

BOARD OF DIRECTORS

<u>City of Stockton</u> Michael Blower, Chair Brando Villapudua Alt. Mariela Ponce	<u>Public Member</u> Steve DeBrum	<u>San Joaquin County/SJCFCWCD*</u> Paul Canepa Mario Gardea* Alt. Robert Rickman
<u>City of Manteca</u> Gary Singh Charlie Halford, Vice-Chair Alt. Mike Morowit	<u>Executive Director</u> Darren Suen, PE	<u>City of Lathrop</u> Diane Lazard Steve Dresser Alt. Jennifer Torres-O'Callaghan
*San Joaquin County Flood Control and Water Conservation District		

BOARD MEETING
San Joaquin Council of Governments
Board Chambers
555 E Weber Ave, Stockton, CA
THURSDAY, FEBRUARY 12, 2026, 2:00 P.M.

To participate in this meeting, Board Members must be in-person unless statutory exceptions exist.

ZOOM LINK Option:

<https://us06web.zoom.us/j/7757702577?pwd=xUcqarZx8eEpJ6NqjdUuaEabuA6MSb.1&omn=82996175774>

Meeting ID: 775 770 2577
Passcode: 1T7Qnv

All callers will be muted by the moderator. Any member of the public on the teleconference may speak during Public Comment once unmuted or you may email public comments to admin@SJAFCA.org. Two minutes will be given to each member of the public. You may also submit your public comments in writing up to 24 hours in advance of the meeting.

1. CALL TO ORDER / ROLL CALL
2. PLEDGE TO FLAG
3. PUBLIC COMMENTS
4. CONSENT ITEMS

4.1) Approve Minutes from January 22, 2026, Board Meeting

5. NEW BUSINESS

- 5.1) Resolution authorizing the Executive Director of the San Joaquin Area Flood Control Agency to take all actions necessary to develop and submit a Section 203 Feasibility Study for the Mossdale Tract Program

6. BRIEFINGS

7. EXECUTIVE DIRECTOR REPORT

8. COUNSEL REPORT

9. BOARD COMMENTS

10. CLOSED SESSION

11. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability related modifications or accommodations to participate in this meeting, please contact the Board's office at (209) 299-4200. Requests must be made one full business day before the start of the meeting.

Agenda Item 4.1

**MINUTES
SAN JOAQUIN AREA FLOOD CONTROL AGENCY
BOARD MEETING OF JANUARY 22, 2026**

STOCKTON, CALIFORNIA

1. CALL TO ORDER / ROLL CALL 2:01 PM

Present:	Absent:
Director Blower	Director Dresser
Director Canepa	Director Lazard
Director DeBrum	Director Singh
Director Gardea	
Director Halford	
Director Villapudua	

2. PLEDGE TO FLAG 2:01 PM

3. ELECTION OF OFFICERS 2:02 PM

3.1) Elect a Chair & Vice-Chair for the San Joaquin Area Flood Control Agency Board of Directors for 2026

Chair Canepa nominated:

Chair: Michael Blower
Vice-Chair: Charlie Halford

Motion: Elect a Chair & Vice-Chair for the San Joaquin Area Flood Control Agency Board of Directors for 2026
Moved by: Director Blower, Seconded by Director DeBrum
Vote: Motion carried 6-0
Yes: Director Blower, Director Canepa, Director DeBrum, Director Gardea, Director Halford, Director Villapudua
Absent: Director Dresser, Director Lazard, Director Singh

Executive Director Suen and the Board of Directors gave thanks to Chair Canepa for his hard work and leadership to the San Joaquin Area Flood Control Agency.

4. PUBLIC COMMENTS 2:07 PM

Dominick Gulli provided comments.

5. CONSENT ITEMS 2:10 PM

- 5.1) Approve Minutes from November 13, 2025, Board Meeting
- 5.2) Receive Semi-Annual Report of Master Services Agreements issued under delegated authority for Fiscal Year 2025-2026

Public Comments: Dominick Gulli provided comments.

Motion: To approve Consent Items 5.1 and 5.2
Moved by: Director Halford, Seconded by Director Canepa
Vote: Motion carried 6-0
Yes: Director Blower, Director Canepa, Director DeBrum, Director Gardea, Director Halford, Director Villapudua
Absent: Director Dresser, Director Lazard, Director Singh

6. NEW BUSINESS 2:13 PM

- 6.1) Adopt a Resolution to accept Independent Auditor's Report and Financial Statements for the Fiscal Year ending June 30, 2025

Sylvia Razniak introduced the agency's Auditor's Jeff Stone and Shelvina Bains who reported on the audit with no significant findings and no non-compliance.

