Still No Emergency Action Plans for Levee Failures In San Mateo County

Issue | Background | Findings | Conclusions | Recommendations | Responses | Attachments

Issue

Five years ago there were no Emergency Action Plans (EAPs) detailing steps to protect life and property in the event of failures of San Mateo County's dams or levees. Do we have these EAPs today?

Summary

There are 23 levees in San Mateo County, three of which are not certified to withstand a 100-year flood.[1] There are 13 dams in San Mateo County listed by the Army Corps of Engineers (ACE) as posing high or significant risk in the event of failure. Failure of dams or levees could threaten the lives of County residents and cause serious damage to property.

The 2006-2007 Civil Grand Jury released a report entitled: *Emergency Planning for Dam or Levee Failures in San Mateo County.*[2] The 2011-2012 Civil Grand Jury initiated an investigation to determine if the commitments made by the County and cities in response to that report were completed. It found that all parties responsible for *dams* appear to have fulfilled their commitments, while those responsible for levees, for the most part, did not.

Five years later, San Mateo County, San Carlos, and South San Francisco still have no Emergency Action Plans (EAPs) for their levees. East Palo Alto, Foster City, San Mateo, and Redwood City eventually produced EAPs that vary in consistency and level of detail. None of the cities sent their EAPs to the Sheriff's Office of Emergency Services (OES) for incorporation into a countywide Emergency Operations Plan.

OES, for its part, has a general plan to address emergency situations in each city and believes this is sufficient. However, its plan does not specifically address levee failures.
The 2011-2012 Grand Jury believes this important public safety issue cannot continue to be ignored. The failure to fulfill many of the commitments made in 2007 must be highlighted and aggressively addressed. The OES is funded and governed by the Emergency Services Council (the pertinent joint agency (see, discussion below) through a Joint Powers Agreement that includes the 20 cities and towns and the County of San Mateo. The Grand Jury therefore recommends that the Emergency Services Council direct and sufficiently fund OES to develop

[1] Federal Emergency Management Agency, 2012: San Mateo County Levee Status Map, created March 12, 2012 by Michael Baker Jr., Inc.
[2] http://www.sanmateocourt.org/documents/grand_jury/2006/DamLeveeFinal.pdf.

and communicate standards to those responsible for levees (levee owners) and to finalize, by December 31, 2012, an Emergency Operations Plan that includes compliant EAPs from the levee owners. The Grand Jury therefore also recommends that the San Mateo County Board of Supervisors and the City Councils of East Palo Alto, Foster City, Redwood City, San Carlos, San Mateo, and South San Francisco direct the respective departments to create or modify existing EAPs based upon OES guidelines to be issued.

Background

The Code of Federal Regulations, Title 44, Section 59.1 defines a levee as "a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding."

Failure of dams or levees could threaten the lives of County residents and cause serious damage to property. Property owners with federally backed mortgages in those areas that the Federal Emergency Management Agency (FEMA) designates as a "100 year flood plain," are required by federally backed mortgage holders to purchase flood insurance.

A dam or levee failure may occur within the County as a result of weather damage, poor maintenance, flash flooding, rising water levels, earthquakes or other acts of nature.

The presence of 13 dams and as many as 23 levees in San Mateo County, a seismically active area, underscores the need for adequate protection as well as an adequate response should those levees fail.[3]

In 2007, San Mateo County and nine County cities were responsible for dams and levees, including Belmont, Burlingame, East Palo Alto, Foster City, Pacifica, Redwood City, San Carlos, San Mateo, and South San Francisco. In order to ascertain the level of safety and emergency preparedness in the County and these cities the 2006-2007 Grand Jury issued a report titled *Emergency Planning for Dam or Levee Failures in San Mateo County.*[4]

2006-2007 Grand Jury Recommendations for Dams and Levees

The 2006-2007 Grand Jury Report made the following Recommendations:

1. That affected cities and County prepare Emergency Action Plans (EAPs) and submit these annually to the County Sheriff's Office of Emergency Services (OES).

2. That OES do what is necessary (without duplicating other information gathering efforts) to gather the information required to assess risk and develop response plans for levee and dam emergencies.

[3]Email of April 9, 2012 to Grand Jury from a Technical Specialist of Michael Baker Jr., Inc., explaining that determining the number of levees is not exact due to the somewhat arbitrary starting and end points of levee segments. FEMA tends to focus on levee systems in its accreditation process.

[4] http://www.sanmateocourt.org/documents/grand_jury/2006/DamLeveeFinal.pdf.

3. That the County Public Works Director work with city and special district public works officials and engineers in the County to evaluate and report on the integrity of dams and levees throughout San Mateo County.

The Sheriff's Office of Emergency Services (OES)

OES provides a variety of services to the cities of San Mateo County. It has several units with specialized skills, many members of which are certified in emergency medical response. OES assists other public safety officers across the County in providing situational care and protection for the citizens of San Mateo County. OES also provides regular coordinated emergency planning and training services to the 20 cities and towns within the County and a wide variety of support and resources to assist cities in dealing with disaster and other emergency situations. The OES is responsible for the San Mateo County Emergency Operations Plan (EOP) that details the planned response to extraordinary emergencies and disasters.

Depending on the specific emergency, OES will serve as a coordinating agency rather than a primary responder. Cities and special districts are responsible for making sure that OES is given the information it needs to coordinate emergency response.[5]

The OES has a Flood Preparedness Guide for Levee Maintaining Agencies. The purpose of this Guide is "To provide an emergency planning guide for local levee maintaining agencies to utilize in developing their local emergency plans in compliance with the Governor's Executive Order." However, this Guide does not provide specific criteria to assist the affected cities to develop consistent, comprehensive EAPs.

The Emergency Services Council (ESC)

The OES is funded and governed by the Emergency Services Council (ESC) through a Joint Powers Agreement (JPA) that includes the 20 cities and towns and the County of San Mateo (s*ee,* Attachment 2). The cities and towns of the JPA contribute money to fund the JPA based upon a formula that takes into account the population and average assessed property value of each. The County then matches the funds contributed by the cities and towns. The remainder of the OES budget comes from State and FEMA program funds.[6]

The ESC reviews and recommends emergency plans, programs, and agreements for adoption by the Board of Supervisors and city councils in order to carry out the purposes of an emergency services organization. The Sheriff's OES serves as the ESC's emergency services organization and is responsible for minimizing the effects of disasters and major emergencies on the County's citizens.[7]

[5] San Mateo County Civil Grand Jury, 2006-2007: Emergency Planning for Dam or Levee Failures in San Mateo County, p 5.
[6] http://www.sheriff.com/divisions/operations-division.
[7] San Mateo County Civil Grand Jury, 2006-2007: Emergency Planning for Dam or Levee Failures in San Mateo County, p 2.

The 2006-2007 Grand Jury Report on dams and levees directed two Recommendations to the ESC.[8] The first Recommendation issued was as follows:

1. Authorize and fund, by December 31, 2007, the Office of Emergency Services/Homeland Security to work with other entities in the County to acquire whatever information is necessary to assess risk and develop response plans for levee and dam emergencies. This effort should use all available information, including that collected by FEMA, to formulate plans specific to our County and to incorporate those plans into the Office of Emergency Services/Homeland Security (OES/HS) Emergency Operations Plan (EOP) by July 31, 2008.

The ESC agreed with this Recommendation, stating, however, that funding was not available in the 2006-2007 budget. The ESC said it would attempt to secure grant funding and work would be completed at the "earliest possible opportunity."[9] On March 26, 2012, the Grand Jury sent a letter to the Board of Supervisor representative on the ESC to ask if the ESC had met its commitment in response to this Recommendation. Repeated attempts by the Grand Jury failed to generate a response from Supervisor Tissier.

According to OES, it secured funding in fiscal year 2007-2008 for work to begin on the dam and levee Recommendations. This funding resulted in the creation of a dam database, inundation maps of hazardous dams, and a section on dams in the County EOP. With the resources available, little progress was made on levees. No additional funding was provided to continue this work in 2008-2009 or in subsequent budget years. The funding of the OES Joint Power Agreement has remained relatively flat for years. The OES Director said in 2008 that additional funding would be sought for the dams and levees project. The office did apply to the California Emergency Management Agency for a Hazard Mitigation grant to fund the project; however, the application was denied.[10]

The second Recommendation in the 2007 Grand Jury Report stated:

2. Adopt a resolution by December 31, 2007, requesting all jurisdictions – whether County, City, Special District, or private entity – having authority for dams or levee integrity to cooperate with the OES/HS to develop credible emergency plans for responding to dam and levee degradation or breech.

The ESC agreed with this Recommendation and issued a resolution that did not include a date for completion of these activities.

---

[8] *Id*. p7.

[9] Letter to Hon. John L. Grandsaert, Re: 2006-07 Grand Jury Report: Emergency Planning for Dam or Levee Failures in San Mateo County, from Rose Jacobs Gibson, President, San Mateo Board of Supervisors and Chair, San Mateo County Emergency Services Council, September 26, 2007.

[10] Letter to the 2011-2012 Grand Jury in response to its inquiry regarding the status of the ESC commitment to authorize and fund the OES to work on dam and levees per the 2006-2007 Grand Jury Report, from Supervising Manager, OES, April 13, 2012.

Investigation

The Grand Jury gathered and reviewed data from various sources including:

- One interview with a supervisor of the San Mateo County Sheriff's OES and one interview with a civil engineer of the Redwood City Planning Department.

- San Mateo County Civil Grand Jury Report, 2006-2007: *Summary of Emergency Planning for Dam or Levee Failures in San Mateo County.*

- Responses to the 2006-2007 Civil Grand Jury Report from the County Manager, the Emergency Services Council, and the affected cities.

- San Mateo County "Operational Area" Emergency Operations Plan, March 2007.

- Correspondence received from a Technical Specialist with Michael Baker, Inc., a consulting firm to FEMA.

- Flood Preparedness Guide for Levee Maintaining Agencies, Governor's Office of Emergency Services, dated November 1997.

- Responses to the 2011-2012 Grand Jury letter requesting status on commitments made to the recommendations in the 2006-2007 Grand Jury Report. Responses were received from all affected cities (Belmont, Burlingame, East Palo Alto, Foster City, Pacifica, Redwood City, San Carlos, San Mateo, and South San Francisco).

- OES reply to a Grand Jury letter regarding funding commitments made by the ESC in 2007, dated April 13, 2012.

- Superior Court staff email reply to a Grand Jury question regarding the lack of response from the City of San Carlos to the 2006-2007 Grand Jury Report, dated April 25, 2012.

The 2011-2012 Grand Jury contacted the cities responsible for dams and levees in San Mateo County. Letters were sent to the cities of Belmont, Burlingame, East Palo Alto, Foster City, Pacifica, Redwood City, San Carlos, San Mateo, and South San Francisco requesting current status on the commitments they made in response to the 2006-2007 Grand Jury report on dams and levees.

All cities and County Departments (OES and Public Works) responsible for dams appear to have fulfilled their commitments. OES developed an Emergency Operations Plan (EOP) for dams that incorporated all necessary information from the cities responsible for dams and includes the procedures required for an emergency response to dam failure within the County. The OES is the recipient of the annual reports on dam integrity and inspection. Due to this satisfactory compliance with the 2006-2007 Grand Jury recommendations, the 2011-2012 Grand Jury focused its investigation on levees.

With respect to levees, there was a range of compliance. Four cities produced EAPs varying in consistency and level of detail, but did not send their EAPs or annual updates to the County. Three cities did not develop EAPs. (*See,* Attachment 1 for details.) None of the seven cities had involvement with OES.

Since 2007, Foster City, Redwood City, and San Mateo and the County worked with FEMA to bring some levees up to FEMA accreditation standards. As a result, areas of these cities are no longer within a FEMA designated "floodplain," and property owners in these areas do not have to add the cost of flood insurance to their mortgage payments. While these actions reduced the risk of catastrophic failure, they did not address the procedures for emergency response in the event one should occur.

- List of Levees: San Mateo County Levee Status, FEMA, March 12, 2012

City	**FEMA ID Number**	**Status since 2007**
Burlingame	P2415, P2417, P2943, P2977	Removed
Foster City	P771	Accredited
Pacifica	P2418	Removed
Redwood City	P1918 a & b	Accredited
Redwood City	P2440	Not a levee
Redwood City	P3000 a, b, c, d & e	Accredited
Redwood City	P3001a	Accredited
San Carlos	P1992	Accredited
San Carlos	P3006	Part of Redwood Shores not Accredited
San Carlos	P3007 a	Part of Redwood Shores not Accredited
San Mateo	P1915	De-Accredited
San Mateo	P1916	Accredited
San Mateo	P2024	Accredited
San Mateo	P2422	De-Accredited
San Mateo	P2430	Accredited
San Mateo	P2980	Accredited
San Mateo	P2981	Accredited
San Mateo	P770	Accredited
San Mateo	P788	Accredited
South San Francisco	P2034	De-Accredited

Notes:

1) East Palo Alto is also responsible for levees. Its levees were not included in the FEMA Levee Status of March 12, 2012 because East Palo Alto failed to respond

to FEMA's Provisionally Accredited Levee Agreement letter pertaining to requirements for flood insurance protection.

2) San Carlos, Redwood City, and the County of San Mateo share responsibility for levees located around the San Carlos Airport.

3) Property owners in De-Accredited flood plain areas may incur the extra cost of flood insurance.

Findings

The San Mateo County Grand Jury finds:

1. All City and County dam owners fulfilled their commitments in response to the 2006-2007 Grand Jury report.

2. Foster City, Redwood City, San Mateo and the County of San Mateo worked with FEMA to bring some levees up to FEMA standards to meet insurance guidelines and thus avoid the classification of surrounding areas as floodplains.

3. There is a lack of consistency and varying amounts of detail among the EAPs completed by the cities.

4. The San Mateo County Levee Status from FEMA dated March 12, 2012 shows levees no longer exist in the cities of Belmont, Burlingame, and Pacifica, due to reclassifications and removal.

Regarding the County Sheriff's Office of Emergency Services (OES):

5. The OES does not address levee failures in the County Emergency Operations Plan (EOP).

6. The OES stated it does not have adequate resources to develop an EOP for levees, despite its commitment to do so in 2007.

7. In 2008, the OES Director applied to the California Emergency Management Agency for a Hazard Mitigation grant to fund continuing work on dams and levees. This application was denied.

8. The OES did not request or receive copies of EAPs for levees from any of the affected cities.

Regarding the Emergency Services Council:

9. The Emergency Services Council provided OES with funding in fiscal year 2007-2008 that resulted in the creation of a dam database, inundation maps of hazardous dams, and a

section on dams in the County EOP. No additional funding has been provided to complete the committed work on levees.

10. The ESC adopted a resolution in 2007 requesting all jurisdictions for dams or levees to cooperate with the OES to develop credible Emergency Action Plans (EAPs) for responding to dam and levee failure. The resolution did not contain a required due date for the development of the EAPs and nothing has been done in the last 5 years.[11]

Regarding the County of San Mateo:

11. The County of San Mateo shares responsibility with San Carlos and Redwood City for the levees located in the vicinity of the San Carlos Airport.

12. The County Public Works Department did not develop an EAP for levees located in the vicinity of San Carlos Airport.

Regarding the Cities of:

Burlingame

13. Burlingame filed a Local Hazard Mitigation Plan with the Association of Bay Area Governments to have its levees removed as a review indicated these were not levees.

East Palo Alto

14. East Palo Alto developed an EAP for levees in January 2011, which did not meet its committed timeline. It was not submitted to OES until January 2012.

15. FEMA records dated March 12, 2012 do not indicate the existence of any levees in East Palo Alto, which contradicts East Palo Alto's understanding that it is responsible for a levee. According to FEMA, this discrepancy exists because the City of East Palo Alto failed to respond to the Provisional Accreditation Letter regarding requirements for flood insurance.

Foster City

16. After receiving the Grand Jury request letter of December 20, 2011 Foster City completed an EAP dated January 12, 2012, which did not meet its committed timeline or was it submitted to OES.

[11] Resolution (undated) attached to the letter to Honorable John L. Grandsaert, Re: 2006-07 Grand Jury Report: Emergency Planning for Dam or Levee Failures in San Mateo County, from Rose Jacobs Gibson, President, San Mateo Board of Supervisors and Chair, San Mateo County Emergency Services Council, September 26, 2007.

Pacifica

17. Pacifica responded to both the 2006-2007 Grand Jury Recommendations and the 2011-2012 Grand Jury status request letter stating that it had no dams or levees. The levee was removed as part of the Army Corp of Engineers' San Pedro Creek and Wetland Ecosystem Restoration Project in 2000.

San Carlos

18. San Carlos reported it has no record of receiving the 2006-2007 Grand Jury Report's Recommendations for Dams and Levees and has no record of responding.[12]

19. The Superior Court of San Mateo County records could not confirm that San Carlos received a copy of the 2006-2007 Grand Jury Report.

20. San Carlos did not develop or submit an EAP for its levees.

South San Francisco

21. South San Francisco responded to the 2006-2007 and 2011-2012 Grand Jury status request letters stating it has no dams or levees in its jurisdiction according to the FEMA Map Modernization Regional Manager in 2007.

22. According to FEMA's list of levees in San Mateo County, dated March 12, 2012, there is one levee in South San Francisco.

23. South San Francisco has not reconciled this discrepancy with FEMA.

24. FEMA has categorized the levee in South San Francisco as De- Accredited. The levee does not meet flood protection criteria; therefore, flood protection insurance to corresponding adjacent areas may be required.

25. The City of South San Francisco did not develop or submit an EAP for its disputed levee.

Conclusions

The Grand Jury concludes:

1. The risk of levee failure has not been a priority for the cities and County as evidenced by the lack of EAPs before the 2007 Grand Jury Report and the inadequate follow through on their own commitments five years later.

[12] Letter to 2011-2012 Grand Jury in response to inquiry regarding the status of the City of San Carlos commitment to fulfilling the 2006-2007 recommendations for dams and levees, from Bill Moura, Assistant City Manager, San Carlos, March 22, 2012.

2. The failure of the Emergency Services Council to adequately fund OES's development of Emergency Action Plans for levee failures is contrary to its Mission Statement (*See,* Attachment 2).

3. EAPs specific to levee failures are needed to assure the appropriate response to such an emergency.

4. The failure of cities and the County OES to share dam and levee information is an impediment to the development of EAPs and the deployment of an effective emergency response.

5. The failure of OES to develop standardized requirements for EAPs led to the creation of inconsistent plans that vary in detail.

