

BOARD OF DIRECTORS

<u>City of Stockton</u> Kimberly Warmesley Dan Wright Alt. Michael Blower	<u>Public Member</u> Steve DeBrum	<u>San Joaquin County/SJCFCWCD*</u> Paul Canepa, Vice-Chair Tom Patti Alt. Robert Rickman
<u>City of Manteca</u> Gary Singh Charlie Halford Alt. Mike Morowit	<u>Executive Director</u> Chris Elias	<u>City of Lathrop</u> Paul Akinjo, Chair Diane Lazard Alt. Jennifer Torres-O'Callaghan
*San Joaquin County Flood Control and Water Conservation District		

SPECIAL BOARD MEETING
San Joaquin Council of Governments
Board Conference Room
555 E Weber Ave, Stockton, CA
THURSDAY, APRIL 18, 2024, 9:00 A.M.

1. CALL TO ORDER / ROLL CALL

2. PLEDGE TO FLAG

3. CONSENT ITEMS

3.1) Approve Minutes from March 21, 2024, Board Meeting

4. NEW BUSINESS

4.1) Adoption of Resolutions regarding formation of the proposed Mossdale Tract Overlay Assessment District

4.2) Authorize Executive Director to execute Consultant Services Agreement for the Mossdale Tract Urban Flood Risk Reduction Project and Lathrop-Manteca Federal Study

4.3) Execute agreements for Consulting Services on the Paradise Cut Bypass Expansion and Multi-Benefit Project

4.4) Resolution to authorize the Executive Director to negotiate and execute Amendment No. 5 to the Consultant Services Agreement with Bender Rosenthal Incorporated (BRI) for the Lower San Joaquin River Reach TS30L levee improvement, San Joaquin County, California Project to provide right-of-way and survey support services

5. BRIEFINGS

5.1) Relocation of Agency

6. ORAL REPORT FROM EXECUTIVE DIRECTOR

6.1) Spring advocacy trip to Washington, D.C.

7. PUBLIC COMMENTS

8. BOARD QUESTIONS, COMMENTS, ACTIONS

9. COUNSEL REPORT

10. CLOSED SESSION

10.1) ANTICIPATED LITIGATION Pursuant to Government Code Section 54956.9(d)(2):
One Case (Shimmick Construction Company, Inc.)

10.2) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government
Code Section 54956.9 (d)(2).)

11. OPEN SESSION

12. 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 MARCH 21, 2024

STOCKTON, CALIFORNIA

1. CALL TO ORDER / ROLL CALL 10:30 AM

Roll Call

Present:

Director Akinjo

Director Halford

Director Singh

Director Wright

Alt. Director Blower

Absent:

Director Canepa

Director DeBrum

Director Lazard

Director Patti

Director Warmesley

2. PLEDGE TO FLAG 10:31 AM

3. CONSENT ITEMS 10:32 AM

3.1) Approve Minutes from February 15, 2024, Board Meeting

3.2) Approve updated Agency Approach to Public Comment Policy

3.3) Ratification of the updated Strategic Plan Priority Actions

3.4) Transmittal of a Public Review Draft of the Preliminary Engineer's Report for the Mossdale Tract Overlay Assessment

PUBLIC COMMENT:

- Dominick Gulli submitted written comments for all Agenda Items and was permitted to share his comments for all to hear for five minutes, without any further comments during the rest of the meeting.
- Artie Valencia shared comments for Agenda Item 3.3 during the meeting for all to hear.

Motion: Approve Consent Items 3.1, 3.2, 3.3, and 3.4

Moved by: Director Singh, Seconded by Director Wright

Vote: Motion carried 5-0

Yes: Director Akinjo, Director Halford, Director Singh, Director Wright, Alt Director Blower

Absent: Director Canepa, Director DeBrum, Director Lazard, Director Patti, Director Warmesley

4. NEW BUSINESS 10:42 AM

4.1) Approval to Change Principal Office of Agency

PUBLIC COMMENT: Dominick Gulli submitted written comments and shared comments during Agenda Topic 3.

Motion: Approve change to Principal Office of Agency
Moved by: Director Singh, Seconded by Director Blower
Vote: Motion carried 5-0
Yes: Director Akinjo, Director Halford, Director Singh, Director Wright, Alt Director Blower
Absent: Director Canepa, Director DeBrum, Director Lazard, Director Patti, Director Warmsley

5. BRIEFINGS 11:00 AM

- None

6. ORAL REPORT FROM EXECUTIVE DIRECTOR 11:00 AM

6.1) Submission of Real Estate certification package to US Army Corps of Engineers in fulfillment of environmental mitigation obligations

6.2) Spring advocacy trip to Washington, D.C.

- April 8, 2024 – April 11, 2024

7. PUBLIC COMMENTS 11:18 AM

PUBLIC COMMENT

- Dominick Gulli submitted written comments and shared comments during Agenda Topic 3.
- Ivan Senock, Deputy Director of Restore the Delta introduced himself.

8. BOARD QUESTIONS, COMMENTS, ACTIONS 11:24 AM

- None.

9. COUNSEL REPORT 11:24 AM

10. CLOSED SESSION 11:24 AM

10.1) ANTICIPATED LITIGATION Pursuant to Government Code Section 54956.9(d)(2): One Case (Shimmick Construction Company, Inc.)

10.2) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
(Government Code Section 54956.9 (d)(2))

PUBLIC COMMENT

- Dominick Gulli submitted written comments and shared comments during Agenda Topic 3.

Returned from Closed Session: 11:56 AM

Report Out: No action for 10.1 and 10.2.

11. OPEN SESSION

11.1) Consider and Possibly Take Action to Reject, Pay, Compromise, or Take Other Action on Government Claims Act Claims Against SJAFC

Attachment – Claim from Michael L. Gurev, Trustee of Maxwell M. Freeman Qualified Personal Residence Trust dated October 20, 2023

Motion: Action to reject claim of property damage due to construction
Moved by: Director Wright, Seconded by Alt. Director Blower
Vote: Motion carried 5-0
Yes: Director Akinjo, Director Halford, Director Singh, Director Wright, Alt Director Blower
Absent: Director Canepa, Director DeBrum, Director Lazard, Director Patti, Director Warmsley

12. ADJOURNMENT 11:57 AM

The meeting adjourned at 11:57 AM. The next meeting is scheduled for April 18, 2024.

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CHRIS ELIAS
EXECUTIVE DIRECTOR
SAN JOAQUIN AREA FLOOD
CONTROL AGENCY

March 21, 2024, SJAFC Meeting Minutes

Agenda Item 4.1

TO: San Joaquin Area Flood Control Agency

FROM: Chris Elias, Executive Director
Seth Wurzel, Larsen Wurzel & Associates, Inc.

SUBJECT: **ADOPTION OF RESOLUTIONS REGARDING FORMATION OF THE PROPOSED
MOSSDALE TRACT OVERLAY ASSESSMENT DISTRICT**

RECOMMENDATION

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

1. A Resolution that,
 - a. Initiates formation proceedings for the proposed Mossdale Tract Overlay Assessment District;
 - b. Provides the Agency's intention to levy assessments;
 - c. Preliminarily approves the Engineer's Report;
 - d. Approves the Boundaries of the proposed Assessment District;
 - e. Sets a public hearing date; and,
 - f. Directs the mailed notice of the hearing and ballots for the formation of a special benefit assessment district.
2. A Resolution adopting Proposition 218 procedures for the 2024 Mossdale Tract Overlay Assessment District ballot proceeding.

SUMMARY

The Mossdale Tract OAD is the name of the proposed assessment district being advanced to help finance the local cost-share of improvements needed to provide an Urban Level of Flood Protection ("ULOP") also referred to as 200-Year Flood Protection, to the Mossdale Tract Area. The Mossdale Tract Area stretches from Weston Ranch in south Stockton through the City of Lathrop to the western portion of the City of Manteca. The purpose of the recommended actions is for the Board to take the first formal steps in forming the proposed assessment district through the adoption of two separate resolutions. The first resolution, called a Resolution of Intention (ROI) initiates the process for forming the district and calls for a mailed ballot proceeding. The second resolution adopts SJAFCA's procedures for the formation which comply with Proposition 218.

DISCUSSION

Background

In February 2018, SJAFCA, as part of the reformulation of the Agency's Joint Exercise of Powers Agreement to include the Cities of Lathrop and Manteca as members of the Agency, assumed the role of Local Flood Management Agency (LFMA) as part of the Mossdale Tract Area's Urban Level of Flood Protection (ULOP) efforts. In that role, SJAFCA is advancing a funding program to generate the revenue needed to improve the levee system so it meets the Urban Levee Design Criteria and can achieve ULOP for the Mossdale Tract Area.

The SJAFCA Board of Directors (Board), since February 2018, has received briefings on the following three sources that make up the local funding program for improving the levees that protect the Mossdale Tract:

- A Regional Development Impact Fee program;
- An Enhanced Infrastructure Financing District (EIFD); and now,
- the proposed Mossdale Tract Overlay Assessment District (OAD).

Adoption of Resolutions regarding Formation of the Proposed Mossdale Tract Overlay Assessment District

In February 2018, after receiving a briefing on the Mossdale Area Program, the Board authorized an Agreement with Larsen Wurzel & Associates, Inc. (LWA) to assist with Implementation of the Funding Program. The scope of that contract with LWA included assistance with the implementation of the Overlay Assessment District. In March 2019, the Board received an update on the Mossdale Tract Program and as part of that update, approved a conceptual scope of work for Assessment Engineering services and authorized staff to issue a request for proposals (RFP). Upon completion of the RFP process, in September 2019, the Agency engaged Willdan Financial Services (WFS) to provide Assessment Engineering Services for a proposed Mossdale Tract Area Overlay Assessment for Urban Level of Flood Protection related improvements and Services.

Since September 2019, staff, in coordination with LWA and WFS, have been working to implement the funding program, maintain Adequate Progress with respect to the financing plan for the Mossdale Program all while at the same time evaluating feasible levels of assessment. Concurrently, SJAFCA has been advancing ULOP since that time on multiple fronts.

- **Local Funding:** To generate funding for the improvements SJAFCA has approved and implemented the Mossdale Tract Area Regional Urban Level of Flood Protection Levee Impact Fee Program (Regional Levee Fee) in coordination with its member Land Use Agencies. In addition, SJAFCA coordinated with its member land use Agencies to form the Mossdale Tract Enhanced Infrastructure Financing District (EIFD).
- **State Study & Funding:** SJAFCA applied for and received a \$5.0 million grant at 50% cost share from the State through its Urban Flood Risk Reduction Grant Program. This grant funded a Feasibility Study to evaluate options with State interest and advance Preliminary Design and Environmental Review of a preferred alternative. This partnership has led to a State Budget allocation of \$75 million that will ultimately be used to advance a portion of the preferred alternative.
- **Federal Study & Funding with State:** SJAFCA has executed a Feasibility Cost Share Agreement with the United States Army Corps of Engineer's (USACE) and the State of California which is advancing a Study to determine Federal Interest in flood risk reduction in the basin. This is the first step in the process that can lead to the USACE constructing improvements at a 65% cost share, with the State and SJAFCA paying the remaining 35% of the project's construction.

Ultimately, to achieve 200-Year flood protection, SJAFCA will be responsible for the local share of improvements. The proposed OAD is needed to ensure that SJAFCA can fully fund its share of the cost of any improvements to be implemented by USACE in partnership with the State and, if needed, construct any remaining improvements needed to meet the state-mandated flood protection standard.

Present Situation

Since January 2024, the Board has received three briefings on the proposed Mossdale OAD. The first, in January, presented a briefing regarding the development of the boundary of the Mossdale OAD. The second, in February, the Board received information regarding the budget, financing

AGENDA ITEM 4.1

Adoption of Resolutions regarding Formation of the Proposed Mossdale Tract Overlay Assessment District

plan, and approach for determining the proposed assessments as well as the resulting rates. The third, also in February, presented an overview of the public information and outreach strategy. The goal of these Board briefings was to familiarize the Board and the public with the benefits of the services that are to be funded by the assessment, the methodology being used to assess individual properties, and the tools that will be used to provide information that property owners need to make an informed decision. In March, the Board received a Public Review Draft Engineer's Report ([link here](#)) that presented the following:

- A description of the improvements and services to be funded by the assessment;
- A cost estimate and justification of the annual budget for the improvements (i.e. summary financing plan);
- A detailed description of the method for assessing special benefits and apportioning the cost of the improvements and services in proportion to the special benefit received to each parcel;
- A listing of the assessment for each specially benefiting parcel for the initial FY 2024/25 assessment roll; and,
- An assessment diagram (i.e. boundary map).

The document has been made available to the public and SJAFCA staff and consultants have commenced outreach with the member agencies and the public regarding the proposed assessment district.

The Mossdale OAD formation process starts with Board's adoption of a resolution (the ROI) that includes the following:

- The Board's declaration of its intention to form the special benefit assessment district and to levy and collect assessments;
- The preliminary approval of the Engineer's Report and Assessment Diagram and making them available for public inspection; and,
- The setting of a noticed public hearing at 6:00 PM on June 20, 2024 at the Lathrop City Council Chambers and the conducting of a property owner protest ballot proceeding.

Should the Board take the necessary actions outlined above, the next steps in the formation process will be as follows:

- Staff will prepare and direct the mailing of the notice of the public hearing and a ballot to each property owner of record within the Mossdale OAD. The mailing will take place by May 4, 2024, which is more than the required minimum 45-days prior to the June 20th public hearing;
- Property owners will have the opportunity to return their ballots by mail or in person at Lathrop City Hall at 390 Towne Centre Drive, in Lathrop.
- Staff will schedule the public hearing for 6:00 PM on June 20, 2024 at the Lathrop City Council Chambers, where the property owners will be provided the opportunity to provide public testimony and written protests. Property owners may submit their ballots at the public hearing prior to its conclusion. After the close of the public hearing, staff will start the process of tabulating all returned ballots.

AGENDA ITEM 4.1

Adoption of Resolutions regarding Formation of the Proposed Mossdale Tract Overlay Assessment District

- Tabulation of the ballots will be led by Larsen Wurzel & Associates, Inc. and take place at Lathrop City Hall and be subject to public observation. Tabulation will commence on June 21, 2024, and continue during each business day until it is complete. However, given the size of the district, it is only expected to take 1-day to complete and certify the tabulation.
- After the completion of the ballot tabulation, at its next regular Board meeting on July 18, 2024, the Board will receive and declare the results of the balloting, and, if no majority protest exists, the Board may approve the Engineer's Report, adopt a resolution forming the Mossdale OAD, and authorize the levy and collection of assessments.

Engineer's Report

The contract between SJAFCA and WFS directed the preparation of a Preliminary Engineer's Report and Assessment Diagram, a copy of which has now been filed with the SJAFCA Secretary and been submitted to the Board of Directors for review. A Public Review draft copy of the Report has also been made available to the Public for review online at www.sjafca.org. The Preliminary Engineer's Report includes all of the following:

- A description of improvements and services;
- A cost estimate and annual budget for the improvements and services;
- An assessment diagram (i.e. boundary map);
- A detailed description of the method for assessing special benefits and the cost of services / improvements in proportion to the special benefit received; and,
- A listing of parcels to be assessed and an initial FY 2024/25 assessment roll.

As further described in the report, to formulate and assess special benefits, a calculation is made of each property's relative share of the special benefits from the services and improvements. SJAFCA's website has been updated to include a page, www.sjafca.org/OAD where property owners can view the proposed assessments for their individual properties. Further, questions or concerns can be addressed by calling the SJAFCA Hotline at 209-475-7009 or emailing info@sjafca.com.

There are approximately 22,600 parcels within the proposed boundary that receive special benefit from 200-Year levee improvements and associated maintenance of the improvements.

Table 1, on the following page shows the total cost of SJAFCA's Mossdale Program net of the improvements expected to be constructed by USACE.

Adoption of Resolutions regarding Formation of the Proposed Mossdale Tract Overlay Assessment District

Table 1: Total Cost of Mossdale Program

Item	Budget
ULOP Program Planning & Implementation	
SJAFCA Program Management	3,600,000
Funding Implementation	1,500,000
Feasibility Study & Planning	3,200,000
Subtotal: ULOP Program Planning & Implementation	\$11,500,000
SJAFCA ULOP Project Costs	
Soft Costs Including Admin	90,610,000
Construction Costs	183,500,000
Right-of-Way	94,900,000
Contingency	59,690,000
Multi-Benefit Improvements	44,170,000
Subtotal: SJAFCA ULOP Project Costs	\$472,870,000
(less) USACE Implemented Improvements ¹	(\$248,800,000)
Net SJAFCA ULOP Program Costs	\$235,570,000

^{1/} Assumed share of improvements to be implemented by USACE for purposes of financial planning. Source: Larsen Wurzel & Associates, Inc.

As noted previously, SJAFCA has developed a comprehensive financing plan that includes funding from multiple local sources, a partnership with the State of California, and the issuance of debt secured by the proposed OAD to fund the costs of the improvements. SJAFCA will be required to cash flow the implementation of the improvements over time, and a result will be required to generate more funding, in gross dollars, than the cost of the improvements. **Table 2** on the following page shows the sources of funding identified for the Project.

Adoption of Resolutions regarding Formation of the Proposed Mossdale Tract Overlay Assessment District

Table 2 – Sources of State and Local Funding For Mossdale Program

Item	Budget
Non-Local / State Funding	
State UFRR Funding (PED Only)	3,800,000
State Funding (BCP - 0000743)	75,000,000
State Funding (Future Share of NFS - LPPA)	35,000,000
Subtotal: Non-Local / State Funding	\$113,800,000
SJAFCA Project Funding	
Developer Advances / City Funding	3,560,000
Development Fee Program	67,350,000
SJAFCA Overlay Assessment District	33,370,000
Net EIFD Revenues	21,640,000
Future Assessment Overlay Financing (Bond Proceeds)	31,890,000
Assessment Overlay Financing (Debt Service Carry)	(25,320,000)
Subtotal: SJAFCA Project Funding	\$132,490,000
Total Project Sources	\$246,290,000
Total Project Sources less Uses	\$10,720,000

The total cost of the services to be funded by the Mossdale OAD have been analyzed and a financing plan cash flow model has been prepared. The financing plan involves utilizing revenues from the identified funding sources on a pay-as-you-go basis to fund design, the local share of the federal feasibility study, work-in kind expenses for services completed by SJAFCA, right of way acquisition, of the advancement of improvements, including the Dryland Levee extension in Manteca before the commencement of construction by the USACE. In addition, the financing plan reflects a bond issuance by SJAFCA secured by assessment revenues. The resulting annual need for capital Improvements (including debt service associated by a bond issuance), incremental O&M and administration of the OAD, based on the cash flow financing analysis, is \$2,625,000 / Year starting in Fiscal Year 2024/25. The assessment budget can increase by CPI each year thereafter subject to consideration and approval by the Board of Directors

There are approximately 22,600 parcels within the proposed OAD boundary. The proposed OAD boundary represents the area protected by the 200-Year flood protection improvements including those improvements required by SJAFCA's adopted climate adaptation policy for the Mossdale Tract Area. The average assessment paid by all property owners within the OAD is approximately \$116 / year. **Table 3** below shows the distribution of the proposed assessments by land use category as well as the average assessment by land use. Single family residential properties make up approximately 54.4% of the total assessment.

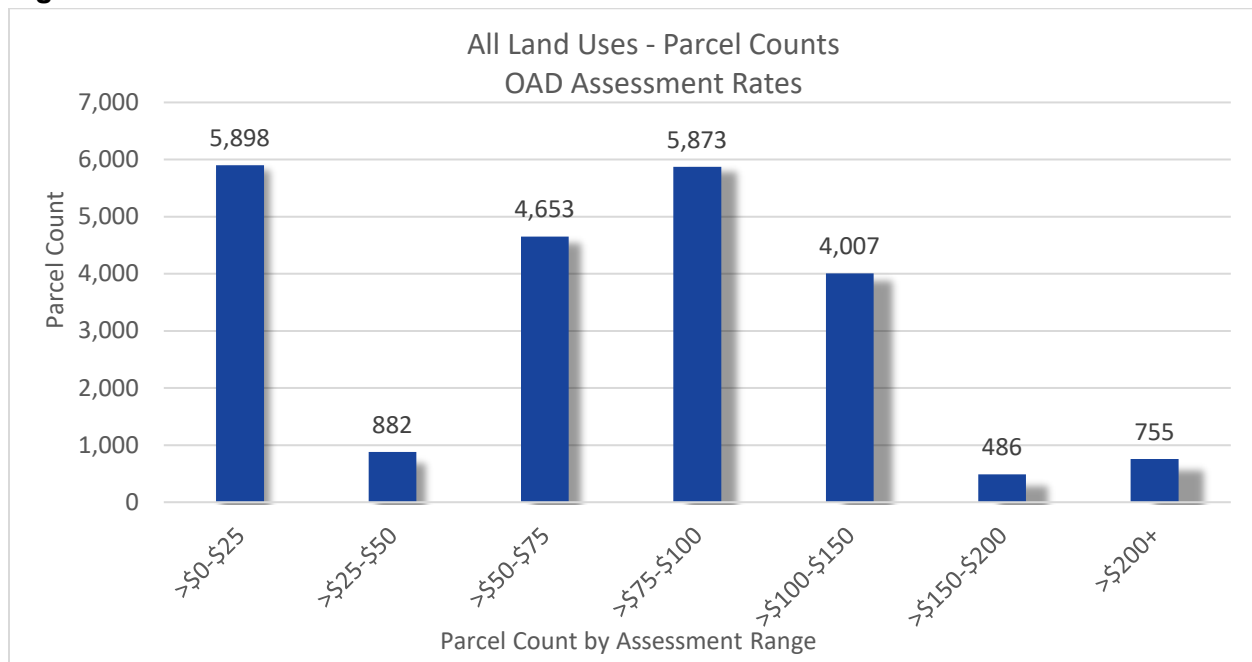
Adoption of Resolutions regarding Formation of the Proposed Mossdale Tract Overlay Assessment District

Table 3 Summary of Proposed Assessment By Land Use

Land Use Category	Parcel Count	Average Assessment	Proposed FY 2024/25 Assessment	Share of Total Assessment
Single Family Residential	18,285	\$78	\$1,420,403	54.4%
Industrial	244	\$1,899	\$463,382	17.8%
Planned Commercial	86	\$2,736	\$235,334	9.0%
Commercial	227	\$896	\$203,330	7.8%
Public	69	\$1,634	\$112,753	4.3%
Vacant	3,209	\$39	\$125,220	4.8%
Planned Residential	91	\$194	\$17,691	0.7%
Agricultural	139	\$70	\$9,789	0.4%
Multifamily Residential	86	\$131	\$11,255	0.4%
Mobile Homes	32	\$173	\$5,550	0.2%
Planned Industrial	86	\$50	\$4,305	0.2%
Total	22,554	\$116	\$2,609,012	100.0%

Approximately 21,300 (94%) of all properties within the Mossdale OAD would pay an annual amount less than \$150 as shown in **Figure 1** below:

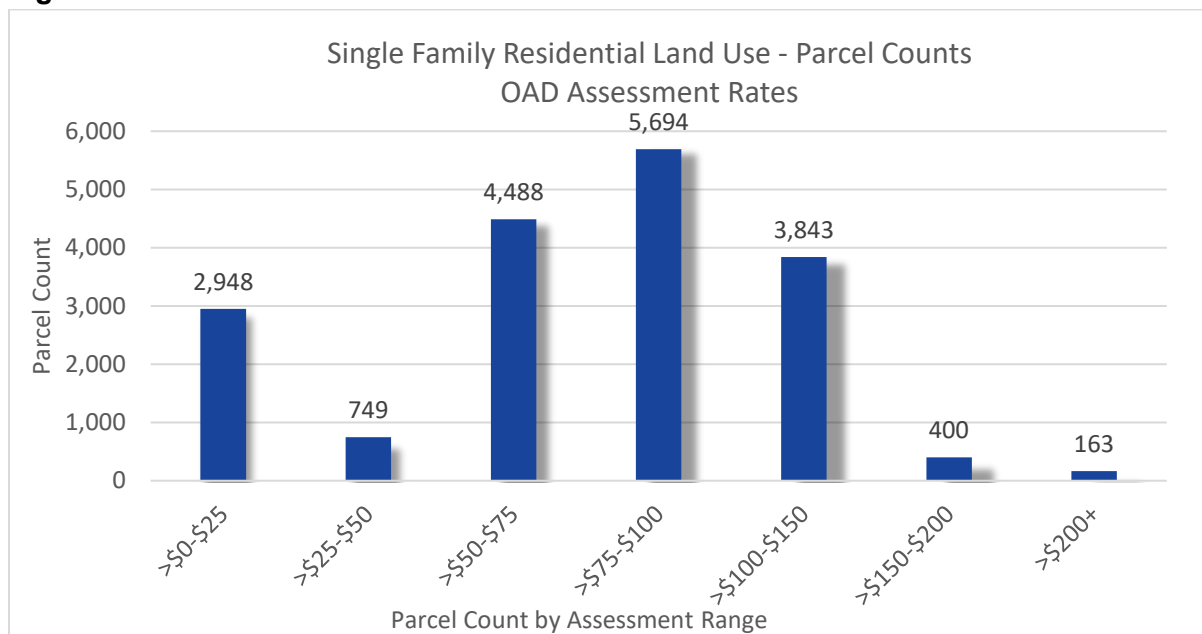
Figure 1



Adoption of Resolutions regarding Formation of the Proposed Mossdale Tract Overlay Assessment District

As noted in Table 3 above, 18,285 (54.4%) of all properties within the Mossdale OAD are Single Family Resident parcels. Approximately 17,700 (96.7%) of these parcels would pay an annual amount less than \$150 as shown in **Figure 2** below:

Figure 2



Public Hearing

The Resolution of Intention calls for a public hearing at a special Board Meeting on Thursday, June 20, 2024, starting at 6:00 P.M. The hearing will be held in the Lathrop City Council Chambers, Lathrop City Hall, located at 390 Towne Centre Dr. in Lathrop, California. At the hearing, property owners in the proposed Mossdale OAD will have an opportunity to present oral or written comments on the proposed District and assessments and to submit new or changed assessment ballots. The close of Public Hearing represents the conclusion of the acceptance of property owner protest ballots. After the close of the public hearing, the Board will direct the tabulation of the assessment ballots and at a Board meeting on July 18, 2024, the results of the assessment ballot proceeding will be announced, and, if there is no majority protest within the ballots received, the Board may consider final action regarding the formation of the District and the levying of the special benefit assessment.

Protest Ballot Procedures

The attached Resolution Adopting Procedures outlines the protest ballot procedures for the proposed Mossdale OAD formation and assessments which are consistent with the provisions of Article XIII D of the California Constitution, the Proposition 218 Omnibus Implementation Act, Government Code 53750 et seq., and the Benefit Assessment Act of 1982, Government Code

Adoption of Resolutions regarding Formation of the Proposed Mossdale Tract Overlay Assessment District

54703 et seq. The Board is directing the issuance of a Notice of the Hearing by mail to the property owners of record who would be subject to the proposed assessment. The notice is to include the reason for the proposed assessment, the basis upon which the assessment was calculated, and the total amount balloted. Each Notice shall also include an assessment Ballot which identifies the owner's particular parcel(s) assessment and information regarding the balloting process and return of the ballot. A notice will also be posted on SJAFCA's Website at least two weeks prior to the Hearing. Drafts of the Notice and Ballot Package are included as Exhibits to the Resolution Adopting Procedures.

Next Steps

Following the adoption of the attached resolutions, staff will direct the mailing of notices and ballots to all affected property owners. The mailing would include the Attached Notice of the Public Hearing / Ballot Information Guide as well as the Ballot and return envelope. Outreach regarding the proposed assessment will continue during the balloting period. Outreach will include multiple community meetings, additional small group meetings with community organizations, outreach to other public agencies, a toll-free hotline, support social media outreach, and a dedicated email address and website with an assessment "calculator."

FISCAL IMPACT

There is no fiscal impact from the Board's approval of the recommended action as the actions do not obligate SJAFCA to incur any additional costs. SJAFCA's costs associated with the proposed Mossdale OAD formation were included within the latest augmentation to the capital budget for the Mossdale Tract program approved by the Board in July 2023. There is no net budgetary impact from the Board's approval of staff's recommendation.

Strategic Plan Consistency Analysis

The material found in this report is consistent with the Mission and Goals of the Board-adopted Strategic Plan, specifically Goal 1 to Plan for and Implement System Resiliency and Goal 3 Facilitate Funding Structures that are Most Beneficial to Local Interests.

APPROVED BY:



CHRIS ELIAS
EXECUTIVE DIRECTOR

Adoption of Resolutions regarding Formation of the Proposed Mossdale Tract Overlay Assessment District

Attachments:

1. RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN JOAQUIN AREA FLOOD CONTROL AGENCY INITIATING PROCEEDINGS, PROVIDING INTENTION TO LEVY ASSESSMENTS, PRELIMINARILY APPROVING ENGINEER'S REPORT, AND PROVIDING FOR NOTICE OF HEARING FOR THE FORMATION OF THE MOSSDALE TRACT OVERLAY ASSESSMENT DISTRICT
 - a. Exhibit A – Boundary Map (reduced sized copy)
 - b. Exhibit B – San Joaquin Area Flood Control Agency Preliminary Engineer's Report Formation of: Mossdale Tract Overlay Assessment District (Mossdale OAD) prepared by Willdan Financial Services dated April 18, 2024
[Note – due to the number of pages, the listing of Assessments, included with the Engineer's Report is on file with the Clerk of the Board and is available online at www.sjafca.org/OAD]
2. RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN JOAQUIN AREA FLOOD CONTROL AGENCY ADOPTING PROPOSITION 218 PROCEDURES FOR THE MOSSDALE TRACT OVERLAY ASSESSMENT DISTRICT BALLOT PROCEEDING
 - a. Exhibit A – Form of Ballot Package – Including Notice (Ballot Information Guide), Ballot and Mailing Materials
 - b. Exhibit B – Form of Posted Notice to be included on website

RESOLUTION NO. SJAFCA 24-07

SAN JOAQUIN AREA
FLOOD CONTROL AGENCY

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN JOAQUIN AREA
FLOOD CONTROL AGENCY INITIATING PROCEEDINGS, PROVIDING
INTENTION TO LEVY ASSESSMENTS, PRELIMINARILY APPROVING
ENGINEER'S REPORT, AND PROVIDING FOR NOTICE OF HEARING FOR THE
FORMATION OF THE MOSSDALE TRACT OVERLAY ASSESSMENT DISTRICT**

WHEREAS, the San Joaquin Area Flood Control Agency (the "Agency") is a joint powers agency that was created in May 1995 between the City of Stockton ("Stockton"), San Joaquin County ("County") and the San Joaquin County Flood Control and Water Conservation District ("SJCFWCWD"), for the purpose of providing flood protection services for the City of Stockton and surrounding unincorporated areas of the County;

WHEREAS, in January of 2018 Stockton, the County, the SJCFWCWD, the City of Lathrop ("Lathrop"), and the City of Manteca ("Manteca") executed an Amended and Restated Joint Exercise of Powers Agreement to reform the Agency by adding Lathrop and Manteca as members;

WHEREAS, in February 2018, SJAFCA, as part of the reformulation of the Agency's Joint Exercise of Powers Agreement to include the Cities of Lathrop and Manteca as members of the Agency, assumed the role of Local Flood Management Agency ("LFMA") as part of the efforts to provide Urban Level of Flood Protection to the area that includes the community of Weston Ranch in south Stockton, south to the City of Lathrop and west to the western portions of the City of Manteca commonly referred to as the "Mossdale Tract Area." In its role as LFMA, SJAFCA has advanced a funding program to generate the funds needed to implement improvements to the levee system protecting the Mossdale Tract Area ("the Project") to ensure the levees can meet Urban Levee Design Criteria ("ULDC") and the Area can achieve an Urban Level of Flood Protection ("ULOP");

WHEREAS, on June 28, 2018, in its role as LFMA, the Agency transmitted its first Annual Report of Adequate Progress toward Urban Level of Flood Protection to the Central Valley Flood Protection Board pursuant to Government Code §65007 (a)(5). The Annual Adequate Progress Report includes the details of a funding and financing plan to generate the needed local funding for the Project. The Annual Adequate Progress Report identified three new funding mechanisms to generate the local funding; a Regional Development Impact Fee program ("Regional DIF"); an Enhanced Infrastructure Financing District ("EIFD"); and the Mossdale Tract Overlay Assessment District ("Mossdale OAD");

WHEREAS, on March 17, 2022, as part of the funding program to achieve ULOP for the Mossdale Tract Area, SJAFCA adopted a resolution directing staff to work with the Agency's member land use agencies to finalize the Mossdale Tract Regional Levee Impact Fee Program Nexus Study Update and delegating authority to the Executive Director to

execute a collection agreement with the Cities of Lathrop, Manteca and Stockton and San Joaquin County for the collection of the Regional DIF;

WHEREAS, on January 12, 2022, as part of the funding program to achieve ULOP for the Mossdale Tract Area, the City of Lathrop initiated the formation of the Mossdale Tract Enhanced Infrastructure Financing District. Further, on July 21, 2022, the Mossdale Tract Enhanced Infrastructure Financing District Public Financing Authority adopted the Infrastructure Financing Plan and formed the Mossdale Tract Enhanced Infrastructure Financing District.

