



Marin Local Agency Formation Commission

Municipal Service Review

San Rafael Region Supplemental

**Marin County Flood Control and Water Conservation District
Zones 6 and 7**

FINAL REPORT

OCTOBER 2020

PREFACE

This Municipal Services Review (MSR) documents and analyzes services provided by local governmental agencies in the San Rafael region. Specifically, it evaluates the adequacy and efficiency of local government structure and boundaries within the region and provides a basis for boundary planning decisions by the Marin Local Agency Formation Commission (LAFCo).

Context

Marin LAFCo is required to prepare this MSR in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56000, et seq.), which took effect on January 1, 2001. The MSR reviews services provided by public agencies—cities and special districts—whose boundaries and governance are subject to LAFCo. The analysis and recommendations included herein serve to promote and coordinate the efficient delivery of local government services and encourage the preservation of open space and agricultural lands.

Commissioners, Staff, Municipal Services Review Preparers

Commissioners

Sashi McEntee, Chair	City	City of Mill Valley
Craig Murray, Vice Chair	Special District	Las Gallinas Valley Sanitary District
Damon Connolly	County	District 1 Supervisor
Judy Arnold	County	District 5 Supervisor
Barbara Coler	City	Town of Fairfax
Lew Kious	Special District	Almonte Sanitary District
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1.0 INTRODUCTION

1.1 ROLE AND RESPONSIBILITY OF LAFCO

Local Agency Formation Commissions (LAFCOs) were established in 1963 and are political subdivisions of the State of California responsible for providing regional growth management oversight in all 58 counties. LAFCo’s authority is currently codified under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”), which specifies regulatory and planning powers delegated by the Legislature to coordinate and oversee the establishment, expansion, and organization of cities and special districts as well as their municipal service areas.

Guiding LAFCo’s regulatory and planning powers is to fulfill specific purposes and objectives that collectively construct the Legislature’s regional growth management priorities under Government Code (G.C.) Section 56301. This statute reads:

“Among the purposes of the commission are discouraging urban sprawl, preserving open space and prime agricultural lands, efficiently providing governmental services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances. One of the objects of the commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local agencies in each county and to shape the development of local agencies so as to advantageously provide for the present and future needs of each county and its communities.”

LAFCo decisions are legislative in nature and not subject to an outside appeal process. LAFCOs also have broad powers with respect to conditioning regulatory and planning approvals so long as not establishing terms that directly control land uses, densities, or subdivision requirements.

Regulatory Responsibilities

LAFCo’s principal regulatory responsibility involves approving or disapproving all jurisdictional changes involving the establishment, expansion, and reorganization of cities and most special districts.¹ More recently LAFCOs have been tasked with also overseeing the approval process for cities and districts to provide new or extended services beyond their jurisdictional boundaries by contract or agreement as well as district actions to either activate a new service or divest an existing service. LAFCOs generally exercise their regulatory authority in response to applications submitted by the affected agencies, landowners, or registered voters.

Recent CKH amendments, however, now authorize and encourage LAFCOs to initiate on their own jurisdictional changes to form, consolidate, and dissolve special districts consistent with current and future community needs. LAFCo regulatory powers are described in Table 1.1 below.

¹ CKH defines “special district” to mean any agency of the State formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. All special districts in California are subject to LAFCo with the following exceptions: school districts; community college districts; assessment districts; improvement districts; community facilities districts; and air pollution control districts.

Table 1-1: LAFCo's Regulatory Powers

Regulatory Powers Granted by Government Code (G.C.) Section 56301	
• City Incorporations / Disincorporations	• City and District Annexations
• District Formations / Dissolutions	• City and District Detachments
• City and District Consolidations	• Merge/Establish Subsidiary Districts
• City and District Outside Service Extensions	• District Service Activations / Divestitures

Planning Responsibilities

LAFCos inform their regulatory actions through two central planning responsibilities: (a) making sphere of influence (“sphere”) determinations and (b) preparing municipal service reviews. Sphere determinations have been a core planning function of LAFCos since 1971 and effectively serve as the Legislature’s version of “urban growth boundaries” with regard to cumulatively delineating the appropriate interface between urban and non-urban uses within each county. Municipal service reviews, in contrast, are a relatively new planning responsibility enacted as part of CKH and are intended to inform – among other activities – sphere determinations. The Legislature mandates, notably, all sphere changes as of 2001 be accompanied by preceding municipal service reviews to help ensure LAFCos are effectively aligning governmental services with current and anticipated community needs.

1.2 MUNICIPAL SERVICE REVIEWS

Municipal service reviews were a centerpiece to CKH’s enactment in 2001 and are comprehensive studies of the availability, range, and performance of governmental services provided within a defined geographic area. LAFCos generally prepare municipal service reviews to explicitly inform subsequent sphere determinations. LAFCos also prepare municipal service reviews irrespective of making any specific sphere determinations in order to obtain and furnish information to contribute to the overall orderly development of local communities. Municipal service reviews vary in scope and can focus on a particular agency or governmental service. LAFCos may use the information generated from municipal service reviews to initiate other actions under their authority, such as forming, consolidating, or dissolving one or more local agencies.

All municipal service reviews – regardless of their intended purpose – culminate with LAFCos preparing written statements addressing seven specific service factors listed under G.C. Section 56430. This includes, most notably, infrastructure needs or deficiencies, growth and population trends, and financial standing. The seven mandated service factors are summarized in the following table.

Table 1-2: Mandatory Determinations

Mandatory Determinations / Municipal Service Reviews (Government Code Section 56430)
1. Growth and population projections for the affected area.
2. Location and characteristics of any disadvantaged unincorporated communities within or contiguous to affected spheres of influence.
3. Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies.
4. Financial ability of agencies to provide services.
5. Status and opportunities for shared facilities.
6. Accountability for community service needs, including structure and operational efficiencies.
7. Matters relating to effective or efficient service delivery as required by LAFCo policy.

1.3 MARIN LAFCO COMPOSITION

Marin LAFCo is governed by a 7-member board comprised of two county supervisors, two city councilmembers, two independent special district members, and one representative of the general public. Each group also gets to appoint one “alternate” member. Each member must exercise their independent judgment, separate from their appointing group, on behalf of the interests of all residents, landowners, and the public. Marin LAFCo is independent of local government and employs its own staff. Marin LAFCo’s current commission membership is provided below in Table 1-3.