Public Comments: Dominick Gulli provided comments.

Motion: To adopt a Resolution to accept Independent Auditor's Report and Financial Statements for the Fiscal Year ending June 30, 2025
Moved by: Director DeBrum, Seconded by Director Villapudua
Vote: Motion carried 6-0
Yes: Director Blower, Director Canepa, Director DeBrum, Director Gardea, Director Halford, Director Villapudua
Absent: Director Dresser, Director Lazard, Director Singh

- 6.2) Mid-Year Budget Review and Approval of Budget Adjustments for Fiscal Year 2025/26 for the San Joaquin Area Flood Control Agency

Public Comments: Dominick Gulli provided comments and asked questions.

Motion: Resolution to approve the proposed mid-year operating fund, levee construction and maintenance assessment, and operations and maintenance assessment district funds, and capital budget adjustments and associated actions for fiscal year 2025/2026 for the San Joaquin Area Flood Control Agency
Moved by: Director Gardea, Seconded by Director Villapudua
Vote: Motion carried 6-0
Yes: Director Blower, Director Canepa, Director DeBrum, Director Gardea, Director Halford, Director Villapudua
Absent: Director Dresser, Director Lazard, Director Singh

- 6.3) Approve the purchase of Real Property and authorize the Executive Director to execute a purchase and sale agreement between the Agency and City of Stockton for portion of San Joaquin County Assessor Parcel Number 071-140-170

Public Comments: Dominick Gulli provided comments and asked questions.

Motion: Approve the purchase of Real Property and authorize the Executive Director to execute a purchase and sale agreement between the Agency and City of Stockton for portion of San Joaquin County Assessor Parcel Number 071-140-170
Moved by: Director Canepa, Seconded by Director Halford
Vote: Motion carried 6-0
Yes: Director Blower, Director Canepa, Director DeBrum, Director Gardea, Director Halford, Director Villapudua
Absent: Director Dresser, Director Lazard, Director Singh

6.4) Issuance of the Mossdale Tract Program 2025 Annual Adequate Progress Report

Public Comments: Dominick Gulli provided comments.

Motion: Issuance of the Mossdale Tract Program 2025 Annual Adequate Progress Report
Moved by: Director Halford, Seconded by Director DeBrum
Vote: Motion carried 6-0
Yes: Director Blower, Director Canepa, Director DeBrum, Director Gardea, Director Halford, Director Villapudua
Absent: Director Dresser, Director Lazard, Director Singh

7. BRIEFINGS 3:25 PM

None.

8. EXECUTIVE DIRECTOR REPORT 3:25 PM

1. Executive Director Suen thanked San Joaquin County for the use of the room and the assistance of their support staff who helped us get setup to run this meeting. We will be back at the San Joaquin Council of Governments next month.
2. Phase 1 of all geotechnical work for the entire project is now complete. The start of the design phase can begin. Now we know what the geotechnical properties were along the levees and with this information, the US Army Corps of Engineers can assess what type of improvements are needed.
3. TS30L is a 2-year construction project per the US Army Corps of Engineers' timeline. The project has been winterized for now and will be back under construction by April 15th. There will be a ribbon cutting in the fall for project completion.
4. In the Lathrop-Manteca area SJAFCA is seeking another way to complete the Feasibility Study under Section 203. There are two firms that are preparing RFPs to do the Section 203 work. Staff will come back to the Board with information on Section 203 and possibly a request for direction. Staff are also working with the Department of Water Resources and the Central Valley Flood Protection Board on a consensus that Section 203 would be the proper path forward.
5. For the Urban Flood Risk Reduction Project (UFRR), the California Environmental Quality Act (CEQA) document has been released for public comments. The comment period will close on February 2, 2026. Earlier this month, Staff presented at the cities of Manteca and Lathrop, to keep them informed of the document and that the Environmental Impact Report (EIR) is available. There is technical work happening with geotechnical borings, real estate work, and project design, that continue to progress the UFRR project.
6. The Paradise Cut Bypass Expansion & Multi-Benefit Project is supported by SJAFCA and led by the State. An Advisory Committee meeting was held last Monday to discuss the three alternatives. None of these alternatives have landowner support, so Staff are working with

the Department of Water Resources to refine these three alignments to be more receptive to the downstream landowners and the South Delta Water Agency. SJAFCA will receive an additional one million dollars that the Board has delegated authority to the Executive Director to receive, and those funds will go towards furthering this project.