WHEREAS, in September 2019, the Agency entered into a contract with Willdan Financial Services to provide Assessment Engineering Services for the proposed Mossdale Tract OAD to provide a portion of the funding for ULOP related improvements and services;

WHEREAS, the Agency now plans to establish the Mossdale Tract OAD to fund a portion of the costs of constructing 200-year improvements to the levee and flood control system providing protection to Mossdale Tract Area, and ensure proper maintenance and operation of the related levees and flood control facilities (collectively, the "Services");

WHEREAS, the Services will provide special benefits to certain land in the Mossdale Tract Area (the "Properties") within the proposed boundaries of the Mossdale Tract OAD;

WHEREAS, the Agency has engaged the firm of Willdan Financial Services, to have a registered professional engineer certified by the State of California prepare a detailed Engineer's Report ("Engineer's Report") establishing a methodology to determine and apportion the special benefits received by the Properties from the Services and to allocate the costs of the Services in proportion to said special benefits;

WHEREAS, the proposed boundaries of the Mossdale Tract OAD area include all the Properties that receive special benefit from the Services, while excluding properties not receiving special benefits from the Services and any incidentally-benefited properties in adjacent areas;

WHEREAS, the Board of Directors of the Agency has determined to undertake proceedings pursuant to the Benefit Assessment Act of 1982, Government Code section 54703 et. seq. ("Act") to establish the Mossdale Tract OAD and to levy assessments to pay costs of the Services for the Properties to be included within the Mossdale Tract OAD boundaries; and

WHEREAS, the imposition of a new special assessment is subject to constitutional procedural requirements, including a ballot procedure involving the owners of the parcels proposed to be assessed.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Joaquin Area Flood Control Agency as follows:

1. **Recitals.** The above recitals are true and correct and are incorporated into this Resolution by this reference.

2. **Authority.** To provide for the Services, the Board of Directors hereby proposes the formation of the Mossdale Tract OAD pursuant to Article XIII D of the California Constitution; the Proposition 218 Omnibus Implementation Act, Government Code § 53750 et seq.; and the Act.

3. **Boundaries of the Assessment District.** The Board of Directors hereby specifies and describes the exterior boundaries of the Mossdale Tract OAD as shown on the Boundary Map for the Mossdale Tract OAD, a reduced copy of which is attached hereto as **Exhibit A**. The Boundary Map is hereby approved and shall govern for all details as to the extent of the Mossdale Tract OAD. The Board of Directors hereby authorizes and directs the Board Secretary to endorse the certificates on the Boundary Map and to file a copy of the Boundary Map with the San Joaquin County Recorder as required by applicable law.

4. **Proposed Assessment.** The Board of Directors hereby preliminarily approves the Engineer's Report attached hereto as **Exhibit B** ("Preliminary Engineer's Report") and determines and proposes adoption of the assessments described therein. The Preliminary Engineer's Report sets forth a full and detailed description of the costs to be financed by the assessments, the parcels to be assessed, the duration of the assessment, the basis upon which the proposed assessment was calculated and the proposed assessments upon assessable lots and parcels. The Board of Directors acknowledges that the Engineer's Report also is on file with the Board Secretary and also is available for review by any interested member of the public during normal business hours at the Board Secretary's office, 22 E. Weber Ave, Room 301, Stockton, California; and is also available for download on the Agency's website (www.sjafca.org/OAD).

5. **Public Hearing.** On June 20, 2024, at 6:00 p.m., the Board of Directors will hold a public hearing on the proposed formation of the Mossdale Tract OAD and the levying of the special benefit assessment on Properties in the Mossdale Tract OAD as reflected in the Boundary Map. The hearing will be held in the City Council Chambers, Lathrop City Hall, located at 390 Towne Centre Dr., Lathrop, California. At the public hearing, owners of land within the proposed Mossdale Tract OAD will have the opportunity to make written or oral comments on the proposed Mossdale Tract OAD and to submit assessment ballots. After the close of the public comment portion of the public hearing, the Board will direct that assessment ballots cast prior to the close of the public hearing be tabulated in public view, with ballots weighted according to the proportional assessment financial obligation of each respective parcel. It is expected that the Board of Directors will continue the hearing and further action on the proposed assessment to the Board's regular meeting scheduled for July 18, 2024, at which time the results of the assessment ballot proceeding are expected to be announced, and the Board of Directors may take a final action regarding the formation of the Mossdale Tract OAD and levying of the special benefit assessments.

6. **Notice and Balloting Process.** The Board Secretary is hereby authorized and directed to cause a Notice of Public Hearing to be given in accordance with applicable law by mailing, postage prepaid, by U.S. mail, and such Notice shall be deemed to have been given when so deposited in the mail. The Notice shall be mailed to all property owners who would be subject to assessment within the proposed Mossdale Tract OAD, with delivery to those persons whose names and addresses appear on the last equalized secured property tax assessment roll of the County, or in the case of any public entity, the representative of such public entity at the address thereof known to the Secretary. The Notice shall include

the assessment(s) proposed for the owner's particular parcel(s), the total amount of the proposed assessment chargeable to the entire Mossdale Tract OAD, the duration of the assessment, the reason for the assessments and the basis upon which the amount of the assessments was calculated. Each Notice shall also contain the date, time and location of the public hearing on the Mossdale Tract OAD, an assessment ballot, a summary of the procedures applicable to the completion, return and tabulation of assessment ballots, and a statement that the assessment will not be imposed if a majority of the weighted votes of the ballots cast are not in favor of the Mossdale Tract OAD.

7. **Further Procedures.** The Board of Directors expects to adopt a Resolution providing additional details with respect to the public hearing and notice and balloting procedures to assist in conducting the proceedings for the formation of the Mossdale Tract OAD.

PASSED, APPROVED AND ADOPTED this 18th day of April 2024.

Paul Akinjo, Chair
of the San Joaquin Area
Flood Control Agency

ATTEST:

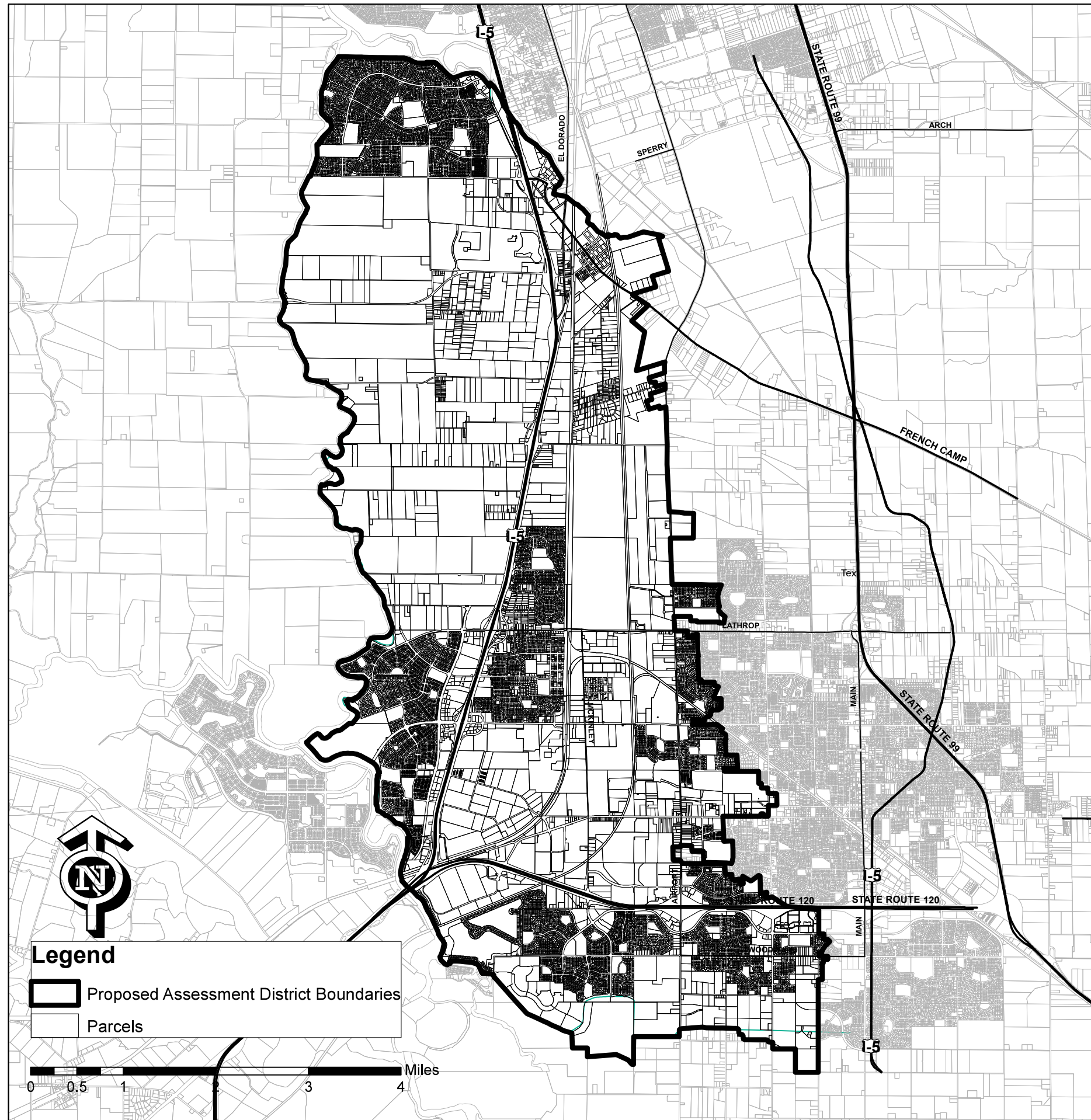
CHRIS ELIAS, Secretary
of the San Joaquin Area
Flood Control Agency

APPROVED AS TO FORM:

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

Attachments:

- a. Exhibit A – Boundary Map (reduced sized copy)
- b. Exhibit B – San Joaquin Area Flood Control Agency Preliminary Engineer's Report Formation of: Mossdale Tract Overlay Assessment District (Mossdale OAD) prepared by Willdan Financial Services dated April 18, 2024
[Note – due to the number of pages, the listing of Assessments, included with the Engineer's Report is on file with the Clerk of the Board and is available online at www.sjafca.org/OAD]



Proposed Boundaries of
SAN JOAQUIN COUNTY FLOOD CONTROL AGENCY
MOSSDALE TRACT OVERLAY
ASSESSMENT DISTRICT
COUNTY OF SAN JOAQUIN
STATE OF CALIFORNIA

FILED IN THE OFFICE OF THE SECRETARY OF THE
SAN JOAQUIN AREA FLOOD CONTROL AGENCY,
THIS _____ DAY OF _____, 2024.

SECRETARY OF THE
SAN JOAQUIN AREA FLOOD CONTROL AGENCY

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING
PROPOSED BOUNDARIES OF THE MOSSDALE TRACT
OVERLAY ASSESSMENT DISTRICT OF THE COUNTY OF
SAN JOAQUIN, STATE OF CALIFORNIA, WAS APPROVED
BY THE BOARD OF DIRECTORS OF THE SAN JOAQUIN
AREA FLOOD CONTROL AGENCY AT A REGULAR
MEETING THEREOF, HELD ON _____ DAY OF
_____, 2024,
BY ITS RESOLUTION NO. _____.

SECRETARY OF THE
SAN JOAQUIN AREA FLOOD CONTROL AGENCY

FILED THIS _____ DAY OF _____, 2024,
AT THE HOUR OF _____ O'CLOCK _____ M, IN
BOOK _____ OF MAPS OF ASSESSMENT AND
COMMUNITY FACILITIES DISTRICT AT PAGE _____,
IN THE OFFICE OF THE COUNTY RECORDER IN THE
COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA

COUNTY RECORDER OF
SAN JOAQUIN COUNTY





San Joaquin Area Flood Control Agency

Preliminary Engineer's Report

Formation of: Mossdale Tract Overlay Assessment District (Mossdale OAD)

Commencing Fiscal Year 2024/2025

Intent Meeting: April 18, 2024

Public Hearing: June 20, 2024

**MARCH 2024
PREPARED BY
WILLDAN FINANCIAL SERVICES**

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ENGINEER'S REPORT AFFIDAVIT

San Joaquin Area Flood Control Agency

Formation of the

Mossdale Tract Overlay Assessment District

Fiscal Year 2024/2025

County of San Joaquin, State of California

This Engineer's Report ("Report") and the enclosed descriptions and diagrams outline the San Joaquin Area Flood Control Agency ("SJAFCA" or "Agency") proposed formation and establishment of annual assessments for the Mossdale Tract Overlay Assessment District (hereinafter referred to as "District") commencing with fiscal year 2024/2025. Said District incorporates each lot, parcel, and subdivision of land within San Joaquin County that receives special benefit from the construction and operation of flood risk reduction components in and adjacent to the Mossdale Tract Area within the boundaries of said District as defined by the District Diagram contained herein as Part IV and adopted at the time of the passage of the Resolution of Intention. Reference is hereby made to the San Joaquin County Assessor's maps for a detailed description of the lines and dimensions of each lot, parcel, and subdivision of land within said territory and District. The undersigned respectfully submits the enclosed Report that includes a general description of the plans and specifications, method of apportionment, budget and proposed special benefit assessments associated therewith as directed by the SJAFCA Board of Directors ("Board") and pursuant to the provisions of the Benefit Assessment Act of 1982, being Chapter 6.4 of the California Government Code, commencing with Section 54703.

Dated this 27th day of March, 2024.

Willdan Financial Services
Assessment Engineer
On Behalf of San Joaquin Area Flood Control Agency

By: Jim McGuire
Jim McGuire
Principal Consultant, Project Manager

By: Tyrone Peter
Tyrone Peter
PE # C 81888



Table of Contents

Introduction.....	1
Background.....	3
Legislative Authority	3
Ballot Proceedings.....	6
Engineer’s Report	6
Part I — Plans and Specifications	9
District Overview	9
Project Location	9
Project Objectives	10
Proposed Project.....	10
Part II — Estimate of Costs	14
Proposed Project Budget	15
Proposed Project Funding	16
Financing Plan / Assessment Budget	16
Authorized Term / Use of Revenues.....	17
Part III — Method of Apportionment	18
Benefit Analysis.....	18
Assessment Methodology (Special Benefit Calculations).....	21
Annual Inflationary Adjustment (Assessment Range Formula)	33
Appeals Process.....	33
Part IV — Assessment Roll	35
PART V — ASSESSMENT DIAGRAM	36

Introduction

The San Joaquin Area Flood Control Agency (SJAFCA) is a Joint Powers Authority that was created in May 1995 between the City of Stockton, San Joaquin County and the San Joaquin County Flood Control and Water Conservation District for the purpose of addressing flood protection for the City of Stockton and surrounding County area.

On November 16, 2017, the Joint Exercise of Powers Agreement was amended to include the Cities of Lathrop and Manteca to address the requirements of California Senate Bill 5 within the area known as the Mossdale Tract. SJAFCA has a nine member Board of Directors with one (1) member of the San Joaquin County Flood Control and Water Conservation District; one (1) member of the San Joaquin County Board of Supervisors; two (2) members from Stockton City Council; two (2) members from Lathrop City Council; two (2) members from Manteca City Council; and one (1) member of the public.

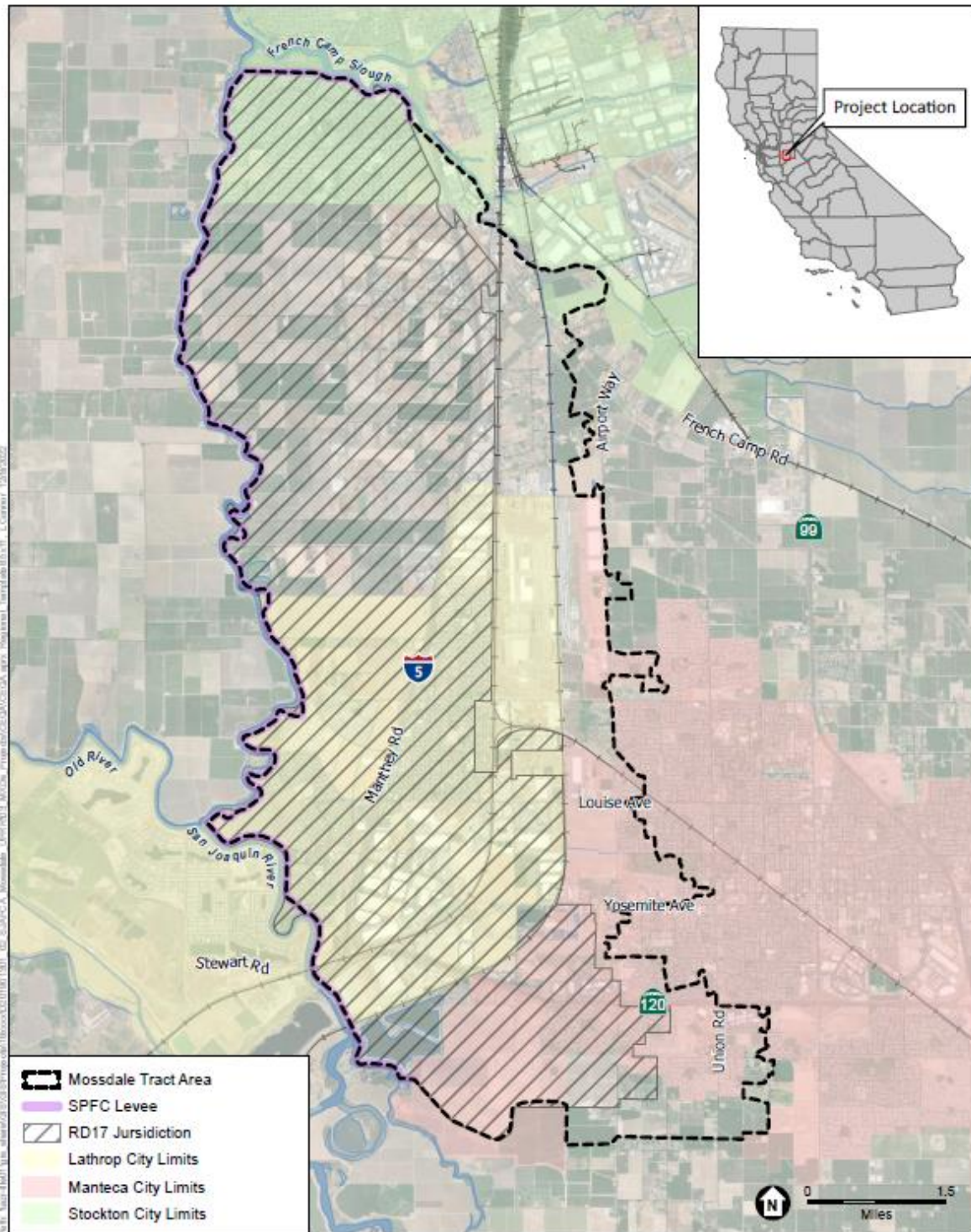
Following flooding disasters prompted by Hurricanes Katrina and Sandy, the Federal Emergency Management Agency (FEMA) and the US Army Corps of Engineers (USACE) embarked upon a comprehensive reevaluation of local flood risk and flood protection. FEMA has undertaken a Map Modernization Program that has resulted in a levee recertification program with new and more stringent levee standards. Other challenges involve State legislation that went into effect in 2007 (Senate Bill 5), which requires 200-year level of flood protection for urban or urbanizing areas¹ within California's Central Valley.

SB 5 defines Urban Level of Flood Protection (ULOP) as the "level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the California Department of Water Resources." Senate Bill 5 requires all cities and counties within the Sacramento-San Joaquin Valley, as defined in California Government Code § 65007(h), to make findings related to ULOP or the national Federal Emergency Management Agency (FEMA) standard of flood protection before: (1) entering into a development agreement for any property that is located within a flood hazard zone; (2) approving a discretionary permit or other discretionary entitlement, or a ministerial permit that would result in the construction of a new residence, for a project that is located within a flood hazard zone; or (3) approving a tentative map, or a parcel map for which a tentative map was not required, for any subdivision that is located within a flood hazard zone (see California Government Code § 65865.5, 65962, and 66474.5).

State and USACE levee standards and criteria continue to evolve and impact SJAFCA's priorities going forward. For the Mossdale Tract Area, SJAFCA continues to work with San Joaquin County, local cities (Stockton, Lathrop, and Manteca), and Reclamation District No. 17 ("RD 17") to address flood protection issues, levee standards and levee requirements that meet both State and Federal regulatory requirements (see Figure 1 on page 2 for a general overview illustration of the Mossdale Tract Area).

¹ Government Code § 65007 (l) and (h) define Urban Areas as developed areas where there are 10,000 or more residents and Urbanizing Areas as developed areas, or an area outside a developed area that is planned or anticipated to have 10,000 residents or more within the next 10 years.

FIGURE 1 — MOSSDALE TRACT AREA GENERAL OVERVIEW



SOURCE: MAXAR, 2021; KSN, 2022; PBI, 2022; ESA, 2022

Mossdale Tract Area Urban Flood Risk Reduction Project

Background

The Mossdale Tract Area is surrounded by approximately 19 miles of continuous levees that provide protection from floodwaters of streams, creeks, rivers, and bypasses that empty into the Sacramento-San Joaquin Delta, and from extreme high tides. The levees are operated and maintained by the local reclamation district, RD 17. The Mossdale Tract Area covers approximately 22,400 acres and is bounded by French Camp Slough to the north, the San Joaquin River to the west, and the Walthall Slough to the south. The Mossdale Tract Area spans an area that incorporates portions of the cities of Stockton, Lathrop, and Manteca that are highly urbanized, as well as portions of unincorporated San Joaquin County. RD 17 levees protect residential, commercial, industrial, as well as agricultural properties and they do not currently provide 200-year flood protection as required by Senate Bill 5.

The existing plan, as reported by SJAFCA annually since 2018 to the Central Valley Flood Protection Board, for meeting state requirements includes two components:

- RD 17's recently completed Levee Seepage Repair Project (LSRP); and
- Levee Improvements to achieve 200-year flood protection (the SJAFCA Project or Project).

In general, the SJAFCA Project consists of a fix-in-place levee improvement project and an extension of the existing dryland levee in Manteca.

The estimated Project cost is approximately \$472.87 million with funding expected to come from the following sources:

- State Funding in the form of Grants to SJAFCA and cash contributions to the United States Army Corp of Engineers (USACE);
- Federal Funding in the form of implementation and construction of facilities by the USACE; and,
- Local Funding sources including, but not limited to:
 - ✓ Direct funding from the Cities of Stockton, Lathrop, and Manteca (Cities), and San Joaquin County;
 - ✓ The Mossdale Tract Area Regional Urban Level of Flood Protection Levee Impact Fee Program adopted by SJAFCA, the Cities and San Joaquin Count;
 - ✓ The Mossdale Tract Enhanced Infrastructure Financing District (EIFD); and,
 - ✓ The Mossdale Tract Overlay Assessment District (the focus of this Report).

Legislative Authority

Pursuant to the provisions of the Joint Exercise of Powers Act, Govt. Code Section 6500 et seq. ("JEP Act"). Agencies formed pursuant to the JEP Act may provide financing for any of their members or other local agencies in the State of California in connection with the acquisition, construction, improvement, and maintenance of public capital improvements, working capital requirements or insurance programs of such members or other local agencies.

Pursuant to the provisions of the Benefit Assessment Act of 1982, Government Code sections 54703-54719, ("1982 Act"), and in compliance with the substantive and procedural requirements

of the California State Constitution Article XIII D ("California Constitution"), the Board of Directors ("Board") of SJAFCA proposes to form and levy special benefit assessments for the district to be designated as:

Mossdale Tract Overlay Assessment District

(hereafter referred to as "District"), which includes all lots and parcels of land within portions of the cities of Lathrop, Manteca, and Stockton as well as portions of unincorporated San Joaquin County that receive a particular and distinct benefit (special benefit) from the operation, program planning, design, construction, installation, implementation, and maintenance of the proposed fix in place and potential levee setback improvements and the dryland levee extension to achieve and maintain 200-year ULOP for the Mossdale Tract Area, including related incidental expenses, and collectively referred to as "Project Services."

As required pursuant to Section 54716 of the 1982 Act, this Engineer's Report has been prepared in connection with the formation of said District and the levy and collection of annual assessments authorized pursuant to Section 54710.5 of the 1982 Act to finance the cost of installation and improvement of facilities related thereto, commencing in fiscal year 2024/2025.

The Board proposes to form the District, and annually levy and collect special benefit assessments on the San Joaquin County tax roll or directly bill properties owners to fund a portion of the improvement costs and expenses that are deemed necessary and essential requirements to minimize potential flood risks and provide a distinct and particular benefit to those assessed properties.

This Engineer's Report has been prepared on behalf of SJAFCA for the purpose of creating a new local funding mechanism to enhance flood protection facilities and services in the Mossdale Tract Area. It describes the funding objectives, apportionment methodology, formation process and collection of a new special benefit assessment district proposed to fund in part the flood control improvements and expenses to be constructed and installed to achieve and maintain 200-year Urban Level of Flood Protection ("ULOP") for the Mossdale Tract Area.

1982 Act

Section 54710(a) of the 1982 Act permits any local agency which is authorized by law to provide flood control may impose a benefit assessment pursuant to this chapter to finance the maintenance and operation costs of flood control services. In addition to maintenance and operation costs, Section 54710.5 authorizes agencies to finance the cost of installation and improvement of flood control facilities:

"Any local agency which is authorized by law to provide drainage services or flood control services may, in addition to imposing a benefit assessment for the purposes authorized pursuant to Section 54710, impose such an assessment to finance the cost of installation and improvement of facilities."

Other provisions of 1982 Act worth noting include the following:

Section 54711 outlines certain prerequisites that must be met for the levy of benefit assessments:

- (1) *"The amount of the assessment imposed on any parcel of property shall be related to the benefit to the parcel which will be derived from the provision of the service..."*
- (2) *"The annual aggregate amount of the assessment shall not exceed the estimated annual cost of providing the service..."*
- (3) *"The revenue derived from the assessment shall not be used to pay the cost of any service other than the service for which the assessment was levied..."*

Pursuant to Section 54716(a) an engineer's report shall be prepared and filed with the clerk of the local agency and contain all of the following information:

- (1) *"A description of the service proposed to be financed through the revenue derived from the assessment."*
- (2) *"A description of each lot or parcel of property proposed to be subject to the benefit assessment..."*
- (3) *"The amount of the proposed assessment for each parcel."*
- (4) *"The basis and schedule of the assessment."*

California Constitution

The costs of the proposed improvements addressed in this Report have been identified and allocated to the parcels within the boundaries of the District based on proportional special benefits as outlined by Article XIII D of the California Constitution.

Article XIII D Section 2(d) defines District as follows:

"District means an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service."

Article XIII D Section 2(i) defines Special Benefit as follows:

"Special benefit" means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute "special benefit."

Article XIII D Section 4(a) defines proportional special benefit assessments as follows:

"An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

Ballot Proceedings

Pursuant to the provisions of Article XIID, Section 4 of the California Constitution, the SJAFCA Board shall call for and conduct a property owner protest ballot proceeding (referred to as "Ballot Proceeding") for the proposed levy of the new assessments and the assessment range formula presented and described in this Report. In conjunction with this Ballot Proceeding, the Board will conduct a noticed public hearing to consider public testimonies, comments, and written protests regarding the levy of the proposed new assessments. Upon conclusion of the public hearing, property owner protest ballots received will be opened and tabulated to determine whether a majority protest exists:

"A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property."

After completion of the ballot tabulation, the Board will confirm the results of the balloting. If a majority protest exists for the proposed new assessment, further proceedings to implement the new assessment for the District shall be abandoned. If tabulation of the ballots indicate that majority protest does not exist for the assessment and the assessment range formula (inflationary adjustment) presented in the ballots and described in the Report, the Board may adopt this Report (as submitted or amended), approve the assessment diagram, and confirm the assessments rate for fiscal year 2024/2025 ("Initial Maximum Assessment") and the assessment range formula (inflationary adjustment). Either in the same resolution or by a separate resolution, the Board may order the levy and collection of the District assessments commencing with fiscal year 2024/2025 as approved, and such assessments shall be submitted to the San Joaquin County Auditor/Controller for inclusion on the property tax roll for each affected parcel or be directly billed to the property owner if the County does not bill the parcel on the secured roll.

Engineer's Report

This Engineer's Report ("Report") has been prepared pursuant to Section 54716 of the 1982 Act and presented to the SJAFCA Board for its consideration and approval. This Report describes:

- The boundaries of the District that incorporates each lot or parcel of property determined to receive special benefit from the Project Services;
- An estimate of the total costs to fund the Project Services;
- The methodology for levying an assessment upon parcels that receive special benefit from the Project Services as defined within this Report; and,
- The levy and collection of the annual assessments to fund in part the costs and expenses to provide for the Project Services.

The budgeted expenses and assessments described in this Report are based on the anticipated annual funding required to support special benefit expenses associated with Project Services including incidental expenses associated with the formation and administration of the District. This Report does not address additional flood control improvements that may be installed and/or expanded within the Mossdale Tract Area by RD 17, nor significant modifications to or extension of the levee improvements and/or services identified in this Report.

The word “parcel,” for the purposes of this Report, refers to an individual property assigned its own Assessor's Parcel Number (APN) by the San Joaquin County Assessor's Office. The San Joaquin County Auditor-Controller uses APNs and specific Fund Numbers to identify properties to be assessed on the tax roll for the District special benefit assessments.

If any section, subsection, sentence, clause, phrase, or portion of this Engineer's Report is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the Engineer's Report and each section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions might subsequently be declared invalid or unconstitutional.

This Report consists of five (5) parts:

Part I

Plans and Specifications: This section provides an overall description of the Mossdale Tract Overlay Assessment District and the Project Services to be funded in part by the District's annual assessments. The assessments outlined in this Report are based on these improvements, materials, equipment, services, and activities authorized by the 1982 Act and that provide special benefit to the properties to be proportionally assessed. More detailed information regarding the specific improvements, facilities, operations, maintenance, services, and activities (specific plans and specifications) for the District are on file in the offices of SJAFCA and by reference are made part of this Report.

Part II

Estimate of Costs: An estimate of the total costs to fund the proposed Project and an estimate of the annual special benefit costs to be assessed to fund in part that Project. The budget outlined in this section includes an estimate of SJAFCA's overall program costs including the costs associated with Project planning and program administration as well as the direct costs of the improvements needed to achieve ULOP. The budget also provides a summary of the Project funding sources including USACE's portion of the Project (federal funding); state funding; and the local funding sources which includes, but is not limited to, Levee Impact Fees; EIFD Revenues; and Assessment Revenues from this District. Those Project Services and any other costs determined to be of general benefit shall not be assessed as special benefit costs and will be funded by one of the other revenue sources (Levee Impact Fees and/or EIFD Revenues) available to SJAFCA or its member agencies.

Part III

Method of Apportionment: This section includes a discussion of the general and special benefits associated with the Project Services to be provided within the District and outlines the method of calculating each parcel's proportional special benefit and corresponding assessment.

