



22 E. Weber Avenue, Room 301 | Stockton, CA 95202 | (209) 937-7900 | www.sjafca.com

BOARD OF DIRECTORS

Katherine M. Miller, Chair
Tom Patti, Director
Miguel Villapudua, Alternate

**EXECUTIVE
DIRECTOR**

James B. Giottonini

BOARD OF DIRECTORS

Jesús Andrade, Vice-Chair
Elbert Holman, Director
Susan Lofthus, Alternate

SPECIAL BOARD MEETING

SAN JOAQUIN AREA FLOOD CONTROL AGENCY AGENDA

MONDAY, SEPTEMBER 11, 2017

9:00 A.M.

425 N. El Dorado Street, City Hall, Second Floor, Council Chambers

- 1. CALL TO ORDER / ROLL CALL**
- 2. PLEDGE TO FLAG**
- 3. CLOSED SESSION Conference with Legal Counsel – Two existing cases (Gov't Code Section 54956.9(d)(1))**
 - 3.1) Dominick Gulli v. San Joaquin Area Flood Control Agency; ICF International, Inc.; Peterson and Brustad, Inc; Moffat and Nichol. Case No. STK-CV-UWM-2015-0011880
 - 3.2) Atherton Cove Property Owners Association v. San Joaquin Flood Control Agency. Case No. STK-CV-UWM-2015-0011847
- 4. CLOSED SESSION pursuant to Gov't Code § 54957(b): Consideration of Appointment of Executive Director**

NO EARLIER THAN 9:15 A.M.

5. CONSENT AGENDA

- 5.1) Approve minutes of the Board meeting of July 6, 2017
- 5.2) Approve cancellation of Board Meeting on September 14, 2017
- 5.3) Approve appointment of Roger Churchwell as Acting Executive Director

6. NON-CONSENT AGENDA

- 6.1) Consideration of Request by Cities of Lathrop and Manteca to join SJAFCA (Scott Shapiro)

7. PRESENTATIONS

- 7.1) Mormon Channel Update (Roger Churchwell)

8. ORAL REPORT FROM EXECUTIVE DIRECTOR

9. PUBLIC COMMENTS

10. BOARD QUESTIONS, COMMENTS, ACTIONS

11. ADJOURNMENT

TENTATIVE BOARD MEETING DATES AT 9:00 A.M.:

~~September 14, 2017~~ - **CANCELLED**
November 16, 2017
January 18, 2018

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) 937-7900 or (209) 937-7115 (fax). Requests must be made one full business day before the start of the meeting.

Agenda Item 5.1

**MINUTES
SAN JOAQUIN AREA FLOOD CONTROL AGENCY
MEETING OF JULY 6, 2017**

CITY COUNCIL CHAMBERS, STOCKTON, CALIFORNIA

1. CALL TO ORDER / ROLL CALL 9:05 AM

Roll Call

Present:

Director Andrade

Director Patti

Alternate Director Villapudua

Absent:

Director Holman, Director Miller

2. PLEDGE TO FLAG 9:05 AM

3. CLOSED SESSION 9:06 AM

Vice-Chair Andrade announced Closed Session.

- 3.1) Dominick Gulli v. San Joaquin Area Flood Control Agency; ICF International, Inc.; Peterson and Brustad, Inc; Moffat and Nichol. Case No. STK-CV-UWM-2015-0011880
- 3.2) Atherton Cove Property Owners Association v. San Joaquin Flood Control Agency. Case No. STK-CV-UWM-2015-0011847

Upon return from Closed Session, Vice-Chair Andrade asked Legal Counsel Rebecca Smith if there was anything to report. She stated there were no actions taken.

