchase of accounting software, establishing a bank account and provided an update on the Bayfront Canal project. He discussed potential new projects in Half Moon Bay, Pacifica, and the Bay shoreline of Burlingame. He discussed the possible decertification of levies in Redwood Shores and work on Belmont Creek.

8. **Board Member Reports**

Director Ruddock announced the deadline for legislation is June 25. She provided an update on SB 45 and AB 3256, noting the legislature is planning a recess soon.

9. **Items for Future Agenda**

Previously noted.

10. **Adjournment**

The meeting adjourned at 5:10 p.m.

**San Mateo County Flood and Sea Level Rise Resiliency District
Agenda Report**

Date: July 13, 2020

To: San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors

From: Len Materman, CEO

Subject: Adopt a resolution adopting the San Francisco Bay Area Integrated Regional Water Management Plan October 2019 Update (ACTION)

Recommendation:

That the San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors (Board) adopt a resolution adopting the Bay Area Integrated Regional Water Management Plan October 2019 Update.

Background and Discussion:

The development of the Bay Area Integrated Regional Water Management Plan (IRWMP) is responsive to the requirement that California Department of Water Resources (DWR) grant funds are only provided for projects included in an adopted integrated water management plan. The Bay Area IRWMP, initially developed in 2006 and updated in 2013 and 2019, is a landmark effort to coordinate a strategic approach to regional water resources management in the nine-county Bay Area region. In order to apply for and receive money from DWR's IRWMP grant program, a local agency must adopt the IRWMP and all associated updates.

The Bay Area IRWMP is a nine-county effort among water-related agencies that seeks to regionally address issues of economic and social sustainability; water supply reliability and quality; watershed (including Bay) health, function and water quality; flood management; and ecosystems. The update to this Plan was made in October 2019, and approved by DWR in March 2020, to incorporate changes related to:

- Climate change impacts, adaptation, & mitigation,
- Reducing energy greenhouse gas emissions,
- Tribal inclusion and recognition, and
- Ongoing IRWM plan updates and regional collaboration

The adoption by the District of the October 2019 Update to the Bay Area IRWMP is necessary for the District, or any agency it is a member of, to receive DWR grant funding. The District is a member agency of the San Francisquito Creek Joint Powers Authority (SFCJPA), which earlier this year received a grant award of \$3 million from DWR for its Upstream of Highway 101 project. In order for the SFCJPA to accept this award, all of its member agencies must adopt the October 2019 Update to the Bay Area IRWMP.

Impact on District Resources:

Adoption of the Bay Area IRWMP does not entail a direct commitment of resources and implementation of each project will be the responsibility of the project proponent and any project partners and there is no joint commitment or responsibility by the Bay Area IRWMP participants to implement projects.

The Bay Area IRWMP is exempt from the California Environmental Quality Act as the IRWMP would not result in the disturbance of any environmental resource and involves planning studies for possible actions that the participating agencies have not yet approved.

Attachments:

A resolution adopting the San Francisco Bay Area Integrated Regional Water Management Plan October 2019 Update.



RESOLUTION NO. 2020-

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT ADOPTING THE SAN FRANCISCO BAY AREA INTEGRATED REGIONAL WATER MANAGEMENT PLAN OCTOBER 2019 UPDATE

The San Mateo County Flood and Sea Level Rise Resiliency District does hereby find and resolve:

Findings

The State electorate approved statewide bond measures to fund water and natural resource projects and programs, including Integrated Regional Water Management (IRWM); and

The benefits of integrated planning for water resources management activities include increased efficiency or effectiveness, enhanced collaboration across agencies and stakeholders, and improved responsiveness to regional needs and priorities; and

State statute and guidelines require that an IRWM Plan be adopted by the governing boards of participating agencies before IRWM grant funds can be provided for water resources management projects that are part of the IRWM Plan; and

The October 2019 Bay Area IRWM Plan update approved by the California Department of Water Resources (DWR) on March 21, 2020 (2019 Plan Update) meets the requirements outlined in the DWR 2016 standards for Integrated Regional Water Management Plans to maintain funding eligibility; and

Adoption of the 2019 Plan Update does not entail a direct commitment of resources and implementation of each project, as such will be the responsibility of the project proponent and any applicable project partners, and there is no joint commitment or responsibility by the Bay Area IRWM Plan participants to implement any or all of the projects; and

The IRWM Plan and 2019 Plan Update are meant to complement participating agencies' plans and programs and does not supersede such plans and programs, and adoption of the IRWM Plan does not prohibit or affect a participating agencies' planning efforts separate from the IRWM Plan; and

District staff has reviewed the 2019 Plan Update, and determined that it is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines §15262 and §15306 because the IRWM Plan would not result in the disturbance of any environmental resource and involves planning studies for possible actions that the participating agencies have not yet approved.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the San Mateo County Flood and Sea Level Rise Resiliency District does hereby adopt the 2019 Plan Update.

