



This meeting will be held remotely, with no physical meeting location, pursuant to Government Code Section 54953(e).

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**San Mateo County Flood & Sea Level Rise  
Resiliency District  
BOARD OF DIRECTORS**

**County 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 Marie Chuang

## **AGENDA**

**May 23, 2022**

**4:00 PM**

### **1. Roll Call**

**2. Public Comment** Persons wishing to address the Board on District-related matters not on this Agenda may speak for up to two minutes; comments on Agenda items shall be heard during that item for up to two minutes.

### **3. Action to Set the Agenda and Approve the Consent Agenda**

- A. Adopt Resolution 2022-05-23-A to continue conducting meetings of the Board of Directors remotely due to public health concerns caused by the COVID-19 pandemic
- B. Adopt Resolution 2022-05-23-B to participate in the Liability and Property Joint Protection Programs of the Association of California Water Agencies/Joint Powers Insurance Authority
- C. Adopt Resolution 2022-05-23-C adopting FY 2022-23 Water Pollution Control Service Charges Reports for Flood Zone One - Countywide, and Resolution 2022-05-23-D adopting FY 2022-23 Water Pollution Control Service Charges Reports for Flood Zone Two - City of Pacifica Project

### **4. Regular Business**

- A. Discuss the Fiscal Year 2021-22 Budgets, and the Fiscal Year 2022-23 Draft Budgets
- B. Update on a potential San Mateo County parcel tax to fund resilience to the impacts of climate change \*

### **5. Chair's Report \***

### **6. CEO's Report \***

### **7. Board Member Reports and Items for a Future Agenda \***

### **8. Closed Session** Public Employee Performance Evaluation, Title: Chief Executive Officer \*

### **9. Adjournment**

\* There is no written staff report for this item

#### **Meeting information, and public access and communications**

- During the meeting, public comment can be submitted at the appropriate time via Zoom Chat or by raising your hand, speaking if joining by phone, or email to [board@OneShoreline.org](mailto:board@OneShoreline.org) prior to 12:00 pm on the meeting day; please indicate the agenda item to which your comment applies and it will be read or summarized at the meeting by the Board Clerk.
- If you require assistance to participate in the meeting or wish to submit written communication to all Board Members regarding the meeting, please contact the Clerk of the Board by 9:00 am on the day of the meeting.
- Public records relating to an open session item on the agenda are available at least 72 hours prior to a Regular Board meeting or at least 24 hours prior to a Special Board meeting, when these records are distributed to Board members. Public records are available at the District office at 1700 South El Camino Real, Suite 502, San Mateo, CA 94402 and at OneShoreline.org. To receive these documents electronically, please email [board@OneShoreline.org](mailto:board@OneShoreline.org).

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

**Date:** May 23, 2022  
**To:** San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors  
**From:** Len Materman, CEO  
**Subject:** Continued remote meetings due to public health concerns caused by the COVID-19 pandemic

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**Recommendation**

That the San Mateo County Flood and Sea Level Rise Resiliency District (“District”) Board of Directors (“Board”) adopt Resolution 2022-05-23-A re-invoking the provisions of Assembly Bill 361 (“AB 361”), finding that the COVID-19 pandemic state of emergency continues to present imminent risks to the health or safety of attendees and continues to directly impact the ability of the Board to meet safely in person.

**Background and Discussion**

AB 361 sets forth remote meeting requirements and procedures for local legislative bodies during a proclaimed state of emergency. Specifically, AB 361 allows a local legislative body to continue holding remote meetings between October 1, 2021 and January 1, 2024 under the following circumstances:

- Automatically whenever the legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or
- When the legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- When the legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Once the Board complies with AB 361, the following Brown Act rules for remote meetings are suspended: that the Board makes available a physical location to observe the meeting or to make a public comment, and each teleconference location has posted notices or agendas, is accessible to the public, and is identified by address on the agenda. In addition, the following procedures apply to the remote meetings:

- AB 361 forbids agencies from requiring public comment to be submitted in advance (for example via email) and requires an opportunity to address the public/Board in real-time.
- AB 361 regulates, for the first time, the rules and procedures for opening and closing a public comment period for agenda items. Specifically, a reasonable time for indicating a desire to comment (i.e., to use the “raise hand” feature in Zoom) must be provided.
- AB 361 prohibits agencies from taking action on agenda items when there is a disruption or technical failure on the agency’s end which prevents the public from making comments during the meeting until public access is restored, and creates a cause of action to challenge actions taken while access is unavailable.
- Notwithstanding Brown Act prohibitions on requiring attendees to register their names as a condition of meeting attendance, AB 361 expressly authorizes agencies to use third-party teleconference platforms that require registration (i.e., Zoom requiring an attendee to include their email).