4. CONSENT ITEMS 9:36 AM

- 4.1) Approve minutes of the Special Board meeting of April 27-28, 2017
- 4.2) Approve minutes of the Board meeting of May 18, 2017

Motion: Approve Consent Items

Moved by: Director Patti, seconded by Alternate Director Villapudua

Vote: Motion carried 3-0

Yes: Director Andrade, Director Patti, and Alternate Director Villapudua

Absent: Director Holman, Director Miller

5. PRESENTATIONS 9:37 AM

- 5.1) Funding Flood Projects (Roger Churchwell) – 9:37 AM
- 5.2) Update on Coordination between SJAFCA and San Joaquin County on Future Funding (John Maguire) – 9:54 AM

6. ORAL REPORT FROM EXECUTIVE DIRECTOR 10:09 AM

Executive Director Giottonini gave an oral report on the following:

Fund Year 2018 Budget

- On May 23, President released full, detailed FY18 budget proposal
 - \$57.4 billion cut in non-defense discretionary spending
 - \$1 billion reduction in funding for the Corps of Engineers
- Did not receive a lot of traction in Congress
- Congress can now begin work on the FY18 Appropriations bills
 - Both House and Senate Energy and Water Appropriations Subcommittees have held hearings with Corps on their budget proposal
 - House subcommittee drafted and passed their FY18 bill which provides \$6.16 billion for the Corps—an increase of \$120 million over FY17 and \$1.16 billion over the President's FY 18 Budget
 - House Appropriations Committee will consider the bill after the July 4 recess

Corps to review policies and procedures

- June 21, Director of Civil Works James Dalton released a memo included in the Board packet that the Corps will review all authorities, regulations, policies and procedures to improve project delivery
 - Enhancing decision-making at the District and Division levels for more decentralized planning process
 - Re-emphasizing the role of Headquarters as strategic and supportive to Districts and Divisions
 - Discontinuing the Civil Works Review Board
 - Reviewing, updating and in some cases, eliminating some of the more than 1,000 major policy and guidance documents
 - Incorporating additional outputs, like public safety, into feasibility and project justification process

Feasibility Study

- At the end of May, the Corps released its FY17 workplan which included \$200,000 to complete our Feasibility Study
- Working with the District and our DC lobbyist to have a Chief's Report ready for inclusion in the next Water Resources Development Act

FMA Conference

- September 5-8 in Long Beach

Future Staff Presentations

- Mormon Channel
- Paradise Cut Bypass
- ULOP Findings
 - RD 17
 - Bishop Tract / Atlas Tract
- French Camp Landfill

**SAN JOAQUIN AREA FLOOD CONTROL AGENCY
MEETING OF JULY 6, 2017**

Director Patti requested a presentation be given on Dredging

Vice-Chair Andrade requested a presentation be given on the Delta Tunnels for the next Board Meeting in September

7. PUBLIC COMMENTS 10:17 AM

There were no public comments.

8. BOARD QUESTIONS, COMMENTS, ACTIONS 10:17 AM

Vice-Chair Andrade welcomed Alternate Director Villapudua to the Board. Alternate Director Villapudua thanked him and said he was happy to be here.

Vice-Chair Andrade spoke of an article he read regarding the possibility of restoring water flows to Mormon Slough. He stated he would like more information on what it would take to restore the water flow.

Director Patti asked where the water would come from and to where it would flow?

Executive Director Giottonini replied with a brief history report and stated this topic would be presented at the next Board meeting.

Director Patti thanked Supervisor Villapudua for stepping in as an Alternate Director. He stated that Supervisor Villapudua has been a strong advocate for the community, he is available and accessible. If anyone should need to talk or meet with Supervisor Villapudua they will find he is ready to listen, work and jump right in to help. He appreciates working with him.

Alternate Director Villapudua thanked the Board again and reiterated that he is available to meet with the community for conversations on any subject related to the county.

Vice-Chair Andrade spoke of Rich Worthington, who passed away in June this year, just after meeting with the Board during their trip to DC. He stated he would like to adjourn the Board meeting in memory of Rich. Director Patti stated he was thankful for the contributions Rich has made to SJAFCA.

Motion:	Approve Adjourning in Memory of Rich Worthington
Moved by:	Director Patti, seconded by Alternate Director Villapudua
Vote:	Motion carried 3-0
Yes:	Director Andrade, Director Patti, and Alternate Director Villapudua
Absent:	Director Holman, Director Miller

9. ADJOURNMENT 10:25 AM

The meeting adjourned at 10:25 AM. The next meeting is scheduled for September 14, 2017, at 9:00 AM.