Table 1-3: Marin LAFCo Commission Membership

Name	Position	Agency Affiliation
<i>Sashi McEntee, Chair</i>	<i>City</i>	<i>City of Mill Valley</i>
<i>Craig Murray, Vice Chair</i>	<i>Special District</i>	<i>Las Gallinas Valley Sanitary District</i>
<i>Damon Connolly</i>	<i>County</i>	<i>District 1 Supervisor</i>
<i>Judy Arnold</i>	<i>County</i>	<i>District 5 Supervisor</i>
<i>Barbara Coler</i>	<i>City</i>	<i>Town of Fairfax</i>
<i>Lew Kious</i>	<i>Special District</i>	<i>Almonte Sanitary District</i>
<i>Larry Loder</i>	<i>Public</i>	<i>Commission</i>
<i>Chris Skelton</i>	<i>Public Alternate</i>	<i>Commission</i>
<i>Tod Moody</i>	<i>Special District Alternate</i>	<i>Sanitary District #5</i>
<i>James Campbell</i>	<i>City Alternate</i>	<i>City of Belvedere</i>
<i>Dennis Rodoni</i>	<i>County Alternate</i>	<i>District 4 Supervisor</i>

Marin LAFCo offices are located at 1401 Los Gamos Drive, Suite 220 in San Rafael. Information on Marin LAFCo’s functions and activities, including reorganization applications, are available by calling (415) 448-5877 by e-mail to staff@marinlafco.org or by visiting www.marinlafco.org.

2.0 EXECUTIVE SUMMARY

This study represents Marin LAFCo’s scheduled supplemental regional municipal service review of local agencies in the San Rafael region of central Marin County. The underlying aim of the study is to produce an independent assessment of municipal services in Marin County Flood Control Water Conservation District in Flood Control Zones 6 and 7 over the next five to ten years relative to the Commission’s regional growth management duties and responsibilities. The information generated as part of the study will be directly used by the Commission in (a) informing future boundary changes, and – if merited – (b) initiating government reorganizations, such as consolidations, and/or dissolutions.

2.1 AFFECTED PUBLIC AGENCIES

This report focuses on two agencies operating in the San Rafael Region as listed below and shown in Figure 2.1.

Table 2-1: San Rafael Area Supplemental MSR Agencies

San Rafael Agency Names
Marin County Flood Control Water Conservation District - Flood Control Zone 6
Marin County Flood Control Water Conservation District - Flood Control Zone 7

Together, these agencies provide a range of municipal services to the communities in which they serve, including:

Flood Control Zones

Reduce frequency and severity of flooding in the watershed.

2.2 PLANS, POLICIES, STUDIES

Key references and information sources for this study were gathered for each district considered. The references utilized in this study include published reports; review of agency files and databases (agendas, minutes, budgets, contracts, audits, etc.); Master Plans; Capital Improvement Plans; engineering reports; EIRs; finance studies; general plans; and state and regional agency information (permits, reviews, communications, regulatory requirements, etc.). Additionally, the LAFCo Executive Officer and Policy Analyst contacted each agency with requests for information.

The study area for this MSR includes communities within the City as well as unincorporated areas adjacent to the city. In the areas entirely outside of the City, Marin County has the primary authority over local land-use and development policies (and growth). The City San Rafael have authority over land use and development policies within the City. City, County, and Community plans were vital for the collection of baseline and background data for each agency. The following is a list of documents used in the preparation of this MSR:

- City and County General Plans
- Specific Plans
- Community Plans
- Agency databases and online archives (agendas, meeting minutes, website information)

2.3 AGENCY AND PUBLIC PARTICIPATION

Within the approved scope of work, this study has been prepared with an emphasis in soliciting outside public review and comment as well as multiple opportunities for input from the affected agencies. This included an agency startup meeting with Marin LAFCo, information requests sent to individual agencies, draft agency profiles also sent to agencies, and review of the draft report prior to Commission action.

This MSR is posted on the Commission's website (www.marinlafco.org). It may also be reviewed at the LAFCo office located at 1401 Los Gamos Drive, Suite 220 in San Rafael during open hours.

2.4 WRITTEN DETERMINATIONS

The Commission is directed to prepare written determinations to address the multiple governance factors enumerated under G.C. Section 56430 anytime it prepares a municipal service review. These determinations are similar to findings and serve as independent statements based on information collected, analyzed, and presented in this study's subsequent sections. The underlying intent of the determinations is to identify all pertinent issues relating to the planning, delivery, and funding of municipal services as it relates to the Commission's role and responsibilities. An explanation of these seven determination categories is provided below.

1. Growth and Population

This determination evaluates existing and projected population estimates for the City of San Rafael and the adjacent unincorporated communities within the study area.

2. Location and Characteristics of any Disadvantaged Unincorporated Communities Within or Contiguous to the Sphere of Influence.

This determination was added by Senate Bill (SB) 244, which became effective in January 2012. A disadvantaged community is defined as an inhabited community of 12 or more registered voters having a median household income of 80 percent or less than the statewide median household income.

3. Capacity and Infrastructure

Also discussed is the adequacy and quality of the services provided by each agency, including whether sufficient infrastructure and capital are in place (or planned for) to accommodate planned future growth and expansions.

4. Financing

This determination provides an analysis of the financial structure and health of each service provider, including the consideration of rates and service operations, as well as other factors affecting the financial health and stability of each provider. Other factors considered include those that affect the financing of needed infrastructure improvements and compliance with existing requirements relative to financial reporting and management.

5. Shared Facilities

Opportunities for districts to share facilities are described throughout this MSR. Practices and opportunities that may help to reduce or eliminate unnecessary costs are examined,

along with cost avoidance measures that are already being utilized. Occurrences of facilities sharing are listed and assessed for more efficient delivery of services.

6. Government Structure and Local Accountability

This subsection addresses the adequacy and appropriateness of existing boundaries and spheres of influence and evaluates the ability of each service provider to meet its demands under its existing government structure. Also included is an evaluation of compliance by each provider with public meeting and records laws (Brown Act).

7. Other Matters Related to Effective or Efficient Service Delivery, as Required by Commission Policy

Marin LAFCo has specified the sustainability of local agencies as a priority matter for consideration in this MSR. Sustainability is not simply about the environment but can consider the sustainability of an organization and its ability to continue to provide services efficiently for many years to come. Sustainable local governments that take practical steps to protect the environment and our natural resources through land conservations, water recycling and reuse, preservation of open space, and opting to use renewable energy are the key players in determining the sustainability of the region.

In addition, other matters for consideration could relate to the potential future SOI determination and/or additional effort to review potential advantages or disadvantages of consolidation or reorganization.

A summary of determinations regarding each of the above categories is provided in Chapter 3 of this document and will be considered by Marin LAFCo in assessing potential future changes to an SOI or other reorganization.

3.0 DETERMINATIONS

Growth and population projections for the affected area.

a) As stated in the October 2019 San Rafael Area MSR, the population growth for the overall San Rafael area is expected to be approximately 19% by 2040. However, anticipated growth in Flood Control 6 and 7 is projected to be minimal. Both Flood Control Zones in the study areas are essentially built out at this time.

The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.

a) There are no identified DUCs within the study area.

Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged unincorporated communities within or contiguous to the sphere of influence.

As noted above, there are no unincorporated communities within the study area that have been identified as disadvantaged.

Financial ability of agencies to provide services.

