



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

BOARD OF DIRECTORS

City of Stockton

Kimberly Warmesley
Dan Wright, Vice-Chair
Alt. Susan Lenz

Public Member

Mike Morowit

San Joaquin County

Katherine M. Miller
Chuck Winn, Chair
Alt. Tom Patti

City of Manteca

Jose Nuño
Gary Singh

Executive Director

Chris Elias

City of Lathrop

Paul Akinjo
Diane Lazard

BOARD MEETING

THURSDAY, JUNE 17, 2021

9:00 A.M.

AGENDA IN LIGHT OF COVID-19

TO JOIN MEETING:

By Phone:

Dial by Phone:
213 338 8477
Meeting ID: 922 2403 9940
Passcode: 182229

By Computer:

<https://downeybrand.zoom.us/j/92224039940?pwd=YUZzVZTbHZZRGVFbm15L2cvbGZOQT09>

By App:

Use the Zoom app:
Meeting ID:
922 2403 9940
Passcode: 182229

1. CALL TO ORDER / ROLL CALL
2. PLEDGE TO FLAG

3. CONSENT ITEMS

- 3.1) Approve minutes from the Board Meeting on May 20, 2021
- 3.2) Resolution to approve the Contract Extension for the Executive Director

4. NEW BUSINESS

- 4.1) Resolution to Approve the Proposed Fiscal Year 2021/22 Operating, Lower San Joaquin River, Mossdale, and Regional Flood Planning Program Budgets for the San Joaquin Area Flood Control Agency
- 4.2) Resolution to Approve the Technical Memorandum and Order the Levy and Collections of Assessments Within the Smith Canal Area Assessment District and Approve the FY 21/22 Budget – Public Hearing
- 4.3) Resolution to amend the Smith Canal Construction Management and Constructability Review Contract with KSN
- 4.4) Resolution to amend the Smith Canal Engineering During Construction Contract with PBI

5. ORAL REPORT FROM EXECUTIVE DIRECTOR

- 5.1) This is an opportunity to provide timely information to the Board in support of its work

6. PUBLIC COMMENTS

7. BOARD QUESTIONS, COMMENTS, ACTIONS

8. CLOSED SESSION

9. 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) 937-7900 or (209) 937-7115 (fax). Requests must be made one full business day before the start of the meeting.

Agenda Item 3.1

**MINUTES
SAN JOAQUIN AREA FLOOD CONTROL AGENCY
BOARD MEETING OF MAY 20, 2021**

STOCKTON, CALIFORNIA

In light of COVID-19 and in compliance with CA Executive Order N-29-20, the majority of members of the Board of Directors participated in this meeting remotely by teleconference. Members of the public were also permitted to participate in this meeting remotely by teleconference. An option was also given to email public comments to SJAFC@stocktonca.gov or to speak via the teleconference during public comment times. In compliance with C.D.C. recommendations, all those who physically attended the meeting sat with six feet of space between them and observed other recommended hygiene practices.

1. CALL TO ORDER / ROLL CALL 9:03 AM

Roll Call

Present:

Director Akinjo
Director Lazard
Director Miller
Director Morowit
Director Singh
Director Warmesley
Director Winn
Director Wright

Absent:

Director Nuño

2. PLEDGE TO FLAG 9:04 AM

3. CONSENT ITEMS 9:06 AM

3.1) Approve minutes from the May 20, 2021 Board Meeting

Motion: To approve minutes from the March 25, 2021 Board Meeting

Moved by: Director Miller, Seconded by Director Singh

Vote: Motion carried 8-0

Yes: Director Akinjo, Director Lazard, Director Miller, Director Morowit, Director Singh,
Director Warmesley, Director Winn, Director Wright

Absent: Director Nuño

PUBLIC COMMENT

- Dominick Gulli submitted written comments which were read aloud for all participating in the meeting to hear.

3.2) A Resolution to Direct the Agency's General Counsel to Take Appropriate and Necessary Action to Implement a New Agency Retirement Plan **9:07 AM**

Motion: To approve Resolution to Direct the Agency's General Counsel to Take Appropriate and Necessary Action to Implement a New Agency Retirement Plan
Moved by: Director Miller, Seconded by Director Morowit
Vote: Motion carried 8-0
Yes: Director Akinjo, Director Lazard, Director Miller, Director Morowit, Director Singh, Director Warmesley, Director Winn, Director Wright
Absent: Director Nuño

PUBLIC COMMENT

- Dominick Gulli submitted written comments which were read aloud for all participating in the meeting to hear.
 - *In response to the Public Comment submitted by Dominick Gulli, Director Miller requested that it be entered into record that "Mr. Elias' credentials were thoroughly vetted, and this agency is operating in full compliance."*
 - *Director Akinjo requested to be on record that "... (he) agrees with Director Miller (it has to stop)".*
 - *Director Warmesley concurs.*
 - *Director Morowit concurs.*
 - *Director Winn concurs.*

4. NEW BUSINESS 9:16 AM

- 4.1) Public Hearing to approve the Annual Engineer's Report and Budget for the Operations and Maintenance (O&M) for the Flood Protection Restoration Assessment District, and order the levy and collection of O&M Assessments within the District for fiscal year 2021/2022.

Motion: To approve the Annual Engineer's Report and Budget for the Operations and Maintenance (O&M) for the Flood Protection Restoration Assessment District and order the levy and collection of O&M Assessments within the District for fiscal year 2021/2022
Moved by: Director Wright, Seconded by Director Singh
Vote: Motion carried 8-0
Yes: Director Akinjo, Director Lazard, Director Miller, Director Morowit, Director Singh, Director Warmesley, Director Winn, Director Wright
Absent: Director Nuño

PUBLIC COMMENT

- Dominick Gulli submitted written comments which were read aloud for all participating in the meeting to hear.

- 4.2) Update – Manteca Dryland Levee Extension Project **9:22AM**

- Refer to Agenda Item 4.2_Attachment 2 (Manteca Dryland Levee Presentation), provided by Wood Rogers. ****Due to a technical difficulty, part of the presentation was not captured on the recording.*

PUBLIC COMMENT

- Dominick Gulli submitted written comments indicating he would provide verbal comments for this Agenda Item, but Mr. Gulli verbally stated, "No Comment."

5. ORAL REPORT FROM EXECUTIVE DIRECTOR 10:10AM

- 5.1) This is an opportunity to provide timely information to the Board in support of its work.

PUBLIC COMMENT

- Dominick Gulli submitted written comments but voiced his comments for all participating in the meeting to hear.

6. PUBLIC COMMENTS 10:31AM

- Dominick Gulli submitted written comments but voiced his comments for all participating in the meeting to hear.

7. BOARD QUESTIONS, COMMENTS, ACTIONS 10:33AM

- None

CLOSED SESSION 10:35 AM

- 8.1) San Joaquin Area Flood Control Agency v. Stockton Gold and Country Club Case No. STK-CV-UED-2019-11392

8.1.5) Dominick Gulli Letter under section California Government Code Section 54956.9(b)

8.2) Closed session pursuant to Government Code section 54957 (Employee Performance Evaluation – Executive Director)

- No action has been taken. Voted unanimously to omit this month's closed session.

PUBLIC COMMENTS:

- Dominick Gulli submitted written comments, but voiced his comments for all participating in the meeting to hear.

REPORT OF ACTION TAKEN IN CLOSED SESSION 10:45 AM

- There was no closed session; therefore no action reported out

8. ADJOURNMENT 10:45 AM

The meeting adjourned at 10:45 AM. The next meeting is scheduled for June 17, 2021, at 9:00 AM.

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.



CHRIS ELIAS
EXECUTIVE DIRECTOR
SAN JOAQUIN AREA FLOOD
CONTROL AGENCY

20 MAY 21 SJAFCA Meeting Minutes

Agenda Item 3.2

June 17, 2021

TO: San Joaquin Area Flood Control Agency

FROM: Scott L. Shapiro, General Counsel

SUBJECT: **EXTENSION OF EMPLOYMENT AGREEMENT FOR EXECUTIVE DIRECTOR POSITION**

RECOMMENDATION

It is recommended that the Board of Directors of the San Joaquin Area Flood Control Agency approve the attached proposed contract extension for Chris Elias, the Executive Director.

DISCUSSION

Background

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. After his retirement, on October 17, 2017, the Board approved a contract for Chris Elias as Executive Director. That contract was eventually signed and will now expire on June 30, 2021.

Present Situation

During the March 25, 2021 Board Meeting, the Board held a closed session to evaluate the services of the Executive Director. During that closed session, the Board authorized Counsel to make an offer to Mr. Elias to extend his contract. The Board was impressed by Mr. Elias' performance and noted the cost savings to the agency as a result of Mr. Elias waiving medical benefits and waiving his 2020/21 COLA adjustment. The attached extension of his contract contains terms proposed by the Board and to which Mr. Elias agreed, and is presented to the Board in this public meeting for approval. The key terms are: (1) a three-year extension, (2) a five percent merit raise, and (3) an annual COLA adjustment.

Summary

It is recommended that the Board of Directors of the San Joaquin Area Flood Control Agency approve the attached agreement.

PREPARED BY: Scott Shapiro



EMPLOYMENT AGREEMENT OF CHRIS ELIAS

This Employment Agreement (“Agreement”) is entered into effective as of June 17, 2021 by and between the San Joaquin Area Flood Control Agency, a California joint powers agency (“Employer”) and Chris Elias, an individual (“Employee”). This Employment Agreement amends and restates the Agreement of May 29, 2018. The parties agree as follows:

AGREEMENT

1. **Employment.** Employer hereby agrees to continue the employment of Employee, and Employee hereby accepts continued employment with Employer as the Executive Director of Employer, upon the terms and conditions set forth in this Agreement.

2. **Duties.** Employee will devote his productive time, attention, skill, and energy exclusively to the business of Employer, and will use Employee’s best efforts to promote the success of Employer’s business. Employee will also cooperate fully with Employer in the advancement of the best interests of Employer. Employee shall perform the functions and duties specified herein.

Under the general direction of the Board of Directors, Employee is responsible for overseeing the complete operation of the Employer’s business, including finance, operations, public interaction, policy, and the successful execution of civil engineering work in connection with Employer’s flood management projects. The Employer agrees that, except for the purpose of obtaining information or evaluating employee’s performance the Board of Directors and its members shall deal with all subordinate employees, contractors, and consultants (other than general or special counsel) solely through the Employee, or the Employee's designee; and neither the Board of Directors nor any member thereof shall give direction to any subordinate staff, contractors and consultants.

Key specific objectives include the following:

(a) Strategic program administration for civil works projects constructed in cooperation with Federal/State/ Local agreements: Manage projects in an effective and efficient manner. Provide strategic planning guidance regarding project scopes, schedules, financing, and execution. Prepare strategic planning documents including financing plans, program budgets, schedules, floodplain managements and reports. Identify and resolve issues as it relates to project development, design, engineering, and public outreach/coordination. Work closely with consultants to keep projects on schedule.

(b) Managing Employer-led flood protection projects: Plan and schedule work to allow projects to get to construction in a timely manner, understand the process for including environmental documents in project planning, obtain necessary permits, coordinate consultant services, develop public input as needed. Provide timely estimates of project budgets, monitor expenditures through the fiscal year, communicate cost overruns or savings. Prepare and administer consultant contracts. Manage cost sharing agreements to federal and state agencies. Manage consultants to keep projects on schedule.

(c) Representation of Employer to elected officials, Board members, other government agencies, the private sector and the public regarding Employer's project engineering issues: Prepare and present information regarding Employer projects to a wide audience. Prepare various written reports for management, staff, and outside agencies. Represent Employer to the media on technical issues. As needed, respond to various requests from elected officials, Board members, other government agencies, the private sector and the public.

Employee further agrees to observe and comply with Employer's policies, rules, and regulations as adopted by Employer's Board of Directors. Employee shall also perform such other legally permissible and proper duties and functions as the Board of Directors may from time to time assign. The Board shall establish a relative priority among its projects and objectives with a goal of making them reasonably attainable within the time limitations as specified in the annual operating and capital budgets and appropriations provided.

3. **Employee Performance Evaluation.** Regular communication about mutual expectations and about the Employee's performance is essential to a strong working relationship. Accordingly, Employer, through the Board of Directors, shall review and evaluate Employee's performance annually, and at any other times of its choosing. Said review and evaluation shall be in accordance with specific criteria developed by the Board of Directors in consultation with the Employee. The annual evaluation process shall also provide Employer and Employee with the opportunity to discuss potential modifications to key objectives outlined under Section 2 of this Agreement.

4. **Term of Employment.** Unless terminated earlier pursuant to Sections 16 or 17 below, the term of this amended and restated employment shall be through June 30, 2024.

5. **Place of Employment.** Employee shall perform his duties principally at Employer's offices in Stockton, California.

6. **Compensation.** Employee shall earn an annual salary ("Salary") for the year starting July 1, 2021 through June 30, 2022 of two hundred and twelve thousand nine hundred thirty-one dollars and nine cents (\$212,931.09) which is calculated as Employee's salary of \$195,708.72 for July 1, 2020 through June 30, 2021 plus a 5% merit increase and a cost of living adjustment ("COLA") using the metric below. This Salary shall include a COLA and shall be subject to an annual COLA beginning July 1, 2022 in accordance with the Consumer Price Index for Urban Wage Earners based on 12-month percentage change for Stockton Metropolitan Area in San Joaquin County (as measured in April of each year by the US Bureau of labor and Statistics for San Francisco-Oakland-Hayward, California). This Salary shall be paid on a biweekly basis.

7. **Benefits.** Employee shall not be entitled to receive or participate in any medical, vision, and/or dental insurance benefits offered by Employer at any time during the term of this Agreement. Employer will contribute 6.5% of Salary into a plan for Employee's benefit during the term of employment, consistent with the terms of the applicable deferred compensation plan.

8. **Sick Leave.** Employee shall accrue paid sick leave at the rate of eight (8) hours for each month of completed service. Sick leave will be paid at Employee's normal base Salary. Employee will not receive pay in lieu of sick leave benefits under any circumstances, and Employee will not receive pay for unused sick leave benefits upon termination of employment. Employee may carryover up to 48 hours of paid sick leave per year. Employee is entitled to use sick leave for the care of the employee's ill or injured immediate family member (mother, father, spouse, child, domestic partner as defined in California law) for up to half of the employee's annual sick leave accrual. Such leave for this purpose will be deducted from the employee's sick leave balance.

9. **Vacation.** Employee shall accrue four weeks (160 hours) of vacation per year. Vacation shall accrue on a monthly basis. Should Employee's accrued vacation reach 240 hours, Employee will cease to accrue further vacation until Employee's accrued vacation falls below that level. Vacation will not accrue during a leave of absence, except as required by law. Employee shall be responsible for accurately tracking his use of all vacation time in writing and reporting such use to Employer within seven (7) days of having used such time.

10. **Bereavement/Funeral Leave.** Employer shall provide 24 hours maximum paid leave in the event of death in employee's immediate family: spouse, children of Employee, brother, sister, grandchild, grandparent, father-in-law, mother-in-law, and registered domestic partner.

11. **Holidays.** All holidays observed by the City of Stockton will be provided to Employee as paid holidays.

12. **Cellular Phone and Data Plan Allowance.** In addition to his Salary, Employer will provide Employee with a cellular phone and data plan at Employer's expense for purposes of Employee conducting Employer business. Every two years, Employer will pay up to \$200 toward the purchase of a new cellular telephone or an upgrade of existing cellular telephone for the Employee's use for Employer business. Such cellular telephone will remain the property of Employer and must be returned to Employer at the time of termination.