SAN JOAQUIN AREA FLOOD CONTROL AGENCY
MEETING OF JULY 6, 2017

ATTACHMENTS – WRITTEN COMMUNICATIONS (Information Only)

- Letter from James C. Dalton, P.E., Director of Civil Works, U.S. Army Corps of Engineers
- Letter to Chairman Graves, Subcommittee on Water Resources and the Environment



JAMES B. GIOTTONINI
EXECUTIVE DIRECTOR
SAN JOAQUIN AREA FLOOD
CONTROL AGENCY

06 July 17 SJAFCA Meeting Minutes

Agenda Item 5.2

September 11, 2017

TO: San Joaquin Area Flood Control Agency
FROM: James B. Giottonini, Executive Director
SUBJECT: **CANCEL REGULAR MEETING OF SEPTEMBER 14, 2017**

RECOMMENDATION

It is recommended that the Board of Directors of the San Joaquin Area Flood Control Agency approve a resolution to cancel the regular SJAFCA Board meeting of September 14, 2017, due to a lack of quorum.

DISCUSSION

The annual League of California Cities Expo is held September 13-14, 2017; therefore, City board members will be unable to attend the scheduled meeting on September 14. Today's Special Meeting is held in place of the September 14, 2017, meeting.

PREPARED BY: Marlo Duncan



APPROVED:
JAMES B. GIOTTONINI
EXECUTIVE DIRECTOR

JBG:MD

Agenda Item 5.3

September 11, 2017

TO: San Joaquin Area Flood Control Agency
FROM: Scott L. Shapiro, General Counsel
SUBJECT: **APPOINTMENT OF ROGER CHURCHWELL AS ACTING EXECUTIVE DIRECTOR**

RECOMMENDATION

After consultation with the Board Chair, it is recommended that the Board of Directors of the San Joaquin Area Flood Control Agency appoint Roger Churchwell as the Acting Executive Director to replace retiring Executive Director James B. Giottonini effective September 12, 2017.

DISCUSSION

Background

There is a long history of SJAFCA professional leadership being provided by the City of Stockton. When Jim Giottonini retired from the City of Stockton in 2008 (where he had simultaneously held the position of SJAFCA Executive Director while holding a City position), he remained with SJAFCA acting as Executive Director as an independent contractor. Jim has now informed the Board that he intends to retire on September 20, 2017.

Present Situation

General Counsel will be meeting with the Board of Directors to discuss a recruitment process to replace Jim. However, until such time as a recruitment process is put in place and ultimately implemented, the Agency will need professional leadership. After consultation with the Chair, it is therefore recommended that Roger Churchwell, the Deputy Executive Director, be appointed as Acting Executive Director to perform all required duties through the recruitment process. Based on a request by Jim, that appointment would be effective as of September 12, 2017.

Summary

Executive Director James B. Giottonini is retiring. After consultation with the Chair, it is recommended that the Board of Directors of the San Joaquin Area Flood Control Agency appoint Roger Churchwell as the Acting Executive Director to replace retiring Executive Director James B. Giottonini effective September 12, 2017.

PREPARED BY: Scott Shapiro



APPROVED:
JAMES B. GIOTTONINI
EXECUTIVE DIRECTOR

Agenda Item 6.1

September 11, 2017

TO: San Joaquin Area Flood Control Agency

FROM: Scott L. Shapiro, General Counsel

SUBJECT: **CONSIDERATION OF REQUEST OF CITIES OF LATHROP AND
MANTECA TO JOIN SAN JOAQUIN AREA FLOOD CONTROL
AGENCY**

RECOMMENDATION

Following consultation with the Chair of the Board, the Board of Directors of the San Joaquin Area Flood Control Agency (SJAFCA) evaluate whether to direct staff to work with the Cities of Stockton, Lathrop, and Manteca and the County of San Joaquin to negotiate amendments to the Joint Exercise of Powers Agreement ("JEPA") that formed SJAFCA and consider principles for the negotiation.

DISCUSSION

Background

SJAFCA was formed on May 23, 1995 by the City of Stockton, the County of San Joaquin, and the San Joaquin County Flood Control and Water Conservation District through the execution of a JEPA. The boundaries of SJAFCA were established to be those of the City of Stockton, plus unincorporated areas of the County. SJAFCA was formed to undertake projects necessary to prevent the Federal Emergency Management Agency (FEMA) from issuing maps under the National Flood Insurance Program identifying large portions of Stockton as within a special flood hazard area. Most recently SJAFCA has been a non-Federal sponsor for a U.S. Army Corps of Engineers ("USACE") Feasibility Study to increase the level of protection in Northern and Central Stockton called the Lower San Joaquin River Feasibility Study ("Study").