Part IV

Assessment Roll: The Assessment Roll contains a listing of each Assessor's Parcel Number to be assessed within the District for special benefits received ("Balloted Assessment") commencing in fiscal year 2024/2025. The Balloted Assessment amount for each parcel is based on the parcel's calculated proportional special benefit as outlined in "Part II – Method of Apportionment" and the annual assessment rate established by the estimated costs (budget) in "Part III – Estimate of Costs" of this Report. Due to the number of parcels within the District (over 23,000 parcels), the Assessment Roll for fiscal year 2024/2025 has been filed electronically with the SJAFCA Board Clerk rather than displayed in this Report and by reference the listing of the APNs and the corresponding assessment amounts are made part of this Report.

Part V

Assessment Diagram: This section of the Report contains a diagram showing the boundaries of the District, which incorporates the parcels determined to receive special benefits from the Project Services. The diagram also provides a visual depiction of the location and extent of the proposed project levees. Parcel identification, the lines, and dimensions of each lot, parcel, and subdivision of land within the District are shown on the San Joaquin County Assessor's Parcel Maps and shall include any subsequent lot line adjustments or parcel changes therein. Reference is hereby made to the San Joaquin County Assessor's Parcel Maps for a detailed description of the lines and dimensions of each lot and parcel of land within the District.

Part I — Plans and Specifications

District Overview

The primary flood risk in the Mossdale Tract Area is from geotechnical failure or outflanking of the existing levees. Levee overtopping is also a risk during large floods, which are anticipated to increase in both intensity and frequency over time due to the effects of climate change. Geotechnical failures caused by through-levee seepage or under-seepage are typically sudden and unpredictable and can produce large volumes of high velocity flood flows. These failures come with little warning, with minimal time for evacuation and emergency actions. Overtopping and flanking floods are much more predictable, so evacuation is more effective for these failure mechanisms.

The Mossdale Tract Area high water events generally occur during the winter months when colder air and water temperatures significantly increase the risk of death by exposure. The probability of unexpected levee failure (coupled with the consequence of basin-wide flooding) presents a continued threat to public safety, property, and critical infrastructure in the Mossdale Tract Area. To address this concern, in cooperation with and funding from the State of California, SJAFCA completed an Urban Flood Risk Reduction study (UFRR Study) of alternatives and has commenced the environmental review and preliminary design of the preferred flood risk reduction Project for the area which was identified as being at risk of flooding from a 200-year flood event, with this risk being significantly increased under future climate conditions. The UFRR Study included technical evaluations of hydraulics, geotechnical conditions, cost estimates of potential alternatives, levee performance, multi-benefit features, and others. The UFRR Study selected features of three initial alternatives to develop a hybrid alternative that could be evaluated and compared with the initial three alternatives. The California Department of Water Resources ("DWR") and local stakeholders each provided input for "Alternative 4". The differences were minor, but important, so Alternative 4 was presented with four minor permutations, represented as Alternatives 4a through 4d. The final selected alternative in the UFRR Study (Alternative 4a) is the proposed Project summarized below to be analyzed in an Environmental Impact Report (EIR), the preparation of which is ongoing and scheduled to be completed in 2025.

Separately, on September 30, 2022, SJAFCA executed a Feasibility Study Cost Share Agreement (FCSA) with the USACE to evaluate the Federal Interest in an array of alternatives to provide enhanced flood protection to the Lathrop and Manteca area. While Federal interest in the Mossdale Program is being evaluated, given the level of study and evaluation completed to date by SJAFCA and the State, SJAFCA continues to advance design and permitting of certain common features of the UFRR Study preferred alternative that will overlap with what is expected to be improvements authorized by Congress and constructed by USACE.

Project Location

The Mossdale Tract Area (proposed District) covers approximately 22,400 acres and includes RD 17 (16,110 acres), portions of the Cities of Stockton, Lathrop, Manteca, and unincorporated San Joaquin County (see Figure 1 on page 2 for a general overview of the jurisdictions within the Mossdale Tract Area). The existing RD 17 levee system is comprised of Federal Project levees (also referred to as State Plan of Flood Control [SPFC]) along the San Joaquin River and French Camp Slough, which form the west and north borders of RD 17, and a dryland levee to the south. The land generally slopes east to west and south to north, and there is no levee along the east

side of the RD 17 jurisdiction, so the interior drainage watershed extends to the east of RD 17. The proposed project area includes the SPFC levees, RD 17's dryland levee, the Mossdale Tract Area, and areas to the south and west along the San Joaquin River identified for the potential development of ecosystem restoration features.

The territory within the Mossdale Tract Overlay Assessment District is narrowly defined to include those parcels within San Joaquin County that have been identified as parcels that will receive a reduced flood risk as a result of the implementation of Project Services and the related flood control infrastructure improvements. The boundaries of the District and the parcels therein are based on hydrologic and hydraulic mapping (i.e., floodplain mapping), incorporating each of the parcels that have been identified as receiving a reduced risk of potential flood damages as a result of uncontrolled riverine flooding. Based on the floodplain mapping data, the District includes approximately 22,115 parcels located in portions of the cities of Lathrop, Manteca, Stockton, and unincorporated areas of San Joaquin County that are protected from flooding by the Project Services.

Project Objectives

To comply with State and Federal requirements, the overall objective of the proposed Project is to provide increased public safety benefits by improving and expanding flood risk reduction infrastructure to achieve a 200-year Urban Level of Flood Protection ("ULOP") for the Mossdale Tract Area. Objectives include:

- Modernize the flood risk reduction infrastructure to accommodate future performance and climate change resiliency goals identified in the Central Valley Flood Protection Plan and in SJAFCA's adopted Climate Change Adaptation Policy.²
- Improve long-term operations, maintenance, repair, rehabilitation, and replacement (OMRR&R) over time.

Proposed Project

The proposed Project would include the construction and operation of flood risk reduction components in and adjacent to the Mossdale Tract Area. As an outcome of the UFRR Study, preliminary plans have been developed to achieve the stated Project objectives. Each of the preliminary identified components, as conceptualized in the UFRR Study, are described in more detail in the following. It should be noted that, as the identified Project advances through environmental review and design, the current identified components of the Project may change and be refined to meet the stated Project Objectives. Project Services include the final designed Project to be implemented, that meets the stated Project Objectives. The Project described herein and by reference, including all attributes of the Project such as cost estimates and schedule for implementation, is reflective of the best information currently available to SJAFCA and the assessment engineer.

² San Joaquin Area Flood Control Agency Resolution No. 19-06: Resolution to Adopt Policy on Adapting Design Standards for the Mossdale Tract Area of SJAFCA in Light of Climate Change

Flood Risk Reduction Components

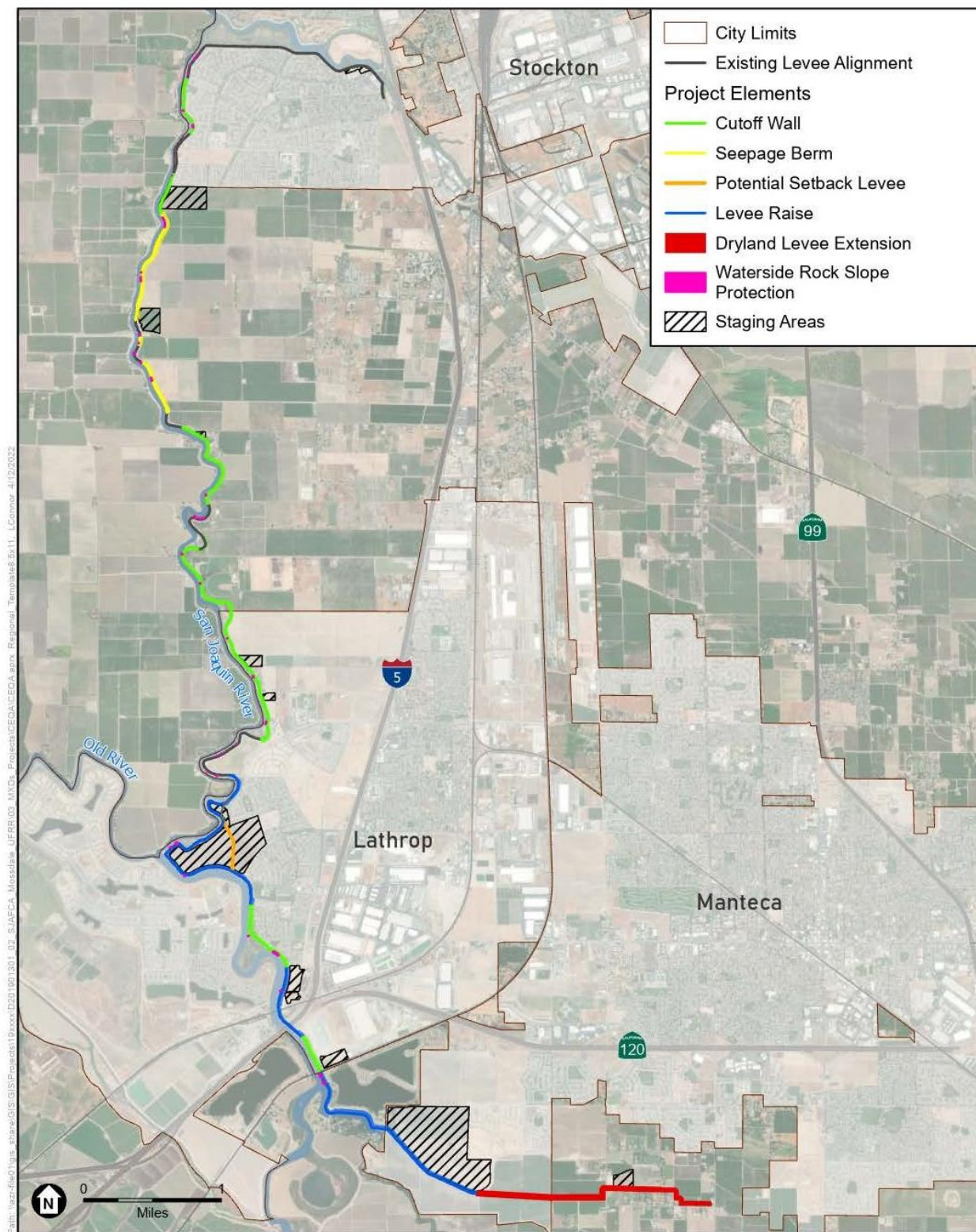
Flood risk reduction components of the proposed Project include: (1) fix in place and potential setback levee improvements; and (2) a dryland levee extension. Each of these components, along with associated construction techniques are described in detail below. Details of the Project sites are described in **Table 1** below and illustrated in **Figure 2** on page 12 that follows.

TABLE 1 — PROJECT FEATURES

Project ID	Main Project Feature	Station Begin	Station End	Length (feet)
1	Cutoff Wall	119+50	148+00	2,850
2	Cutoff Wall	172+45	192+00	1,955
3	Seepage Berm	190+50	247+00	5,650
4	Seepage Berm	255+50	259+50	400
5	Seepage Berm	270+00	297+75	2,775
6	Cutoff Wall	311+00	362+50	5,150
7	Cutoff Wall	388+00	518+50	13,050
8.a	Levee Raise @ San Joaquin River / Cutoff Wall	570+00	758+00	18,800
8.b	Levee Raise / Floodwall @ San Joaquin River	758+00	769+01	1,101
8.c	Levee Raise / Floodwall @ San Joaquin River	770+75	778+50	775
8.d	Levee Raise @ San Joaquin River / Cutoff Wall	778+50	799+61	2,111
8.e	Levee Raise @ San Joaquin River	799+79	822+80	2,301
9 ⁽¹⁾	Cutoff Wall	-	-	-
10 ⁽²⁾	Cutoff Wall	-	-	-
11	Levee Raise @ Walthall Slough	822+80	853+96	3,116
12	Levee Raise & Seepage Berm @ Dryland Levee	853+96	908+60	5,464
13 ⁽³⁾	Erosion Repairs	-	-	-
14 ⁽⁴⁾	Right-of-Way Acquisition	-	-	-
15	Dryland Levee Extension	908+60	1030+50	12,190
Notes: (1) Project ID 9 consists of a cutoff wall and is included as a component of Project ID 8.a. (2) Project ID 10 consists of a cutoff wall and is included as a component of Project ID 8.d. (3) Project ID 13 consists of various erosion repair sites along the existing RD 17 levee. The individual erosion repair sites have been incorporated into the other adjacent projects. (4) Project ID 14 consists of right-of-way acquisition for existing RD 17 facilities in order to comply with ULDC requirements. It does not include a construction component.				

Source : Environmental Science Associates (ESA) 2022

FIGURE 2 — PROJECT LEVEES



Mossdale Tract Area Urban Flood Risk Reduction Project

Fix in Place and Potential Setback Levee Improvements

The fix in place levee improvements that would be constructed, operated, and maintained within the levee rights-of-way and easements under the proposed Project currently include:

- Reconstruction (raising and widening) or replacement of the existing dryland levee, including the construction of seepage control measures such as a drained seepage berm or cutoff wall, and reconstruction of pipe penetrations that cross the levee.
- Installation of a traditional soil-bentonite slurry cutoff wall of varying depth along portions of the existing levee alignment.
- Installation of a drained seepage berm of varying width along portions of the existing levee alignment.
- Placement of riprap rock slope protection on the waterside of the levee along portions of the existing levee alignment.
- Removal of high hazard encroachments.
- Reconstruction of pipe penetrations that cross the levee.
- Raising the height of levee along portions of the existing levee alignment and extension of the landside toe to meet levee slope design standards.
- Construction of a dryland levee extension, including the construction of seepage control measures such as a drained seepage berm or cutoff wall.
- Construction of a potential setback levee to meet ULOP standards at a designated sharp bend in the San Joaquin River and connecting to existing levee segments.

Part II — Estimate of Costs

In January 2018, after the SJAFCA Joint Exercise of Powers Agreement was amended to include the Cities of Lathrop and Manteca, SJAFCA took over the role of the Local Flood Management Agency (LFMA) for the Mossdale Tract Area and the associated responsibility for annually reporting on the status of Adequate Progress toward ULOP for the Area to the CVFPB. Government Code §65007 (a) et. seq. defines Adequate Progress and sets forth the requirement of the LFMA to annually report to the CVFPB. The definition of Adequate Progress includes the requirement that revenues (i.e., sources of funding) have been identified to support implementation of the flood protection facilities. SJAFCA has interpreted this requirement to mean that its Annual Reports must present a financing plan that lays out and demonstrates that the identified revenues are sufficient to cover the costs of implementing the Project that has been developed to meet appropriate standard of protection within the identified schedule.

SJAFCA's most recent "Mossdale Tract Program: 2023 Annual Adequate Progress Report Update for Urban Level of Protection" ("Annual APR") being prepared will identify the costs and sources of revenues for the overall program being advanced by SJAFCA. The costs of the program, which make up the Project, sources of revenues, as well as the financing plan presented in Annual APR are hereby incorporated into this Engineer's Report by reference. The Project costs presented in the Annual APR are summarized below.



Proposed Project Budget

The following table (**Table 2**) summarizes the Mossdale Tract Program Costs identified activities and improvements included within the Project Services.

TABLE 2: MOSSDALE TRACT PROGRAM COSTS

Project Budget Costs	
ULOP Program Planning & Implementation	
Pre-Project Expenses (Actuals)	\$ 3,200,000
SJAFCA Program Management	\$ 3,600,000
Funding Implementation	\$ 1,500,000
Feasibility Study & Planning	\$ 3,200,000
Subtotal: ULOP Program Planning & Implementation	\$ 11,500,000
SJAFCA ULOP Project Costs	
Soft Costs including Administration	\$ 90,610,000
Construction Costs	\$ 183,500,000
Right-of-Way	\$ 94,900,000
Contingency	\$ 59,690,000
Multi-Benefit Improvements	\$ 44,170,000
Subtotal: SJAFCA ULOP Project Costs	\$ 472,870,000
Total: ULOP Program Planning & Project Costs	\$ 484,370,000
(less) USACE Implemented Improvements	\$ (248,800,000)
Net SJAFCA ULOP Project Costs	\$ 235,570,000

Proposed Project Funding

The following table (**Table 3**) summarizes the Project Funding Sources identified within the Annual APR to pay the Project Costs and provide Project Services. The Project Funding Sources include the assessment revenues to be generated by the District as well as the proceeds of debt planned to be incurred by SJAFCA (assumed to be Assessment Revenue Bonds) net of the associated principal and interest costs (i.e., debt service carry).

TABLE 3: PROJECT FUNDING SOURCES

Project Funding Sources	
Non-Local / State Funding	
State UFRR Funding (PED Only)	\$ 3,800,000
State Funding (BCP - 0000743)	\$ 75,000,000
State Funding (Future Share of NFS -LPPA)	\$ 35,000,000
Subtotal: Non-Local / State Funding	\$ 113,800,000
SJAFCA Project Funding	
Developer Advances / City Funding	\$ 3,560,000
Development Fee Program	\$ 67,350,000
SJAFCA Overlay Assessment District	\$ 33,370,000
Net EIFD Revenues	\$ 21,640,000
Future Assessment Overlay Financing (Bond Proceeds)	\$ 31,890,000
Assessment Overlay Financing (Debt Service Carry)	\$ (25,320,000)
Subtotal: SJAFCA Project Funding	\$ 132,490,000
Total: Project Funding Sources	\$ 246,290,000
Net SJAFCA ULOP Project Costs	\$ (235,570,000)
Total Project Sources less Uses	\$ 10,720,000

Financing Plan / Assessment Budget

The Annual APR presents a plan prepared for the implementation of the Program. The Annual APR identified the following underlying financing plan assumptions.

- SJAFCA has established the following funding mechanisms:
 - ✓ A Regional DIF program collecting revenues in 2018 and updated in 2022.
 - ✓ A new EIFD covering the properties directly benefiting from the project. The EIFD has a base year of fiscal year 2021/2022 and started receiving revenues in fiscal year 2022/2023.

- The District would be in place to commence collecting revenues in fiscal year 2024/2025.

The above revenues would be utilized, on a pay-as-you-go basis, to fund the design, federal feasibility study cost share, work in kind, right of way acquisition, and advance improvements. State Grant Funding would be available from the Department of Water Resource to cost share match the above soft costs and implementation action ahead of Federal authorization and USACE construction of improvements.

SJAFCA would approve the issuance of bonds leveraging District revenues in fiscal year 2025/26. The proceeds from the bond would be used to fund land acquisition and construction costs of Dryland Levee and advance improvements in partnership with State Grant funding.

Based on the Cash Flow Analysis included within the Annual APR, which is based on a schedule of expenses and available revenues, given the best available information at the time of formation of the District, the resulting budget needed to come from the District in fiscal year 2024/25 is \$2,625,000. This amount of revenue would provide the needed revenues on an annual basis going forward, to ensure that the Project's projected expenditures needs can be met to provide Project Services.

Authorized Term / Use of Revenues

Because the financing plan assumption contemplates the use of debt financing, the District revenues secured to meet cash flow and debt service needs must be authorized through the final year of the term of the financing. Because a Bond issuance is expected to take place in fiscal year 2025/26, the assessments will be levied through fiscal year 2055/56. The assessments would cease to be levied after July 1, 2056.

Assessment revenues, after the completion of the Project, would be utilized to fund both debt service (principal and interest) as well as the annual costs of administration of the District and ongoing operations and maintenance of the Project improvements.

Part III — Method of Apportionment

Benefit Analysis

The nearly twelve and a half miles (12.39 miles) of proposed fix in place and potential setback levee improvements (cutoff walls, seepage berms, and raised levees along the San Joaquin River; and the two miles (2.31 miles) dryland levee extension levees to the south are the first line of defense against riverine flooding from the San Joaquin River for the Mossdale Tract Area . The proposed project levee improvements and services are intended to provide a level of flood protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the California Department of Water Resources and which will ultimately reduce potential flooding and damage to properties within the District boundaries.

The analysis and findings outlined in this Report and the resulting method of apportionment and assessment rate structure is focused on establishing a reasonable and appropriate benefit nexus (both general and special benefits) consistent with the provisions of the 1982 Act, Proposition 218 (Article XIII D of the California Constitution), and case law regarding assessments. The method of apportionment and resulting proportional special benefit assessments for this District are based on the premise that the proposed Project Services are necessary and essential to minimize potential flood risks and associated flood damages to the land, structure, and contents of parcels within the Mossdale Tract Area . Therefore, the formulas used for calculating assessments as described herein reflect both the composition and characteristics of each parcel within the District, the reduced flood level and the resulting calculated flood damage reduction benefits to those parcels that directly result from the Project Services to be funded in part by the special benefit assessments.

To levy an assessment for these property-related flood control services, the California Constitution requires the local agency imposing the assessment (SJAFCA) to comply with the following:

- Identify and include in the District all parcels that will have special benefits conferred on them by the improvements, facilities and/or services.
- Only special benefits are assessable, and the agency shall separate the general benefits from the special benefits conferred on a parcel.
- Calculate the proportional special benefit for each parcel in relationship to the entirety of the capital cost, the maintenance, and operation expenses of a public improvement, and/or the cost of the property related service being funded.
- No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

Special Benefit

Essentially, the primary function of SJAFCA and the Mossdale Tract Overlay Assessment District is to provide a collective and coordinated benefit funding source to support a portion of the cost to construct and enhance the levee improvements, necessary to ensure reduced potential flood damages to structures, the contents of those structures, and the land associated with the parcels within the Mossdale Tract Area that receive a particular and distinct benefit from the Project Services. As previously noted, the District boundary has been narrowly defined based on

floodplain mapping data to include each identified parcel that will receive a reduced risk of flood damages as a result of the Project implementation. The proposed Project Services are intended to provide 200-year protection to parcels within the District due to flood flows from the San Joaquin River or its tributaries based on the ULDC Design floodplain which includes an additional factor of safety to account for future climate uncertainty. The Project Services also incorporate necessary geotechnical improvements and expansion of the easements and/or rights-of-way along the levees that incorporate added project resiliency beyond the ULDC Design floodplain event, as prescribed in SJAFC's Climate Adaptation policy.

The special benefits to parcels (avoided flood risk) within the District associated the Project Services that complies with strict State and Federal standards and regulations include but are not limited to:

- Continued level of flood protection for the areas protected by the Project Services.
- Continued assurance of reduced potential flood damages to structures, content of those structures, and land.
- Continued avoidance of costs associated with failure to meet regulatory requirements, such as mandated flood insurance for any property with a federally backed mortgage and/or building restrictions.
- Allowance for best and full use of properties within the District by permitting local governments to implement general plans for urban and urbanizing areas with appropriate levels of flood protection.
- Protection of the local economy by creating construction jobs and related spending, sustaining property values, and allowing for responsible residential, commercial, and industrial development.
- Retention of Federal assistance during or following a flood emergency or repair of levee break.

Ultimately, both public and privately owned parcels within this narrowly defined District boundary will receive a particular and distinct benefit over and above any general benefits the Project Services provide to the general public or properties in general. It is clear the assessed parcels directly benefit from the proposed Project Services and while the majority of the funding is coming from other sources, without the proposed special benefit assessment revenue, the Project Services will lack the funding required to construct the improvements and the parcels within the District could be negatively impacted by the following:

- Greater flood risk resulting in increased risk of property damage and loss of life due to flooding.
- Loss of FEMA low-to-moderate risk flood zone designation would result in higher FEMA National Flood Insurance Program (NFIP) premiums, mandatory flood insurance, and building restrictions.
- Loss of federal assistance during or following a flood emergency, such as repair of a levee break.
- The inability to comply with Senate Bill 5 and Urban Level of Flood protection requirements resulting in development restrictions.

While properties within the District will derive substantially similar special benefits from the Project Services (improvements, services and activities necessary to ensure reduced flood damages to structures, the contents of structures, and land), the special benefit (particular and distinct benefit)

for each parcel is proportional to the potential flood damages specifically and directly related to each parcel's potential flood depth and development characteristics (i.e. land use, structure size, and land size).

General Benefit

Based on the proposed Project Services and activities to be funded by District assessments and relationship to properties to be assessed, it is evident that the improvements are necessary and directly impact developed properties, agricultural properties, as well as the potential development of properties. Furthermore, because the flood control improvements protect identifiable parcels from damage due to inundation or force by arising floodwaters, the benefits are direct and particular to those parcels (special benefit), and to none other. In addition, because the flood control improvements to be funded by the District assessments protect specific parcels (narrowly defined boundaries) from potential flood damage and the fact that the flood damage benefit for each parcel is measurable, the benefits to these assessed parcels are clearly direct and display particular benefit (proportional special benefits). However, it is also recognized that flood mitigation services and activities also directly or indirectly provide some measure of benefit to properties in general and to the public at large (general benefit) in the form of continued safe access and travel through the District area.

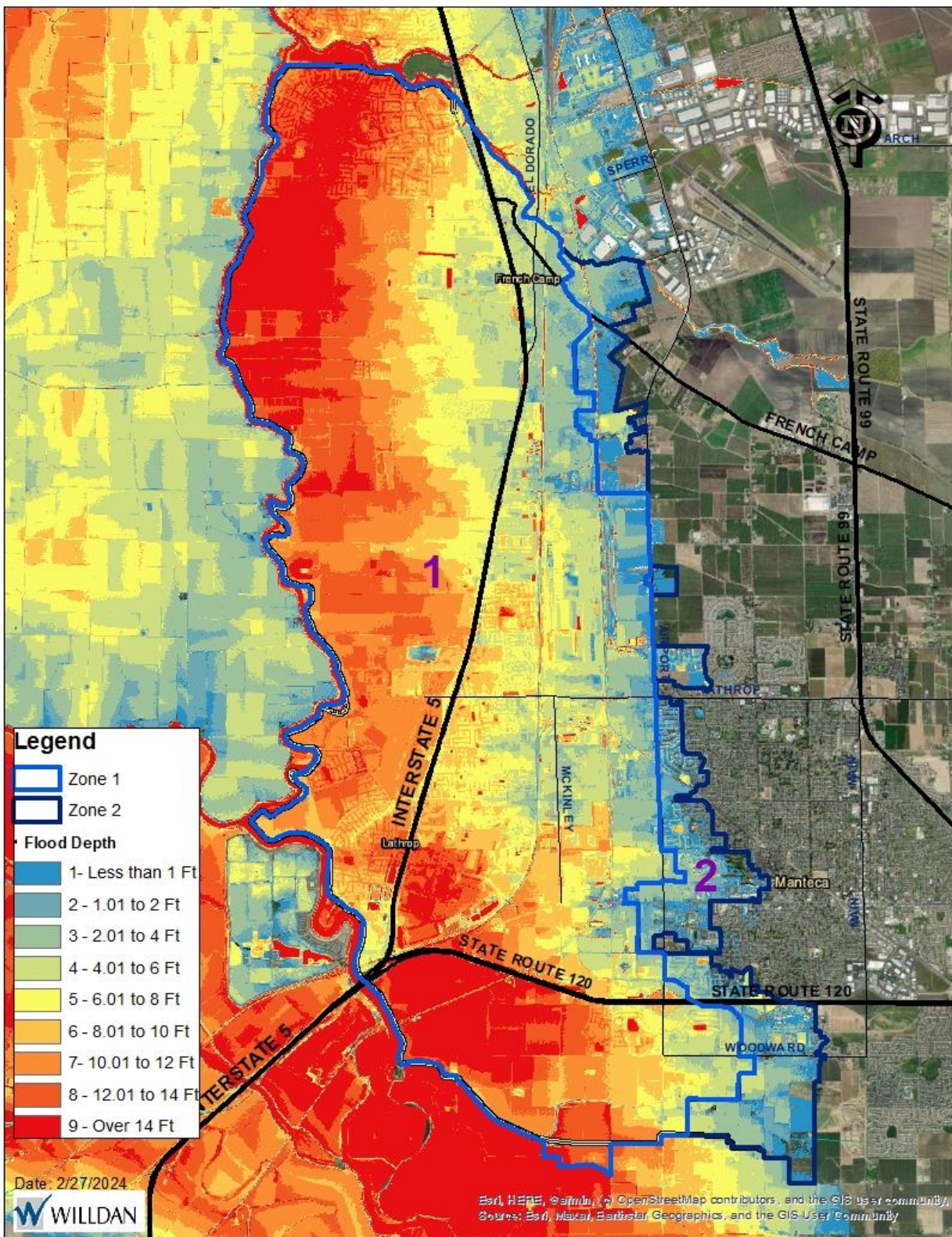
The Project Services will provide a general benefit to real property, residents, and the public generally in the form of continued safe access and travel through the District area. Prevention of flooding of public infrastructure within the District, such as roads, easements, and various rights-of-way, benefit the assessed parcels generally with respect to access and travel, and also facilitates general public services such as police and fire protection access. Protection of such infrastructure through Project Services therefore provides a general benefit both to people and properties within and outside of the District. Property associated with such public infrastructure improvements and facilities are typically not assigned Assessor's Parcel Numbers. The acreage associated with most of these public infrastructures, compared to the acreage of Assessor assigned parcels within the District, provides a reasonable and quantifiable measure of the proportional general benefit and general benefit costs associated with the Project Services.

The total net benefit parcel acreage within the District boundaries is approximately 14,317 acres of which approximately 12,820 acres are assessed County Assessor designated parcels (APNs) with the remaining 1,497 acres being comprised of common area properties (shared interest by other assessed properties), public infrastructure improvements and facilities that may include, but is not limited to: public streets, easements, rights-of-way, and other public-lands including wetlands, canals, channel ways, open spaces, preserves, and other similar restricted-use public areas or properties that are subject to the State Board of Equalization restrictions. Such properties are considered to receive no direct or quantifiable flood risk reduction from the Project Services and these 1,497 acres or approximately 10.46% of the total 14,317 acres, reflects a reasonable and quantifiable measure of the proportional general benefit both to people and properties within the District and the proportional general benefit costs associated with the Project Services. These general benefit costs shall be excluded from the special benefit assessment funding and not assessed to the parcels within the District.

Assessment Methodology (Special Benefit Calculations)

To assess benefits equitably it is necessary to calculate each property's relative share of the special benefits conferred by the funded improvements and service. The proposed flood control improvements to be constructed as part of Project Services to be funded in part by the assessments are intended to provide long-term avoidance of damage to structures, content within the structures, and land for all parcel potentially flooded based on the ULDC Design floodplain hydrology (Zone 1 parcels). However, based on SJAFCA's adopted Climate Adaptation policy and the associated resulting floodplain hydrology, additional parcels (Zone 2 parcels) could also be impacted if flood levels exceed the ULDC Design event. Consistent with the Climate Adaptation Policy, geotechnical and right of way design criteria are based on a more conservative Climate Adaptation floodplain hydrology thereby allowing for the height of the levees to be increased more readily in the future as needed based on evolving climate science and future flood flow projections. The assessment engineer has determined that the relative share of the Damages Avoided (special benefits) conferred to these Zone 2 parcels by the funded improvements and services is best reflected by the land damage associated with those parcels only. Based on combined ULDC Design floodplain and Climate Adaptation floodplain, the overall uncontrolled riverine flooding for the Mossdale Tract Area without the Project Services is illustrated in **Figure 3**, on page 22 that follows. This figure also illustrates the boundaries of Zone 1 (parcels incorporated in the District based on ULDC Design floodplain hydrology) and the boundaries of Zone 2 (parcels incorporated in the District based on Climate Adaptation floodplain hydrology).

Figure 3: Without Project Flood Depth Ranges



The Damages Avoided method of assessment apportionment is utilized in this District and establishes a Total Damages Avoided for each parcel based on the combined Structure Damage, Content Damage, and Land Damage reduction benefit calculated for each parcel in Zone 1 and Total Damages Avoided for each parcel in Zone 2 based on the Land Damage reduction benefit calculated for those parcels. The proportional special benefit calculation for each parcel considers these three factors independently. The benefit calculation can be summarized as follows:

Special Benefits = Damages Avoided

(Zone 1 Parcels)

$$\text{Damages Avoided} = \text{Structure Damage} + \text{Content Damage} + \text{Land Damage}$$

(Zone 2 Parcels)

$$\text{Damages Avoided} = \text{Land Damage}$$

Structure and Content Damage

The damage avoided to structures and the content of those structures is derived by determining the amount of flood depth reduction experienced by each particular parcel and the protection provided as a result of the Project Services.

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

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

Relative Structure and Content Value

The United States Army Corps of Engineers (USACE) has identified the potential flood damages to structures by the following general land use categories:

- Residential — Physical damages to dwelling units (single-family, multifamily, and mobile homes) and to residential contents, including household items and personal property.
- Commercial — Structure value and content value damages (to commercial and public buildings), including equipment and furniture, supplies, merchandise, and other items used in the conduct of business.
- Industrial — Losses from inundation of industrial properties, including warehouses, consisting of fixtures and equipment, inventory, and structure.
- Agricultural — Non-residential structures on agricultural properties would experience damage to equipment, tools, supplies, livestock, feed, seed, chemicals, and other items used for agricultural purposes and business.