6. OES has no formal process to require and receive yearly updated EAPs from the affected levee owners, making it difficult to track compliance and offer guidance and assistance to cities developing their plans.

7. Inadequate communication between FEMA and levee owners results in discrepancies over ownership responsibility, such as currently exist between FEMA and South San Francisco and East Palo Alto.

Recommendations

The Grand Jury recommends to the Emergency Services Council that it:

1. Provide the resources needed to enable the Sheriff's Office of Emergency Services (OES) to fulfill, by December 31, 2012, all OES commitments made in response to the 2006-2007 Grand Jury report with respect to levees. (*See,* Attachment 3.)

2. Establish timelines and monitor progress of OES in fulfilling those commitments.

The Grand Jury recommends to the Board of Supervisors of San Mateo County and the city councils of East Palo Alto, Foster City, Redwood City, San Carlos, San Mateo, and South San Francisco that each of them:

3. Within a timeframe negotiated with OES, create, review, and update EAPs for levees in conformance to specific San Mateo County OES guidelines. These EAPs will include at a minimum:

    - A list of three or more separate telephone contacts to ensure at least one responsible official or responder is made aware of the emergency

    - A protocol setting out actions that will be undertaken to mitigate danger during an emergency

- A copy of the most recent inspection report on levee integrity

4. Forward updated EAPs to OES to be followed by annual updates.

5. Direct the relevant city departments to work with the County Public Works Director and FEMA to identify, evaluate, and report annually on the integrity of levees in the County.

The Grand Jury recommends that the San Mateo County Sheriff direct the Office of Emergency Services to:

6. Immediately take proactive steps to obtain required funding from the Emergency Services Council in order to conduct all recommended work pertaining to levee Emergency Action Plans.

7. Within 60 days negotiate a timeline and develop a plan with the affected cities to complete all commitments.

8. Consistent with the timeline, work with the San Mateo County Public Works Department to ensure FEMA and the cities of South San Francisco and East Palo Alto have agreement on the levees for which they are responsible.

9. Consistent with the timeline, develop and communicate to the affected cities the specific requirements and guidelines for the development of credible**,** consistent, comprehensive Emergency Action Plans . These requirements are to include at a minimum:

    - A list of three or more separate telephone contacts to ensure at least one responsible official or responder is made aware of the emergency

    - A protocol setting out actions that will be undertaken to mitigate danger during an emergency

    - A copy of the most recent inspection report on levee integrity

10. Consistent with the timeline, develop a tracking and follow up system to assess timely receipt of levee owners' EAPs and yearly updates.

11. Work with the appropriate responsible city and County departments and FEMA to acquire all necessary information to assess risk and develop EAPs for levee emergencies.

12. Incorporate this information into the countywide Emergency Operations Plan by December 31, 2012.

Attachment 1

Emergency Action Plans (EAPs) for Levee Failure in San Mateo County:

Response to the 2006-2007 Grand Jury Investigation and Current Status

Responsible Entity	Completed EAP for Levees?	EAP for Levees: met Due Date of 3/31/08?	EAP Sent to OES/HS by 3/31/08?	Completed Yearly Updates?	Status a/o 2/1/12
County of San Mateo – Public Works Dept.	No	Not met	No	No	
OES	N/A	N/A	-	N/A	No budget to assist cities to develop EAPs and to incorporate these plans into a countywide plan (EOP) for levees.
Belmont	N/A	N/A	N/A	N/A	
Burlingame	N/A	N/A	N/A	N/A	
East Palo Alto	Yes	Not met	No	No	EAP for levee completed Jan 2011. EAP sent to OES in Jan. 2012.
Foster City	Yes	Not met	No	No	Local Hazard Mitigation Plan added to EOP in Nov 2011. Levee Failure Plan completed Jan 12, 2012
Hillsborough	N/A	N/A	N/A	N/A	
Pacifica	N/A	N/A	N/A	N/A	
Redwood City	Yes	Not met	No	No	EOP completed 2008-2009.
San Carlos	No	Not met	No	No	San Carlos has no record of receiving or replying to the 2006-07 Grand Jury Report
San Mateo	Yes	Not met	No	No	EOP for dam/levee failure completed Nov 5, 2007 EAP's completed in 2010.
South San Francisco	No	Not met	No	No	South San Francisco states it has no levees. FEMA's Mar 12, 2012 List of Levees shows one levee in South San Francisco.

Note: N/A indicates there are no levees in this city, per FEMA's List of Levees in San Mateo County, dated March 12, 2012

Attachment 2[13]

Emergency Services Council

Mission Statement

The mission of the Area Office of Emergency Services is to provide planning, preparedness, public information, training, and Federal/State intergovernmental emergency services coordination for the twenty cities/ towns within San Mateo County, as well as for County government, to enable them to respond to, minimize the impact of, and recover from a major emergency, disaster, or homeland security incident with the least possible loss of life or property. The Hazardous Materials Emergency Response Program provides a team of trained Hazardous Materials specialists who respond to and manage HazMat emergencies and potential bio-terrorism threats throughout San Mateo County on a seven-day, twenty-four hour basis.

Member Roster

Current Membership	Title	Appointed	Expires	Representing
Adrienne Tissier	Member		01/08/13	Board of Supervisors
Charles Marsala	Member			Atherton
David Braunstein	Member			Belmont
Cy Bologoff	Member			Brisbane
Terri Nagel	Member			Burlingame
Diana Colvin	Member			Colma
Maggie Gomez	Member			Daly City
Ruben Abrica	Member			East Palo Alto
Pam Frisella	Member			Foster City
Marina Fraser	Member			Half Moon Bay
Jay Benton	Member			Hillsborough
Peter Ohtaki	Member			Menlo Park
Marge Calapietro	Member			Millbrae
Sue Digre	Member			Pacifica
John Richards	Member			Portola Valley
Ian Bain	Member			Redwood City
Rico Medina	Member			San Bruno
Randy Royce	Member			San Carlos
Jack Matthews	Member			San Mateo
Richard Garbarino	Member			South San Francisco
Dave Burow	Member			Woodside
Julie Lancelle	Member			Cities
Kathy McKeithen	Member			Cities

[13] From www.co.sanmateo.ca.us/portal/site/bnc

Membership
A member of the Board of Supervisors designated by the Board of Supervisors, the mayor or a designated member of each city council. Non-voting members include representatives from the Red Cross, School District, Fire Chiefs Association and Police Chiefs Association. Other non-voting members that could be included are representatives from a water district, sanitary district, Harbor District, Transit district, Pacific Gas and Electric, and Pacific Bell

Duties
The Emergency Services Council is empowered to "review and recommend for adoption by the Board of Supervisors and the city council of each city such emergency plans, programs and agreements." The Emergency Services Council approves the annual budget and recommends it to the County and the cities/towns for adoption.

Appointment
Board of Supervisors, the mayor or designated member of each city/town council.

Attachment 3

San Mateo County Sheriff's Response to the 2006-2007 Grand Jury Report Recommendations.

COUNTY OF SAN MATEO

Office of the Sheriff

GREG MUNKS
SHERIFF

CARLOS G. BOLANOS
UNDERSHERIFF

400 COUNTY CENTER • REDWOOD CITY • CALIFORNIA 94063-1662 TELEPHONE (650) 599-1664 www.smcsheriff.com

ADDRESS ALL COMMUNICATIONS TO THE SHERIFF

July 27, 2007

Honorable John L. Grandsaert Judge of the Superior Court Hall of Justice 400 County Center, 2nd Floor Redwood City, CA 94063-1655

Re: 2007-2008 Grand Jury Report: Emergency Planning for Dam or Levee Failures in San Mateo County

Dear Judge Grandsaert:

We wish to acknowledge the efforts of the Civil Grand Jury with this report regarding the efforts of the Office of Emergency Services and Homeland Security (OES/HS). We feel the report is accurate, and depicts an understanding and appreciation by the members of the Grand Jury regarding issues relating to Emergency Planning for dam or levee failures in our County.

As the Director of the Area Office of Emergency Services and Homeland Security, I fully support the findings of the Civil Grand Jury and appreciate their assistance in alerting residents and visitors to the very real, and potential danger of a dam or levee failure occurring in San Mateo County.

Recommendations:

The Grand Jury recommends that the Sheriff instruct the Office of Emergency Services/Homeland Security to:

1. Cooperate with affected cities and dam and levee owners to develop credible Emergency Action Plans by March 31, 2008, for responding to a prospective dam or levee failure, degradation or breech. These Emergency Action Plans should be prepared and submitted immediately upon completion to the Office of Emergency Services/Homeland Security, followed by annual updates. An Emergency Action Plan would include at least the following information:

Response:

• A list of three or more separate telephone contacts to insure that at least one responsible official or responder is made aware of an emergency at the facility□• Other actions that would be undertaken to mitigate the danger in the event of an emergency□• The most recent inspection report

The Office of Emergency Services and Homeland Security (OES/HS) is administered by a Joint Powers Authority (JPA) in which each City and the County participate in by Emergency Services Council participation and funding. It is the standard business practice of OES/HS to work cooperatively and in concert with each City and the County.

OES/HS has already acquired several templates of Emergency Action Plans (EAP) for dams and will insure each dam owner is offered staff assistance in completing these templates to facilitate the writing of the EAP for the individual dams. OES/HS will also gather information on levee Emergency Action Plans to work with each City/County Emergency Coordinator and Public Works Officials in compiling levee EAPs as well.

We concur that there needs to be several levels of communication and support the idea of three responsible contact telephone numbers to insure the First Responders can reach a responsible person in the event of an incident.

OES/HS is the appropriate organization to keep updated inspection reports and EAP's. I will also insure that while OES/HS houses these valuable documents, they maintain them in a retrievable fashion so they are ready for use in the event of an emergency or planned exercise.

In conclusion we appreciate the recommendations made by the Grand Jury and will continue our commitment to provide safety, security, and a uniquely cooperative approach as we face the many threats and challenges to our County.

Sincerely,

Greg Munks, Sheriff

cc: Board of Supervisors Grand Jury website

County Manager's Office

BOARD OF SUPERVISORS
DAVE PINE
CAROLE GROOM
DON HORSLEY
ROSE JACOBS GIBSON
ADRIENNE TISSIER

COUNTY OF SAN MATEO

John L. Maltbie
COUNTY MANAGER/
CLERK OF THE BOARD

COUNTY GOVERNMENT CENTER • REDWOOD CITY • CALIFORNIA 94063-1662 (650) 363-4123
WEB PAGE ADDRESS: http://www.co.sanmateo.ca.us FAX: (650) 363-1916

October 3, 2012

RECEIVED
OCT 0 3 2012
DEPT. 10

Reviewed
MTL 10/5/12

Hon. Gerald J. Buchwald
Judge of the Superior Court
Hall of Justice
400 County Center, 2nd Floor
Redwood City, CA 94063-1655

Re: Still No Emergency Action Plans for Levee Failures in San Mateo County

Dear Hon. Gerald J. Buchwald,

The responses to the Grand Jury Reports titled: Still No Emergency Action Plans for Levee Failures in San Mateo County, was approved by the San Mateo County Board of Supervisors at their regular meeting on October 2, 2012. Attached please find the Board Memo that includes the formal response.

Sincerely,

Shanna Collins

Shanna Collins
County Manager's Office

COUNTY OF SAN MATEO
Inter-Departmental Correspondence
County Manager

APPROVED BY
BOARD OF SUPERVISORS

OCT - 2 2012

CLERK OF BOARD
BY _____ DEPUTY

Date: July 25, 2012
Board Meeting Date: October 2, 2012
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: John L. Maltbie, County Manager

Subject: 2011-12 Grand Jury Response- Still No Emergency Action Plans for Levee Failures In San Mateo County

RECOMMENDATION:
Approve the Board of Supervisor's response to the 2011-12 Grand Jury report titled: Still No Emergency Action Plans for Levee Failures in San Mateo County.

BACKGROUND:
On July 9, 2012, the Grand Jury filed a report titled: Still No Emergency Action Plans for Levee Failures in San Mateo County. The Board of Supervisors is required to submit comments on the findings and recommendations pertaining to the matters under control of the County of San Mateo within ninety days. The County's response to the report is due to the Hon. Gerald J. Buchwald no later than October 9, 2012.

Acceptance of this report contributes to the Shared Vision 2025 outcome of a Collaborative Community by ensuring that all Grand Jury findings and recommendations are thoroughly reviewed by the appropriate County departments and that, when appropriate, process improvements are made to improve the quality and efficiency of services provided to the public and other agencies.

DISCUSSION:
Still No Emergency Action Plans for Levee Failures in San Mateo County

Findings:

Grand Jury Finding Number 1. All City and County dam owners fulfilled their commitments in response to the 2006-2007 Grand Jury report.

Response: The San Mateo County Office of Emergency Services agreed to the finding in their response dated July 31, 2012.

Grand Jury Finding Number 2. Foster City, Redwood City, San Mateo and the County of San Mateo worked with FEMA to bring some levees up to FEMA standards to meet insurance guidelines and thus avoid the classification of surrounding areas as floodplains.

Response: Agree. The County of San Mateo is only responsible for one levee in the County and it is located at the San Carlos Airport. The San Carlos Airport Levee Improvement Project was completed November 4, 2010. The Airport Levee Improvement Project was part of a larger improvement project to certify the entire levee system for Redwood Shores in the City of Redwood City (Redwood City).

Grand Jury Finding Number 3. There is a lack of consistency and varying amounts of detail among the EAPs completed by the cities.

Response: The San Mateo County Office of Emergency Services responded that they had not received all of the completed EAPs from the cities and could not agree or disagree with the finding in their response dated July 31, 2012.

Grand Jury Finding Number 4. The San Mateo County Levee Status from FEMA dated March 12, 2012 shows levees no longer exist in the cities of Belmont, Burlingame, and Pacifica, due to reclassifications and removal.

Response: The San Mateo County Office of Emergency Services agreed to the finding in their response dated July 31, 2012.

Grand Jury Finding Number 11. The County of San Mateo shares responsibility with San Carlos and Redwood City for the levees located in the vicinity of the San Carlos Airport.

Response: Partially agree. No formal Memorandum of Understanding was established between the Redwood City and the Airport (or "County"). The Airport authorized Redwood City to complete certain levee improvements on Airport property that connects the Redwood Shores flood control levee system. Redwood City performed the Airport levee improvements, acting as the lead agency, to improve and certify the entire levee system protecting Redwood Shores in order to meet FEMA's new levee height requirements. Levees that did not meet FEMA's new levee height requirement would have triggered mandatory flood insurance for homeowners with federally backed mortgages within those communities. As part of the authorization for Redwood City to make levee improvements on Airport property, the Airport agreed to assume future maintenance responsibility for that same portion of the levee on Airport property. In September 2010, the Board of Supervisors adopted the Airport's Operation and Maintenance (O&M) Manual.

Grand Jury Finding Number 12. The County Public Works Department did not develop an EAP for levees located in the vicinity of San Carlos Airport.

Response: Partially agree. The San Carlos Airport does not have a standalone EAP for its levee system, however, since September 2010 the Airport has adhered to a Levee O&M Manual. In addition to regular inspection and maintenance activities, incorporated within the O&M Manual are "Flood Emergency Operations and Procedures" which consists of response plans and flood fighting methods. The O&M Manual serves as a guide for operating procedures before, during, and after a flood emergency, as well as regularly scheduled maintenance to ensure the stability and integrity of the portion of the levee system on Airport property. Airport staff will submit the O&M Manual to the Sheriff's Office of Emergency Services (OES) and will support the preparation of a standalone Emergency Action Plan for the portion of the levee system at San Carlos Airport.

Recommendations:
The Grand Jury recommends to the Board of Supervisors of San Mateo County and the city councils of East Palo Alto, Foster City, Redwood City, San Carlos, San Mateo, and South San Francisco that each of them:

3. Within a timeframe negotiated with OES, create, review, and update EAPs for levees in conformance to specific San Mateo County OES guidelines. These EAPs will include at a minimum:
• A list of three or more separate telephone contacts to ensure at least one responsible official or responder is made aware of the emergency
• A protocol setting out actions that will be undertaken to mitigate danger during an emergency
• A copy of the most recent inspection report on levee integrity

Response: The recommendation has been implemented. The County of San Mateo is only responsible for one levee in the County and it is located at the San Carlos Airport.

Contacts for the County's portion of the levee system at San Carlos Airport:

James Wadleigh, Interim Airport Manager
(w) 650-573-3700
(c) 650-619-9001

Michael Wentworth, Deputy Director, Administration and Airports
(w) 650-599-1423
(c) 650-399-6292

James Porter, Director of Public Works
(w) 650-599-1421
(c) 650-954-3320

The San Carlos Airport has prepared a Draft Emergency Action Plan for the County's portion of the levee system and is coordinating with OES to incorporate the EAP into the Flood Hazard Annex of the County's Emergency Operations Plan.

Pursuant to the California Code of Regulations, Title 19, Division 2, Chapter 1; the California Emergency Services Act (ESA); and Homeland Security Presidential Directive / HSPD-5; the County of San Mateo adopted and implemented Standardized Emergency Management System (SEMS) and National Incident Management System (NIMS). These systems are the cornerstone of federal and state emergency response systems and the fundamental structure for the response phase of emergency management. These systems support the management of multiagency and multijurisdictional responses to emergencies in California by unifying all elements of California's emergency management community into a single integrated system and standardized key elements. Some of these key elements are the Incident Command System (ICS), California Disaster and Civil Defense Master Mutual Aid Agreement (MMAA), the Operational Area (OA). The OA is an intermediate level of the state's emergency services organization, which is defined as the County and all political subdivisions located within the county, including special districts. San Mateo County Sheriff's Office of Emergency Services (OES) serves in the capacity of the OA Emergency Management Agency. The San Mateo County Office of Emergency Services was created by the Emergency Services Council, which is a Joint Powers Authority created by the 20 cities and towns in the County. It refers all emergency plans to the County Board of Supervisors for adoption. The OA coordinates information, resources, and priorities among local governments within the area and serves as the communication link between the local government level and the regional level Governing bodies of the county.

The San Carlos Airport will submit to OES any periodic inspection report it makes about the portion of the levee at San Carlos Airport. Further it will forward any evaluation it receives from the other agencies, such as the California Department of Water Resources or the U.S. Army Corps of Engineers.

4. Forward updated EAPs to OES to be followed by annual updates.

Response: The recommendation has not yet been implemented but will be implemented in the future. OES requires that all EAPs be received by December 31st of every year and accepts amendments to those EAPs until June 1st of the following year. The San Carlos Airport will submit an updated EAP to OES consistent with this schedule.