- a) Both Flood Zone 6 and 7 prepare annual budgets and prepare financial statements in accordance with established governmental accounting standards. The County Board of Supervisors, acting as the Board for the Marin County Flood Control and Water Conservation District, may amend their budgets by resolution during the fiscal year in order to respond to emerging needs, changes in resources, or shifting priorities. Expenditures may not exceed appropriations at the fund level, which is the legal level of control.
- b) The County Administrative Officer is authorized to transfer budgeted amounts between accounts or funds under certain circumstances, however; the County Board of Supervisors, acting as the Board for the Marin County Flood Control and Water Conservation District, must approve any increase in the operating expenditures, appropriations for capital projects, and transfers between major funds and reportable fund groups. Audited financial statements are also prepared as part of the County of Marin audit which is performed by an independent certified public accounting firm.
- c) Flood Zone 6 currently has the ability to cover its costs, but this is partly due to the fact that the City of San Rafael handles many of the responsibilities that help cover some of the services provided to the Flood Zone.

d) Flood Zone 7 currently has the ability to cover its basic services but is facing an issue in the future of not having the funding needed to perform some large projects. The Zone has an irregular pattern for approval of temporary parcel tax to deal with items as identified. Most of the previous special taxes have been reactionary to immediate needs. This has allowed for individual projects to be funded but has not allowed for a long-term plan to be created to ensure the long-term stability of the work needed. The Zone may want to discuss setting up a more permanent special assessment (e.g. special tax or other revenue measure using the County collection system when collecting property taxes) that will allow for better maintenance and long-term planning. In addition, a special assessment will ensure that repairs and maintenance can occur when needed and not require waiting for a special assessment to be passed on the ballot which can lead to more expensive repairs and replacement if repair work needs to wait for funding.

Status of, and opportunities for, shared facilities.

There are no opportunities for shared facilities at this time.

Accountability for community service needs, including governmental structure and operational efficiencies.

a) Flood Zone 6 was established prior to the City of San Rafael's annexation of the area. While the MOU between the Flood Control District and San Rafael has worked well, it may be time for the Flood Control District to transfer the remaining work it does for the district to the City of San Rafael. The City has the ability to do the work the Flood Control staff does now within the zone. The work that would need to be transferred should include general administration which includes such items as the permitting process for maintenance to the creeks and oversight of the Advisory Board including keeping the current Board members to ensure continuity and history of the zone. Several members to the Advisory Board have had their terms expire and due to COVID 19 they have not been reappointed as of the finishing of this report. Should these seats not be filled prior to a transfer of FZ 6 from the District to the City then the City may want to look to those members whose terms expired to help fill the seats should it create a new citizens oversight group. Should the District and the City agree to transfer Zone 6 to the City, measures should be included to make sure all current and future funds are properly transferred to the City and that the City has measures in place to make sure all those funds are only used for services in Flood Zone 6. Having said that, the District, City, and advisory board should discuss, as needed, when projects fall outside of the boundary of the Zone but will help deal with flood control issues within the boundary. It could be prudent to use some funds on these types of projects if they end up benefitting and supporting the system that Zone 6 is responsible for.

While LAFCOs have authority to perform an MSR for Flood Control Districts, they do not have oversight of the creation, change to, or elimination of individual Zones within them, however, if requested by both the District and City, LAFCo staff can help with this process.

In addition to the District and City, staff should coordinate with the SMART train system staff. Currently SMART runs its own programs to ensure the safety of the rail line that runs through the district. Similar to the discussion above about district funds being used for projects just outside of its boundary, SMART may get similar benefits by working with the Flood Control Zone to help use some of its funds outside of its direct efforts as it may be possible to help divert water earlier in the system so the rail line is better protected. In addition, an Advisory Board member for Flood Control Zone pointed out that SMART modifications in the area may have impacted drainage and erosion patterns in some parts of the Flood Zone. County and City staff have worked with SMART staff, but more cooperation may be needed by SMART when doing work in this Flood Zone to ensure work done by any group does not impact the work of the others. A MOU between the three groups would help facilitate this.

Any other matter related to effective or efficient service delivery, as required by commission policy

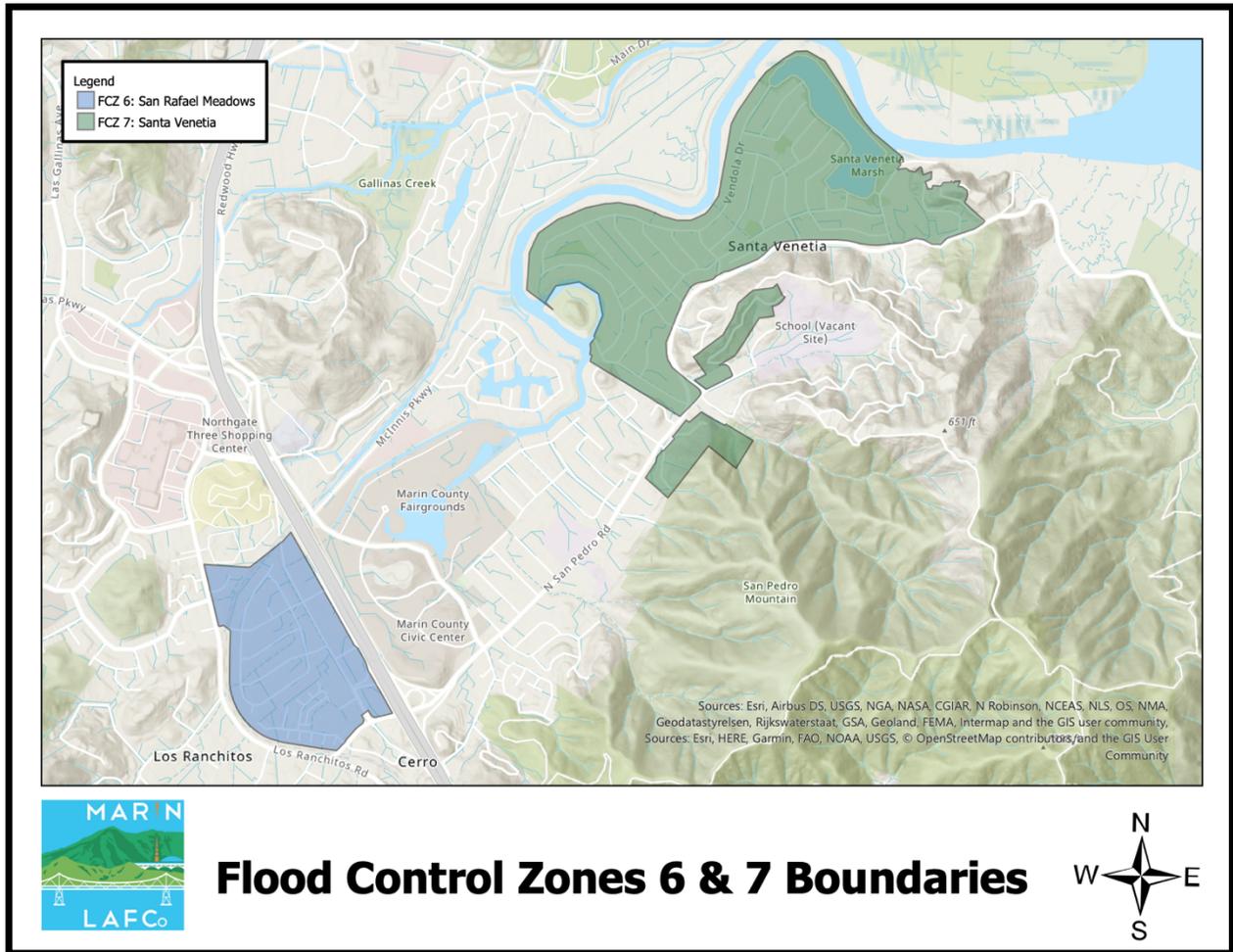
a) Due to the long history of the District and the unique nature of each flood zone, the budgets for each Zone are reported in different ways. While the members of any one district may understand the budget for that zone it can be hard to compare information across zones. The District should work to create a budget reporting system that is more uniform in nature while still allotting for the unique nature of each zone.