7. The Letter of map revision (LOMR) effective date is February 9, 2026. The Federal Emergency Management Agency (FEMA) has notified SJAFCA that they have received a letter of appeal from Mr. Dominic Gulli and Mr. Dennis Hicks. They have made comments and FEMA will be reviewing the comments and informing SJAFCA whether that will affect the effective date.

Public Comments: None

9. COUNSEL REPORT 3:30 PM

As all of you are public agency board members, all board members are obligated to file Form 700. Board members are also obligated to do two hours of training every year for ethics and two hours for sexual harassment prevention. Legislature has also added another two hours of obligatory financial training.

Please talk to your appointing boards about this training. Downey Brand is also working on providing free training for our clients and they will provide notification to you.

10. BOARD COMMENTS 3:31 PM

Director Gardea and Director Blower provided comments.

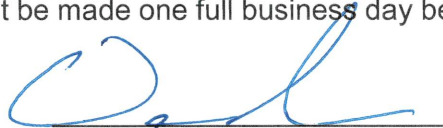
11. CLOSED SESSION 3:31 PM

None.

12. ADJOURNMENT 3:32 PM

The meeting adjourned at 3:32 pm. The next upcoming Board Meeting will be held February 12, 2026, at 2pm at the San Joaquin Council of Governments.

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DARREN SUEN
EXECUTIVE DIRECTOR
SAN JOAQUIN AREA FLOOD
CONTROL AGENCY

January 22, 2026, SJAFCA Meeting Minutes

Agenda Item 5.1

February 12, 2026

TO: San Joaquin Area Flood Control Agency Board of Directors

FROM: Darren Suen, Executive Director
Glenn Prasad, Deputy Executive Director

SUBJECT: **MOSSDALE TRACT FEDERAL FEASIBILITY STUDY UPDATE**

RECOMMENDATION

It is recommended that the Board of Directors of the San Joaquin Area Flood Control Agency (SJAFC) authorize the Executive Director to take actions necessary to develop and submit a Section 203 Feasibility Study for the Mossdale Tract Program.

DISCUSSION

The U.S. Army Corps of Engineers (USACE) has been a strong partner to SJAFC and the State of California (represented by the Central Valley Flood Protection Board and the Department of Water Resources) advancing design and construction of projects through the Lower San Joaquin River Project - Phase 1 (LSRP-Phase 1). However, on Phase 2 - Mossdale Tract Feasibility Study (Feasibility Study), the USACE has been experiencing fiscal uncertainties, staffing shortages, and changes in policy, which has affected the effort to advance the study and potentially obtain federal interest.

On October 14, 2025, the USACE – Sacramento District (USACE-SPK or District) identified the following key challenges:

- Challenge #1: The project cost escalated due to technical challenges, staffing shortages, and unclear policy interpretations. The District projected a total budget of \$13M (i.e., increase of \$6M from the approved Vertical Team Alignment Memorandum (VTAM) of \$7.06M). The District initiated a Scope and Cost Change Request (SACCR) for the additional \$6M, to be submitted to USACE-Headquarters (USACE-HQ).
- Challenge #2: Assistant Secretary of Army for Civil Works (ASA-CW) directed that Feasibility Studies nationwide include 35% level designs prior to congressional authorization. USACE-SPK estimated that this will increase the Study cost to approximately \$20 million and add schedule delays. Despite this requirement, USACE-HQ denied the funding request required to meet the new design requirement, instead limiting the cost to be consistent with the previously approved VTAM, which is for a \$7.06M study cost and Chief's Report by 12/18/2026.
- Challenge #3: There are no Federal funds expected in Fiscal Year 26 for the Feasibility Study, the Trump administration is throttling back study expenditures, and there is no assurance that future funding will be available. The Study is at risk of suspense by the end of 2026 without a significant injection of federal funding or the willingness of the Non-Federal Sponsors to accelerate their portion of the cost-share requirements.

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Challenge #4: The two biggest outstanding policy issues to be resolved as part of the Study – Executive Order (EO) 11988 compliance (wise use of floodplains) and Inundation Takings (application of the Ideker Farms ruling) – will not be resolved until late in the Study process. Informal conversations with USACE indicate that a conservative application of the Ideker Farms decision could result in substantial project cost increases, thus leaving a significant unknown until late in the process.