PASSED, APPROVED, AND ADOPTED by the San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors on the 13th day of July, 2020, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Clerk of the Board of Directors

Chair, Board of Directors

**San Mateo County Flood and Sea Level Rise Resiliency District
Agenda Report**

Date: July 13, 2020

To: San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors

From: Len Materman, CEO

Subject: Adopt resolutions adopting FY 2020-21 Water Pollution Control Service Charges Reports for Flood Zone One - Countywide, and Flood Zone Two - City of Pacifica

Recommendation:

Adopt Resolutions:

1. Adopting the FY 2020-21 Water Pollution Control Service Charges Report (“Charges Report”) for Flood Control Zone One - Countywide (“Flood Zone One”) and Flood Control Zone Two - City of Pacifica (“Flood Zone Two”);
2. Directing staff to file the Charges Reports with the County Controller;
3. Authorizing the District Chief Executive Officer (“CEO”) to refund any overcharges resulting from data, data entry, or computation errors; and
4. Authorizing the CEO to revise the Charges Reports as a result of any parcel changes received from the County Assessor and/or County Controller and to file the revised Charges Report with the County Controller.

Background:

The San Mateo County Flood and Sea Level Rise Resiliency District (the “District”) manages Flood Zone One, which applies Countywide, and Flood Zone Two, which applies in the City of Pacifica. Assembly Bill 825 authorizes the District to place service charges for the Flood Zones on the property tax rolls so the charges can be collected through property tax bills.

Flood Zone One was formed in 1993 for the purpose of carrying out pollution control requirements related to municipal stormwater management mandated through the federal National Pollutant Discharge Elimination System permitting program (“NPDES”) administered by the State’s San Francisco Bay Regional Water Quality Control Board (“Regional Water Board”). The boundaries of Flood Zone One are contiguous with those of the County.

The San Mateo County Stormwater Management Plan was adopted as a Flood Zone One project and the City/County Association of Governments of San Mateo County (“C/CAG”) was authorized to assume responsibility for Countywide compliance with the NPDES requirements through the Plan.

In 1994, at the request of the City of Pacifica (“Pacifica”), Flood Zone Two was formed for the purpose of financing NPDES pollution control requirements within Pacifica's city limits. The boundaries of Flood Zone Two are contiguous with those of Pacifica.

In 1995, the County Board of Supervisors, then acting as the Governing Board of the former County Flood Control District, set charge rates for stormwater pollution control services in both Flood Zone One and Flood Zone Two. In 2001, at the request of C/CAG, the former Flood Control District imposed additional fees in Flood Zone One to comply with stormwater pollution control requirements mandated by the Regional Water Quality Control Board.

Every year since 1995, the former Flood Control District has adopted annual resolutions (a) approving the Water Pollution Control Service Charges Reports based on the adopted rates for Flood Zone One and Flood Zone Two, and (b) authorizing the filing of the Charges Reports with the County Controller so that the charges could be placed on, and collected through, the Countywide property tax bills.

Discussion:

A. Flood Zone One Charges

The Regional Water Board, through issuance and oversight of the Municipal Regional Permit (“MRP”), implements the NPDES in the County. The current MRP mandates specific compliance activities for all co-permittees. The County, the 20 cities and towns within the County, and the District are all co-permittees under the MRP (“San Mateo County Co-Permittees”). Municipalities in Santa Clara County, Alameda County, and Contra Costa County, along with the Cities of Vallejo, Fairfield, and Suisun City, are also co-permittees.

NPDES permits, including the MRP, are issued for five-year terms. The current MRP went into effect on January 1, 2016 and expires December 31, 2020, at which time a new MRP will be issued. Discussions between all co-permittees and Regional Water Board staff regarding reissuance of the MRP have been ongoing for the past 18 months. Regional Water Board staff anticipate administratively extending the MRP for six months, with a new MRP term starting July 1, 2021.