At its meetings on October 25, 2021, November 15, 2021, December 13, 2021, January 24, 2022, February 28, 2022, and March 28, 2022 the Board adopted, by unanimous vote, resolutions finding that, as a result of the continuing COVID-19 state of emergency, meeting in person would present imminent risks to the health or safety of attendees.

The federal Centers for Disease Control and Prevention (“CDC”) advises that the Omicron variant, which was classified as a Variant of Concern in November 2021, spreads more easily than the original virus that causes COVID-19 and Delta variant. The CDC expects that anyone with Omicron can spread the virus to others, even if they are vaccinated or do not have symptoms. The presence and severity of symptoms can be affected by COVID-19 vaccination status, the presence of other health conditions, age, and history of prior infection.

While preliminary data suggest that Omicron may cause more mild disease than previous variants, some people may still have severe disease, need hospitalization, and could die from the infection. The CDC has warned that, even if only a small percentage of people with Omicron infection need hospitalization, the large volume of cases could overwhelm local healthcare systems. According to the most recent update from the CDC on May 12, 2022, the community level of COVID-19 in San Mateo County is “medium” based on cases and hospitalizations. In addition, while masks are no longer required in most indoor settings, masking is still recommended, especially for gatherings that include the elderly, immunocompromised individuals, or people who are not vaccinated.

In summary, despite sustained efforts to impede its transmission, COVID-19 remains a significant public health hazard among both vaccinated and unvaccinated individuals and continues to spread. Thus, reducing the circumstances under which individuals come into close contact with each other indoors remains a vital component of the strategy to reduce the spread of COVID-19.

The Board has found, and it continues to be the case, that indoor public meetings of the Board and its committees (collectively, “Legislative Bodies”) pose particularly high risks for transmission of COVID-19, as such meetings would bring together residents from across the county and the open nature of public meetings makes it difficult to enforce compliance with vaccination, physical distancing, masking, and other safety measures essential to enabling that all residents — including those who are unvaccinated or with compromised immune systems — can safely participate.

Therefore, it is recommended that the Board adopt a resolution reinvoking the provisions of AB 361 with findings to confirm that the Board has reconsidered the circumstances of the state of emergency caused by the spread of COVID-19; that the state of emergency caused by the spread of COVID-19 continues to directly impact the ability of the Legislative Bodies to meet safely in person; and that conducting in-person meetings at the present time would present an imminent risk to the health and safety of attendees. A resolution to that effect, which also directs staff to return within 30 days to afford the Board the opportunity to reconsider such findings, is included with this Report.

**Impact on District Resources:** There is no impact on District resources associated with this item.

**Attachment:** Draft Resolution 2022-05-23-A

**DRAFT RESOLUTION NO. 2022-05-23-A**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT  
REINVOKING THE PROVISIONS OF ASSEMBLY BILL 361, FINDING THAT THE COVID-19  
PANDEMIC STATE OF EMERGENCY CONTINUES TO PRESENT IMMINENT RISKS  
TO THE HEALTH OR SAFETY OF ATTENDEES AND CONTINUES TO DIRECTLY IMPACT  
THE ABILITY OF THE BOARD OF DIRECTORS TO MEET SAFELY IN PERSON**

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

**WHEREAS**, on March 4, 2020, pursuant to Government Code Section 8550, *et seq.*, Governor Newsom proclaimed a state of emergency related to the COVID-19 novel coronavirus (“COVID-19”) and, subsequently, the San Mateo County Board of Supervisors declared a local emergency related to COVID-19, and the proclamation by the Governor and declaration by the Board of Supervisors remain in effect; and

**WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions in the California Open Meeting Law, codified at Government Code Section 54950, *et seq.* (the “Brown Act”), related to teleconferencing by local agency legislative bodies, provided that certain requirements were met and followed; and

**WHEREAS**, on June 11, 2021, the Governor issued Executive Order N-08-21, which extended certain provisions of Executive Order N-29-20 that waive otherwise applicable Brown Act requirements related to remote/teleconference meetings by local agency legislative bodies through September 30, 2021; and