5. Direct the relevant city departments to work with the County Public Works Director and FEMA to identify, evaluate, and report annually on the integrity of levees in the County.

Response: The recommendation will not be implemented. As the OA Emergency Management Agency, OES maintains copies of the levee certification, inspection

records, and EAPs for the levees within the OA. That being said, the responsibility for performing inspections, maintenance and operations, and obtaining levee certification/accreditation rests with the local agency with jurisdiction over the levee in question. Further it is the responsibility of that local agency to submit copies of the levee certification to FEMA in order to receive FEMA levee accreditation. This accreditation causes and update of the associated flood insurance rate maps to identify the flood-plain area as protected for the base flood. To receive levee accreditation, FEMA requires (44 CFR 65.10 – FEMA 1986) the local agency to provide a complete engineering analysis of hydrology, hydraulics, structural and geotechnical, and operations and maintenance schedules of the levee in question. Furthermore, the California Department of Water Resources (DWR) and the US. Army Corps of Engineers (USACE) conduct periodic inspections through their flood prevention and levee safety programs, and FEMA performs periodic assessments to determine potential flood hazards. Each of these agencies will communicate with the local agency about their findings.

FISCAL IMPACT:
There is no Net County Cost associated with accepting this report.

Office of the Mayor

January 15, 2013

Honorable Gerald J. Buchwald
Judge of the Superior Court
Hall of Justice
400 County Center, 8th Floor
Redwood City, CA 94063-1655

Re: July 9, 2012 San Mateo County Civil Grand Jury Response

Honorable Judge Buchwald:

On January 15, 2013, at its duly noticed regular meeting, the City Council of the City of East Palo Alto considered its formal response to the July 9, 2012 San Mateo County Civil Grand Jury Report entitled "Still No Emergency Plans for Levee Failures in San Mateo County." The following represents the City's formal response to the July 9, 2012 Civil Grand Jury Report.

Findings

14. East Palo Alto developed an EAP for levees in January 2011, which did not meet its committed timeline. It was not submitted to Office of Emergency Services (OES) until January 2012.

    City Response: The City of East Palo Alto agrees, the Emergency Action Plan (EAP) was submitted to OES in January 2012.

15. Federal Emergency Management Agency (FEMA) records dated March 12, 2012 do not indicate the existence of any levees in East Palo Alto, which contradicts East Palo Alto's understanding that it is responsible for a levee. According to FEMA, this discrepancy exists because the City of East Palo Alto failed to respond to the Provisional Accreditation Letter regarding requirements for flood insurance.

    City Response: The City of East Palo Alto partially agrees. The City has been unable to confirm receipt of a letter from FEMA regarding Provisional Accreditation. Attempts to obtain a copy of the letter from FEMA have been unsuccessful. If the City had received the letter from FEMA, the City would have responded and the City's levees would foreseeably have been included in the County's list of levees. The City has continued to maintain the levees and the San Francisquito Creek with the assistance the City of Palo Alto and Santa Clara Valley Water District. The City has been evaluated annually by FEMA in conjunction with the National Flood Insurance program Community Rating System program which has resulted in certifications and reductions of flood insurance rates for property owners in East Palo Alto. The City is also a founding member of the San Francisquito Creek Joint Powers Authority (SFCJPA), an agency founded to address flooding

issues along the San Francisquito Creek. The SFCJPA is scheduled to begin work on Phase 1 improvements to the San Francisquito Creek levees from East Bayshore Road to the San Francisco Bay no later in 2013. This project will improve the current 10-12 year storm protection along the creek from the Bay to HWY 101 to 100-year storm protection.

Recommendation

The report did not include specific recommendations for the City. The City is a partner with San Mateo County Office of Emergency Services and will assist the OES in implementing any and all of the recommendations that they deem appropriate and necessary. From that perspective, the recommendations have been implemented by the City.

Should you have any additional questions or require clarification, please do not hesitate to contact me or our City Manager, Magda Gonzalez.

Sincerely,

Ruben Abrica
Mayor

City of Foster City

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

FIRE DEPARTMENT
1040 E. HILLSDALE BLVD.
FOSTER CITY, CA 94404
(650) 286-3350 • FAX (650) 341-7305

September 24, 2012

Hon. Gerald J. Buchwald
Judge of the Superior Court
Hall of Justice
Civil Grand Jury 2011-2012
400 County Center, 8th Floor
Redwood City, California 94063

Subject: "STILL NO EMERGENCY ACTION PLANS FOR LEVEE FAILURES IN SAN MATEO COUNTY" GRAND JURY REPORT

To Judge Buchwald:

Thank you for the opportunity to review and comment on the above referenced Grand Jury Report filed on July 10, 2012. After reviewing the Grand Jury Report and all available data pertaining to our community, below is Foster City's response to the findings and recommendations of the Grand Jury Report on Emergency Action Plans for Levee Failures in San Mateo County.

Response to Grand Jury Findings:

1. *All City and County dam owners fulfilled their commitments in response to the 2006-2007 Grand Jury report.* Respondent has no reason to dispute these findings.
2. *Foster City, Redwood City, San Mateo and the County of San Mateo worked with FEMA to bring some levees up to FEMA standards to meet insurance guidelines and thus avoid the classification of surrounding areas as floodplains.* Respondent agrees with Grand Jury Finding. As noted in the January 23, 2012 Grand Jury inquiry, the City of Foster City worked with the City of San Mateo and FEMA during the planning, design and constructions of San Mateo's Bayfront Levee Improvement Project.
3. *There is a lack of consistency and varying amounts of detail among the EAPs completed by the cities.* Respondent is unable to sufficiently comment on this Finding in regards to other cities. However, on November 19, 2007, an update to the City of Foster City's Emergency Operations Plan was submitted to Council which include

event-specific checklist. The Checklist "Floods" would apply to levee failures. Additionally, an Incident Action Plan (IAP) was submitted to the Grand Jury on January 23, 2012.

4. *The San Mateo County Levee Status from FEMA dated March 12, 2012 shows levees no longer exist in the cities of Belmont, Burlingame, and Pacifica, due to reclassifications and removal.* Respondent has no reason to dispute these findings.

Regarding the County Sheriff's Office of Emergency Services (OES):

5. *The OES does not address levee failures in the County Emergency Operations Plan (EOP).* Respondent has no reason to dispute these findings.
6. *The OES stated it does not have adequate resources to develop an EOP for levees, despite its commitment to do so in 2007.* Respondent has no reason to dispute these findings.
7. *In 2008, the OES Director applied to the California Emergency Management Agency for a Hazard Mitigation grant to fund continuing work on dams and levees. This application was denied.* Respondent has no reason to dispute these findings.
8. *The OES did not request or receive copies of EAPs for levees from any of the affected cities.* Respondent partially agrees with the Finding. OES didn't request or provide a standardized Emergency Action Plan (EAP). However, the City of Foster City has worked cooperatively with OES to maintain an up-to-date Emergency Operations Plan, which in addition to being all-hazard also includes event-specific response checklists for incidents such as floods, severe weather and earthquakes.

Regarding the Emergency Services Council:

9. *The Emergency Services Council provided OES with funding in fiscal year 2007-2008 that resulted in the creation of a dam database, inundation maps of hazardous dams, and a section on dams in the County EOP. No additional funding has been provided to complete the committed work on levees.* Respondent has no reason to dispute these findings.
10. *The ESC adopted a resolution in 2007 requesting all jurisdictions for dams or levees to cooperate with the OES to develop credible Emergency Action Plans (EAPs) for responding to dam and levee failure. The resolution did not contain a required due date for the development of the EAPs and nothing has been done in the last 5 years.* Respondent partially agrees with the Finding. In November 2007, The City of Foster City updated its Emergency Operations Plan to include a threat summary regarding Flooding and an event-specific action plan for Flooding in our Water System Emergency Response Plan. In January 2012, Foster City updated the Emergency Operations Phone list and developed a specific Incident Action Plan (IAP) for levee failures.

Regarding the County of San Mateo:

11. *The County of San Mateo shares responsibility with San Carlos and Redwood City for the levees located in the vicinity of the San Carlos Airport.* Respondent has no reason to dispute these findings.
12. *The County Public Works Department did not develop an EAP for levees located in the vicinity of San Carlos Airport.* Respondent has no reason to dispute these findings.

Regarding the Cities of:

Burlingame

13. *Burlingame filed a Local Hazard Mitigation Plan with the Association of Bay Area Governments to have its levees removed as a review indicated these were not levees.* Respondent has no reason to dispute these findings.

East Palo Alto

14. *East Palo Alto developed an EAP for levees in January 2011, which did not meet its committed timeline. It was not submitted to OES until January 2012.* Respondent has no reason to dispute these findings.
15. *FEMA records dated March 12, 2012 do not indicate the existence of any levees in East Palo Alto, which contradicts East Palo Alto's understanding that it is responsible for a levee. According to FEMA, this discrepancy exists because the City of East Palo Alto failed to respond to the Provisional Accreditation Letter regarding requirements for flood insurance.* Respondent has no reason to dispute these findings.

Foster City

16. *After receiving the Grand Jury request letter of December 20, 2011 Foster City completed an EAP dated January 12, 2012, which did not meet its committed timeline or was it submitted to OES.* Respondent agrees with the Finding. In November 2007, The City of Foster City updated its Emergency Operations Plan to include a threat summary regarding Flooding and an event-specific action plan for Flooding in our Water System Emergency Response Plan. Both the threat summary and the event-specific action plan would be used in lieu of an IAP.

Pacifica

17. *Pacifica responded to both the 2006-2007 Grand Jury Recommendations and the 2011-2012 Grand Jury status request letter stating that it had no dams or levees. The levee was removed as part of the Army Corp of Engineers' San Pedro Creek and Wetland*

Ecosystem Restoration Project in 2000. Respondent has no reason to dispute these findings.

San Carlos

18. *San Carlos reported it has no record of receiving the 2006-2007 Grand Jury Report's Recommendations for Dams and Levees and has no record of responding.* Respondent has no reason to dispute these findings.
19. *The Superior Court of San Mateo County records could not confirm that San Carlos received a copy of the 2006-2007 Grand Jury Report.* Respondent has no reason to dispute these findings.

South San Francisco

20. *South San Francisco responded to the 2006-2007 and 2011-2012 Grand Jury status request letters stating it has no dams or levees in its jurisdiction according to the FEMA Map Modernization Regional Manager in 2007.* Respondent has no reason to dispute these findings.
21. *According to FEMA's list of levees in San Mateo County, dated March 12, 2012, there is one levee in South San Francisco.* Respondent has no reason to dispute these findings.
22. *South San Francisco has not reconciled this discrepancy with FEMA.* Respondent has no reason to dispute these findings.
23. *FEMA has categorized the levee in South San Francisco as De- Accredited. The levee does not meet flood protection criteria; therefore, flood protection insurance to corresponding adjacent areas may be required.* Respondent has no reason to dispute these findings.
24. *The City of South San Francisco did not develop or submit an EAP for its disputed levee.* Respondent has no reason to dispute these findings.

Response to Grand Jury Recommendations:

Emergency Services Council Recommendations:

1. *Provide the resources needed to enable the Sheriff's Office of Emergency Services (OES) to fulfill, by December 31, 2012, all OES commitments made in response to the 2006-2007 Grand Jury report with respect to levees. (See, Attachment 3.)* Respondent is unable to respond to recommendations regarding the Emergency Services Council.
2. *Establish timelines and monitor progress of OES in fulfilling those commitments.*

Respondent is unable to respond to recommendations regarding the Emergency Services Council. Respondent is unable to respond to recommendations regarding the Emergency Services Council.

Recommendations to the Board of Supervisors of San Mateo County and the city councils of East Palo Alto, Foster City, Redwood City, San Carlos, San Mateo, and South San Francisco:

3. *Within a timeframe negotiated with OES, create, review, and update EAPs for levees in conformance to specific San Mateo County OES guidelines. These EAPs will include at a minimum:*
   - *A list of three or more separate telephone contacts to ensure at least one responsible official or responder is made aware of the emergency*
   - *A protocol setting out actions that will be undertaken to mitigate danger during an emergency*
   - *A copy of the most recent inspection report on levee integrity*

   The recommendation has been implemented. The respondent has been instrumental in collaborating with San Mateo County OES to develop a standardized EAP that conforms to specific San Mateo County OES guidelines. This EAP includes a separate contact list of responsible officials and responders, a protocol describing mitigation actions and our most recent levee inspection report. The complete EAP was delivered to San Mateo County OES on September 7, 2012.

4. *Forward updated EAPs to OES to be followed by annual updates.* The recommendation has been implemented with our EAP which was delivered to San Mateo County OES on September 7, 2012; annual updates will be submitted every June 1st.
5. *Direct the relevant city departments to work with the County Public Works Director and FEMA to identify, evaluate, and report annually on the integrity of levees in the County.* The recommendation has not yet been implemented but will be implemented in the future with the submission of our EAP and latest levee inspection report. The City of Foster City's levee P771, as referenced by FEMA's documentation, meets the FEMA certification requirements as outlined in Title 44, Code of Federal Regulations, Section 65.10. The City recognizes that the levee systems and the estimated level of protection provided by these systems can and do change with time. It is our intent to continue the quarterly maintenance inspections and, if required, repairs. Staff will report annually to the City Council at the second Council meeting in May and report our findings to the San Mateo County Public Works Director and our local FEMA office by June 1.

Recommendations to the San Mateo County Sheriff direct the Office of Emergency Services:

6. *Immediately take proactive steps to obtain required funding from the Emergency Services Council in order to conduct all recommended work pertaining to levee Emergency Action Plans.* Respondent is unable to respond to recommendations regarding the San Mateo County Sheriff.
7. *Within 60 days negotiate a timeline and develop a plan with the affected cities to complete all commitments.* Respondent is unable to respond to recommendations regarding the San Mateo County Sheriff.
8. *Consistent with the timeline, work with the San Mateo County Public Works Department to ensure FEMA and the cities of South San Francisco and East Palo Alto have agreement on the levees for which they are responsible.* Respondent is unable to respond to recommendations regarding the San Mateo County Sheriff.
9. *Consistent with the timeline, develop and communicate to the affected cities the specific requirements and guidelines for the development of credible, consistent, comprehensive Emergency Action Plans. These requirements are to include at a minimum:*
   - *A list of three or more separate telephone contacts to ensure at least one responsible official or responder is made aware of the emergency*
   - *A protocol setting out actions that will be undertaken to mitigate danger during an emergency*
   - *A copy of the most recent inspection report on levee integrity*

   Respondent is unable to respond to recommendations regarding the San Mateo County Sheriff.

10. *Consistent with the timeline, develop a tracking and follow up system to assess timely receipt of levee owners' EAPs and yearly updates.* Respondent is unable to respond to recommendations regarding the San Mateo County Sheriff.
11. *Work with the appropriate responsible city and County departments and FEMA to acquire all necessary information to assess risk and develop EAPs for levee emergencies.* Respondent is unable to respond to recommendations regarding the San Mateo County Sheriff.
12. *Incorporate this information into the countywide Emergency Operations Plan by December 31, 2012.* Respondent is unable to respond to recommendations regarding the San Mateo County Sheriff.

This response to the Grand Jury was approved at a public meeting on September 24, 2012.

In general, this governing body agrees with the Findings of the Grand Jury that there is no County-wide Emergency Action Plans for levee failures. However, the City of Foster City has a detailed and comprehensive all-hazard plans that duplicates the information found in the Levee / Flood Emergency Action Plan.

We continuously strive to maintain a safe environment for our residents. Safety of our community is of paramount concern to us and we appreciate the review by the Grand Jury.

Sincerely,

Art Kiesel
Mayor

cc: City Council
Jim Hardy, City Manager
Michael Keefe, Fire Chief
Ray Towne, Public Works Director
Norm Dorais, Public Works Maintenance Manager

MINUTE ORDER

No. 1287

OFFICE OF THE CITY CLERK
FOSTER CITY, CALIFORNIA

Date: September 25, 2012

Attention: City Council
James C. Hardy, City Manager
Michael Keefe, Fire Chief
Honorable Gerald J. Buchwald, Judge of the Superior Court

City Council/EMID Board of Directors Meeting Date: September 24, 2012

Subject: Response Letter to the Grand Jury Report Regarding Emergency Action Plans (EAP) for Levee Failures in San Mateo County

Motion by Vice Mayor Frisella, seconded by Councilmember Perez, and carried unanimously, 5-0-0, IT WAS ORDERED approving the response letter to the Honorable Gerald J. Buchwald, Judge of the Superior Court, regarding the Emergency Action Plans (EAP) for levee failures in San Mateo County.

CITY CLERK/DISTRICT SECRETARY

1017 MIDDLEFIELD ROAD
Redwood City, California 94063
Telephone (650) 780-7220
FAX (650) 261-9102
www.redwoodcity.org

September 12, 2012

Bruce E. McMillan
Foreperson
Grand Jury, San Mateo County
400 County Center
Redwood City, CA 94063-1655

Re: Grand Jury Report

Mr. McMillan:

Please accept this as our formal response to the July 3, 2012 Report, "Still No Emergency Levee Plans for Levee Failures in San Mateo County".

First, we appreciate the acknowledgement in Finding #2 that Redwood City took affirmative action to bring its levees up to National Flood insurance Program standards. We remain committed to a program of levee evaluation and repair as necessary to assure our residents of their safety.

In response to finding #3, the City of Redwood City has an adopted Emergency Operations Plan (EOP). In response to the 2007-2008 Grand Jury Report: "Emergency Planning for Dam or Levee Failures in San Mateo County" the City of Redwood City developed a levee Operation and Maintenance plan that addresses actions to be taken if portions of the levee were to fail. This was not shared with the Office of Emergency Services (OES), but we are willing to do so. This plan will be made part of our EOP as a "Levee Failure Annex". We are also participating in the OES effort to develop a County wide plan. When that is completed we will review, and if appropriate, adopt it as our new Levee Failure Annex".

Second, in response to Recommendation #3 regarding coordinating the City's Emergency Action Plan with the County's Office of Emergency Services, the City's staff is prepared to meet with the County's OES Director and to develop a reporting protocol. The City Manager, Robert Bell, will have staff contact the OES Director to coordinate a meeting. Once that protocol is developed, we will provide the requested information in that venue.

