

## **FLOOD CONTROL ZONE 1 ADVISORY BOARD MEETING**

**JUNE 29, 2017**

### **STAFF REPORT**

#### **Item 1. Remembrance of Diet Stroeh**

Long-time Advisory Board member Diet Stroeh passed away on May 31, 2017.

#### **Item 2. Approval of Meeting Minutes: April 13, 2017**

**Recommended Action:** Approve minutes.

#### **Item 3. 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 4. Zone Parcel Tax Revenue Measure**

The Novato Watershed Program worked to produce a watershed-scale hydrology and hydraulic model from Stafford Dam to San Pablo Bay, which has supported the development of project concepts to reduce flood risk, restore tidal marsh habitat, and adapt to sea level rise. This winter Zone 1 flood facilities in the baylands experienced close to \$1.7M in damages. Because the identified projects and storm damage repairs are beyond the current ability of Zone 1 to fund, the Flood Control Zone 1 Advisory Board is considering a revenue measure in November 2017 to fund these three focus areas:

- Reducing community and roadway flooding by improving the storm drain infrastructure in the City of Novato per the priorities identified in the City's Stormwater Master Plan.
- Reducing flooding by repairing and upgrading existing flood protection facilities that were impacted by recent storms (levees, channels, pumps, and pump stations).
- Restoring creek and marsh habitat and constructing nature based flood protection in lower Novato Creek baylands downstream of Highway 101 to San Pablo Bay.

Two community meetings and over 40 stakeholder meetings were held to review the Watershed products and preliminary project concepts to address improvements to storm drain infrastructure, upgrades to flood protection facilities and opportunities to restore creek and tidal marsh habitat. All of the watershed reports and preliminary project concepts are available for review at <http://www.marinwatersheds.org/novato.html>. Additionally, polling was completed in September 2016. A summary of poll results is available <http://www.marinwatersheds.org/documents/NWPZone1RevenueMeasureSurveyPresentation09-27-16.pdf>

The purpose of this meeting is for your Board to review and recommend the draft ballot language and resolution to support a November 7, 2017 ballot measure for Flood Control Zone 1. In order to meet mandatory administrative deadlines for the November 7, 2017 election, the Marin County Flood Control and Water Conservation District Board of Supervisors must approve a resolution calling for the measure to be placed on the ballot no later than their regularly scheduled meeting on Tuesday, August 1, 2017.

With the AB's recommendation, staff will take a resolution authorizing the ballot measure language to the District Board of Supervisors. A list of the meetings and actions required to proceed with an election are described below:

## Marin County Flood Control and Water Conservation District

1. Advisory Board: review finance report, recommend ballot language and resolution of consolidation for the ballot (*June 2017*)
2. BOS Meeting – Publish Notice of Public Hearing (*July 18, 2017*)
3. BOS Meeting – Board conducts Hearing and considers Resolution (*August 1, 2017*)
4. Submit Signed Resolution to Elections Office (*by August 11, 2017*)
5. Election (*November 7, 2017*)
6. Submit Election Certification to Tax Assessor's Office (*by December 7, 2017*)

### **Ballot Language**

Staff has proposed ballot language that conforms to the 75-word limit per Elections rules and has been reviewed by County Counsel.

### Marin-County-Flood-Control-District-Zone-1 Special Tax

Novato Watershed and Flood Protection. To reduce flooding, improve water quality, restore fish and wildlife habitat, and adapt to sea level rise, shall a special parcel tax be levied within Zone 1 for 18 years based on land use, including \$47 per single-family home, raising approximately \$1,100,000 annually, with annual audits, low income senior exemptions, and funds to be spent only in the Novato Watershed?

A parcel tax scenario report was prepared to calculate the tax rate per parcel type and land use. Staff will review the tax rates for the four recommended land use types at the meeting.

Existing Flood Control Zone 1 revenues will continue to be used for operations and maintenance of existing facilities. If the proposed tax isn't approved by 2/3rds of the voters, no new projects would be pursued and maintenance would be performed at the sustainable level recommend by your Advisory Board consistent with the Zone's estimated \$2,000,000/year budget.

**Recommended Action:** Recommend a Resolution of the Marin County Flood Control and Water Conservation District Board of Supervisors calling for an election to impose a special tax upon parcels located within Flood Control Zone 1 for the purpose of reducing community and roadway flooding; restoring creek and marsh habitat, and adapting to sea level rise.

### **Item 5. Next Meeting Dates**

The following regular Advisory Board meeting dates are tentatively scheduled:

August 3, 2017

November 16, 2017

A meeting on November 2, 2017 was previously identified; however staff propose moving this date until after the November 7, 2017 election if your Board recommends an election.

**RESOLUTION NO. 2017-\_\_\_\_\_**

**RESOLUTION OF THE MARIN COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD OF SUPERVISORS CALLING FOR AN ELECTION TO IMPOSE A SPECIAL TAX UPON PARCELS LOCATED WITHIN FLOOD CONTROL ZONE NO. 1 FOR THE PURPOSE OF REDUCING COMMUNITY AND ROADWAY FLOODING; RESTORING CREEK AND MARSH HABITAT, AND ADAPTING TO SEA LEVEL RISE.**

**WHEREAS**, the Board of Supervisors of the Marin County Flood Control and Water Conservation District, and upon the recommendation of the Flood Control Zone No. 1 Advisory Board, determines that it is in the best interests of the property owners within Zone No. 1 to provide for increased protection from flooding risk; and

**WHEREAS**, pursuant to all applicable state law, including California Water Code – Appendix 68-5(11) and Government Code Section 50075 *et seq.*, and in compliance with California Constitution Articles XIII A and XIII C, the Board of Supervisors of the Marin County Flood Control and Water Conservation District is hereby authorized to adopt this Resolution to establish and impose (subject to voter approval) a special tax upon all taxable real property located within Flood Control Zone No. 1; and