**WHEREAS**, on September 16, 2021, Governor Newsom signed into law Assembly Bill 361 (“AB 361”) which provides that a local agency legislative body may continue to meet remotely without complying with otherwise applicable requirements in the Brown Act related to remote/teleconference meetings, provided that a state of emergency has been proclaimed and the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees; and

**WHEREAS**, on November 30, 2021, the Omicron variant of COVID-19 was classified as a Variant of Concern in the United States; and

**WHEREAS**, the Centers for Disease Control and Prevention (“CDC”) advises that the Omicron variant spreads more easily than the original virus that causes COVID-19 and Delta variant, and expects that anyone with Omicron can spread the virus to others, even if they are vaccinated or do not have symptoms; and

**WHEREAS**, the presence and severity of symptoms can be affected by COVID-19 vaccination status, the presence of other health conditions, age, and history of prior infection; and

**WHEREAS**, while preliminary data suggest that Omicron may cause more mild disease than previous variants, some people may still have severe disease, need hospitalization, and could die from the infection, and the CDC has warned that, even if only a small percentage of people with Omicron infection need hospitalization, the large volume of cases could overwhelm local healthcare systems; and

**WHEREAS**, the community level of COVID-19 in San Mateo County is “medium” based on cases and hospitalizations, according to the most recent update from the CDC on May 12, 2022; and

**WHEREAS**, while masks are no longer required in most indoor settings, masking is still recommended, especially for gatherings that include the elderly, immunocompromised individuals, or people who are not vaccinated; and

**WHEREAS**, the District Board has an important interest in protecting the health and safety of those who participate in its meetings; and

**WHEREAS**, the COVID-19 pandemic has informed legislative bodies about the unique advantages of remote public meetings, as well as the unique challenges, which are frequently surmountable; and

**WHEREAS**, at its meetings on October 25, 2021, November 15, 2021, December 13, 2021, January 24, 2022, February 28, 2022, and March 28, 2022 the Board adopted, by unanimous vote, resolutions finding that, as a result of the continuing COVID-19 state of emergency, meeting in person would present imminent risks to the health or safety of attendees; and

**WHEREAS**, this Board has reconsidered the circumstances of the state of emergency and finds that the state of emergency continues to impact the ability of the Board to conduct its meetings in person because there is a continuing threat of COVID-19 to the community and that in-person meetings of the Board and its committees (collectively, “Legislative Bodies”) pose risks to the health or safety of participants through person-to-person contact and make it difficult for those who are immuno-compromised or unvaccinated to be able to safely participate, and it is challenging to ascertain and ensure compliance with vaccination and other safety recommendations at such meetings; and

**WHEREAS**, in the interest of public health and safety, as affected by the state of emergency caused by the spread of COVID-19, the Board finds that this state of emergency continues to directly impact the ability of the Legislative Bodies to meet safely in person and that meeting in person would present imminent risks to the health or safety of attendees, and the Board will therefore reinvoke the provisions of AB 361 related to teleconferencing for meetings of the Legislative Bodies.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that:

1. The above recitals are true and correct.
2. The Board has reconsidered the circumstances of the state of emergency caused by the spread of COVID-19.
3. The Board reinvoles the provisions of AB 361 and finds that the state of emergency caused by the spread of COVID-19 continues to directly impact the ability of the Legislative Bodies to meet safely in person.
4. The Board further finds that meeting in person would continue to present imminent risks to the health or safety of meeting attendees and directs staff to continue to agendize public meetings of the Legislative Bodies only as online teleconference/remote meetings.
5. Staff is directed to return to the Board in a public meeting no later than 30 days after the date of adoption of this resolution with an item for the Board to reconsider whether to make the findings required by AB 361 to continue meeting remotely under its provisions.

PASSED AND ADOPTED this 23rd day of May 2022, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

APPROVED:

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Clerk of the Board of Directors

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Chair of the Board of Directors

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

**Date:** May 23, 2022  
**To:** San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors  
**From:** Len Materman, CEO  
**Subject:** Participation in the Liability and Property Joint Protection Programs of the Association of California Water Agencies/Joint Powers Insurance Authority

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**Recommendation**

That the San Mateo County Flood and Sea Level Rise Resiliency District (“District”) Board of Directors (“Board”) adopt Resolution 2022-05-23-B authorizing the District to enter the Liability and Property Joint Protection Programs of the Association of California Water Agencies/Joint Powers Insurance Authority (“Authority”).