The current MRP requirements mandate specific load reductions in trash, mercury, and polychlorinated biphenyls (PCBs) in stormwater runoff, and require all agencies to develop and begin implementing green infrastructure plans that are designed to gradually (over decades) shift current “gray infrastructure” to more sustainable drainage systems that capture, treat, infiltrate, and beneficially use stormwater using landscape-based and natural systems.

To address ongoing increases in cost to C/CAG’s member agencies due to the MRP requirements, C/CAG took preliminary steps in 2014 to investigate local support for and feasibility of pursuing a new Countywide funding initiative to generate revenue for stormwater compliance programs. This included developing Countywide funding needs estimates, investigating the full range of funding options, and performing opinion research. The C/CAG Board and member agencies are expected to continue discussions on a potential Countywide stormwater funding initiative over the coming years as the San Mateo County Co-Permittees implement their green infrastructure plans and better understand the long-term implications of improvements needed to achieve mandated water quality objectives.

C/CAG, through the San Mateo Countywide Water Pollution Prevention Program, supports its member agencies in meeting MRP requirements in three primary ways:

1. Performing compliance activities directly on behalf of member agencies when it makes sense to implement programs at the Countywide level, such as for Countywide water quality monitoring and public education/outreach; and
2. Contributing to regional compliance programs when it is more cost effective to implement efforts in conjunction with other Countywide stormwater programs; and
3. Providing technical support for member agencies in implementing their own local stormwater compliance programs.

C/CAG is requesting that the District Board of Directors levy charges in Flood Zone One in order to continue funding the San Mateo Countywide Water Pollution Prevention Program work performed by C/CAG, as described above.

The rates are based on property use and average square-foot area of properties within the use classification as follows:

Parcel Description	Rate Established in 1995	Additional Fees (established in 2001)*	Total Rate, if Combined
Single Family Resident	\$3.44/Parcel	\$3.90/Parcel	\$7.34/Parcel
Condominium Units, Vacant Land, Agriculture, Misc.	\$1.72/Parcel	\$1.94/Parcel	\$3.66/Parcel
Commercial, Retail, Manufacturing, Industrial	\$3.44/Parcel plus \$0.3127/1,000 s.f. for parcels over 11,000 s.f.	\$3.90/Parcel plus \$0.3538/1,000 s.f. for parcels over 11,000 s.f.	\$7.34/Parcel plus \$0.6665/1,000 s.f. for parcels over 11,000

* The additional fees have been adjusted (\$0.12 increase for all parcels, except Condominium Units, Vacant Land, Agriculture, and Misc. parcels with a \$0.04 increase as described above) by the change in the Consumer Price Index as provided for in the County Ordinance No. 04054, a copy of which is attached.

The charges are imposed in the County’s unincorporated area and cities that have requested they be levied in their jurisdiction upon every parcel on the Assessor's roll, except for parcels owned by local, state and federal governments, tax exempt entities, and public school districts. Separately taxed improvements, such as mobile homes and underground utility improvements, are also exempt.

All cities within the County, except Woodside, have passed resolutions endorsing the proposed program and the rates and charges to be imposed within their respective jurisdictions. Brisbane, Colma, and San Mateo are requesting that the District collect only the basic fees as originally approved in 1995, and not the additional fees approved in 2001. C/CAG will bill these three cities directly for the additional fee component. Woodside opted to not have either of the fees placed on the tax rolls. C/CAG will bill Woodside directly for both fees.

The Flood Zone One charges are ongoing charges that were previously imposed pursuant to an individually noticed public hearing prior to the enactment of Proposition 218 and, therefore, are not subject to the Proposition 218 requirement of sending a separate notice to each individual property owner.

B. Flood Zone Two Charges

Pacifica is again requesting that the following charges continue to be levied in Flood Zone Two:

Vacant	\$7.00
Single Family/Townhouse/Church/Condominium	\$14.00
All Other	\$28.00

The charges are imposed upon every parcel in Pacifica on the Assessor's roll, except for parcels owned by local, state and federal governments, and public school districts. Separately taxed improvements, such as mobile homes and underground utility improvements, are also exempt. The Flood Zone Two charges, which have been imposed since 1995, are an ongoing charge with no proposed increase and, therefore, are not subject to the Proposition 218 requirement of sending a separate notice to each individual property owner.

C. The Proposed Resolutions

The proposed resolutions adopt the Fiscal Year 2020-21 Charges Reports for Flood Zone One and Flood Zone Two, and direct staff to file the Charges Reports with the County Controller.