In response to the Recommendations mentioned specifically for the City of Redwood City:

We currently have a phone list available to notify the appropriate responsible official. This phone list is in place now and updated regularly. It is separate from the EOP and is not considered a public document.

We have protocols for mitigating danger during levee emergencies. This is the document that will become an annex to our EOP and aligned with the County Plan.

We will send our most recent levee report to OES, as well as our EOP and annexes, and send updated copies when the plan is updated or changed.

As previously stated, we are willing to participate in an annual reporting process with OES so we can all be up to date on the current state of our levees.

Sincerely,

Alicia Aguirre
City of Redwood City Mayor

C: City Council

MINUTE ORDER
JOINT CITY COUNCIL/
SUCCESSOR AGENCY
MEETING

September 10, 2012
MO. 12-167

CITY CLERK DEPARTMENT
Redwood City

DATE: September 12, 2012

Attention: City Attorney
Chief of the Fire Department
hard copy available upon request

SUBJECT: Response to Civil Grand Jury Report: "Still No Emergency Action Plans for Levee Failures"

AGENDA ITEM: 6.1K (302)

Meeting of the Council of the City of Redwood City on September 10, 2012.

Present: Council Members Bain, Foust, Ira, Pierce, and Seybert, Vice Mayor Gee, and Mayor Aguirre

M/S Pierce/Seybert by motion, to approve the attached letter responding to the July 9th, 2012 Grand Jury Report and authorize the Mayor to sign and send the letter in response to the report.

Motion carried unanimously by electronic vote.

Silvia Vonderlinden
Municipal City Clerk

CITY OF SAN CARLOS

CITY COUNCIL
600 ELM STREET
SAN CARLOS, CALIFORNIA 94070

TELEPHONE: (650) 802-4219
FAX: (650) 595-6719

WEB: www.cityofsancarlos.org

February 5, 2013

Honorable Gerald J. Buchwald
Judge of the Superior Court
Hall of Justice
400 County Center; 8th floor
Redwood City, CA 94063-1655

Re: Civil Grand Jury Report – Levees in San Mateo County

Dear Judge Buchwald,

I am writing to you on behalf of the San Carlos City Council. This will serve as the City of San Carlos' formal response to the letter from the Superior Court communicating comments made by the Civil Grand Jury about Levees in San Mateo County. The City Council has reviewed this letter at a public meeting of the Council and has authorized that it be sent.

In the report from the Civil Grand Jury, a number of Findings and Recommendations are made. Here is the City of San Carlos response to the Civil Grand Jury report on this matter:

Findings

1. Finding #2: Foster City, Redwood City, San Mateo and the County of San Mateo worked with FEMA to bring some levees up to FEMA standards to meet insurance guidelines and thus avoid the classification of surrounding areas as floodplains.
   Response: This is correct in part.

   It should be noted that the City of San Carlos also worked with Redwood City and the County of San Mateo to raise the height and improve the portion of levee in San Carlos that is near the San Carlos Airport in Redwood Shores. The San Carlos portion of this levee (FEMA IDs P3006 and P3007a) is an area of 650 feet. After that project was completed, all of the levees in San Carlos have now been accredited by FEMA. The City of San Carlos Public Works Department has developed an Operations and Maintenance Manual for the San Carlos portion of the levee to insure ongoing maintenance.

2. Finding #18: San Carlos reported it has no record of receiving the 2006-2007 Grand Jury Report's Recommendations for Dams and Levees and has no record of responding.
   Response: We agree with the finding.

3. Finding #19: The Superior Court of San Mateo County records could not confirm that San Carlos received a copy of the 2006-2007 Grand Jury Report.
   Response: We agree with the finding.

4. Finding #20: San Carlos did not develop or submit an EAP for its levees.
   Response: We partially disagree with the finding.

   The County Office of Emergency Services (OES) applied to the California Emergency Management Agency (CalEMA) for a Hazard Mitigation Grant to fund work on dams and levees as well as the cost of developing an Emergency Action Plan (EAP) for the County and Cities including San Carlos that it provides emergency planning services for under contract. The State denied this grant application. Since that time, the County OES has been exploring other options to cover the cost of this work. Sheriff's Office OES officials have said that the preparation of the EAPs "would require effort on par with the county's tsunami plan which was no small feat."

Recommendations

1. Recommendation #3: Within a timeframe negotiated with OES, create, review, and update EAPs for levees in conformance to specific San Mateo County OES guidelines.
   Response: We agree with the finding.

2. Recommendation #4: Forward updated EAPs to OES to be followed by annual updates.
   Response: We agree with the finding.

3. Recommendation #5: Direct the relevant city departments to work with the County Public Works Director and FEMA to identify, evaluate, and report annually on the integrity of levees in the County.
   Response: We partially agree with the finding.

   San Carlos has worked in the past and continues to work with the County and neighboring agencies on a variety of cooperative projects including the condition and improvement of the levees within the City. We plan to continue to work with these agencies on these matters. Whether annual reporting or other approaches to this issue are the best approach remains to be determined.

Sincerely Yours,

Matt Grocott
Mayor

cc: City Council
City Manager
Assistant City Manager
Building Official
Community Development Director
Public Works Director
City Attorney

Received until 10/15/12 mmb

OFFICE OF THE MAYOR

330 West 20th Avenue
San Mateo, California 94403-1388
Telephone (650) 522-7048
FAX: (650) 522-7041
www.cityofsanmateo.org

September 19, 2012

Honorable Gerald J. Buchwald
Judge of the Superior Court
Hall of Justice
400 County Center, 8th floor
Redwood City, CA 94063-1655

Re: ***City of San Mateo Response to San Mateo County Grand Jury Report Entitled "Still No Emergency Action Plans for Levee Failures in San Mateo County"***

Dear Judge Buchwald:

Thank you for the opportunity to review and comment on the above referenced Grand Jury Report filed on July 9, 2012. We are in receipt of the Grand Jury's report entitled "Still No Emergency Action Plans for Levee Failures in San Mateo County." After reviewing the Report and all available data pertaining to our community, below is the City of San Mateo's response to the findings of the Grand Jury. The San Mateo City Council held a public meeting on September 18, 2012, and approved this response.

In general, this governing body agrees with the findings of the Grand Jury that there is no County-wide Emergency Action Plan (EAP) for levee failures. However, the City of San Mateo has a detailed and comprehensive all-hazard plan that duplicates the information found in the Levee/Flood Emergency Action Plan.

FINDINGS

1. ***All City and County dam owners fulfilled their commitments in response to the 2006-2007 Grand Jury Report.***

   Response: Respondent has no reason to dispute this finding.

2. ***Foster City, Redwood City, San Mateo and the County of San Mateo worked with FEMA to bring some levees up to FEMA standards to meet insurance guidelines and thus avoid the classification of surrounding areas as floodplains.***

   Response: Respondent agrees with this finding. The City of San Mateo worked with FEMA during the planning, design and construction of the San Mateo South Bayfront Levee Improvement Project, and FEMA has certified that this project meets their standards.

3. ***There is a lack of consistency and varying amounts of detail among the EAPs completed by the cities.***

   Response: Respondent is unable to sufficiently comment on this finding with regard to other cities; however, in 2007 an update to the City of San Mateo's Emergency Operations Plan was submitted to the City Council, which included an event-specific checklist. The checklist EAP for flooding was updated in 2010 and includes levee failures.

4. ***The San Mateo County Levee Status from FEMA dated March 12, 2012 shows levees no longer exist in the cities of Belmont, Burlingame and Pacifica, due to reclassifications and removal***

   Response: Respondent has no reason to dispute this finding.

Regarding the County Sheriff's Office of Emergency Services (OES):

5. ***The OES does not address levee failures in the County Emergency Operations plan (EOP).***

   Response: Respondent has no reason to dispute this finding.

6. ***The OES stated it does not have adequate resources to develop and EOP for levees, despite its commitment to do so in 2007.***

   Response: Respondent has no reason to dispute this finding.

7. ***In 2008, the OES Director applied to the California Emergency Management Agency for a Hazard Mitigation grant to fund continuing work on dams and levees. This application was denied.***

   Response: Respondent has no reason to dispute this finding.

8. ***The OES did not request or receive copies of EAPs for levees from any of the affected cities.***

   Response: Respondent partially agrees with this finding. OES did not request or provide a standardized EAP. However, the City of San Mateo has worked cooperatively with OES to maintain an up-to-date Emergency Operations Plan, which in addition to addressing all-hazards, also includes event-specific response checklists for incidents such as floods, severe weather, and earthquakes.

Regarding the Emergency Services Council:

9. ***The Emergency Services Council provided OES with funding in fiscal year 2007-2008 that resulted in the creation of a dam database, inundation maps of hazardous dams, and a section on dams in the County EOP. No additional funding has been provided to complete the committed work on levees.***

   Response: Respondent has no reason to dispute this finding.

10. ***The ESC adopted a resolution in 2007 requesting all jurisdictions for dams or levees to cooperate with the OES to develop credible Emergency Action Plans (EAPs) for responding to dam and levee failure. The resolution did not contain a required due date for the development of the EAPs and nothing has been done in the last 5 years.***

Response: Respondent partially agrees with this finding. In November 2007, the City of San Mateo updated its Emergency Operations Plan to include a threat summary regarding flooding and an event-specific action plan for flooding in our Water System Emergency Response Plan. In addition, the City has also developed more specific EAPs as needed that include the impacts of flooding from levees and creeks.

Regarding the County of San Mateo:

11. ***The County of San Mateo shares responsibility with San Carlos and Redwood City for the levees located in the vicinity of the San Carlos Airport***

Response: Respondent has no reason to dispute this finding.

12. ***The County Public Works Department did not develop an EAP for levees located in the vicinity of the San Carlos Airport***

Response: Respondent has no reason to dispute this finding.

Regarding the Cities of:

Burlingame:

13. ***Burlingame filed a Local Hazard Mitigation Plan with the Association of Bay Area Governments to have its levees removed as a review indicated these were not levees.***

Response: Respondent has no reason to dispute this finding.

East Palo Alto:

14. ***East Palo Alto developed an EAP for its levees in January 2011, which did not meet its committed timeline. It was not submitted to OES until January 2012.***

Response: Respondent has no reason to dispute this finding.

15. ***FEMA records dated March 12, 2012 do not indicate the existence of any levees in East Palo Alto, which contradicts East Palo Alto's understanding that it is responsible for a levee. According to FEMA, this discrepancy exists because the City of East Palo Alto failed to respond to the Provisional Accreditation Letter regarding requirements for flood insurance.***

Response: Respondent has no reason to dispute this finding.

Foster City

16. After receiving the Grand Jury request letter of December 20, 2011 Foster City completed an EAP dated January 12, 2012, which did not meet its committed timeline nor was it submitted to OES.

Response: Respondent has no reason to dispute this finding.

Pacifica

17. Pacifica responded to both the 2006-2007 Grand Jury Recommendations and the 2011-2012 Grand Jury status request letter stating that it had no dams or levees. The levee was removed as part of the Army Corps of Engineers' San Pedro Creek and Wetland Ecosystem Restoration Project in 2000.

Response: Respondent has no reason to dispute this finding.

San Carlos

18. San Carlos reported it has no record of receiving the 2006-2007 Grand Jury Report's Recommendations for Dams and Levees and has no record of responding.

Response: Respondent has no reason to dispute this finding.

19. The Superior Court of San Mateo County records could not confirm that San Carlos had received a copy of the 2006-2007 Grand Jury Report.

Response: Respondent has no reason to dispute this finding.

South San Francisco

20. South San Francisco responded to the 2006-2007 and 2011-2012 Grand Jury status request letters stating it has no dams or levees in its jurisdiction according to the FEMA Map Modernization Regional Manager in 2007.

Response: Respondent has no reason to dispute this finding.

21. According to FEMA's list of levees in San Mateo County dated March 12, 2012, there is one levee in South San Francisco.

Response: Respondent has no reason to dispute this finding.

22. South San Francisco has not reconciled this discrepancy with FEMA.

Response: Respondent has no reason to dispute this finding.

23. ***FEMA has categorized the levee in South San Francisco as De-Accredited. The levee does not meet flood protection criteria; therefore, flood protection insurance to corresponding adjacent areas may be required.***

Response: Respondent has no reason to dispute this finding.

24. ***The City of South San Francisco did not develop or submit an EAP for its disputed levee.***

Response: Respondent has no reason to dispute this finding.

RECOMMENDATIONS

Emergency Service Council Recommendations:

1. ***Provide the resources needed to enable the Sheriff's Office of Emergency Services (OES) to fulfill, by December 31, 2012, all OES commitments made in response to the 2006-2007 Grand Jury report with respect to levees.***

Response: Respondent is unable to respond to recommendations regarding the Emergency Services Council.

2. ***Establish timelines and monitor progress of OES in fulfilling those commitments.***

Response: Respondent is unable to respond to recommendations regarding the Emergency Services Council.

Recommendations to the Board of Supervisors of San Mateo County and the City Councils of East Palo Alto, Foster City, Redwood City, San Carlos, San Mateo and South San Francisco:

3. ***Within a timeframe negotiated with OES, create, review, and update EAPs for levees in conformance to specific San Mateo County OES guidelines. These EAPs will include at a minimum:***
    - ***A list of three or more separate telephone contacts to ensure at least one responsible official or responder is made aware of the emergency***
    - ***A protocol setting out actions that will be undertaken to mitigate danger during an emergency.***
    - ***A copy of the most recent inspection report on levee integrity***

Response: This recommendation has been implemented for the City of San Mateo. The respondent has been instrumental in collaborating with San Mateo County OES to develop a standardized EAP that conforms to specific San Mateo County OES guidelines. This EAP includes a separate contact list of responsible officials and responders, a protocol describing mitigation actions and our most recent levee inspection report. The EAP was delivered to San Mateo County OES on September 7, 2012.

4. ***Forward updated EAPs to OES to be followed by annual updates.***

   Response: This recommendation has been implemented. The City of San Mateo forwarded our updated EAP to OES on September 7, 2012. Updates will be submitted by June 1st annually per OES's request.

5. ***Direct the relevant city departments to work with the County Public Works Director and FEMA to identify, evaluate, and report annually on the integrity of levees in the County.***

   Response: This recommendation has not been implemented, but will be implemented in the future. Contact has been made with the County Public Works Director. Annual reports on the integrity of the levee will be reported to the County Director and FEMA on June 1st.

Recommendations to that the San Mateo County Sheriff direct the Office of Emergency Services to:

6. ***Immediately take proactive steps to obtain required funding from the Emergency Services Council in order to conduct all recommended work pertaining to levee Emergency Action Plans.***

   Response: Respondent is unable to respond to recommendations regarding the San Mateo County Sheriff.

7. ***Within 60 days negotiate a timeline and develop a plan with the affected cities to complete all commitments.***

   Response: Respondent is unable to respond to recommendations regarding the San Mateo County Sheriff.

8. ***Consistent with the timeline, work with the San Mateo County Public Works Department to ensure FEMA and the Cities of South San Francisco and East Palo Alto have agreement on the levees for which they are responsible.***

   Response: Respondent is unable to respond to recommendations regarding the San Mateo County Sheriff.

9. ***Consistent with the timeline, develop and communicate to the affected cities the specific requirements and guidelines for the development of credible, consistent, comprehensive Emergency Action Plans. These requirements are to include at a minimum:***
   - ***A list of three or more separate telephone contacts to ensure at least one responsible official or responder is made aware of the emergency***
   - ***A protocol setting out actions that will be undertaken to mitigate danger during an emergency***
   - ***A copy of the most recent inspection report on levee integrity***

   Response: Respondent is unable to respond to recommendations regarding the San Mateo County Sheriff.

10. ***Consistent with the timeline, develop a tracking and follow up system to assess timely receipt of levee owners' EAPs and yearly updates.***

    Response: Respondent is unable to respond to recommendations regarding the San Mateo County Sheriff.

11. ***Work with the appropriate responsible City and County departments and FEMA to acquire all necessary information to assess risk and develop EAPs for levee emergencies.***

    Response: Respondent is unable to respond to recommendations regarding the San Mateo County Sheriff.

12. ***Incorporate this information into the countywide Emergency Operations Plan by December 31, 2012.***

    Response: Respondent is unable to respond to recommendations regarding the San Mateo County Sheriff.

Sincerely,

Brandt Grotte
Mayor

cc: City Council
City Manager
Fire Chief
Director of Public Works
Deputy Director of Public Works

COUNTY OF SAN MATEO

Office of the Sheriff

GREG MUNKS
SHERIFF

CARLOS G. BOLANOS
UNDERSHERIFF

TRISHA L. SANCHEZ
ASSISTANT SHERIFF

400 COUNTY CENTER ▫ REDWOOD CITY ▫ CALIFORNIA 94063-1662 ▫ TELEPHONE (650) 599-1664 ▫ www.smcsheriff.com

July 31, 2012

Honorable Gerald J. Buchwald
Judge of the Superior Court
Hall of Justice and Records
400 County Center, 8th Floor
Redwood City, CA 94063-1655

Re: Grand Jury Report: Still No Emergency Action Plan for Levee Failures in San Mateo County

Judge Buchwald,

The Sheriff's Office appreciates the 2011-2012 Grand Jury's study of the issues concerning the development of Emergency Action Plans for levee failures. We have reviewed the report and therefore provide the following responses to both the findings and recommendations pertaining to our agency:

Findings

The San Mateo County Grand Jury finds:

1. All City and County dam owners fulfilled their commitments in response to the 2006-2007 Grand Jury report. **Agree**

2. Foster City, Redwood City, San Mateo and the County of San Mateo worked with FEMA to bring some levees up to FEMA standards to meet insurance guidelines and thus avoid the classification of surrounding areas as floodplains. **Agree**

3. There is a lack of consistency and varying amounts of detail among the EAPs completed by the cities. **OES does not have all the EAPs completed by the cities and is therefore not in a position at this time to agree or disagree on this finding.**

4. The San Mateo County Levee Status from FEMA dated March 12, 2012 shows levees no longer exist in the cities of Belmont, Burlingame, and Pacifica, due to reclassifications and removal. **Agree**

Regarding the County Sheriff's Office of Emergency Services (OES):

5. The OES does not address levee failures in the County Emergency Operations Plan (EOP). **Agree**

6. The OES stated it does not have adequate resources to develop an EOP for levees, despite its commitment to do so in 2007. **Agree**

7. In 2008, the OES Director applied to the California Emergency Management Agency for a Hazard Mitigation grant to fund continuing work on dams and levees. This application was denied. **Agree**

8. The OES did not request or receive copies of EAPs for levees from any of the affected cities. **Agree**

Regarding the Emergency Services Council:

9. The Emergency Services Council provided OES with funding in fiscal year 2007-2008 that resulted in the creation of a dam database, inundation maps of hazardous dams, and a section on dams in the County EOP. No additional funding has been provided to complete the committed work on levees. **Agree**

10. The ESC adopted a resolution in 2007 requesting all jurisdictions with dams or levees to cooperate with the OES to develop credible Emergency Action Plans (EAPs) for responding to dam and levee failure. The resolution did not contain a required due date for the development of the EAPs and nothing has been done in the last 5 years. **Agree**

Regarding the County of San Mateo:

11. The County of San Mateo shares responsibility with San Carlos and Redwood City for the levees located in the vicinity of the San Carlos Airport.