**Background and Discussion**

The Authority is a risk-sharing pool that, since its formation in 1979, has provided joint protection programs for participating California water agencies. The Association’s joint protection programs, available only to public entities, offer significant advantages in terms of cost, risk management, and services.

On September 14, 2020, the Board adopted Resolution 2020-9-14 authorizing the District to participate in the Association’s Employee Benefits Joint Protection Program, which continues to provide health, vision, and dental coverage to all District employees. Staff recommends that the Board now authorize the District to also participate in the Association’s Liability and Property Joint Protection Programs effective July 1, 2022.

Since January 1, 2020, the County of San Mateo (“County”) has included the District as an additionally-insured on the County’s liability and property insurance policies. That arrangement, however, was always intended to be temporary, as the District moved from a dependent district of the County to an independent district.

The Liability Joint Protection Program covers against liability for bodily injury, property damage, errors and omissions, employment practices, fiduciary responsibilities, inverse condemnation, accidental pollution, and automobile, with liability limits of \$55 million for each covered occurrence. The coverage term for the Liability Joint Protection Program is October 1, 2021 through October 1, 2022, and the estimated annual premium is \$24,910, which premium is prorated for the period July 1, 2022 through October 1, 2022. The prorated amount for the three-month coverage period is \$6,227.50.

The Property Joint Protection Program covers physical assets, such as buildings, infrastructure, and equipment, with liability limits of \$500 million for each covered occurrence. The coverage term for the Property Joint Protection Program is July 1, 2022 through July 1, 2023, and the estimated annual premium is \$2,622.

At the beginning of each policy period, the Authority collects a deposit premium representing the estimated costs for that coverage year, and forty-five months after the policy’s inception, the Authority re-evaluates that estimate and makes a retrospective premium adjustment—if too much was collected, a refund is made; if too little was collected, the member is charged for the difference. As part of that adjustment, all members of the Liability Joint Protection Program must select a Retrospective Allocation Point (“RAP”), which is that portion of each claim that the member will be responsible for when the adjustment is made. The Liability Joint Protection Program offers RAPs at set levels of \$2,500, \$5,000, \$10,000, \$25,000, and \$50,000. For the first partial year of participation under the Liability Joint Protection Program, staff recommends selecting \$2,500 as the District’s RAP, which may be revisited in October 2022, when the coverage term renews.

If the Board approves the Resolution, the CEO will provide it, along with the signed Joint Powers Agreement and the deposit premium payment(s), to the Authority and coverage will commence effective July 1, 2022.

**Impact on District Resources:** The impact associated with authorizing the District to join the Liability and Property Joint Protection Programs on the District’s FY 2022-23 Operating and Flood Zones Budgets is estimated to be \$31,000 (these budgets will be discussed later in this Board meeting).

**Attachments:** Draft Resolution 2022-05-23-B

**DRAFT RESOLUTION NO. 2022-05-23-B**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT  
AUTHORIZING THE DISTRICT TO ENTER THE LIABILITY AND PROPERTY  
JOINT PROTECTION PROGRAMS OF THE ASSOCIATION OF  
CALIFORNIA WATER AGENCIES/JOINT POWERS INSURANCE AUTHORITY**

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

**WHEREAS**, the Association of California Water Agencies/Joint Powers Insurance Authority (“Authority”) has, since its formation in 1979, provided for and administered joint protection programs for California public water agencies; and

**WHEREAS**, on September 14, 2020, the Board adopted Resolution 2020-9-14 authorizing the District to participate in the Association’s Employee Benefits Joint Protection Program, which continues to provide health, vision, and dental coverage to all District employees; and

**WHEREAS**, the Association’s joint protection programs, available only to public entities, offer significant advantages to this District in terms of cost, risk management, and services, and entering such programs appears to be in the best interest of the District; and

**WHEREAS**, the coverage term for the Liability Joint Protection Program is October 1, 2021 through October 1, 2022, and the estimated annual premium is \$24,910, which premium will be prorated for the three-month period of July 1, 2022 through October 1, 2022; and

**WHEREAS**, the coverage term for the Property Joint Protection Program is July 1, 2022 through July 1, 2023, and the estimated annual premium is \$2,622; and

**WHEREAS**, at the beginning of each policy period, the Authority collects a deposit premium representing the estimated costs for that year, and forty-five months after the policy’s inception, the Authority re-evaluates that estimate and makes a retrospective premium adjustment (“RPA”); and

**WHEREAS**, all members of the Liability Joint Protection Program must select a Retrospective Allocation Point (“RAP”), which is that portion of each claim that the member will be responsible for when the RPA is made, and the District has selected \$2,500 as its RAP for the first partial year of participation under the Liability Joint Protection Program.

