

**MARIN COUNTY FLOOD CONTROL DISTRICT ZONE 7 –
SANTA VENETIA – MEASURE D**

<p>D MEASURE D: Shall a special tax be levied within Zone 7 for 10 years to fund construction of Pump Station 2 and Estancia Ditch improvements, evaluation of the Las Gallinas Creek levee, and replenishment of capital improvement and emergency reserves in the amount of \$530.00 per parcel per year for improved residential parcels, \$4000.00 per acre per year for multi-family residential parcels with five or more living units and improved commercial parcels, and \$800.00 per acre per year for unimproved parcels?</p>	YES
	NO

**COUNTY COUNSEL’S IMPARTIAL ANALYSIS
OF MEASURE D
FLOOD CONTROL DISTRICT, ZONE SEVEN
SPECIAL TAX**

If this measure is approved by a two-thirds vote, a special tax will be levied in Flood Control Zone No. 7 of the Marin County Flood Control & Water Conservation District in the amount of Five Hundred Thirty Dollars (\$530.00) per parcel per year for improved residential parcels, Four Thousand Dollars (\$4,000) per acre per year for multi-family residential parcels with five or more living units and improved commercial parcels, and Eight Hundred Dollars (\$800) per acre per year for unimproved parcels, beginning fiscal year 2010-2011, for a period of ten years, to fund construction of Pump Station 2 and Estancia Ditch improvements, evaluation of the Las Gallinas Creek levee, and replenishment of capital improvement and emergency services.

s/PATRICK K. FAULKNER
County Counsel

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ARGUMENT IN FAVOR OF MEASURE D

Most of Santa Venetia lies below sea level. Because of this, stormwater needs to be pumped over our levees into Las Gallinas Creek and bay tidewaters need to be prevented from breaching our levees and entering our neighborhood.

A well-functioning system of levees and pumps is critical to keeping floodwaters out of our homes. Santa Venetia's system of levees and pumps requires additional work to meet an acceptable level of flood protection. As this system stands today, our homes are vulnerable to the possibility of flooding.

Funds for routine maintenance and repairs of our flood control system are collected through our annual property taxes, but these funds are insufficient for major repair and/or replacement projects of this vital system. Therefore, it is necessary to supplement current funding to make urgently needed improvements. If passed, Measure D will make that possible through a supplemental tax.

The Flood Zone 7 Advisory Board held public meetings to review county engineering studies and has identified three high priority projects for flood protection:

- Pump Station #2 is over 40 years old, undersized, serves one of the largest drainage areas of Santa Venetia, and is at the end of its useful life. Because of this, there is the potential for stormwater to back up in street drains and cause flooding.
- Estancia Ditch collects stormwater and directs it to Pump Station #5. The ditch does not effectively drain to the pump station, causing localized flooding during heavy storms. Proposed ditch improvements would triple its drainage capacity.
- The Las Gallinas Creek levee protects Santa Venetia from overflowing tidewaters. Portions of the levee are deteriorating. Significant county and federal funds have already been spent for preliminary levee studies. Additional Flood Zone 7 funding is needed to continue our eligibility to receive more matching federal funds.

Your YES vote will help provide the funds to meet our flood control needs.

KEEP SANTA VENETIA SAFE AND DRY

s/JEFFREY KRUPNICK

Chairperson, Flood Zone 7 Advisory Board

s/MICHAEL PERANI

Vice Chairperson, Flood Zone 7 Advisory Board

s/DENISE BLADES

Member, Flood Zone 7 Advisory Board

s/EVAN MARKS

Member, Flood Zone 7 Advisory Board

s/TIMOTHY R. RIBBLE

Member, Flood Zone 7 Advisory Board

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE D

This \$530 tax is four times what Ross Valley parcels pay for a watershed solution that includes habitat restoration and flood protection.

Closely reading the actual tax language reveals that money would be collected for "reserves" that can be spent by bureaucrats for unspecified projects with virtually no accountability. The stated projects, which may never be completed, do not provide a comprehensive solution for Santa Venetia.