b) FZ7 is within unincorporated Marin which is currently part Federal Emergency Management Agency (FEMA) Community Rating System (CRS). Because the City of San Rafael is not part of CRS, stormwater management activities above and beyond the basic FEMA requirements in FZ6 (e.g. the annual leaves disposal flyer) don't increase discounts on flood insurance premiums for area residents. Should the City of San Rafael become fully responsible for FZ6, the City may want to look into entering the CRS program so City residents can qualify for discounts on flood insurance premiums. To potentially qualify for the CRS program the City can combine work they already do in other parts of San Rafael with work done in FZ6.

4.0 REGIONAL SETTING

The Municipal Service Review (MSR) is a supplemental addition to the San Rafael Area MSR completed in October 2019. The full San Rafael area regional setting can be found at the Marin LAFCo website, www.marinlafco.org. As shown in figure 4-1 Flood Control Zone 6 is just west of Civic Center across the 101 freeway and Flood Control Zone 7 is northeast of Civic Center.

Figure 4-1: San Rafael Area Supplemental Municipal Service Review Overview Map



5.0 FLOOD CONTROL ZONE #6 – SAN RAFAEL MEADOWS

5.1 OVERVIEW

Flood Control Zone #6 (FZ6) encompasses .16 square miles and is entirely within the City of San Rafael. FZ6 was established in 1961 in order to address specific flooding problems in the San Rafael Meadows neighborhood across US 101 from the Marin County Civic Center.

This area is jointly covered by both the County, acting as Flood Control staff, and the City of San Rafael. The current agreements from 1975 place the County in charge of building new infrastructure along with getting needed permits from state and federal agencies and the City of San Rafael maintains the Zone’s already built infrastructure and drainage easements. Over the years, as new infrastructure was not in need, the County has worked to transfer FZ6 funds to San Rafael so they could do needed maintenance on .75 miles of the creek. This transfer of funds was a recommendation of the Advisory Board and approved by the District Board of Supervisors.

During the time that the District has managed Flood Zone 6 up to five members that reside within FZ6 are appointed by the District Board of Supervisors to serve on the Advisory Board to oversee matters involving the zone. The Advisory Board meets annually to review the budgetary needs, then schedules meetings throughout the year as deemed necessary by the District Engineer. An overview is provided in Table 5-1 and a map is provided in Figure 5-1.

Figure 5-1: Flood Control Zone #6 Map

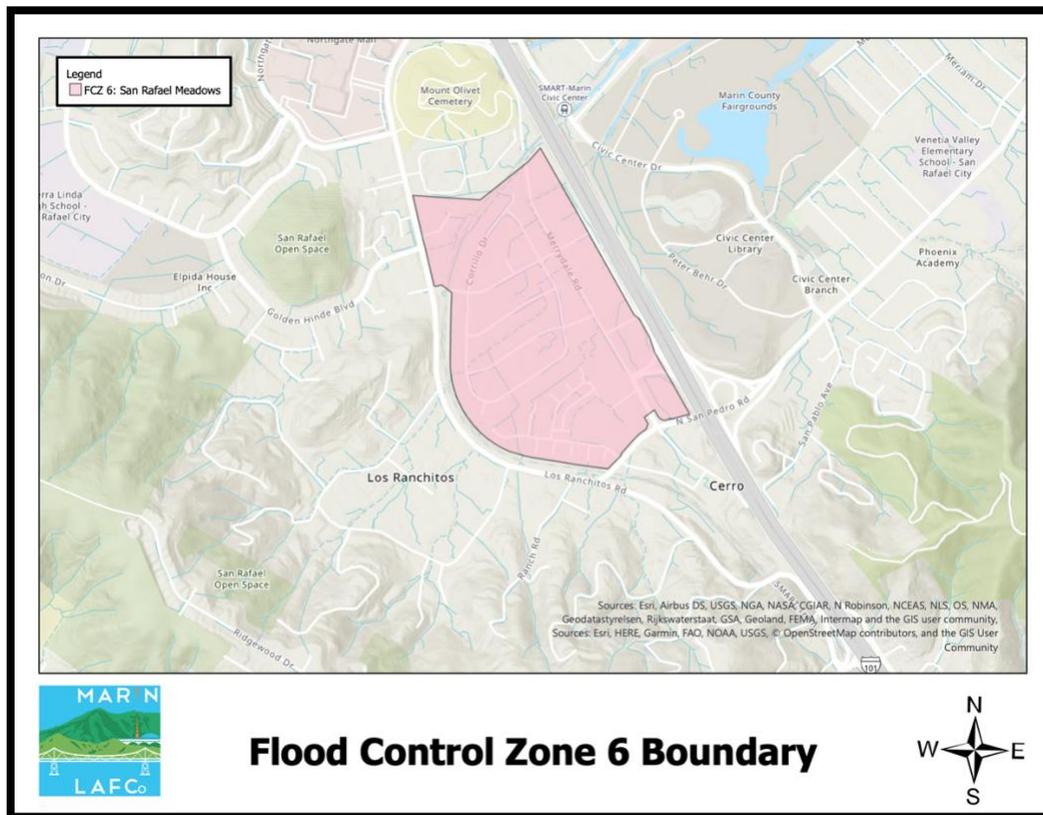


Table 5-1: Flood Control Zone #6 Overview

Flood Control Zone #6 – San Rafael Meadows			
Primary Contact	Gerhard Epke		
Phone	(415) 473-6562		
Office Location:	Department of Public Works, 3501 Civic Center Drive, San Rafael, CA 94903		
Formation Date	1962	Services Provided	Flood Control
Service Area	.16 square miles	Population Served	9,836

5.2 FORMATION AND DEVELOPMENT

FZ6 was established in 1961 and is the smallest flood zone in Marin County which covers .16 square miles. In 1975 the City of San Rafael annexed the area into its jurisdiction. That same year the District and the City agreed to a Joint Powers Agreement around the maintenance and administration of Flood Control Facilities. In this agreement, the District is responsible for administrative support, all major construction, major channel realignment, and capital improvement projects. The City is entrusted with normal maintenance which includes the maintaining of the major projects after the District has completed that work. For several years now there have been no new major projects that have required the District to construct. Starting in 2012 the District and City had started annually agreeing to a transfer of \$6,000 of Zone funds to the city to help cover some costs occurred by the City for work done within the Zone. In 2017 the District and the City entered into a multiple-year agreement that allows for the transfer of funds, not to exceed \$8,000 from the District account to the City to help cover costs the City spends to do work in the Zone. In addition, the Sonoma-Marin Area Rail Transit (SMART) line runs through the District. SMART is responsible for flood control in its right of way.