**NOW, THEREFORE, BE IT RESOLVED** by the Board that:

1. The District hereby consents pursuant to the Agreement, and the resolutions and policies enacted in implementation of the Agreement, to join the Liability and Property Joint Protection Programs sponsored by the Authority.
2. The District hereby selects \$2,500 as its RAP for the first partial year of participation under the Authority’s cost allocation formula for liability.
3. The Chief Executive Officer (“CEO”), or designee(s), is hereby authorized to pay to the Authority its first deposit premium for the Joint Liability Protection Program in the prorated amount of \$6,227.50 and for the Property Joint Protection Program in the amount of \$2,622, and all future premiums so long as the amounts of such future premiums are within the CEO’s payment authority.
4. A copy of this Resolution, signed Joint Powers Agreement, and deposit premium payment(s) shall be mailed to the Authority’s offices in Roseville, California, at which time coverage will commence effective July 1, 2022.

PASSED, APPROVED, AND ADOPTED this 23rd day of May 2022 by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
Clerk of the Board of Directors

\_\_\_\_\_  
Chair of the Board of Directors

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

**Date:** May 23, 2022  
**To:** San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors  
**From:** Len Materman, CEO  
**Subject:** Adopt Resolution 2022-05-23-C adopting FY 2022-23 Water Pollution Control Service Charges Reports for Flood Zone One - Countywide, and Resolution 2022-05-23-D adopting FY 2022-23 Water Pollution Control Service Charges Reports for Flood Zone Two - City of Pacifica

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**Recommendation**

That the San Mateo County Flood and Sea Level Rise Resiliency District (“District”) Board of Directors (“Board”) adopt Resolution 2022-05-23-C and Resolution 2022-05-23-D:

1. Adopting the FY 2022-23 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, and/or approve refunds of, 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 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 is a countywide zone formed in 1993 for the purpose of carrying out pollution control requirements related to municipal stormwater management mandated through the 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 San Mateo County Stormwater Management Plan (“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, acting as the Governing Board of the 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 Flood Control District imposed additional fees in Flood Zone One to comply with stormwater pollution control requirements mandated by the Regional Water Board.

Since 1995, the Flood Control District adopted annual resolutions (a) approving the 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, countywide property tax bills. On July 22, 2021, the District Board adopted Resolutions 2021-07-22-A and 2021-07-22-B, which adopted the FY 2021-22 Charges Reports for Flood Control Zones One and Two, authorized the CEO to approve refunds for, or refund, any overcharges resulting from data errors and make resultant revisions, and directed staff to file those Charges Reports with the County Controller.

**Discussion**

**A. Flood Zone One Charges**

The Regional Water Board, through issuance and oversight of the Municipal Regional Permit (“MRP”), implements the municipal separate sewer system 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 (collectively, “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 and the Vallejo Flood and Wastewater District in Solano County, are also co-permittees.

NPDES permits, including the MRP, are issued for five-year terms. The current MRP (“MRP 2.0”) went into effect on January 1, 2016 and expired December 31, 2020, at which time it was administratively extended until the reissuance and effective date of the third iteration of the MRP (“MRP 3.0”), which is expected to be July 1, 2022.

The current and anticipated MRP 3.0 requirements mandate specific load reductions in trash, mercury, and PCBs in stormwater runoff, and require agencies to continue implementing green infrastructure plans that gradually (over decades) shift current “gray infrastructure” to more sustainable drainage systems that capture, treat, infiltrate, and beneficially use stormwater utilizing landscape-based and natural systems. The proposed requirements under MRP 3.0 include additional regulated project types and reduced thresholds for new and redevelopment projects to include onsite stormwater controls, as well as increased monitoring requirements, new provisions to address the water quality impacts associated with unsheltered populations, asset management planning and tracking, cost reporting, and extensive new reporting requirements.