To reflect differences related to flood damages to structures and their content, Relative Structure and Content Values for residential, commercial, industrial, and agricultural structures shown in the following table (**Table 4**) are utilized. The residential, commercial, and industrial structure and content values were originally determined using USACE data developed in connection with an

American River Watershed Investigation ⁽¹⁾ and the content values for agricultural structures were derived from a related technical report ⁽²⁾. The Relative Structure Values shown in **Table 4** are used in the assessment methodology to reflect the relative structure and content value relationships between land use categories (proportional benefit). These values represent gross averages for the different land uses and do not represent assessed values or current market values for an individual structure.

TABLE 4: RELATIVE STRUCTURE AND CONTENT VALUE

Land Use	Relative Structure Value (\$/Sqft)	Relative Content Value (\$/Sqft)
Residential	60	30
Residential - Mobile Home	30	15
Commercial (Public & Private)	70	75
Industrial (Public & Private)	50	58
Agricultural	50	30

⁽¹⁾ US Army Corps of Engineers (USACE), American River Watershed Investigation, California Feasibility Report, Sacramento District, December 1991.

⁽²⁾ US Army Corps of Engineers (USACE), Draft Economic Re-evaluation Report, American River Watershed Project, Appendix D, Attachment II, Technical Report, May 2007.

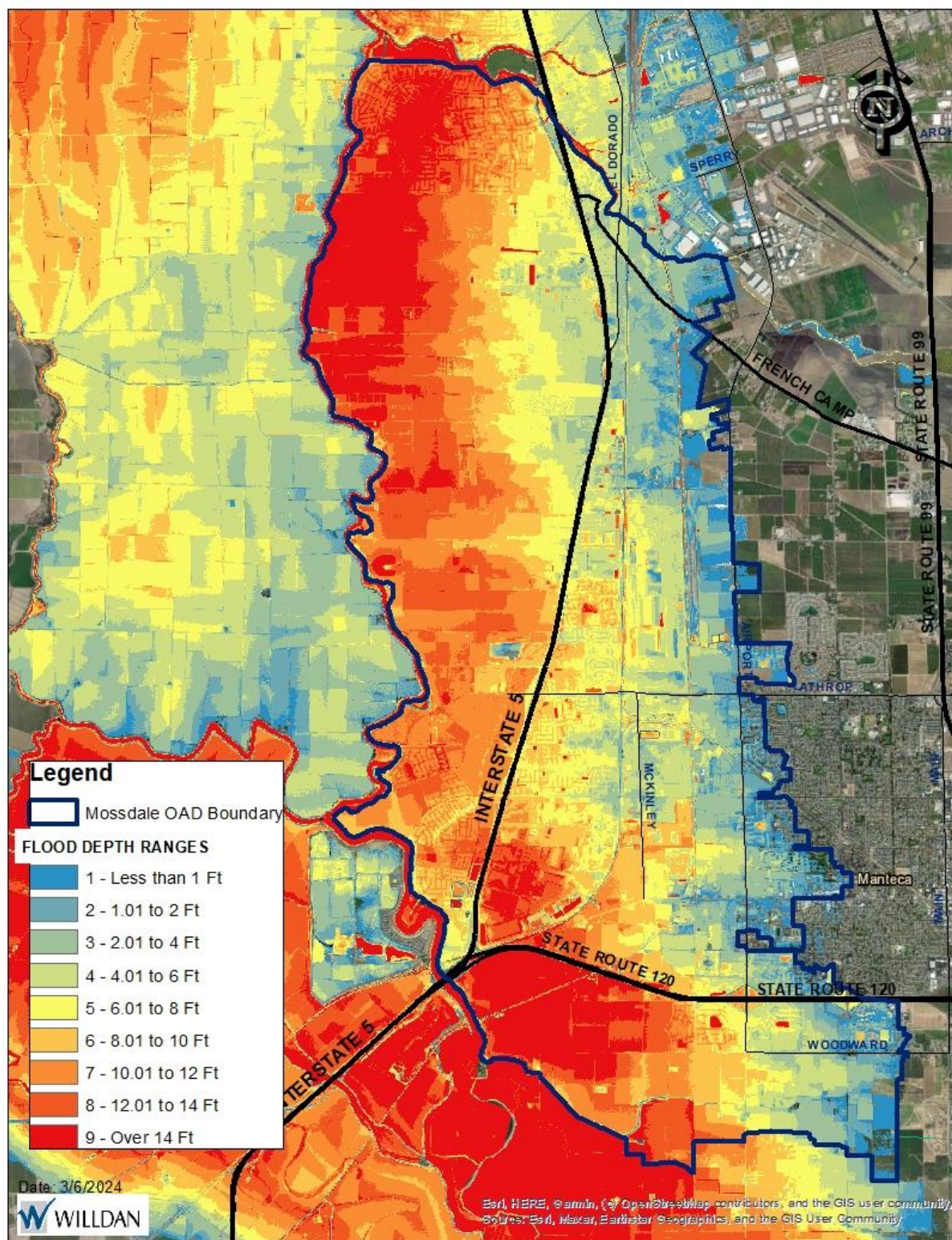
Flood Depth Reduction

The proposed Project Services for the Mossdale Tract Area will be designed to provide 200-year protection with additional project resiliency to account for future climate uncertainties. Accordingly, both the boundaries of the proposed District and the flood depth reductions attributed to the benefiting parcels within those boundaries have been determined using hydraulic models to estimate the floodplains associated with the ULDC Design event and Climate Adaptation event. The floodplain estimates were prepared by R&F Engineering, Inc., a consulting engineering firm retained by SJAFCFA to complete hydraulic modeling for the Mossdale Tract Area .

The relative flood depths of each parcel in the ULDC Design Floodplain event were determined and categorized by establishing 2-foot flood depth ranges for the Zone 1 boundary. Using the GIS information to determine parcel elevations, parcels were able to be slotted into 2-foot flood depth ranges. The overall boundaries of the District and the flood depth ranges shown in **Figure 4**, on page 25 that follows, were derived from parcel elevation data, flood elevation data, and flood depths developed by hydraulic modeling of possible levee failures along the proposed levee system. Based on this mapping and the underlying data, relative flood depths were established by grouping every parcel into one of nine flood depth ranges (flood depth ranges 1-9) based on the flood depth map.

The nine flood depth ranges include depths two feet or less (0.00 to 2.00 feet); greater than two feet and up to four feet (2.01 to 4.00 feet); greater than four feet and up to six feet (4.01 to 6.00 feet); greater than six feet and up to eight feet (6.01 to 8.00 feet); greater than eight feet and up to ten feet (8.01 to 10.00 feet); greater than ten feet and up to twelve feet (10.01 to 12.00 feet); greater than twelve feet and up to fourteen feet (12.01 to 14.00 feet); and greater than fourteen feet (14.01 feet or greater).

Figure 4: Flood Depth Ranges



Percentage of Flood Damage Reduction

The relationship between depth of flooding and damages to structure and contents is calculated for each land use category with structures (residential, commercial, industrial, and agricultural) and flood depth ranges within the District were compiled by Willdan based on Peterson Brustad Inc (PBI)'s analysis in their Mossdale Tract Area Urban Flood Risk Reduction Economic and Life Loss Evaluation, November 7, 2019. The estimated depth of flooding (Flood Depth Range) for the District parcels were determined using average elevations of the parcels and water surface elevations in the event of flooding with no improvements implemented. Structure and Content Damage Percentages for each land use category were taken directly from the 2012 Central Valley Flood Protection Plan, which originally were developed by the US Army Corps of Engineers (USACE, 2008). The relation between depth of flooding and damage to structures is illustrated in **Table 5** below and in **Table 6** on the next page for damage to contents within those structures.

TABLE 5: PERCENT DAMAGE TO STRUCTURE

Land Use	Flood Depth Ranges								
	1 Less than or equal to 1	2 1.01 to 2	3 2.01 to 4	4 4.01 to 6	5 6.01 to 8	6 8.01 to 10	7 10.01 to 12	8 12.01 to 14	9 Over 14.01
Single Family 1 Story	10.58%	27.70%	43.60%	55.90%	65.20%	71.85%	76.30%	79.00%	80.20%
Single Family 2 Story or more	7.70%	18.06%	28.85%	38.45%	46.85%	54.05%	60.05%	64.85%	67.70%
Multifamily 1 Story	10.58%	27.70%	43.60%	55.90%	65.20%	71.85%	76.30%	79.00%	80.20%
Multifamily 2 Story or more	7.70%	18.06%	28.85%	38.45%	46.85%	54.05%	60.05%	64.85%	67.70%
Mobile Home	8.00%	57.75%	96.00%	96.00%	96.00%	96.00%	96.00%	96.00%	96.00%
Commercial - Auto	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
Commercial - Grocery Store	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
Commercial - Hospital	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
Commercial - Hotel	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
Commercial - Medical	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
Commercial - Office 1 Story	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
Commercial - Office 2 Story	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
Commercial - Restaurants	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
Commercial - Fast Food	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
Commercial - Retail	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
Commercial - Service Auto	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
Commercial - Shopping Center	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
Commercial - Day Care	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
Commercial - Elder Care	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
Commercial - MISC	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
Industrial - Heavy Manufacturing	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
Industrial - Light Manufacturing	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
Industrial - Warehouse	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
Public - Fire Station	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
Public - Misc.	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
Public -GOV	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
Public - Recreation	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
SCHOOL	7.00%	24.25%	31.25%	34.20%	43.00%	51.80%	63.60%	76.40%	86.00%
Agriculture	9.33%	20.51%	28.68%	35.34%	43.04%	45.29%	47.15%	48.48%	49.92%

Source: PBI Technical Memorandum, Appendix B "Mossdale Tract Area Urban Flood Risk Reduction Economic and Life Loss Evaluation," November 7, 2019, as compiled by Willdan Financial Services. Depth Damage percent were grouped into 2-foot flood depth ranges.

TABLE 6: PERCENT DAMAGE TO CONTENTS

Land Use	Flood Depth Ranges								
	1 Less than or equal to 1	2 1.01 to 2	3 2.01 to 4	4 4.01 to 6	5 6.01 to 8	6 8.01 to 10	7 10.01 to 12	8 12.01 to 14	9 Over 14.01
Single Family 1 Story	2.80%	7.90%	13.10%	18.30%	20.65%	22.50%	22.50%	22.50%	23.40%
Single Family 2 Story or more	1.50%	5.30%	9.35%	13.70%	16.50%	18.40%	19.50%	20.50%	21.60%
Multifamily 1 Story	2.80%	7.90%	13.10%	18.30%	20.65%	22.50%	22.50%	22.50%	23.40%
Multifamily 2 Story or more	1.50%	5.30%	9.35%	13.70%	16.50%	18.40%	19.50%	20.50%	21.60%
Mobile Home	42.50%	88.50%	99.00%	99.00%	99.00%	99.00%	99.00%	99.00%	99.00%
Commercial - Auto	17.50%	85.48%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Commercial - Grocery Store	61.04%	90.86%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Commercial - Hospital	50.00%	87.75%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Commercial - Hotel	47.36%	95.67%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Commercial - Medical	50.00%	57.75%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Commercial - Office 1 Story	48.39%	98.39%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Commercial - Office 2 Story	42.89%	49.38%	55.97%	55.97%	55.97%	66.87%	68.08%	98.16%	100.00%
Commercial - Restaurants	47.36%	95.67%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Commercial - Fast Food	45.10%	93.90%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Commercial - Retail	42.71%	87.31%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Commercial - Service Auto	17.15%	85.48%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Commercial - Shopping Center	86.18%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Commercial - Day Care	76.45%	97.76%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Commercial - Elder Care	76.45%	97.96%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Commercial - Misc.	86.18%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Industrial - Heavy Manufacturing	22.44%	61.88%	88.74%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Industrial - Light Manufacturing	66.50%	94.59%	99.49%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Industrial - Warehouse	62.76%	97.21%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Public - Fire Station	68.89%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Public - Misc.	68.89%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Public -GOV	72.58%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Public - Recreation	73.97%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
SCHOOL	68.89%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Agricultural	12.89%	42.96%	87.36%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Source: PBI Technical Memorandum, Appendix B "Mossdale Tract Area Urban Flood Risk Reduction Economic and Life Loss Evaluation," November 7, 2019, as compiled by Willdan Financial Services. Depth Damage percent were grouped into 2-foot flood depth ranges.

The above functional relationships between flood depth and structure and content damages provides a reasonable and proportional measurement for the flood-damage reduction benefit received by developed properties as a result of the Project Services.

For example, in the case of a single story single-family residential home on a parcel that experiences a flood-depth reduction of 5 feet, the damage reduction can be determined by looking at the depth-damage percentage for a single story single-family residential structure in the range that includes 5 feet. The damage percentage at 4.01 to 6-foot range is 55.90 percent for the structure and 18.30 percent for contents.

Structure Size

Flood damages to structures and their contents are calculated for each benefiting parcel in the District using the actual structural square footage, up to one hundred thousand square feet (100,000 sf), for the first and second stories of residential structures, the first story of commercial, industrial, and agricultural structures, and appropriate structure value and depth-percent damage relationships for the particular land use. Upon review of the overall benefiting parcels within the District, it has been determined that less than five-tenths of a percent (0.47%) of the parcels have structures that exceed 100,000 sf and the potential flood level reduction for these parcels can vary significantly. Therefore, the Assessment Engineer has determined that the overall potential damages to structure and contents for square footages in excess of 100,000 sf becomes less a function of the building square footage and more a function of flood depth reduction and it is reasonable and appropriate to limit the square footage used to calculate proportional special benefit for structure and content damages to one hundred thousand square feet.

Structure size was determined for each benefiting parcel within the boundaries of the District based on data obtained from the County Assessor's parcel data either directly or through third party sources. For those properties identified with a structure or structures, based on either aerial imagery, or assessed improvement values being assigned by the County Assessor, for which no specific structure detail information was available, the footprint of the structure or structures were measured by Willdan using GIS and available aerial imagery.

Application of Structure and Content Damage Calculation

As stated above, both the relative structure and content damage are calculated for each individual parcel in the proposed District based on the specific attributes for the parcel, i.e., land use type, structure size, and flood-depth reduction.

Structure and Content Damage Avoided = Structure Damage + Content Damage

Structure Damage = Building SF x Relative Structure Value x Depth %

Content Damage = Building SF x Relative Content Value x Depth %

For example, the relative structure and contents damages of a single story single-family residential structure with a square footage of 2,000 square feet (sf) located in flood depth range 4.01 to 6 foot would be calculated as follows:

Structure Damage = 2,000 sf x \$60/sf x 55.90% = \$67,080

+

Content Damage = 2,000 sf x \$30/sf x 18.30% = \$10,980

Structure and Content Damage Avoided = \$67,080 + \$10,980 = \$78,060

\$78,060 would represent the relative structure and content damage benefit experienced by the example parcel presented. This benefit plus the relative land damage benefit is used to determine the total relative benefit of the parcel proportional to other parcels in the benefit area (the District).

Land Damage

There are several factors that may contribute to the flood damage reduction benefit to land, both vacant and improved. These include, but are not limited to, avoidance of physical damage to the land during a flood, the ability to secure financing for development projects, reduced cost of flood insurance, changes to the full and best land use of the property, preservation of land values, avoidance of damage to crops or other related impacts to agricultural operations, reduced cost of improvements, and the ability to access the property. The factors that impact the land damage calculation include:

- Relative Land Damage Factor
- Parcel Size

Relative Land Damage Factor

The benefit to land in the District is proportional to the relative land value. To account for the benefit received by the land and to weight this benefit appropriately with respect to the relative structure and content damage benefit, each benefiting property in the District is assigned a relative land damage per acre or a Land Damage Factor. This Land Damage Factor is based on the average land value within a given land use classification multiplied by a land value percentage, which is a weighted ratio of the average land value within that land use classification to the total property value of those same types of properties. Benefiting parcels in the District can be categorized into five of the six broader land use classifications which have been identified for structural and content damages including residential, commercial, industrial, agricultural, and public properties. (For purposes of calculating land damages, each vacant parcel is assigned to an appropriate land use classification based on county use code designation assigned by the County Assessor's Office or other available sources and all residential properties including residential mobile homes are grouped together as residential).

Relative Land Damage per Acre = Land Damage Factor

Land Value Percentage = Total Land Value / Total land and Improvement Value
(for all parcels in each land use classification)

Average Land Value = Total Land Value / Total Acreage
(for all parcels in each land use classification)

Land Damage Factor = Average Land Value x Land Value Percentage

Table 7 below displays the results of the above Relative Land Damage Factor per Acre or Land Damage Factor calculation for each land use calculation:

TABLE 7: RELATIVE LAND DAMAGE PER ACRE

Land Use	Relative Land Damage/Acre (\$)/acre
Residential	80,100
Commercial (Public & Private)	91,600
Industrial (Public & Private)	27,100
Agricultural	7,000
General Benefit	30,000

Source: San Joaquin County Secured Roll, July 2019 as compiled by Willdan Financial Services.

The applicable Relative Land Damage Factor per Acre above is multiplied by each parcel's acreage, up to twenty acres, to establish the parcel's land damage avoided value. These land damage factor value estimates considered land alone, exclusive of any building or structural improvements. The values derived are not actual assessed values or market values for any individual parcel of land; rather, they represent the relative value relationship between various land use classifications for the property in the benefit area (the District). Similar to the building square footage limit applied for structural and content damage reduction benefits above, based on a review of the overall benefiting parcels within the District, less than nine-tenths of a percent (0.82%) of the parcels within the District have acreage that exceed twenty acres (20.00 acres) and the potential flood level reduction for these parcels varies significantly. Therefore, the Assessment Engineer has determined that the proportional land damages for acreage in excess of 20.00 acres becomes less a function of the acreage and more a function of the parcel's flood depth reduction and the acreage used to calculate proportional special benefit has been limited to 20.00 acres.

Parcel Size

Flood damages to land are calculated for each benefiting parcel in the District using the acreage for the parcel in question and the associated land use code as identified by the respective County Assessor's records or other available sources including GIS measurements if the County Assessor's records provide no acreage information. To the extent that a parcel may only be partially within the benefit area, only the portion of the parcel's acreage in the area is included in the land damage calculation.

Application of Land Damage Calculation

As stated above, land damage is calculated for each individual parcel in the District based on the specific attributes for the parcel, i.e., land use type and parcel size/acreage.

$$\text{Land Damage Avoided} = \text{Acreage} \times \text{Relative Land Damage Factor}$$

As an example:

The Land Damage Avoided for a residential single-family property on a 7,800 square foot lot (0.179 acres) would be calculated as follows:

$$\text{Land Damage Avoided} = 0.179 \text{ Acres} \times \$80,100 / \text{Acre} = \$14,338$$

\$14,338 represents the relative Land Damage benefit experienced by the example parcel presented. This benefit plus the structure and content damage benefit are used to determine the total relative benefit of the parcel as compared to other parcels in the benefit area.

Total Proportional Flood Damage Reduction Benefit

The total relative flood damage reduction benefit for each parcel in the benefit area is the sum of the structure damage, content damage, and the land damage associated with that parcel. Given the single story single-family residential property examples used in the preceding discussions, the resulting total relative flood damage reduction benefit is calculated as follows:

$$\text{Flood Damage Reduction Benefit} = \text{Structure Damage} + \text{Content Damage} + \text{Land Damage}$$

Example:

Single Story Single-Family Residence

Parcel Acreage: 0.179 acres

Building Square Feet: 2,000

Flood Depth 5 Feet

$$\text{Structure Damage} = 2,000 \text{ sf} \times \$60/\text{sf} \times 55.90\% = \$67,080$$

+

$$\text{Content Damage} = 2,000 \text{ sf} \times \$30/\text{sf} \times 18.30\% = \$10,980$$

+

$$\text{Land Damage} = 0.179 \text{ Acres} \times \$80,100 / \text{Acre} = \$14,338$$

$$\text{Flood Damage Reduction Benefit} = \$67,080 + \$10,980 + \$14,338 = \$92,398$$

The analysis described above was performed for every parcel in the benefit area that was determined to receive special benefit. The sum of total Flood Damage Reduction Benefit (FDRB) for all assessed parcels is calculated to be 3,551,333,222 FDRB at the time this Report was prepared.

Table 8 that follows, provides a summary breakdown of the FDRBs for both special and general benefits for fiscal year 2024/2025.

TABLE 8: FLOOD DAMAGE REDUCTION BENEFITS BY LAND USE ⁽⁵⁾

Land Use	Structure Damage Reduction Benefit	Content Damage Reduction Benefit	Land Damage Reduction Benefit	Total Damage Reduction Benefit
Agriculture	-	-	13,324,475	13,324,475
Agriculture - Single Family	2,378,820	3,345,621	7,549,927	13,274,367
Sub-Total Agriculture	2,378,820	3,345,621	20,874,402	26,598,843
Commercial - Developed	61,166,719	151,360,257	64,221,493	276,748,468
Commercial - Vacant	-	-	41,655,760	41,655,760
Sub-Total Commercial	61,166,719	151,360,257	105,877,252	318,404,228
Industrial - Developed	179,629,179	412,616,130	38,448,984	630,694,294
Industrial - Vacant	102,741	-	9,928,898	10,031,639
Sub-Total Industrial	179,731,920	412,616,130	48,377,882	640,725,933
Public - Developed	30,116,470	86,383,799	36,965,088	153,465,358
Public - Vacant	-	-	17,511,996	17,511,996
Sub-Total Public	30,116,470	86,383,799	54,477,085	170,977,354
Residential - Mobile Home	1,082,961	698,323	5,773,047	7,554,331
Residential - Multi Family	6,382,350	1,009,567	7,927,830	15,319,748
Residential - Single Family	1,064,404,020	531,446,917	324,381,130	1,920,232,067
Residential - Vacant	797,492	124,868	100,353,360	101,275,721
Sub-Total Residential	1,072,666,823	533,279,675	438,435,368	2,044,381,866
Planned Commercial Development	94,298,100	216,578,297	9,428,576	320,304,973
Planned Industrial Development	5,094	18,812	5,836,723	5,860,628
Planned Residential Development	12,670,915	1,956,563	9,451,920	24,079,398
Sub-Total Planned Development	106,974,109	218,553,672	24,717,219	350,244,999
Total Special Benefit	1,453,034,860	1,405,539,154	692,759,209	3,551,333,222
General Benefit	-	-	21,461,107	21,461,107
Grand Total	1,453,034,860	1,405,539,154	714,220,316	3,572,794,330

The Flood Damage Reduction Benefit data in the Table above is based on parcel information and characteristics at the time this Report was prepared and applicable to fiscal year 2024/2025.

Assessment Rate and Revenue

Proposition 218 requires assessments levied to be proportional to the benefits conferred by the improvements, facilities, and/or services provided. To ensure that the spread of assessments is proportional based upon the benefits calculated above, the annual special benefit costs of the improvements, facilities, and/or services are divided by the total benefits calculated for all benefiting parcels. The estimated Project Service revenue required annually is estimated to be \$2,625,000 (in fiscal year 2024/2025 dollars), of which approximately \$15,766 is calculated to be General Benefit costs with approximately \$2,609,234 being identified as special benefit costs. The proportional assessment rate to generate the estimated \$2,625,000 in Total Benefit Expenses (Special and General Benefits) is approximately **\$0.00073472** per Flood Damage Reduction Benefit ($\$2,625,000 / 3,572,794,330 \text{ FDRB} = \$0.00073472 \text{ per FDRB}$).

Annual Inflationary Adjustment (Assessment Range Formula)

As part of the District formation and establishment of annual assessments to fund the Project Services, the proposed assessments described in this Report and to be submitted to the property owners of record in the Ballot Proceeding shall include an annual inflationary adjustment referred to as an Assessment Range Formula. To ensure that SJAFCA can provide the needed Project Services over time, it is important to allow for an increase of the assessment over time to address the rising costs of labor, supplies, and materials that are inevitably associated with providing such improvements and activities, thereby reducing the need for additional noticing and balloting procedures simply because of inflationary factors. The Assessment Range Formula for this District is defined by the following:

Commencing in the second fiscal year (Fiscal Year 2025/2026) and each fiscal year thereafter through the 30-year term of the assessments (Fiscal Year 2054/2055), pursuant to Government Code §53739(b), the initial authorized Maximum Assessment Rate per FDRB presented in this Report for Fiscal Year 2025/2026 and establishing the ballot assessments for the District, shall be adjusted annually based on the annual change in the Consumer Price Index February to February CPI-W for San Francisco-Oakland-Hayward all Items, with Base Period 1982-84 = 100, published by the U.S. Department of Labor, Bureau of Labor Statistics, subject to a minimum of zero percent and a maximum of 4% in any given year.

Each fiscal year the Agency shall identify the annual percentage change in the CPI-W, using the difference over a 12-month period between February to February. This percentage difference shall then establish the range of increase to the maximum assessment rate allowed based on CPI. If the percentage change in the CPI is greater than four percent (4.0%), the maximum assessment rate shall be increased by four percent (4.0%). If the percentage change in the CPI is less than four percent (4.0%), the maximum assessment rate shall be increased by the percentage change in the CPI. However, if the percentage change in the CPI is negative (less than 0%) then the maximum assessment rate shall not be increased or decreased from the prior fiscal year. Therefore, the minimum annual adjustment to the Maximum Assessment Rate per FDRB is zero percent (0%) and the maximum annual adjustment is four percent (4%).

Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, SJAFCA shall use the revised index or comparable system as approved by the SJAFCA Board for determining fluctuations in inflation.

Appeals Process

Any property owner who believes his or her property should be reclassified and the assessment adjusted may file a written appeal with the SJAFCA Executive Director. Any such appeal is limited to correction of an assessment during the then-current fiscal year and future years.

All appeals must include a statement of reasons why the property should be reclassified and may include supporting evidence. On the filing of any such appeal, the Executive Director will direct staff to 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 finds that the assessment should be modified, the appropriate changes will be made to the assessment roll for the following fiscal year. Any such changes approved after the assessment roll has been filed with the County for collection will not result in a refund of the current or any prior year's assessments paid before the appeal was filed unless so directed by the Executive Director.

Part IV — Assessment Roll

Due to the number of parcels within the proposed Mossdale Tract Overlay Assessment District, the Assessment Roll for fiscal year 2024/2025 (a listing of the parcels to be assessed for special benefit within this District along with the balloted assessment amounts) has been filed with the Clerk of the San Joaquin Area Flood Control Agency, in an electronic format and is by reference made part of this Report. The proposed Assessment Roll shall be available for public inspection in the San Joaquin Area Flood Control Agency Office during normal office hours.

The Assessment Roll reflects all parcels identified within the District and the corresponding proportional special benefit assessment amount for fiscal year 2024/2025, which is also the amount being balloted for each parcel as part of the Ballot Proceeding. Each parcel listed on the Assessment Roll is currently shown and illustrated on the County Assessor's Roll and the County Assessor's Parcel Number Maps (APN maps). These records are, by reference, made part of this Report and shall govern for all details concerning the description of the lots and parcels. All assessments presented on the assessment roll are subject to change as a result of parcel changes made by the County including parcel splits, parcel merges or development changes that occur prior to the County Assessor's Office securing the final roll and generating tax bills for fiscal year 2024/2025.

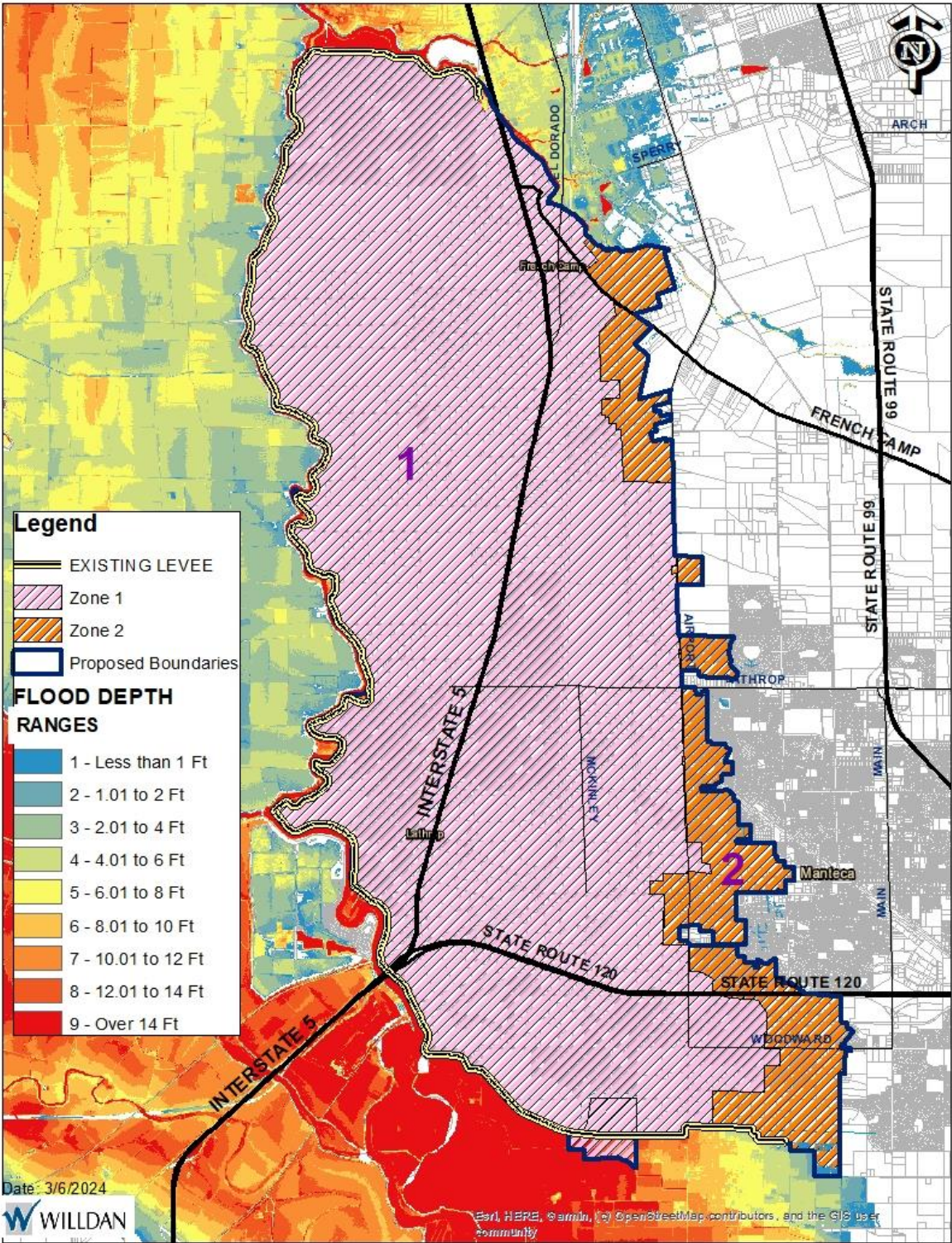
Part V — Assessment Diagram

The territory within the Mossdale Tract Overlay Assessment District is narrowly defined to include those lots and parcels of land within the Mossdale Tract Area of San Joaquin County that have been identified as parcels receiving a reduction or elimination of potential uncontrolled riverine flooding from the San Joaquin River levees and related flood control infrastructure improvements that are to be constructed, operated, and maintained as part of the proposed Project Services. The boundary of the District and the parcels therein are based on hydrologic and hydraulic mapping (flood levels), incorporating each of the parcels within the Mossdale Tract Area that have been identified as parcels receiving a reduction or elimination of potential flood damages from inundation or force by floodwaters as a result of the construction and operation of flood risk reduction components in and adjacent to the Mossdale Tract Area which include fix in place and potential levee setback improvements as well as a dryland levee extension in Manteca.

The parcels within the District as identified on the Assessment Roll as referenced in Part IV of this Report and depicted in the Boundary and Flood Zone Diagram (Figure 5 on the following page) constitute the Assessment Diagram Mossdale Tract Overlay Assessment District. The Boundary and Flood Zone Diagram also shows the general location of the improvements associated with the Project Services for which properties identified on the Assessment Roll referenced in Part IV of this Report are being balloted for a new special benefit assessment to support a portion of Project Service costs. The parcels therein shall consist of and be dictated by the lines and dimensions as those lots, parcels and subdivisions of land listed on the Assessment Roll and shown on the San Joaquin County Assessor's parcel maps for fiscal year 2024/2025 and shall incorporate all subsequent parcel splits and merges and by reference the San Joaquin County Assessor's parcel maps are incorporated herein and made part of this Report.



