

Date of Hearing: April 24, 2019

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT  
Cecilia Aguiar-Curry, Chair  
AB 825 (Mullin) – As Amended April 10, 2019

**SUBJECT:** San Mateo County Flood and Sea Level Rise Resiliency District.

**SUMMARY:** Makes numerous changes to the San Mateo County Flood Control District (FCD) Act. Specifically, **this bill:**

- 1) Changes the name of the FCD to the San Mateo County Flood and Sea Level Rise Resiliency District (FSLRRA).
- 2) Authorizes the FSLRRA to have jurisdiction and power to address and protect against the impacts of sea level rise, including, but not limited to, tidal flooding, coastal erosion, and combined impacts from tidal and riverine flooding.
- 3) Specifies that the FSLRRA can issue revenue bonds in accordance with the Revenue Bond Law of 1941, except that no election shall be required for revenue bonds authorized by the board for capital projects undertaken.
- 4) Authorizes the FSLRRA to issue bonds for the purpose of addressing and protecting against the impacts of sea level rise.
- 5) Provides that commencing January 1, 2020, the FSLRRA shall be governed by the board of directors consisting of all of the following:
  - a) One city council member, appointed at large from any part of the county by the City/County Association of Government of San Mateo County (Association);
  - b) One city council member, appointed from the Northern area of the county by the Association, as that area is defined by the Association;
  - c) One city council member appointed from the Central area of the county by the Association, as that area is defined by the Association;
  - d) One city council member appointed from the Southern area of the county by the Association, as that area is defined by the Association;
  - e) One city council member appointed from the Coastal area of the county by the Association, as that area is defined by the Association;
  - f) One member of the San Mateo County Board of Supervisors from the Coastal area of the County of San Mateo, as that area is defined by the Board of Supervisors; and,
  - g) One member of the San Mateo County Board of Supervisors, appointed at large from any part of the County.
- 6) Specifies that the term length for each board member is four years, except the initial term shall be two years for the following board members:

- a) The city council member appointed at large;
  - b) The city council members appointed from the Central and Coastal areas of the County;  
and,
  - c) The member of the Board of Supervisors appointed at large.
- 7) Establishes the roles, duties, and powers of the board members and officers of the FSLRRA.
  - 8) Provides that, after January 1, 2020, if resolutions are approved by both the Association and the San Mateo County Board of Supervisors, the Board of Supervisors can act as the governing body of the FSLRRA. Requires that each resolution must be posted on the FSLRRA's internet website.
  - 9) Provides that nothing in this act supersedes or in any way alters or lessens the effect or application of the California Coastal Act of 1976.
  - 10) Specifies that if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made.
  - 11) Makes numerous other technical and clarifying changes to the FCD Act.

**FISCAL EFFECT:** This bill is keyed fiscal and contains a state mandated local program.

**COMMENTS:**

- 1) **San Mateo Flood Control District.** The FCD is a countywide special district that was created in 1959 by the Legislature in order to provide a mechanism to finance flood control projects within the County. There are currently three active flood control zones within the district: The Colma Creek Flood Zone was created in 1964 to construct flood control facilities in Colma Creek to alleviate flooding in the City of South San Francisco; the San Bruno Creek Flood Control Zone was established in 1967 to finance the construction of channel and culvert improvements in the lower reach of San Bruno Creek; and, the San Francisquito Creek Flood Zone was created in 1999 to control flooding along the San Francisquito Creek.
- 2) **Sea Level Rise in San Mateo County.** San Mateo County conducted a sea level rise vulnerability assessment in March 2018. The assessment concluded the following, "The County is highly vulnerable to the effects of rising sea levels. If left unmanaged, future flooding and coastal erosion could pose considerable risks to life, safety, critical infrastructure, the County's natural and recreational assets, and the economy. The assessed value of parcels in the project area exposed to near-term (present-day) flooding exceeds \$1 billion, and the assessed value of parcels exposed to erosion and flooding in the long term (50–100 years) totals roughly \$39.1 billion. More than 30,000 residential parcels and 3,000 commercial parcels may also be vulnerable in the long term. Furthermore, flooding, erosion, and sea level rise not only directly threaten people and property in the sea level rise hazard areas, but they also affect all communities in the County, even those on high ground. Such indirect effects are present because assets and infrastructure in the sea level rise areas provide critical services and functions to communities outside these areas. The County is already

exposed to present-day flooding when large rain events coincide with high tides on the San Francisco Bay, making it imperative to create action steps to reduce risk.

“Vulnerable assets are located along both the Pacific Coast and the San Francisco Bay; they include critical infrastructure (police stations, hospitals, wastewater treatment plants, and schools); essential regional transportation networks and infrastructure (Bay Area Rapid Transit [BART], Caltrain, Highway 101, State Route 1); and important regional natural and recreational assets.”

- 3) **Bill Summary.** This bill changes the name of the FCD to the FSLRRA and authorizes the FSLRRA to address and protect against the impact of sea level rise in addition to its authority to provide flood control. This bill provides that the FSLRRA can issue revenue bonds and utilize bond proceeds to address the impacts of sea level rise. This bill creates a new board structure for the FSLRRA beginning in January 2020. The author is the sponsor of this bill.
- 4) **Author’s Statement.** According to the author, “Sea level rise is one of the most serious consequences of climate change, one that is projected to have a significant effect on my district in San Mateo County. San Mateo County has more people and property value at risk from the rising sea levels than any other county in the state. While several local efforts are already well underway in addressing this serious threat, San Mateo County is in need of a cohesive and coordinated approach to address flooding, sea level rise, and coastal erosion across the county. AB 825 will establish the San Mateo County Flood and Sea Level Rise Resiliency Agency, an entity that will specifically focus on mitigating the threats associated with rising seas and coastal erosion. This will better equip the county to be able to create solutions and execute operations to handle these issues and ensure the safety of communities throughout the County.”
- 5) **Policy Consideration.** This bill specifies that the FSLRRA can issue revenue bonds. However, this bill exempts the issuance of revenue bonds from the typical 50% voter approval requirement. This is not unique to agencies that provide water and other services. The Committee may wish to consider if this exemption is appropriate for the FSLRRA.
- 6) **Arguments in Support.** According to the supporters, “Rather than create a new agency, we determined that the existing flood control district could be modified to create the FSLRRA. The FSLRRA would address sea level rise, flooding, coast erosion, and large-scale storm water infrastructure improvements through integrated regional planning, design, permitting, project implementation, and long-term operations and maintenance with the goal of creating a resilient ‘one shoreline’ San Mateo County by 2100. The FSLRRA would work with stakeholders to plan, implement, and maintain multi-jurisdictional projects that would provide flood and sea level rise protection, as well as other public benefits, such as water quality improvements, habitat restoration, and recreation. Formation of the FSLRRA is of critical importance to our 21 member agencies. It is essential that the risk posed by climate change and sea level rise be addressed to protect our economic and community infrastructure. We must implement integrated, multi-benefit solutions to our flooding and water quality needs.”
- 7) **Arguments in Opposition.** None on file.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Apartment Association  
City/County Association of Governments of San Mateo County  
City of Pacifica  
City of South San Francisco  
Midpeninsula Regional Open Space District  
San Mateo County  
Save the Bay  
Surfrider Foundation, San Mateo County

**Opposition**

None on file

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