In response to these challenges, the District proposed two Courses of Actions (COAs):

COA #1: Utilize ~\$710k available funds to complete limited deliverables, including the preliminary inundation takings memo, updated hydraulic and economic modeling, and documentation of work to date, with this work then being placed in cold storage until more funding is available. Estimated Completion: March 2026.

COA #2: SJAFCA and the State provide an additional ~\$390k in NFS accelerated funds (i.e., ~\$710k + ~\$390k = \$1.1m) to complete all COA #1 activities, plus completion and documentation of a final array of alternatives, including a comparison of their costs and benefits, and selection of a Draft Tentatively Selected Plan (TSP), with this work then being placed in cold storage until more funding is available. Estimated Completion: June 2026.

Neither of these two COA's proposed by the District will result in a policy compliant and congressionally authorized study within the schedule and budgetary constraints of the VTAM (\$7.06M), leaving the study with no viable path forward until this or a future administration is more flexible.

PRESENT SITUATION

The State and SJAFCA (collectively, Non-Federal Interests) have three other pathways to explore that do not rely on USACE's present partnership: (1) Continue with a Non-Federally led feasibility study that meets Federal standards (i.e. Section 203 Study) and simultaneously work directly with ASA-CW's office (office that oversees USACE) to formulate the study so that the selected alternative is eligible for Federal interest (eventual Federal construction funding); (2) continue with design and construction of the Locally Developed Plan already identified in the Urban Flood Risk Reduction (UFRR) Project, with USACE permission provided under a Section 408 approval; or (3) pause the study and wait for the next administration to see if it will resume funding the study. Under pathway two above, the Section 408 approval process is not eligible for federal construction funding. Under pathway three above, waiting for the next administration leaves the community at risk and provides no assurance the next administration will view this study favorably. Because Federal construction funding is eligible following a Section 203 Study, and because the timing for

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that funding could align with the next administration, staff believes that a Section 203 Study is the most logical option. As noted below, Section 203 also presents risks which must be considered.

The following are key considerations presented for informational purposes to the SJAFCA Board:

A. Section 203 Overview

Section 203 of the Water Resources Development Act (WRDA, 1986) provides that a non-Federal interest can submit a completed feasibility study to the Secretary of the Army for review to determine if the study, and the process under which the study was developed, each comply with Federal laws and regulations applicable to feasibility studies of water resources development projects. , Staff has evaluated the viability of this approach and concluded that this can be a cost effective and efficient pathway to obtaining Federal interest rather than the traditional Feasibility Study approach.

B. Advantages of Section 203 Study

The Section 203 Study pathway offers a number of advantages over the traditional USACE Feasibility Study, including: (1) early engagement directly with Federal decision makers in Washington DC on critical policy items such as EO11988 and Inundation Takings (with close coordination with USACE Office of Counsel); (2) cost effectiveness resulting from engaging consultants with more resources and local knowledge; and (3) immunity to federal budgeting constraints and staffing shortages.

C. Potential Risks of Section 203 Study

No pathway to Federal interest is risk-free and staff have identified the following risks, which will have to be carefully navigated:

- a. Failure to engage ASA-CW's office and USACE-HQ in an adequate and timely manner for technical assistance. Engagement with USACE-HQ will require the execution of an Intergovernmental Coordination Agreement (IGCA) or equivalent, and USACE's engagement will depend on resource availability. While the USACE-HQ will have 180 days of review after the Study is formally submitted, the continued technical input during the Study process is vital. **(Planned mitigation – Non-federal interests will engage with the USACE-HQ bi-monthly).**
- b. Study Cost Crediting: Federal credit for the Study is limited to \$3M. Assuming the study is completed and USACE provides construction funding, statute requires USACE to provide a credit to the non-Federal interests for the share of the study which would have been funding by USACE in a traditional study, capped at \$3M. However, because the actual cost of the study is unknown (especially since the level of effort to achieve a 35% design is not clearly understood), this cap places the financial risk on the non-federal interests if our actual costs exceed the capped credit. **(Planned mitigation – (i) Non-federal interests minimize study costs by**