12. The County Public Works Department did not develop an EAP for levees located in the vicinity of San Carlos Airport.

Not applicable to the Sheriff's Office

Regarding the Cities

Not applicable to the Sheriff's Office

Recommendations

The Grand Jury recommends to the Emergency Services Council that it:

1. Provide the resources needed to enable the Sheriff's Office of Emergency Services (OES) to fulfill, by December 31, 2012, all OES commitments made in response to the 2006-2007 Grand Jury report with respect to levees. (*See,* Attachment 3.)

2. Establish timelines and monitor progress of OES in fulfilling those commitments.

Recommendations 1 and 2 require further analysis. The Director of OES has set this report and the Grand Jury's recommendations as an agenda item for the next regularly scheduled Emergency Service Council meeting on September 20, 2012.

The Grand Jury recommends to the Board of Supervisors of San Mateo County and the city councils of East Palo Alto, Foster City, Redwood City, San Carlos, San Mateo, and South San Francisco that each of them:

3. Within a timeframe negotiated with OES, create, review, and update EAPs for levees in conformance to specific San Mateo County OES guidelines. These EAPs will include at a minimum:

    - A list of three or more separate telephone contacts to ensure at least one responsible official or responder is made aware of the emergency

    - A protocol setting out actions that will be undertaken to mitigate danger during an emergency

    - A copy of the most recent inspection report on levee integrity

4. Forward updated EAPs to OES to be followed by annual updates

5. Direct the relevant city departments to work with the County Public Works Director and FEMA to identify, evaluate, and report annually on the integrity of levees in the County

Not applicable to the Sheriff's Office

The Grand Jury recommends that the San Mateo County Sheriff direct the Office of Emergency Services to:

6. Immediately take proactive steps to obtain required funding from the Emergency Services Council in order to conduct all recommended work pertaining to levee Emergency Action Plans.

7. Within 60 days negotiate a timeline and develop a plan with the affected cities to complete all commitments.

8. Consistent with the timeline, work with the San Mateo County Public Works Department to ensure FEMA and the cities of South San Francisco and East Palo Alto have agreement on the levees for which they are responsible.

9. Consistent with the timeline, develop and communicate to the affected cities the specific requirements and guidelines for the development of credible, consistent, comprehensive Emergency Action Plans. These requirements are to include at a minimum:

    - A list of three or more separate telephone contacts to ensure at least one responsible official or responder is made aware of the emergency

    - A protocol setting out actions that will be undertaken to mitigate danger during an emergency

    - A copy of the most recent inspection report on levee integrity

10. Consistent with the timeline, develop a tracking and follow up system to assess timely receipt of levee owners' EAPs and yearly updates.

11. Work with the appropriate responsible city and County departments and FEMA to acquire all necessary information to assess risk and develop EAPs for levee emergencies.

12. Incorporate this information into the countywide Emergency Operations Plan by December 31, 2012.

Recommendations 6 through 12 require further analysis. This report is set as an agenda item for the Emergency Services Council meeting on September 20, 2012. These recommendations require action on the part of the Emergency Services Council, city and County departments, as well as the Office of Emergency Services. OES will establish priorities, timelines, and the scope of work based on the input from the named agencies.

OES recognizes the importance of planning for all types of hazards and has taken steps to develop guidelines for credible, consistent, and comprehensive Emergency Action Plans to cover levee failures. On July 26, 2012, OES staff met with the affected cites and agreed upon a format for the levee plans. OES will develop and distribute a template with the affected cities by December 31, 2012, and distribute this template for completion. Once these documents are returned to OES from the cities, they will be incorporated into the San Mateo County Emergency Operations Plan.

In conclusion, the Sheriff's Office appreciates the work of the San Mateo County Civil Grand Jury and we look forward to working with our criminal justice partners in providing professional law enforcement services to those we serve in San Mateo County.

Sincerely,

Greg Munks
Sheriff

reviewed + ntd 9/25/12

PUBLIC WORKS DEPARTMENT
(650) 829-3837
FAX (650) 829-3839

September 18, 2012

Honorable Gerald J. Buchwald
Judge of the Superior Court
Hall of Justice
400 County Center, 8th Floor
Redwood City, CA 94063-1655

Re: Still No Emergency Planning for Dam or Levee Failures in San Mateo County

Hon. Gerald J. Buchwald,

Attached please find the response from the city of South San Francisco to the 2011-2012 Grand Jury of the County of San Mateo as approved by our Council at its September 12, 2012 meeting related to the findings and recommendations for the "Still No Emergency Planning for Dam or Levee Failures in San Mateo County" issue.

This response was based upon the most current information in our possession and as we understand it and we continue to investigate and have conversations with both FEMA and the San Mateo County Flood Control District as to the conditions as they exist. Should any conditions change significantly from what is contained within our response we will certainly share that information with the Grand Jury expediently.

Please be assured that South San Francisco will continue to work with County Flood Control District officials and FEMA engineers and any other property owner that may have involvement in the condition and maintenance of any levee within our City limits regardless of the fact that the City does not own any levee in question.

Please feel free to contact me if you have any questions.

Sincerely,

Terry White
Director of Public Works

Attachment packet

PUBLIC WORKS DEPARTMENT
(650) 829-3837
FAX (650) 829-3839

September 13, 2012

Honorable Gerald J. Buchwald
Judge of the Superior Court
Hall of Justice
400 County Center, 8th Floor
Redwood City, CA 94063-1655

Re: Still No Emergency Planning for Dam or Levee Failures in San Mateo County

Hon. Gerald J. Buchwald,

Pursuant to the letter we received dated July 9, 2012 from Mr. John Fitton, on behalf of the 2011-2012 Grand Jury of the County of San Mateo, the City of South San Francisco ("City") would like to take this opportunity to respond to the findings and recommendation of the Grand Jury with respect to "Still No Emergency Planning for Dam or Levee Failures in San Mateo County" as to its findings and recommendations as related to the original concerns of the 2006-2007 Grand Jury.

We would also like to thank the Civil Grand Jury for its interests and efforts with this report regarding emergency planning within San Mateo County and South San Francisco and generally agrees with the report as it outlines the potential danger of a dam or levee failure. The City of South San Francisco shares its concerns, however, that over these many years it has disagreed with the findings of the Grand Jury related only to the City of South San Francisco's responsibilities, because the City did not, and still does not, own or maintain any dams or levees. Although the City has taken no exceptions to the Grand Jury's findings, conclusions and recommendations regarding dams and levees within the County, the findings did not and still do not pertain to the City, as the City is not the owner or in control of any of these facilities. The City's responses to the Grand Jury's specific findings as applicable to the City are as follows;

Finding no. 21. South San Francisco responded to the 2006-2007 and 2011-2012 Grand Jury status request letters stating it has no dams or levees in its jurisdiction according to the FEMA Map Modernization Regional Manager in 2007.

The City of South San Francisco agrees with this finding. At that time and as agreed to by FEMA, no levees existed within the City limits and the City was not responsible for the improvements in Colma Creek.

Finding No. 22. According to FEMA's list of levees in San Mateo County, dated March 12, 2012, there is one levee in South San Francisco.

The City of South San Francisco agrees with this finding. Ms. Kathy Schaefer of FEMA has informed the City recently that since the meeting in June of 2007 with the City and San Mateo County, FEMA engineers have determined that P2034, a wall constructed on the south side of Colma Creek located between Spruce Ave. and several hundred feet downstream of South Linden Ave. has been categorized as a levee since April of 2008 due to the wall's elevation as it corresponds to the surrounding area elevation. Ms, Patricia Rippe, also of FEMA recently confirmed that South San Francisco was not sent the recent list of Levees dated March 12, 2012 and has not sent it to the City as of this date. Given this information, the City agrees that a levee has been identified within the South San Francisco city limits as it exists on Colma Creek.

Finding No.23. South San Francisco has not reconciled this discrepancy with FEMA.

The City of South San Francisco disagrees with this finding. The City of South San Francisco has conducted recent conversations with Ms. Kathy Schaefer, and Ms. Patricia Rippe from FEMA and they have confirmed that since our review of levees in 2007, that at least one levee does exist within South San Francisco. The map panel (41) they intend to certify effective October 16, 2012 will indicate that P2034 is a levee. This area of Colma Creek, prior to 2005, was the responsibility of South San Francisco; however, once the existing improvements were constructed by the Flood Control District, it assumed responsibility for the wall's maintenance and future inspections. According to FEMA, their information has not been updated to reflect this reality. We have no confirmation when this action will happen. They are concerned primarily with the accuracy of their map and will continue to send us and the Flood Control District information related to the maps.

Finding No.24. FEMA has categorized the levee in South San Francisco as De-Accredited. The levee does not meet flood protection criteria; therefore, flood protection insurance to corresponding adjacent areas may be required.

The City of South San Francisco agrees with this finding. When the Flood Control District built the wall, now considered a levee, it was built only to a fifty year flood standard with two feet of freeboard. This is consistent with the entire construction of retaining walls that line Colma Creek as constructed by the District. Only the area immediately surrounding the BART station has been built beyond a 100 year standard.

Finding No.25. The City of South San Francisco did not develop or submit an EAP for its disputed levee.

The City of South San Francisco agrees with this finding. The City has not developed or submitted a plan for appurtenances that it does not control, own, maintain or otherwise have responsibilities for.

The City, therefore, has not fully concurred with all of the findings of the Grand Jury in that it did not then nor does it now own or maintain any dams or levees and therefore cannot comply with the recommendations which the Grand Jury reached over the years and this still holds true

today. The facilities in question have been built and are maintained by the San Mateo County Flood Control District.

Therefore, the City reports to you that Recommendation 3 will not be followed as outlined for the reasons stated above. South San Francisco will work with and urge the County Flood Control District to submit an EAP for the levee in question which should put to rest the ownership of this infrastructure. Also please find attached multiple years of correspondence to the Grand Jury indicating that the City does not own this levee and our concerns related to the findings.

Please feel free to contact me if you have any questions.

Sincerely,

Terry White
Director of Public Works

Attachments:

AGENDA

ACTIONS TAKEN

CITY COUNCIL
CITY OF SOUTH SAN FRANCISCO

REGULAR MEETING
MUNICIPAL SERVICES BUILDING
COUNCIL CHAMBERS
33 ARROYO DRIVE
SOUTH SAN FRANCISCO, CA

WEDNESDAY, SEPTEMBER 12, 2012
7:00 P.M.

PEOPLE OF SOUTH SAN FRANCISCO

You are invited to offer your suggestions. In order that you may know our method of conducting Council business, we proceed as follows:

The regular meetings of the City Council are held on the second and fourth Wednesday of each month at 7:00 p.m. in the Municipal Services Building, Council Chambers, 33 Arroyo Drive, South San Francisco, California.

Public Comment: For those wishing to address the City Council on any Agenda or non-Agendized item, please complete a Speaker Card located at the entrance to the Council Chamber's and submit it to the City Clerk. Please be sure to indicate the Agenda Item # you wish to address or the topic of your public comment. California law prevents the City Council from taking action on any item not on the Agenda (except in emergency circumstances). Your question or problem may be referred to staff for investigation and/or action where appropriate or the matter may be placed on a future Agenda for more comprehensive action or a report. When your name is called, please come to the podium, state your name and address (optional) for the Minutes. COMMENTS ARE LIMITED TO THREE (3) MINUTES PER SPEAKER. Thank you for your cooperation.

The City Clerk will read successively the items of business appearing on the Agenda. As she completes reading an item, it will be ready for Council action.

RICHARD A. GARBARINO
Mayor

PEDRO GONZALEZ
Vice Mayor

MARK N. ADDIEGO
Councilman

KARYL MATSUMOTO
Councilwoman

KEVIN MULLIN
Councilman

RICHARD BATTAGLIA
City Treasurer

KRISTA MARTINELLI
City Clerk

BARRY M. NAGEL
City Manager

STEVEN T. MATTAS
City Attorney

PLEASE SILENCE CELL PHONES AND PAGERS
HEARING ASSISTANCE EQUIPMENT AVAILABLE FOR USE BY THE HEARING IMPAIRED AT CITY COUNCIL MEETINGS

In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item, and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection in the City Clerk's Office located at City Hall. If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda. The address of City Hall is 400 Grand Avenue, South San Francisco, California 94080.

CALL TO ORDER ROLL CALL	*7:06 p.m.* ***Present: Councilmembers Addiego, Matsumoto and Mullin, Vice Mayor Gonzalez*** ***Absent: Mayor Garbarino***
PLEDGE OF ALLEGIANCE	***Recited***
PRESENTATIONS • Update on South San Francisco Unified School District projects by the District's Superintendent, Alejandro Hogan.	***Presented***
AGENDA REVIEW	***No changes***
PUBLIC COMMENTS	***Given***
ITEMS FROM COUNCIL	
• Announcements. • Committee Reports.	***Given*** ***Given***
CONSENT CALENDAR	
1. Motion to approve the Minutes of the meetings of July 2, 2012 and August 22, 2012.	***Approved***
2. Motion confirming payment registers for September 12, 2012 in the amount of $7,511,189.98.	***Confirmed***
3. Motion to waive reading and adopt an Ordinance to modify regulations regarding the "Parking, Public or Private" uses in the Freeway Commercial (FC) Zoning District (Chapter 20.110) to comply with General Plan Implementing Policy 3.2-I-5, which allows existing airport-oriented parking facilities located on Produce Avenue to be recognized as conforming uses in the Zoning Ordinance, in accordance with South San Francisco Municipal Code Chapter 20.550 ("Amendments to Zoning Ordinance and Map").	***Ordinance No.1458-2012*** ***AYES: Councilmembers Addiego, Matsumoto and Mullin, Vice Mayor Gonzalez*** ***ABSENT: Mayor Garbarino***
4. Motion to approve a Side Letter of Agreement to the July 1, 2012 to June 30, 2014 International Union of Operating Engineers, Local 39, Memorandum of Understanding.	***Approved***
5. Resolution approving an amendment to the South San Francisco Conference Center Authority Budget for Fiscal Year 2012/2013.	***Resolution No. 70-2012*** ***AYES: Councilmembers Addiego, Matsumoto and Mullin, Vice Mayor Gonzalez*** ***ABSENT: Mayor Garbarino***

6.	Resolution accepting $104,100 for personnel, overtime and equipment from the State of California- Office of Traffic Safety (OTS) "Selective Traffic Enforcement Program" and "Sobriety Checkpoint Grant Program" and amending the Police Department's 2012/2013 Operating Budget.	***Resolution No. 71-2012 AYES: Councilmembers Addiego, Matsumoto and Mullin, Vice Mayor Gonzalez ABSENT: Mayor Garbarino***
7.	Resolution authorizing the City Manager to execute a two year Professional Services Agreement with the Peninsula Conflict Resolution Center in an amount not to exceed $70,000, and amending the City Manager's Department 2012/13 Operating Budget by $55,000.	***Resolution No. 72-2012 AYES: Councilmembers Addiego, Matsumoto and Mullin, Vice Mayor Gonzalez ABSENT: Mayor Garbarino***
8.	Resolution confirming fund balance categorizations to comply with new Governmental Accounting Standards Board (GASB) Statement No. 54 for Fiscal Year 2011-2012.	***Resolution No. 73-2012 AYES: Councilmembers Addiego, Matsumoto and Mullin, Vice Mayor Gonzalez ABSENT: Mayor Garbarino***
9.	Resolution approving the Memorandum of Understanding for the Teamsters Union, Local 856, dated July 1, 2012 through June 30, 2014.	***Resolution No. 74-2012 AYES: Councilmembers Addiego, Matsumoto and Mullin, Vice Mayor Gonzalez ABSENT: Mayor Garbarino***
10.	Resolution approving the Memorandum of Understanding for the South San Francisco Police Association Unit dated July 1, 2012 through June 30, 2014.	***Resolution No. 75-2012 AYES: Councilmembers Addiego, Matsumoto and Mullin, Vice Mayor Gonzalez ABSENT: Mayor Garbarino***
11.	Resolution approving the Memorandum of Understanding for the Mid-Management Unit dated July 1, 2012 through June 30, 2014.	***Resolution No. 76-2012 AYES: Councilmembers Addiego, Matsumoto and Mullin, Vice Mayor Gonzalez ABSENT: Mayor Garbarino***

PUBLIC HEARING

12.	Resolution authorizing submittal of the 2011-2012 Consolidated Annual Performance and Evaluation Report (CAPER) to the Department of Housing and Urban Development (HUD).	***Resolution No. 77-2012 AYES: Councilmembers Addiego, Matsumoto and Mullin, Vice Mayor Gonzalez ABSENT: Mayor Garbarino***

ADMINISTRATIVE BUSINESS

13.	Resolution adjusting Budget and Organization Chart to establish Principal Engineer Position and setting salary schedule.	***Resolution No. 78-2012 AYES: Councilmembers Addiego, Matsumoto and Mullin, Vice Mayor Gonzalez ABSENT: Mayor Garbarino***
14.	Approval of Response to San Mateo Grand Jury relating to Levee Failures in San Mateo County.	***Approved***
15.	Resolution approving the purchase of a 100 foot Aerial Platform Quint in the amount of $1,289,158.84; authorizing the City Manager to enter into a Purchase Agreement with Sutphen for the Purchase and Construction of A 100 foot Aerial Quint; and amending the 2012-2013 Equipment Replacement Budget.	***Resolution No. 79-2012 AYES: Councilmembers Addiego, Matsumoto and Mullin, Vice Mayor Gonzalez ABSENT: Mayor Garbarino***
16.	Resolution to accept a grant in the amount of $8,680 from the Federal Emergency Management Agency and to allocate City Funds in the amount of $2,170 to purchase an Extractor/Washer; and amending the Fire Department's Fiscal Year 2012-2013 Operating Budget.	***Resolution No. 80-2012 AYES: Councilmembers Addiego, Matsumoto and Mullin, Vice Mayor Gonzalez ABSENT: Mayor Garbarino***

COMMUNITY FORUM — ***None***

ADJOURNMENT — ***9:00 p.m.***

Staff Report

DATE: September 12, 2012

TO: Honorable Mayor and City Council

FROM: Terry White, Director of Public Works

SUBJECT: APPROVE BY MOTION THE RESPONSE TO THE SAN MATEO COUNTY 2011-2012 GRAND JURY FROM THE PUBLIC WORKS DIRECTOR RELATED TO THE "STILL NO EMERGENCY ACTION PLANS FOR LEVEE FAILURES IN SAN MATEO COUNTY"

RECOMMENDATION

It is recommended that the City Council approve by motion the prepared response to the 2011-2012 San Mateo County Grand Jury Report "Still no emergency response plans for levee failures in San Mateo County" by the Public Works Director.

