



Item No. 22 Town of Atherton

CITY COUNCIL STAFF REPORT – REGULAR AGENDA

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GEORGE RODERICKS, CITY MANAGER

DATE: JULY 15, 2015

**SUBJECT: RESPONSE TO GRAND JURY REPORT
“FLOODING AHEAD: PLANNING FOR SEA LEVEL RISE”**

RECOMMENDATION

Consider the attached response to the San Mateo Grand Jury on their report entitled “Flooding Ahead: Planning for Sea Level Rise.”

BACKGROUND

The San Mateo Grand Jury released the attached report entitled “Flooding Ahead: Planning for Sea Level Rise.” California Penal Code Section 933.05 requires any agency that is the subject of such a report to reply in writing and to consider such a reply at a public meeting.

The City Manager has prepared the attached reply in consultation with the Mayor. The reply is presented here for Council consideration and approval.

ANALYSIS

Sea level rise is an issue that has been discussed and debated at the national, state, regional, and local level. While most agree that sea level rise is occurring, there remains much debate about the precise amount of sea level rise as well as the rate of rise.

The Grand Jury Report asserts twelve (12) findings – some are general and others are specific. The attached draft response provides general agreement with nine (9) of the findings but does not agree to three (3) specific findings that require independent verification.

The Grand Jury Report requires that the Town respond to seven (7) recommendations with a comment regarding their implementation – implemented, to be implemented, requires analysis, or will not be implemented. Implementation is required within six (6) months.

The attached draft response advises that the Town is generally supportive of a regional approach to sea level rise issues, to include the creation of an agency or the tasking of an existing agency

to handle the issues. However, given that the approach is a regional one and not under the Town's direct control, the Town cannot implement any recommendation within the 6-month time frame.

Further, one of the recommendations requires a General Plan update to address sea level rise within the Safety Element of the Town's General Plan. As the Council is aware, the Town is undertaking a General Plan Update process. Updating the General Plan requires a host of noticing, comment periods, environmental review and other requirements that cannot be swiftly implemented in a 6-month period. Therefore, the Town has responded that while such an update will be included, it cannot be completed within the 6-month requirement.

POLICY ISSUES

The Grand Jury requires that the Town indicate agreement or disagreement with specific findings in the Grand Jury Report. Further, the Grand Jury requires that the Town respond to each of the recommendations indicating whether that recommendation has been implemented, will be implemented in the future (with a specific time frame), whether further analysis is needed (with a specific time frame), or whether it will not be implemented.

FISCAL IMPACT

At this time there are no fiscal impacts in response to the Grand Jury.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

ATTACHMENTS

Response to Grand Jury Report

Cover Letter



**Town of Atherton
Office of the Mayor
91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0500
Fax: (650) 614-1212**

July 16, 2015

Grand Jury Foreperson
c/o Court Executive Office
400 County Center
Redwood City, CA 94063-1655

**SUBJECT: GRAND JURY REPORT
"Flooding Ahead: Planning for Sea Level Rise"**

Attention Jury Foreperson:

Attached please find the Town of Atherton's response to the above noted Grand Jury Report. Pursuant to California Penal Code Section 933.05, the response was considered by the City Council at a public meeting on July 15, 2015.

Should you have any questions concerning this response, please contact City Manager George Rodericks at (650) 752-0504.

Sincerely,

TOWN OF ATHERTON

Rick DeGolia
Mayor

RESPONSE TO GRAND JURY REPORT

Report Title: *Flooding Ahead: Planning for Sea Level Rise*

Report Date: June 4, 2015

Response by: Town of Atherton

By: Rick DeGolia, Mayor

FINDINGS:

- I (we) CAN GENERALLY agree with the findings numbered:

F2, F4, F5, F6, F7, F8, F10, F11, F12

- I (we) disagree wholly or partially with the findings numbered:

F1, F3, F9

RECOMMENDATIONS:

- Recommendations numbered n/a have been implemented.

(Attach a summary describing implemented actions.)

- Recommendations numbered n/a have not yet been implemented, but will be implemented in the future.

(Attach a timeframe for implementation.)

- Recommendations numbered R1-R7 require further analysis.

(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)

- Recommendations numbered n/a will not be implemented because they are not warranted or are not reasonable.

(Attach an explanation.)