- ✓ During the rainy season, the County litters Santa Venetia with portable pumps that must be manually started, often by residents, to keep our community dry. Efficient, small footprint automated pumps must be strategically installed before we overspend to replace Pump Station #2.
- ✓ The Estancia Ditch proposal is based on questionable and preliminary engineering. Worse, this scheme imposes a double tax on Zone 7 residents for road and drain improvements. We are entitled to the same tax funding for road and drain work that the County devotes to the rest of Marin.
- ✓ After several years, inexplicable delays and \$600,000 spent on studies, there are no solid plans for Las Gallinas levee improvements. Yet Measure D seeks another \$1,000,000 for evaluation. How much longer are we supposed to study when the County routinely rebuilts levees all over Marin for far less than they have already spent looking at ours? We can't afford more paralysis by analysis.

Measure D will burden Santa Venetia with a tax that robs the community of money that should be spent for a comprehensive, watershed solution.

Vote NO on Measure D

s/ROBERT DOBRIN

Former Santa Venetia Zone-7 Advisory Board Member

s/MARY FELLER

Former Santa Venetia Zone-7 Advisory Board Member

s/ART REICHERT

Former Santa Venetia Zone-7 Advisory Board Member

s/ELLEN STEIN

Santa Venetia Resident

ARGUMENT AGAINST MEASURE D

If Measure D passes, homeowners will pay \$530 per parcel annually for narrowly defined flood control projects – more than four times the \$125 average each parcel in Ross Valley pays for an integrated watershed approach that includes flood control and habitat restoration. Measure D represents flawed policies of the past.

Measure D is not the right tax.

We support an integrated watershed approach to flood protection for Santa Venetia that emphasizes natural waterways so the built and natural environments can thrive in harmony. Historically, Santa Venetia flood control efforts have focused on too narrow goals. Measure D is more of the same.

The best, post-Katrina, thinking advances a sustainable approach to flood protection. We must rehabilitate the natural network of waterways, ponds and aquifers rather than continuing to embrace failed 1950s policies of artificially engineered solutions. It's better to prevent, absorb and conserve hillside runoff rather than pump it away at great expense during a storm. Many of your neighbors advocated a watershed solution at dozens of meetings including those that put this flawed tax on the ballot. Instead, Measure D earmarks \$1,000,000 of your tax dollars – following \$600,000 tax dollars already spent – on a levee study that narrowly focuses on a single element of the flood control system. And this tax does not fund, nor does it guarantee, actual physical improvement to the levee.

Marin County embraces the wisdom of a watershed approach for Ross Valley, yet they have effectively abandoned such a plan for our own Las Gallinas watershed.

We need a watershed tax, not this one.

We need a system where all components provide a 100-year level of flood protection that keeps our environment healthy.

Your NO vote on Measure D paves the way for a modern, watershed approach to flood control.

s/ROBERT DOBRIN

Former Santa Venetia Zone-7 Advisory Board Member

s/MARY FELLER

Former Santa Venetia Zone-7 Advisory Board Member

s/ART REICHERT

Former Santa Venetia Zone-7 Advisory Board Member

s/ELLEN STEIN

Santa Venetia Resident

REBUTTAL TO ARGUMENT AGAINST MEASURE D

Consider these facts:

- In 1962, Flood Zone 7 was formed to address tidal waters repeatedly flooding Santa Venetia. Levees were built to protect the community from tidal waters and pump stations were built to pump storm-water runoff over the levees. Without healthy levees and fully operational pump stations Santa Venetia would flood.
- Large drains were also built to collect hillside runoff and send it via underground pipes directly to Las Gallinas Creek, bypassing street drains and pump stations – which handle local runoff only.
- Measure D earmarks \$1,000,000 towards the levee study because we *must* spend local dollars to get matching federal dollars. Already, over \$300,000 of county and over \$400,000 of federal funds have been allocated towards this study.
- Flood taxes in Ross Valley: **15,000[±]** parcels for **20 years** v. Santa Venetia's **800[±]** parcels for **10 years**.

We share Mr. Dobrin and company's vision for Santa Venetia that includes a restored Gallinas Creek watershed, protection from 100-year flood conditions, reduction or elimination of exorbitant flood insurance premiums, and infrastructure solutions that respect the integrity of our natural resources and our neighborhood.

Our views differ regarding our responsibility to maintain and improve the levees and pumps that have kept Santa Venetia dry for almost three decades.