C/CAG, through the Countywide Water Pollution Prevention Program, supports its member agencies in meeting MRP requirements by:

- Performing compliance activities 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 and outreach;
- Contributing to regional compliance programs when it is more cost-effective to implement efforts in conjunction with other Countywide stormwater programs; and
- Providing technical support for member agencies in implementing local stormwater compliance programs.

In order to continue funding C/CAG’s San Mateo Countywide Water Pollution Prevention Program work, C/CAG requests that the District Board levy charges in Flood Zone One. The proposed charges would generate an estimated \$1.78 million in FY 2022-23, based on the following rates:

| <b>Parcel Description</b>                          | <b>Rate Established in 1995</b>                                   | <b>Additional Fees (established in 2001)*</b>                     | <b>Total Combined (rounded to nearest cent)</b>                   |
|--|---|---|---|
| Single Family Resident                             | \$3.44/Parcel   | \$4.16/Parcel   | \$7.60/Parcel   |
| Condominium Units, Vacant Land, Agriculture, Misc. | \$1.72/Parcel   | \$2.08/Parcel   | \$3.80/Parcel   |
| Commercial, Retail, Manufacturing, Industrial      | \$3.44/Parcel plus 0.3127/1,000 s.f. for parcels over 11,000 s.f. | \$4.16/Parcel plus 0.3780/1,000 s.f. for parcels over 11,000 s.f. | \$7.60/Parcel plus 0.6907/1,000 s.f. for parcels over 11,000 s.f. |

\* The additional fees have been adjusted by the change in the Consumer Price Index as provided for in the County Ordinance No. 04054.

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 requests that the following charges per parcel 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. The total amount to be generated is estimated to be \$172,000.

### **C. The Proposed Resolutions**

The proposed resolutions adopt the Fiscal Year 2022-23 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, or authorize the refund of, 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 May 23, 2022, 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 the approval of the proposed resolutions, as all District costs associated with levying the charges in both Flood Zone One and Flood Zone Two will be reimbursed from the rates collected.

Specifically, the proposed Flood Zone One rates are estimated to generate \$1.78 million in revenue in FY 2022-23 that will be used to finance the Countywide Water Pollution Prevention Program and reimburse the District for all costs associated with levying the charges, including the per parcel charges levied by the County Controller, estimated at \$1.42 per parcel based on the Controller's rate schedule as approved by the County of San Mateo Board of Supervisors, or 5% of the total assessment, whichever is less.

Further, the proposed Flood Zone Two rates are estimated to generate \$172,000 in revenue in FY 2022-23 that will be used to finance the Pacifica's Community Program for NPDES and reimburse the District for all costs associated with levying the charges, including the per parcel charge levied by the County Controller, estimated at \$0.71 per parcel (5% of the total assessment) based on the Controller's rate schedule as approved by the County of San Mateo Board of Supervisors.

**Attachments:** Draft Resolution 2022-05-23-C and Draft Resolution 2022-05-23-D

**DRAFT RESOLUTION NO. 2022-05-23-C**

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

- A. ADOPTING THE FY 2022-23 WATER POLLUTION CONTROL SERVICE CHARGES REPORT (“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, AND/OR APPROVE REFUNDS OF, 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**

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**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;

District Flood Zone One is contiguous with the boundaries of the County of San Mateo (“County”), and rates have been established for Flood Zone One that 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 staff report for this Board meeting 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 charges to said properties within Flood Zone One; and

As of the date the Charges Report was developed, data for the relevant tax rate areas were still being finalized by the County.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED**, that:

- A. 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 2022-23.
- B. 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.
- C. The CEO is authorized to refund or approve the refunds of any overcharge contained in the Charges Report to the owner of an overcharged parcel if the overcharge resulted from data, data entry, or computation errors as determined by the CEO.
- D. 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 May 23, 2022, and such revisions shall be certified and filed by the CEO with the Controller consistent with the processes set forth above.

PASSED AND ADOPTED by the District Board on the 23rd day of May 2022, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

APPROVED:

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Clerk of the Board of Directors

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Chair of the Board of Directors

**DRAFT RESOLUTION NO. 2022-05-23-D**

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

- A. ADOPTING THE FY 2022-23 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, AND/OR AUTHORIZE REFUND OF, 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**

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**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;

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 written staff report for this Board meeting 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 charges to said properties within Flood Zone Two; and

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

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED**, that:

- A. 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 2022-23.
- B. 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.
- C. The CEO is authorized to refund, and/or authorize the refund of, 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.
- D. 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 May 23, 2022, and such revisions shall be certified and filed by the CEO with the Controller consistent with the processes set forth above.