The original scoping of the Study included a goal of improved levels of flood protection for the Reclamation District 17 ("RD 17") basin which includes Weston Ranch, Manteca, Lathrop, and certain unincorporated areas of the County. Unfortunately, USACE interpreted certain Federal policies as inconsistent with increased flood protection in these areas. As a result, the four entities have been collaborating on alternative paths to study and address the inadequate levels of flood protection in the RD 17 basin. On August 24, 2017, the cities of Lathrop and Manteca sent a joint letter to the SJAFCA Board requesting that SJAFCA take a leadership role in developing and implementing a plan for improved flood protection for the RD 17 basin by expanding SJAFCA's boundaries and membership to include the cities of Lathrop and Manteca (letter attached). Though the letter requests expanding SJAFCA's boundaries to include the cities of Lathrop and Manteca, clarification is needed to specify the exact areas within each city's jurisdiction to be included in the expanded SJAFCA. Any amendment to the JEPA requires approval of the SJAFCA Board as well as existing and new members.

**CONSIDERATION OF REQUEST OF CITIES OF LATHROP AND MANTECA TO JOIN
SAN JOAQUIN AREA FLOOD CONTROL AGENCY** (Page 2)

Present Situation

Agreeing to the request of Lathrop and Manteca has both advantages and disadvantages for the parties and the affected residents. Here are a few of each:

Advantages:

- SJAFCA has credibility with funders and regulatory agencies which will be to the advantage of the players in the RD 17 basin.
- SJAFCA has a certain amount of fixed overhead which could be spread across more projects thus lowering the overhead costs for each project.
- SJAFCA is an existing organization and should be able to tackle issues for the RD 17 basin more quickly than a newly created entity.
- Stronger and more unified voice in advocating for state and federal funding could be more effective than disparate voices.

Disadvantages:

- The addition of new parties will require a period to develop trust and collaboration.
- Adding additional parties risks diluting SJAFCA's focus on its existing projects.
- Adding additional parties could mean that new projects receive a lower priority.

However, some of the disadvantages can be mitigated by agreeing to certain principles that will be adhered to in the operation of an expanded agency. Such principles which the Board could consider adopting include:

1. **Funding raised to benefit a particular area will not be expended to benefit a different area.** For example, the Smith Canal Assessment will not be used to fund a project in the RD 17 basin, and funds raised for the RD 17 basin would not be used to fund the Smith Canal project.
2. **Members of the Agency shall not have a vote on projects to be implemented to benefit lands outside their boundaries.** For example, Manteca and Lathrop would not have a vote on the Smith Canal Project.
3. **The four agencies shall have an equal vote when affected equally by a project.** For example, on a vote for a project to benefit the RD 17 basin, Manteca, Lathrop, the County, and Stockton would all have two votes.
4. **Overhead costs should be allocated across all projects using generally applicable accounting standards.** For example, if the agency is pursuing the Study, the Smith Canal Project, and a project in the RD 17 basin, all three projects would contribute to the general overhead of the agency.
5. **All members would need to agree to a formula for seed funding for a new project, and then would work together to ensure that a reliable funding stream is developed to repay that seed funding.** For example, if the Board elected to pursue the Paradise Cut bypass expansion, some agencies might provide seed money, but those agencies would need to be repaid from the newly developed funding source.
6. **Projects with common funding sources would be prioritized by the expanded Board of SJAFCA, but projects with separate funding sources would be equally prioritized.** For example, an RD 17 basin project and the Smith Canal project would have equal priorities because they have different funding sources, but if multiple

**CONSIDERATION OF REQUEST OF CITIES OF LATHROP AND MANTECA TO JOIN
SAN JOAQUIN AREA FLOOD CONTROL AGENCY** (Page 3)

projects were developed for the RD 17 basin from a single funding source, the Board would need to prioritize the projects due to a common funding source.

7. **The Agency should track all costs associated with exploring and implementing an expanded JPA and ensure that such costs are ultimately paid by those who benefit from the action; consideration should be given to requesting seed money from the four agencies that will benefit from the expanded JPA.** SJAFCA's only current sources of funds are (i) annual O&M assessments, (ii) Smith Canal assessments and DWR cost shares, and (iii) funds remaining from SJAFCA's 1990's project. Since the populations that paid or pay these sources of funding are different from the populations that will benefit from an expanded JPA, SJAFCA should ensure that the beneficiaries ultimately pay.