13. **Computer Equipment Allowance.** Every two and a half years, Employer shall pay up to \$1,000 for the purchase of a laptop computer equipped with current versions of required software and docking station for Employee's use for Employer business. These items purchased for Employer business will remain the property of the Employer and must be returned to Employer at the time of termination.

14. **Professional Dues and Travel.** Employer shall reimburse Employee for all reasonable business expenses ("Business Expenses") incurred by Employee in connection with the business of Employer, including reasonable professional dues, travel, meals, lodging, registration, costs and other related charges of Employee necessary for his participation in associations, conferences, or meetings to perform properly his duties and benefit the interests of Employer. All conference participation, including the travel and lodging associated therewith, shall be reviewed and approved by the Chair of the Board in advance and are subject to budget approval.

15. **Prior Commitments.** During his employment with Employer, Employee agrees not to have any other agreements, relationships, or commitments to any other person or entity that conflict with Employee's obligations to Employer under this Agreement. Employee will not disclose to Employer, or use, or induce Employer to use, any proprietary information or trade secrets of others. Employee represents and warrants that he has returned all property and confidential information belonging to all prior employers.

16. **Early Termination; Termination Without Cause.** Either party may terminate this Agreement at any time upon fourteen (14) days written notice to the other party. If Employer terminates this Agreement without cause, Employer shall pay Employee his Salary accrued through the date of termination, accrued but unused vacation, and any vested payments required to be paid by applicable ERISA plans. Provided that Employee executes a Severance Agreement containing general release in favor of Employer in a form acceptable to Employer, Employer shall pay Employee as a severance, an amount equal to three (3) months' Salary, in one lump sum payment, less state and federal tax withholdings and any other deductions allowed by law. If Employee refuses to sign the standard Severance Agreement, Employee shall be deemed to have waived his right to severance.

17. **Early Termination; Termination For Cause.** Employer reserves the right to terminate this Agreement immediately without notice upon the occurrence of any of the following events:

- (a) Employee's death;
- (b) Employee's disability or incapacity, where such disability or incapacity in the sole opinion of Employer renders Employee unable to perform the essential functions of his position, with or without reasonable accommodation;
- (c) Employee's commission of acts of dishonesty, fraud, misrepresentation, embezzlement or similar conduct by Employee;
- (d) Employee's failure to reasonably perform Employee's duties as modified by Employer from time to time;
- (e) Conduct by Employee that in the good faith determination of the Board demonstrates unfitness to serve as an officer or employee of Employer, including without limitation a finding by the Board of Directors or any regulatory authority that Employee engaged in acts of harassment, violated Employers policies on ethics, workplace behavior, or legal compliance; or violated a material law or regulation applicable to the business of Employer;
- (f) Employee's refusal or neglect to comply with any lawful or reasonable order given to Employee by Employer;
- (g) Any material breach of this Agreement by Employee.

Upon termination of this Agreement pursuant to this Section 17, Employer shall pay all wages due and owing through the date of termination. No other payments shall be due to Employee (except those vested payments required to be paid by applicable ERISA plans),

including but not limited to severance payments. Nothing in this Agreement shall be construed to require a waiver of rights that Employee may have under the Family and Medical Leave Act, California Family Rights Act or other similar federal and/or state laws.

18. **Notices.** All notices and other communications under this Agreement shall be in writing and shall be deemed to have been given: (1) on the date delivered by hand or sent by facsimile; (2) twenty-four (24) hours following the date sent by overnight delivery service; or (3) on the third day after mailing if deposited in the U.S. mail. Any notice to be given to the parties should be addressed as set forth on the signature page, or to such other addresses as the party may specify in writing from time to time.

19. **Arbitration.** The parties shall attempt to resolve any disputes they may have in good faith. Any disputes which cannot be resolved informally between the parties shall be submitted to final and binding arbitration in San Joaquin County, California. A party seeking to arbitrate a dispute arising out of this Agreement must notify the other party in writing of its intent to arbitrate any claim for breach or enforcement of any provision of this Agreement within the time specified by the applicable statute of limitations for institution of legal or equitable proceedings in a court of law based on such claim. In no event shall notice be given after the date provided for in the statute of limitations. Notification to the other party of a written request for arbitration shall comply with Section 18 governing Notices. Any such timely and properly noticed claim for breach or enforcement of any provision of this Agreement shall be submitted to binding arbitration through the Judicial Arbitration and Mediation Services, Inc. ("JAMS") in accordance with the Rules and Procedures relating to employment disputes, which may be found at https://www.jamsadr.com/files/Uploads/Documents/JAMS-rules/JAMS_employment_arbitration_rules-2014.pdf, excepting such Rules as may be in conflict with federal or California law. Within ten (10) business days after notice of a dispute subject to arbitration is given, the parties shall select an arbitrator. If the parties fail to select an arbitrator within the designated period, then on the request of either party, JAMS shall select the arbitrator. Employer shall pay the arbitrator's fees and expenses unless applicable law allows the parties to share the arbitrator's fees and expenses, in which event the Employer and Employee shall each pay 50% of the arbitrator's fees and expenses. In the event that either party seeks injunctive relief, consistent with this arbitration clause such relief shall be sought pursuant to California Code of Civil Procedure sections 1281.8 and 527, or any successor statutes. The decision of the arbitrator shall be final and conclusive, and the parties waive the right to a trial de novo or appeal excepting only for the purpose of enforcing the arbitrator's decision or as otherwise may be required by law.

The parties expressly intend to arbitrate disputes between them. Therefore, this arbitration clause shall be construed so as to be consistent with applicable federal and California law, and to be enforceable to the maximum extent allowable by law. If necessary, any portion of this clause that is unenforceable by law shall be stricken, and the arbitrator or the court, as the case may be, shall have the power to reform this clause to the extent necessary to comply with applicable law and to give effect to the parties' intent that they shall arbitrate their disputes.

20. **Entire Agreement; Amendment.** This Agreement constitutes the entire agreement between the parties, and supersedes all prior agreements, whether oral or in

writing. This Agreement may not be amended except by the mutual written consent of the parties.

21. **Waiver.** Any provision of this Agreement may be waived at any time by the party entitled to the benefit thereof, but only by a writing signed by such party. No waiver of any of the provisions of this Agreement shall constitute a waiver of any other provision nor shall any waiver constitute a continuing waiver.

22. **Severability.** If any provision of this Agreement is held invalid or unenforceable, the other provisions of this Agreement shall remain in full force and effect.

23. **Binding Effect; Assignments.** This Agreement shall be binding upon and shall inure to the benefit of the parties, their permitted successors and assigns. Employee may not assign this Agreement or assign or delegate any of Employee's rights or duties hereunder without the prior written consent of the Employer.

24. **Legal Representation.** Employee acknowledges and understands that the law firm of Downey Brand LLP, and its attorneys, only represents Employer and does not represent Employee. Employee further acknowledges that he has had ample and sufficient opportunity to seek and obtain advice from independent counsel and is not relying on Downey Brand LLP to represent Employee's individual interests.

22. **Indemnification.** Employer shall provide for the defense of Employee in any action or proceeding alleging an act or omission within the scope of employment, in conformance with California law (Government Code section 995 et seq.).

23. **WAIVER OF TRIAL BY JUDGE OR JURY. EMPLOYEE AND EMPLOYER AGREE THAT BY ENTERING THIS AGREEMENT, THEY ARE KNOWINGLY AND VOLUNTARILY WAIVING THEIR RIGHT TO A TRIAL BY A JUDGE OR JURY.**

24. **Attorneys' Fees and Costs.** In the event of litigation, arbitration or any other action or proceeding between the parties to interpret or enforce this Agreement or any part thereof or otherwise arising out of or relating to this Agreement, the prevailing party shall be entitled to recover its costs related to any such action or proceeding and its reasonable fees of attorneys, accountants and expert witnesses incurred by such party in connection with any such action or proceeding. The prevailing party shall be deemed to be the party which obtains substantially the relief sought by final resolution, compromise or settlement, or as may otherwise be determined by order of a court of competent jurisdiction in the event of litigation, an award or decision of one or more arbitrators in the event of arbitration, or a decision of a comparable official in the event of any other action or proceeding.

25. **Governing Law.** The laws of the State of California shall govern this Agreement.

EMPLOYER:

SAN JOAQUIN AREA FLOOD CONTROL AGENCY

EMPLOYEE:

CHRIS ELIAS

By:

Chuck Winn
Board Chair

Chris Elias

Addresses:

San Joaquin Area Flood Control Agency
Attn: Board Chair
22 E. Webber Avenue, Room 301
Stockton, CA 95202

RESOLUTION NO. SJAFCA 21-10

**SAN JOAQUIN AREA
FLOOD CONTROL AGENCY**

=====

**RESOLUTION TO APPROVE THE CONTRACT EXTENTION FOR
EXECUTIVE DIRECTOR**

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

1. Approve the proposed contract extension for Chris Elias, the Executive Director.

PASSED, APPROVED AND ADOPTED this 17th day of June 2021.

CHUCK WINN, Chairman of the Board
of the San Joaquin Area Flood Control
Agency

APPROVED AS TO FORM:

SCOTT SHAPIRO, Legal Counsel
for the San Joaquin Area Flood Control Agency

Agenda Item 4.1

June 17, 2021

TO: San Joaquin Area Flood Control Agency

FROM: Chris Elias, Executive Director

SUBJECT: **RESOLUTION TO APPROVE THE PROPOSED FISCAL YEAR 2021/22 OPERATING, LOWER SAN JOAQUIN RIVER, MOSSDALE, AND REGIONAL FLOOD PLANNING PROGRAM BUDGETS FOR THE SAN JOAQUIN AREA FLOOD CONTROL AGENCY**

RECOMMENDATION

It is recommended the Board of Directors of the San Joaquin Area Flood Control Agency (SJAFCA or the Agency) receive information and adopt an omnibus resolution approving the following proposed fiscal year (FY) 2021/22 budgets for SJAFCA for the following:

1. Agency Operations (Fund #55601)
2. Lower San Joaquin River Federal Project (Fund #55653)
3. Mossdale Tract Area Program (Funds #55679/55680)
4. Regional Flood Management Planning Program (Fund #55667)

DISCUSSION

This year, SJAFCA staff is presenting to the Board a combined budget report that presents the proposed budgets supporting Agency Operations and the following three capital project programs:

- Lower San Joaquin River Federal Project;
- Mossdale Tract Area Program; and,
- Regional Flood Management Planning Program.

The Agency has two additional programs that are funded with special benefit assessments and these programs include:

- Flood Protection Restoration Project (FPRP) O&M Program
- Smith Canal Gate Project

The budgets for these later two programs are handled separately as part of the annual approval of the levy of assessments. The FPRP O&M program budget was considered and approved by the Board on May 20, 2021. The Smith Canal Gate Project Budget will be considered by the Board later on this Agenda as part of a separate action calling for the annual levy of the Smith Canal Area Assessment District assessments.

Each of four budgets for consideration by the Board at this time are addressed in a separate section of this report. A comprehensive view of the Agency's budget will be presented by staff.

RESOLUTION TO APPROVE THE PROPOSED FISCAL YEAR 2021/22 BUDGETS FOR AGENCY OPERATIONS, THE LOWER SAN JOAQUIN RIVER PROJECT, THE MOSSDALE TRACT AREA PROGRAM AND REGIONAL FLOOD MANAGEMENT PLANNING FOR THE SAN JOAQUIN AREA FLOOD CONTROL AGENCY

1. Agency Operations

On June 18, 2020, the Board adopted SJAFCA Resolution No. 20-19 approving the Agency's proposed budget for FY 20/21 (Exhibit A & summarized in Table 1). Also, shown in Exhibit A is the updated final budget for the fiscal year.

As of April 30, 2021, with approximately 83 percent of the FY lapsed, the Agency has spent about 73% of the operating budget (Table 1). Overall operating costs are expected to come in under budget and this is mainly due to vacant positions in SJAFCA.

TABLE 1 – SUMMARY OF FISCAL YEAR 2020/21 BUDGET & ACTUALS

FY 2020/21 SJAFCA Operating Budget	FY 20/21 Budget	20/21 Expenses As of 4/30/21	Year-End Estimated Operating Expenses
SJAFCA/CITY Employee Services	\$1,024,028	\$503,227 49%	\$598,077 58%
Other Services	455,000	463,300 102%	499,044 110%
Materials & Supplies	3,100	99,349 3205%	116,550 3760%
Other Expenses	117,500	101,272 86%	106,835 91%
Approved Operating Budget:	\$1,599,628	\$1,167,148 73%	\$1,320,506 83%

The proposed FY 21/22 budget is also presented in Exhibit A and is summarized in Table 2 below. Exhibit A presents the Agency's anticipated expenditures for general administration, operations, and support costs for existing capital improvement projects. The proposed FY 21/22 expenditure budget is effectively the same as the total approved prior year budget.

**TABLE 2 - FISCAL YEAR 21/22 SJAFCA
PROPOSED OPERATING EXPENDITURE BUDGET
SUMMARY**

	FY 21/22 Proposed Budget
SJAFCA/CITY Employee Services	\$ 1,023,150
Other Services	350,000
Materials & Supplies	121,350
Other Expenses	105,500
Proposed Operating Budget:	\$1,600,000

RESOLUTION TO APPROVE THE PROPOSED FISCAL YEAR 2021/22 BUDGETS FOR AGENCY OPERATIONS, THE LOWER SAN JOAQUIN RIVER PROJECT, THE MOSSDALE TRACT AREA PROGRAM AND REGIONAL FLOOD MANAGEMENT PLANNING FOR THE SAN JOAQUIN AREA FLOOD CONTROL AGENCY

Funding for the Proposed FY 21/22 Budget

The Agency's Operating budget is supported through the allocation of costs to the Agency's project related funds. Because SJAFCA's mission of reducing and managing the region's flood risk is achieved through the advancement of projects, as was the case with last year's budget, staff has incorporated an allocation of its operating budget to these programs. The attached Exhibit B shows the allocation that, with the approval of the Operating Budget by the Board, would be implemented by staff. The allocation of costs remains the same as last year's approved allocation. The allocation of the operating budget to SJAFCA's projects and programs with reference to their primary funds is summarized in Table 3:

TABLE 3 – OPERATING FUND COST ALLOCATION SUMMARY

Fund	No.	Allocation %
Operating Fund	55601	10%
O&M	55694	10%
Smith Canal	55666	40%
Mossdale	55679	30%
Fed Project	55653	10%
RFMP	55667	5%

Operating Fund Cost Allocations:

SJAFCA Operating Fund (Fund 55601). The SJAFCA Operating Fund balances are made up of assets that were derived from the Flood Protection Restoration Project (FPRP) completed in 1998, the unexpended bond proceeds for that project, fees collected by both the City of Stockton and County of San Joaquin for the Agency's former equalization fee program, and reimbursement received from the U.S. Army Corps of Engineers (USACE) for the original flood control improvements. In addition to earned interest, some funding from in-County local agencies was received to help pay the local share of costs for the Lower San Joaquin River Feasibility Study. Revenues received from local agencies and through Funding Agreements reimbursed the Agency for some of the costs it incurred to support these projects.

Over the last several years, the Reserve Fund balances have been used to pay for the Agency's operating costs as well as work that supported some of the Agency's capital improvement projects. These include the Lower San Joaquin River Feasibility Study (LSJRFS), the recertification of the Bear Creek and Calaveras River levee reaches, and advance funds for the Smith Canal Gate project before the Smith Canal Area Assessment District was established. However, with the FY 2020/21 budget and continuing again with FY 2021/22 budget, as described above, the Agency is allocating its operating costs (the General & Administrative expenses) to minimize the amount of reserves used to fund operating expenses. While operating costs cannot

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be fully funded through this offset alone (not all of the programs where the costs are allocated have sufficient resources to bear the full brunt of the allocation), it is anticipated that the Agency will continue to use its limited reserves to fund increasing share of its annual operations.