The resolutions allow the CEO to refund any overcharge resulting from data, data entry, or computation errors. Additionally, as of the date that the Charges Reports were developed, the data for the relevant tax rate areas was still being finalized by the County. Thus, the proposed resolutions authorize the CEO to revise the Charges Reports as a result of any parcel changes received from the Assessor and/or Controller on or after July 13, 2020, as well as to refund, during the fiscal year, any overcharges resulting from any such errors in the Charges Reports.

C/CAG will be responsible for refunding any errors found with the submittal of proof of payment of the charges levied on the tax roll for Flood Zone One, and Pacifica will be responsible for similar errors in Flood Zone Two.

District Counsel has reviewed and approved the resolutions as to form.

Impact on District Resources:

There is no fiscal impact associated with this approval, as District costs associated with levying the charges in both Flood Zone One and Flood Zone Two will be reimbursed from the rates collected.

Attachments:

Resolutions adopting FY 2020-21 Water Pollution Control Service Charges Reports for Flood Zone One - Countywide, and Flood Zone Two - City of Pacifica.



RESOLUTION NO. 2020-

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT**

- A) ADOPTING THE FY 2020-21 WATER POLLUTION CONTROL SERVICE CHARGES REPORT (THE “CHARGES REPORT”) FOR FLOOD CONTROL ZONE ONE - COUNTYWIDE (“FLOOD ZONE ONE”); AND**
- B) DIRECTING STAFF TO FILE THE CHARGES REPORT WITH THE COUNTY CONTROLLER; AND**
- C) AUTHORIZING THE CEO OF THE DISTRICT TO REFUND ANY OVERCHARGES RESULTING FROM DATA, DATA ENTRY OR COMPUTATION ERRORS; AND**
- D) AUTHORIZING THE CEO OF THE DISTRICT TO REVISE THE CHARGES REPORT AS A RESULT OF ANY PARCEL CHANGES RECEIVED FROM THE COUNTY ASSESSOR AND/OR COUNTY CONTROLLER AND TO FILE THE REVISED CHARGES REPORT WITH THE COUNTY CONTROLLER**

RESOLVED, by the Board of Directors (“Board”) of the San Mateo County Flood and Sea Level Rise Resiliency District (“District), that:

Assembly Bill 825 allows the District to collect fees and charges through the property tax roll; and

District Flood Zone One is contiguous with the boundaries of the County of San Mateo; and

Rates have been established for Flood Zone One which are used to calculate specific charges for real property located in Flood Zone One; and

The District Chief Executive Officer (“CEO”) has prepared a written report relating to the collection of service charges on the tax roll for Flood Zone One (“Charges Report”); and

The Charges Report contains the description of the properties and the charges to said properties within Flood Zone One; and

As of the date that the Charges Report was developed, the data for the relevant tax rate areas was still being finalized by the County of San Mateo (“County”).

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED, as follows:

1. This Board does hereby confirm and adopt the Charges Report and declares the charges set forth therein to be, and the same are hereby, established and set for Fiscal Year 2020-21.
2. Staff is directed to file with the County Controller (“Controller”) an electronic copy of the Charges Report and a statement endorsed thereon that the charges as set forth in said electronic copy are the charges as adopted by this Board, and the Controller is hereby authorized to place the charges on the County’s property tax roll.
3. The CEO is authorized to refund, as appropriate, any overcharge contained in the Charges Report to the owner of the parcel so overcharged when the overcharge resulted from data, data entry, or computation errors as determined by the CEO.
4. The CEO is authorized to revise the Charges Report to reflect any parcel changes received from the County Assessor and/or Controller on or after July 13, 2020, and such revisions shall be certified and filed by the CEO with the Controller consistent with the processes set forth above.

PASSED, APPROVED, AND ADOPTED by the San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors on the 13th day of July, 2020, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Clerk of the Board of Directors

Chair, Board of Directors



RESOLUTION NO. 2020-

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT**

- A) ADOPTING THE FY 2020-21 WATER POLLUTION CONTROL SERVICE CHARGES REPORT (“CHARGES REPORT”) FOR FLOOD CONTROL ZONE TWO - CITY OF PACIFICA (“FLOOD ZONE TWO”); AND**
- B) DIRECTING STAFF TO FILE THE CHARGES REPORT WITH THE COUNTY CONTROLLER; AND**
- C) AUTHORIZING THE CEO OF THE DISTRICT TO REFUND ANY OVERCHARGES RESULTING FROM DATA, DATA ENTRY OR COMPUTATION ERRORS; AND**
- D) AUTHORIZING THE CEO OF THE DISTRICT TO REVISE THE CHARGES REPORT AS A RESULT OF ANY PARCEL CHANGES RECEIVED FROM THE COUNTY ASSESSOR AND/OR COUNTY CONTROLLER AND TO FILE THE REVISED CHARGES REPORT WITH THE COUNTY CONTROLLER**

