

Marin County Flood Control and Water Conservation District

FLOOD CONTROL ZONE 1 ADVISORY BOARD MEETING
AUGUST 28, 2014

STAFF REPORT

Item 1. Approval of Meeting Minutes: March 6, 2014

Recommended Action: Approve minutes.

Item 2. Open Time for Items Not on the Agenda

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

Item 3. District Stream Gauge on Novato Creek

The stream gauge that the District currently maintains on Novato Creek is a former U.S.G.S. gauge for which federal funding was ceased so we took over its management. Later, the U.S.G.S secured funding again and built an additional gauge upstream of ours. At the last meeting AB asked why the District does not rely on the U.S.G.S. gauge instead of maintaining our own. The primary reason for this is that federal funding is less consistent and we don't want to lose the ability track the creek stage due to decisions made at the federal level. Additionally, we manage a precipitation gauge nearby using marin.onerain.com and it is useful to use the website's graphing features to quickly compare precipitation patterns to creek response.

Item 4. Pacheco Pond Management Plan Update

A draft maintenance plan for Pacheco Pond has been posted to marinwatersheds.org/novato.html. The draft plan describes preliminary intermittent opening of the Leveroni tide gates to flush tidal water into the pond. The tidal flushing is prescribed to reduce odors, West Nile virus-carrying mosquitos and non-native vegetation that has proliferated throughout the pond. Comments on the draft plan will be accepted through September 15, 2014 and should be provided to Dave Nicholson at dnicholson@marincounty.org.

The initial tide water height recommended for flushing the pond is 5.0-ft. At the 5.0-ft tide height, the main island within the pond area is flooded. This ponding was a concern for the Marin-Sonoma Mosquito & Vector Control District (MSMVCD) as the pools left behind by the receding tidal waters could support mosquito populations that can thrive in saline water (not West Nile Virus-carrying mosquitoes). Further evaluation is required to determine the effect of flooding the island and to determine the optimum tidal height for flushing the pond. A plan for evaluating the optimum tidal height is being implemented.

The District's draft Pacheco Pond maintenance plan was prepared in consultation with the California Department of Fish and Wildlife (CDFW) to address issues consistent with the District's 1980 agreement with the CDFW. Staff anticipate receiving comments from DFW by fall. The Plan will be finalized in consultation with CDFW and MSMVCD staff.

Staff can continue to provide updates to the Bel Marin Keys Community Services District on Pacheco Pond operations at their regular Board meetings and in communication with their engineering staff.

Marin County Flood Control and Water Conservation District

Item 5. Watershed Program Update

a. Novato Watershed Hydraulic Study-Existing Conditions Report:

Watershed Program Staff and their consultants have been working to complete the Novato Hydraulic Study with input from our partner agencies and the Technical Working Group. The first phase of work completed last year included the collection and organization of topographic survey data, data interpretation, and development of a watershed hydrology model.

The second phase of work, the Existing Conditions report was recently completed and posted to the Novato Watershed page <http://www.marinwatersheds.org/novato.html>. A brief presentation of the findings described in the existing conditions report will be discussed with the Advisory Board.

b. Novato Watershed Hydraulics Study-Third Phase of Work

The third phase of work will be initiated this fall to develop and model up to three alternatives and to evaluate their benefits in support of flood, sediment and habitat management.

The Request for Proposals (RFP) to organize and draft the alternative scenarios as part of the third phase of work under the Novato Watershed Hydraulic Study was distributed on July 28 to the top four firms that bid on the work in 2012. Proposals are due to Public Works on August 27. The third phase of work will be initiated this fall to finalize up to three alternatives and to model their benefits in support of flood, sediment and habitat management.

Staff will continue to review draft and conceptual alternatives developed through this third phase of work with the Technical Working Group, this Advisory Board and our partner agencies.

Recommended Action: Recommend the Board of Supervisors approve a \$100,000 budget increase for Professional Services in Zone 1 to support completion of the third phase of the Novato Watershed Hydraulics Study-alternatives analysis and modeling.

c. Community Outreach and Timeline

The various alternative scenarios developed through the third phase of the Novato Watershed Hydraulics Study will be refined based on the feedback provided through various stakeholder and community meetings. We anticipate a community meeting in early 2015 to present the draft alternatives and modeling results. A detailed schedule of stakeholder and community meetings will be reviewed with Advisory Board members at this meeting.

d. North Bay Water Reuse Authority

The County of Marin is an associate member of the North Bay Water Reuse Program. The North Bay Water Reuse Program (NBWRP) is a coordinated effort of three counties and 10 water and sanitation agencies, working together as one entity, to address water supply shortages from a watershed perspective. The Program's member agencies are investing in a number of diverse recycled water projects to offset potable demands throughout the North Bay region <http://www.nbwra.org/>.

Marin County Flood Control and Water Conservation District

As a member, the County is allowed to participate in NBWRA studies and to benefit from them as an Associate Member. Supervisor Steve Kinsey serves as Marin's representative to the NBWRA Board.

The County, specifically the Flood Control and Water Conservation District proposes to participate in the Phase II feasibility study scope of work in partnership with the Novato Sanitary District. The cost to fund the feasibility scope of work to the Flood Control District is \$148,153. Funding would be provided to the Novato Sanitary District through a Memorandum of Agreement. The feasibility studies and the EIR/EIS would be completed by the end of FY 16/17. The proposed scope of work includes the development of feasibility studies and EIR/EIS documents in support of a lower Novato Creek flood protection and habitat restoration alternative within the Deer Island Basin.

