



SACOG Board of Directors

February 9, 2006

Flood Legislation Position Criteria and SACOG's Role in Regional Flood Management

Issue: Eight flood-related bills have been introduced in the legislature, highlighting the need for the SACOG Board to expeditiously adopt criteria for when and how to take advocacy positions on this issue. The Board is also asked to consider what role SACOG should have in working with flood control agencies to develop a regional flood management strategy.

Recommendation: The Legislation & Public Affairs Committee recommends that the SACOG Board adopt the following criteria when considering a position on flood-related legislation:

1. Does the legislation have a significant positive or negative impact on the implementation of Blueprint and the ability to build or enhance the transportation system to serve areas affected by the legislation?
2. Do affected jurisdictions and reclamation and levee maintenance districts support or oppose the legislation and would a SACOG Board action bolster or undermine those positions?
3. Are funding and assessments proposed in the legislation adequate, reasonable, and equitable considering the distribution of resulting benefits?

The Legislation & Public Affairs Committee also recommends that the SACOG Board direct SACOG staff to work with the appropriate flood control agencies, in a support role, in developing a regional flood management strategy.

The Land Use & Housing Committee recommends that SACOG Director and Land Use & Housing Committee Vice-Chair Dan Silva, in his new role as the SACOG Chair's designated lead on flood issues, immediately form an ad hoc Flood Management Committee to help the region develop a cohesive flood management strategy that can be used to advocate for legislation and funding that assists in effectively addressing flood issues in the Sacramento region.

Committee Action/Discussion: It is unusual to bring separate recommendations from two committees to the Board in the same agenda item, but it seems warranted in this case. The Legislation & Public Affairs Committee is concerned that current flood-related bills in the legislature are not sufficiently tailored to the particular needs and interests of our region to merit SACOG support. Brief descriptions of the eight bills are attached. Development of a regional strategy would allow us to be proactive instead of reactive in fashioning appropriate legislation.

The ad hoc Flood Management Committee, which the Land Use & Housing Committee recommends Director Silva be asked to convene, would be activated only after consultation with the Sacramento Area Flood Control Agency (SAFCA) and the other levee and flood control districts in the region (the SAFCA Board meets later the same day of the February SACOG Board meeting). SACOG's role would be as convener and assistant to the effort, building on the success of the Blueprint project to help develop consensus on a flood management strategy, as well as help provide regional clout at the state and federal levels. The committee composition would be expected to include representatives from flood control agencies in the region as well as a cross-section of the Board. It is hoped that the Committee could bring back preliminary recommendations for Board discussion in March.

Both committees noted the urgency in responding to the State initiatives with a more comprehensive and collaborative flood management strategy for the region. A starting point for this work may be the attached draft of a SAFCA white paper outlining a flood management strategy.

Approved by:

Mike McKeever
Executive Director

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Attachments

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Flood Control Bills for the 2006 Session

February 7, 2006

AB 802 (Wolk) – This bill is carried over from last year and would require that the conservation element and safety element of a general plan be revised to include assessment of flood risk and have in place a 200-year flood management strategy to minimize risk and supplement water supply or recharge groundwater where appropriate. These elements will be required to state how they are coordinated with the land use element.

AB 1665 (Laird) – This bill is carried over from last year and considered a companion bill to the infrastructure bond legislation. As currently written, the bill would require a status report to the legislature on flood control in the central valley. Levee districts would be required to annually report flood risk assessments to the Reclamation Board and notify affected property owners of those risks and the availability of FEMA flood insurance. It is believed that amendments to this bill will include the formation of assessment districts for levee maintenance, and definition of urban and rural levee standards.

ACA 13 (Harman) – This bill would amend the California Constitution to exempt from the two-thirds majority vote of the electorate any assessments for the purpose of financing the capital or maintenance and operations costs of flood control, stormwater drainage, or surface water drainage projects.

AB 1783 (Nunez) – This bill would state the intent of the Legislature in enacting the California Infrastructure, Improvement, Smart Growth, Economic Reinvestment, and Emergency Preparedness Financing Act of 2006. The bill would state the purpose and types of infrastructure projects that the General Fund and new public financing mechanisms (bonds and loans) would cover.

SB 1166 (Aanestad) and AB 1839 (Laird) – These bills would enact the Flood Protection and Clean, Safe, Reliable Water Supply Bond and Financing Acts of 2006 and 2010. The Act of 2006 would authorize, with voter approval, the sale of \$3 billion in bonds to finance flood protection and water management programs. The Act of 2010 would authorize \$6 billion in bonds for similar purposes. The bills include language that would indemnify the state from flood damage liability and assume assessments on flood protection beneficiaries may be in place.

AB 1898 (Jones) – This bill would enact the California Flood Insurance Program requiring owners of property within a floodplain that does not have at least 200-year level of flood protection, to maintain flood insurance. Maps developed or approved by the Department of Water Resources would establish area subject to this requirement.

AB 1899 (Wolk) – This bill would revise the Subdivision Map Act to require that a city or county include, as a condition of tentative map approval, verification from a flood management agency that a project located in a flood area has, or within 5 years, will have, a 200-year level of flood protection. A “project” would include any of the following that do not constitute “infill”:

- Residential project of more than 25 units
- Shopping centers or more than 1,000 square feet
- Commercial development of more than 2,000 square feet
- Hotel/Motel with more than 25 rooms
- Industrial, manufacturing, or processing plan employing more than 100 persons, occupying more than one acre or land, or more than 30,000 square feet
- Any general plan update