RESOLVED, by the Board of Directors (“Board”) of the San Mateo County Flood and Sea Level Rise Resiliency District (“District”), that:

Assembly Bill 825 allows the District to collect fees and charges through the property tax roll; and

District Flood Zone Two is contiguous with the boundaries of the City of Pacifica; and

Rates have been established for Flood Zone Two which are used to calculate specific charges for real property located in Flood Zone Two; and

The District Chief Executive Officer (“CEO”) has prepared a report relating to the collection of service charges on the tax roll for Flood Zone Two (“Charges Report”); and

The Charges Report contains the description of the properties and the charges to said properties with Flood Zone Two; and

As of the date that the Charges Report was developed, the data for the relevant tax rate areas was still being finalized by the County of San Mateo (“County”).

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED, as follows:

1. This Board does hereby confirm and adopt the Charges Report and declares the charges set forth therein to be, and the same are hereby, established and set for Fiscal Year 2020-21.
2. Staff is directed to file with the County Controller (“Controller”) an electronic copy of the Charges Report and a statement endorsed thereon that the charges as set forth in said electronic copy are the charges as adopted by this Board, and the Controller is hereby authorized to place the charges on the County’s property tax roll.
3. The CEO is authorized to refund, as appropriate, any overcharge contained in the Charges Report to the owner of the parcel so overcharged when the overcharge resulted from data, data entry, or computation errors as determined by the CEO.
4. The CEO is authorized to revise the Charges Report to reflect any parcel changes received from the County Assessor and/or Controller on or after July 13, 2020, and such revisions shall be certified and filed by the CEO with the Controller consistent with the processes set forth above.

PASSED, APPROVED, AND ADOPTED by the San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors on the 13th day of July, 2020, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Clerk of the Board of Directors

Chair, Board of Directors

**San Mateo County Flood and Sea Level Rise Resiliency District
Agenda Report**

Date: July 13, 2020

To: San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors

From: Len Materman, CEO

Subject: Bayfront Canal and Atherton Channel Project: update on project status, including a potential Memorandum of Understanding to share in the costs and responsibilities of preparing for construction, completing constructing, and conducting five years of post-construction activities

Recommendation:

That the San Mateo County Flood and Sea Level Rise Resiliency District (District) Board of Directors (Board) receive an update on this flood protection and ecosystem restoration project, including the progress to develop a new MOU to fund its implementation.

Background and Discussion:

In October 2017, the Cities of Redwood City and Menlo Park, Town of Atherton, and County of San Mateo (collectively, the “Collaborative”) entered into an MOU that established a shared funding responsibility to complete the design and environmental documentation to enable project construction. This project consists of an underground channel that diverts excess flow from Atherton Channel and Bayfront Canal into managed ponds within the Ravenswood Complex of the South Bay Salt Ponds Restoration Project. The successful implementation of this project will protect developed areas of Redwood City, Menlo Park and Unincorporated San Mateo County against frequent flood events, provide water quality and ecosystem benefits to the managed ponds, and complement flood protection efforts upstream along Atherton Channel. Each jurisdiction’s financial contribution was allocated based on their contribution of runoff flow into the waterways, while accommodating a capped contribution by Atherton and no contribution by the Town of Woodside (which contributes approximately 3% of total flow).

As of the middle of May of this year, substantial work remained to complete project design, and secure environmental permits and land easements on this project. Since that time, District staff and legal counsel have worked closely with colleagues at other agencies and the one affected private landowner, Cargill, to make progress on each of these. To complete the permitting and land acquisition process, and develop a realistic schedule for getting to and completing construction, in late June I signed a contract with ESA, a firm specializing in shoreline projects.