Operations and Maintenance (O&M) Fund (Fund 55694). The O&M Fund accounts for money collected annually through the Agency's O&M assessment. The levy of this assessment provides resources for ongoing maintenance of the Agency's FPRP improvements. Each year, the Board reviews the Annual Engineer's Report and establishes the O&M assessments. The O&M budget for FY 21/22 was presented to and approved by the Board separately on May 20, 2021 (Agenda Item 4.1) as part of the annual hearing process to approve the Assessment. The allocation approach discussed above and shown in Exhibit B allocates up to \$160,000 of G&A expenses to the O&M fund. This allocation was included in the O&M Budget and approved by the Board with the authorization provided on May 20, 2021.

Smith Canal Area Assessment District Fund (Fund 55666/55654). These funds account for money collected annually through the Smith Canal Area Assessment District and grant revenues from State Department of Water Resources (DWR) to fund the Smith Canal Gate project. Assessment collection began in FY 14/15. The levy assesses approximately 8,100 benefited parcels and will generate approximately \$1.70 million during FY 21/22 that will be used to fund the local share of the project. The FY 21/22 Technical Memorandum for the Smith Canal Area Assessment District will be presented to the Board at this meeting (Agenda Item 4.2). The allocation approach discussed above and shown in Exhibit B would allocate up to \$640,000 of G&A expenses to the Smith Canal Project fund. The budget included within the proposed Smith Canal Area Assessment District authorization, to be considered later in this meeting, includes this amount.

Mossdale Tract Fund (Fund 55679/55680). These funds were created as part of a Board-approved action on February 26, 2018 (SJAFCA Resolution 18-06), to address flood protection for the Mossdale Tract Area. The local sources of funding include previously funded forgivable loans from member agencies: City of Stockton, San Joaquin County, City of Lathrop and City of Manteca as well as a Regional Development impact fee program adopted by SJAFCA (Resolution No. 18-21) effective January 8, 2019. In addition, a grant from DWR provides funding for the Urban Flood Risk Reduction feasibility study. These funds are used to pay for activities to advance the Mossdale Tract Program. As a multi-year capital project, unexpended prior year funding authorized by the Board under this program rolls over forward. For FY 21/22 additional budget is requested and is presented separately later in this report. However, the allocation approach discussed above and shown in Exhibit B would allocate up to \$480,000 of G&A expenses to the Mossdale fund. The additional funding requested under this item, discussed later in this report, reflects this G&A allocation.

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Regional Flood Management Plan (Fund 55667). With the execution of the RFMP grant during FY 20/21 staff established Fund 55667 to track and account for the RFMP Program. The program funded by DWR is expected to be a three-year program. The budget request last year reflected an initial allocation of G&A expenses for FY 20/21. The budget request for FY 21/22, which reflected later in this report, includes a second year of G&A expenses of up to \$80,000 consistent with the proposed allocation noted in Exhibit B.

Lower San Joaquin River Federal Project (Fund 55653). As further discussed below, staff of the Agency is currently working with the USACE, DWR and CVFPB to advance the Lower San Joaquin River Project toward the construction of the first increment. With this effort, and consistent with the approach described above, like last year, staff proposes to incorporate an allocation of G&A costs to the Lower San Joaquin River Project. The allocation would be approximately \$80,000. Funding for this allocation would come from fund balances in Lower San Joaquin River Federal Project Fund as this is currently the only funding source available for SJAFCA's share of the Federal Project.

Operating Budget. The Agency's Operating Budget as summarized above in Table 1 and presented in Exhibit A for FY 21/22 totals \$1,600,000. This is the same total budget as FY 20/21, however, the allocation to the following categories has changed. The Operating Budget categories are described further below:

- **SJAFCA/CITY Employee Services.** This category includes salary and benefits for 7 SJAFCA positions: Executive Director, Executive Project Manager, Senior Civil Engineer, Associate Civil Engineer, Finance and Administrative Services Manager and administrative support staff (2). One position is a City of Stockton position and the balance are Agency positions. City of Stockton costs include an allocation of salary and benefits for administration and city payroll services. The total allocation of resources to support these staffing costs is **\$1,023,150**.
- **Other Services.** These expenses include professional services such as legal counsel, federal and State advocacy efforts, technical consultants, and annual auditing services as well as temporary staffing costs. The total allocation for Other Services is **\$350,000**.
- **Materials and Supplies.** This category includes expenses for general office supplies, computer software, the maintenance of the Agency's office scanner/copier equipment. This category also includes equipment rental, computer technology support, postage, mailing, duplicating services, file storage and vehicle costs. Rent for building space from the City of Stockton is also included. The anticipated cost for Materials and Supplies is **\$121,350**.

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- **Other Expenses.** This category includes costs for travel, parking, training and staff development, professional memberships, permits/certifications, website development and maintenance. This category also includes the Agency's general liability insurance premiums and association memberships. The total anticipated cost for Other Expenses is **\$105,500**.

The Operating Budget illustrated in Exhibits A and B (summarized in Tables 2 and 3) includes the full costs for the proposed positions and the allocations to the Projects and Programs supporting the Agency's mission. The Agency's Annual Operating Budget and G&A allocation policy are reviewed annually and adjustments are made as part of the Budget Approval process for the following year.

Capital Improvement Program (CIP) Budget

As further described above, the Agency has 3 capital programs that support flood protection projects. The matrix below describes the current and planned sources of funding for those programs:

	Smith Canal	Mossdale Tract	Lwr. San Joaquin River Project	Regional Planning
Funding Sources	- Assessments - EIP Grant - UFRF Grant - Allocation of Reserves - Bond Revenues	- Local Funding Agreements - UFRF Feasibility Grant - The Mossdale Regional Levee Impact Fee - Assessments* - EIFD* - Climate Resiliency Challenge Grant	- SJAFCA Fund Reserves - Local Funding Agreements - Federal Reimbursement - Assessments	- RFMP Grant (DWR)

**Asterisk denotes funding mechanisms to support the programs but have not yet taken place.*

An updated CIP Budget request included as part of the approval of the annual assessment levy for the Smith Canal Gate Program is included as part of Agenda Item 4.2. The remaining three programs are described further below.

2. Mossdale Tract Program

To date, the Mossdale Tract Program has been supported by the following funding sources:

- Advanced funding from Member Agencies;
- A Regional Development Impact Fee program;

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- A grant from DWR under its Urban Flood Risk Reduction Program to advance a Feasibility Study, Preliminary Design and Environmental review; and,
- A grant from the Bay Area Council to support Climate Resiliency.

To further accomplish the goal of achieving an Urban Level of Flood Protection for the Mossdale Tract Area, additional local funding mechanisms, including an Overlay Assessment District and Enhanced Infrastructure Financing District, are being advanced to support project costs.

On June 18, 2020 the SJAFCA Board approved a budget augmentation to the previously approved CIP budget to fund the Mossdale Tract Program through FY 2020/21. The following discussion describes the work covered in the proposed augmentation to cover activities through FY 2021/22 and the status of current efforts.

Prior board approvals of budget for the Mossdale Tract Program involved a series of actions to create the financial infrastructure to allow SJAFCA to continue the efforts to advance 200-Year flood protection for the Mossdale Tract area started by the Cities of Lathrop & Manteca. These actions included appropriating funding to:

- 1) Transition the Urban Flood Risk Reduction (UFRR) Program Feasibility Study, Design and Permitting Agreement with DWR from Lathrop to SJAFCA; and
- 2) Advance efforts to achieve an Urban Level of Flood Protection including Adequate Progress Annual Reporting, Technical Support, and Local Funding Program Implementation for the Mossdale Tract Basin as well as series of other actions in support of these goals.

These efforts continue and are well underway as further described below.

The final UFRR Study report is scheduled to be delivered to DWR in June 2021. The next step and most urgent need in the process will be to assemble the required CEQA documentation and conduct environmental analyses on a subset of the UFRR study alternatives. This process will serve to further develop the multi-objective features identified in the UFRR study and will form the foundation for federal investment in the Mossdale project. In anticipation of the acceptance and approval of the final UFRR Feasibility Study Report, SJAFCA has requested DWR to consider releasing the remaining UFRR study funds (approximately \$3.8M) for this purpose. Implementation of the Preferred Plan will require a number of important preconstruction activities, including engaging in a USACE study to determine federal interest, pursuit of federal and State funding, advancement of local financing initiatives, right of way acquisition, environmental permitting, and engineering field investigations. Completion of the CEQA documentation will help to further define the Preferred Plan and ensure compliance with all relevant State and federal laws and policies. Advancing the UFRR study alternatives through the CEQA process has several advantages including serving as a foundation for federal investment decisions and as a catalyst for advancing the many other critical project phases that depend on CEQA compliance. This

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effort will support the ability of Local Agencies maintenance of adequate progress and allow SJAFCA to advance 200-Year levee protection in the Mossdale Tract Area.

In addition, to further support ULOP efforts, SJAFCA entered into a consultant agreement with Wood Rogers, Inc. in 2020 to determine the appropriate alignment for extension of the Manteca Dry Land Levee that carefully considers technical issues, community impacts, and stakeholder input. The consulting team was given direction to build from work that has been previously completed and further define a preferred alternative to deliver 200-year protection beyond the existing dry land levee. The consulting team of Wood Rodgers/MBK/Kleinfelder has completed the foundational geotechnical and hydraulic studies, and has used that information to develop an array of alternatives extending the existing RD17 dryland levee further to the east to prevent flanking of floodwaters into the urbanized areas of Lathrop, Manteca, Stockton, and San Joaquin County. It is critical for all elements of the Preferred Plan, including the newly proposed dryland levee extension, to be evaluated as part of the CEQA project description and alternatives to avoid project segmentation issues. Analyzing the impacts of the dryland levee extension will be an essential piece of the CEQA process.

As it relates to the implementation of the Local Funding Program for the Mossdale Tract Area, the Agency has implemented a Regional Levee Impact Fee Program and has been collecting development impact fee funds for approximately 2 ½ years. In addition, the Board approved consulting contracts to support the formation of Overlay Assessment District and Enhanced Infrastructure Financing Districts including a contract for supporting Public Outreach efforts. These efforts are targeting supporting formal actions toward the end of 2021 and early 2022.

Finally, SJAFCA executed an agreement with the Bay Area Council for a \$200,000 Climate Resiliency Challenge grant. Funds from this grant are being utilized by SJAFCA to advance the Climate Adaptation Policies and related goals of the Agency. Since the signing of the grant agreement in June 2020, SJAFCA retained the services of, and contracted with, a consultant firm (PBI) to assist with the Project. An interim progress report has been submitted summarizing the problem that the region is facing and serving as a basis for brainstorming potential flood risk reduction alternatives that would provide climate resiliency to our region. The next step of the study, following distribution of the background report, will be to engage with regional stakeholders and gather input on solutions that would provide climate resilience to the Lower San Joaquin River and Delta South Basin. Alternatives will be developed to a basic, conceptual level of detail and will be screened for reasonableness. A final report will be developed to outline the proposed flood risk reduction alternatives and identify the necessary actions that will need to be taken in a future study to refine and evaluate the array of alternatives and select a preferred alternative. The grant agreement schedule identifies a September 2022 completion date for the final study report.

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The recommended budget augmentation for Fiscal Year 2021/22 (Exhibit C) summarized in Table 4 below for the proposed Mossdale Tract Fund addresses the following categories of costs:

UFRR Feasibility Study

- Work by Peterson Brustad, Inc.

Program Management

- Staff Support & Allocated Overhead
- Consulting Support
- Legal Support
- Strategic Planning and Implementation
- Public Outreach

ULOP Adequate Progress & Local Funding Implementation

- Funding Implementation including EIFD and Assessment District formations
- ULOP Adequate Progress Reporting
- Budget Support and funding Administration Services
- Federal Program Consultation Phase 2 Feasibility Study Coordination

Project Implementation

- Preliminary Design and Environmental Review
- Manteca Dryland Levee extension evaluation
- Climate Resiliency Scope of Work

In summary, the budgeted costs for the Mossdale Tract fund shown in Exhibit C are summarized in Table 4 as follows:

TABLE 4 – MOSSDALE TRACT FY 2021/22 CIP BUDGET SUMMARY

FY 2021/22 Mossdale Tract Program CIP Budget	Approved Budget Through 20/21	Expended through 4/30/2021	Budget Balance through 4/30/2021	Proposed Budget Augmentation	Proposed Budget Through 21/22
UFRR Feasibility Study	\$268,777	\$194,208	\$74,569	\$0	\$268,777
Program Management	\$1,532,054	\$1,083,110	\$448,944	\$730,000	\$2,262,054
Local Funding Implementation	\$983,200	\$595,870	\$387,330	\$720,000	\$1,703,200
Project Implementation	\$3,000,000	\$177,292	\$2,822,708	\$0	\$3,000,000
Climate Resiliency	\$200,000	\$34,696	\$165,304	\$0	\$200,000
TOTAL EXPENDITURES	\$5,984,031	\$2,085,176	\$3,898,855	\$1,450,000	\$7,434,031

The above expenses would represent to total cumulative Capital Improvement Program (CIP)

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budget for the Mossdale Tract Program through FY 21/22. Further, as is the case with all CIP budgets, if the above budget is not expended through FY 2021/22, the budget would roll over to the next fiscal year.

The revenues supporting this funding would come from multiple sources. The first source of funding would be the UFRR funding agreement with State of California that has been assigned from the City of Lathrop to SJAFCA. This funding would support, on a 50/50 cost share basis, the UFRR Feasibility Study, Environmental Review and Preliminary Engineering Design / Implementation efforts. It should be noted that a bank of local credit exists as a result of prior local investment by the Cities of Lathrop and Manteca that would offset a portion of the Local Cost share for the effort. As a result, the 50% cost share would not need to be funded by SJAFCA. The second source of funding would be SJAFCA's funding agreements with its members structured in the form of loans. This funding was received in FY 17/18 and is available to fund all project efforts. These loans would be repaid once the future local funding mechanisms are in place and able to provide sufficient cash flow to cover future project expenses. Finally, as previously mentioned, an additional \$200,000 of funding would come from the Bay Area Climate Resiliency Grant. The estimated revenues covering the budgeted expenses are also shown in the attached Exhibit C.

The requested budget augmentation of \$1.45 million focuses on additional efforts to implement the proposed funding mechanisms. More specifically, it is expected that SJAFCA will issue a contract with an Assessment Engineer in the coming year to advance formation of the proposed Overlay Assessment District. A feasibility level evaluation is ongoing and this effort is expected to transition to assessment district formation in the Fall of 2021.

The recommended Board Action includes approval of additional funding for the Mossdale Tract Funds and for the activities needed to continue to advance the Mossdale Tract Program. Funding would come from various agreements with the State of California, SJAFCA members and Development Impact Fee revenues already received. The budget is fully funded.

3. Lower San Joaquin River Project

The overall estimated cost for the Lower San Joaquin River Project (LSJRP) is approximately \$1.3 billion. This project is expected to be implemented in several increments over a decade or more timeframe. The first increment of the LSJRP is currently under design and the non-Federal share of the first design increment is \$2.221 million (total cost \$6.346 million). This non-Federal cost is split between SJAFCA and the State (70/30) and brings SJAFCA's local cost share for the design to \$666,300, which was fully paid in SJAFCA's fiscal year 2020/2021.