The timing of NBWRA's Phase II scope of work will coincide and complement the development of a final design for the lower Novato Creek Deer Island alternative. Staff anticipates completing the final design for this alternative in early 2016. Participating in the NBWRA Phase II feasibility study ensures the lower Novato Creek alternative is in the pipeline for future Bureau of Reclamation funding for construction.

Recommended Action: Recommend the Board of Supervisors approve a \$148,153 budget increase for Professional Services in Zone 1 to support participation in the NBWRA Phase II feasibility study which will include development of an EIR/EIS for a lower Novato Creek flood protection and habitat restoration alternative.

Item 6. Novato Creek Sonoma Marin Area Rail Transit (SMART) Railroad Bridge

SMART staff has informed the District of the timeline for the existing bridge demolition beginning late July. Construction of the new bridge is scheduled to begin within the first half of August. Staff will make a brief presentation on the status of work.

Item 7. Proposed Revision of Zone By-Laws

There is an effort underway to improve and make consistent the by-laws across the eight flood zones being administered by the Marin County Flood Control & Water Conservation District. Staff proposes the attached recommendations and asks for the recommendation of the Advisory Board. The final step will be approval of all the zones' by-laws by the Board of Supervisors.

The primary change proposed by Staff is to Article V, Section 2. Meeting Frequency which in some zones had established annual meetings and in others had established quarterly meetings. Neither frequency has been optimal for any of the Flood Zones and therefore it is recommended that the Advisory Board annually determine and commit to a meeting calendar for each year.

Item 8. Schedule Next Meeting

Schedule the next meeting of the advisory board. The next meeting, per the bylaws, is scheduled on **November 4, 2014**.

**MARIN COUNTY FLOOD CONTROL AND WATER CONSERVATION
DISTRICT**

BY-LAWS OF THE FLOOD CONTROL ZONE NO. 1 ADVISORY BOARD

ARTICLE I: NAME

This organization shall be called "The Marin County Flood Control and Water Conservation District (MCFC&WCD) Flood Control Zone No. 1 Advisory Board" existing by virtue of the Marin County Flood Control and Water Conservation District Act (Act), Water Code Appendix 68-6, and exercising the powers and authority and assuming the responsibilities delegated to it under said Act.

ARTICLE II: PURPOSE

The Flood Control Zone 1 Advisory Board shall respond to and issue a report on all matters such as annual zone budget, annual work plan or capital projects for that zone, referred to it by the Board of Supervisors of the Marin County Flood Control and Water Conservation District through the District Engineer. Said report shall be made within 30 days of receipt. The Advisory Board shall not have any authority to consider matters beyond those referred by the Board of Supervisors of the Marin County Flood Control and Water Conservation District.

ARTICLE III: MEMBERSHIP

The Advisory Board shall consist of five (5) members, who shall be residents of Flood Control Zone No. 1, appointed by the Board of Supervisors of Flood Control.

ARTICLE IV: TERM OF OFFICE

1. Term of Appointment

Each member shall be appointed for a four year term. Notwithstanding said term, any member may be removed without cause at any time by a majority vote of the Board of Supervisors of the Marin County Flood Control and Water Conservation District.

2. Vacancy

If a vacancy occurs, the Board of Supervisors shall appoint a new Advisory Board member to serve for the remaining duration of the

resigning member's four-year term, at which time the appointment shall be reviewed every four years thereafter.

3. Resignation

A resignation of an Advisory Board member shall be in writing and filed with the Clerk of the Board of Supervisors.

ARTICLE V: MEETINGS

1. General

All meetings of the Advisory Board shall comply with all applicable laws including the provisions set forth in California Government code 54950-54962, the Brown Act and the Americans with Disabilities Act.

2. Meeting Frequency

~~Regular Annual meetings shall be held quarterly on the first Tuesdays Thursday of the months of February, May, August and November. If there is no business to be conducted at either of the regularly scheduled meetings, such may be cancelled by the~~ At the annual meeting, the Advisory Board and District Engineer shall schedule all other regular meetings to be held that year. If there is no business to be conducted, regular meetings may be canceled by the District Engineer by noticing the Advisory Board and providing a written update on Zone activities. Special meetings may be called by the District Engineer when Marin County Flood Control and Water Conservation District business needs so dictate. Chair may request District Engineer to schedule special meetings. Special meetings may also be called at the request of the Advisory Board Chairperson.

3. Meeting Time and Place

Meetings shall be held at a place within or near the boundaries of Flood Control Zone No. 1, or at the principal office of the Marin County Flood Control and Water Conservation District.

4. Quorum

Three (3) members of the Advisory Board shall constitute a quorum for the response and issuance of report on all referred items.

5. Conduct of Meetings

All meetings shall be conducted and governed by the rules set forth in Robert's Rules of Order.

ARTICLE VI: OFFICERS AND DUTIES

The officers of the Advisory Board shall be the chair and vice-chair.

1. Election and Term

Officers shall be elected to a one-year term by a majority vote of the Advisory Board.

2. Resignations

An officer may resign at any time upon giving written notice to the Advisory Board.

3. Vacancies

Any vacancies of the chair or vice-chair shall be filled by a majority vote of the Advisory Board.

4. Chair

The chair shall preside at all meetings of the Advisory Board consistent with Robert's Rules of Order. The chair shall perform such duties necessary to run meetings.

5. Vice-chair

The vice-chair shall carry out the duties of the chair during her/his absence or disability, or during a vacancy in the office of the chair.

ARTICLE VII: BYLAWS

These bylaws may be recommended for amendment by a majority vote of all Advisory Board Members only if said proposed amendment does not conflict with any provisions of the Marin County Flood Control and Water Conservation District Act.

No amendment to these bylaws shall take effect or be binding until said amendment(s) are approved by the Board of Supervisors.