Figure 5: Boundary and Zone Diagram (Assessment Diagram)



RESOLUTION NO. SJAFCA 24-08

SAN JOAQUIN AREA
FLOOD CONTROL AGENCY

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN JOAQUIN AREA
FLOOD CONTROL AGENCY ADOPTING PROPOSITION 218 PROCEDURES FOR
THE MOSSDALE TRACT OVERLAY ASSESSMENT DISTRICT BALLOT
PROCEEDING**

WHEREAS, the San Joaquin Area Flood Control Agency ("Agency" or "SJAFCA") adopted Resolution No. 24-07 ("Resolution of Intention") initiating the proceedings to establish an assessment district, and indicating its intention to levy assessments, preliminarily approving an Engineer's Report, and providing for notice of a public hearing and ballot process, all for the formation of a new special benefit assessment district and the levy of special assessments on properties therein receiving special benefit, which assessment district is referred to herein as the Mossdale Tract Overlay Assessment District ("Mossdale OAD");

WHEREAS, Proposition 218 was adopted on November 6, 1996, adding Articles XIIC and XIID to the California Constitution;

WHEREAS, Article XIID of the California Constitution imposes certain procedural and substantive requirements relating to assessments;

WHEREAS, SJAFCA believes it to be in the best interest of the community to set forth its decisions regarding implementation of the provisions of Proposition 218 relating to the proposed Mossdale OAD;

WHEREAS, the purpose of this Resolution is to approve the ballot procedures for the proposed Mossdale OAD; and

WHEREAS, upon completion of the tabulation of the ballots received, if there is no majority protest (votes in favor outweigh votes opposed, weighted according to the proportional assessment financial obligation of each affected property), then the Board of Directors may, by action at a future Board meeting, consider adoption of a Resolution forming the Mossdale OAD and authorizing the levy of special assessments on the properties included therein.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Joaquin Area Flood Control Agency as follows:

SECTION 1. Statement of Legislative Intent.

It is SJAFCA's intent in adopting this Resolution to adopt assessment ballot proceedings for the proposed Mossdale OAD that are consistent, and in compliance, with Articles XIIC and XIID of the California Constitution and with California

Government Code section 53750 et. seq., the Proposition 218 Omnibus Implementation Act, and Government Code section 54703 et seq., the Benefit Assessment Act of 1982, which collectively govern the provisions authorizing the formation of the proposed Mossdale OAD and the levy by SJAFCA of special assessments on property therein.

SECTION 2. Existing SJAFCA Assessments.

SJAFCA currently imposes two annual assessments as referenced below. These assessments are as determined by the related Engineer's Reports and analyses that were prepared at the time of formation of the applicable assessment district and that are updated annually as part of the annual levy of the assessments. The continued annual levy of the existing assessments listed below are exempt from the procedures in this Resolution.

A. Flood Protection Restoration Assessment District 96-1 (AD 96-1). AD 96-1 was established by SJAFCA on February 28, 1966 pursuant to the Municipal Improvement Act of 1913, Division 12 of the Streets and Highway Code Sections 10000 et seq.

B. Levee Construction and Maintenance Assessment District (LCMA District). The LCMA District was established by SJAFCA on June 15, 2023 pursuant to the Benefit Assessment Act of 1982, Government Code Sections 54719 et seq.

SECTION 3. Assessment Ballot Proceeding.

The following procedures shall be used in the assessment ballot proceeding for the proposed Mossdale OAD, and are intended to satisfy the requirements of Article XIID, Section 4 of the California Constitution and other applicable law:

A. Mailed Notice. The following guidelines shall apply to the mailed notice of the proposed assessment pursuant to Article XIID, Section 4, of the California Constitution and Government Code section 54716 (c).

1. For all mailed notices, the record owner(s) of each parcel to be assessed and their mailing address shall be determined from the last equalized property tax roll prepared and made available to SJAFCA by the San Joaquin County Assessor. If the property tax roll indicates more than one owner, each owner shall receive notice at the mailing address provided. Only property owners shall receive notice.
2. The mailed notice may be combined in a package with the assessment ballot described in Section 3.E. below. The form of mailed notice and assessment ballot package is attached to this Resolution as **Exhibit A**.
3. The mailed notice shall be sent at least forty-five (45) days prior to June 20, 2024, the date set for the public hearing on the proposed Mossdale OAD. An

affidavit of mailing from the contracted vendor providing mailing services indicating the date of mailing shall be the date of the notice for purpose of determining the forty-five day minimum notice requirement.

4. The notice described above, shall supersede and be in lieu of any other notice to levy or increase an assessment, including but not limited to any notice required by Government Code section 54954.6.
5. It is the intention of the Agency to use best efforts, based on the procedures above and below, for property owners to receive their ballots, and as such the failure of any person to receive a notice duly mailed will not invalidate the proceedings.
6. The cost of providing notice shall be included as a cost of the Mossdale OAD.
7. SJAFCA, upon the receipt of any returned ballots from the United States Postal Service, for any reason, will utilize its reasonable best efforts to forward the notice to the owner of record of the parcels associated with the returned notice as shown in the San Joaquin County Assessor's records or otherwise known to SJAFCA. Failure of SJAFCA to determine a valid mailing address for an owner of record shall not invalidate the proceedings to form the Mossdale OAD.

B. Posted Notice

1. A notice of the proposed Mossdale OAD shall be posted on the internet website of SJAFCA.
2. The content of the notice to be posted is attached to this Resolution as **Exhibit B**.
3. The notice shall be posted at least two weeks prior to the June 20, 2024 date of the public hearing.

C. Assessment Ballot and Notice. The following guidelines shall apply to the assessment ballot and written notice package:

1. The ballot required by Article XIID, section 4(d) of the California Constitution and Government Code section 53753 shall be mailed with the mailed notice described in Section 3.C. to all owners of record of property within the proposed Mossdale OAD at least forty-five (45) days prior to the June 20, 2024 date of the public hearing on the proposed Mossdale OAD.
2. The written notice and ballot and shall contain the following information and shall be substantially in the form attached to this Resolution as **Exhibit A**.
 - a. The total amount to be charged to all parcels within the proposed Mossdale OAD;

- b. The amount to be charged to the property owner's particular parcel(s);
 - c. The duration of the assessment payments;
 - d. The reason for the proposed assessment;
 - e. The basis upon which the amount of the proposed assessment was calculated;
 - f. A summary of the procedures for the completion, return and tabulation of the ballots;
 - g. A statement that the receipt of a majority of ballots (weighted by the proportional assessment financial obligation of the related parcel) in opposition to the proposed assessment will result in the assessment not being imposed;
 - h. On the face of the envelope in which the notice of election and ballot are mailed, there shall appear in substantially the following form in no smaller than 16- point bold type: "OFFICIAL BALLOT ENCLOSED"; and
 - i. The address for return of the ballot, the date and location where the ballots will be tabulated, and a place where the person returning it may indicate his or her name, a reasonable identification of the parcel, and his or her support or opposition to the proposed assessment.
3. All ballots must be returned to SJAFCA by mail or in person, **sealed in the envelope provided** with the ballot materials, not later than the date for return of ballots stated on the notice described in Section 3.C. In person ballots will be accepted at Lathrop City Hall located at 390 Towne Centre Dr, Lathrop, California.
4. Each envelope provided by SJAFCA for the return of ballots shall be a "security envelope" which conceals the contents therein.
5. A ballot must be signed under penalty of perjury. For properties with more than one owner of record, ballots will be accepted from each owner of record. Each owner of record is entitled to vote. If more than one owner of record votes, SJAFCA shall apportion the voting rights between the owners based upon the respective record interests as SJAFCA deems correct, proper, and appropriate. However, if only one owner of record votes, SJAFCA shall tabulate that vote on behalf of the entire parcel.
6. Because assessments are levied on property and tenants are not directly liable to SJAFCA for payment of assessments, a tenant or lessee of real property shall not have the power or authority to submit an assessment ballot.

7. Only ballots with original signatures, not photocopies of signatures or DocuSign signatures, will be accepted. Ballots will not be accepted via e-mail. Ballots not submitted in the security envelope provided by SJAFCA shall not be counted.
8. Upon written request, SJAFCA will provide a duplicate ballot to any property owner whose original ballot was lost or destroyed. Such ballots shall be clearly marked as duplicate ballots and shall be accompanied by sufficient information for the Secretary of SJAFCA to verify the location and ownership of the property in question and the identity of the individual casting the ballot to verify its authenticity.
9. The assessment ballot proceeding is not an election.
10. Assessment ballots shall remain sealed until the tabulation of ballots commences after the conclusion of the public hearing on the Mossdale OAD. An assessment ballot may be submitted, changed, or withdrawn by the person who submitted the ballot prior to the conclusion of the public testimony on the proposed Mossdale OAD at the public hearing.
11. During and after the tabulation, the assessment ballots shall be treated as disclosable public records, and will be equally available for inspection by the public, including by the proponents or the opponents of the proposed Mossdale OAD. The right of inspection shall be limited by such reasonable conditions as may be imposed by the Agency's staff and consultants, recognizing the need for public safety and to ensure an orderly and efficient tabulation process.
12. Prior to the public hearing, neither any assessment ballot nor any envelope in which a ballot is submitted shall be treated as a public record, pursuant to applicable law, in order to prevent potential unwarranted invasions of the submitter's privacy and to protect the integrity of the balloting process.

D. Public Hearing.

1. At the public hearing on the Mossdale OAD, the Board of Directors of SJAFCA shall hear public testimony regarding the proposed Mossdale OAD and accept ballots until the close of the public hearing which hearing may be continued from time to time.
2. The Board of Directors of SJAFCA may impose reasonable time limits on both the length of the entire public hearing and the length of each speaker's testimony.
3. At the conclusion of the public hearing, the Board of Directors of SJAFCA shall direct the tabulation of the ballots, including those received during and prior to the close of the public hearing.

4. If additional time is necessary for public testimony, the Board of Directors of SJAFCA may continue the public hearing to a later date to receive additional testimony.
- E. Tabulating Ballots. The following guidelines shall apply to tabulating assessment ballots:
1. Pursuant to Government Code Section 53753(e), impartial persons designated by the Board of Directors of SJAFCA who do not have a vested interest in the outcome of the proposed Mossdale OAD shall tabulate, in public view, the assessment ballots submitted, and not withdrawn, in support or opposition to the proposed Mossdale OAD. The employees of the assessment engineering firm, Willdan Financial Services, management consulting firm, Larsen Wurzel & Associates, Inc., and public outreach firm, Kim Floyd Communications, have been determined by the Board of Directors of SJAFCA to be persons that do not have a vested interest in the outcome of the proposed assessment.
 2. Because of the number of parcels within the boundaries of the proposed Mossdale OAD and thereby the expected number of ballots to be tabulated, the Board of Directors of SJAFCA has determined that the ballot tabulation will take place after the conclusion of the public hearing. The time and location of the ballot tabulation will be announced prior to but not later than the close of the public hearing.
 3. The ballot tabulation will take place at a location viewable by the public. The ballots shall be unsealed and tabulated in public view so as to permit all interested persons to meaningfully monitor the accuracy of the tabulation process.
 4. The impartial persons tabulating the ballots may use technological methods of tabulating the assessment ballots, including, but not limited to, optically readable (bar-coded) assessment ballots and machinery to aid in the rapid and efficient scanning of the optically readable (bar-coded) assessment ballots.
 5. SJAFCA shall determine the validity of all ballots. SJAFCA shall not accept as valid those ballots in the following categories:
 - a. A photocopy of a ballot which does not contain an original signature;
 - b. An unsigned ballot;
 - c. A ballot signed by an individual claiming to represent the owner without an affidavit;
 - d. A ballot which lacks an identifiable "yes" or "no" vote;

- e. A ballot which appears to be materially tampered with, marred, defaced, split into two or more parts without repair performed by the signatory, or other similar circumstances;
- f. A ballot which is submitted on a form which is different than the form of ballot provided by SJAFCA;
- g. A ballot submitted to SJAFCA via e-mail; or
- h. A ballot not returned in a SJAFCA issued "security envelope."

SJAFCA's decision, after consultation with its counsel, that a ballot is invalid, shall be final and may not be appealed to the Board of Directors of SJAFCA.

- 6. During and after the tabulation, the assessment ballots shall be treated as disclosable public records, as defined in the Public Records Act, and equally available for inspection by the proponents and the opponents of the proposed Mossdale OAD. The right of inspection shall be limited by such reasonable conditions as may be imposed by the Agency's staff and consultants, recognizing the need for public safety and to ensure an orderly and efficient tabulation process.
- 7. The ballots and all materials associated with the tabulation of the ballots shall be preserved by SJAFCA for a minimum of two years, after which they may be destroyed.
- 8. A property owner who has submitted an assessment ballot may withdraw the ballot and submit a new or changed ballot at any time prior the conclusion of the public hearing on the Mossdale OAD.
- 9. A property owner's failure to receive a duly mailed assessment ballot shall not invalidate the ballot proceedings.
- 10. If according to the final tabulation of the ballots, ballots submitted and not withdrawn against the proposed assessment exceed the ballots submitted and not withdrawn in favor of the assessment, weighted according to the proportional financial obligation of each affected property, a "majority protest" exists and the Board of Directors of SJAFCA shall not impose the new assessment.
- 11. If according to the final tabulation of the ballots, ballots submitted and not withdrawn against the proposed assessment do not exceed the ballots submitted and not withdrawn in favor of the assessment, weighted according to the proportional financial obligation of each affected property, a "majority protest" does not exist and the Board of Directors of SJAFCA may proceed with the consideration of the formation of the Mossdale OAD and the levy and collection of the related assessments on property in the Mossdale OAD.

PASSED, APPROVED AND ADOPTED this 18th day of April 2024.

PAUL AKINJO, 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

Attachments:

- a. Exhibit A – form of Ballot Package – Including Notice (Ballot Information Guide), Ballot and Mailing Materials
- b. Exhibit B – Form of Posted Notice to be included on website

HOW TO COMPLETE & RETURN YOUR BALLOT

Ballots must be received before the close of the public hearing on Thursday, June 20. By law, ballots received after the close of the public hearing cannot be accepted. To complete your ballot:

TO COMPLETE YOUR BALLOT:

- 1 Cast your vote by marking an "X" in the box next to "Yes" or "No"
- 2 Print and sign your name
- 3 Date your ballot
- 4 Place your entire ballot in the postage-paid return envelope

IMPORTANT!

Do not tear off any portion of the ballot or it will not be accepted.



TO RETURN YOUR BALLOT:

- A) BY MAIL — Ballots must be in the postage-paid security envelope, mailed and received no later than 5 p.m., Thursday, June 20. Postmarks cannot be accepted.
- B) BY HAND — Place in the security envelope and
 - a. Deliver to City of Lathrop City Hall, 390 Towne Centre Drive, Lathrop.
 - b. Deliver to any of the community meetings as noticed in this ballot guide.
 - c. Deliver to the public hearing at 6 p.m., Thursday, June 20, City of Lathrop City Council Chambers, 390 Towne Centre Drive, Lathrop.



Scan to visit our website for more information

ATTEND A COMMUNITY MEETING

Community Meeting

6:30 p.m., May 13

Joseph Widmer, Jr. Elementary School,
Multi-purpose Room;
751 Stonebridge Lane, Lathrop

Community Meeting

6:30 p.m., May 14

Great Valley Elementary,
Multi-purpose Room;
4223 McDougald Blvd., Stockton

PUBLIC HEARING & CLOSE OF BALLOTING

6 p.m., Thursday, June 20

City of Lathrop City Council Chambers
390 Towne Centre Drive, Lathrop

"YES" OR "NO," WHAT HAPPENS?

Yes, or no, there will be costs to property owners.

YES



New assessment begins fall 2024
Development and growth will pay 70% of the local cost share for the levee improvement project
SJAFCA can secure 77% state/federal cost share for the levee improvement project (~\$363 million)
Project construction may begin as early as 2026
Project will provide 200-year flood protection & comply with state requirements, once complete
Project will protect lives, property, and the local economy, and stand up to changes in state/federal flood protection regulations
Cities and County will be allowed to implement planned development, including commercial and retail

NO



Properties will not be charged an annual assessment to reduce flood risk and meet state requirements for 200-year flood protection.
The levee improvement project will not be constructed, and flood risk and financial risk will increase over time
Communities will lose ~\$363 million in state/federal funding for levee improvements. Communities will be responsible for the full cost of any needed levee improvements in the future.
Communities will not be able to meet state requirements for 200-year flood protection, and risk not meeting future changes to federal regulations (resulting in mandatory flood insurance)
The communities will not be allowed to adapt to changing economic conditions
There will be no redevelopment of existing properties, even if businesses quit or leave.
There will be no new development, including commercial and industrial. Planned development – such as grocery stores and restaurants – will not be allowed to move forward.

ATTACHMENT 2A Exhibit A



PROPOSED ASSESSMENT for
200-YEAR FLOOD PROTECTION
for MOSSDALE TRACT AREA

Official Notice & Ballot
Information Guide

Questions?

www.sjafca.org/OAD | info@sjgov.org | 209-475-7009

VISIT WWW.SJAFCA.ORG/OAD FOR:

- Assessment district boundary map
- Assessment calculator
- Frequently asked questions
- Flood Risk Reduction Project information
- Community meeting dates

ATTEND A COMMUNITY MEETING & PUBLIC HEARING!

Look inside for dates and locations

WHAT PROBLEM ARE WE TRYING TO SOLVE?

More than 22,000 properties in portions of south Stockton, Lathrop, Manteca, and surrounding unincorporated area (Mosssdale Tract) can flood from the San Joaquin River and French Camp Slough. Levees are the only protection against flood damages. Rapid shifts between too little and too much water (drought and flood) can wear down and weaken levees. And, thanks to major flood disasters in California and elsewhere in the U.S., state and federal regulations for flood protection are getting stricter. Failure to meet them has costly consequences for property owners and communities.

As a result, properties in the Mosssdale Tract area face two types of risk:

- 1 **Flooding from the San Joaquin River and its tributaries** (like French Camp Slough)
- 2 **Economic impacts from not meeting state flood protection regulations**

WHAT'S THE PROPOSED SOLUTION?

The best defense against both types of risk is to improve levees. The San Joaquin Area Flood Control Agency (SJAFCA) is responsible for reducing flood risk for the greater-Stockton metropolitan region through planning, financing, and implementing projects and programs to improve flood protection. The Agency is planning a \$473 million levee improvement project to protect lives, property, and the local economy, and to meet state requirements for 200-year flood protection. The project will improve levees along the east bank of the San Joaquin River and the south bank of French Camp Slough. It will also extend the existing dryland levee south of Highway 120 in Manteca.

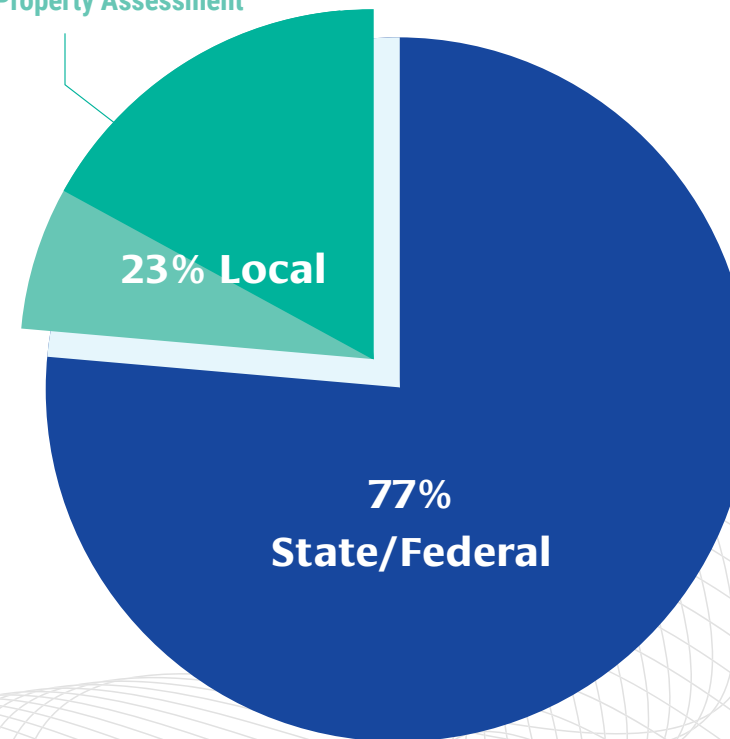


FEDERAL & STATE AGENCIES EXPECTED TO FUND 77% OF LEVEE IMPROVEMENT COSTS

Seventy-seven percent -- \$362.6 million -- of all project costs are expected to be paid by state and federal agencies. To secure the state and federal funding, SJAFCA must provide a local cost share of \$110 million, plus an additional \$22.4 million for early planning and design costs (total = \$132.4M).

Seventy percent (70%) of the local cost share will be funded by new development and growth. SJAFCA is proposing an annual property assessment to pay for the remaining 30%.

Of the local cost share,
70% is Development/Growth and
30% is Property Assessment



HOW PROPOSED ASSESSMENTS ARE CALCULATED

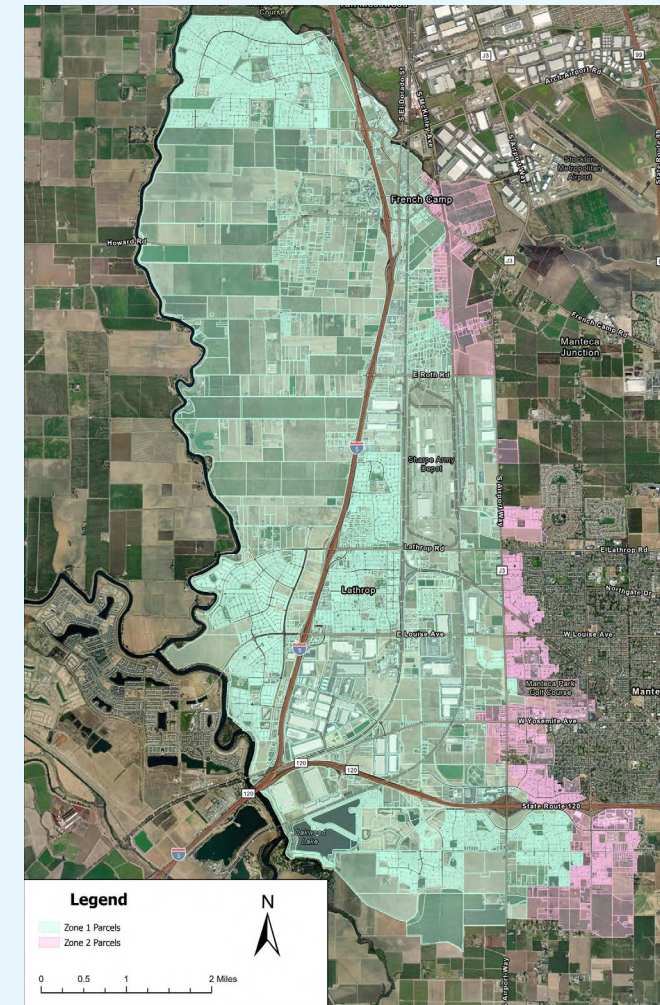
The proposed assessment district (see boundary map) includes all properties that will benefit from the avoidance of flood damage to land, structures and contents because of the project. By law, each property can only be assessed for the specific benefit it receives.

Each property's assessment differs based upon land use type, structure square footage, size of parcel, location, and depth of flooding. Zone 1 properties receive benefit from the avoidance of flood damages to land, structures, and their contents. Zone 2 properties only receive benefit for land. You can use the Assessment Calculator at

www.sjafca.org/OAD to review the factors being used to determine your property's benefit (parcel number required).

The assessment is expected to raise ~\$2.6M in fiscal year 2024/25. Assessment revenues can only be spent to fund the local cost share for the construction and maintenance of a levee improvement project that provides 200-year flood protection for the Mosssdale Tract area, as outlined in the Preliminary Engineer's Report (available online at www.sjafca.org/OAD). The assessment will end once construction bonds are paid (approximately 30 years).

The assessment can increase each year based upon cost of living (Consumer Price Index), but no more than 4 percent (whichever is less). Cost of living adjustments are not automatic. Any annual increase must be approved by the SJAFCA Board as part of its annual budget process.



Proposed boundary for the Mosssdale Tract Overlay Assessment District.



200-Year Flood Protection for Mossdale Tract Area OFFICIAL BALLOT

PROPOSED ANNUAL ASSESSMENT

Property Owner:**Parcel Number; Site Address; Proposed Assessment:**

Note: This area will display information for up to 10 parcels owned by the record owner, the listing will show the amount to be charged for each parcel and for all parcels listed.

**Total Proposed Annual
Assessment(s) for
the listed parcels:**

HOW TO COMPLETE YOUR BALLOT

1. Mark an "X" in the box next to "Yes" or "No"
2. PRINT, SIGN, and DATE your ballot in the spaces provided.
3. DO NOT TEAR YOUR BALLOT. Ballots that are torn cannot be counted. Place the entire ballot into the postage-paid official ballot return envelope and return by either:
 - 1) mailing the ballot in the postage-paid security envelope. Ballots must be received no later than 5 p.m., Thursday, June 20, 2024. Postmarks will not be considered.
 - 2) delivering by hand to City of Lathrop City Hall, 390 Towne Centre Drive, Lathrop, before 5 p.m., Thursday, June 20, 2024.
 - 3) delivering by hand to one of the community meetings listed in the ballot information guide
 - 4) delivering by hand to the public hearing commencing at 6 p.m., Thursday, June 20, 2024, City of Lathrop City Hall, 390 Towne Centre Drive, Lathrop.

: Ballots must be received
: before the close of the
: public hearing. Ballots
: received after the close of
: the public hearing cannot be
: accepted as per state law.

BALLOT QUESTION

Shall the San Joaquin Area Flood Control Agency (SJAFA) establish a new assessment district and levy an assessment commencing in fiscal year 2024/25 and increasing annually by the annual change in the Consumer Price Index up to a maximum of 4% per year, on all parcels within the boundary of the district receiving special benefit, generating a total levy of \$2,625,000 in fiscal year 2024-25 and increasing thereafter, to pay for 200-Year levee and flood control improvements, levee operation and maintenance services of benefit to parcels within the district, and issue bonds or other debt repayable from assessment levies for a maximum term of 30 years, with interest at a rate not to exceed the legal limit to finance the proposed improvements, with the assessment terminating upon full payment of the bonds or other debt, all as described in the Preliminary Report dated April 18, 2024, and with the approval of the SJAFA Board of Directors?

THIS IS A WEIGHTED BALLOT. The total votes for this ballot equal the total proposed annual assessments in the box above.

☐ **YES, I support** the proposed annual assessment.☐ **NO, I oppose** the proposed annual assessment.

The assessment will not be imposed if the ballots submitted, and not withdrawn, in opposition to the assessment exceed the ballots submitted, and not withdrawn, in favor of the assessment, with ballots weighted according to the proportional financial obligation of the affected property.

Property Owner/Authorized Representative must sign in his/her own handwriting for ballot to be counted:

SIGNATURE of Owner/Authorized Representative (DO NOT PRINT)

Date

Name of Owner/Authorized Representative (PRINT)

Witness Signature*

*Only required if property owner is unable to sign due to illness or injury. In that case, he/she may make a mark witnessed by one person.

PLEASE READ THE BACK OF THIS BALLOT AND THE BALLOT INFORMATION GUIDE FOR MORE INFORMATION



Please see the front of this ballot and the Ballot Information Guide for instructions on completing and returning your ballot. Ballots received after the close of the Public Hearing on June 20, 2024, cannot be counted, in accordance with California Proposition 218 law.

WHY DID I RECEIVE THIS BALLOT?

Your property is at risk of flooding from the San Joaquin River and its tributaries (e.g. French Camp Slough). These levees do not meet state requirements for 200-year flood protection. And federal requirements are expected to become stricter in the near future. As a result, your community faces two types of risk: damage from a flood, and financial consequences associated with not meeting state and federal regulations. The San Joaquin Area Flood Control Agency (SJAFA) is proposing to partner with state and federal agencies on a \$473 million project to improve levees that protect your property. The project will meet state requirements for 200-year flood protection and protect lives, property, and the local economy from flood damage. It will also protect against anticipated changes in federal requirements.

State and federal agencies are expected to pay 77% of all project costs (approximately \$364 million). However, SJAFA must pay for the remaining cost (also known as the "local cost share"). Most of the local cost share (70%) will be paid with funding from development and growth. The remaining 30% will be paid with property assessment revenues, if approved by property owners.

The methodology for calculating individual parcel assessments is detailed in the Preliminary Engineer's Report, while specific characteristics for your property can be viewed on the Assessment Calculator. Both are available online at www.sjafca.org/OAD along with assessment boundary maps, frequently asked questions, and other information.

Please also read the **Ballot Information Guide** included in your ballot package.

FOR OFFICIAL USE ONLY

Questions?

Assessment Hotline

(209) 475-7009

Email

info@sjafca.com

sjafca.org/OAD

IMPORTANT: DO NOT ENLARGE, REDUCE OR MOVE the FIM and barcodes. They are only valid as printed!
Special care must be taken to ensure FIM and barcode are actual size AND placed properly on the mail piece
to meet both USPS regulations and automation compatibility standards.

ATTACHMENT 2A Exhibit A



**Assessment Ballot Enclosed: Do Not Open Before
Close of Public Testimony scheduled for June 20, 2024**

BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 3 LATHROP, CA

POSTAGE WILL BE PAID BY ADDRESSEE

ATTN: CITY CLERK
CITY OF LATHROP
390 TOWNE CENTRE DR
LATHROP CA 95330-9901



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES





San Joaquin Area Flood Control Agency
22 E Weber Ave # 301
Stockton, CA 95202

OPEN PROMPTLY
PROPERTY ASSESSMENT
OFFICIAL BALLOT
ENCLOSED

**Official Notice of Public Hearing
San Joaquin Area Flood Control Agency
Mossdale Tract Overlay Assessment District**

Pursuant to the Benefit Assessment Act of 1982 (Government Code 54703 et. seq.), the San Joaquin Area Flood Control Agency (Agency) is undertaking proceedings to consider an assessment on certain properties within the jurisdiction of the Agency. The proposed assessment is necessary to fund the local cost share of 200-year improvements to the levee and flood control system providing protection to Mossdale Tract Area, and ensure proper maintenance and operation of the related levees and flood control facilities.

Engineer's Report

In accordance with Proposition 218, an Engineer's Report (Report) has been prepared and is on file with the Secretary of the Agency. The Report includes a description of the (Services) to be provided, a description of the cost of Services and a description of each parcel proposed to be subject to the assessment. The Report establishes each benefitting property's assessment based on its proportional special benefit received relative to the special benefit received by all of the properties in the proposed assessment from the Services. If approved, the assessments are proposed to be levied commencing in fiscal year 2024-25 and continue for 30-years after the payment of bonds and so long as the services are provided.

A copy of the Engineer's Report is on file with the Secretary of the Agency and has been made available at the San Joaquin Area Flood Control Agency offices, located at 22 East Weber Avenue, Stockton, California, and is available for review during normal business hours. The full report is also available at www.SJAFCA.org/OAD.

Ballot Proceeding

Each record owner, or the legally authorized representative of such record owner, of property within the proposed assessment boundaries has the right under the provisions of Article XIII D of the California Constitution ("Proposition 218") and the Proposition 218 Omnibus Implementation Act (Government Code 53750 et seq.) to submit a ballot in favor of or in opposition to the proposed assessment. Ballots will be mailed to each record owner of property and property owners will have no less than 45-days to return ballots to the Agency. Property owners with inquiries regarding the Ballot Proceeding can contact the Assessment Hotline at (209) 475-7010.

Public Hearing

A public hearing regarding the assessment will be held on Thursday, June 20, 2024 at 6:00 p.m. in the City Council Chambers at Lathrop City Hall, located at 390 Towne Centre Dr., Lathrop, California. All interested members of the public are encouraged to attend.

Property owners will have the opportunity to provide written and/or verbal testimony during the public hearing to the Board and the opportunity to submit their ballot prior to the conclusion of the public hearing.