To generate funding for the Local Share of the Design efforts back in September 2018, the Board authorized the Executive Director to execute cost share agreements for the LSJRP with the local stakeholder agencies impacted by the Feasibility Study. This was the same approach taken to fund the local share of the Feasibility Study. However, at the same time,

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SJAFCA had been working to receive a \$10.06 million reimbursement for completed work on the prior Federal project. This money was received in July 2019. Around that time, staff met with the local agencies to discuss cost share agreements, and at the same time the Board had been discussing the identification of a local funding mechanism to set up full local share of entire authorized LSJRP. In lieu of executing cost share agreements, SJAFCA authorized the use of a portion (up to \$3.14 million) of the \$10.06 million in funds (now part of SJAFCA's reserves) to match the Federal FY 2020 Funding allocated for the Project. The remaining funding, after an allocation to the Smith Canal Project, was to be focused on developing the long-term funding needed to generate the remaining local share of the overall LSJRP.

In February 2020 as part of the Federal fiscal year 2020 budget, the USACE approved Civil Works work plan funding in the amount of \$22.8 million and awarded a New Start Construction designation for the construction of the first increment. USACE subsequently received an additional \$20.0 million associated with the Federal fiscal year 2021 budget. Another \$15 million was allocated in the Federal fiscal year 2022 President's budget, but is subject to change as it has not yet been approved by congress.

Of the \$42.8 million in Federal funding (FY 20 & 21), SJAFCA's matching cost share obligation totals \$6.91 million; that can come in the form of credit for in-kind work, credit for land easements, rights-of-way, relocations and disposal areas (LERRD), and cash. SJAFCA's approach is to fully leverage Smith Canal credit and in-kind work credit to minimize cash outlays. For the fiscal year 2021/2022 planning, only a portion of SJAFCA's obligations are necessary to support the project's progress – this is primarily attributed to the planned delivery of the first increment of construction at Ten Mile Slough in the Brookside Stockton neighborhood, in area known as TS_30_L. Therefore, the fiscal year 2021/2022 budget to support the LSJRP is \$1.745 million.

The planning for the long-term funding approach has been ongoing and has been the subject of several past Board meetings. In the coming months, staff will present the status and preliminary results of those planning, including cash flows, long-term funding needs, summary results of the assessment district feasibility assessment, and next steps.

Staff recommends that the Board re-align the LSJRP CIP Budget for FY 2021/2022 by \$(455,484) such that, when taking into consideration prior year authorization, the net remaining authorized CIP budget is \$1.745 million. This estimate takes into consideration expenses previously expended in FY 20/21 and the requirements needed to support the Lower San Joaquin Federal Project and efforts to implement a long-term funding approach for future ULOP of North & Central Stockton. A detailed budget is included in the attached Exhibit D and is summarized in Table 5 below.

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**TABLE 5 – LOWER SAN JOAQUIN RIVER PROJECT
FY 2021/22 CIP BUDGET SUMMARY**

FY 2021/22 Lower San Joaquin River Project CIP Budget	
Prior Year Authorizations	\$3,140,281
Actual Costs	(\$939,797)
Remaining Budget	\$2,200,484
Net Budget Realignment [1]	(\$455,484)
Updated 2020/21 Budget	\$1,745,000

[1] Reference Exhibit D

4. Regional Flood Management Planning

Historically, money received from the State for Regional Flood Management Planning (RFMP) has reimbursed the Agency for its efforts to provide critical information about local flood management needs and priorities as part of the 2017 Central Valley Flood Protection Plan (CVFPP) update. As an extension of RFMP efforts, last year in 2020/21 DWR advanced a third phase of regional planning to support the 2022 CVFPP update. Staff worked with the State to put this grant in place and support the Agency's projects. Staff finalized a scope of work and budget with DWR for the Phase 3 RFMP Grant and the grant was approved for \$850,000 for approximately 3-Years of work. Staff is currently working with DWR to augment the budget by \$150,000 for the same duration. As such, staff has prepared a budget modification that re-aligns a total \$1,000,000 of budget to the tasks and scope of work negotiated with DWR. The attached Exhibit E (summarized in Table 6 below) presents the original budget, the expenses incurred to date and the updated budget based on the modifications currently being coordinated with DWR. The budget includes funding for allocated agency General and Administrative Services as described further above. The proposed FY 2021/22 budget modification reflected in Exhibit E is summarized in Table 6:

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TABLE 6 – RFMP FY 2021/22 CIP BUDGET SUMMARY

FY 2021/22

REGIONAL FLOOD MANAGEMENT PLANNING CIP BUDGET

Original Budget	\$850,000
Expenses through 6/30/21	-\$274,651
Remaining Budget	\$575,349
Budget Augmentation	+\$150,000
Adjusted Remaining Budget	\$725,349
Prior expenses	\$274,651
plus Adjusted Remaining Budget	+\$725,349
Final Total Budget	\$1,000,000

Reference Exhibit E

FISCAL IMPACT

Discussion

With exception of the Mossdale Tract Program, some or all of the local share of CIP costs have been funded from the Agency's reserves with some reimbursement coming from local cost share partners. Apart from funds received for the various CIP programs, there continues to be no sustained long-term funding in place to support Agency operations.

The Agency's shrinking reserves and lack of revenue stream has been communicated to the Board over the last few years. Staff is again re-stating the previous financial analyses prepared by Kjeldsen Sinnock Neudeck, Inc. (KSN), during FY 14/15, which forecasted that the Agency would exhaust its reserves and would not be able to support operations beyond 2020.

As a result of the KSN report, SJAFCA and the San Joaquin County Flood Control and Water Conservation District (District) executed a cost-share agreement, approved by the Board in 2015, to evaluate funding alternatives and implement a plan to secure future funding for both the District and the Agency for the services it provides. The District, as the lead agency for this effort, worked to finalize an assessment methodology and implement a new Assessment District called the Flood Conveyance and Levee Maintenance Assessment District. In July 2019, the District presented the work effort to the SJAFCA Board as an informational item. The schedule at the time would have had District staff sending out ballots to property owners in the Fall of 2019. However, due to opposition of the effort from local stakeholders the effort was delayed until early Spring 2020. Just prior to the Board of Supervisor's further consideration of the District, the COVID-19 Pandemic took place and steps related to formation of new assessment district were suspended. As a result, the formation of a district that could support Agency operations was further delayed.

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Without other sources of financing, the Agency has relied on program resources to support more of its operational costs. This approach was documented within the budget report for FY 2020/21 and the approach has continued with the proposed budget for FY 2021/22 and the proposed Operational Budget allocation methodology described above.

Summary

The estimated Agency combined carry over Fund balance (agency reserves) at the beginning of FY 21/22 is expected to be approximately \$2.3 million. The proposed FY 21/22 budget anticipates total operating costs to be \$1,600,000 with a portion of these costs allocated to SJAFCA's projects. Total operating costs will be trued-up at fiscal year-end to account for direct expenses allocated against other sources of funding based on the level of effort for those specific programs.

By approving the attached Omnibus Budget Resolution (Exhibit F) attached to this staff report, the Board will adopt and approve the Agency's proposed FY 21/22 operating budget and associated allocation approach to capital programs and the supporting capital budgets for the Lower San Joaquin River Project, Mossdale Tract Area Program and Regional Flood Management Planning Programs.

STRATEGIC PLAN CONSISTENCY ANALYSIS

Consideration of the FY 2021/22 budget process is consistent with the Mission and Goals of the Board-adopted Strategic Plan. Specifically, it is consistent with the Goal #1, "to Plan for and Implement System Resilience", and to Goal #3, "Facilitate Funding Structures that are most Beneficial to Local Interests."

PREPARED BY: Seth Wurzel



APPROVED:
CHRIS ELIAS
EXECUTIVE DIRECTOR

CE:smw

Attachments

Exhibit A – FY 21/22 General and Admin Budget
Exhibit B – FY 21/22 Operating Budget and Proposed Allocation to Programs
Exhibit C – FY 21/22 Mossdale Tract Area Program CIP Budget
Exhibit D – FY 21/22 Lower San Joaquin River Project CIP Budget

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Exhibit E – FY 21/22 Regional Flood Management Planning Program CIP Budget

Exhibit F – FY 21/22 Budget Resolution

SAN JOAQUIN AREA FLOOD CONTROL AGENCY
General and Admin Budget (FY 20/21 and Proposed FY 21/22)

EXHIBIT A

	FY 20/21 APPROVED BUDGET	FY 20/21 thru 4/30/2021	FY 20/21 PROJECTED	FY 21/22 PROPOSED BUDGET
Expense				
700 · AGENCY MANAGEMENT - G&A				
7-30400 · ADMINISTRATIVE CHARGES				
7-30401 · SALARIES & WAGES	\$ 424,678.15	\$ 403,920.12	\$ 482,861.00	\$ 832,150.00
7-30402 · BENEFITS	\$ 29,064.20	\$ 87,638.87	\$ 100,291.00	\$ 166,500.00
7-30403 · PAYROLL TAX EXPENSE	\$ 4,103.07	\$ 4,237.45	\$ 6,000.00	\$ 12,000.00
7-30404 · WORKER'S COMP. INSURANCE	\$ 4,082.53	\$ 5,819.44	\$ 7,000.00	\$ 10,000.00
7-30405 · PAYROLL PROCESSING EXPENSE	\$ 2,100.00	\$ 1,612.03	\$ 1,925.00	\$ 2,000.00
7-30400 · ADMINISTRATIVE CHARGES - Other	\$ 560,000.00	\$ -	\$ -	\$ 500.00
Subtotal SJACFA/CITY Employee Services	\$ 1,024,027.95	\$ 503,227.91	\$ 598,077.00	\$ 1,023,150.00
7-30600 · AUDIT EXPENSE	\$ 55,000.00	\$ 40,338.06	\$ 53,784.00	\$ 55,000.00
7-40600 · OUTSIDE STAFFING SERVICES	\$ 150,000.00	\$ 145,259.41	\$ 145,260.00	\$ 10,000.00
7-50100 · PROFESSIONAL SERVICES - AGENCY	\$ 250,000.00	\$ 277,702.20	\$ 300,000.00	\$ 285,000.00
Subtotal Other Services	\$ 455,000.00	\$ 463,299.67	\$ 499,044.00	\$ 350,000.00
7-30700 · BANK OF WEST - SJAFCA VISA	\$ 100.00	\$ -	\$ -	\$ 150.00
7-40100 · GENERAL OFFICE EXPENSES	\$ 1,500.00	\$ 98,188.87	\$ 115,000.00	\$ 120,000.00
7-40500 · MISCELLANEOUS	\$ 1,500.00	\$ 1,159.63	\$ 1,550.00	\$ 1,200.00
Subtotal Materials & Supplies	\$ 3,100.00	\$ 99,348.50	\$ 116,550.00	\$ 121,350.00
7-30500 · ADVERTISING RECRUITMENT EXP.	\$ 10,000.00	\$ 3,005.52	\$ 4,500.00	\$ 5,000.00
7-30800 · COMMUNICATIONS	\$ 4,500.00	\$ 5,911.94	\$ 6,000.00	\$ 6,000.00
7-40200 · INSURANCE BOND & MALPRACTICE	\$ 72,000.00	\$ 65,057.78	\$ 67,000.00	\$ 68,000.00
7-40400 · MEMBERSHIPS & LICENSE RENEWALS	\$ 15,000.00	\$ 13,860.00	\$ 14,110.00	\$ 15,000.00
7-40700 · PERMITS & CERTIFICATIONS	\$ 5,000.00	\$ 3,450.52	\$ 5,000.00	\$ 3,000.00
7-60200 · TRANSPORTATION & TRAVEL	\$ 5,000.00	\$ 1,474.18	\$ 1,700.00	\$ 5,000.00
7-60300 · WEBSITE HOSTING	\$ 6,000.00	\$ 8,512.10	\$ 8,525.00	\$ 3,500.00
Subtotal Other Expenses	\$ 117,500.00	\$ 101,272.04	\$ 106,835.00	\$ 105,500.00
Total 700 · AGENCY MANAGEMENT - G&A	\$ 1,599,627.95	\$ 1,167,148.12	\$ 1,320,506.00	\$ 1,600,000.00

SAN JOAQUIN AREA FLOOD CONTROL AGENCY
General and Admin Budget (Proposed FY 21/22 Allocation to Programs)

EXHIBIT B

	FY 21/22 PROPOSED BUDGET	Operating Fund 55601 10%	O&M 55694 10%	Smith Canal 55666 40%	Mossdale 55679 30%	Fed Project 55653 5%	RFMP 55667 5%
Expense							
700 · AGENCY MANAGEMENT - G&A							
7-30400 · ADMINISTRATIVE CHARGES							
7-30401 · SALARIES & WAGES	\$ 832,150.00	\$ 83,215.00	\$ 83,215.00	\$ 332,860.00	\$ 249,645.00	\$ 41,607.50	\$ 41,607.50
7-30402 · BENEFITS	\$ 166,500.00	\$ 16,650.00	\$ 16,650.00	\$ 66,600.00	\$ 49,950.00	\$ 8,325.00	\$ 8,325.00
7-30403 · PAYROLL TAX EXPENSE	\$ 12,000.00	\$ 1,200.00	\$ 1,200.00	\$ 4,800.00	\$ 3,600.00	\$ 600.00	\$ 600.00
7-30404 · WORKER'S COMP. INSURANCE	\$ 10,000.00	\$ 1,000.00	\$ 1,000.00	\$ 4,000.00	\$ 3,000.00	\$ 500.00	\$ 500.00
7-30405 · PAYROLL PROCESSING EXPENSE	\$ 2,000.00	\$ 200.00	\$ 200.00	\$ 800.00	\$ 600.00	\$ 100.00	\$ 100.00
7-30400 · ADMINISTRATIVE CHARGES - Other	\$ 500.00	\$ 50.00	\$ 50.00	\$ 200.00	\$ 150.00	\$ 25.00	\$ 25.00
Subtotal SJACFA/CITY Employee Services	\$ 1,023,150.00	\$ 102,315.00	\$ 102,315.00	\$ 409,260.00	\$ 306,945.00	\$ 51,157.50	\$ 51,157.50
7-30600 · AUDIT EXPENSE	\$ 55,000.00	\$ 5,500.00	\$ 5,500.00	\$ 22,000.00	\$ 16,500.00	\$ 2,750.00	\$ 2,750.00
7-40600 · OUTSIDE STAFFING SERVICES	\$ 10,000.00	\$ 1,000.00	\$ 1,000.00	\$ 4,000.00	\$ 3,000.00	\$ 500.00	\$ 500.00
7-50100 · PROFESSIONAL SERVICES - AGENCY	\$ 285,000.00	\$ 28,500.00	\$ 28,500.00	\$ 114,000.00	\$ 85,500.00	\$ 14,250.00	\$ 14,250.00
Subtotal Other Services	\$ 350,000.00						
7-30700 · BANK OF WEST - SJAFCA VISA	\$ 150.00	\$ 15.00	\$ 15.00	\$ 60.00	\$ 45.00	\$ 7.50	\$ 7.50
7-40100 · GENERAL OFFICE EXPENSES	\$ 120,000.00	\$ 12,000.00	\$ 12,000.00	\$ 48,000.00	\$ 36,000.00	\$ 6,000.00	\$ 6,000.00
7-40500 · MISCELLANEOUS	\$ 1,200.00	\$ 120.00	\$ 120.00	\$ 480.00	\$ 360.00	\$ 60.00	\$ 60.00
Subtotal Materials & Supplies	\$ 121,350.00						
7-30500 · ADVERTISING RECRUITMENT EXP.	\$ 5,000.00	\$ 500.00	\$ 500.00	\$ 2,000.00	\$ 1,500.00	\$ 250.00	\$ 250.00
7-30800 · COMMUNICATIONS	\$ 6,000.00	\$ 600.00	\$ 600.00	\$ 2,400.00	\$ 1,800.00	\$ 300.00	\$ 300.00
7-40200 · INSURNACE BOND & MALPRACTICE	\$ 68,000.00	\$ 6,800.00	\$ 6,800.00	\$ 27,200.00	\$ 20,400.00	\$ 3,400.00	\$ 3,400.00
7-40400 · MEMBERSHIPS & LICENSE RENEWALS	\$ 15,000.00	\$ 1,500.00	\$ 1,500.00	\$ 6,000.00	\$ 4,500.00	\$ 750.00	\$ 750.00
7-40700 · PERMITS & CERTIFICATIONS	\$ 3,000.00	\$ 300.00	\$ 300.00	\$ 1,200.00	\$ 900.00	\$ 150.00	\$ 150.00
7-60200 · TRANSPORTATION & TRAVEL	\$ 5,000.00	\$ 500.00	\$ 500.00	\$ 2,000.00	\$ 1,500.00	\$ 250.00	\$ 250.00
7-60300 · WEBSITE HOSTING	\$ 3,500.00	\$ 350.00	\$ 350.00	\$ 1,400.00	\$ 1,050.00	\$ 175.00	\$ 175.00
Subtotal Other Expenses	\$ 105,500.00						
Total 700 · AGENCY MANAGEMENT - G&A	\$ 1,600,000.00	\$ 160,000.00	\$ 160,000.00	\$ 640,000.00	\$ 480,000.00	\$ 80,000.00	\$ 80,000.00