5.3 DISTRICT BOUNDARY AND SPHERE OF INFLUENCE

FZ6’s sphere of influence is coterminous with its jurisdictional boundary and includes a total of 440 parcels. Land uses within the zone boundary include single-family residential, multiple-residential, and commercial. The majority of the residential lots within the zone have been developed.

5.4 POPULATION AND GROWTH

FZ6 is within the community of San Rafael Meadows which is Census Tract 1082. In 2010, the US Census reported a population of 9,836 which is a decrease from the year 2000. Most developable parcels within the boundary have been fully developed and increased growth is limited.

5.5 MUNICIPAL SERVICES

Flood Control

The FZ6 work is currently split between FZ6 staff and the City of San Rafael Staff. FZ6 staff handles the permitting of projects, some public outreach, oversight of the advisory board, and general administrative services while City staff handles day to day work that occurs in the zone. In addition, the City through its normal course of service provides other services to the area that assist with the flood control of the area, such as inspecting and cleaning storm drains and vacuuming up leaves in the street. The City, when doing area development, has worked with the advisory board on projects such as in 2000 when a housing development was built on a vacant parcel on the south side of the flood zone. When the City did approve plans for this project, they required a water diversion system that meant water that would have in the past run through drainage ways in FZ6 were diverted into a new pipe system thereby relieving some stress to the system in high rain situations. SMART also has a rail line that runs through this area. SMART has its own water diversion projects to protect the tracks from the erosion. Two Advisory Board members for Flood Control Zone pointed out that SMART work in the area may have impacted drainage patterns and erosion in some parts of the Flood Zone.

5.6 ORGANIZATION STRUCTURE

District Board

Flood Control Zone #6 was formed as a dependent special district with the Marin County Board of Supervisors as its governing body. The Advisory Board consists of five (5) members appointed by the District Board. County Supervisors are elected to four-year terms of office, with no term limits.

Table 5-2: County of Marin Board of Supervisors

Member	Position	Experience	Term
Damon Connolly (District 1)	Supervisor	Government	Expires January 2023
Katie Rice (District 2)	Vice-President	Government	Expires January 2021
Kate Sears (District 3)	President	Government	Expires January 2021
Dennis Rodoni (District 4)	2 nd Vice-President	Government	Expires January 2021
Judy Arnold (District 5)	Supervisor	Government	Expires January 2023

Advisory Board

The Board of Supervisors appoints five (5) members, who shall reside in Flood Control Zone #6, to an Advisory Board that oversees the zone. That Board will make recommendations to the Board of Supervisors on necessary actions. This Advisory Board meets once a year in March to review budgeted items and planned efforts. A written update is provided to the Board of Supervisors unless a meeting is needed to discuss a time-sensitive issue. The current Advisory Board consists of the five appointees noted below in Table 5-3.

Table 5-3: Flood Control Zone #6 Advisory Board Members

Member	Position	Term
Ken Dickinson	Vice-Chairperson	Appointed May 1, 2012
Marianne Nannestad	Member	Appointed April 5, 2016
Wayne Rayburn	Member	Appointed April 5, 2016
Stuart Shepherd	Chairperson	Appointed April 28, 1998
Vacant	Member	

Staffing and District Operations

As a dependent district of the County, all administrative services are provided by county departments, including legal counsel and compilation of financial transaction reports for the State Controller’s Office required under Government Code Section (53891).

5.7 ACCOUNTABILITY AND TRANSPARENCY

Meetings and Agendas

Advisory Board meetings are held annually in the Spring with additional meetings called by the Advisory Board and/or District Engineer as needed. The meeting date, time, and location are posted on the Marin Watershed Program website <https://www.marinwatersheds.org/>. Also posted on the website are agendas, staff reports, and meeting minutes.

5.8 FINANCIAL OVERVIEW

Flood Control Zone #6 posts draft budgets on the Marin Watershed Program Website as part of meeting packet materials. The draft budgets include actuals for the prior year, a proposed budget for the upcoming year, and a planned budget for the following year.

Financial Audit

The County of Marin operates an Internal Audit Unit within its Department of Finance. The unit provides continuous monitoring of the County’s activities and reports to management staff on the results of risk evaluations.

Revenues and Expenditures

The FY 2019-2020 expenditure budget for FZ6 is approximately \$44,910. This is slightly higher than the \$43,634 revenue they receive. FZ6 has a healthy fund balance of about \$497,977. Given the type of work that needs to be done, it is common for agencies like this to have fund balances that are this size in order to save money up then to do major repair or replacement projects.

Table 5-4 shows the revenue and expenditures for the FZ6. This does not include money spent by the City of San Rafael for the six drainage ditches. The City spends \$15,960 a year to do that work of which FZ6 reimburses them \$8,000 per year based on a 2017 agreement between FZ6 and San Rafael. In addition to work done in the drainage ditches the City also performs routine maintenance such as, leaf removal and storm-related responses similar to what they do for other parts of the City.

Table 5-4: Flood Control Zone #6 Revenues and Expenditures

Description	FY13/14	FY14/15	FY15/16	FY16/17	FY17/18	FY18/19	FY19/20
Total Fund Balance	\$406,413	\$418,355	\$436,739	\$453,453	\$470,051	\$499,447	\$481,775
Unrestricted Fund Balance	\$404,668	\$417,842	\$428,339	\$443,900	\$457,251	\$489,047	\$471,375
Taxes & Interest	\$30,793	\$32,889	\$34,999	\$38,779	\$43,018	\$49,269	\$50,795
Intergovernmental Revenue	\$0	\$0	\$0	\$163	\$163	\$162	\$162
Misc. Revenue	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Transfers In	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenue	\$30,793	\$32,889	\$34,999	\$38,942	\$43,181	\$49,430	\$50,956
Salaries & Benefits	\$10,916	\$14,493	\$12,977	\$20,892	\$13,785	\$23,343	\$8,673.43
Services & Supplies	\$7,936	\$12	\$5,308	\$1,453	\$0	\$43,759	\$1,007
Machinery	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expense	\$18,851	\$14,505	\$18,285	\$22,344	\$13,785	\$67,102	\$9,680
Equity	\$0						
Prior Year Encumbrance	\$1,745	\$513	\$8,400	\$9,553	\$12,800	\$10,400	\$10,400
Current Year Encumbrance	-\$513	-\$8,400	-\$9,553	-\$12,800	-\$10,400	-\$10,400	-\$10,400
Ending Fund Balance	\$418,355	\$436,739	\$453,453	\$470,051	\$499,447	\$481,775	\$523,098
Ending Unrestricted Fund Balance	\$417,842	\$428,339	\$443,900	\$457,251	\$489,047	\$471,375	\$512,698

5.9 SUSTAINABILITY

FZ6 is on the front lines of climate change as most of the work that is being done is to protect the area from larger than normal rainstorms. When doing its planning for future work, FZ6 is looking towards models of what could happen in the future in order to inform the work that is being done today. When doing this forecasting, the expected life span of work being done should match the projection of what rainstorms will be for the end of the life of the project and not just the needs for today. FZ6 was a partner in the 2016 Las Gallinas Sea Level Rise Vulnerability Assessment² and the 2017 Gallinas Watershed Program report³. FZ 6 is using information from both to help with its planning process. FZ 6 also partnered with SMART to identify on-site riparian habitat mitigation opportunities within the Zone.