As a result of consultation with the Chair of the Board, Staff recommends that the Board of Directors of the San Joaquin Area Flood Control Agency (SJAFCA) evaluate whether to direct staff to work with the Cities of Stockton, Lathrop, and Manteca and the County of San Joaquin to negotiate amendments to the Joint Exercise of Powers Agreement ("JEPA") that formed SJAFCA and if it elects to direct staff, then also consider principles for the negotiation.

PREPARED BY: Scott Shapiro



APPROVED:
JAMES B. GIOTTONINI
EXECUTIVE DIRECTOR



APPROVED:
ROGER CHURCHWELL
DEPUTY EXECUTIVE DIRECTOR

Attachment (August 24, 2017 letter)



STEPHEN SALVATORE
LATHROP CITY MANAGER
(209) 941-7220



TIM OGDEN
MANTECA CITY MANAGER
(209) 456-8050

August 24, 2017

Katherine Miller, Chair
Jesús Andrade, Vice-Chair
Elbert Holman, Director
Tom Patti, Director
Susan Lofthus, Alternate Director
Miguel Villapudua, Alternate Director
San Joaquin Area Flood Control Agency
22 East Weber Avenue, Suite 301
Stockton, CA 95202-2317
Sent via Email to/for Distribution:
marlo.duncan@stocktongov.com

Re: Request to Consider Expanded SJAFCA to include the Cities of Lathrop and Manteca as Members of the Joint Powers Agency

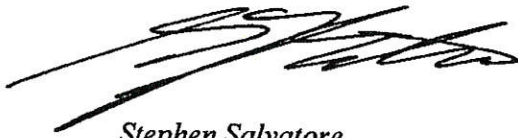
Dear San Joaquin Area Flood Control Agency Board of Directors:

As you know, the local San Joaquin County land use agencies entered into a Memorandum of Understanding with Reclamation District (RD) 17 on May 16, 2016 to reach conceptual agreement for broad collaboration among the land use agencies and RD 17 regarding the planning and design work and implementation of 200-year flood protection project in the RD 17 basin (Fix-in-Place Project). Pursuant to the MOU and over the past eighteen months, representatives from San Joaquin County, and the cities of Stockton, Lathrop, and Manteca have been meeting with San Joaquin Area Flood Control Agency (SJAFCA) and RD 17 staff to evaluate and explore options for the governance, adoption, and implementation of the Fix-in-Place Project.

Now that we have had some time to explore options for a regional joint powers agency to provide 200-year flood protection for the region, the City of Lathrop and Manteca are interested in joining SJAFCA with the objective of expanding the existing joint powers agency in a manner to provide coordinated and regional flood protection to include the RD 17 basin. While we understand that SJAFCA has primarily focused on discrete flood protection projects in the City of Stockton and specific zones within the San Joaquin County Flood Control and Water Conservation District, we believe that the SJAFCA framework provides the foundation for a broader regional flood control agency charged with the provision of enhanced floodplain management and flood protection to the existing 46,500 residents and planned development throughout RD 17.

Accordingly, we request that the Board of Directors consider at the next available Board meeting the opportunity to discuss SJAFCA's interest in expanding its boundaries and membership to include the cities of Lathrop and Manteca.

Thank you,



Stephen Salvatore
City Manager
City of Lathrop



Tim Ogden
City Manager
City of Manteca

Attachments

cc: James B. Giottonini, Jim.giottonini@ci.stockton.ca.us
Roger Churchwell, Roger.Churchwell@stocktongov.com
Kris Balaji, kbalaji@sjgov.org
Kurt Wilson, Kurt.Wilson@stocktonca.gov
Mel Lytle, mel.lytle@stocktonca.gov
Greg Showerman, GShowerman@ci.manteca.ca.us
Kevin Jorgensen, kjorgensen@ci.manteca.ca.us
Sal Navarrete, snavarrete@ci.lathrop.ca.us
Glenn Gebhardt, ggebhardt@ci.lathrop.ca.us

**End of Agenda
Packet**