We believe that responsible stewardship of our watershed and maintenance of existing flood control infrastructure are not mutually exclusive goals.

We believe the wisest course forward for Santa Venetia is a path that incorporates the best of both approaches. Your yes vote on Measure D will set us on that path.

s/MICHAEL PERANI

Vice Chairperson, Flood Zone 7 Advisory Board

s/DENISE BLADES

Member, Flood Zone 7 Advisory Board

**FULL TEXT OF MEASURE D
RESOLUTION NO. 2010-13**

**RESOLUTION OF THE MARIN COUNTY
FLOOD CONTROL AND WATER CONSERVA-
TION DISTRICT BOARD OF SUPERVISORS
CALLING FOR AN ELECTION TO IMPOSE A
SPECIAL TAX UPON PARCELS LOCATED WITH-
IN FLOOD CONTROL ZONE NO. 7 FOR THE
PURPOSE OF PROVIDING FOR CONSTRUCTION
OF PUMP STATION NO. 2 REPLACEMENT AND
ESTANCIA DITCH IMPROVEMENTS, AND EVAL-
UATION OF THE LAS GALLINAS CREEK
LEVEE, AND TO REPLENISH THE CAPITAL
IMPROVEMENT AND EMERGENCY RESERVES**

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. 7 Advisory Board, determines that it is in the best interests of the property owners within Zone No. 7 to provide for construction of Pump Station No. 2 Replacement and Estancia Ditch Improvements, and evaluation of the Las Gallinas Creek Levee, and to replenish the capital improvement and emergency reserves, and to fund said services through the imposition of a special tax; and

WHEREAS, pursuant to California Water Code – Appendix 68-5(11) and Government Code Section 50075 *et seq.*, and in compliance with California Constitution Article XIII C, the Board of Supervisors 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. 7; and

WHEREAS, the Board of Supervisors proposes to impose a special tax in the amounts specified below beginning fiscal year 2010-2011; 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 conducted a public hearing on this matter on March 2, 2010.

NOW, THEREFORE, BE IT RESOLVED that 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. 7 in the Primary Election on June 8, 2010. The question submitted to the voters shall read substantially as follows:

Flood Control District Zone 7 – Santa Venetia
Special Tax

Shall a special tax be levied within Zone 7 for 10 years to fund construction of Pump Station 2 and Estancia Ditch improvements, evaluation of the Las Gallinas Creek levee, and replenishment of capital

improvement and emergency reserves in the amount of \$530.00 per parcel per year for improved residential parcels, \$4000.00 per acre per year for multi-family residential parcels with five or more living units and improved commercial parcels, and \$800.00 per acre per year for unimproved parcels?

BE IT FURTHER RESOLVED that the special tax is for the specific purposes of construction of Pump Station No. 2 Replacement and Estancia Ditch Improvements, and evaluation of the Las Gallinas Creek Levee, and to replenish the capital improvement and emergency reserves. Proceeds from the special tax may be used to acquire matching funds from other sources.

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, Fund Center number 6218012000 was created into which the special tax proceeds will be deposited.

BE IT FURTHER RESOLVED that the chief fiscal officer is hereby directed to prepare an annual report pursuant to Government Code Section 50075.3.

BE IT FURTHER RESOLVED that this Board hereby orders that said election shall be consolidated with the General Election scheduled on June 8, 2010; and

BE IT FURTHER RESOLVED that pursuant to the provisions of Elections Code Section 1002, the Board of Supervisors of the Marin County Flood Control and Water Conservation District authorizes and directs the Marin County Clerk to render all services necessary for the conduct of the election. The costs of the ballot election shall be borne by the Board of Supervisors of the Marin County Flood Control and Water Conservation District.

BE IT FURTHER RESOLVED that the special tax shall be deemed established and shall be in effect beginning with the 2010-2011 fiscal year upon certification of the election results evidencing approval by at least two-thirds of the registered voters voting thereon.

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.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the Marin County Flood Control and Water Conservation District held on the 2nd day of March, 2010, by the following vote:

AYES: SUPERVISORS Susan L. Adams, Harold C. Brown, Charles McGlashan, Steve Kinsey, Judy Arnold

NOES: NONE

ABSENT: NONE

s/JUDY ARNOLD

President, Board of Supervisors Marin County
Flood Control and Water Conservation District