SAN JOAQUIN AREA FLOOD CONTROL AGENCY

EXHIBIT C

Mossdale Tract Project Budget

July 1, 2017 thru June 30, 2022

	COMBINED APPROVED BUDGET	ACTUAL THRU 4/30/2021	BUDGET BALANCE THRU 4/30/2021	BUDGET AUGMENTATION THRU 6/30/2022	PROPOSED COMBINED BUDGET THRU 6/30/2022
	REVENUE	REVENUE	REVENUE	REVENUE	REVENUE
P5 - MOSSDALE TRACT PROJECT					
** CLIMATE RESILIENCY CHALLENGE GRANT - BAY AREA	\$ 200,000.00	\$ 200,000.00	\$ -	\$ -	\$ 200,000.00
DWR - UFRR FUNDING	\$ 3,250,000.00	\$ 140,141.66	\$ 3,109,858.34		\$ 3,250,000.00
TOTAL LEVEE IMPACT FEES	\$ 3,215,553.00	\$ 6,407,840.43	\$ (3,192,287.43)	\$ 3,192,287.43	\$ 6,407,840.43
MEMBER AGENCY SEED MONEY	\$ 310,000.00	\$ 310,000.00	\$ -	\$ -	\$ 310,000.00
INVESTMENT INTEREST	\$ 73,225.00	\$ 89,195.00	\$ (15,970.00)	\$ 10,000.00	\$ 83,225.00
P5 - MOSSDALE TRACT PROJECT REVENUE	\$ 7,048,778.00	\$ 7,147,177.09	\$ (98,399.09)	\$ 3,202,287.43	\$ 10,251,065.43
	EXPENSES	ACTUAL EXP	BUDGET BAL	AUGMENTATION	EXPENSES
MD - 1-MOSSDALE TRACT PROJECT / UFRR					
Total MD - 1.1-UFRR FEASIBILITY STUDY	\$ 268,776.77	\$ 194,207.81	\$ 74,568.96	\$ -	\$ 268,776.77
MD - 2.1-PROGRAM MANAGMENT					
MDPM - 2.11 ALLOCATE STAFF SUPP & OHEAD	\$ 682,267.00	\$ 477,356.64	\$ 204,910.36	\$ 480,000.00	\$ 1,162,267.00
MDPM - 2.12 CONSULTING SUPPORT (PBI/WILDAN))	\$ 212,053.00	\$ 163,774.68	\$ 48,278.32	\$ 100,000.00	\$ 312,053.00
MDPM - 2.13 LEGAL SUPPORT (D.B.)	\$ 273,542.00	\$ 209,594.63	\$ 63,947.37	\$ 75,000.00	\$ 348,542.00
MDPM - 2.14 STRATEGIC PLANNING (LWA/PBI)	\$ 175,192.00	\$ 224,804.64	\$ (49,612.64)	\$ 75,000.00	\$ 250,192.00
MDPM - 2.15 PUBLIC OUTREACH (KFC)	\$ 189,000.00	\$ 7,579.85	\$ 181,420.15	\$ -	\$ 189,000.00
Total MD - 2.1-PROGRAM MANAGMENT	\$ 1,532,054.00	\$ 1,083,110.44	\$ 448,943.56	\$ 730,000.00	\$ 2,262,054.00
MD - 3.1-LOCAL FUNDING IMPLEMENTATION					
MDLF - 3.11 ASSESSMENT DISTRICT SUPPORT (LWA-T3)	\$ 56,700.00	\$ 23,673.46	\$ 33,026.54	\$ -	\$ 56,700.00
MDLF - 3.12 DEVELOP FEE TRANS - SJAFCA (LWA-T1)	\$ 67,100.00	\$ 46,753.29	\$ 20,346.71	\$ 25,000.00	\$ 92,100.00
MDLF - 3.13 DEVEL FEE ADVANCED FUND & CRT (LWA-T2)	\$ 40,400.00	\$ 17,804.77	\$ 22,595.23	\$ -	\$ 40,400.00
MDLF - 3.14 EIFD SUPPORT / FORMATION (LWA-T5)	\$ 500,100.00	\$ 301,205.06	\$ 198,894.94	\$ 150,000.00	\$ 650,100.00
MDLF - 3.15 ULOP PROGRESS REPORT (LWA-T4)	\$ 93,100.00	\$ 92,521.49	\$ 578.51	\$ 20,000.00	\$ 113,100.00
MDLF - 3.16 JPA BUDGETING AMEND & SEED (LWA-T6)	\$ 71,200.00	\$ 64,754.30	\$ 6,445.70	\$ 25,000.00	\$ 96,200.00
MDFL - 3.17 FED. PROGRAM CONSULTATION (LWA-T7)	\$ 44,800.00	\$ 47,151.95	\$ (2,351.95)	\$ -	\$ 44,800.00
MDFL - 3.18 FED. FEASIBILITY STUDY MGMT (LWA-T8)	\$ 109,800.00	\$ 2,006.00	\$ 107,794.00	\$ -	\$ 109,800.00
MDLF - 3.1X ASSESSMENT DISTRICT FORMATON (TBD)	\$ -	\$ -	\$ -	\$ 500,000.00	\$ 500,000.00
Total MD - 3.1-LOCAL FUNDING IMPLEMENTATION	\$ 983,200.00	\$ 595,870.32	\$ 387,329.68	\$ 720,000.00	\$ 1,703,200.00
MD - 4.1-PROJECT IMPLEMENTATION					
MDPI - 4.11 PRELIMINARY DESIGN & ENVIRO. REVIEW	\$ 2,700,000.00	\$ -	\$ 2,700,000.00	\$ -	\$ 2,700,000.00
MDPI - 4.111 MANTECA DRYLAND LEVEE	\$ 300,000.00	\$ 177,292.01	\$ 122,707.99	\$ -	\$ 300,000.00
MDPI - 4.111 CEQA	TBD	\$ -		TBD	TBD
MDPI - 4.111 PRELIMINARY DESIGN	TBD	\$ -		TBD	TBD
Sub Total - MDPI - 4.11 PROJECT IMPLEMENTATION	\$ 3,000,000.00	\$ 177,292.01	\$ 2,822,707.99	\$ -	\$ 3,000,000.00
Total - MDPI - 4.12 CLIMATE RESILIENCY GRANT**	\$ 200,000.00	\$ 34,695.63	\$ 165,304.37	\$ -	\$ 200,000.00
Total MD - 4.1-PROJECT IMPLEMENTATION	\$ 3,200,000.00	\$ 211,987.64	\$ 2,988,012.36	\$ -	\$ 3,200,000.00
Total MD - 1-MOSSDALE TRACT / UFRR	\$ 5,984,030.77	\$ 2,085,176.21	\$ 3,898,854.56	\$ 1,450,000.00	\$ 7,434,030.77
Total P5 - MOSSDALE TRACT PROJECT EXPENSE	\$ 5,984,030.77	\$ 2,085,176.21	\$ 3,898,854.56	\$ 1,450,000.00	\$ 7,434,030.77

** Climate Change has its own funding

SAN JOAQUIN AREA FLOOD CONTROL AGENCY
Lower San Joaquin River Project Budget
 thru June 30, 2022

EXHIBIT D

	Prior Year Authorizations	Actuals through 4/30/21	Remaining Authorizations	FY 2021/22 Augmentation/ Re-alignment	Updated LSJR Budget
LSJR - FEDERAL PROJECT PHASE 1					
LSJR - 1 - PROGRAM MANAGEMENT					
LSJRPM - 1-1.1 PROGRAM MANAGEMENT	0.00	200,195.92	-200,195.92	370,195.92	170,000.00
LSJRPM - 1-1.2 STAFF SERVICES	79,981.00	60,638.22	19,342.78	60,657.22	80,000.00
Total LSJR - 1 - PROGRAM MANAGEMENT	79,981.00	260,834.14	-180,853.14	430,853.14	250,000.00
LSJR - 2 - CEQA/NEPA SUPPORT	0.00	12,130.18	-12,130.18	182,130.18	170,000.00
LSJR - 3 - 401 WATER QUALITY CERT. ASSIST		640.00	-640.00	640.00	0.00
LSJR - 4 - PAYMENTS TO USACE & IN-KIND WORK (DDA/PPA)	3,060,300.00	666,192.46	2,394,107.54	-1,544,107.54	850,000.00
LSJR - 5 - ULOP ASSESSMENT	0.00	0.00	0.00	475,000.00	475,000.00
Total LSJR - FEDERAL PROJECT PHASE 1	3,140,281.00	939,796.78	2,200,484.22	-455,484.22	1,745,000.00

SAN JOAQUIN AREA FLOOD CONTROL AGENCY
Regional Flood Management Planning Program
thru June 30, 2022

EXHIBIT E

	Original Budget	Expenses through 6/30/21	Remaining Budget	Budget Augmentation	Adjusted Remaining Budget	Final Total Budget
RFMP - 1 - PROGRAM MANAGEMENT [1]	\$ 45,000	\$ 70,051	\$ (25,051)	\$ 75,551	\$ 50,500	\$ 120,550
RFMP - 2 - COMMUNICATION AND ENGAGEMENT [1]	\$ 120,000	\$ 33,418	\$ 86,582	\$ 16,718	\$ 103,300	\$ 136,718
RFMP - 3 - RFMP ACT UPDATES CVFPP	\$ 100,000	\$ 71,985	\$ 28,015	\$ (15)	\$ 28,000	\$ 99,985
RFMP - 4 - FINAN. PLANG. & FUNDING SUPPOR	\$ 67,500	\$ 60,144	\$ 7,356	\$ 44	\$ 7,400	\$ 67,544
RFMP - 5 - REGIONAL GOVERNANCE	\$ 40,000	\$ -	\$ 40,000	\$ -	\$ 40,000	\$ 40,000
RFMP - 6 - MULTI BENEFIT OPP. & PARF TRAC	\$ 100,000	\$ 5,686	\$ 94,315	\$ 686	\$ 95,000	\$ 100,686
RFMP - 7 - REGIONAL CLIMATE RESILIENCE	\$ 75,000	\$ 33,367	\$ 41,633	\$ 367	\$ 42,000	\$ 75,367
RFMP - 8 - INSTITUTIONAL BARRIERS & PROCESS IMP.	\$ 200,000	\$ -	\$ 200,000	\$ -	\$ 200,000	\$ 200,000
RFMP - 9 - NFIP RELATED ACTIVITIES	\$ 35,000	\$ -	\$ 35,000	\$ -	\$ 35,000	\$ 35,000
RFMP - 10 - REGION SPECIFIC ACTIVITIES	\$ 67,500	\$ -	\$ 67,500	\$ 56,650	\$ 124,150	\$ 124,150
TOTAL	\$ 850,000	\$ 274,651	\$ 575,349	\$ 150,001	\$ 725,350	\$ 1,000,000

[1] Includes allocated Agency overhead.

RESOLUTION NO. SJAFCA 21-06

**SAN JOAQUIN AREA
FLOOD CONTROL AGENCY**

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**RESOLUTION TO APPROVE THE PROPOSED FISCAL 2021/22 OPERATING FUND AND CIP
BUDGET AUGMENTATIONS FOR THE SAN JOAQUIN AREA FLOOD CONTROL AGENCY**

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

1. That the San Joaquin Area Flood Control Agency's 2021-2022 Proposed Operating Fund Budget, a copy of which is attached as Exhibit "A" and Exhibit "B," is incorporated by this reference and hereby approved and adopted.
2. That the San Joaquin Area Flood Control Agency's 2021-2022 Proposed Capital Improvement Program budget allocations as described in the supporting staff report, copies of which are attached as Exhibits "C", "D" and "E," are incorporated by this reference and hereby approved and adopted.
3. That any new appropriations and/or adjustments to the Agency's 2021-2022 fiscal year budget will be brought back before the Board for consideration and approval.

PASSED, APPROVED AND ADOPTED this ____ day of June, 2021.

CHUCK WINN, Chair
of the San Joaquin Area
Flood Control Agency

ATTEST:

CHRIS ELIAS, 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

Agenda Item 4.2

June 17, 2021

TO: San Joaquin Area Flood Control Agency

FROM: Chris Elias, Executive Director

SUBJECT: **PUBLIC HEARING TO APPROVE THE TECHNICAL MEMORANDUM, BUDGET AND ORDER THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE SMITH CANAL AREA ASSESSMENT DISTRICT FOR FISCAL YEAR 2021/22**

RECOMMENDATION

Upon conclusion of the public hearing, it is recommended the Board of Directors of the San Joaquin Area Flood Control Agency adopt a resolution (Exhibit A) to approve the Technical Memorandum for the Smith Canal Area Assessment District (Exhibit B), which includes the Fiscal Year 2021/22 Annual Budget for Smith Canal Gate Project, and order the levy and collection of assessments within the Smith Canal Area Assessment District for fiscal year 2021/22.

DISCUSSION

Background

On July 10, 2013, after the conclusion of a voter approved Proposition 218 election, the Board adopted SJAFCA Resolution No. 13-13 approving the Final Engineer's Report and authorizing the formation of the Smith Canal Area Assessment District (District). The District was created to provide the local cost share for constructing and maintaining improvements to remove the Smith Canal area from a Federal Emergency Management Agency Special Flood Hazard Area. Assessments are levied annually on all parcels within the District, commencing fiscal year (FY) 2014/15, through the submittal of an assessment roll to the San Joaquin County Tax Collector.

The District is based on a financing plan that splits costs between the District and the State of California Department of Water Resources (DWR). When the assessment district was formed, it was assumed the cost share would be split 55% DWR and 45% District based on cost sharing guidelines in effect at that time. Under DWR's updated cost sharing guidelines for urban flood control projects, SJAFCA has an approved cost share of 63%. To date, SJAFCA has secured funding for both the design and construction of the project from DWR totaling more than \$38.283 million.