FZ6 is also anticipating in planning for its future that upgrades to the system are likely as sea levels rise and more of the existing ditches become tidal. Expensive infrastructure likely will be needed where drains flow under the freeway. It is not unreasonable, given expected sea level rises, that some work is needed in the area of the north east corner of the flood zone (near the SMART station) in order to protect the neighborhood from flooding. Additionally, FZ6's relationship with the Las Gallinas water shed community should be maintained as regional plans are being developed for the Las Gallinas watershed which includes FZ6.

² https://www.marinwatersheds.org/sites/default/files/2017-05/GWP_LowerGallinasCreekSLRVulnerabilityAssessmentFINAL_000_2.pdf

³ <https://www.marinwatersheds.org/sites/default/files/2017-05/20170331GWPFinalReport.pdf>

6.0 FLOOD CONTROL ZONE #7 – SANTA VENETIA

6.1 OVERVIEW

Flood Control Zone #7 (FZ7) is located in Santa Venetia, unincorporated San Rafael, along the South shore of Gallinas Creek. It encompasses .42 square miles and is partially within the historic tidal inundation area of the San Francisco Bay.

FZ7 was established in 1962 in order to address specific flooding problems in the low-lying areas of the Santa Venetia community. The boundaries of FZ7 were formed by the Marin County Flood Control and Water Conservation District outlined in Resolution 7295 approved by the Board of Supervisors in July of 1962 with the caveat of being locally funded.

Five residents within FZ7 are appointed by the Board of Supervisors to serve on the Advisory Board to oversee matters involving the zone. Per May 21, 2019, updated Zone bylaws, the Advisory Board meets annually in March, if available to review the budgetary needs, then schedules meetings throughout the year based on recommendations by District staff. FZ7 maintains 14 pumps at 5 permanent pump stations in an effort to reduce flooding. In addition, FZ7 has access to 4 portable pumps that are serviced and then re-stationed in the zone for use as needed and maintains about 2 miles of berm/levee, several tide gates, trash racks, and an annual vegetation program in drainage ditches and on the levee within the zone. An overview map is provided in Figure 6-1 and a land-use map is provided in Figure 6-1.

Figure 6-1: Flood Control Zone #7 Map

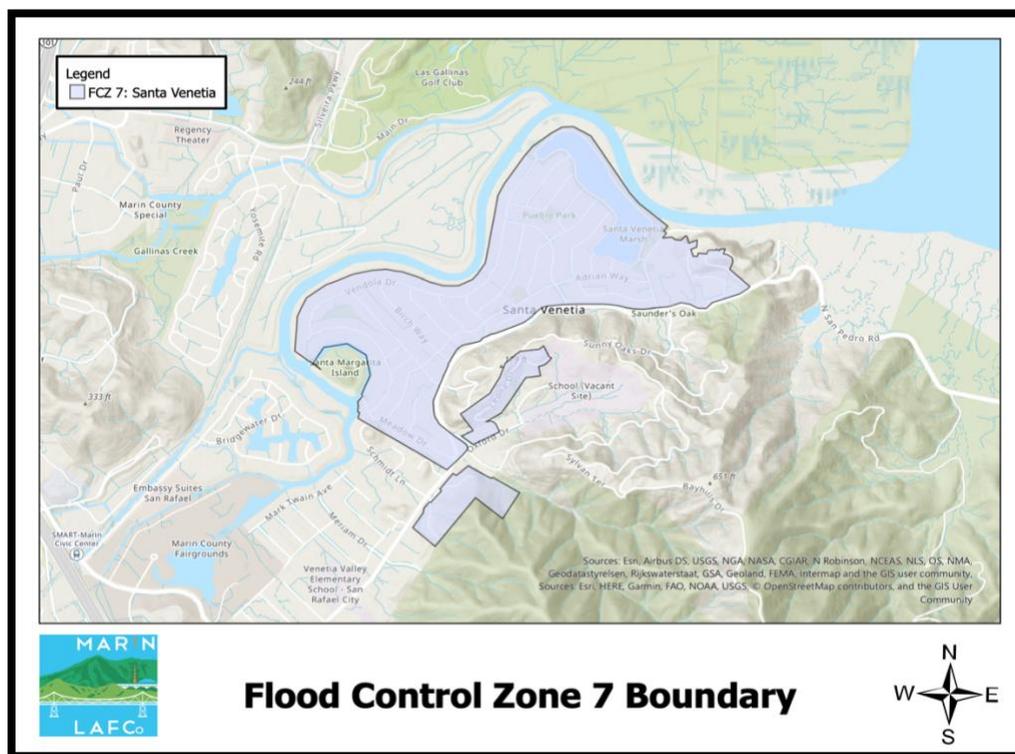


Table 6-1: Flood Control Zone #7 Overview

Flood Control Zone #7 – Santa Venetia			
Primary Contact	Gerhard Epke		
Phone	(415) 473-6562		
Office Location:	Department of Public Works, 3501 Civic Center Drive, San Rafael, CA 94903		
Formation Date	1962	Services Provided	Flood Control
Service Area	.42 square miles	Population Served	2592*
*Estimate based on Block Group 1 in Tract 1060.02 - 2010 Population			

6.2 FORMATION AND DEVELOPMENT

FZ7 was established in 1962 before the County of Marin had authority to issue building permits and/or regulate zoning. This date also pre-dates the passage of the California Environmental Quality Act and the Endangered Species Act. The Santa Venetia area was one of Marin’s first neighborhoods to be constructed on soil fill over tidal marsh and bay mud. Due to the initial low-level elevation and ongoing consolidation of the underlying bay mud, much of the neighborhood has sunk below high tide level. FZ7 was subject to regular tidal flooding through the early 1980s.

Since its formation in 1962, amendments to FZ7 range from the annexation of additional parcels, to passage of special assessments for storm drain upgrades, antiquated pump station replacements, and other necessary improvements to reduce flood risk. In 1982, the Marin County Board of Supervisors called for voter approval to impose a special tax to financially support increasing infrastructure costs. That tax measure failed, however, in 1983 a similar ballot measure was passed and again renewed in 1986. The Marin County Board of Supervisors once again was able to pass additional special tax measures in 1991, 1995, and 2003 with the last of the special tax revenue coming in 2007. Monies received were used toward construction and renovation of pump stations and replenishment of the capital improvements and emergency services reserves. A special tax measure went before voters in 2010 but did not pass.