BACKGROUND/DISCUSSION

The Federal Emergency Management Agency (FEMA) prepares flood insurance studies and creates from them a Flood Insurance Rate Map (FIRM) which is used to support the National Flood Insurance Program (NFIP). In accordance with the Code of Federal Regulations, Title 44, Section 65.10, FEMA designates and indicates on its FIRM special flood hazard areas which are subject to flood inundation during a 100 year flood event (a 1-percent chance of being flooded in any given year). Properties within the flood hazard area are encouraged to participate in the NFIP. While in the development of an updated FIRM, FEMA produced a draft in April 2007 for our comments and concerns.

Staff met with the FEMA Map Modernization Regional Engineer along with staff from the San Mateo County Flood Control District in June 2007 to discuss the twelve levees that the draft identified along Colma Creek. After that discussion it appeared that FEMA agreed that the supposed levees were not to be accredited and would be removed from the draft FIRM. It was also made known to FEMA that the improvements along the creek did not exist under the ownership or control of the City of South San Francisco. A response to that effect was supplied by staff to the 2006-2007 San Mateo Grand Jury informing them of this action as they had inquired as to the City's position with FEMA's draft. Subsequently, FEMA notified the City in April of 2008 that it had removed all but one levee from their FIRM.

Additional inquires were received from the 2009-2010 Grand Jury as to the City's desire to have more protection than a fifty year flood design which was built by the Flood Control District as it made improvements to Colma Creek. Staff also responded to that inquiry in November of 2009.

In February of 2012, the current 2011-2012 Grand Jury contacted the City to determine if it agreed

with the findings of the 2006-2007 Grand Jury findings and recommendations with respect for emergency planning for levee failures. Staff once again informed the Grand Jury that it had not agreed with the findings or recommendations as the City did not own, maintain, nor have responsibility for the flood control district improvements that had been installed over the years. The City, therefore, could not comply with the request to prepare plans, report on the maintenance of, nor inspect and report on the condition of the one levee that is located along South Canal from near the South Spruce Bridge to downstream just past South Linden Ave.

Lastly, the current Grand Jury has once again inquired as to the status of our emergency planning efforts for this levee and seeks a response as to why one does not exist to date. Staff has been in contact with FEMA to attempt to again resolve the matter and has been informed that the FIRM will be approved and in effect on October 16, 2012 indicating that the levee (P2034) will be shown on the map and that that map does not indicate who owns it, only that it exists. A copy of the Grand Jury response will be sent to FEMA, however, it is unknown at this time when a correction will be made.

FUNDING

There is no fiscal impact on funding for this item as it is only a response to the Grand Jury.

CONCLUSION

By approving the response as prepared by the Public Works Director the City has fulfilled its obligation to respond to the report by the Grand Jury and clarifies for them the responsibilities of maintenance and the preparation of emergency response plans as recommended by FEMA.

By: _____
Terry White
Director of Public Works

Approved: _____
Barry M. Nagel
City Manager

Attachments: Grand Jury Response with attachments

tw

PUBLIC WORKS DEPARTMENT
(650) 829-3837
FAX (650) 829-3839

February 3, 2012

Joey D. Hopper
San Mateo County Grand Juror
C/O Charlene Kresevich
400 County Center, 2nd Floor
Redwood City, CA. 94063-1655

Re: Emergency Planning for Dam or Levee Failures in San Mateo County Report 2007

Dear Mr. Hopper,

In response to your letter received dated February 1, 2012 on behalf of the 2011-2012 Grand Jury of the County of San Mateo, the City of South San Francisco responds to the request of the Grand Jury for additional and updated information pertaining to emergency planning for dam and levee failures in San Mateo County as it relates to the findings and recommendations of the 2006-2007 Grand Jury.

The City of South San Francisco disagreed with all of the findings of the Grand Jury at that time because the City did not own nor maintain any dams or levees within the county and although it took no exceptions to the information as it was listed regarding dams and levees within the County, the findings did not pertain to the City.

The City also did not concur with the recommendations of the Grand Jury in that it did not then nor does it now own or maintain any dams or levees, therefore, it could not comply with the recommendations which the Grand Jury reached those many years ago and this still holds true today.

Further, the City of South San Francisco is not aware of an Emergency Action Plan for any levees or dams created or developed by the San Mateo County Flood Control District. Again, the City is of the understanding, as was agreed to by Ms. Kathy Schaefer from FEMA in 2007 that no levees or dams exist within the South San Francisco city limits as shown on their map.

Please feel free to contact me if you have any questions.

Sincerely,

Terry White
Director of Public Works

Superior Court of California, County of San Mateo
Hall of Justice and Records
400 County Center
Redwood City, CA 94063-1655

COURT EXECUTIVE OFFICER
CLERK & JURY COMMISSIONER

(650) 599-1200
FAX (650) 363-4698
www.sanmateocourt.org

July 9, 2012

City Council
City of So. San Francisco
P. O. Box 711
So. San Francisco, CA 94083

Re: Grand Jury Report: "Still No Emergency Action Plans for Levee Failures in San Mateo County"

Dear Councilmembers:

The 2011-2012 Grand Jury filed a report on July 9, 2012 which contains findings and recommendations pertaining to your agency. Your agency must submit comments, within 90 days, to the Hon. Gerald J. Buchwald. Your agency's response is due no later than October 9, 2012. **Please note that the response should indicate that it was approved by your governing body at a public meeting.**

For all findings, your responding agency shall indicate one of the following:

1. The respondent agrees with the finding.

2. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

Additionally, as to each Grand Jury recommendation, your responding agency shall report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.

2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame 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 time frame shall not exceed six months from the date of publication of the Grand Jury report.

4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefore.

Please submit your responses in all of the following ways:

1. **Responses to be placed on file with the Clerk of the Court by the Court Executive Office.**

   - **Prepare original on your agency's letterhead, indicate the date of the public meeting that your governing body approved the response address and mail to Judge Buchwald.**

Hon. Gerald J. Buchwald
Judge of the Superior Court
Hall of Justice
400 County Center; 8th Floor
Redwood City, CA 94063-1655.

2. **Responses to be placed at the Grand Jury website.**

   - **Copy response and send by e-mail to: grandjury@sanmateocourt.org. (Insert agency name if it is not indicated at the top of your response.)**

3. **Responses to be placed with the clerk of your agency.**

   - **File a copy of the response directly with the clerk of your agency. Do not send this copy to the Court.**

For up to 45 days after the end of the term, the foreperson and the foreperson's designees are available to clarify the recommendations of the report. To reach the foreperson, please call the Grand Jury Clerk at (650) 599-1200.

If you have any questions regarding these procedures, please do not hesitate to contact Paul Okada, Chief Deputy County Counsel, at (650) 363-4761.

Very truly yours,

John C. Fitton
Court Executive Officer

JCF:ck
Enclosure

cc: Hon. Gerald J. Buchwald
Paul Okada

✓Information Copy: City Manager

Still No Emergency Action Plans for Levee Failures In San Mateo County

Issue | Background | Findings | Conclusions | Recommendations | Responses | Attachments

Issue

Five years ago there were no Emergency Action Plans (EAPs) detailing steps to protect life and property in the event of failures of San Mateo County's dams or levees. Do we have these EAPs today?

Summary

There are 23 levees in San Mateo County, three of which are not certified to withstand a 100-year flood.[1] There are 13 dams in San Mateo County listed by the Army Corps of Engineers (ACE) as posing high or significant risk in the event of failure. Failure of dams or levees could threaten the lives of County residents and cause serious damage to property.

The 2006-2007 Civil Grand Jury released a report entitled: *Emergency Planning for Dam or Levee Failures in San Mateo County.*[2] The 2011-2012 Civil Grand Jury initiated an investigation to determine if the commitments made by the County and cities in response to that report were completed. It found that all parties responsible for *dams* appear to have fulfilled their commitments, while those responsible for levees, for the most part, did not.

Five years later, San Mateo County, San Carlos, and South San Francisco still have no Emergency Action Plans (EAPs) for their levees. East Palo Alto, Foster City, San Mateo, and Redwood City eventually produced EAPs that vary in consistency and level of detail. None of the cities sent their EAPs to the Sheriff's Office of Emergency Services (OES) for incorporation into a countywide Emergency Operations Plan.

OES, for its part, has a general plan to address emergency situations in each city and believes this is sufficient. However, its plan does not specifically address levee failures.
The 2011-2012 Grand Jury believes this important public safety issue cannot continue to be ignored. The failure to fulfill many of the commitments made in 2007 must be highlighted and aggressively addressed. The OES is funded and governed by the Emergency Services Council (the pertinent joint agency (see, discussion below) through a Joint Powers Agreement that includes the 20 cities and towns and the County of San Mateo. The Grand Jury therefore recommends that the Emergency Services Council direct and sufficiently fund OES to develop

[1] Federal Emergency Management Agency, 2012: San Mateo County Levee Status Map, created March 12, 2012 by Michael Baker Jr., Inc.
[2] http://www.sanmateocourt.org/documents/grand_jury/2006/DamLeveeFinal.pdf.

and communicate standards to those responsible for levees (levee owners) and to finalize, by December 31, 2012, an Emergency Operations Plan that includes compliant EAPs from the levee owners. The Grand Jury therefore also recommends that the San Mateo County Board of Supervisors and the City Councils of East Palo Alto, Foster City, Redwood City, San Carlos, San Mateo, and South San Francisco direct the respective departments to create or modify existing EAPs based upon OES guidelines to be issued.

Background

The Code of Federal Regulations, Title 44, Section 59.1 defines a levee as "a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding."

Failure of dams or levees could threaten the lives of County residents and cause serious damage to property. Property owners with federally backed mortgages in those areas that the Federal Emergency Management Agency (FEMA) designates as a "100 year flood plain," are required by federally backed mortgage holders to purchase flood insurance.

A dam or levee failure may occur within the County as a result of weather damage, poor maintenance, flash flooding, rising water levels, earthquakes or other acts of nature.

The presence of 13 dams and as many as 23 levees in San Mateo County, a seismically active area, underscores the need for adequate protection as well as an adequate response should those levees fail.[3]

In 2007, San Mateo County and nine County cities were responsible for dams and levees, including Belmont, Burlingame, East Palo Alto, Foster City, Pacifica, Redwood City, San Carlos, San Mateo, and South San Francisco. In order to ascertain the level of safety and emergency preparedness in the County and these cities the 2006-2007 Grand Jury issued a report titled *Emergency Planning for Dam or Levee Failures in San Mateo County.*[4]

2006-2007 Grand Jury Recommendations for Dams and Levees

The 2006-2007 Grand Jury Report made the following Recommendations:

1. That affected cities and County prepare Emergency Action Plans (EAPs) and submit these annually to the County Sheriff's Office of Emergency Services (OES).

2. That OES do what is necessary (without duplicating other information gathering efforts) to gather the information required to assess risk and develop response plans for levee and dam emergencies.

---

[3]Email of April 9, 2012 to Grand Jury from a Technical Specialist of Michael Baker Jr., Inc., explaining that determining the number of levees is not exact due to the somewhat arbitrary starting and end points of levee segments. FEMA tends to focus on levee systems in its accreditation process.

[4] http://www.sanmateocourt.org/documents/grand_jury/2006/DamLeveeFinal.pdf.

3. That the County Public Works Director work with city and special district public works officials and engineers in the County to evaluate and report on the integrity of dams and levees throughout San Mateo County.

The Sheriff's Office of Emergency Services (OES)

OES provides a variety of services to the cities of San Mateo County. It has several units with specialized skills, many members of which are certified in emergency medical response. OES assists other public safety officers across the County in providing situational care and protection for the citizens of San Mateo County. OES also provides regular coordinated emergency planning and training services to the 20 cities and towns within the County and a wide variety of support and resources to assist cities in dealing with disaster and other emergency situations. The OES is responsible for the San Mateo County Emergency Operations Plan (EOP) that details the planned response to extraordinary emergencies and disasters.

Depending on the specific emergency, OES will serve as a coordinating agency rather than a primary responder. Cities and special districts are responsible for making sure that OES is given the information it needs to coordinate emergency response.[5]

The OES has a Flood Preparedness Guide for Levee Maintaining Agencies. The purpose of this Guide is "To provide an emergency planning guide for local levee maintaining agencies to utilize in developing their local emergency plans in compliance with the Governor's Executive Order." However, this Guide does not provide specific criteria to assist the affected cities to develop consistent, comprehensive EAPs.

The Emergency Services Council (ESC)

The OES is funded and governed by the Emergency Services Council (ESC) through a Joint Powers Agreement (JPA) that includes the 20 cities and towns and the County of San Mateo (*see*, Attachment 2). The cities and towns of the JPA contribute money to fund the JPA based upon a formula that takes into account the population and average assessed property value of each. The County then matches the funds contributed by the cities and towns. The remainder of the OES budget comes from State and FEMA program funds.[6]

The ESC reviews and recommends emergency plans, programs, and agreements for adoption by the Board of Supervisors and city councils in order to carry out the purposes of an emergency services organization. The Sheriff's OES serves as the ESC's emergency services organization and is responsible for minimizing the effects of disasters and major emergencies on the County's citizens.[7]

---

[5] San Mateo County Civil Grand Jury, 2006-2007: Emergency Planning for Dam or Levee Failures in San Mateo County, p 5.

[6] http://www.sheriff.com/divisions/operations-division.

[7] San Mateo County Civil Grand Jury, 2006-2007: Emergency Planning for Dam or Levee Failures in San Mateo County, p 2.

The 2006-2007 Grand Jury Report on dams and levees directed two Recommendations to the ESC.[8] The first Recommendation issued was as follows:

1. Authorize and fund, by December 31, 2007, the Office of Emergency Services/Homeland Security to work with other entities in the County to acquire whatever information is necessary to assess risk and develop response plans for levee and dam emergencies. This effort should use all available information, including that collected by FEMA, to formulate plans specific to our County and to incorporate those plans into the Office of Emergency Services/Homeland Security (OES/HS) Emergency Operations Plan (EOP) by July 31, 2008.

The ESC agreed with this Recommendation, stating, however, that funding was not available in the 2006-2007 budget. The ESC said it would attempt to secure grant funding and work would be completed at the "earliest possible opportunity."[9] On March 26, 2012, the Grand Jury sent a letter to the Board of Supervisor representative on the ESC to ask if the ESC had met its commitment in response to this Recommendation. Repeated attempts by the Grand Jury failed to generate a response from Supervisor Tissier.

According to OES, it secured funding in fiscal year 2007-2008 for work to begin on the dam and levee Recommendations. This funding resulted in the creation of a dam database, inundation maps of hazardous dams, and a section on dams in the County EOP. With the resources available, little progress was made on levees. No additional funding was provided to continue this work in 2008-2009 or in subsequent budget years. The funding of the OES Joint Power Agreement has remained relatively flat for years. The OES Director said in 2008 that additional funding would be sought for the dams and levees project. The office did apply to the California Emergency Management Agency for a Hazard Mitigation grant to fund the project; however, the application was denied.[10]

The second Recommendation in the 2007 Grand Jury Report stated:

2. Adopt a resolution by December 31, 2007, requesting all jurisdictions – whether County, City, Special District, or private entity – having authority for dams or levee integrity to cooperate with the OES/HS to develop credible emergency plans for responding to dam and levee degradation or breech.

The ESC agreed with this Recommendation and issued a resolution that did not include a date for completion of these activities.

---

[8] *Id.* p7.

[9] Letter to Hon. John L. Grandsaert, Re: 2006-07 Grand Jury Report: Emergency Planning for Dam or Levee Failures in San Mateo County, from Rose Jacobs Gibson, President, San Mateo Board of Supervisors and Chair, San Mateo County Emergency Services Council, September 26, 2007.

[10] Letter to the 2011-2012 Grand Jury in response to its inquiry regarding the status of the ESC commitment to authorize and fund the OES to work on dam and levees per the 2006-2007 Grand Jury Report, from Supervising Manager, OES, April 13, 2012.

Investigation

The Grand Jury gathered and reviewed data from various sources including:

- One interview with a supervisor of the San Mateo County Sheriff's OES and one interview with a civil engineer of the Redwood City Planning Department.
- San Mateo County Civil Grand Jury Report, 2006-2007: *Summary of Emergency Planning for Dam or Levee Failures in San Mateo County.*
- Responses to the 2006-2007 Civil Grand Jury Report from the County Manager, the Emergency Services Council, and the affected cities.
- San Mateo County "Operational Area" Emergency Operations Plan, March 2007.
- Correspondence received from a Technical Specialist with Michael Baker, Inc., a consulting firm to FEMA.
- Flood Preparedness Guide for Levee Maintaining Agencies, Governor's Office of Emergency Services, dated November 1997.
- Responses to the 2011-2012 Grand Jury letter requesting status on commitments made to the recommendations in the 2006-2007 Grand Jury Report. Responses were received from all affected cities (Belmont, Burlingame, East Palo Alto, Foster City, Pacifica, Redwood City, San Carlos, San Mateo, and South San Francisco).
- OES reply to a Grand Jury letter regarding funding commitments made by the ESC in 2007, dated April 13, 2012.
- Superior Court staff email reply to a Grand Jury question regarding the lack of response from the City of San Carlos to the 2006-2007 Grand Jury Report, dated April 25, 2012.

The 2011-2012 Grand Jury contacted the cities responsible for dams and levees in San Mateo County. Letters were sent to the cities of Belmont, Burlingame, East Palo Alto, Foster City, Pacifica, Redwood City, San Carlos, San Mateo, and South San Francisco requesting current status on the commitments they made in response to the 2006-2007 Grand Jury report on dams and levees.