In compliance with Proposition 218, parcels within the District are assessed for the improvements and services that specially benefit each parcel. The special benefit provided to properties within the District is based on avoidance of flood damage to structures, contents of structures, and land. Project costs are distributed across the properties within the District

PUBLIC HEARING TO APPROVE THE TECHNICAL MEMORANDUM INCLUDING THE ANNUAL BUDGET FOR 2021/22 AND ORDER THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE SMITH CANAL AREA ASSESSMENT DISTRICT FOR FISCAL YEAR 2021/22

(Page 2)

in proportion to the flood protection benefits (flood damages avoided) provided by the improvements. These flood damage reduction benefits are relative to i) depth of flooding; ii) type of land use (residential, commercial, industrial, etc.); iii) parcel acreage; and iv) building square footage. Reference is made to the Fiscal Year 2018/19 Engineer's Report, Addendum 1 to the Fiscal Year 2018/19 Engineer's Report and the attached Technical Memorandum for the benefit calculation and assessment methodology for the District for fiscal year 2021/22. These documents are available for public inspection in the office of the Secretary of the Board and can also be viewed online at www.sjafca.com.

The assessment is made up of two components – a Capital component and an Operations and Maintenance (O&M) component. The average annual assessment for a single-family residence is approximately \$176.

The Capital portion of the assessment will be collected for 30 years from the point in time when bonds are issued in 2020, while the O&M portion of the assessment will be collected in perpetuity so long as the flood protection system and services are in place.

It should be noted that the O&M portion of the assessment includes the annual administrative expenses for the District. Administrative expenses include the annual calculation and preparation of the Technical Memorandum and assessment roll as well as the actual cost of collecting the assessments and responding to inquiries, including the review and processing of property owner appeals, if any. The collection of O&M proceeds for FY 20/21 will be used to fund construction related expenses as well as the administrative costs described above.

The Board has the authority, pursuant to Government Code Section 53739 (b), to levy the assessment within a designated range on an annual basis. The designated range can be from no assessment, up to and including the authorized maximum assessment, adjusted annually based on changes in the Consumer Price Index (CPI). Only the O&M portion of the assessment is subject to an annual adjustment based on CPI. The Board could authorize, in any year, an increase to the authorized maximum assessment which could include cumulative CPI increases that were not implemented in prior years. The CPI escalator during FY 20/21 was 2.55%.

There are 52 parcels within the District that are not included on the County's annual tax roll. These parcels are hand-billed for their assessment. Willdan Financial Services, the Agency's Assessment District Administrator, provides invoicing and monitors the progress of payments for parcels not included on the County's tax roll. Based on previous years' records, approximately 98% of the total hand-billed assessments are received each year.

Present Situation

The FY 21/22 assessment collection will assess 8,084 parcels and will generate \$1,708,464 for the District. This assessment collection includes the current year's CPI escalator of 1.77%

PUBLIC HEARING TO APPROVE THE TECHNICAL MEMORANDUM INCLUDING THE ANNUAL BUDGET FOR 2021/22 AND ORDER THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE SMITH CANAL AREA ASSESSMENT DISTRICT FOR FISCAL YEAR 2021/22

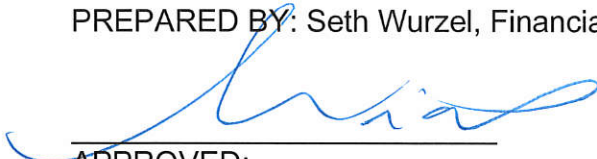
(Page 3)

(based on February to February CPI for Urban Wage Earners for the San Francisco Bay Area). The table below provides an example of the range of annual assessment rates (combined Capital and O&M) over the parcels within the District and the number of parcels in each rate range:

SMITH CANAL AREA ASSESSMENT DISTRICT FY 20/21					
Assessment Range	\$5 - \$100	\$100 - \$200	\$200 - \$300	\$300 - \$400	> \$400
No. of Parcels	2,882	2,169	1,843	680	510

By adopting the proposed resolution at the conclusion of the public hearing, the Board will adopt a resolution to approve the Technical Memorandum for the Smith Canal Area Assessment District and order the levy and collection of assessments within the District for FY 20/21.

PREPARED BY: Seth Wurzel, Financial Consultant



APPROVED:
CHRIS ELIAS
EXECUTIVE DIRECTOR

CE:smw

Attachments

1. Exhibit A - Resolution approving Technical Memorandum, ordering levy and collection of assessments for Fiscal Year
2. Exhibit B - Technical Memorandum re: FY 21/22 Smith Canal Area Assessment District dated June 17, 2021 prepared Willdan Financial Services

RESOLUTION NO. SJAFCA 21-07

**SAN JOAQUIN AREA
FLOOD CONTROL AGENCY**

=====

**RESOLUTION APPROVING THE TECHNICAL MEMORANDUM AND ANNUAL BUDGET
FOR THE SMITH CANAL AREA ASSESSMENT DISTRICT AND ORDERING OF THE LEVY
AND COLLECTION OF ASSESSMENTS WITHIN THE SMITH CANAL AREA
ASSESSMENT DISTRICT FOR FISCAL YEAR 2021-2022**

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

1. That the Technical Memorandum ("Memorandum") including the FY 2021/22 Annual Budget as presented in Table 3 within the Memorandum, is hereby approved, and is ordered to be filed in the Office of the Secretary of the Board as a permanent record and to remain open to public inspection.

2. That the following notice duly given, the Board of Directors has held a full and fair public hearing regarding the San Joaquin Area Flood Control Agency's Assessment District (District), the levy and collection of assessments, the Report prepared in connection therewith, and considered all oral and written statements, protests and communications made or filed by interested persons regarding these matters.

3. That based upon its review of the Memorandum, a copy of which has been presented to the Board of Directors and which has been filed with the Secretary of the Board, the Board of Directors hereby finds and determines that:

- i. The land within the District is specially benefited by the improvements and operation, maintenance and servicing of the improvements financed by the District;
- ii. The District includes all of the lands so specially benefited; and,
- iii. The net amount to be assessed upon the lands within the District for the fiscal year commencing July 1, 2021, and ending June 30, 2022, is apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to the special benefits received by each parcel from the improvements and services.

4. That while the project is being designed and constructed, assessment revenue collected will be used to:

- i. Directly fund design and construction expenses on a pay-as-you-go basis; and,

- ii. Fund the administrative costs of the District; and,
- iii. Pay the cost of all debt service (interest and principal) secured by a pledge of the assessment revenues of the District.

5. That the County of San Joaquin Auditor-Controller shall enter on the County Assessment Roll, opposite each eligible parcel of land, the amount of levy so apportioned by the formula and method outlined in the Memorandum, and such levies shall be collected at the same time and in the same manner as the County taxes are collected.

6. That the County of San Joaquin Auditor-Controller shall deposit all money representing assessments collected by the County for the District to the credit of a fund for the District and such money shall be expended only for the items described in Section 4.

7. That the adoption of this Resolution constitutes the District levy for the fiscal year commencing July 1, 2021 and ending June 30, 2022.

8. That the Secretary of the Board, or their designate, is hereby authorized and directed to file the levy with the County of San Joaquin Auditor-Controller upon adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 17 day of June, 2021.

CHUCK WINN, Chair
of the San Joaquin Area
Flood Control Agency

ATTEST:

CHRIS ELIAS, 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

Technical Memorandum

To: SJAFCA Board of Directors

From: Willdan Financial Services

Date: June 17, 2021

Re: FY 21/22 Smith Canal Area Assessment District Assessment

Assessment District History

The Smith Canal Area Assessment District (the “District”) was formed in 2013 to levy a special benefit assessment to fund a local cost share for the design and construction as well as for long term operations and maintenance (collectively the “Services”).

Since the formation of the District and the initial levy of assessments beginning in Fiscal Year 2014/2015 up to and including the Fiscal Year 2020/21 levy, assessment revenues (net of any debt service) have been used to directly fund the design, environmental review, permitting and construction expenses on a pay-as-you go basis as well as the administration of District as authorized by the Smith Canal Area Assessment District Final Engineer’s Report dated July 10, 2013, SJAFCA Resolution No. 13-13 and subsequent Annual Engineer’s Reports. Construction of the authorized facility commenced in May 2020.

The first year of collecting assessments was Fiscal Year 2014/15. Assessment Revenue collected while the project is being designed and constructed is used to directly fund design and construction expenses on a pay-as-you-go basis and the administration of the district. Commencing Fiscal Year 2020/21, assessment revenues are first used to fund the administration of the district and then used to pay debt service payments for the bonds issued to finance the authorized facilities. Net assessment revenues after debt service are utilized on a pay-as-you-go basis to fund construction. After the completion of the facilities and the commencement of O&M, assessment revenues will be collected to first pay the administrative costs of the district and O&M up to the revised estimate of Administration and O&M costs prepared by the Agency and documented in Addendum No. 1 to the Fiscal Year 2018/19 Engineer’s Report. The remainder of assessment revenues can and will be used to fund the authorized facilities and services and pay debt service on bonds issued and secured by the assessment revenues. The revised estimate for Administration and O&M documented in Addendum 1 will be subject to and be the new basis for annual escalation.

Improvement and Services

Improvements to be funded by the assessment district will be those improvements that will maintain flood protection services provided by SJAFCA to the Smith Canal Area. A feasible set of improvements has been evaluated by SJAFCA for purposes of processing a CLOMR with FEMA, applying for grant funding from DWR and provisioning for local funding through this proposed assessment district. The feasible improvements include planning, design and constructing a gate structure at the mouth of Smith Canal.

A gate structure at the mouth of Smith Canal would consist of a fixed sheet pile wall structure with an opening gate structure allowing for navigation into and out of the canal. The concept is for the Smith Canal gate structure to be closed during tide events forecasted to approach or exceed the design operating water surface elevation. The Smith Canal gate structure would be operated as needed during these times to prevent water in the Delta from entering Smith Canal. The gate would be closed at the lowest tide prior to the forecasted high tide and remain closed until the high tide begins to recede. The gate would then be opened to allow any interior drainage that accumulated in Smith Canal during the closure period, to flow out.

SJAFCA has had extensive discussions with FEMA on the use of a gate structure to provide flood protection for the Smith Canal area. SJAFCA prepared conceptual engineering design plans and geotechnical evaluation of the gate structure and submitted a request to FEMA for a CLOMR. FEMA completed their review of SJAFCA’s CLOMR request and concurred that the gate structure meets FEMA standards.

The services to be funded by the assessment district will include but are not limited to the routine and annual operation and maintenance of the gate structure to provide flood protection for the Smith Canal Area.

District Budget

Table 1 shows the effective cost share of the project.

Table 2 shows the planned future expenditures and SJAFCA's plan for financing the future stream of costs overtime.

Table 3 shows the budget for the District for FY 2021/22.

Table 1

SJAFCA Smith Canal Gate Project
Capital Cost Estimate & Cost Share

Item		Local	State	
		<i>Effective Cost Share for Phase</i>		
Design Phase Costs (Updated per Actuals)		64%	36%	[1]
1. Program Management (Design Phase)	\$1,902,639	\$1,284,698	\$617,941	
2. Engineering Design	\$3,090,438	\$2,097,255	\$993,183	
3. Independent Review	\$143,668	\$49,385	\$94,283	
4. Environmental Review & Permitting	\$1,270,975	\$621,325	\$649,650	
5. Real Estate Planning & Acquisition	\$125,806	\$96,158	\$29,648	
6. Public Outreach	\$81,705	\$53,910	\$27,795	
7. Financing/Funding Costs (Application)	\$57,128	\$57,128	\$0	[2]
Total Design Phase	\$6,672,358	\$4,259,858	\$2,412,500	
		<i>Cost Share by Phase</i>		
				[3]
Construction Phase Costs		37%	63%	
1. Credit for Design Phase Work	\$0	-\$1,633,697	\$1,633,697	[4]
2. Supplemental Engineering	\$2,851,431	\$1,055,029	\$1,796,402	
3. Program Management	\$2,068,766	\$765,443	\$1,303,323	
4. Construction	\$49,775,308	\$18,416,864	\$31,358,444	
5. Construction Management	\$7,288,088	\$2,696,593	\$4,591,495	
6. Real Estate Acquisition	\$360,000	\$133,200	\$226,800	
7. Real Estate Contingency	\$240,000	\$88,800	\$151,200	
8. Public Outreach	\$50,000	\$18,500	\$31,500	
9. Environmental Mitigation	\$2,735,450	\$1,012,117	\$1,723,334	
A1. Recreational Enhancements	\$487,500	\$487,500	\$0	
Total Construction Phase	\$65,856,543	\$23,040,349	\$42,816,194	
Total Project	\$72,528,901	\$27,300,208	\$45,228,694	
DWR Funding Limit (EIP & UFRR)			\$38,283,428	[5]
Additional Local Funding (reduced State Funding)		\$6,945,266	-\$6,945,266	
Resulting Cost Share Split	\$72,528,901	\$34,245,474	\$38,283,428	

Source: KSN, PBI, LWA & SJAFCA

[1] The Design Phase costs were funded at a 50/50 Cost Share under the EIP Program (DWR Contract No. 4600009799) up to the funding agreement limit of \$2,412,530. The effective cost share is shown based on the agreement limit.

[2] Costs are not eligible for State Cost Sharing. Updated to reflect actual costs incurred.

[3] Construction Phase costs are cost shared at the Recommended Cost Share for the UFRR Program up to the funding agreement limit. State Cost sharing is 50%, plus 5% for one State Facility, plus 1% for Recreation Objective, plus 7% for DAC (63% total).

[4] Includes credit for Design Phase costs at the increment between 53% and 63% of the funded costs, plus all unfunded costs due to the agreement limit. Updated based on revised request.

[5] Based upon the limit of the State funding agreements fully executed and currently effective.

Table 2
SJAFCA Smith Canal Gate Project
Remaining Capital Financing Plan Cash Flow Analysis

Fiscal Year	2021/2022	2021/2022	2021/2022	2021/2022	2022/2023	2022/2023	2022/2023	2022/2023	Total
Quarter	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	(Includes prior years)
REVENUES									
State EIP Funding	0	0	0	0	0	0	0	0	2,412,500
State UFRR Funding	5,756,635	0	1,551,552	0	6,585,174	0	0	1,162,090	35,870,928
Local Assessment Revenue	0	854,232	0	854,232	0	858,613	0	858,613	1,632,977
SJAFCA Internal Funding	0	0	0	0	0	0	0	0	233,260
TOTAL REVENUES	5,756,635	854,232	1,551,552	854,232	6,585,174	858,613	0	2,020,702	40,149,665
EXPENDITURES									
Prior In-Eligible Expenses									
Program Management (Design Phase)	0	0	0	0	0	0	0	0	1,902,639
Engineering Design	0	0	0	0	0	0	0	0	3,090,438
Independent Review	0	0	0	0	0	0	0	0	143,668
Environmental Review & Permitting	0	0	0	0	0	0	0	0	1,270,975
Real Estate Planning	0	0	0	0	0	0	0	0	125,806
Public Outreach (Design Phase)	0	0	0	0	0	0	0	0	81,705
Financing / Funding (Application)	0	0	0	0	0	0	0	0	57,128
Supplemental Engineering (Construction Phase)	38,689	38,689	38,689	38,689	38,689	38,689	0	0	2,851,431
Project Management (Construction Phase)	210,000	210,000	210,000	210,000	150,000	150,000	150,000	0	3,537,728
Construction	4,378,899	5,588,198	5,278,414	5,086,230	6,146,586	2,593,218	174,835	0	49,775,308
Construction Management	363,412	463,773	438,064	422,114	510,115	215,215	14,510	0	7,288,088
Real Estate Acquisition	0	0	0	0	0	0	0	0	360,000
Real Estate Contingency	0	0	0	0	0	0	215,890	0	240,000
Public Outreach	1,653	1,653	1,653	1,653	1,653	1,653	1,653	0	50,000
Environmental Mitigation	0	0	0	0	0	0	0	0	2,735,450
Recreational Enhancements	0	0	0	0	243,750	243,750	0	0	487,500
TOTAL EXPENDITURES	4,992,652	6,302,313	5,966,820	5,758,686	7,090,793	3,242,524	556,888	0	73,997,864
FINANCING									
Net Financing Activities	0	(808,328)	0	(400,328)	0	(820,328)	0	(1,917,938)	
Net Financing Activities	0	(808,328)	0	(400,328)	0	(820,328)	0	(1,917,938)	
Net Change in Fund Balance									
- Increase/(Decrease)	763,983	(6,256,409)	(4,415,268)	(5,304,782)	(505,618)	(3,204,240)	(556,888)	102,765	
Estimated Starting Fund Balance	19,631,484	20,395,467	14,139,058	9,723,791	4,419,009	3,913,390	709,151	152,263	
Projected Ending Balance	20,395,467	14,139,058	9,723,791	4,419,009	3,913,390	709,151	152,263	255,028	

Table 3
SJAFCA Smith Canal Gate Project
Smith Canal Area Assessment District Budget
Fiscal Year 2021/2022

REVENUES

State UFFR Funding	\$	7,308,187
Local Assessment Revenue	\$	1,708,464
TOTAL REVENUES	\$	9,016,651

EXPENDITURES [1]

ADMINISTRATION

Assessment Administration	\$	25,000
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CAPITAL EXPENDITURES

Supplemental Engineering	\$	41,168
Project Management (Construction Phase)	\$	149,234
Allocated Agency Overhead	\$	641,193
Construction	\$	18,011,043
Construction Contingency	\$	-
Construction Management	\$	3,638,231
Real Estate Acquisition	\$	-
Real Estate Contingency	\$	514,601
Public Outreach	\$	-
Environmental Mitigation	\$	-
Recreational Enhancements	\$	-
TOTAL EXPENDITURES	\$	23,020,470

FINANCING

Debt Service	\$	(1,208,656)
Net Financing Activities	\$	(1,208,656)
Net Change in Fund Balance		
- Increase/(Decrease)	\$	(15,212,475)
Estimated Starting Fund Balance	\$	19,631,484
Projected Ending Balance	\$	4,419,009

Note: Estimate expenditures total to the forecasted gross expenses from Table 2, but have been re-allocated to the budget categories based on current contract forecasted expenses.