**WHEREAS**, the Board of Supervisors of the Marin County Flood Control and Water Conservation District calls for an election to impose a special tax in the amounts specified below beginning with fiscal year 2018-2019; and

**WHEREAS**, the special tax, if approved by the electorate, will not exceed the spending limit pursuant to California Constitution Article XIII B; and

**WHEREAS**, the Board of Supervisors of the Marin County Flood Control and Water Conservation District conducted a public hearing on this matter on August 1, 2017 and

**NOW, THEREFORE, BE IT RESOLVED** that, subject to voter approval, the Marin County Tax Collector shall collect the special tax annually in the same manner and subject to the same penalties as County property taxes are collected. The County shall be entitled to deduct its reasonable costs incurred collecting the special tax before such tax is remitted to the Marin County Flood Control and Water Conservation District.

**BE IT FURTHER RESOLVED** that the special tax established by this Resolution shall be submitted to the registered voters within Flood Control Zone No. 1 in the Uniform District Election on November 7, 2017. The question submitted to the voters shall read substantially as follows:

**Marin County Flood Control District Zone No.1 Special Tax**

<u>Novato Watershed and Flood Protection.</u> To reduce flooding, improve water quality, restore fish and wildlife habitat, and adapt to sea level rise, shall a special parcel tax be levied within Zone No.1 for 18 years based on land use, including \$47 per single-family home, raising approximately \$1,100,000 annually, with annual audits, low income senior exemptions, and funds to be spent only in the Novato Watershed?	YES
	NO

**BE IT FURTHER RESOLVED** that the special tax is for the specific purposes of providing increased flood protection for Marin County Flood Control Zone No. 1 by reducing community and roadway flooding; restoring creek and marsh habitat for fish and wildlife; adapting to sea-level rise; and evaluating and implementing measures to increase the scouring of sediment in lower Novato Creek to improve the conveyance of flood waters to the bay.

**BE IT FURTHER RESOLVED** that the watershed and technical advisory committees created through the Novato Watershed Program will remain as an advisory group on this special tax.

**BE IT FURTHER RESOLVED** that to the maximum extent possible the Novato Watershed Program and Flood Control Zone No.1 will leverage local, State and Federal grants.

**BE IT FURTHER RESOLVED** that the proceeds for the special tax be applied only to the specific purposes stated above and subject to CEQA requirements prior to their implementation.

**BE IT FURTHER RESOLVED** that should the electorate approve the special tax, the proceeds shall be placed in a special fund to be used solely for the purposes stated above.

**BE IT FURTHER RESOLVED** that the Marin County Auditor as chief fiscal officer, pursuant to Water Code Section 68-7, is hereby directed to prepare an annual report pursuant to Government Code Section 50075.3. The chief fiscal officer shall receive actual necessary expenses in the performance of official duties performed pursuant to this resolution payable from the funds of the Marin County Flood Control and Water Conservation District.

**BE IT FURTHER RESOLVED** that this Board of Supervisors of the Marin County Flood Control and Water Conservation District hereby calls and orders a Uniform District Election to be held on November 7, 2017 for the purpose of voting on a ballot measure to approve the special tax.

**BE IT FURTHER RESOLVED** that pursuant to the provisions of Elections Code Section 10002, the Board of Supervisors of the Marin County Flood Control and Water Conservation District hereby requests that the Registrar of Voters render all services necessary for the conduct of the election, which include the following matters: coordination of election precincts, polling places, voting booths, voting systems and election officers; printing and mailing of voter pamphlets; preparation of tabulation of result of votes cast. The costs of the ballot election shall be borne by the Board of Supervisors.

**BE IT FURTHER RESOLVED** that to the extent applicable, under Elections Code Section 10418, all proceedings related to, connected with, and incidental to the election shall be regulated and performed in accordance with the provisions of law regulating a statewide election.

**BE IT FURTHER RESOLVED** that the proclamation or notice of the election shall provide that Article 3 of Chapter 2 of Division 9 of the Elections Code (Section 9160 et seq.) relating to arguments concerning County measures applies and County Counsel is directed to prepare an impartial analysis.

**BE IT FURTHER RESOLVED** that the special tax shall be deemed established and shall be in effect beginning with the 2018/19 fiscal year upon certification of the election results evidencing approval by at least two-thirds of the registered voters voting thereon. The special tax

shall be null and void as of twelve o'clock midnight, June 30, 2036, and shall have no force and effect whatsoever after said time and date.

**BE IT FURTHER RESOLVED** that if any provision of this resolution or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provisions or applications, and to this end the provisions of this resolution are declared to be severable. The Board of Supervisors of the Marin County Flood Control and Water Conservation District and the electorate, should it approve the special tax, do hereby declare that they would have adopted and approved this resolution and the special tax and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof, be declared invalid or unconstitutional.

**BE IT FURTHER RESOLVED** that pursuant to Government Code Section 50077.5 and Code of Civil Procedure Section 860, any judicial action or proceeding to attack, review, set aside, or annul this special tax, if approved by the voters, shall be commenced within 60 days of the effective date of this resolution.

**APPROVED AND ADOPTED** at regular meeting of the Board of Supervisors of the Marin County Flood Control and Water Conservation District held on the \_\_\_ day of \_\_\_\_\_, 201\_\_, by the following vote:

AYES: SUPERVISORS  
NOES:  
ABSENT:

\_\_\_\_\_  
PRESIDENT, BOARD OF SUPERVISORS  
MARIN COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

ATTEST:

\_\_\_\_\_  
CLERK