PASSED AND ADOPTED by the District Board on the 23rd day of May 2022, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

APPROVED:

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Clerk of the Board of Directors

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Chair of the Board of Directors

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

**Date:** May 23, 2022  
**To:** San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors  
**From:** Len Materman, CEO  
**Subject:** Discuss the Fiscal Year 2021-22 Budgets, and the Fiscal Year 2022-23 Draft Budgets

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**Recommendation:**

That the San Mateo County Flood and Sea Level Rise Resiliency District (“District”) Board of Directors (“Board”) receive a report on and discuss the Fiscal Year (“FY”) 2021-22 Operating Budget, Capital Projects Budget, and Flood Zones Budget, and the Draft FY 2022-23 Operating Budget, Capital Projects Budget, and Flood Zones Budget. No action by the Board is recommended at this time.

**Background and Discussion:**

Each year by June 30, the Board must adopt an annual budget of revenues and expenses for the next fiscal year beginning July 1 that reflects our staffing and priorities. The District’s first full-year budget (FY2020-21) was comprised of an Operating Budget, which included project-related activities outside of the three long-standing active flood zones along Colma, San Bruno, and San Francisquito creeks, as well as a Flood Zones Budget to cover activities within those zones. For the District’s second budget (FY2021-22), in addition to the Operating Budget and Flood Zones Budget, we added a Capital Projects Budget to include revenue and expenses related to the construction of the Bayfront Canal and Atherton Channel Flood Protection and Ecosystem Restoration Project and planning of the Millbrae and Burlingame Shoreline Area Protection and Enhancement Project. For our third full fiscal year, we propose to maintain those three budgets, which will be discussed at this May 23<sup>rd</sup> Board meeting. This discussion will include a:

- comparison of the approved FY2021-22 Operating, Flood Zones, and Capital Projects Budgets with the estimated fiscal year-end expenses,
- high-level draft FY2022-23 Operating Budget,
- high-level draft FY2022-23 Flood Zones Budget,
- high-level draft FY2022-23 Capital Projects Budget, and
- summary of the Operating Budget year-end balance (reserves) as of June 30, 2022 and the projected reserves at the conclusion of each of the next four fiscal years.

Based on the input received at the May 23 Board meeting, we will develop detailed FY2022-23 budgets for approval at the next Board meeting, which is scheduled for June 27.

**Fiscal Impact on District Resources:**

There is no impact on District resources to review the current and draft budgets.

**Attachment:**

Fiscal Year 2021-22 Operating, Flood Zones, and Capital Projects Budgets, approved by the Board on June 28, 2021

San Mateo County Flood & Sea Level Rise Resiliency District

**Operating Budget  
for Fiscal Year 2021-22**

| Budget Item  | Proposed Amount  |
|--|------------------|
| <b>REVENUE</b>   |                  |
| County and City Contributions  | 1,995,000        |
| State Contributions  | 291,000          |
| Interest Earned  | 6,780            |
| <b>Total Revenue</b>   | <b>2,292,780</b> |
| <b>EXPENSES</b>  |                  |
| <i><b>Personnel</b></i>  |                  |
| Salary & Related Costs   | 767,112          |
| Medicare and Social Security   | 51,092           |
| Retirement Benefits  | 111,389          |
| Medical, Dental, Vision Benefits   | 68,392           |
| Contribution to Insurance Plans  | 3,279            |
| Personnel Costs  | 1,001,264        |
| Portion of Personnel costs reallocated to Flood Zones & Capital Projects | (110,000)        |
| <b>Net Personnel Costs</b>   | <b>891,264</b>   |
| <i><b>Operations &amp; Support</b></i>                                   |                  |
| Office Lease and Supplies  | 114,403          |
| Computers and Software   | 8,000            |
| Advertising and Legal Notices  | 1,000            |
| Meetings, Travel and Membership Dues                                     | 10,000           |
| Contract - Legal Services  | 75,000           |
| Contract - Audit Services  | 60,000           |
| Contract - Admin & Financial Services                                    | 85,000           |
| Contract - Projects  | 230,000          |
| Outreach   | 55,000           |
| Miscellaneous Expenses   | 10,000           |
| Operations and Support   | 648,403          |
| Portion of Operations & Support costs reallocated to Flood Zones         | (17,649)         |
| <b>Net Operations and Support</b>  | <b>630,754</b>   |
| <b>Total Expenses</b>  | <b>1,522,018</b> |
| Total Revenue minus Total Expenses                                       | 770,762          |
| Reserves from prior (2020-21) fiscal year                                | 1,913,500        |
| <b>Estimated reserves at end of FY2021-22</b>                            | <b>2,684,262</b> |