[1] All prior unexpended budgeted expenses for capital projects carries over to the following fiscal year.

Annual Assessment

Assessment Methodology

The special benefit conferred to the property in the proposed assessment district is the combined benefit of flood damage avoidance and/or reduction to (1) structures and their contents, and (2) land. The benefit calculation derived by the engineer considers these two factors independently. The benefit calculation can be summarized as follows:

$\begin{aligned}\text{Benefits} &= \text{Damages Avoided} \\ \text{Damages Avoided} &= \text{Structure and Content Damage} + \text{Land Damage}\end{aligned}$

The damage avoided to structures and their contents is derived by determining the amount of flood depth reduction experienced by each particular parcel in the benefit area as a result of the Smith Canal Area improvements and associated O&M.

Determining the avoided damages to structures and their contents requires considering the following factors:

- Relative Structure and Content Value
- Flood Depth Reduction
- Percentage of Flood Damage Reduction
- Structure Size

Several factors contribute to the flood damage reduction benefit to land, both vacant and improved. These include avoidance of physical damage to the land during a flood, reduced cost of improvements, the ability to secure financing for building projects, reduced cost of flood insurance, changes in highest and best land use for the parcel, preservation of land values, and the ability to maintain access to property.

The factors that impact the land damage calculation include these:

- Relative Land Damage Factor
- Parcel Size

Reference is made to the Fiscal Year 2018/19 Engineer's Report for the tables depicting structures and content damage factors and land damage factors.

Assessment Rate

The maximum proportional assessment rate for parcels within the District is shown below.

Table 4
SJAFCA Smith Canal Area Assessment District
Assessment Rate Calculation

Item	Amount	Units
Total Initial Annual Assessment District Budget	\$1,708,464	(\$'s)
Total Benefit Amount in SJAFCA Smith Canal Benefit Area	\$435,336,777	Benefit \$'s
Initial Maximum Proportional Assessment Rate	\$0.00392	Assessment \$/ Benefit \$

Assessment Calculation

To determine the maximum proportional assessment rate for an individual parcel, the flood damage reduction benefits for the parcel are calculated as described in the procedures above and then multiplied by the assessment rate shown in Table 4 above. The following example is based on the single-family residential example used previously.

General Formula

$$\text{Maximum Proportional Assessment} = \text{Total Flood Damage Reduction Benefit} \times \text{Assessment Rate}$$

Example:

Single Story Single-Family Residence

Parcel Acreage: 0.18 acres

Building Square Feet: 1,500

Flood Depth 5 Feet

$$\text{Total Flood Damage Reduction Benefit} = \$73,530 + \$1,350 = \$74,880$$

$$\text{Assessment Rate} = \$0.00392$$

$$\text{Maximum Not-To-Exceed Assessment} = \$74,880 \times \$0.00392 = \$293.52$$

In future years, as land use changes occur and the benefits to parcels change, parcels may be reclassified and their assessments modified accordingly.

Summary of Assessments

The average assessment for all parcels in the District by general land use category is shown in table 5 below.

Table 5
Summary of Average Rates

Land Use Type	Number of Parcels	Average Rate	Minimum Rate	Maximum Rate	Share of Total Assessment
Single-Family	7,289	\$176.21	\$5.00	\$1,312.68	75.18%
Multi-Family	336	\$207.61	\$5.00	\$7,848.44	4.08%
Mobile Home	3	\$89.64	\$12.74	\$145.78	0.02%
Commercial	80	\$1,928.13	\$5.00	\$19,001.48	9.03%
Industrial	32	\$2,904.03	\$20.60	\$17,350.08	5.44%
Government and Utilities	61	\$1,655.58	\$5.00	\$29,389.52	5.91%
Vacant	283	\$20.77	\$5.00	\$1,411.68	0.34%
All Parcels	8,084	\$211.34	\$5.00		100.00%

Annual Escalation

The maximum proportional assessment rate, as shown in Table 4 is made up of two distinct components. These components, as described above are the Capital Component and Administration/O&M Component. The Administration/O&M component is comprised primarily of labor costs that are subject to rising costs beyond the control of SJAFC. In order to ensure that SJAFC can provide the needed services over time, it is important to increase this component of the assessment overtime subject to the rising costs of labor over time. The engineer has determined that an appropriate escalation factor is a factor that is reflective of labor (not consumption) in the locale the services are provided. The February to February CPI-W for San Francisco-Oakland-San Jose-Hayward, All Items with base year 1982-84-100 has been chosen as the escalation factor.

Table 6
SJAFCA Smith Canal Area Assessment District
Assessment Rate Escalation

Item	Amount (\$)
Initial Maximum Proportional Assessment Rate FY 2013/14	0.00373
Maximum Proportional Assessment Rate FY 2014/15	0.00375
Maximum Proportional Assessment Rate FY 2015/16	0.00376
Maximum Proportional Assessment Rate FY 2016/17	0.00378
Maximum Proportional Assessment Rate FY 2017/18	0.00381
Maximum Proportional Assessment Rate FY 2018/19	0.00384
Maximum Proportional Assessment Rate FY 2019/20	0.00388
Maximum Proportional Assessment Rate FY 2020/21	0.00390
Maximum Proportional Assessment Rate FY 2021/22	0.00392

Minimum Assessment

The minimum annual assessment will be \$5.00 to reflect SJAFCA's direct cost to collect the assessment. All annual assessments calculated to be less than \$5.00 will be raised to the \$5.00 minimum.

Duration of the Assessment

The Capital Component of the assessment will be collected for 30 years from point in time when a permanent takeover financing is completed. The Administrative/O&M Component of the assessment will be collected in perpetuity so long as the flood protection service is provided by the authorized facilities, and may be adjusted each year to reflect the authorized annual escalation for inflation described herein. The assessment may be periodically adjusted within the authorized range of assessment based on annual budgeting needs as determined by the SJAFCA Board.

Appeal Process

Any property owner who believes his or her property should be reclassified and the assessment adjusted may file a written appeal with the Executive Director of SJAFCA or his or her designee. The appeal must include a statement of reasons why the property should be reclassified, and may include supporting evidence. Any such appeal is limited to correction of an assessment during the then-current fiscal year. On the filing of any such appeal, the Executive Director or his or her designee will promptly review the appeal and any information provided by the property owner, and may investigate and assemble additional evidence necessary to evaluate the appeal. If the Executive Director or his or her designee finds that the assessment should be modified, the appropriate changes will be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the respective county for collection, the Executive Director or his or her designee is authorized to refund the property owner the amount of any approved reduction to the assessment. If a landowner disputes the decision of the Executive Director or his or her designee, a secondary appeal may be made to the SJAFCA Board. Any decision made by the Board shall be final. In order to administer an effective appeals process, from time to time, the Executive Director and/or SJAFCA Board may adopt certain policies and procedures related to the administration of the assessment.

District Boundary

The Assessment District Boundary will encompass all property that receives benefit from the avoided floodplain of a 100-Year flood event, i.e. that area generally bound by the 9.4 feet NAVD-88 elevation. This Boundary is on file at SJAFCAs office.

Assessment Roll

The Assessments have been levied in proportion to the estimated benefit that each parcel receives from the improvements in accordance with the method and formula of assessment as presented and approved upon formation of the District.

A listing of parcels of land, and the proposed assessment amount to each parcel is provided under a separate cover and by reference is made part of this Memorandum. For current ownership of each parcel of land, reference is made to the most recent equalized tax roll for the County of San Joaquin. The assessment amount for each parcel pursuant to approval of this Memorandum shall be submitted to the San Joaquin County Tax Collector for collection on the property tax bill for Fiscal Year 2021/22.

Agenda Item 4.3

June 17, 2021

TO: San Joaquin Area Flood Control Agency

FROM: Chris Elias, Executive Director

SUBJECT: **AMENDMENTS TO KJELDSSEN, SINNOCK, NEUDECK, INC.,
CONTRACTS FOR THE CONSTRUCTION MANAGEMENT AND
CONSTRUCTABILITY REVIEW FOR ADDITIONAL SERVICES DURING
THE THIRD YEAR OF CONSTRUCTION FOR THE SMITH CANAL GATE
PROJECT**

RECOMMENDATION

It is recommended that the Board of Directors of the San Joaquin Area Flood Control Agency:

1. Adopt a resolution authorizing the Executive Director to execute Amendment #1 to the existing Construction Management Agreements with Kjeldsen, Sinnock, Neudeck, Inc. for \$2,201,890 to carry out services related to support environmental amendments, out of scope services, and other services needed during the third year of construction of the Smith Canal Gate project
2. Adopt a resolution authorizing the Executive Director to execute Amendment #5 to the existing Constructability Review Agreements with Kjeldsen, Sinnock, Neudeck, Inc. for \$488,638 to carry out services related to compliance with changes to state and federal regulatory permit requirements during construction of the Smith Canal Gate project.
3. Appropriate \$2,690,528 to fund the tasks covered in Amendment No. 1 to the Construction Management Agreement in the amount of \$2,201,890 and Amendment No. 5 to the Constructability Review contract in the amount of \$488,638.

DISCUSSION

Background

On May 19, 2019, the Board authorized a contract with Kjeldsen, Sinnock, Neudeck, Inc. (KSN), for construction management support services for the Smith Canal Gate Project. However, as staff was still negotiating the scope of work and budget for the entire project, the Board only authorized the Constructability Review services at that time.

Subsequently, as part of the Constructability Review several Tasks Orders have been authorized to continue moving forward with the required activities needed prior to the construction phase of the project. The following table shows the initial authorization and the subsequent Amendments that have been approved.

AGENDA ITEM 4.3

AMENDMENTS TO KJELDEN, SINNOCK, NEUDECK, INC., CONTRACTS FOR THE CONSTRUCTION MANAGEMENT AND CONSTRUCTABILITY REVIEW FOR ADDITIONAL SERVICES DURING THE THIRD YEAR OF CONSTRUCTION FOR THE SMITH CANAL GATE PROJECT

(Page 2)

Date	Activities	Budget
May 19, 2019	Constructability Review	\$165,816
Sept 19, 2019	Amendment No. 1 - Test Pile support	\$165,000
Nov 7, 2019	Amendment No. 2 - Engineering/Construction coordination, water quality monitoring during and after construction	\$751,272
March 19, 2020	Amendment No. 3 - Compliance with regulatory requirements including changes and modifications to various resources agency permits	\$385,436
October 21, 2020	Amendment No. 4 - Contract Extension	\$0
TOTAL		\$1,467,524

On April 30, 2020, the Board approved a Construction Management Contract with KSN in the amount of \$3,599,038 to:

- Provide Independent and detailed reviews of final construction plans and specifications to ensure that work requirements are clear, achieve high-end quality and streamline the project's delivery.
- Ensure the project is constructed according to contract requirements and in accordance with local, State, and federal standards, and
- Assist in project administration to reduce impacts to the project. It should be noted that as some of the remaining permits were not finalized and permit conditions were not fully known at that time, staff utilized the scope of services and fee estimate based on KSN's project assumptions made in May 2019.

Considering the additional regulatory requirements associated with the issuance of the remaining project permits and the one-year extension of the project, SJAFCA requested a proposal from KSN for the additional services needed. Because the additional regulatory requirements and the project extension affect tasks on both contracts with KSN (Constructability Review and Construction Management), amendments to both contracts are required as discussed below:

1. Constructability Review Contract - Amendment No. 5:

- Agency permit reporting
 - The reporting level effort has increased significantly in terms of the number of status and monitoring reports, level of detail, and frequency specially with regards to the California Department of Fish and Wildlife.
- Facilitate amendments to existing permits
 - USACE Section 404
 - NMFS Biological Opinion (BO)
 - United States Fish and Wildlife Service (USFWS) BO
 - CDFW Lake and Streambed Alteration Agreement (LSAA)

AMENDMENTS TO KJELDTSEN, SINNOCK, NEUDECK, INC., CONTRACTS FOR THE CONSTRUCTION MANAGEMENT AND CONSTRUCTABILITY REVIEW FOR ADDITIONAL SERVICES DURING THE THIRD YEAR OF CONSTRUCTION FOR THE SMITH CANAL GATE PROJECT

(Page 3)

- CDFW Incidental Take Permit (ITP)
- Deployment of Additional Sonde in the San Joaquin River
 - KSN team will deploy an additional sonde in the San Joaquin River at the mouth of Smith Canal to measure dissolved oxygen at this location. The measurements of the new sonde at this location will be more representative of local conditions than the current use of the California Data Exchange Center (CDEC) sonde at the Rough and Ready Island buoy, which is adjacent to an aeration facility.
- Additional year of Water Quality Monitoring (2024)
 - The scope of services for water quality monitoring in Smith Canal included a total of five years of monitoring (Pre-construction (2019), During construction (2020-2021), and Two years of post-construction (2022-2023)). An additional year of Water Quality Monitoring is needed to comply with regulatory permit conditions.

2. Construction Management Contract - Amendment No. 1

- Additional Year to the project construction
 - Additional construction management, inspection, monitoring, and coordination with regulatory agencies
 - Biological and hydroacoustic monitoring
- Extension of Year 2 In-Water Work Season / Environmental Project Management
 - The increase in the in-water work window duration for Year 2 from three months to six months (including mobilization)
- Right Away Requirements Upon Project Completion
 - Additional right-of-way work that will be needed upon project completion pursuant to DWR requirements.
- U.S. Army Corps of Engineers Project Design Workshop
 - Geotechnical workshop presentation (Dad's Point section) for the U.S. Army Corps of Engineers technical reviewers to help them to determine the Smith Canal Gate project consistency (for crediting purposes) with the congressionally approved Lower San Joaquin River Project.
- Out of Scope Services
 - Up until now, out-of-scope services for work that has been performed outside of the KSN team's current scope of work have been captured and invoiced separately from contract work. SJAFCA requested that these extra services be included in this amendment including an allowance for future services. The out-of-scope services to date have generally included, but are not limited to, the following:
 - General coordination, research, and review the structural design of the cellular floodwall and the potential redesign of the tip elevation and future soil modifications.
 - Perform shop welding inspections for pipe pile, H-pile, and interlock fabrication.

