

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

**Engineer's Report**  
**Flood Zone 9 Advisory Board Meeting**  
**March 24, 2008 at 7:00 PM**

Date: March 24, 2008

By: Jack Curley

**Re: Proposed Initial, 2-Year Work Program for Ross Valley Flood Control and Watershed Program**

The Ross Valley flood fee was authorized by the Board of Supervisors on July 10, 2007 following an affirmative ballot measure on June 25, 2007. Revenue from the flood fee will be approximately \$2.2 million per year and will continue for a period of 20 years. The fee was proposed and passed to initiate watershed-wide flood control efforts and to preserve and protect the Corte Madera Creek watershed and creek system. The fee was designed to be combined with matching funds from agencies of the state and federal governments and will initially fund engineering studies to determine the best, viable options for reducing severe flood damage and create programs to assist property owners in achieving a practical level of responsible creek stewardship. Funds from the recent bond measures, 84 and 1E, will soon start to become available and Flood Zone 9 currently has no projects developed to the level of design required for submitting applications for those grant funds.

Although the flood fee ballot was approved, two ongoing lawsuits make using the funds risky should either or both of the lawsuits prevail and the courts then order the return of the funds.

In February and March, 2008, the City of Larkspur, and the Towns of Fairfax, Ross, and San Anselmo passed resolutions requesting that the Board of Supervisors initiate a flood control and watershed program for Flood Zone 9. Please see the attached resolutions as the language differs somewhat in each resolution. In response to those requests, the flood control district has prepared a comprehensive, short term program that serves to move the long-term Ross Valley program forward over the next two years. The cost of the items in this program will be approximately \$1.3 million. The flood control district will use the collected funds and only secure the loan should the legal challenges prevail. The proposed work program consists of studies of the three largest items requiring attention in Flood Zone 9, i.e., detention basins, dredging, and creek erosion and degradation. The other items will provide for creek cleanup, offering assistance for private property owners along the creeks, public outreach for flood readiness, and initiating efforts at joining the NFIP Community Rating System program. The specific elements of the proposed program will be presented at the March 24<sup>th</sup> meeting.

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There are important ramifications for Flood Zone 9 should the legal challenges prevail. *It must be clearly understood that using a portion of the collected funds could jeopardize all future operations of Flood Zone 9/Ross Valley.* Should one or both of the legal challenges prevail, the courts could order Flood Zone 9 to return the collected funds to the property owners. To do so will require a loan from the county general fund that will be repaid from the existing, annual revenue stream of Flood Zone 9. It is prudent to secure that loan at the outset and to spell out the risk involved to Flood Zone 9 operations and maintenance.

Repayment of a loan in the amount of \$1.3 million, assuming an annual interest rate of 4% (the current fund rate at the county), will require 60% of the zone's annual revenue for 20 years, leaving the zone with an annual maintenance budget of approximately \$60,000. This will fund annual, required maintenance of the concrete channel from Ross to Kentfield only. In all practicality, all work in the flood zone will cease for that time, i.e., 20 years, unless other revenue is raised.

The zone will be assigned an engineer for a small percentage of their work time (see below) to insure that the zone is meeting federal requirements for the existing federal flood control project (concrete channel). It is probable that the zone would not see state or federal dollars for programs for all of those years without a local share to do the necessary work to prepare for grant opportunities. (Note that this will not affect the existing flood control project in Ross which is currently moving forward into the environmental impact report phase.)

### **Staffing Implications of Zone 9 Loan Plan**

- Zone Engineer – time spent on Zone 9 decreases from 25% of full time to 10% (4 hrs/week)
- Principle Engineer - time spent on Zone 9 decreases from 10% of full time to 1% (1 hr/week)
- Tech III – time stays the same, however,
- Marin Conservation Corps – Contract will be reduced to 1/3 of present levels
- Parks and Open Space – (maintaining path along CMC) – budget will be cut to 1/3 of present amount (  $26500/3 = 8833$ )
- Roads Dept. will continue to grease the existing tide gates in the concrete channel annually (\$2500)