The Advisory Board met as recently as September 17, 2020, to discuss potential ballot language for another proposed special assessment on the properties located within Flood Control Zone #7. The special assessment being considered would help fund the Gallinas Levee Upgrade Project (GaLUP), with additional funding coming from a Federal Emergency Management Agency Hazard Mitigation Grant Program grant (up to \$3 million) and potentially the County (\$840,000). The GaLUP is an effort to find a longer-term and more robust solution to the tidal flood risk, improve the resiliency of the community, and adjacent critical wetland habitat to the rise of sea level, as well as to shore up existing corrugated metal pipe levee penetrations.

6.3 DISTRICT BOUNDARY AND SPHERE OF INFLUENCE

FZ7’s sphere of influence is coterminous with its jurisdictional boundary and includes a total of 886 parcels. Land uses within the zone boundary include single-family residential, multiple-residential, Planned Bayfront Zone, planned development, commercial, and agriculture. The majority of the residential lots within the zone have been developed.

6.4 POPULATION AND GROWTH

FZ7 is within the community of Santa Venetia which is Census Tract 1060.02. In 2010, the US Census reported a population of 5,625 which is a decrease from the year 2000. Almost all developable parcels within the boundary have been developed and increased growth is unlikely.

6.5 MUNICIPAL SERVICES

Flood Control

In the early 1980s, multiple years of devastating floods in FZ7 required a Timber-Reinforced Berm (TRB) to be built on top of an existing earthen levee and was completed in 1984⁴. The TRB was mainly constructed on private property along Gallinas Creek to protect the larger community who were impacted by the floods. The TRB was built with wood members and has a normal life span of about 20 years. Since its construction, staff for the Flood Control Zone has done needed patchwork. In 2015-2016 staff did a review of all parts of the TRB they could get access to. Due to the TRB being on private land they were not able to properly inspect 8 parcels. FZ7 staff then created a list of the sections that were in the worst shape and needed immediate attention and as of 2020 have completed the identified high priority repairs using available budget. To date, about half of the original TRB has been replaced but staff is running into funding issues trying to complete renovation of the rest of the structure before it is too deteriorated to function. This will be addressed more in section 6.8.

In addition to the TRB, FZ7 has 5 pump stations. The original pump station was constructed in 1957 before the zone was established. With the additional pump stations built in 1963, 1979, 1980, and 1986. In addition to the pump stations, three large storm drains designed to allow flows coming off the hillsides above the community to bypass the pump stations were constructed with some funds coming from Housing and Urban Development (HUD) and the County. HUD has no maintenance or funding responsibilities for any projects they funded. The local agency responsibility takes care of this fund. Following the floods of the early 1980s and the completion of the TRB, improvements were made to the Santa Venetia Marsh Levee.

Marin County in 2016 joined the Federal Emergency Management Agency (FEMA) Community Rating System (CRS) at class 7, which can get a homeowner a 15% discount on flood insurance⁵. Subsequently, the County worked with FEMA to move to class 6, which as of the policy renewal date after May 2018 can get a homeowner a 20% discount on flood insurance⁶. In 2017 the average premium, before discount, per policy was \$2,117. With the CRS Class 7 discount of 20%, that means the average policy was \$1,694 or an average savings of \$423⁷. The CRS is a countywide program in unincorporated areas, so work in any part of the county can impact which class the unincorporated County as a whole qualifies for.

⁴ 2017 Town Hall PowerPoint http://www.marinwatersheds.org/sites/default/files/2017-07/20160605_Zone7_TownHall.pdf

⁵ <https://www.fema.gov/national-flood-insurance-program-community-rating-system>

⁶ <https://www.fema.gov/national-flood-insurance-program-community-rating-system>

⁷ 2017 Town Hall PowerPoint http://www.marinwatersheds.org/sites/default/files/2017-07/20160605_Zone7_TownHall.pdf

The Flood District is not responsible for any water related issues associated with street drains or the sanitary sewer system. Those are handled by other government agencies, mainly Marin County Department of Public Works and Las Gallinas Valley Sanitary District.

6.6 ORGANIZATION STRUCTURE

Advisory Board

Flood Control Zone #7 was formed as a dependent special district by the Marin County Flood Control and Water Conservation District Act in Chapter 68 of the Water Code. The Marin County Board of Supervisors is empowered to act as ex officio Board of Supervisors of the District. The Advisory Board consists of five (5) members appointed by the District Board. County Supervisors are elected to four-year terms of office, with no term limits.

Table 6-2: County of Marin Board of Supervisors

Member	Position	Experience	Term
Damon Connolly (District 1)	Supervisor	Government	Expires January 2023
Katie Rice (District 2)	Vice-President	Government	Expires January 2021
Kate Sears (District 3)	President	Government	Expires January 2021
Dennis Rodoni (District 4)	2 nd Vice-President	Construction	Expires January 2021
Judy Arnold (District 5)	Supervisor	Government	Expires January 2023

Advisory Board

The District Board of Supervisors appoints five (5) advisory members, who shall reside in Flood Control Zone #7, to an Advisory Board that oversees the zone. That Advisory Board will make recommendations to the District Board of Supervisors on necessary actions. Per May 21, 2019, Zone bylaws, this Advisory Board meets a minimum of once a year in March to review budgeted items and planned projects, including design and engineering of upcoming improvements. A written update is provided to the District Board of Supervisors unless a meeting is needed to discuss a time-sensitive issue. The current Advisory Board consists of the five appointees noted below in Table 6-3.

Table 6-3: Flood Control Zone #7 Advisory Board Members

Member	Position	Term
Greg Fox	Advisor	Appointed 3-31-20
Russ Greenfield	Vice President	Appointed 11-25-14
Alex Kahl	Advisor	Appointed 1-24-17
Roger Kirk	Advisor	Appointed 3-7-17
Jeffrey Krupnick	Advisor	Appointed 11-18-08

Staffing and District Operations

As a dependent district of the County, all administrative services are provided by County departments, including legal counsel and compilation of financial transaction reports for the State Controller's Office required under Government Code Section (53891).

6.7 ACCOUNTABILITY AND TRANSPARENCY

Meetings and Agendas

Advisory Board meetings are held annually in late winter with subsequent meetings called by the Advisory Board and District staff. The meeting date, time, and location are posted on the Marin Watershed Program website <https://www.marinwatersheds.org/>. Also posted on the website are agendas, staff reports, and meeting minutes. The Board met as September 17, 2020, to discuss language for a proposed special assessment that may be on a future ballot. The special assessment being considered would be for the residents of the zone to fund the Gallinas Levee Upgrade project, includes improvements to the TRB for which FEMA is contributing up to \$3 million.