In June, the chief executive of each of the Collaborative’s agencies wrote letters indicating their commitment to ensuring the successful completion of this project, correspondence required by the California Department of Water Resources (DWR) to extend its \$1.135 million grant to Redwood City through December 2021. Also during this time, the District and Redwood City worked to solidify and document for all parties the key terms of the next MOU for the sharing of costs and responsibilities related to completing design; securing all permits and property rights; completing construction; and, for five years, conducting operations and maintenance (O&M) of new facilities, and monitoring, maintaining, and reporting on mitigation sites. Some of the MOU’s key terms are anticipated to include:

- The MOU will be effective in mid-September and remain in effect until the five years after the completion of construction (December 31, 2026).
- The District is the project’s Lead Agency under CEQA; will hold the environmental permits and be responsible for monitoring, maintaining, and reporting on required mitigation activities; and likely serve as the contracting agency for work funded by the MOU and manage the day to day work of the consultants and contractors.

- A Project Team of representatives from the Collaborative will meet with consultants and contractors to ensure proper Project direction and coordination of construction activities, and a similar Communications Working Group will share responsibility for stakeholder and public outreach.
- The estimated cost of the activities funded by this MOU – preparing for construction, construction, and five years of post-construction activities – is anticipated to be \$8,590,000. This amount, minus \$1,135,000 in State funding committed to this effort, results in a remaining need of \$7,455,000 that will be allocated according to the table below.

<u>Contributing Agency</u>	<u>Max Amount</u>	<u>% contribution</u>
Town of Atherton	\$1,350,000	18.11
Redwood City	\$2,658,000	35.65
City of Menlo Park	\$1,153,000	15.47
County of San Mateo	\$2,294,000	30.77
Total	\$7,455,000	100.00

- To ensure that the District has funding sufficient to pay initial invoices from its consultants and contractors, the contributing parties agree to process an initial payment to the District upon the effective date of this MOU equal to 15% of their respective contributions.
- Redwood City, Menlo Park, San Mateo County, and the District will be party to amended temporary or permanent easements within the project footprint.
- Redwood City will manage O&M of new facilities for the first five years, the costs of which will be reimbursed by this MOU.
- The costs and responsibilities associated with O&M beyond five years after the completion of construction will be the subject of a future MOU.

My goal is to bring the MOU and all needed land easement agreements to the District Board for approval at the September 14 meeting; all members of the Collaborative are aware of our plan for the governing body of each agency signing the MOU to approve it by mid-September. By that time, we must execute these documents and secure environmental permits if we are to meet our objective of beginning construction within six months (before the onset of the nesting season of the nearby and endangered Ridgway’s Rail).

Impact on District Resources:

Staff time to administer and manage the project over the next five years will be substantial. The costs of this time over the next year were included in the recently approved Fiscal Year 2020-21 Operating Budget.

Attachments:

None

**San Mateo County Flood and Sea Level Rise Resiliency District
Agenda Report**

Date: July 13, 2020

To: San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors

From: Len Materman, CEO

Subject: Discuss, create, and determine membership of potential standing and *ad hoc* committees of the Board of Directors

Recommendation:

That the San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors (Board) discuss whether to create standing and *ad hoc* committees of the Board of Directors, and consider approving the purview of, appointing members to, and determining member terms on, each new committee created.

Background and discussion:

The Board, officially in place since January 2020, does not have committees that focus on specific matters that come before it. It is common for governing bodies to have either standing or *ad hoc* committees to consider important issues in advance of those issues being considered by the full board, city council, etc.

While both standing and *ad hoc* committees do not include a majority of the Board members, standing committees of public agency governing bodies are subject to the requirements of the Brown Act and are focused on recurring issues of importance to the Board. *Ad hoc* committees are focused on a specific defined purpose and have a discrete lifespan. At its June 8, 2020 meeting, District Board members discussed three potential areas of focus for new committees:

- Examine and recommend to the full Board the annual operating and capital budgets and the annual audit
- Strategically plan for the long-term funding of District operations and capital projects
- Evaluate the performance of staff that report directly to the Board

I recommend that the Board create a standing Finance Committee to review and recommend to the full Board the annual budgets for operations and capital needs, and the annual audited financial statements. This committee would meet at least once in the fall to discuss the audit, and at least once in the spring to discuss the upcoming budget. In regards to investigating possible long-term District funding options and associated countywide community engagement, I recommend that the Board create an *Ad Hoc* Committee on Strategic Planning to consider such options and advise the Board over the next year. And for the annual evaluation of staff performance in closed session, the Board could either create a standing Committee to Review the Performance of the CEO (the only staff member reporting directly to the Board), have the entire Board perform the evaluation, or develop a process that includes both a committee and the full Board.

Impact on District Resources:

Some staff time associated with staffing the committees will be required.

Attachments:

None