All cities and County Departments (OES and Public Works) responsible for dams appear to have fulfilled their commitments. OES developed an Emergency Operations Plan (EOP) for dams that incorporated all necessary information from the cities responsible for dams and includes the procedures required for an emergency response to dam failure within the County. The OES is the recipient of the annual reports on dam integrity and inspection. Due to this satisfactory compliance with the 2006-2007 Grand Jury recommendations, the 2011-2012 Grand Jury focused its investigation on levees.

With respect to levees, there was a range of compliance. Four cities produced EAPs varying in consistency and level of detail, but did not send their EAPs or annual updates to the County. Three cities did not develop EAPs. (*See,* Attachment 1 for details.) None of the seven cities had involvement with OES.

Since 2007, Foster City, Redwood City, and San Mateo and the County worked with FEMA to bring some levees up to FEMA accreditation standards. As a result, areas of these cities are no longer within a FEMA designated "floodplain," and property owners in these areas do not have to add the cost of flood insurance to their mortgage payments. While these actions reduced the risk of catastrophic failure, they did not address the procedures for emergency response in the event one should occur.

- List of Levees: San Mateo County Levee Status, FEMA, March 12, 2012

City	FEMA ID Number	Status since 2007
Burlingame	P2415, P2417, P2943, P2977	Removed
Foster City	P771	Accredited
Pacifica	P2418	Removed
Redwood City	P1918 a & b	Accredited
Redwood City	P2440	Not a levee
Redwood City	P3000 a, b, c, d & e	Accredited
Redwood City	P3001a	Accredited
San Carlos	P1992	Accredited
San Carlos	P3006	Part of Redwood Shores not Accredited
San Carlos	P3007 a	Part of Redwood Shores not Accredited
San Mateo	P1915	De-Accredited
San Mateo	P1916	Accredited
San Mateo	P2024	Accredited
San Mateo	P2422	De-Accredited
San Mateo	P2430	Accredited
San Mateo	P2980	Accredited
San Mateo	P2981	Accredited
San Mateo	P770	Accredited
San Mateo	P788	Accredited
South San Francisco	P2034	De-Accredited

Notes:

1) East Palo Alto is also responsible for levees. Its levees were not included in the FEMA Levee Status of March 12, 2012 because East Palo Alto failed to respond

to FEMA's Provisionally Accredited Levee Agreement letter pertaining to requirements for flood insurance protection.

2) San Carlos, Redwood City, and the County of San Mateo share responsibility for levees located around the San Carlos Airport.

3) Property owners in De-Accredited flood plain areas may incur the extra cost of flood insurance.

Findings

The San Mateo County Grand Jury finds:

1. All City and County dam owners fulfilled their commitments in response to the 2006-2007 Grand Jury report.

2. Foster City, Redwood City, San Mateo and the County of San Mateo worked with FEMA to bring some levees up to FEMA standards to meet insurance guidelines and thus avoid the classification of surrounding areas as floodplains.

3. There is a lack of consistency and varying amounts of detail among the EAPs completed by the cities.

4. The San Mateo County Levee Status from FEMA dated March 12, 2012 shows levees no longer exist in the cities of Belmont, Burlingame, and Pacifica, due to reclassifications and removal.

Regarding the County Sheriff's Office of Emergency Services (OES):

5. The OES does not address levee failures in the County Emergency Operations Plan (EOP).

6. The OES stated it does not have adequate resources to develop an EOP for levees, despite its commitment to do so in 2007.

7. In 2008, the OES Director applied to the California Emergency Management Agency for a Hazard Mitigation grant to fund continuing work on dams and levees. This application was denied.

8. The OES did not request or receive copies of EAPs for levees from any of the affected cities.

Regarding the Emergency Services Council:

9. The Emergency Services Council provided OES with funding in fiscal year 2007-2008 that resulted in the creation of a dam database, inundation maps of hazardous dams, and a

section on dams in the County EOP. No additional funding has been provided to complete the committed work on levees.

10. The ESC adopted a resolution in 2007 requesting all jurisdictions for dams or levees to cooperate with the OES to develop credible Emergency Action Plans (EAPs) for responding to dam and levee failure. The resolution did not contain a required due date for the development of the EAPs and nothing has been done in the last 5 years.[11]

Regarding the County of San Mateo:

11. The County of San Mateo shares responsibility with San Carlos and Redwood City for the levees located in the vicinity of the San Carlos Airport.

12. The County Public Works Department did not develop an EAP for levees located in the vicinity of San Carlos Airport.

Regarding the Cities of:

Burlingame

13. Burlingame filed a Local Hazard Mitigation Plan with the Association of Bay Area Governments to have its levees removed as a review indicated these were not levees.

East Palo Alto

14. East Palo Alto developed an EAP for levees in January 2011, which did not meet its committed timeline. It was not submitted to OES until January 2012.

15. FEMA records dated March 12, 2012 do not indicate the existence of any levees in East Palo Alto, which contradicts East Palo Alto's understanding that it is responsible for a levee. According to FEMA, this discrepancy exists because the City of East Palo Alto failed to respond to the Provisional Accreditation Letter regarding requirements for flood insurance.

Foster City

16. After receiving the Grand Jury request letter of December 20, 2011 Foster City completed an EAP dated January 12, 2012, which did not meet its committed timeline or was it submitted to OES.

[11] Resolution (undated) attached to the letter to Honorable John L. Grandsaert, Re: 2006-07 Grand Jury Report: Emergency Planning for Dam or Levee Failures in San Mateo County, from Rose Jacobs Gibson, President, San Mateo Board of Supervisors and Chair, San Mateo County Emergency Services Council, September 26, 2007.

Pacifica

17. Pacifica responded to both the 2006-2007 Grand Jury Recommendations and the 2011-2012 Grand Jury status request letter stating that it had no dams or levees. The levee was removed as part of the Army Corp of Engineers' San Pedro Creek and Wetland Ecosystem Restoration Project in 2000.

San Carlos

18. San Carlos reported it has no record of receiving the 2006-2007 Grand Jury Report's Recommendations for Dams and Levees and has no record of responding.[12]

19. The Superior Court of San Mateo County records could not confirm that San Carlos received a copy of the 2006-2007 Grand Jury Report.

20. San Carlos did not develop or submit an EAP for its levees.

South San Francisco

21. South San Francisco responded to the 2006-2007 and 2011-2012 Grand Jury status request letters stating it has no dams or levees in its jurisdiction according to the FEMA Map Modernization Regional Manager in 2007.

22. According to FEMA's list of levees in San Mateo County, dated March 12, 2012, there is one levee in South San Francisco.

23. South San Francisco has not reconciled this discrepancy with FEMA.

24. FEMA has categorized the levee in South San Francisco as De- Accredited. The levee does not meet flood protection criteria; therefore, flood protection insurance to corresponding adjacent areas may be required.

25. The City of South San Francisco did not develop or submit an EAP for its disputed levee.

Conclusions

The Grand Jury concludes:

1. The risk of levee failure has not been a priority for the cities and County as evidenced by the lack of EAPs before the 2007 Grand Jury Report and the inadequate follow through on their own commitments five years later.

[12] Letter to 2011-2012 Grand Jury in response to inquiry regarding the status of the City of San Carlos commitment to fulfilling the 2006-2007 recommendations for dams and levees, from Bill Moura, Assistant City Manager, San Carlos, March 22, 2012.

2. The failure of the Emergency Services Council to adequately fund OES's development of Emergency Action Plans for levee failures is contrary to its Mission Statement (*See,* Attachment 2).

3. EAPs specific to levee failures are needed to assure the appropriate response to such an emergency.

4. The failure of cities and the County OES to share dam and levee information is an impediment to the development of EAPs and the deployment of an effective emergency response.

5. The failure of OES to develop standardized requirements for EAPs led to the creation of inconsistent plans that vary in detail.

6. OES has no formal process to require and receive yearly updated EAPs from the affected levee owners, making it difficult to track compliance and offer guidance and assistance to cities developing their plans.

7. Inadequate communication between FEMA and levee owners results in discrepancies over ownership responsibility, such as currently exist between FEMA and South San Francisco and East Palo Alto.

Recommendations

The Grand Jury recommends to the Emergency Services Council that it:

1. Provide the resources needed to enable the Sheriff's Office of Emergency Services (OES) to fulfill, by December 31, 2012, all OES commitments made in response to the 2006-2007 Grand Jury report with respect to levees. (*See,* Attachment 3.)

2. Establish timelines and monitor progress of OES in fulfilling those commitments.

The Grand Jury recommends to the Board of Supervisors of San Mateo County and the city councils of East Palo Alto, Foster City, Redwood City, San Carlos, San Mateo, and South San Francisco that each of them:

3. Within a timeframe negotiated with OES, create, review, and update EAPs for levees in conformance to specific San Mateo County OES guidelines. These EAPs will include at a minimum:

    - A list of three or more separate telephone contacts to ensure at least one responsible official or responder is made aware of the emergency

    - A protocol setting out actions that will be undertaken to mitigate danger during an emergency

- A copy of the most recent inspection report on levee integrity

4. Forward updated EAPs to OES to be followed by annual updates.

5. Direct the relevant city departments to work with the County Public Works Director and FEMA to identify, evaluate, and report annually on the integrity of levees in the County.

The Grand Jury recommends that the San Mateo County Sheriff direct the Office of Emergency Services to:

6. Immediately take proactive steps to obtain required funding from the Emergency Services Council in order to conduct all recommended work pertaining to levee Emergency Action Plans.

7. Within 60 days negotiate a timeline and develop a plan with the affected cities to complete all commitments.

8. Consistent with the timeline, work with the San Mateo County Public Works Department to ensure FEMA and the cities of South San Francisco and East Palo Alto have agreement on the levees for which they are responsible.

9. Consistent with the timeline, develop and communicate to the affected cities the specific requirements and guidelines for the development of credible, consistent, comprehensive Emergency Action Plans . These requirements are to include at a minimum:

   - A list of three or more separate telephone contacts to ensure at least one responsible official or responder is made aware of the emergency

   - A protocol setting out actions that will be undertaken to mitigate danger during an emergency

   - A copy of the most recent inspection report on levee integrity

10. Consistent with the timeline, develop a tracking and follow up system to assess timely receipt of levee owners' EAPs and yearly updates.

11. Work with the appropriate responsible city and County departments and FEMA to acquire all necessary information to assess risk and develop EAPs for levee emergencies.

12. Incorporate this information into the countywide Emergency Operations Plan by December 31, 2012.

Attachment 1

Emergency Action Plans (EAPs) for Levee Failure in San Mateo County:

Response to the 2006-2007 Grand Jury Investigation and Current Status

Responsible Entity	Completed EAP for Levees?	EAP for Levees: met Due Date of 3/31/08?	EAP Sent to OES/HS by 3/31/08?	Completed Yearly Updates?	Status a/o 2/1/12
County of San Mateo – Public Works Dept.	No	Not met	No	No	
OES	N/A	N/A	-	N/A	No budget to assist cities to develop EAPs and to incorporate these plans into a countywide plan (EOP) for levees.
Belmont	N/A	N/A	N/A	N/A	
Burlingame	N/A	N/A	N/A	N/A	
East Palo Alto	Yes	Not met	No	No	EAP for levee completed Jan 2011. EAP sent to OES in Jan. 2012.
Foster City	Yes	Not met	No	No	Local Hazard Mitigation Plan added to EOP in Nov 2011. Levee Failure Plan completed Jan 12, 2012
Hillsborough	N/A	N/A	N/A	N/A	
Pacifica	N/A	N/A	N/A	N/A	
Redwood City	Yes	Not met	No	No	EOP completed 2008-2009.
San Carlos	No	Not met	No	No	San Carlos has no record of receiving or replying to the 2006-07 Grand Jury Report
San Mateo	Yes	Not met	No	No	EOP for dam/levee failure completed Nov 5, 2007 EAP's completed in 2010.
South San Francisco	No	Not met	No	No	South San Francisco states it has no levees. FEMA's Mar 12, 2012 List of Levees shows one levee in South San Francisco.

Note: N/A indicates there are no levees in this city, per FEMA's List of Levees in San Mateo County, dated March 12, 2012

Attachment 2[13]

Emergency Services Council

Mission Statement

The mission of the Area Office of Emergency Services is to provide planning, preparedness, public information, training, and Federal/State intergovernmental emergency services coordination for the twenty cities/ towns within San Mateo County, as well as for County government, to enable them to respond to, minimize the impact of, and recover from a major emergency, disaster, or homeland security incident with the least possible loss of life or property. The Hazardous Materials Emergency Response Program provides a team of trained Hazardous Materials specialists who respond to and manage HazMat emergencies and potential bio-terrorism threats throughout San Mateo County on a seven-day, twenty-four hour basis.

Member Roster

Current Membership	Title	Appointed	Expires	Representing
Adrienne Tissier	Member		01/08/13	Board of Supervisors
Charles Marsala	Member			Atherton
David Braunstein	Member			Belmont
Cy Bologoff	Member			Brisbane
Terri Nagel	Member			Burlingame
Diana Colvin	Member			Colma
Maggie Gomez	Member			Daly City
Ruben Abrica	Member			East Palo Alto
Pam Frisella	Member			Foster City
Marina Fraser	Member			Half Moon Bay
Jay Benton	Member			Hillsborough
Peter Ohtaki	Member			Menlo Park
Marge Calapietro	Member			Millbrae
Sue Digre	Member			Pacifica
John Richards	Member			Portola Valley
Ian Bain	Member			Redwood City
Rico Medina	Member			San Bruno
Randy Royce	Member			San Carlos
Jack Matthews	Member			San Mateo
Richard Garbarino	Member			South San Francisco
Dave Burow	Member			Woodside
Julie Lancelle	Member			Cities
Kathy McKeithen	Member			Cities

[13] From www.co.sanmateo.ca.us/portal/site/bnc

Membership

A member of the Board of Supervisors designated by the Board of Supervisors, the mayor or a designated member of each city council. Non-voting members include representatives from the Red Cross, School District, Fire Chiefs Association and Police Chiefs Association. Other non-voting members that could be included are representatives from a water district, sanitary district, Harbor District, Transit district, Pacific Gas and Electric, and Pacific Bell

Duties

The Emergency Services Council is empowered to "review and recommend for adoption by the Board of Supervisors and the city council of each city such emergency plans, programs and agreements." The Emergency Services Council approves the annual budget and recommends it to the County and the cities/towns for adoption.

Appointment

Board of Supervisors, the mayor or designated member of each city/town council.

PUBLIC WORKS DEPARTMENT
(650) 877-8550
FAX (650) 877-8665

November 20, 2009

2009-2010 Grand Jury
County of San Mateo
400 County Center
Redwood City, CA. 94063-1655
Attn: Robert Riechel, Chair

Dear Mr. Riechel,

I am in receipt of your letter dated November 11, 2009, with additional inquiries into the matter of Flood Control within the Colma Creek watershed. Specifically, the questions are repeated and the answers provided below for your use.

1. *Does having the Colma Creek Flood Control Waterway maintained for a maximum of a 50-year storm event provide the desired level of flood control for the residents of the City of South San Francisco? If not, what minimum storm event level should be maintained? What data do you have to support the need for a greater than a 50-year storm event level?*

Optimally, the residents and businesses within the 100 year flood plain that surrounds the creek would like to have a level of protection that would insure them that they will never be flooded and that they could drop the need for flood insurance on their properties, however, they also realize that there are serious cost considerations within the District which prohibits that thinking. The pump station that the City constructed in 2007 was also constructed to handle a 50 year storm. In general, the City has been supportive of the 50 year design with two feet of freeboard and expects that level of protection to be the minimum. The City does not expect something beyond that level.

2. *Has the City of South San Francisco met with its residents to discuss their feelings regarding the need for supporting additional funds for flood control in Colma Creek? If yes what was learned?*

The City has met with business owners many times and between 2003 and 2007 quarterly meetings with property owners within the lowest flood prone areas were held, to discuss the efforts of the Flood Control District and the City to control flooding up to the 50 year storm

level. Also, since the District was formed in the 1960's regular quarterly meetings with the Colma Creek Citizens Advisory Committee have taken place and recorded. The Advisory Committee is compromised of several residents and they concur with the districts efforts to build improvements to the creek to the 50 year storm level. The biggest issue that has caused delays in making the necessary improvements has been the lack of funds and obtaining environmental approvals. This has caused subsequent flooding events.

Both groups support the County seeking additional funds through higher property assessments within the watershed for ongoing improvements and maintenance, however, both realize that under Proposition 218 obtaining a 66 2/3% voter approval for an increase (50% if by mail in property owner ballots) that benefits a limited amount of properties within the low lying areas is not likely going to be obtained and foolish for the District to expend funds to try to pursue.

I hope this answers your questions and please do not hesitate to contact me for additional information.

Sincerely,

Terry White
Director of Public Works

PUBLIC WORKS DEPARTMENT
(650) 829-3837
FAX (650) 829-3839

September 12, 2007

Hon. John L. Grandsaert
Judge of the Superior Court
Hall of Justice
400 County Center, 2nd Floor
Redwood City, CA. 94063-1655

Re: Emergency Planning for Dam or Levee Failures in San Mateo County Report

Pursuant to the letter received dated June 28, 2007 from John C. Fitton, Court Executive Officer, for the Superior Court of San Mateo County, the City of South San Francisco responds to the request of the Grand Jury for information pertaining to emergency planning for dam and levee failures in San Mateo County as it relates to the findings and recommendations of the Grand Jury.

The respondent disagrees with all of the findings as they relate to the City of South San Francisco as it does not own or maintain any dams or levees and although it takes no exceptions to the information listed regarding other items within the County, the findings do not pertain to the City.

The respondent does not concur with the recommendations of the Grand Jury in that it does not own or maintain any dams or levees and therefore cannot comply with the recommendations. The City of South San Francisco believes that it owns no dams or levees based upon many factors but not limited to the list of dams represented in table 1 of the findings as prepared by the Army Corps of Engineers and a meeting that took place between FEMA Map Modernization Regional Manager, Kathy Schaefer, San Mateo County Public Works Director, James Porter, Ann Stillman, Project Engineer, San Mateo County Flood Control District, and Terry White, South San Francisco Public Works Director, on June 28, 2007 to review the FEMA Levee map dated April 20, 2007. In that meeting, after lengthy discussion, it was agreed by Ms. Schaefer that no levees existed in South San Francisco as shown on this map. Those items that had been given a number, that have been installed over the years by the San Mateo County Flood Control District as maybe "PAL eligible", were deemed not to be.