**San Mateo County Flood & Sea Level Rise Resiliency District  
Flood Zones Budget  
for Fiscal Year 2021-22**

| <b>Budget Item</b>                            | <b>Colma<br/>Creek</b> | <b>San Bruno<br/>Creek</b> | <b>San<br/>Francisquito<br/>Creek</b> |
|---|------------------------|----------------------------|---------------------------------------|
| <b>REVENUE</b>                                |                        |                            |                                       |
| Taxes (Secured Property)                      | 3,409,734              | 285,543                    | 359,703                               |
| Rent and interest income                      | 107,805                | 12,543                     | 2,576                                 |
| Inter-governmental revenue                    | 22,225                 | 1,296                      | 1,291                                 |
| <b>Total Revenue</b>                          | <b>3,539,764</b>       | <b>299,382</b>             | <b>363,571</b>                        |
| <b>EXPENSES</b>                               |                        |                            |                                       |
| General administration of Flood Zones         | 120,000                | 15,500                     | 15,300                                |
| Utilities                                     | 0                      | 14,500                     | 0                                     |
| Maintenance planning, design & construction   | 2,333,473              | 350,000                    | 25,000                                |
| Capital Projects planning & design            | 350,000                | 0                          | 0                                     |
| Capital Projects construction                 | 0                      | 0                          | 0                                     |
| Other contract services                       | 20,000                 | 0                          | 0                                     |
| Debt service on a bond                        | 1,502,500              | 0                          | 0                                     |
| Annual contribution to SFCJPA                 | 0                      | 0                          | 337,240                               |
| Other fees, including membership              | 2,000                  | 600                        | 600                                   |
| General Liability Insurance                   | 5,000                  | 1,300                      | 0                                     |
| <b>Total Expenses</b>                         | <b>4,332,973</b>       | <b>381,900</b>             | <b>378,140</b>                        |
| Total Revenue minus Total Expenses            | (793,209)              | (82,518)                   | (14,569)                              |
| Reserves from prior fiscal year               | 29,628,664             | 3,728,909                  | 808,483                               |
| <b>Estimated Reserves at end of FY2021-22</b> | <b>28,835,455</b>      | <b>3,646,391</b>           | <b>793,914</b>                        |

San Mateo County Flood & Sea Level Rise Resiliency District

Capital Projects Budget

for Fiscal Year 2021-22

| PROJECT                                      | REVENUE           |   |                  | EXPENSES         | SURPLUS OR (DEFICIT) |
|--|-------------------|---|------------------|------------------|----------------------|
|  | Local governments | State or Federal (through local partners) | Total            |                  |                      |
| <b>Bayfront Canal &amp; Atherton Channel</b> | 6,988,000 *       | 1,135,000                                 | 8,123,000        |                  |                      |
| Consultant Contracts                         |                   |   |                  | 718,000          |                      |
| Construction Contracts                       |                   |   |                  | 6,865,000        |                      |
| District Staff Time                          |                   |   |                  | 65,000           |                      |
| <u>Total</u>                                 | <u>6,988,000</u>  | <u>1,135,000</u>                          | <u>8,123,000</u> | <u>7,648,000</u> | <u>475,000 **</u>    |
| <b>Burlingame-Millbrae-SFO Shoreline</b>     | 60,000            | 75,000                                    | 135,000          |                  |                      |
| Consultant Contracts                         |                   |   |                  | 125,000          |                      |
| District Staff Time                          |                   |   |                  | 10,000           |                      |
| <u>Total</u>                                 | <u>60,000</u>     | <u>75,000</u>                             | <u>135,000</u>   | <u>135,000</u>   | <u>0</u>             |
| All Capital Projects                         | 7,048,000         | 1,210,000                                 | 8,258,000        | 7,783,000        | 475,000              |

\* Local governments revenue amount has been reduced by \$467,000 to cover project expenses incurred in FY20-21

\*\* Surplus of \$475,000 is for construction contingency, maintenance, and mitigation monitoring