AMENDMENTS TO KJELDTSEN, SINNOCK, NEUDECK, INC., CONTRACTS FOR THE CONSTRUCTION MANAGEMENT AND CONSTRUCTABILITY REVIEW FOR ADDITIONAL SERVICES DURING THE THIRD YEAR OF CONSTRUCTION FOR THE SMITH CANAL GATE PROJECT

(Page 4)

- Coordinate, survey, prepare required easement documents.
- Coordinate utility design, electrical control system, camera feeds, and the One-Rain system integration with San Joaquin County operations, PG&E and AT&T.

Present Situation

KSN proposals for the required work on the above amendments are as follows:

- Constructability Review Contract Amendment No. 5: \$488,638
- Construction Management Contract Amendment No. 1: \$2,201,890

Staff, in coordination with Doug Handen of the Handen Company, Inc., the Agency's independent Construction Management Consultant, reviewed the proposals and found them reasonable and consistent with the current rates for this type of work.

It is therefore, recommended that the Board of Directors of the San Joaquin Area Flood Control Agency:

1. Adopt a resolution authorizing the Executive Director to execute Amendment #1 to the existing Construction Management Agreements with Kjeldsen, Sinnock, Neudeck, Inc. for \$2,201,890 to carry out services related to support environmental amendments, out of scope services, and other services needed during the third year of construction of the Smith Canal Gate project
2. Adopt a resolution authorizing the Executive Director to execute Amendment #5 to the existing Constructability Review Agreements with Kjeldsen, Sinnock, Neudeck, Inc. for \$488,638 to carry out services related to compliance with changes to state and federal regulatory permit requirements during construction of the Smith Canal Gate project.
3. Appropriate \$2,690,528 to fund the tasks covered in Amendment No. 1 to the Construction Management Agreement in the amount of \$2,201,890 and Amendment No. 5 to the Constructability Review contract in the amount of \$488,63.

Fiscal Impact

The appropriation of \$2,690,528 is necessary to address the additional Construction Management services needed to address regulatory permit requirements and services during the third year of construction. This appropriation is for Scope of Work currently projected in the Smith Canal Gate Projects Budget and will not affect the FY 21/22 CIP Annual Budget.

**AMENDMENTS TO KJELDSSEN, SINNOCK, NEUDECK, INC., CONTRACTS FOR THE
CONSTRUCTION MANAGEMENT AND CONSTRUCTABILITY REVIEW FOR ADDITIONAL
SERVICES DURING THE THIRD YEAR OF CONSTRUCTION FOR THE SMITH CANAL GATE
PROJECT**

(Page 5)

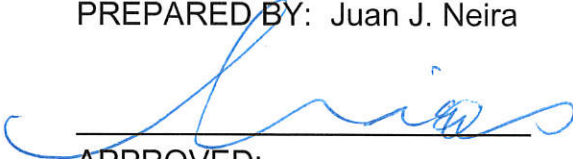
Environmental Compliance

The project one-year extension and related project changes due to regulatory requirements will not result in any new or incrementally more severe impacts beyond those described in the Final Environmental Impact Report and Addenda. Therefore, no subsequent or supplemental environmental impact report is required per CEQA Guidelines Section 15162 and California Public Resources Code Section 21166.

Strategic Plan Consistency Analysis

Approval of this Amendment with KSN to provide technical services during construction is consistent with the Mission and Goals of the Board-adopted Strategic Plan, specifically it is consistent with Goal 1 "to Plan for and Implement System Resiliency."

PREPARED BY: Juan J. Neira



APPROVED:

CHRIS ELIAS
EXECUTIVE DIRECTOR
CE:JJN:dc

RESOLUTION NO. SJAFCA 21-08

**SAN JOAQUIN AREA
FLOOD CONTROL AGENCY**

=====

**AUTHORIZATION TO EXECUTE AMENDMENTS TO CONSTRUCTION
MANAGEMENT AND THE CONSTRUCTABILITY REVIEW AGREEMENTS
WITH KJELDTSEN, SINNOCK, NEUDECK INC. FOR THE THIRD YEAR OF
CONSTRUCTION FOR THE SMITH CANAL GATE PROJECT**

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

Authorize the Executive Director to:

1. Execute Amendment No. 1 to the Construction Management Agreement for additional services to address regulatory permit requirements and services during the third year of construction for the Smith Canal Gate Project.
2. Execute Amendment No. 5 to the Constructability Review Agreement for additional services to address regulatory permit requirements and services during the third year of construction for the Smith Canal Gate Project.
3. Appropriate \$2,690,528 to fund the tasks covered in Amendment No. 5 to the Constructability Review contract in the amount of \$488,638 and Amendment No. 1 to the Construction Management contract in the amount of \$2,201,890.

PASSED, APPROVED AND ADOPTED this 17th day of June 2021.

CHUCK WINN, Chair
of the San Joaquin Area
Flood Control Agency

ATTEST:

CHRIS ELIAS, 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

DRAFT

Agenda Item 4.4

June 17, 2021

TO: San Joaquin Area Flood Control Agency

FROM: Chris Elias, Executive Director

SUBJECT: **AMENDMENT No. 4 TO TASK ORDER NO. 6 TO THE CONSULTANT AGREEMENT WITH PETERSON BRUSTAD, INC., FOR ADDITIONAL ENGINEERING SERVICES DURING THE THIRD YEAR OF CONSTRUCTION FOR THE SMITH CANAL GATE PROJECT**

RECOMMENDATION

It is recommended that the Board of Directors of the San Joaquin Area Flood Control Agency:

1. Adopt a resolution authorizing the Executive Director to execute Amendment No. 4 to Task Order No. 6 to the Consultant Agreement with Peterson Brustad, Inc., (PBI) in the amount of \$803,118 for additional geotechnical analysis, rerun of computer models to confirm final design, workshop presentations for U.S Army Corps of Engineers technical reviewers to determine Smith Canal Gate Project consistency with the federally approved Lower San Joaquin River Project, and any additional engineering services required during the third year of construction for the Project.
2. Appropriate \$803,118 to fund the tasks covered in Amendment No. 4 to Task Order No. 6 of the Consultant Agreement with PBI.

DISCUSSION

Background

On July 10, 2013, the Board approved the formation of the Smith Canal Gate Assessment District to fund the local costs of design, construction and long-term operations and maintenance of the project.

In November 2013, the Board authorized an Agreement with Peterson Brustad, Inc. (PBI) in the amount of \$3.5 million for the design of the project, and Task Order No.1 (TO No. 1) in the amount of \$1.4 million for the development of the project's Environmental Impact Report (EIR) and public outreach. All work performed under this Agreement is to be performed by task orders approved by the Board.

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On August 28, 2015, SJAFCA submitted a full application for an Urban Flood Risk Reduction (UFRR) grant requesting State funding in the amount of \$22,309,666. The State Department of Water Resources (DWR) accepted the application and presented an UFRR agreement for execution.

Because the project is receiving funding from State grants (EIP and UFRR) authorized under the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Proposition 1E), the project is required to contribute to the 200-year level of flood protection mandated by Senate Bill 5 and to construct improvements in accordance with DWR's Urban Levee Design Criteria. In addition, DWR requires that an Independent Panel of Experts review the design and implementation of the Project. Also, local agencies receiving State funding are required to help the State seek federal share for the project, which adds federal (U.S. Army Corps of Engineers) requirements to the project.

It should be noted that the Smith Canal Gate Project is part of the congressionally approved Lower San Joaquin River (LSJR) Project for which the State of California and SJAFCA are the non-Federal sponsors. As part of the LSJR Project, SJAFCA executed a 221 Agreement for the Smith Canal Gate Project with the U.S. Army Corps of Engineers. Section 221 is a comprehensive Federal authority that provides for the affording of credit for the non-Federal sponsor planning, design, and construction work, if the work is determined to be integral to the Project.

Including the authorization of TO No. 1, the following TOs were authorized for additional work as follows:

TO No.	Date	Description	Amount
1	11/07/2013	Environmental Impact Report and Public Outreach	\$1,400,000
2	09/24/2014	Water Quality Strategies	\$105,000
3	05/21/2015	Water Quality Modeling, geotechnical investigation permitting and additional Public Outreach	\$347,000
4	09/17/2015	In-water geotechnical investigations for Alternative 1	\$172,700
5	11/19/2015	Design, Permitting and Right of Way Acquisition Alternative 1	\$4,100,000

On October 24, 2017, an UFRR grant agreement was executed with DWR. Through this grant, the State cost-shares 63% of the project construction costs to a maximum amount of \$22,309,666. In addition, on February 21, 2019, DWR conditionally approved an extra \$13,562,092 for the project. This extra funding will cover additional project expenses that were required to address comments from the Independent Panel of Experts and recent increases on project materials.

Considering that the project design was nearly complete and the need to have a seamless transition from the design to the construction phase, on May 16, 2019, the Board

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authorized TO No. 6 with PBI for \$1,908,000 for the engineering services during bidding and construction of the Smith Canal Gate project.

Due to existing and recent permit conditions imposed by the California Department of Fish and Wildlife, SJAFCA reacted quickly to address conditions that could impede the timely initiation of the 2020 construction season of the project. Thus, on November 7, 2019, the Board authorize Amendment 1 to TO No. 6 in the amount of \$112,000 for additional support services requested on Task Order 6 for pre-construction water quality monitoring and data collection as requested by the California Department of Fish and Wildlife, and to provide support for the residual right-of-way acquisition process beyond the design phase of the project.

Considering the Project's critical issues, schedule, available data, and timing of the remaining permits the consensus of the design engineer and construction management team for the optimal project delivery was to conduct a field test pile. The purpose of the field test pile was to 1) Better define the drivability of the proposed sheet pile sections, 2) Further refine the final design and specifications, 3) Support an updated construction schedule and estimate, 4) Gather environmental data to be used for permit compliance of the overall project on turbidity, hydro acoustic, and ambient noise.

Based in part on the test pile results, on January 16, 2020 the Board authorized Amendment No. 2 to TO No. 6 in the amount of \$240,000 to conduct the following activities:

- Computer model run analysis to confirm findings from the test pile that suggested a reduced cellular sheet pile wall tip elevation,
- Preparation and submission of credit purchase documentation to the regulatory agencies on behalf of SJAFCA, and
- Conduct a comparative CEQA analysis of the impacts of project changes due to regulatory permit conditions,
- Biological assessment modification for state and federal fish and wildlife agencies to pursue modification of existing permits that could simplify project implementation.

However, the results from the computer model run showed that the tip of the cellular sheet piles could not be reduced. In addition, the analysis showed that the cellular sheet piles would be overstressed during the project's designed seismic event and that the likely cause was the inclusion of the newly discovered soil layer from one of the soil samples from the test pile.

Meanwhile, on April 24, 2020, Amendment No. 3 to TO 6 was authorized in the amount of \$22,500 for the additional work required to complete the environmental mitigation compliance for the permits received, biological assessment modification needed to address conditions of the Incidental Take Permit and required CEQA analysis.

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Present Situation

To address the overstress in the cellular sheet pile wall, PBI's structural/geotechnical team proposed to 1) re-evaluate the soil information and the interpretation of soil profiles for the liquefiable layers and 2) rerun the computer model to determine if the wall allowable stresses for the seismic load are met under the updated conditions. A proposal for this task was reviewed by staff and since the results were needed right away to confirm the final design and the issuance of the Notice to Proceed (NTP) for the cellular structure component of the project, PBI was directed to move forward with this task. In addition, PBI was requested to include in their proposal four workshop presentations for U.S Army Corps of Engineers technical reviewers to help them determine the Smith Canal Gate project consistency (for crediting purposes) with the congressionally approved LSJR Project, and any additional engineering services needed during construction for the added year to the schedule.

PBI's proposal for the above stated items is \$803,118. Staff reviewed the proposal and finds the cost estimate reasonable and consistent with the current rates for this type of work.

Therefore, it is recommended that the Board of Directors of the San Joaquin Area Flood Control Agency:

1. Adopt a resolution authorizing the Executive Director to execute Amendment No. 4 to Task Order No. 6 to the Consultant Agreement with PBI in the amount of \$803,118 for additional geotechnical analysis, rerun of computer models to confirm the final design, workshop presentations for U.S Army Corps of Engineers technical reviewers to determine Smith Canal Gate Project consistency with the federally approved Lower San Joaquin River Project, and any additional engineering services required during the third year of construction for the Project.
2. Appropriate \$803,118 to fund the tasks covered in Amendment No. 4 to Task Order No. 6 of the Consultant Agreement with PBI.

Fiscal Impact

This appropriation is necessary to confirm the final design and to address the additional services needed during the third year of construction. This appropriation is for Scope of Work currently projected in the Smith Canal Gate Total Projects Budget and will not affect the FY 21/22 CIP Annual Budget.

June 17, 2021

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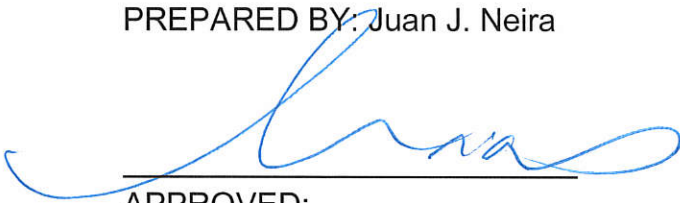
Environmental Compliance

The project 1-year extension and related project changes due to regulatory requirements will not result in any new or incrementally more severe impacts beyond those described in the Final Environmental Impact Report and Addenda. Therefore, no subsequent or supplemental environmental impact report is required per CEQA Guidelines Section 15162 and California Public Resources Code Section 21166.

Strategic Plan Consistency Analysis

Approval of this Amendment with PBI to provide technical services during construction is consistent with the Mission and Goals of the Board-adopted Strategic Plan, specifically it is consistent with Goal 1 "to Plan for and Implement System Resiliency"

PREPARED BY: Juan J. Neira



APPROVED:

CHRIS ELIAS
EXECUTIVE DIRECTOR

CE:JJN:lr

RESOLUTION NO. SJAFCA 21-09

**SAN JOAQUIN AREA
FLOOD CONTROL AGENCY**

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**AUTHORIZATION TO EXECUTE AMENDMENTS TO ENGINEERING
DURING CONSTRUCTION AGREEMENT WITH PETERSON, BRUSTAD,
INC. FOR THE THIRD YEAR OF CONSTRUCTION FOR THE SMITH
CANAL GATE PROJECT**

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

Authorize the Executive Director to:

1. Execute Amendment No. 4 to Task Order No. 6 to the Engineering During Construction Agreement with Peterson Brustad, Inc., (PBI) in the amount of \$803,118 to provide additional geotechnical analysis, and any additional engineering services required during the third year of construction.
2. Appropriate \$803,118 to fund the tasks covered in Amendment No. 4 to Task Order No. 6 of the Engineering During Construction Agreement with Peterson Brustad, Inc.

PASSED, APPROVED AND ADOPTED this 17th day of June 2021.

CHUCK WINN, Chair
of the San Joaquin Area
Flood Control Agency

ATTEST:

CHRIS ELIAS, 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**