We have yet to receive a revised map from FEMA related to this meeting, however, confirmation from the Flood Control District was announced at it's September 11, 2007 Advisory Board

meeting that it was understood that this may take some time as many other agencies and issues needed to be discussed and investigated before this map could be revised and redistributed.

Please feel free to contact me if you have any questions.

Sincerely,

Terry White
Director of Public Works

Resolution No. 066909

Board of Supervisors, County of San Mateo, State of California

* * * * * *

Resolution Authorizing Execution of a Cost Sharing Agreement between the City of South San Francisco and the San Mateo County Flood Control District - Colma Creek Improvements – Spruce Avenue to San Mateo Avenue

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, acting as the governing board of the San Mateo County Flood Control District (District), that

WHEREAS, this Board by Resolution No. 65898 adopted plans and specifications for Channel Improvements in Colma Creek between Spruce and Linden Avenues (Project), and by Resolution No. 66124 awarded a contract to the lowest responsible bidder, Northwest Construction Company; and

WHEREAS, the City of South San Francisco has requested that work be done on the City's behalf as part of the District's Project; and

WHEREAS, there has been presented to this Board for it's consideration and acceptance a proposed agreement between the District and the City which provides for said work and for the payment by City for all costs associated with said work; and

WHEREAS, this Board has considered said Agreement.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the President of this Board of Supervisors be, and is hereby, authorized and directed to execute said agreement for and on behalf of the District and the signature of the Clerk of the Board shall attest thereto.

* * * * * *

Regularly passed and adopted this 31st day of August, 2004.

AYES and in favor of said resolution:
Supervisors: MARK CHURCH

JERRY HILL

RICHARD S. GORDON

ROSE JACOBS GIBSON

NOES and against said resolution:
Supervisors: NONE

Absent Supervisors: MICHAEL D. NEVIN

MARK CHURCH
President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

Barbara Heinaman

Barbara Heinaman, Deputy
Clerk of the Board of Supervisors

ORIGINAL

066909

F:\USERS\ADMIN\P&S\Colma Creek FCD\2004\SSFAgrforImprovements 7-21.doc
G:\USERS\UTILITY\Colma Creek FCD\WORD\Spruce to SM Ave\City of SSF\SSFAgrforImprovements 5-04.doc

AGREEMENT

Cost Sharing Agreement for the Construction of Flood Control Facilities and Related Work in Colma Creek - Spruce Avenue to San Mateo Avenue - San Mateo County Flood Control District and the City of South San Francisco

---

THIS AGREEMENT, made and entered into this 31st day of August, 2004, by and between the SAN MATEO COUNTY FLOOD CONTROL DISTRICT, a public agency hereinafter called "District", and the CITY OF SOUTH SAN FRANCISCO, a municipal corporation of the State of California, hereinafter called "City".

WITNESSETH:

WHEREAS, District proposes to construct a 70' wide reinforced concrete lined channel in Colma Creek between Spruce Avenue and San Mateo Avenue and to raise the San Mateo Avenue Bridge over Colma Creek, hereinafter called the "Project"; and

WHEREAS, the Project is located within the corporate limits of City; and

WHEREAS, the City agrees to the need to construct the Project and wishes to cooperate with the District to expedite the Project; and

WHEREAS, the City has requested that certain additional work be done in conjunction with the Project and District is willing to include said work in the Project ("Additional Work");

and

WHEREAS, District and City agree that unforeseen work may occur during the construction of said Project and the Additional Work, that the City may wish to help finance, in order to expedite the Project and Additional Work; and

WHEREAS, the City and District recognize and agree that they cannot reasonably anticipate all aspects of the proposed work associated with the Project and Additional Work and changes thereto that may be mandated by funding conditions, unforeseen circumstances, operational difficulties, and undiscovered conditions affecting construction, delays and other force majeure events. Accordingly, City and District acknowledge their respective obligation to act reasonably and to meet and confer in good faith regarding any matter related to the Project and Additional Work not specifically covered by this Agreement;

NOW THEREFORE, IT IS AGREED AS FOLLOWS:

1. District shall construct Project as shown in plans entitled, "Flood Control District Colma Creek Flood Control Zone, Colma Creek Channel Improvements San Mateo Avenue to Spruce Avenue, South San Francisco, San Mateo County, California" and specifications entitled, "Colma Creek Channel Improvements Project, Spruce Avenue to San Mateo Avenue: with 360-Feet Improvements along San Mateo Avenue in the City of South San Francisco, San Mateo County, California", dated March 21, 2003 hereinafter called "Plans" and "Specifications", respectively. The signature of City's Authorized Engineering Representative on the Plans indicates review and approval by the City as to all aspects of said Plans and Specifications.

2. City agrees to negotiate in good faith with the District for the grant to the District of maintenance and construction easements over City owned property to be used for flood control

channel improvements and access.

3. District agrees to negotiate in good faith with the City for the grant of rights of way and/or easements to the City over District property necessary for the City's planned sanitary and storm sewer infrastructures.

4. District agrees to make all necessary arrangements with the owner or owners of public utilities for removal and/or relocation of all utilities above or below ground that may conflict with the Project.

5. City shall have the right to review and approve all change orders for the Project that impact City infrastructure, public safety or City facilities and appurtenances. All change orders shall be in accordance with City standards and the City shall not unreasonably withhold approval of change orders.

6. City will provide inspectors selected by the City to supplement District's inspection of the construction of City streets, sewers, drainage facilities and related infrastructure and project features of the District administered construction contract. The cost of said inspections shall be borne by City. District or its designee will request City inspection services for City facilities impacted by construction which the City agrees to provide at no cost to the District.

7. The Additional Work covered by this Agreement consists of the following:

a) Installation of a 36" HDPE sanitary sewer force main and the resurfacing of San Mateo Avenue from the project limits at station 31+45.50 to Produce Avenue.

b) Additional costs incurred by the District to remove material from Colma Creek between Linden Avenue and the Joint Powers Board Main Line Bridge to reduce the risk

of flooding during the winter of 2004.

c) One half of the additional costs incurred by the District to complete channel improvements between Spruce and Linden Avenue prior to the winter of 2005.

d) Such other items of work as may be agreed in writing by the City and the District.

8. City agrees that upon completion of work on City facilities pursuant to this Agreement, that the City shall continue to have ownership and maintenance responsibility for the City facilities. Said facilities include the San Mateo Avenue Bridge and approaches to said bridge, and the 36" HDPE sewer force main.

9. District agrees upon completion of the work that District shall own the improvements constructed in connection with the Flood Control Project and shall be responsible for all maintenance and repair of those improvements after completion and acceptance of the work.

10. City agrees to reimburse the District, on demand, the total costs incurred by the District for work as described in Paragraph 7 above, and for any additional work as may be agreed in writing by City and District. Said actual agreed-to costs shall be increased to account for District's expense of preparing plans and specifications, project administration, construction management, and all other incidental expenses incurred by the District in performing the Additional Work on behalf of the City or as agreed to by the City, provided that said incidental expenses and overhead shall not exceed twenty five percent (25%) of the construction contract costs or change order costs for said Additional Work. The parties acknowledge that the current estimated cost for the Additional Work as currently contemplated is $200,000. Any additional

work as may be requested by the City will be confirmed by written approval from the City Manager or his designee.

11. The District shall only accept the Additional Work after receiving written approval from the City for work completed on the City's behalf. Said approval by the City shall be for compliance with the design and workmanship as stipulated in the Plans and Specifications signed by the Director of Public Works of San Mateo County and any addenda or change orders issued. Said approval by the City shall not be unreasonably withheld. District shall provide City with a set of final record drawings showing the work in place upon completion of Project. Said record drawings shall be paper media as well as in electronic DWG format. District shall remain responsible for all work until such work is accepted by City.

12. Termination of this Agreement shall occur 30 days after the filing of the Notice of Completion for the Project.

13. City shall indemnify, defend, and hold harmless the District its officers, agents, and employees from all claims, damages, suits or actions of every name, kind, and description, arising out of or relating to the matters covered by this Agreement to the extent such claims, suits or actions are due to the negligence or willful misconduct of City or City's failure to perform obligations required of City under this Agreement.

Likewise, the District shall indemnify, defend, and hold harmless the City its officers, agents, and employees from all claims, suits or actions of every name, kind, and description, arising out of or relating to the matters covered by this Agreement to the extent that such claims, suits or actions are due to the negligence or willful misconduct of the District or District's failure to perform obligations required of District under this Agreement.

The duty to defend, indemnify and hold harmless includes the duties to defend as set forth in Section 2778 of the California Civil Code.

The District shall require the Contractor to name City, its officers, agents, and employees and the District as additional insureds on all insurance documents for this Project and to include all work performed on behalf of the City in the bonds, warranties and guaranties to be furnished by Contractor.

The benefits arising under this Section of this Agreement shall inure to the benefit of the District's and City's respective directors, officers, employees and agents.

14. This Agreement shall be binding upon the respective successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives, have affixed their hands on the day and year first above written.

"District"

SAN MATEO COUNTY FLOOD CONTROL DISTRICT

BY _____

Mark Church
President, Board of Supervisors
San Mateo County

ATTEST:

_____
County Manager/Clerk of the Board of Supervisors

Certificate of Delivery
(Government Code Section 25103)
I certify that a copy of the original document filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

_____
Deputy Clerk of the Board of Supervisors

"City"

CITY OF SOUTH SAN FRANCISCO

BY _____

City Manager
City of South San Francisco

ATTEST:

BY _____

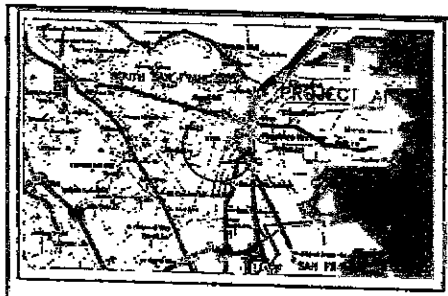
City Clerk

Approved as to form
Date: 7-25-04

By: _____

City Attorney

F:\USERS\ADMIN\P&S\Colma Creek FCD\2004\SSFAgrforImprovements 7-21.doc
G:\USERS\UTILITY\Colma Creek FCD\WORD\Spruce to SM Ave\City of SSF\SSFAgrforImprovements 6-04.doc



VICINITY MAP

NO SCALE

SAN MATEO COUNTY

FLOOD CONTROL DISTRICT

COLMA CREEK FLOOD CONTROL ZONE

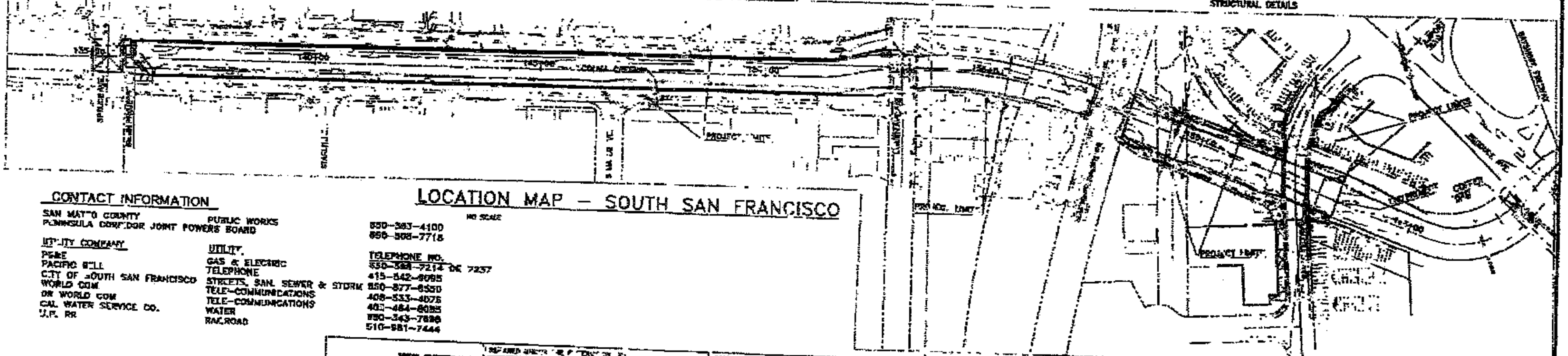
COLMA CREEK CHANNEL IMPROVEMENTS
SAN MATEO AVE. TO SPRUCE AVE.
SOUTH SAN FRANCISCO, SAN MATEO COUNTY, CALIFORNIA

TO BE SUPPLEMENTED BY STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION STANDARD PLANS & STANDARD SPECIFICATIONS DATED JULY, 1999 AND ADOPTED BY SAN MATEO COUNTY, FEBRUARY 15, 2000, BY RESOLUTION NO.63418

THESE PLANS TO BE USED IN CONJUNCTION W/ SPECIAL PROVISIONS DATED MARCH 21, 2003

TWO DAYS BEFORE YOU DIG CALL USA TOLL FREE 800-642-2444

SHEET INDEX:



LOCATION MAP - SOUTH SAN FRANCISCO

NO SCALE

CONTACT INFORMATION

SAN MATEO COUNTY	PUBLIC WORKS	650-363-4100
PENINSULA CORRIDOR JOINT POWERS BOARD		650-508-7718
UTILITY COMPANY	**UTILITY**	**TELEPHONE NO.**
PG&E	GAS & ELECTRIC	650-358-7214 OR 7237
PACIFIC BELL	TELEPHONE	415-542-8095
CITY OF SOUTH SAN FRANCISCO	STREETS, SAN. SEWER & STORM	650-877-8550
WORLD COM	TELE-COMMUNICATIONS	408-533-4076
OR WORLD COM	TELE-COMMUNICATIONS	402-484-8085
CAL WATER SERVICE CO.	WATER	650-343-7896
U.P. RR	RAILROAD	510-891-7444

BENCH MARK:

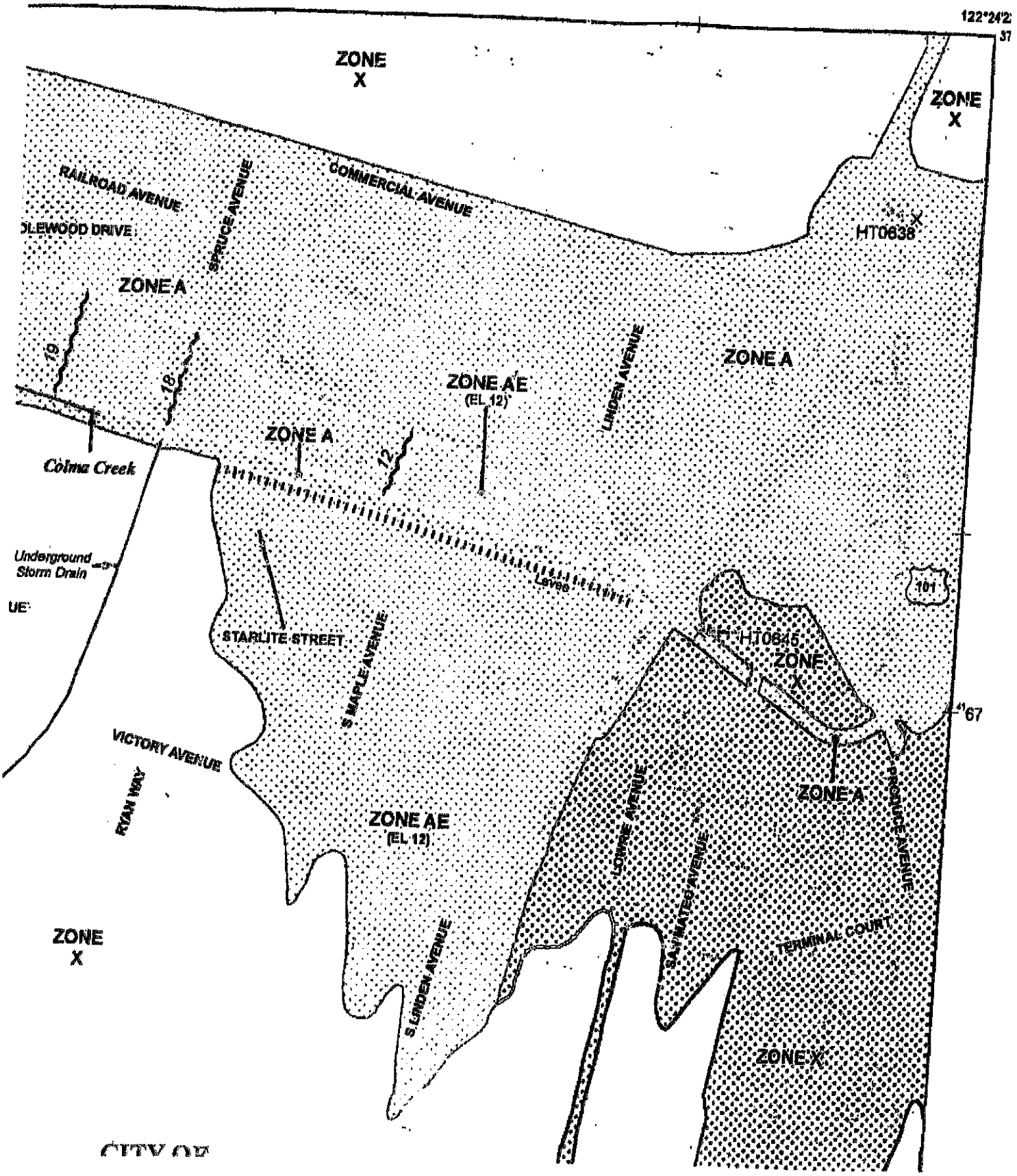
COLMA CREEK IMPROVEMENT PROJECT SAN MATEO AVE. TO SPRUCE AVE.

TITLE

1/4700

SHEET 1 OF 50

ANEL 0041


122°24'2
37
ZONE X
ZONE X
RAILROAD AVENUE
SPRUCE AVENUE
COMMERCIAL AVENUE
OLEWOOD DRIVE
HT0638
ZONE A
19
18
ZONE AE
(EL 12)
ZONE A
LINDEN AVENUE
ZONE A
Colma Creek
12
Underground Storm Drain
Levee
101
STARLITE STREET
HT0645
ZONE X
S MAPLE AVENUE
67
VICTORY AVENUE
RYAN WAY
ZONE A
ZONE AE
(EL 12)
LOWRIE AVENUE
SAN MATEO AVENUE
TERMINAL COURT
ZONE X
S LINDEN AVENUE
ZONE X
CITY OF