For more information, visit www.SJAFCA.org/OAD or call the Assessment Hotline at (209) 475-7010.

AGENDA ITEM 4.1 – ATTACHMENT 1 EXHIBIT B CONTINUED – San Joaquin Area Flood
Control Agency Preliminary Engineer's Report Formation of: Mossdale Tract Overlay
Assessment District (Mossdale OAD) - LISTING OF APN & ASSESSMENTS

NOTE – Due to the number of pages, the listing of Assessments, included with the Engineer's
Report is on file with the Clerk of the Board and is available online at www.sjafca.org/OAD

Agenda Item 4.2

April 18, 2024

TO: Board of Directors

FROM: Chris Elias, Executive Director

SUBJECT: **AUTHORIZE EXECUTIVE DIRECTOR TO EXECUTE A MASTER CONSULTANT SERVICES AGREEMENT WITH BENDER ROSENTHAL INCORPORATED (BRI) IN THE AMOUNT NOT TO EXCEED \$400,000 FOR REAL ESTATE AND RIGHT OF WAY ACQUISITION SERVICES ON THE MOSSDALE TRACT URBAN FLOOD RISK REDUCTION PROJECT AND LATHROP-MANTECA FEDERAL FEASIBILITY STUDY**

RECOMMENDATION

It is recommended that the Board of Directors of the San Joaquin Area Flood Control Agency (SJAFCA) adopt a resolution authorizing the Executive Director to execute a Master Consultant Service Agreement with Bender Rosenthal Incorporated (BRI Inc.) in the amount not-to-exceed \$400,000 for Real Estate and Right of Way Services for the Mossdale Tract Urban Flood Risk Reduction Project and Lathrop-Manteca Federal Study.

Summary

A Master Consultant Services Agreement is needed for BRI to conduct real estate and right of way acquisition services, including initial planning, appraisal services, acquisition services, title, and escrow services, LERRD crediting package services and survey services to advance the Mossdale Tract Urban Flood Risk Reduction Project, and the Lathrop-Manteca Federal Feasibility Study. If approved, the work performed under this agreement will allow SJAFCA to proceed with the needed right of entries to complete the CEQA/ NEPA analyses for early implementation of the UFRR project and enable SJAFCA to pursue subsequent acquisitions after Board consideration.

DISCUSSION

Background

SJAFCA and California Department of Water Resources (DWR) have worked in partnership over the past five years on the Mossdale Tract UFRR Program, which is a program intended to provide 200-year, Urban Level of Protection to the Reclamation District 17 area in accordance with Senate Bill 5. The funding agreement by DWR titled Reclamation District 17 Phase 4 Levee Improvements, established a \$10M budget for three phases of work as follows: Study (Phase 1), California Environmental Quality Act (CEQA) Documents (Phase 2), and Preliminary Engineering (Phase 3). This funding is cost-shared 50/50 between DWR (\$5M) and SJAFCA (\$5M). DWR has credited \$1,345,486 of the local cost share match through in-kind work completed by the cities of Lathrop and Manteca to advance a portion of the required engineering analyses identifying levee deficiencies. Due to the received credits, Phase 2 and Phase 3 work has been funded almost entirely by DWR.

Under the Phase 1 Study, SJAFCA and DWR evaluated a range of alternatives and arrived at a preferred alternative, or Preferred Plan, that is presented in the final Mossdale Tract Urban Flood Risk Reduction Study report dated September 16, 2021. After completion of Phase 1, SJAFCA and DWR concurrently advanced the CEQA and Preliminary Design components of the Project.

AGENDA ITEM 4.2

AUTHORIZE EXECUTIVE DIRECTOR TO EXECUTE A MASTER CONSULTANT SERVICES AGREEMENT WITH BENDER ROSENTHAL INCORPORATED TO PROVIDE REAL ESTATE AND RIGHT OF WAY ACQUISITION SERVICES FOR THE MOSSDALE TRACT URBAN FLOOD RISK REDUCTION PROJECT AND LATHROP-MANTECA FEDERAL STUDY (PAGE 2)

On November 10, 2021, SJAFCA Board awarded an agreement in the amount not-to-exceed \$1,143,033 to Environmental Science Associates Inc. (ESA) to complete CEQA work. SJAFCA was able to completely utilize DWR credited funds for work advanced by the cities of Lathrop and Manteca by June 30, 2023. However, although staff and consultants proceeded diligently, certain deviations and unforeseen circumstances led to an incomplete CEQA document by the end of June 2023. These unforeseen circumstances include:

- Inclusion of preliminary engineering and hydraulic modeling work to support CEQA document and findings (Amendment 2)
- Insertion of multi-benefit components (i.e., ecosystem, recreation, outreach) to leverage State funding and priorities.
- Restoration and recreation site designs and balancing it with on-site mitigation requirements.
- **Landowner and site access constraints resulting in inadequate biological/ cultural surveys.**
- Un-scoped work coordination with the Lathrop and Manteca, CA, and Vicinity Feasibility Study (with USACE).

Nonetheless, despite these deviations, SJAFCA was able to quickly furnish other project deliverables which were not part of the original funding grant work plan and received credit for this work from DWR. These additional deliverables allowed SJAFCA and DWR to continue progress on the project through work that will be ultimately creditable as part of the L&M Feasibility Study. These additional deliverables include:

- Collection of Bathymetric Data along the main stem of the San Joaquin River
- Collection of new topographic data along the levee system to identify encroachments within the flood system.
- Development of Restoration and Recreation conceptual designs for public meetings.
- Advancement of designs on 3 selected Restoration alternatives.
- Development of Design Documentation Report for the 30% Levee Design
- Evaluation of Mitigation needs for the Project.

Landowner coordination and site access constraints need to be addressed to complete the CEQA analysis and advance the Project.

Present Situation

Real Estate and Right of Way Services are needed to acquire rights of entry to advance ESA's efforts on the CEQA work, which includes the necessary field investigations. Real Estate and Right of Way Services are also needed to fully assess site constraints or opportunities and increase SJAFCA's readiness to leverage future State investments.

On January 18, 2024, SJAFCA Board approved a pre-qualified consultant list that contains six (6) right of way consultants. On February 26, 2024, a Request for Proposals (RFP) was issued to all six consultants. On March 11, 2024, three (3) proposals were received from:

- Bender Rosenthal Inc.
- Interwest Group Inc.
- Associated Right of Way Services, Inc.

AGENDA ITEM 4.2

AUTHORIZE EXECUTIVE DIRECTOR TO EXECUTE A MASTER CONSULTANT SERVICES AGREEMENT WITH BENDER ROSENTHAL INCORPORATED TO PROVIDE REAL ESTATE AND RIGHT OF WAY ACQUISITION SERVICES FOR THE MOSSDALE TRACT URBAN FLOOD RISK REDUCTION PROJECT AND LATHROP-MANTECA FEDERAL STUDY (PAGE 3)

The proposals were reviewed by a Review Board comprising SJAFCA staff (2 members) and City of Lathrop staff (1 member). After reviewing the proposals, the Review Board deemed BRI as most qualified to perform the Real Estate Right of Way and Acquisition Services. A subsequent discussion was held to understand BRI's level of commitment towards this effort for a timely delivery on this project as well as other SJAFCA's projects. Due to the unknowns associated with the project right of way needs, the magnitude and complexity of the project, staff deemed the level of effort and the proposed cost of \$400,000 (less than one percent of project cost) to be reasonable for the requested services on a project this size. Therefore, staff is seeking Board approval to authorize the Executive Director to execute a Master Consultant Services Agreement with BRI, Inc. in the amount not-to-exceed \$400,000. The work will be administered through the execution of subsequent Task Orders, where each Task Order will have a clearly defined scope, schedule, and budget. Staff will track each Task Order and will summarize expenses during semi-annual and annual budget updates.

To ensure timely progression of the Real Estate and Right of Services, and to meet high demands of SJAFCA's overall real estate and right of way needs, staff also recommends executing an "on-call" Master Services Agreement with Interwest, which was the second highest ranked firm. The not-to-exceed amount of this on-call agreement will be under \$100,000, which is within the Executive Directors discretionary authority to advance project activities for the agency; however, it is herein disclosed for transparency.

It should be noted that the requested services include the Mossdale Tract UFRR project, as well as the parallel Federal Feasibility Study, which includes Paradise Cut Bypass Expansion and Multi-Benefit project. Due to the integrated nature of the projects, SJAFCA staff may utilize the selected consultants on any one of these efforts to collectively advance the projects and regional flood risk reduction goals.

FISCAL IMPACT

Funds to cover BRI and Interwest's costs is budgeted in the Mossdale account (5569). This additional cost is currently not cost shared under UFRR Agreement by DWR; however, it is anticipated that these funds will be eligible as Work In-Kind towards the Lower San Joaquin Lathrop and Manteca, CA Feasibility Study, to which both USACE and Central Valley Flood Protection Board (staffed by DWR) are partners.

STRATEGIC PLAN CONSISTENCY ANALYSIS

The material found in this report is consistent with the Mission, Goals, Objectives and Priority Actions of the Board-adopted Strategic Plan, Goal 1 - Plan for and Implement System Resiliency.

- Objective 1 – Deliver projects and programs consistent with the State and Federal Regulatory Requirements.
 - Action 6: Achieve 200-Year level of protection in the Mossdale Tract Area by 2028.

AUTHORIZE EXECUTIVE DIRECTOR TO EXECUTE A MASTER CONSULTANT SERVICES AGREEMENT WITH BENDER ROSENTHAL INCORPORATED TO PROVIDE REAL ESTATE AND RIGHT OF WAY ACQUISITION SERVICES FOR THE MOSSDALE TRACT URBAN FLOOD RISK REDUCTION PROJECT AND LATHROP-MANTECA FEDERAL STUDY (PAGE 4)



CHRIS ELIAS
EXECUTIVE DIRECTOR

Attachments:

1. Resolution No. 24-10
2. Draft Task Order 1 Scope of Services and Cost Proposal

RESOLUTION NO. SJAFCA 24-10

SAN JOAQUIN AREA
FLOOD CONTROL AGENCY

=====

AUTHORIZE EXECUTIVE DIRECTOR TO EXECUTE A MASTER CONSULTANT SERVICES AGREEMENT WITH BENDER ROSENTHAL INCORPORATED (BRI) IN THE AMOUNT NOT - TO-EXCEED \$400,000 FOR REAL ESTATE AND RIGHT OF WAY ACQUISITION SERVICES ON THE MOSSDALE TRACT URBAN FLOOD RISK REDUCTION PROJECT AND LATHROP-MANTECA FEDERAL FEASIBILITY STUDY

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

Authorize Executive Director to execute a Master Consultant Services Agreement with Bender Rosenthal Incorporated Inc. in the amount not-to-exceed \$400,000 for Real Estate and Right of Way Acquisition Services for the Mossdale Tract Urban Flood Risk Reduction Project and Lathrop-Manteca Federal Study.

PASSED, APPROVED AND ADOPTED this 18TH day of APRIL 2024.

PAUL AKINJO, Chair
of the San Joaquin Area
Flood Control Agency

ATTEST:

CHRIS ELIAS, Executive Director
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

Attachment:

1. Exhibit A – Scope of Services

EXHIBIT A

SCOPE OF SERVICES

At the request of SJAFCA, Bender Rosenthal, Inc. shall provide services including but not limited to the following:

- Project management and administration
- Rights of Entry (ROE) services for all project activities including environmental investigations, geotechnical investigations, surveying, and other assessments.
- Preparation of Right-of-Way (ROW) acquisition plans.
- Acquisition Services as needed.
- Title and escrow services as needed.
- Land, Easement, Rights-of-Way, Relocation, and Disposal Areas (LERRD) Crediting package services and support.
- Surveying services through subconsultants, including preparation of legal descriptions, plat maps, temporary/ permanent easements and appraisal exhibits.
- Other real estate and right of way acquisition and related duties as assigned.

All services will be provided in accordance with the project cost proposal (see Exhibit B-1).

“Specific Scopes of Services to be provided by CONSULTANT shall be further defined and authorized by SJAFCA through the issuance of project-specific Task Orders. Each specific Task Order will require a written scope outlining the specific services to be provided by the Consultant, the schedule for completion, and the proposed compensation amount(s) and payment methodology to perform the specified services. SJAFCA shall provide no compensation for the Consultant’s development of Task Order proposals, and any other cost incurred for the development, negotiation, and execution of the Task Orders. Each authorized Task Order shall become part of this Master Services Agreement.

TERM

The term of this Agreement shall be for from April 18, 2024 – June 30, 2028, unless otherwise terminated by the Agency, and may be renewed by the Agency subject to re-negotiation by the parties for additional periods.

March 11, 2024

Glenn Prasad, Deputy Executive Director
San Joaquin Area Flood Control Agency
22 East Weber Avenue, Room 301
Stockton, CA 95202

**RE: REQUEST FOR PROPOSALS (RFP) FOR REAL ESTATE AND RIGHT OF WAY SERVICES FOR THE
MOSSDALE TRACT URBAN FLOOD RISK REDUCTION PROJECT**

Mr. Prasad,

Thank you for the opportunity to submit a proposal to the San Joaquin Area Flood Control Agency (SJAFCA) to provide Real Estate and Right of Way Services for the Mossdale Tract Urban Flood Risk Reduction Project (Project).

Bender Rosenthal Inc. (BRI) is a California S Corporation, Certified Small Business (SBE) and Certified Woman Business Enterprise (WBE) that specializes in right of way management and planning services, property acquisition, real estate appraisal, and land services. With over twenty-six (26) years of service delivery for public sector clients, BRI has the professional experience, and technical and financial resources to accomplish the work efficiently, effectively, and responsibly in the required time.

BRI understands that the purpose of the Project is to provide the Mossdale Tract Area with 200-year flood protection. BRI will provide support for all Real Estate components related to the Project. As directed in the RFP, this proposal assumes thirty-five (35) parcels will require Rights of Entry (ROE). This project will be accomplished utilizing state and local funds.

BRI has been working with SJAFCA since 2022 to provide real estate services for various flood risk protection projects. So far, we have completed the acquisition of one (1) complex mitigation parcel and are currently in progress acquiring fifteen (15) Right Of Entries (ROEs) for the San Joaquin River Basin, Lower San Joaquin River, California Project Phase D Calaveras River (Left Bank). *We have a proven record of success acquiring real estate for SJAFCA and we know we can deliver this Project.*

Per the RFP, our proposal references sections and page numbers in our original Statement of Qualifications (SOQ), submitted on October 25, 2023, where the requested information was already provided. We appreciate SJAFCA allowing references to the SOQ as we were very thorough and thoughtful in preparing our response.

BRI's Project Manager for this contract will be Rebekah Green. Rebekah brings to the table unparalleled experience with California water projects—she knows the players, the processes, and the politics to ensure timely approvals and streamlined project delivery. Rebekah is an exceptional fit for this Project and she is excited for the opportunity to continue supporting SJAFCA's flood risk reduction programs. She can be reached by phone at (916) 716-5285 or by email at r.green@benderrosenthal.com.

I, Renee Baur, Chief Executive Officer of BRI, will serve as Principal in Charge and primary point of contact for this RFP process. I can be reached by phone at (916) 978-4900 ext. 2005 or by email at r.baur@benderrosenthal.com. I am located at BRI headquarters at 2825 Watt Avenue, Suite 200, Sacramento, CA 95821. I have reviewed this proposal and attest to its accuracy.

I am authorized to execute legal documents on behalf of the company and commit the resources of the company for these services.

We look forward to working with you.

Respectfully,
BENDER ROSENTHAL, INC.



Renee Baur, PMP, CA Licensed Real Estate Broker
Chief Executive Officer

FIRM EXPERIENCE

BRI provided descriptions of relevant project experience with reference contact information in our original Statement of Qualifications (SOQ). Those can be found in our SOQ in section C. Similar Projects, beginning on page 10. *In addition to project descriptions for the references below, our SOQ provides details for the Three Rivers Levee Improvement Authority (TRLIA) Yuba Goldfields 200-year Levee Project, the Sacramento River West Side Levee District Grimes Small Community Flood Risk Reduction Project, and the Marysville Levee District Marysville Ring Levee Project.*

BRI has extensive flood control and risk reduction project experience. The table below highlight projects with a similar scope of services.

PROJECT MATRIX



Representative Projects	Project Management	Levee Improvement Project	Rights of Entry & Acquisition	Grant/Federal Funding	30+ Impacted Parcels	Rural/Agricultural Property Owners
SJAFCA Lower San Joaquin River Levee Improvement Project	X	X	X	X	X	X
Marysville Levee District, USACE & CVFPB Marysville Ring Levee Project	X	X	X	X	X	X
Three Rivers Levee Improvement Authority Goldfields Levee Project	X	X	X		X	X
City of Foster City Levee Protection Planning and Improvements Project	X	X	X	X	X	X
Sutter Butte Flood Control Agency Feather River West Levee Project	X	X	X	X	X	X
Sacramento River West Side Levee District & DWR Grimes Small Community Flood Risk Reduction Project	X	X	X	X		X

REFERENCES

Michael J. Musto, Manager

Flood Risk Reduction Projects Sect. B
(916) 820-7768 | Michael.Musto@water.ca.gov
SJAFCA Lower San Joaquin River Levee Project
BRI is currently working with SJAFCA to provide real estate services for various flood risk protection projects. Our working relationship with SJAFCA began in 2022 and since then we have delivered multiple parcels under our contract. We have previously completed the acquisition of the Solari Property, a mitigation parcel, and we are actively working to acquire fifteen (15) ROE's for the San Joaquin River Basin, Lower San Joaquin River, California Project, Phase D Calaveras River (Left Bank).

Paul Dirksen, Senior Program Manager *

West Sacramento Area Flood Control Agency (WSAFCA)
Southport Sacramento River EIP Project
** Reference information provided in SOQ*

Michael Bessette, PE, Director of Engineering *

Sutter Butte Flood Control Agency (SBFCA)
Feather River West Levee Project
** Reference information provided in SOQ*

TEAM EXPERIENCE

BRI brings the most experienced team in flood risk reduction project delivery, and we have the capacity to fulfill all SJAFCA's Real Estate Support needs. Below is the proposed project team and key staff resumes.

PROJECT TEAM

** Resume provided in SOQ*

Rebekah Green * - Project Manager

REBEKAH'S PROJECT MANAGEMENT APPROACH

Our goal is ensuring that SJAFCA is fully aware of the status of every parcel, at every stage of the process. This helps engage the right resources at the right time to avoid unnecessary delay. Overall, early identification of potential obstacles, establishment of a risk register, and a better understanding of the property owner's concerns will allow BRI to effectively work with the project team, property owners, and all stakeholders to efficiently deliver the right of way and support the project schedule.

David Houghton *, MAI, CA Certified General Appraiser – Appraisal Manager

Lucas Smith *, CA RE Salesperson, CA Notary Public - Lead Acquisition Agent & Team Lead

SUBCONSULTANTS

MARK THOMAS & COMPANY – SURVEYING SERVICES

Mark Thomas has been a leader in surveying and engineering in California for more than 92 years, with a long history of successfully completed survey and design projects throughout the State. Mark Thomas provides right of way engineering, land surveying, mapping, consulting engineering services, structural design and construction management services for various government agencies and utilities. BRI and Mark Thomas have completed thirty-one (31) projects together, including the SJAFCA Solari Mitigation Parcel Acquisition and the City of Foster City Levee Protection Planning and Improvements Project.

Samuel McIntyre, PLS - Survey Manager

Samuel has 16 years of experience as a survey manager, project surveyor, survey technician and field crew member. He has experience in topographic and control surveys, the preparation of legal descriptions and plats for right of way and easement acquisitions, as well as the preparation of field staking notes. Sam has prepared and delivered several Records of Surveys, and Corner Records for municipalities and government agencies across the state. He has assisted in the completion of GPS and conventional control surveys in support of aerial topographic mapping, boundary and construction work. Sam also has three years of experience as a member of the Local 3 Union, where he was employed as a journeyman chainman. He has experience in field surveys which include topographic, control, and construction staking.



SAMUEL MCINTYRE, PLS

SURVEY MANAGER

EDUCATION

BS in Geomatics Engineering, California State University, Fresno, 2014

REGISTRATION

CA PLS 9313

Samuel has 16 years of experience as a survey manager, project surveyor, survey technician and field crew member. He has experience in topographic and control surveys, the preparation of legal descriptions and plats for right of way and easement acquisitions, as well as the preparation of field staking notes. Sam has prepared and delivered several Records of Surveys, and Corner Records for municipalities and government agencies across the state. He has assisted in the completion of GPS and conventional control surveys in support of aerial topographic mapping, boundary and construction work. Sam also has three years of experience as a member of the Local 3 Union, where he was employed as a journeyman chainman. He has experience in field surveys which include topographic, control, and construction staking.

REPRESENTATIVE PROJECTS

SJAFCA ON-CALL SURVEYING SERVICES, SAN JOAQUIN COUNTY

Survey project manager overseeing the professional on-call surveying services, as a subconsultant, for the San Joaquin Area Flood Control Agency (SJAFCA). Scope of work includes preparing legal plats and descriptions, appraisals, and acquisitions on an as-needed basis.

SJAFCA-SOLARI PROPERTY, SAN JOAQUIN COUNTY

Survey project manager overseeing the preparation of legal plats and descriptions to support the appraisal and acquisition component for the parcels located in San Joaquin County. The description was prepared based on the survey information that was provided by the CA Department of Water Resources (DWR). An approximate "meander line" near the OHWL was calculated based upon approximation of elevation of MHT (Mean High Tide) line superimposed on provided topographic surveys of Solari Property. This meander line allowed for calculation of the acquisition area and descriptions were written to the limits of rights on the San Joaquin River and 14-mile slough. SJAFCA provided the topographic information along the river bank that was sufficient to approximate the OHWL/MHT on the parcels.

WSAFCA SURVEYING SERVICES FOR THE SACRAMENTO RIVER SOUTHPORT EARLY IMPLEMENTATION (SRSEIP), WEST SACRAMENTO

Survey Manager responsible for performing boundary survey analysis, and delineating water boundaries with State Lands Commission and Department of Water Resources coordination for easement and title issues. The project consists of a six-mile reach along the Sacramento River that begins north of the South River Road and Lake

Washington Boulevard intersection. The goal of the (SRSEIP) is to achieve 200-year flood protection for the city.

WSAFCA SURVEY FOR I ST BRIDGE & RIVERS, WEST SACRAMENTO

Survey technician responsible for preparing boundary survey, plats and legal descriptions, and records of survey for 16 acquisitions. The project consists of implementing levee improvements south of the I Street Bridge and along the Rivers housing community to achieve 200-year flood protection. Responsible for preparing boundary survey, plats and legal descriptions, and records of survey for 16 acquisitions. The project consists of implementing levee improvements south of the I Street Bridge and along the Rivers housing community to achieve 200-year flood protection.

SACRAMENTO SEWER DISTRICT CREEK PROTECTION, SACRAMENTO

Project surveyor responsible for the planning and execution of field and office survey activities. This included individual topographic surveys of 16 sites to facilitate preliminary design of measures to mitigate erosion where sewer pipes cross creeks. Worked closely with the client to stagger delivery based on priority of each site to the project as a whole. Delivered topographic base mapping in AutoCAD format to be integrated into the client's plans. Based on quality of work during preliminary phases, SASD asked the project team to continue detailed design for five sites.

PROJECT SCOPE OF WORK & APPROACH

PROJECT UNDERSTANDING

BRI understands that SJAFCA is requesting Real Estate Services in support of the Project. The Mossdale Tract is home to approximately 50,000 residents in portions of Stockton, Lathrop, and Manteca. The existing Reclamation District 17 (RD 17) Levees protecting the Mossdale Tract Area do not meet 200-year flood protection standards required by state law. As weather becomes more extreme, risk will continue to worsen, especially with rapid swings between drought and flood. The levee improvements will be a fix-in-place strategy and will extend the existing dryland levee in Manteca. The scope of work assumes Rights of Entry (ROE) will be needed from thirty-five (35) parcels. A feasibility study will be conducted in parallel with the Project.

PROJECT APPROACH *

Below is an overview of our approach to the Project. In addition to the tasks requested, we have added additional tasks in order to provide SJAFCA with comprehensive Right of Way Services. We have noted tasks which have already been detailed in our SOQ with page numbers for reference. * *Project Accelerants in SOQ, pages 16 & 17*

TASK 1 – RIGHT OF WAY PROJECT MANAGEMENT & MEETINGS*

** Included in SOQ, pages 14 & 15*

TASK 2 – RIGHTS OF ENTRY (ROE) SERVICES

BRI will negotiate and acquire ROEs for any environmental investigations, geotechnical investigations, surveying, or other studies that may impact the project. To expedite this process, BRI will prepare the ROEs with exhibits: Assessor's Parcel Map (AP Map) with locations outlined to each property owner. BRI will mail out the letters (one copy of ROE and AP Map attached to letter) and two (2) copies of ROE and AP Map for owner to sign and return in the self-addressed, stamped envelope. All signed documentation will be submitted to SJAFCA and/or USACE and one (1) copy of the fully executed ROE will be provided to the property owner upon approval by SJAFCA and/or USACE.

TASK 3 – ACQUISITION SERVICES* (OPTIONAL TASK)

** Included in SOQ, page 17*

TASK 4 – TITLE & ESCROW SERVICES* (OPTIONAL TASK)

** Included in SOQ, page 18*

TASK 5 – APPRAISAL SERVICES*

** Included in SOQ, page 16*

TASK 6 – LAND, EASEMENTS, RIGHTS-OF-WAY, RELOCATION, AND DISPOSAL AREAS (LERRD) CREDITING PACKAGE SERVICES*

** Included in SOQ, page 18* and required for Rights of Entry as well as Acquisition.

TASK 7 – SURVEY SERVICES (OPTIONAL TASK - SUBCONSULTANT)

RECORD RESEARCH & BOUNDARY SURVEY

Field surveys will be conducted to locate physical evidence (fences, ditches, etc.) and monumentation, and a Boundary Survey will be prepared in AutoCAD (Civil3D) 2022 format.

LEVEL OF EFFORT

LEGAL DESCRIPTION & PLAT

Mark Thomas will provide legal descriptions accompanied by 8.5"x11" plats for Temporary Work Area Easement, Permanent Road Easement, and Fee acquisition. Descriptions will meet DWR Geodetic Standards and will be based on the boundary survey completed

APPRAISAL EXHIBITS

Mark Thomas will prepare Appraisal Exhibits, depicting the acquisition areas, encumbrances, parcel lines, and design improvements such as access roads, wells, siphons, and other structures and design features impacting private owners. It is assumed each exhibit will be one 11x17 sheet at a suitable scale and will be shown over stock aerial photography.

DELIVERABLES

Upon selection, BRI will provide SJAFCA with a Right of Way Acquisition Plan that includes potential right of way acquisition strategy, process, and procedures specific to the Mossdale Tract Urban Flood Risk Reduction Project.



LEVEL OF EFFORT

As requested in the RFP, below is a matrix containing right of way staff hour estimates by task. *Of note, BRI's fee proposal includes an alternative metric.*

TASK	LEVEL OF EFFORT (HOURS - 35 PARCELS)
TASK 1 – RIGHT OF WAY PROJECT MANAGEMENT & MEETINGS	140 hours
TASK 2 – RIGHTS OF ENTRY	350 hours
TASK 3 – ACQUISITION SERVICES	805 hours
TASK 4 – TITLE & ESCROW SERVICES	210 hours
TASK 5 – APPRAISAL SERVICES	Not Applicable
TASK 6 – LERRD CREDITING PACKAGE SERVICES	175 hours
TASK 7 – SURVEY SERVICES	TBD - Optional Task

FEE OPTION 2

For **Fee Option 2** BRI proposes that all services, except for Right of Way Project Management, be billed lump sum, at the following milestones. By developing our fees in this manner, we ensure that SJAFCA is acutely aware of the tasks being performed and billed at any given time. This also safeguards against numerous change orders and accounts for the size, complexity, duration, and degree of risk involved in the work at the onset. Nothing will be invoiced without the corresponding milestone being completed, and there will be no change orders unless the scope of work is expanded.

RIGHT OF WAY TASK	HOURS / UNIT	RATE / LUMP SUM	SUBTOTALS
TASK 1 – PROJECT MANAGEMENT & MEETINGS	140	\$190	\$26,600
TASK 2 – RIGHTS OF ENTRY	35	\$1,500	\$52,500
TOTAL - REQUESTED TASKS			\$79,100
TASK 3 – ACQUISITION SERVICES	35	\$3,500	\$122,500
TASK 4 – TITLE & ESCROW SERVICES	35	\$1,200	\$42,000
TASK 5 – APPRAISAL SERVICES	35	\$4,000	\$140,000
TASK 6 – LERRD CREDITING PACKAGE SERVICES	35	\$900	\$31,500
TOTAL - REQUESTED TASKS & OPTIONAL TASKS			\$415,100

Optional Task 7, Survey Services, has not been included in the unit pricing. Tasks 2, 3 and 4 will be billed at the following milestones, and Tasks 5 and 6 will be billed lump sum at completion.

RIGHTS OF ENTRY MILESTONE BILLING	
TASK ITEM DESCRIPTION	COST
Offer Package Sent	\$1,000
Final closeout; files transmitted to SJAFCA	\$500
ACQUISITION MILESTONE BILLING	
TASK ITEM DESCRIPTION	COST
Offer Package Sent	\$1,500
Sixty (60) days or when an agreement is reached, whichever is sooner	\$1,500
Final closeout; files transmitted to SJAFCA	\$500
ESCROW MILESTONE BILLING	
TASK ITEM DESCRIPTION	COST
Funds deposited into escrow	\$600
Escrow closes	\$600



BENDER
ROSENTHAL
INCORPORATED

2024 HOURLY BILLING RATES

Principal Project Manager	\$250/hr.
Senior Project Manager	\$225/hr.
Project Manager	\$190/hr.
Assistant Project Manager	\$150/hr.
Sr. Designated Member (MAI/SRA/AI-GRS/ARA)	\$220/hr.*
Designated Member (MAI/SRA/AI-GRS/ARA)	\$195/hr.*
Senior Appraiser	\$175/hr.
Appraiser	\$150/hr.
Senior Right of Way Specialist	\$175/hr.
Senior Acquisition Agent	\$150/hr.
Acquisition Agent	\$120/hr.
Senior Project Coordinator	\$135/hr.
Project Coordinator	\$100/hr.
Senior Land Agent	\$125/hr.
Land Agent	\$100/hr.
Researcher	\$ 90/hr.
Administrative Support III	\$ 85/hr.
Administrative Support II	\$ 70/hr.
Administrative Support I	\$ 50/hr.

*NOTE: For court or briefing preparation, depositions, any pre-trial conferences, court appearances, and related activities, the hourly rate is \$450.

Rates are valid January 1, 2024 through December 31, 2024.

Valuation Services, including appraisals, appraisal reviews, and waiver valuations will be billed as lump sum services with the fee determined upon receipt of the scope of work.

Subconsultant Invoices will be marked up by 5% for processing services.

Mileage/Postage at cost.