6.8 FINANCIAL OVERVIEW

Flood Control Zone #7 posts draft budgets on the Marin Watershed Program Website as part of meeting packet materials. The draft budgets include actuals for the prior year, a proposed budget for the upcoming year, and a planned budget for the following year. The baseline budget for the year is approved and major projects are brought to the Board for approval as awarded.

Financial Audit

The County of Marin operates an Internal Audit Unit within its Department of Finance. The unit provides continuous monitoring of the County's activities and reports to management staff on the results of risk evaluations.

Revenues and Expenditures

The FY 2019-2020 expenditure budget for FZ7 is much larger than in the last 5 years due to the work needed to be done on the TRB. Total expenditure is budgeted to be \$1,058,938, with revenue only budgeted at \$503,100. They are able to do this since they have an unrestricted fund balance entering the year of \$847,369. This follows a pattern of building up a fund balance then spending down the money for a large project.

While FZ7 has been able in the past to collect money over several years and then spend down that money in one year for a large project, FZ7 is needing to complete the TRB project quicker than current funding will allow. The Gallinas Levee Upgrade work will cost approximately \$6,000,000 in total to be completed over a 3 year period. The Flood Control District has been awarded a FEMA grant that would cover approximately \$3,000,000 of this total but this grant requires matching funds. The remaining amount will be split between Marin County and residents of FZ7. Marin County has already set-a-side \$840,000, proportionate to its ownership of the levee system. In order for FZ7 to cover the remaining share of needed funds which are likely to be partially secured through a 10-year loan, Zone staff are currently working with the Advisory Board on a possible voter-approved special assessment that might only apply to parcels at elevations that

would benefit from the project in order to cover annual loan repayments while allowing ongoing pump station maintenance. Without some kind of voter approval of the new funds, the TRB upgrades will be slowed down dramatically and could put the community at risk of a breach of the levee since it does not have the funds to properly fix the TRB in a timely manner.

Table 6-4: Flood Control Zone #7 Revenues and Expenditures

Description	FY12/13	FY13/14	FY14/15	FY15/16	FY16/17	FY17/18	FY18/19	FY19/20 Budgeted
Total Fund Balance	\$954,883	\$806,822	\$220,367	\$344,730	\$445,548	\$561,564	\$721,381	\$936,596
Unrestricted Fund Balance	\$804,718	\$624,853	\$165,584	\$242,742	\$359,605	\$474,868	\$630,577	\$847,369
Taxes	\$374,291	\$438,690	\$407,303	\$414,117	\$475,164	\$493,608	\$522,861	\$503,100
Intergovernmental Revenue	\$1,164	\$1,136	\$1,121	\$1,103	\$1,090	\$1,085	\$1,067	\$0
Misc Revenue	\$800	\$410	\$0	\$0	\$0	\$3,344	\$0	\$0
Transfers In	\$50,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenue	\$426,255	\$440,235	\$408,423	\$415,220	\$476,254	\$498,037	\$523,928	\$503,100
Salaries & Benefits	\$312,219	\$294,208	\$156,155	\$187,041	\$242,253	\$143,554	\$182,799	\$416,711
Services & Supplies	\$264,068	\$735,642	\$132,393	\$131,054	\$117,986	\$194,665	\$125,914	\$642,227
Machinery	-\$1,971	-\$3,160	-\$4,488	-\$3,693	\$0	\$0	\$0	\$0
Total Expense	\$574,316	\$1,026,690	\$284,060	\$314,402	\$360,239	\$338,219	\$308,713	\$1,058,938
Prior Year Encumbrance	\$150,165	\$181,970	\$54,784	\$101,988	\$85,943	\$86,695	\$90,805	\$89,227
Current Year Encumbrance	- \$181,970	-\$54,784	-\$101,988	-\$85,943	-\$86,695	-\$90,805	-\$89,227	-\$98,027
Ending Fund Balance	\$806,822	\$220,367	\$344,730	\$445,548	\$561,564	\$721,381	\$936,596	\$380,758
Ending Unrestricted Fund Balance	\$624,853	\$165,584	\$242,742	\$359,605	\$474,868	\$630,577	\$847,369	\$282,730

While the TRB is the top priority, other work will need to be done in the future. Other work identified by FZ7 staff includes reconstruction of all or portions of pump systems meeting one or more triggers: 1) nearing the end of their typically 50-year design life (Pump Station No. 2), or 2) that do not have pumping capacity to handle estimated 100-year storm flows (Pump Station No. 4), or 3) that the residential areas in the pump catchment areas have settled below their pump station wet well elevations and storm flows don't effectively get to the pump station (Pump Stations No. 3 and 5). The land in FZ7 is settling and will continue to do so in the future. This

settlement has caused parts of the land in the area to be below the area that the pumping system can service. As the land continues to settle, this problem will only grow. Either the pumping system needs to be modified or homes need to be elevated to address this concern. In addition, some of the pipes in the system are getting to an age where replacement is either currently needed or will be needed in the near future. Many needed pipe replacements could be incorporated into road maintenance projects in order to minimize costs to the Zone. The Santa Venetia Storm Drain Hydraulic Study Final Report⁸ contains an evaluation of potential improvements.

FZ7 annual revenue comes from ad valorem tax. Total revenues from ongoing sources is approximately \$500,000 per year. In addition, over the past 36 years, 21 of them have had a special assessment approved by the voters⁹. These special assessments have helped bridge the gap to fund needed projects. This funding, however, is not constant and makes it difficult to do proper long-term planning.

FZ7 staff is currently working to evaluate the needs of the entire zone to determine what needs to be worked on and the costs to do that work. An issue that FZ7 staff is likely to face after the review is completed is the district does not raise enough revenue to do the amount of work that will likely come from the evaluation. FZ7 currently maintains 5 pump stations and 2 miles of levees. In comparison, Flood Zone 1 (Novato) and Flood Zone 3 (Richardson Bay) have 4 and 5 pump stations along with 2 and 1.3 miles of levee respectively. Both Flood Zone 1 and Flood Zone 3 also do some dredging that FZ7 is not responsible for doing. All three Flood Zones are responsible for similar amounts of pump stations and levee maintenance, yet their annual revenues are not similar in nature. FZ7 annual revenue is about \$500,000 where the other two zones' revenue is between \$1.5 million to \$2 million.

6.9 SUSTAINABILITY

FZ7 is on the front lines of climate change as most of the work that is being done is to protect the area from sea level rise and larger than normal rainstorms. Incorporating the land subsidence rates means that the baselines are changing in multiple ways simultaneously. When doing its planning for future work, FZ7 is looking towards models of what could happen in the future in order to inform the work that is being done today. When doing this forecasting, the expected life span of work being done should match the projection of what sea level and rainstorms will be for the end of the life of the project and not just the needs for today.

⁸ <https://www.marinwatersheds.org/resources/publications-reports/santa-venetia-storm-drain-hydraulic-study-final-report>

⁹ http://www.marinwatersheds.org/sites/default/files/2017-7/20160605_Zone7_TownHall.pdf