MOSSDALE TRACT FEASIBILITY STUDY PROGRAM UPDATE

leveraging the work already done through the UFRR study and the USACE's Lathrop & Manteca Feasibility Study, and (ii) recognition that even with this cap, our costs might still be lower than funding USACE to perform the study or freezing the study due to limited Federal funds).

c. Construction Cost Crediting. Section 221 of WRDA 1970 grants the ASA-CW the authority to credit the planning, design, and construction cost of work completed by a non-federal interest prior to Congressional authorization of a federal study. This is especially important considering the local and State funding that has been allocated to advancing work on the dryland levee. To be eligible for credit, that work must be found integral to the authorized project. Consideration for credit must be formalized through an MOU between the ASA-CW (or USACE) and the non-Federal interest prior to the initiation of construction. It is unclear whether a Section 221 crediting vehicle (or a functional equivalent) is executable while a Section 203 Study is being undertaken. **(Planned Mitigation - SJAFCA is already engaging with USACE-HQ and has also begun working with our federal representatives and senators on proposed WRDA 2026 language to allow this form of agreement to occur).**

D. Section 203 Study Implementation and Procurement Process

In December 2025, SJAFCA requested and received Statements of Qualifications from GEI and HDR, two firms on SJAFCA's pre-qualified list that have prepared Section 203 studies in other parts of the country. Based on the statements of qualifications, SJAFCA issued Requests for Proposals from the two firms that provide specific plans on how SJAFCA and the State should proceed along the section 203 path. SJAFCA held a series of clarifying workshops with the two firms to ensure that both firms were provided equal opportunity to completely understand the body of work that has been completed by SJAFCA and the State and inform their respective proposals. SJAFCA has received the two proposals and has sufficient capacity in SJAFCA's Master Services Agreement with each consultant to initiate the Section 203 work. SJAFCA's budget also has adequate funding to advance the Section 203 Study using the funding that has historically been provided to USACE to prepare the USACE-led study.

NEXT STEPS

Request the Board of Directors of the San Joaquin Area Flood Control Agency (SJAFCA) authorize the Executive Director to:

1. Advance discussion with USACE, CVFPB & DWR and SJAFCA's member agencies on pursuing a Section 203 Study.
2. Take appropriate actions and execute necessary documents to commence, complete, and

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submit a Section 203 Study, including (i) execution of any professional services agreements with consultant(s), (ii) execution of funding or crediting agreements with the USACE and/or CVFPB/DWR, and (iii) modification to or termination of the existing Feasibility Cost Share Agreement (FCSA) and Local Feasibility Cost Share Agreement (LFCSA) with the USACE, and State, respectively.

FISCAL IMPACT

Funding of early implementation tasks are anticipated to enable the selected consultant team to begin work as soon as possible and advance the study. The Board will be kept apprised as developments to the full scope of work take shape.



DARREN SUEN
EXECUTIVE DIRECTOR

ATTACHMENT: 1. Resolution 26-06

RESOLUTION NO. SJAFCA 26-06

SAN JOAQUIN AREA
FLOOD CONTROL AGENCY

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**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OF THE SAN JOAQUIN AREA
FLOOD CONTROL AGENCY TO TAKE ALL ACTIONS NECESSARY TO DEVELOP AND
SUBMIT A SECTION 203 FEASIBILITY STUDY FOR THE MOSSDALE TRACT PROGRAM**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN JOAQUIN AREA FLOOD
CONTROL AGENCY (SJAFCA), AS FOLLOWS:

Authorize the Executive Director and General Counsel as appropriate to:

1. Advance discussion with USACE, CVFPB & DWR and SJAFCA's member agencies on pursuing a Section 203 Study.
2. Take appropriate actions and execute necessary documents to commence, complete, and submit a Section 203 Study, including (i) execution of any professional services agreements with consultant(s), (ii) execution of funding or crediting agreements with the USACE and/or CVFPB/DWR, and (iii) modification to or termination of the existing Feasibility Cost Share Agreement (FCSA) and Local Feasibility Cost Share Agreement (LFCSA) with the USACE, and State, respectively.

PASSED, APPROVED AND ADOPTED this 12th day of February 2026

MICHAEL BLOWER, Chair
Of the San Joaquin Area
Flood Control Agency

ATTEST:

DARREN SUEN, PE, Secretary
of the San Joaquin Area
Flood Control Agency

APPROVED AS TO FORM:

SCOTT L. SHAPIRO, Legal Counsel
For the San Joaquin Area
Flood Control Agency

**End of
Agenda Packet**