MARK THOMAS & COMPANY, INC. RATE SCHEDULE

EXPIRES JUNE 30, 2024

Engineering

Intern	\$55 - \$99
Technician	\$75 - \$151
Design Engineer I	\$97 - \$171
Design Engineer II	\$123 - \$207
Sr. Technician	\$130 - \$207
Civil Engineering Designer	\$130 - \$235
Project Engineer	\$162 - \$217
Sr. Project Engineer	\$181 - \$249
Sr. Technical Engineer	\$181 - \$249
Technical Lead	\$201 - \$296
Sr. Technical Lead	\$243 - \$371
Design Manager	\$327 - \$410
Engineering Manager	\$340 - \$396
Sr. Engineering Manager	\$363 - \$517

Construction Management

Office Technician	\$71 - \$118
Office Engineer	\$123 - \$235
* Asst. Resident Engineer	\$178 - \$328
* Inspector - CM	\$138 - \$365
Project Controls/Scheduler	\$172 - \$324
Resident Engineer	\$233 - \$356
Sr. Resident Engineer	\$292 - \$392
Area Manager - CM	\$340 - \$517

Planning

Planner I	\$91 - \$127
Planner II	\$100 - \$175
Sr. Planner	\$123 - \$207

Landscape Architecture/Urban Design

Landscape Intern	\$55 - \$99
Landscape Designer I	\$87 - \$130
Landscape Designer II	\$107 - \$164
Landscape Architect	\$123 - \$221
Sr. Landscape Architect	\$133 - \$246

Grant Writing

Funding Specialist	\$123 - \$242
Sr. Funding Specialist	\$168 - \$276
Funding Manager	\$285 - \$374

Surveying

Survey Technician I-III	\$61 - \$185
Lead Survey Technician	\$132 - \$195
Survey Specialist I-III	\$113 - \$275
Asst Surveyor I-III	\$113 - \$203
Project Surveyor I-III	\$168 - \$265
* Chief of Party	\$179 - \$260
* Instrumentperson	\$165 - \$232
* Chainperson	\$156 - \$219
* Apprentice	\$78 - \$175
* 2-Person Crew	\$275 - \$400
* 3-Person Crew	\$425 - \$500
* Utility Locator	\$141 - \$225
* 2-person Utility Locate	\$290 - \$450
Drone	\$250

Project Management & Oversight

Project Manager	\$201 - \$296
Sr. Project Manager	\$243 - \$371
Survey Manager I-II	\$222 - \$321
Division Manager	\$275 - \$463
Principal	\$447 - \$535

Project Support

Technical/Sr. Technical Writer	\$68 - \$200
Project/Sr. Project Assistant	\$78 - \$153
Project/Sr. Project Coordinator	\$107 - \$196
Graphic/Sr. Graphic Designer	\$113 - \$214
Project/Sr. Project Accountant	\$117 - \$207
Sr. Graphic Manager	\$162 - \$239
Project Accountant Manager	\$178 - \$249

District Management

* Inspector - Apprentice	\$68 - \$121
* Inspector/Sr. Inspector	\$110 - \$178
Assistant/Associate Sanitary Engineer	\$156 - \$235
Sanitary/Sr. Sanitary Project Engineer	\$185 - \$321
Operations/Deputy District Manager	\$253 - \$385
District Manager-Engineer	\$356 - \$421

Special Services

Expert Witness	\$494
Strategic Consulting	\$494

Reimbursables including, but not limited to; reproductions, delivery and filing fees; outside consultant fees; and survey field expenses will be billed at *Cost Plus 5%*. **Mileage** will be billed per *current IRS Rate*.

Additional promotional steps exist within various rate categories.

This rate schedule expires June 30, 2024; rates are subject to escalation with new hourly rate schedule as of July 1, 2024.

** These charge rates are subject to Prevailing Wage laws and Union contract.*

Agenda Item 4.3

TO: Board of Directors

April 18, 2024

FROM: Chris Elias, Executive Director

SUBJECT: **EXECUTE AGREEMENTS FOR CONSULTING SERVICES ON THE
PARADISE CUT BYPASS EXPANSION AND MULTI-BENEFIT PROJECT**

RECOMMENDATIONS

It is recommended that the Board of Directors of the San Joaquin Area Flood Control authorize the Executive Director to:

1. Execute a Master Consultant Services Agreement for Professional Services with Wood Rodgers Inc. in the amount not to exceed \$3,500,000; and,
2. Execute a Master Services Agreement for Professional Services with Consero Solutions in the amount not to exceed \$200,000; and,
3. Execute a Master Services Agreement for Professional Consulting Services with Larsen Wurzel & Associates in the amount not to exceed \$360,000; and,
4. Authorize a temporary transfer of funds in the amount of \$1,000,000 from the Mossdale Account (55679) to the Paradise Cut Account (55665) to provide sufficient funds to cash-flow the project, which will be repaid as the funds are received from DWR; and,
5. Authorize the Executive Director or designee to execute all documents related to the Project, including any project consulting agreements, funding invoices, funding agreements and any amendments thereto with the Department of Water Resources, and make any administrative changes to the foregoing resolutions in consultation with SJAFCA's general counsel to clarify the Board's intent and satisfy DWR's administrative and legal requirements.

DISCUSSION

Background

On September 19, 2019, SJAFCA staff and John Herrick, representing the South Delta Water Agency, presented to the Board of Directors on the Paradise Cut Expansion and South Delta Restoration Project ("Project"), then called the Paradise Cut Expansion Project, as part of the Phase 1 planning process for the Project. The Board directed staff to investigate areas of common interest for future engagement with the San Joaquin County Resource Conservation District (RCD), lead on implementation of the Phase 1 planning grant awarded by Delta Conservancy to advance development of the Project, as well as the San Joaquin County RCD's and non-governmental partner, American Rivers.

Purpose of the Paradise Cut Expansion and South Delta Restoration Project

The Project is a multi-benefit flood management project that will benefit communities along the San Joaquin River, including cities of Lathrop, Manteca, Stockton, and the San Joaquin County. The project will expand and enhance the existing Paradise Cut Flood Bypass, which currently diverts water from the river during flood events, to ensure adequate downstream channel capacity

AGENDA ITEM 4.3

and levee protection and facilitate the passage of increased flood water through the south Delta. By significantly lowering flood stage along nearly 30 miles of the San Joaquin River between Vernalis and Stockton, the Project will greatly improve public safety and protect farmland from uncontrolled flooding. In addition, planned enhancements will provide new and improved habitat for native fish and wildlife. The purpose, and related benefits of the Project align inextricably with SJAFCA's mission to "reduce and manage the region's flood risk."

The San Joaquin County RCD secured a grant from the Delta Conservancy Phase 2 of the planning process, which started in September 2020. In that time, SJAFCA's Executive Director participated in regular meetings of the Project's Phase 2 planning team, which provided input to the San Joaquin County RCD on implementation of the second planning grant. The planning team consisted of following people:

- Phil Balmat, San Joaquin County Resource Conservation District
- Krista McCoon, San Joaquin County Resource Conservation District
- John Herrick, South Delta Water Agency, and San Joaquin County Resource Conservation District
- Chris Elias, SJAFCA
- Chris Neudeck, KSN Engineering
- Glenn Gebhardt, City of Lathrop
- Matt Zidar, San Joaquin County Flood Control and Water Conservation District
- Mary Hildebrand, San Joaquin Farm Bureau/South Delta Water Agency
- Tom Zuckerman, Central Delta Water Agency
- Karimi Arao, Department of Water Resources
- John Cain, River Partners
- Mike Davis, American Rivers
- Sarah Puckett, American Rivers
- Bill Eisenstein, ESA
- Petrea Marchand, Consero Solutions
- Jenn McKenzie, Consero Solutions

The Phase 2 planning team focused first on evaluating options of potential agencies to lead the development and construction of Project, as well as any projects to address downstream impacts from the Project. To secure local support for the Project, the planning team also recommended expanding the capacity of South Delta channels either before or concurrent with Project construction.

Refinement of Project Opportunities

The addition of channel capacity expansion was a new element added to the Project during Phase 2 and is recognized as critical to maintaining local support for the overall effort. The planning team also created a new name, the Paradise Cut Expansion and South Delta Restoration Project, to reflect the addition of the channel restoration component. With the addition of this component, the Project will not only increase the flood conveyance capacity of the existing Paradise Cut Flood Bypass but will also increase channel capacity to accommodate additional flows for water supply.

The Project as a whole will:

- protect farms and cities from uncontrolled flooding,
- improve water quality,

AGENDA ITEM 4.3

- restore wetland and riparian habitat,
- provide recreational opportunities, and
- improve climate change resiliency by supporting more flexible water supply management.

The Phase 2 planning team met with representatives from every local reclamation district known to be affected by the Project, as well as the City of Stockton and the City of Lathrop, to secure feedback on four options for the project lead:

- 1) Southern Delta Levee Protection and Channel Maintenance Authority;
- 2) San Joaquin Area Flood Control Agency (SJAFCFA);
- 3) formation of new joint powers authority; and
- 4) San Joaquin County Flood Control and Water Conservation District.

None of the agencies the planning team evaluated possess sufficient funding for project planning, design, engineering, permitting, or construction. All agencies would need to hire staff and otherwise expand their agency to lead the Project. All agencies also would need funding for long-term management and maintenance. After an extensive process that included interviewing representatives from each of the potential agencies and discussing the pros and cons of each option with reclamation districts and other stakeholders, representatives from the majority of the reclamation districts expressed support for recommending SJAFCFA as the project lead with an advisory committee that would consist, among others, representatives of reclamation districts.

Sustained Funding Support for Project

The Phase 2 planning team also met with the California Department of Water Resources (“DWR”) to ensure the Project remains a priority for the State of California, as indicated in the Central Valley Flood Protection Plan and other state planning documents, and request funding to support the project. The planning team, including SJAFCFA, sent a letter to DWR on June 30, 2021, requesting \$5 million for the project. Representatives from DWR indicated the possibility of providing \$3 million in funding to further the Project in the 2021-22 fiscal year, provided local agencies can select a project lead and develop a scope of work and sign a contract by January 2022 to allow DWR six months to execute a contract by the fiscal year deadline of June 2022. DWR also indicated a willingness to propose additional state funding to further the Project in the 2022-23 state budget. In addition, the Southern Delta Levee Protection and Channel Maintenance Authority met in August 2021 and voted to provide funding collected from River Islands homeowners to help support the project, which will result in up to \$150,000/year in revenue when the development is fully constructed.

Once the project lead was established, the Phase 2 planning team completed remaining tasks in the Delta Conservancy grant, including development of a strategy to mitigate for downstream impacts, holding public outreach meetings to engage the community in review of the mitigation strategy, compiling existing technical analyses, and identifying future studies needed to address local concerns. The Phase 2 deliverables are available on SJAFCFA’s website: <https://www.sjafca.org/projects/paradise-cut-bypass-expansion-multi-benefit-project>

Local Stakeholder Coordination through a Memorandum of Understanding

Located upstream from the Mossdale Tract, the Project could help SJAFCFA sustain an urban level of flood protection in the future as climate change increases flood flows and volumes in the Lower San Joaquin River between Mossdale and Stockton.

Recognizing this common interest, staff was directed by SJAFCA Board to collaborate with key stakeholders, including the South Delta Water Agency to draft a Memorandum of Understanding (MOU) for consideration by the SJAFCA and other key stakeholders; the MOU would also include a dispute resolution process and other elements necessary to ensure the project moves forward with local support. On September 30, 2021, the Board received information from staff and representatives of a local coalition working on the planning of the combined Paradise Cut Project. The local coalition includes American Rivers, San Joaquin County Resource Conservation District, South Delta Water Agency, Reclamation District 1, Reclamation District 2, Reclamation District 17, Reclamation District 404, Reclamation District 524, Reclamation District 544, Reclamation District 684, Reclamation District 773, Reclamation District 828, Reclamation District 1007, Reclamation District 2058, Reclamation District 2062, Reclamation District 2064, Reclamation District 2075, Reclamation District 2085, Reclamation District 2089, Reclamation District 2094, Reclamation District 2095, Reclamation District 2096, Reclamation District 2101, and Reclamation District 2107.

To affirm their support for SJAFCA as an independent Project Lead, representatives of the South Delta Water Agency, American Rivers, the San Joaquin County Resource Conservation District, and at least two of the Reclamation Districts signed an MOU to participate in an advisory committee to be set up by SJAFCA for purposes of advising the Board on the effort. Once the MOU was executed by representatives of the coalition listed above, it was ready for execution by the SJAFCA Chairman of the Board. On December 16, 2021, Chairman of the SJAFCA Board executed the MOU, officially making SJAFCA a part of the Paradise Cut Bypass Expansion and South Delta Restoration Project, as the project lead. The MOU required SJAFCA to provide an independent Facilitator to lead the Advisory Committee discussions, and also enabled SJAFCA to enter into a funding agreement with DWR to execute Phase 3 of the Project.

DWR Funding Agreement for Phase 3

On December 16, 2021, SJAFCA Board directed staff to negotiate and enter into a funding agreement with DWR to receive funding for the Project. SJAFCA Board further authorized staff to transfer seed money of up to \$100,000 from the Mossdale Tract funds to begin implementation of the funding agreement with DWR until such time as reimbursements from the State is sufficient to pay off the transfer to ensure the project moves forward with local support. On July 27, 2023, SJAFCA received the final executed copy of the funding agreement from DWR.

Phase 3 work will include the development of a feasibility study using the Department of Water Resources' feasibility study framework. Other components of the work plan include (1) project management and administration, (2) establishment of a technical review panel, (3) strategic outreach and local engagement, and (4) feasibility study report. The funding award for the project is \$3M.

Using DWR funding, and the local proceeds (\$100,000), SJAFCA has been progressing various elements of the project, including initial stakeholder discussion, formation of Paradise Cut Management team, formation of the Advisory Committee, and holding two Advisory Committee meetings (February 16, 2024 and April 2, 2024).

Present Situation

In October 2023, SJAFCA began updating its prequalified list of consultants to better position itself for its growing project and program needs, which included Paradise Cut Bypass and Multi-Benefit Project, and on January 18, 2024, this list was approved by SJAFCA board. In the

February 2024 Advisory Committee meeting SJAFCA received authorization from the Committee to solicit proposals for various consulting services for the Project. SJAFCA issued a Request for Proposals (RFP) on March 1, 2024, and received 11 proposals on March 11, 2024. The services requested included (1) Feasibility Study Consulting Services, (2) Technical Review Panel, (3) Program Management Support, and (4) Facilitation Support. A summary of the proposals received in the various requested categories has been provided below:

Consultant	Feasibility Study Consultant	Technical Review Panel	Program Management Support	Facilitation Support
Consero Solutions			X	X
Green Mountain Engineering		X		
Larsen Wurzel Associates		X	X	X
North West Hydraulic Consultants		X		
R&F Engineering		X		
Wood Rodgers	X			
GEI		X		
Tetra Tech		X		

The proposals were reviewed by a Review Board comprising one staff member each from SJAFCA, DWR, and the City of Tracy. City of Tracy was selected by the Advisory Committee on February 16, 2024 as their designated representative for the selection of the facilitator. After a thorough review of the proposals and conducting interviews with selected consultants, the Review Board selected the following consultants:

1. Wood Rodgers to conduct the Feasibility Study;
2. Larsen Wurzel Associates to provide Program Management Support;
3. Consero Solutions to provide Facilitation Support (which may also include Program Management Support);

The recommendations were brought to the 8-member Advisory Committee on April 2, 2024 and were unanimously approved. The next step is for the SJAFCA Board to consider approving the staff and Review Board's recommendations, which has received the Advisory Committee's consent. Following the approval of the Board, SJAFCA staff in consultation with SJAFCA's general counsel will engage with DWR and provide any needed information or documents to meet any administrative or legal requirements to execute the project.

Therefore, it is recommended that the Board of Directors of the San Joaquin Area Flood Control authorize the Executive Director to:

1. Execute a Master Consultant Services Agreement for Professional Services with Wood Rodgers Inc. in the amount not to exceed \$3,500,000; and,
2. Execute a Master Services Agreement for Professional Services with Consero Solutions in the amount not to exceed \$200,000; and,

AGENDA ITEM 4.3

3. Execute a Master Services Agreement for Professional Consulting Services with Larsen Wurzel & Associates in the amount not to exceed \$360,000; and,
4. Authorize a temporary transfer of funds in the amount of \$1,000,000 from the Mossdale Account (55679) to the Paradise Cut Account (55665) to provide sufficient funds to cash-flow the project, which will be repaid as the funds are received from DWR; and,
5. Authorize the Executive Director or designee to execute all documents related to the Project, including any project consulting agreements, funding invoices, funding agreements and any amendments thereto with the Department of Water Resources, and make any administrative changes to the foregoing resolutions in consultation with SJAFCA's general counsel to clarify the Board's intent and satisfy DWR's administrative and legal requirements.

FISCAL IMPACT

The DWR Funding Agreement provides funding for all project expenses up to \$3M. The Cost Proposals received were as follows, which is within the DWR funding agreement:

Consultant/ Staff Budget	Proposed Amount	Recommended Contract Amount/ Authority*
Wood Rodgers (Feasibility Study)	\$ 2,049,822*	\$3,500,000
LWA (Program Management Support)	\$ 352,904*	\$360,000
Consero Solutions (Facilitation Support)	\$ 179,810 *	\$200,000
Consultant Total	\$ 2,582,536	
Technical Review Panel Budget	\$ 175,000	
Staff Budget	\$ 240,000	
Total Project Budget	\$ 2,997,536	

*Governor Gavin Newsom has approved a Budget Change Proposal (FY23/24) that has allocated \$10M in addition to the \$3M currently provided under the DWR funding agreement. The funding has strict and time-sensitive commitment dates and DWR and SJAFCA have been working diligently to progress discussions and position the project in satisfactory standing to receive the future \$10M. The scope of work provided by the Wood Rodgers includes additional services that may enable our region to advance the project and leverage the available funding. If not executed in a timely fashion, there is a risk of losing the allocated funding. Therefore, the Executive Director in collaboration with the Advisory Committee and local stakeholders will need to execute specific Task Orders to quickly mobilize and diligently engage with the State on matters related to the \$10M and any other funding that may become available. Therefore, staff recommendation is to increase the contract amounts and authority as recommended above. Work will be provided to the consultants via Task Orders under Master Service Agreements cumulatively within the Not-to-Exceed amounts recommended. The Task Orders shall contain specifically defined scope, schedule, and budget. Additional work will only be executed as additional funding becomes

available, and the work awarded will be tracked by staff. The SJAFCA Board will be notified of all work under these agreements during the semi-annual and annual budget updates.

Budget Transfer Request:

On December 16, 2021, the Board authorized a transfer of \$100,000 (seed money) for the Project from Mossdale Tract funds due to the relationship and benefits of the Project to the Mossdale Tract effort. That seed money was transferred to secure the funding agreement with DWR, and ensure the project moves forward with local support, which has been accomplished. The Project is also considered under the Lathrop & Manteca Federal Feasibility Study.

Currently, DWR has not agreed to provide any cash-advance to cashflow the \$3M project. Therefore, additional transfer in the amount of \$1,000,000 from the Mossdale Account is needed to cashflow at least 6-months of project expenses and obtain reimbursements from the State. This position may change as DWR implements Assembly Bill 345, which allows for advance payments on habitat restoration and flood control projects.

The requested transfer is only a temporary “loan” which will be refunded to the Mossdale Tract funds as soon as SJAFCA is reimbursed by DWR in the first and subsequent quarters for claims related to the Paradise Cut Project. The transfer is not anticipated to affect the progression of the Mossdale Project.

STRATEGIC PLAN CONSISTENCY ANALYSIS

Consideration of the recommendation on the combined Paradise Cut Expansion and South Delta Restoration Project is consistent with the Mission and Goals of the Board-adopted Strategic Plan. Specifically, it is consistent with the Agency mission statement of “Reduce and Manage the Region’s Flood Risk”, Goal #1, Plan for and Implement System Resiliency; Goal #3, Facilitate Funding Structures That Are Most Beneficial to Local Interests; and Goal #4, Support Appropriate, Mutually Beneficial Partnerships.



CHRIS ELIAS
EXECUTIVE DIRECTOR

Attachments:

1. Resolution to Authorize the Executive Director to a Execute a Master Consultant Services Agreement with Wood Rodgers Inc. to Provide Consulting Services in the amount not to exceed \$3,500,000 for the Paradise Cut Bypass Expansion and Multi-Benefit Project; Draft Task Order 1 Scope of Services and Cost Proposal.
2. Resolution to Authorize the Executive Director to a Execute a Master Consultant Services Agreement with Consero Solutions to Provide Consulting Services in the amount not to exceed \$200,000 for the Paradise Cut Bypass Expansion and Multi-Benefit Project; Draft Task Order 1 Scope of Services and Cost Proposal.

3. Resolution to Authorize the Executive Director to Execute a Master Consultant Services Agreement with Larsen Wurzel & Associates, Inc in the amount not to exceed \$360,000, for the Paradise Cut Bypass Expansion and Multi-Benefit Project. Draft Task Order 1 Scope of Services and Cost Proposal.
4. Resolution to:
 1. Authorize a temporary transfer of funds in the amount of \$1,000,000 from the Mossdale Account (55679) to the Paradise Cut Account (55665) to provide sufficient funds to cash-flow the project, which will be repaid as the funds are received from DWR
 2. Authorize the Executive Director or designee to execute all documents related to the Project, including any project consulting agreements and subsequent task orders, funding invoices, funding agreements and any amendments thereto with the Department of Water Resources, and make any administrative changes to the foregoing resolutions in consultation with SJAFCA's general counsel to clarify the Board's intent and satisfy DWR's administrative and legal requirements.

RESOLUTION NO. SJAFCA 24-11

SAN JOAQUIN AREA
FLOOD CONTROL AGENCY

=====

AUTHORIZE EXECUTIVE DIRECTOR TO EXECUTE A MASTER CONSULTANT SERVICES AGREEMENT WITH WOOD RODGERS TO PROVIDE CONSULTING SERVICES IN THE AMOUNT NOT TO EXCEED \$3,500,000 FOR THE PARADISE CUT BYPASS EXPANSION AND MULTI-BENEFIT PROJECT.

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

Authorize Executive Director to execute a Master Consultant Services Agreement with Wood Rodgers Inc. to provide professional consulting services in the amount not-to-exceed \$3,500,000 for the Paradise Cut Bypass Expansion and Multi-Benefit Project.

PASSED, APPROVED AND ADOPTED this 18th day of APRIL 2024.

PAUL AKINJO, Chair
of the San Joaquin Area
Flood Control Agency

ATTEST:

CHRIS ELIAS, Executive Director
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

Attachment:

1. Exhibit A – Scope of Services

EXHIBIT A

SCOPE OF SERVICES

At the request of SJAFCA, Wood Rodgers, Inc. shall provide services including but not limited to the following on the Paradise Cut Bypass Expansion and Multi-Benefit Project:

- Project management and administration
- Feasibility Study analysis and reporting
- Inventory and forecasting.
- Sediment transport modeling
- Water Quality Problems and Opportunities analysis
- Formulation of project alternatives
- Evaluation and comparison of project alternatives
- Preliminary engineering and landscaping designs
- Project Roadmap development
- Sediment data collection planning
- Support for Lathrop & Manteca Federal Feasibility Study
- Development of design documents
- Other planning and engineering duties as assigned.

All services will be provided in accordance with the project cost proposal (see Exhibit B-1).

“Specific Scopes of Services to be provided by CONSULTANT shall be further defined and authorized by SJAFCA through the issuance of project-specific Task Orders. Each specific Task Order will require a written scope outlining the specific services to be provided by the Consultant, the schedule for completion, and the proposed compensation amount(s) and payment methodology to perform the specified services. SJAFCA shall provide no compensation for the Consultant’s development of Task Order proposals, and any other cost incurred for the development, negotiation, and execution of the Task Orders. Each authorized Task Order shall become part of this Master Services Agreement.

TERM

The term of this Agreement shall be for from April 18, 2024 – June 30, 2026, unless otherwise terminated by the Agency, and may be renewed by the Agency subject to re-negotiation by the parties for additional periods.



April 4, 2024

Mr. Glenn Prasad, Deputy Executive Director
San Joaquin Area Flood Control Agency
22 East Weber Avenue, Room 301
Stockton, CA 95202

SUBJECT: Wood Rodgers, Inc.'s Scope of Work for the Paradise Cut Bypass Expansion and Multi-Benefit Project Feasibility Study

Dear Mr. Prasad,

The Wood Rodgers Team has developed a scope and schedule that complies with the California Department of Water Resources (DWR) funding agreement. The schedule is aggressive, and while we are committed to preparing our work products to meet this schedule, we are concerned that the schedule leaves limited time to build consensus with the advisory committee to identify a preferred alternative. Our interpretation of the scope was heavily influenced by the budget in the DWR contract. Our scope has been written to meet the requirements of the contract but is short of what we would have proposed if the budget had not been a limiting factor.

Our interpretation of the Request For Proposal (RFP) is the primary goal is identifying a preferred alternative that has agency and advisory committee support. The scope has several subtasks that we agree would typically be done during the feasibility phase but are more detail than what is needed to identify a preferred alternative. This results in tradeoffs in the level of effort that are proposed for subtasks in our scope of work. Examples of elements of work that are more narrowly scoped than we would have proposed include: coordination with the advisory committee and stakeholders, hydraulic modeling, sediment transport modeling, the number of alternatives that can be formulated, evaluated, and compared, the financing strategy, and the data collection and analysis to support 10% design.

TASK 1 – FEASIBILITY CONSULTING SERVICES

The purpose of this task is to complete a feasibility study that provides foundational information to identify a preferred alternative that has broad stakeholder support and a framework to advance subsequent phases of the project, including but not limited to California Environmental Quality Act/ National Environmental Policy Act (CEQA/NEPA), permitting, and detailed design. While several elements of the feasibility study have been completed—either partially or in full, the goal of this task will be to complete remaining elements of the feasibility study including development, evaluation, and selection of a preferred alternative. Based on our previous work, familiarity with site conditions, and experience developing feasibility studies, the Wood Rodgers Team knows what needs to be done to meet the feasibility study objectives and will focus our resources to complete the study within the project schedule and budget.

A. Project Coordination & Meetings

Wood Rodgers understands that the San Joaquin Area Flood Control Agency (SJAFCFA) has or will have consultants that are responsible for Project Management Support, Facilitation, Outreach and Engagement with Project stakeholders. In coordination with the SJAFCFA Project Management Support

Services Consultant, the Wood Rodgers Team, will support the Facilitation, Outreach and Engagement Consultants, to communicate and engage with stakeholders, agency staff, and other government and regulatory agencies through a series of Advisory Committee workshops at key project milestones and small group meetings with stakeholders. The purpose of the workshops is to inform the Advisory Committee of the process and solicit feedback during alternatives analysis, with the objective of building consensus on a preferred alternative to take into design. As part of this process, the Wood Rodgers Team will support engagement with interested parties, and support efforts to expand the number and diversity of interested parties and solicit input on Project alternative formulation and Project planning through venues and procedures defined in the Engagement Strategy to be developed by the Facilitation, Outreach and Engagement Consultant.

Our team will leverage existing relationships with knowledgeable and informed stakeholders to solicit feedback during the formulation and screening of alternatives to streamline the process and help condense the schedule.

For scoping purposes, the anticipated meetings in the following sub-tasks are included, it is understood that the number of meetings and engagement types or both are dependent on the final Engagement Strategy. It should be noted that the meetings included are considered to be the minimum number required to engage and develop consensus among the complex and diverse number of stakeholders for a project of this magnitude.

For each of the following Advisory Committee Workshops and stakeholder meetings, the Wood Rogers team will work in close coordination with the SJA FCA Project Management Support, Facilitation, Outreach and Engagement Consultants in developing content for presentation.

ADVISORY COMMITTEE SCOPING MEETING

In the initial stages of the Project, the Wood Rodgers Team will present the project approach at an Advisory Committee Scoping Workshop. The purpose of this workshop will be to develop a broad understanding amongst all stakeholders of the Project, the work completed to date, additional technical work to be completed, the planning process, and the Project schedule and engagement strategy.

Deliverables

- Scoping meeting presentations & materials.

Assumptions

- The Facilitation, Outreach and Engagement Consultant will schedule the meeting date and venue.
- The Facilitation, Outreach and Engagement Consultant will facilitate the meeting.
- The Facilitation, Outreach and Engagement Consultant will provide detailed meeting notes to the Wood Rodgers Team, that include items discussed, key decisions made and action items.

ADVISORY COMMITTEE GOALS AND OBJECTIVES WORKSHOP

Following the Scoping Workshop, the Wood Rodgers Team will start additional technical studies to get a complete understanding of the existing conditions and forecast of future conditions as part of the Inventory and Forecast phase of the study, which will then lead into the Problems and Opportunities

phase. Once these phases are complete, a Goals and Objectives Workshop will be held with stakeholders to present the work completed to date, list the problems and opportunities identified and expand on the foundational Project goals and objectives described in the DWR work plan. The purpose of the meeting will be to:

- Solicit stakeholder feedback on the acceptability of the data presented.
- Request any additional pertinent information that stakeholders may be aware of.
- Solicit feedback and suggestions about existing and/or additional objectives to be considered in the next steps of the planning process. It is expected that much emphasis will be placed on management actions and screening criteria.

A broad understanding of these topics is critical in building an overall consensus of the goals and objectives to be achieved so that an array of potential alternatives can be evaluated thoroughly and objectively.

Deliverables

- Goals and Objectives, meeting presentations, and materials.

Assumptions

- The Facilitation, Outreach and Engagement Consultant will schedule meeting date and venue.
- The Facilitation, Outreach and Engagement Consultant will facilitate the meeting.
- The Facilitation, Outreach and Engagement Consultant will provide detailed meeting notes to the Wood Rodgers Team, that include items discussed, key decisions made and action items.

ADVISORY COMMITTEE FINAL ARRAY OF ALTERNATIVES WORKSHOP

In close coordination with the SJAFCA Project Management Support and Facilitation, Outreach and Engagement Consultants the Wood Rodgers Team will present information at an Advisory Committee workshop to describe the development and screening of preliminary alternatives. A final array of alternatives will be presented, and feedback will be solicited. Information obtained from the stakeholders will be used to further refine the final array of alternatives before moving on to a more robust evaluation.

Deliverables

- Final Array of Alternatives meeting presentations and materials.

Assumptions

- The Facilitation, Outreach and Engagement Consultant will schedule the meeting date and venue.
- The Facilitation, Outreach and Engagement Consultant will facilitate the meeting.
- The Facilitation, Outreach and Engagement Consultant will provide detailed meeting notes to the Wood Rodgers Team, that include items discussed, key decisions made and action items.

ADVISORY COMMITTEE RECOMMENDATIONS WORKSHOP

In close coordination with the SJAFCA staff, the Project Manager and Facilitation, Outreach and Engagement Consultants, the Wood Rodgers Team will present information at an Advisory Committee workshop. The results from the technical evaluation of the final array of alternatives, and the alternative

ranking rationale will be described. Finally, the recommended preferred alternative will be presented. The Wood Rodgers Team will solicit information used to refine the preferred alternative for inclusion in the Administrative Draft Feasibility Report, and Preliminary Design and Specifications deliverables. Additionally, a draft list of recommended work for future phases of the project will be presented. This list would form the basis of a longer-term Project Roadmap to be developed under optional tasks.

Deliverables

- Recommendations meeting presentations and materials.

Assumptions:

- The Facilitation, Outreach and Engagement Consultant will schedule the meeting date and venue.
- The Facilitation, Outreach and Engagement Consultant will Facilitate the meeting.
- The Facilitation, Outreach and Engagement Consultant will provide detailed meeting notes to the Wood Rodgers Team, that include items discussed, key decisions made and action items.

ADVISORY COMMITTEE ADMINISTRATIVE DRAFT MEETING

In close coordination with the SJAFCA Project Management Support and Facilitation, Outreach and Engagement consultants the Wood Rodgers Team will present the Draft Final Feasibility Study Report at an Advisory Committee meeting.

The presentation will include how feedback from regulatory agencies and other agency partners on a previously circulated Administrative Draft were incorporated into the document. The Wood Rodgers Team will solicit comments on the document for incorporation into the Final Feasibility Study Report to be presented to DWR.

Deliverables

- Administrative Draft meeting presentations and materials

Assumptions:

- The Facilitation, Outreach and Engagement Consultant will schedule the meeting date and venue.
- The Facilitation, Outreach and Engagement Consultant will Facilitate the meeting.
- The Facilitation, Outreach and Engagement Consultant will provide meeting notes to the Wood Rodgers Team.

PARADISE CUT MANAGEMENT TEAM MEETINGS

The Wood Rodgers Team will participate in regular Monthly Meetings to communicate the status and progress of the Feasibility Study and its supporting technical studies, discuss and inform the development of alternatives, identify data needs and background documents, and schedule upcoming communication and outreach efforts. It is assumed SJAFCA's Project Management Support Consultant will facilitate this meeting, prepare agendas (with the support of the Wood Rodgers Team), and prepare meeting notes for distribution. These meetings are anticipated to be held virtually.

Deliverables

- None
-

Assumptions:

- Monthly Management Team Meetings.
- Program Management Team Meetings will be facilitated by SJAFCAs Project Management Support Consultant.
- Meetings will be held virtually.

FEASIBILITY STUDY PROJECT TEAM MEETINGS

The Wood Rodgers Team will schedule and facilitate regular Feasibility Study Project Team Meetings. These meetings will occur monthly and will entail more detailed development of feasibility study components, alternatives development, and support and baseline data sharing amongst the Wood Rodgers Team. These meetings are anticipated to be held virtually.