Date: _____

Signed: _____

FINDINGS

F1 requires that the Town independently verify specific statistics related to scientific projects. The Town has not done so and while we can express general agreement that portion of San Mateo County are at risk for flooding, the Town does not have independent information concerning specific areas of the County nor can we assess that the entirety of the County is at severe risk as a general statement. The Grand Jury Report itself notes specifics and then articulates that the "...precise amount and rate of sea level rise are unknown..."

F3 asserts that there is inadequate public awareness of the impacts of sea level rise. There does not appear to be any data associated with the Grand Jury Report in support of this assertion.

F9 is a re-statement of comments within the Grand Jury Report with respect to the Grand Juries independent interviews. The Town cannot attest to the interview information.

RECOMMENDATIONS

R1: The County, each city in the county and relevant local agencies should conduct a public education effort to increase awareness of SLR and its potential effects on this county.

The Town has an Environmental Programs Committee and other groups that can assist with the public education effort; but, as the Grand Jury Report suggests, there should be a concerted effort on behalf of the region to educate the community with consistent, timely, and relevant information. Until such time as that effort and information is available, the Town will provide general education materials and links to other relevant information promulgated by the County, State, and Association of Bay Area Governments.

R2: The County, each city in the county and relevant local special agencies should identify a single organization, such as a new joint powers authority or an expanded San Mateo County Flood Control District, to undertake countywide sea level rise planning.

The Town supports a countywide approach but believes that further analysis is necessary to determine whether that agency is a new joint powers authority, the existing County Flood Control District, or other existing regional agency, such as C/CAG. Because this issue is countywide, the Town believes that the County of San Mateo should take the lead in formation of the roles, responsibilities, and funding. As a result, the Town cannot identify a time frame for further action.

R3: The organization's responsibilities as listed by the Grand Jury.

The Town supports the responsibilities as listed by the Grand Jury; however, cannot implement the recommendation or suggest a time frame for implementation (see response to R2).

R4: The County, cities and two relevant local special agencies should consider expanding the role of the organization beyond sea level rise to include planning and coordination of efforts to address existing flooding problems along the Bay, coast and creeks that are subject to tidal action. The County and cities may also consider expanding the role of the new organization to include potentially compatible functions such as the NPDES, currently

managed by C/CAG and the new (2014) State requirements for local sustainable groundwater planning.

The focus of the Grand Jury Report is on sea level rise. The Town supports a regional approach to sea level rise issues; however, consolidating various other functions and responsibilities away from existing agencies (local, regional, C/CAG, ABAG, etc.) into this newly formed agency may prove difficult. State and Federal laws already designate responsibility for these other functional areas. Careful consideration must be given to this issue before doing so. As a result, the Town cannot identify a time frame for further action.

R5: The organization – its administration, staffing, and program expenses – should be funded on a sustainable basis by Member Contributions, Contributions solicited from parties threatened by sea level rise, grants, and contracts for services with the County.

Local agency revenues are stretched fairly tightly to address local issues. Formation of a regional agency and assessment of member agencies will further deplete local resources necessary for local infrastructure and safety needs. Careful consideration and analysis needs to go into the determination of local formulaic assessments. Further, soliciting contributions from those potentially impacted by future sea level rise suffer from legal challenges as public agencies educate the community about the threat of sea level rise and then solicit contributions from those impacted in order to fund infrastructure projects to protect them. More analysis is necessary with respect to funding options. As a result, while the Town supports the funding of a regional agency to address the issue(s), the Town cannot identify a time frame for further action.

R6: The County and each city should amend its General Plan, as needed, to address the risk for sea level rise. The Safety Element should include a map of any areas vulnerable to sea level rise, as determined by measurements in the countywide vulnerability assessment. Further, it should identify policies that apply to areas threatened by sea level rise.

The Town has budgeted a General Plan update for FY 2015/16. General Plan updates carry with them mandated public meetings, environmental review and comment periods, as well as notice periods. The Town is implementing the update during the next 12 months. The Town will evaluate sea level rise information for inclusion in the update. However, because of the required noticing, public meetings, comment periods, and environmental review requirements, the Town cannot commit to a time frame less than 6 months. The Town anticipates completing the General Plan update(s) by the end of FY 2015/16.

R7: The County, cities, and relevant local special agencies, through their representatives on regional agencies, membership in state associations, lobbyists and elected State and federal legislators should pursue sea level rise related issues with government bodies outside of San Mateo County.

The Town supports the inclusion of sea level rise related issues in relevant conversations with government bodies outside of San Mateo County and will do so as appropriate.