Deliverables

- Agenda
- Team Notes

Assumptions:

- Monthly Management Team Meetings.
- Meetings will be held virtually.

B. Project Administration

WORK PLAN & SCHEDULE

The Work Plan and Schedule are living documents for the duration of the Project. The initial Work Plan and Schedule will be the Project Plan included in the contract. It is anticipated that the development of the initial Work Plan and Schedule will be part of the proposal effort and that the costs for it will not be billed to the Client. The Work Plan and Schedule will be reviewed monthly for the duration of the Project. When changes to either the Work Plan or Schedule are made, the updated versions of the Work Plan and Schedule will be delivered to the Client.

Deliverables

- Draft Work Plan and updates up to seven (7) versions.
- Draft Schedule and updates up to seven (7) versions.

Assumptions:

- The Client will provide comments on Drafts and updates within five (5) working days of receipt.

INVOICE & PROGRESS REPORTS

Monthly invoices will be accompanied by progress reports. Invoices will be by Task and will include the person performing the services, the hourly rate, the hours worked, and the staff classification. Each progress report will explain what work was accomplished in the prior month by Task. A brief discussion about the anticipated work in the upcoming month will also be provided. Issues associated with each task will be listed as either a new or outstanding issue. Issues that have been resolved will not be listed in the progress reports.

Deliverables

- Monthly Invoices up to fifteen (15)
- Monthly progress reports up to fifteen (15)

Assumptions:

- The total project duration will be eighteen (18) months.

FILE & DOCUMENT MANAGEMENT

Wood Rodgers will assign a Project Coordinator with responsibility for electronic filing and document management.

The Project Coordinator will be responsible for organizing and logging data, documents and communications received by Wood Rodgers and other information obtained for use in the work leading to, and including, Project design. Outgoing communications will also be logged, and transmittal cover sheets will be provided as appropriate. The Project Coordinator will be responsible for routing documents as necessary to respond to comments.

Deliverables

- Data Log
- Communications Log

Assumptions:

- None

Task 1.2 – DWR Task 4: Feasibility Study

A. Introduction

The Wood Rodgers Team will provide information foundational to the feasibility study including project location, setting, background, description of related studies and reports, and a discussion of the strategy for engagement of interested parties. The intent is to provide context around the geographical location of the project; the physical and biological characteristics of the project area; the regional and historical context of the project, along with relevant authorities, policies, regulations, a discussion of past studies, and a summary of findings from Phase 1 and 2; a list of stakeholders and relevant agencies, including their roles and responsibility will be compiled. The Wood Rodgers Team will also provide a summary of the engagement strategy based on the agency and project stakeholders developed by the Facilitation, Outreach and Engagement Consultant.

Deliverables

- Draft Feasibility Study with early review of the draft chapters containing Project Setting, List and Description of Relevant Authorities and Regulations and summary of previous studies.
- Environmental Technical Memo that will include existing and needed technical analysis (support, with focus on work needed to support permitting/CEQA/NEPA and restoration), avoidance and mitigation strategy (support, with a focus on environmental) and long-term monitoring and maintenance (support, with a focus on environmental).

Assumptions:

- The Client will provide consolidated comments within five (5) working days of receipt of the draft documents.
-

- The Client will provide the documents listed in the DWR Work Plan.

B. Inventory & Forecast

Building on the information developed in the Introduction, the Wood Rodgers Team will advance technical studies determined to be necessary by Phase 2 analysis and describe the existing conditions and forecast the future without-project conditions. The inventory of existing conditions will consist of a general description of the project location and the project setting, including topics such as: topography, geology, soils, climate, hydrology, population, land use, communities, waterways, and environmental resources.

The future without-project conditions provide the basis for formulating alternative plans and assessing their benefits and impacts. Proper definition of these conditions will need to be coordinated with any environmental compliance documents.

Deliverables

- Included in Draft Feasibility Study and provided as an early chapter for review.

Assumptions:

- The Client will provide the Wood Rodgers Team with copies of the following relevant project planning documents:
 1. Existing Conditions Technical Memo
 2. Technical Memo. Development and Calibration of Central Valley Flood Evaluation and Delineation (CVFED) September 28, 2018 Based Lower San Joaquin River HEC-RAS model.
 3. Restoration Opportunities Tech Memo
 4. Paradise Cut Conceptual Model Tech Memo
 5. Permitting Strategy Tech Memo
 6. Preliminary Cost Estimate
 7. Local Engagement Strategy
 8. Existing and Needed Technical Analyses Tech Memo
 9. Avoidance and Mitigation Strategy
 10. Long-term Monitoring and Maintenance Strategy
- The Client will provide recommendations from the strategic outreach and local engagement.
- The Client will provide consolidated comments on the draft chapter from the feasibility study.

BASELINE SURVEYS

In addition to previously prepared studies, which our team members have authored and/or supported, additional baseline studies will be needed to support this phase of work including preliminary design. As discussed above, we looked at ways to phase or defer detailed field surveys to achieve feasibility study objectives, with a focus on advancing environmental factors that will influence design. More detailed studies to support environmental compliance and/or permitting activities may be needed, but these can occur in later phases such that the tasks necessary to advance this phase of work can be accomplished.

Based on our first-hand knowledge of the project site and our team's authorship of the Environmental Compliance and Permitting Strategy, we recommend the following baseline studies.

Should our desktop reviews identify an area or resource that could influence design and avoidance and minimization measures (i.e., a potential fatal flaw location,) we would conduct targeted field surveys and

determine what additional analysis or field surveys would be needed and during what phase of the project to support this and future phases.

Wetland Delineation

An aquatic resources delineation (i.e., “wetland delineation”) within the project footprint is required to document the boundaries of potential waters of the U.S. and support project permitting, which will occur during later phases. It is also important to support feasibility study planning, but the level of certainty varies between the feasibility phase and permitting phase. For this phase, the wetland delineation should include sufficient information to support alternatives development, evaluation, and selection. The Wood Rodgers Team will perform a desktop wetland delineation to support the evaluation and selection of alternatives, development of an avoidance and mitigation strategy, development of a land acquisition strategy, and identification of mitigation needs and restoration strategies. Depending on the level of certainty of the desktop delineation, the desktop wetland delineation could potentially be used to support a USACE Preliminary Jurisdictional Determination (PJD). We will identify additional wetland delineation needs to support project permitting, such as field verification, which would occur post the feasibility study phase.

Deliverables

- Included in Environmental Technical Memo

Assumptions:

- The Client will provide consolidated comments within five (5) working days of receipt of the Draft Environmental Technical Memo.
- The Draft Environmental Technical Memo is intended as a draft work product to inform the Feasibility Report. A Final Environmental Technical Memo will be prepared and included in the Feasibility Report.

Biological Resources

We will conduct a desktop review of biological resources sufficient to support alternatives development, evaluation, and selection. It will also be used to support the development of an avoidance and mitigation strategy, development of a land acquisition strategy, and identification of mitigation needs and restoration strategies. The study would provide the basis for the CEQA/NEPA analysis regarding biological resources as well as the initial steps for regulatory permits/authorizations, with the potential for the presence of special-status species and habitats being determined.

Deliverables

- Included in Environmental Technical Memo.

Assumptions:

- The Client will provide consolidated comments within five (5) working days of receipt of the Biological Resources Technical Memo.
 - The Draft Environmental Technical Memo is intended as a draft work product to inform the Feasibility Report. A Final Environmental Technical Memo will be prepared and included in the Feasibility Report.
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Cultural Resources

Conduct a records search for the Area of Potential Effect (APE) to identify known cultural resources and to assist in the development of a historic context. The records search would include previous cultural resources inventories and previously recorded cultural resources through the appropriate regional Information Centers of the California Historic Resources Information System (CHRIS). This will help inform alternatives development, evaluation, and selection. It will also be used to support the development of an avoidance and mitigation strategy, development of a land acquisition strategy, and identification of mitigation needs and strategies. Based on what is needed during this phase of the project to move forward, we recommend more detailed surveys be conducted during the environmental compliance and permitting phase. This would include activities such as conducting a pedestrian survey to identify cultural resources within the APE. While a Cultural Resources Study Report to support compliance with Section 106 of the National Historic Preservation Act (NHPA) is not required during this phase, we will summarize findings following the study report format to help streamline the preparation of this report in a future phase.

Deliverables

- Included in Environmental Technical Memo.

Assumptions:

- The Client will provide consolidated comments within five (5) working days of receipt of the Cultural Resources Technical Memo.
- The Draft Environmental Technical Memo is intended as a draft work product to inform the Feasibility Report. A Final Environmental Technical Memo will be prepared and included in the Feasibility Report.

Conceptual Geotechnical Evaluation

Areas of geotechnical uncertainty for the Project involve new levee investigation and design, sources of borrow material for levee construction, potential impacts of channel restoration activities on adjacent levees and bank slopes, ability of levees to support equipment, if necessary, for channel restoration operations, and suitability of dredged materials for use in levee construction, seepage berms, and/or disposal. Test results of sediment within the Project vicinity show a wide range of grain size. The suitability of dredged materials for new levee construction could be limited. However, materials may be suitable for raising adjacent grades.

For this feasibility phase of the project, geotechnical assessments to support evaluation of conceptual design alternatives to support the selection of a preferred alternative will be based on information readily available from SJAFCA and local Reclamation Districts that own and maintain levees in the area. No subsurface field investigations and surveys are proposed.

Wood Rodgers will coordinate with SJAFCA and reach out to local Reclamation Districts for available geotechnical information.

This information will be reviewed, categorized, and collated to support feasibility study assessments. The collated information will also be used to identify data gaps as they relate to the preferred alternative. A detailed breakdown of information and geotechnical analysis needed to support detailed design during

subsequent phases of work will be prepared, along with an estimate of the level of effort needed to complete these tasks.

Deliverables

- Draft Geotechnical Recommendations Memo.

SEDIMENT TRANSPORT MODEL

Accumulation of sediment in Paradise Cut and other channels within the southern portion of the Sacramento-San Joaquin Delta (South Delta) has adversely affected water quality, irrigation diversions, and flood conveyance capacity.

Sedimentation in this part of the Delta is a complex phenomenon resulting from several factors including tidal hydrodynamics and delivery of fluvial sediment by the San Joaquin River, particularly during periodic high flow conditions. To date, no detailed sediment transport modeling has been performed to investigate the sediment dynamics at the existing Paradise Cut weir, or to determine how modification of the weir or other flood control facilities might affect sediment dynamics in the South Delta.

The existing Paradise Cut weir only overtops on average once every five to ten years. It is during these periods when sediment dynamics in the South Delta are most influenced by the influx of fresh water and fine sediment from the San Joaquin River, and the influence of tidal hydrodynamics on sediment transport is less pronounced. Understanding this, the analysis will be limited to analysis of the effects on fluvial sediment dynamics that would result from proposed modification of the Paradise Cut weir.

The project will require analysis of existing conditions (i.e., “no action alternative”) and up to three additional alternatives representing physical changes to the flood control system.

For efficiency, the Wood Rodgers Team will adapt a calibrated HEC-RAS hydraulic model to support this analysis. The HEC-RAS sediment transport module will be parameterized using existing data and studies, including the long-term bed and suspended sediment data recorded at the United States Geological Survey (USGS) station located near the unincorporated community of Vernalis in San Joaquin County. The existing conditions model will be validated using volumetric change analysis of historic bathymetry datasets within the San Joaquin River, Paradise Cut, and/or the South Delta maintained by DWR and others, relative performance of the respective alternatives will be assessed by comparison of simulated volumetric bed change at key locations (index points) and by reach. We also plan for one (1) day of field reconnaissance for the Wood Rodgers Team to review and document geomorphic and hydraulic conditions prior to initiation of the modeling analysis.

The Wood Rodgers Team will also summarize information on likely future scenarios concerning changes in hydrology, sea level, and sediment accumulation within the system at and downstream of the Project. We will recommend any additional sensitivity testing/models runs as appropriate. We will model potential changes in future channel flow, and associated sediment flux, and sea level to assess whether changes in these dynamics may affect considerations related to flood operations and maintenance.

SUBTASK OUTLINE:

1. Compile and Review Existing Data
 2. Develop Hydrologic Boundary Conditions (stage and flow)
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3. Parameterize Sediment Transport Model, Calibrate and Validate
4. Alternatives Analysis – Contemporary Hydrology
5. Alternatives Analysis – Future Climate Conditions Hydrology
6. Technical Report
7. Meetings and Coordination

Deliverables:

- Draft and Final Technical Report detailing the findings of the analysis, including comparative analysis of volumetric bed changes in key downstream reaches affected by the Project will be delivered in electronic (PDF) format.
- Digital files of all HEC-RAS sediment transport modeling will be made available by request.
- Presentations, meeting notes, and other materials developed for the project will be made available electronically on request.

Assumptions:

- HEC-RAS hydraulic modeling prepared for project alternatives may require minor modifications for stability during sediment transport analysis.
- For the sediment model validation exercise and any long-term model simulations, the hydraulic boundary conditions can generally be parameterized directly, or readily scaled, from available data.
- For consistency with the flood hydraulic analyses, stage- and flow-frequency relationships, future climate conditions, and event-based hydrology simulations will be based on data prepared for the project.
- USGS sediment rating curve data (gradation vs. load) is assumed to be available for use to parameterize the model. If not, the Wood Rodgers Team will develop a rating curve using data from the gage using the HEC-RAS Sediment Rating Curve Analysis Tool.
- Conditions downstream of Vernalis are assumed to be primarily depositional.

WATER QUALITY PROBLEMS & OPPORTUNITY ANALYSIS

The Wood Rodgers Team will review the Project planning documents completed to date and will develop the dredge template (depths and extents) for others on the team to model. Hydrodynamic modeling performed by others will inform how restoration of the historical channel depths will influence net flows, water quality, fish migration, and conditions during floods. This evaluation will include identification of potential ecological benefits of alternatives that modify the channels plan form through dredging. The Wood Rodgers Team will provide input on temporary construction water quality impacts.

Deliverables:

- Text for inclusion in the feasibility study on water quality problems and opportunities.

Assumptions:

- This evaluation will not include modeling and will be based on qualitative assessment of the effects of the alternatives.

Incorporate Delta Dredging FS Results and Recommendations

Anchor QEA prepared the Planning Guide for the Channel Depth Restoration Program for the South

Delta Channels (2021) (Planning Guide) for the Delta Channel Maintenance Group under a contract administered by the State Water Contractors. The Planning Guide focused on eight of the South Delta channels, many that may be considered for dredging in the alternatives for this Project. The Planning Guide outlines the framework for developing dredging projects to address sedimentation that has been impacting channel conveyance and water quality. The Wood Rodgers Team will incorporate and revise as necessary with updated information relevant results and recommendations of the Planning Guide for use in this Feasibility Study. The Wood Rodgers Team will utilize and expand upon (as needed) the conceptual dredging templates developed in the Planning Guide. Not all of the channels to be considered for this Project were evaluated in the Planning Guide, but a similar high-level conceptual design approach will be utilized for those channels not yet evaluated.

Deliverables:

- Text for inclusion in the feasibility study.

BASELINE HYDROLOGY & HYDRAULICS

The Wood Rodgers Team will update the existing Paradise HEC-RAS model to a feasibility level and incorporate input from the Technical Review Panel (TRP) to evaluate the without project conditions. Analysis for a 10-year, 100-year, 200-year, and one climate change scenario will be performed. This model will be the basis for hydraulic performance evaluation of the final array of alternatives.

Deliverables:

- Calibrated Paradise Cut HEC-RAS Model.
- Draft Paradise Cut Baseline Hydrology and Hydraulics Technical Memo.

Assumptions:

- The Client will provide the TRP recommendations on adequacy of the existing Paradise Cut HEC-RAS model.
- The budget for this task assumes moderate input from the TRP.
- The Client will provide TRP comments on the Draft Paradise Cut Baseline Hydrology and Hydraulics Technical Memo.
- The Draft Paradise Cut Baseline Hydrology and Hydraulics Technical Memo will remain in Draft form and form the Basis for a Final Paradise Cut Hydraulics Technical Memo (comments on the draft report will be incorporated in the Final).

C. Problems & Opportunities

The Wood Rodgers Team will document problems and opportunities in the project area. The problems and opportunities will be used to guide the project's design development and inform the description of the project need for environmental compliance purposes. Therefore, proper identification of problems and opportunities is foundational to the planning process.

The Wood Rodgers Team will consider resources such as hydraulics, hydrology, climate, floodplains, geotechnical concerns, levee integrity, economics, hazards, and maintenance issues. Examples of problems include aging infrastructure, inadequate conveyance capacity and storage, physical constraints, climate change, or degradation of riverine habitat and ecosystem functions. Opportunities may include new funding streams or authorities, willing sellers for right-of-way, new management techniques or technologies, or other strategies.

Deliverables:

- Draft List of Problems and Opportunities.

Assumptions:

- The Client will provide the Wood Rodgers Team with copies of the following relevant project planning documents:
 - a. Avoidance and Mitigation Strategy.
 - b. Land and Conservation Easement Acquisition Strategy.
 - c. Lower San Joaquin Regional Mitigation Needs and Restoration Assessment.
- The Client will provide timely copies of outreach and engagement summaries, notes, and recommendations.
- The Client will provide consolidated comments on the Draft List of Problems and Opportunities within five (5) business days of receipt.
- The Draft List of Problems and Opportunities is intended as a draft work product to inform the Feasibility Report. A Final List of Problems and Opportunities will not be prepared. Revisions to the Draft List of Problems and Opportunities will be documented in the Feasibility Study.

AVOIDANCE & MITIGATION STRATEGY

Anchor QEA's dredging permitting and compliance efforts will be led by Ms. Katie Chamberlin, who facilitated the San Francisco Bay Long-Term Management Strategy (LTMS) program for dredging and dredged sediment management and contributed to the Delta LTMS program. Ms. Chamberlin works closely with Delta-based dredging project proponents, including the Port of Stockton, Reclamation District 2108, the City of Stockton, East Contra Costa Irrigation District, Department of Water Resources, and the State Water Contractors. For this project, Ms. Chamberlin will participate in project and stakeholder scoping and planning discussions to provide relevant regulatory and environmental compliance-related planning considerations for the dredging and sediment management components of the project. She will support Megan Collins as she develops the dredge design and dredge material placement or reuse concepts and engage other Anchor QEA staff to provide as-needed insight on regulatory issues related to sediment characterization, beneficial reuse, Endangered Species Act compliance, and habitat restoration.

Specifically, Ms. Chamberlin will review the dredging design alternatives to assess the compliance considerations related to the following agencies and regulations:

- National Environmental Policy Act.
 - California Environmental Quality Act.
 - U.S. Army Corps of Engineers: Clean Water Act, Section 404 and 408, and Rivers and Harbors Act, Section 10, permitting considerations.
 - U.S. Fish and Wildlife Service: Endangered Species Act, Section 7, considerations
 - National Marine Fisheries Service: Endangered Species Act, Section 7, considerations.
 - Central Valley Regional Water Quality Control Board Clean Water Act, Sections 401 and 402, and Porter-Cologne Water Quality Control Act, permitting considerations.
 - California Department of Fish and Wildlife California Fish and Game Code, Section 1600, and California Endangered Species Act, permitting considerations.
 - Central Valley Flood Protection Board approval considerations.
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- California State Lands Commission land lease considerations.

Working for SJAFCA's marine contractor, Shimmick, Ms. Chamberlin led efforts to characterize sediment and obtained approval from the Port of Stockton and the Central Valley Regional Water Quality Control Board to place sediment dredged as part of the Smith Canal Gate Structure project at the Port's dredged material placement site. Working in collaboration with dozens of stakeholders, Ms. Chamberlin also led the regulatory sections of the State Water Contractor's Planning Guide for the South Delta Channels Depth Restoration. She also oversaw development of a dredge operations plan and processes for obtaining programmatic permits for maintenance dredging of the Port of Stockton's docks.

Deliverables:

- Text for inclusion in the draft Feasibility Study relative to dredging permitting and authorizations.

LAND CONSERVATION & EASEMENT ACQUISITION STRATEGY

The Wood Rodgers Team will build on existing information to complete a strategy to acquire flood and conservation easements for all affected land within the Project footprint.

The Wood Rodgers Team will identify and describe challenges and opportunities for acquisition (i.e., fee titles, easements, endowments, etc.). We will also assess the needs for eminent domain action, authority, and commitments. Existing information will be used to complete a Long-term Land Management Strategy.

Deliverables:

- Land Conservation Easement Strategy Acquisition Strategy.
- Long-term Land Management Strategy.

LOWER SAN JOAQUIN REGIONAL MITIGATION NEEDS & RESTORATION ASSESSMENT

The Wood Rodgers Team will build on existing work completed by SJAFCA and River Partners and develop a proactive strategy to estimate mitigation needs and comprehensively integrate the project with regional mitigation needs and projects. This previous work will guide the team in identifying opportunities to integrate mitigation needs of both this project and potentially multiple ongoing or future projects in the region. In addition to identifying regional mitigation opportunities, recommendations to update existing work with findings from the feasibility study may be included.

Deliverables:

- Lower San Joaquin Regional Mitigation Strategy.

D. Goals & Objectives

The Wood Rodgers Team will work with SJAFCA to establish and confirm goals and objectives to address the identified problems and capitalize on the opportunities to maximize multi-benefits. The goals and objectives will also inform the formulation and evaluation of alternatives. Previous planning efforts have defined the primary goal of the proposed Project to increase the flow in the Bypass to reduce stage along the San Joaquin River, while achieving other benefits, such as ecosystem restoration.

The Wood Rodgers Team will also consider any constraints that may limit the planning process. Some general

types of constraints that need to be considered are resource constraints and legal and policy constraints. Constraints identified in previous planning efforts include:

- Reinforcement or hardening of the Duel Levees.
- Confirm that a levee is not needed south of the Duel levee (some homes may need to be evaluated)
- Rail trestle design.
- Revisit the conclusion that existing bridge openings do not need to be expanded or reinforced.
- Design the weir.
- Design retrofit of pumps that currently drain the expansion area that are also critical for draining Duel.
- Potential repurposing of RD 2095 levee on the San Joaquin and associate opportunities and constraints.
- Hydraulics of overflow weir dynamics.

Deliverables:

- Draft List of Goals for the Study Area.
- Draft List of Objectives for the Study Area.
- Draft List of Constraints for the Study Area.

Assumptions:

- The Client will provide consolidated comments on the Draft List of Goals, Objectives, and Constraints within ten (10) business days of receipt.
- The Draft List of Goals, Objectives, and Constraints is intended as a draft work product to inform the Feasibility Report. A Final List of Goals, Objectives, and Constraints will not be prepared. Revisions to the Draft List of Goals, Objectives, and Constraints will be documented in the Feasibility Report.

IDENTIFY MANAGEMENT ACTIONS

A management action is a feature or individual action that can serve as a building block to alternatives that meet the goals and objectives of a proposed Project.

The Wood Rodgers Team will review past technical work in the project area to develop a preliminary list of possible management actions. The Wood Rodgers Team will supplement the preliminary list of management actions with information gathered through the outreach and engagement process. The Wood Rodgers Team, in coordination with the Client, will vet, screen, and supplement the list of possible management actions.

Deliverables:

- Draft list of possible management actions that may be used to form alternatives.

Assumptions:

- The Client will provide the Wood Rodgers Team with copies of the relevant project planning documents.
 - The Client will provide timely copies of outreach and engagement summaries, notes, and recommendations.
 - The schedule assumes the Client will provide consolidated comments on the Draft list of possible management actions within five (5) business days of receipt.
 - The draft list of possible management actions is intended as a draft work product to inform the
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Feasibility Report. A final list of possible management actions will not be prepared. Revisions to the draft list of possible management actions will be documented in the Feasibility Study.

E. Foundation of Preliminary Alternatives

The Wood Rodgers Team will aggregate management actions into an initial array of alternatives to meet planning goals and objectives, avoid constraints, and incorporate opportunities. To do this, the Wood Rodgers Team will formulate up to eight alternatives, including the no action alternative.

Deliverables:

- Draft conceptual figure/map of initial array of alternatives.
- Draft description of the preliminary alternatives.

PRELIMINARY ALTERNATIVE SCREENING

The Wood Rodgers Team will use qualitative screening to reduce the eight preliminary alternative. The qualitative screening criteria will include potential to meet goals and objectives, relative cost, acceptability, and preliminary feasibility (complexity, potential impacts, etc.). The Wood Rodgers Team will consult with the Client and previously developed information to inform the screening.

Deliverables:

- Draft Technical Memorandum to document the formulation and screening of the preliminary alternatives.

Assumptions:

- There will be up to four alternatives in the final array, including the no action alternative.
- Revisions to the formulation and screening TM will be incorporated into the Feasibility Report.

F. Evaluation & Comparison of Final Array of Alternatives

The Wood Rodgers Team will develop feasibility-level cost estimates for all construction, real estate requirements, operations and maintenance, and environmental mitigation costs. As the alternatives are evaluated, consideration will be given to the potential construction impacts and risks, environmental constraints and other permitting requirements. The Wood Rodgers Team will perform various technical analyses to evaluate each of the final four alternatives including hydraulic performance, cost efficiency, and ability to achieve multi- benefits. The alternatives will be ranked and recommended in consideration of the costs and benefits.

Deliverables:

- Draft evaluation and comparison of the final alternatives, including:
 - a. Feasibility-level cost estimates
 - b. Hydraulic performance
 - c. Multi-benefits
 - d. Environmental constraints and permitting requirements.

Assumptions:

- Revisions to the evaluation and comparison of the final alternatives will be incorporated in the Feasibility Report.

RANK ALTERNATIVES

Based on our evaluation, the Wood Rodgers Team will select the most reasonable, balanced, and cost-efficient alternative that best achieves multiple benefits, meets project objectives with reasonable cost, and to the extent possible, represents the interests of all parties. To do so, we will conduct a tradeoff analysis, whereas we will focus on the most important performance objectives first and then add in considerations of other objectives. This tradeoff analysis is important for multi-benefit projects and should consider public safety, economics, and environmental benefits. A tradeoff scoring rationale and methodology will be developed and described to support the selection of the preferred alternative.

Deliverables:

- Text for the feasibility study.

Assumptions:

- The Client will provide consolidated comments on the Draft Tradeoff Analysis Technical Memo with ten (10) working days of receipts.

DEVELOP CONCEPTUAL DESIGNS

The Wood Rodgers Team will utilize order of magnitude assessment of earthwork volumes, major infrastructure (roads, bridges, utilities, etc.) modifications or relocations, land acquisition requirements, and habitat improvement and environmental restoration extents to differentiate the final array of alternatives. Conceptual levee and dredging templates will be developed using basic design components including target dredge and top of levee elevations, channel width, and channel and levee side slopes. The Wood Rodgers Team will utilize the order-of- magnitude assessment of dredging volumes and site capacity needs from the Anchor QEA Planning Guide, adding those channel reaches not previously considered. We will provide schematic cross sections and plan views of Paradise Cut and the dredged downstream channel extents showing of three action alternatives. We will provide preliminary earth work and dredge volume estimates for the three action alternatives.

Deliverables:

- Schematic cross sections for three (3) action alternatives.
- Conceptual Plan Views for three (3) action alternatives.
- Estimates of Conceptual Infrastructure Modifications or Relocations, Earth Work Volumes, Habitat Units, and Acquisition Acreages.

Assumptions:

- Alternatives will all be at a similar level of design (0-2%)

DEVELOP CONCEPTUAL COSTS

The Wood Rodgers Team will provide order of magnitude (Class 5) cost estimates for the final array of alternatives for the purposes of comparison and evaluation. Costs will be developed based on quantities determined from conceptual designs using AutoCAD Civil 3D. Unit prices for cost estimates will use information from contractor bid tabulations from similar projects in the California Central Valley. For cost items not contained in bid tabulations, industry publications such as R.S. Means Heavy Construction Cost Data or Caltrans Cost Information will be used.

Deliverables:

- Class 5 Cost estimates for three alternatives (no estimate for without project alternative).
- Draft Final Array of Alternative Cost Technical Memo.

Assumptions:

- Alternatives will all be at a similar level of design (0-2%)

EVALUATE HYDRAULIC PERFORMANCE OF ALTERNATIVES

Using the updated Paradise Cut HEC-RAS model, the Wood Rodgers Team will add the final array of alternatives and compare hydraulic performance of each to the without project condition. Analysis for a 10-year, 100-year, 200-year, and one climate change scenario will be performed for each alternative.

Deliverables:

- Calibrated Final Paradise Cut HEC-RAS Model.
- Draft Paradise Cut Hydrology and Hydraulics Technical Memo.
- Final Paradise Cut Hydrology and Hydraulics Technical Memo.

Assumptions:

- The Client will provide the TRP comments on the Draft Paradise Hydrology and Hydraulics Technical Memo within five (5) working days of receipt.

DEVELOP PROJECT FINANCING STRATEGY

Local, state and federal funding sources will be identified for evaluation and comparison of alternatives. The financing strategy will include the potential to combine programs and identify an approach to financing implementation if elements are proposed to be implemented by a local agency. Alternatives, or elements of an alternative that are implemented by the state or federal governments will be assumed to be implemented based on annual appropriations.

Deliverables:

- Text for feasibility study.

G. Recommendation & Implementation

The Wood Rodgers Team will use information developed in previous tasks, to outline the process for implementing the recommended alternative. This will include a summary discussion of funding streams and financial strategies, environmental compliance (CEQA/NEPA) and permitting, mitigation and monitoring requirements, engineering and design required for both environmental compliance and construction, and potential constructions phasing considerations. This information would be the basis for the optional Task 2.1 Project Road Map Development and Refinement.

Deliverables:

- Draft Recommendation and Implementation Technical Memo

Assumptions:

- The Client will provide consolidated comments within five (5) working days of receipt of the draft documents.
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- The Draft Recommendation and Implementation Technical Memo is intended as a draft product to inform the feasibility study and future optional tasks. A final draft will not be prepared. Comments and revisions to Draft Recommendation and Implementation Technical Memo will be incorporated in the feasibility study and future optional deliverables.

H. Prepare Feasibility Report

Using the information developed in Task 3.1.2, the Wood Rodgers Team will assemble the Feasibility Report, following the guidance from DWR's Feasibility Study Framework. The Report will document the steps in the plan formulation process including identifying problems and opportunities, inventorying existing and forecasted conditions, alternative formulation, alternative evaluation, and selection of a preferred alternative.

Deliverables:

- Administrative Draft Feasibility Report.
- Final Draft Feasibility Report, which incorporates comments from the Client.
- Final Feasibility Report, which incorporates comments from DWR and interested parties.

Task 1.3 – DWR Task 5: Preliminary Engineering & Landscape Design

A. Preliminary Design & Cost Estimates

PRELIMINARY LANDSCAPE-SCALE MULTI-BENEFIT RESTORATION PLAN (10%)

In addition to expanding the region's flood conveyance capacity, the Paradise Cut project is being planned as a multi-benefit project that would restore wetland and riparian habitats for native fish and wildlife, including listed and endangered species such as riparian brush rabbit and giant garter snake. The Paradise Cut corridor also has the potential to generate large quantities of restored shaded riverine aquatic (SRA) habitat, which is currently in high demand as a crediting source for compensatory mitigation throughout the region.

Once a preferred alternative has been identified through the Feasibility Study screening process, the Wood Rodgers Team will work to develop restoration goals and objectives for the Project. While we anticipate that restoration goals and objectives for Paradise Cut will be similar to those developed for the Mossdale Tract Area UFRP Project, we recognize that restoration opportunities and constraints will be unique to Paradise Cut and will seek to identify these early with input from the broader project team before initiating conceptual design.

For efficiency, work previously developed to characterize the linkages between topographic elevation and hydroperiod for the neighboring Mossdale Tract Area UFRP Project will be reviewed, and where applicable leveraged, to develop preliminary restoration design criteria for the Paradise Cut corridor. We also plan for up to two (2) days of field reconnaissance to review and document existing conditions within the Project footprint prior to initiation of the modeling analysis. We anticipate that this effort will involve a combination of mapping of select representative areas of existing vegetation against elevation and use of the HEC- EFM (or similar) to analyze relevant hydroperiod statistics within Paradise Cut. Restoration design criteria would be reviewed with the project team, as well as SJAFC and DWR prior to initiating the conceptual habitat design task.

ESA will use the project restoration design criteria, in conjunction with available data (provided by others), to develop a landscape- scale restoration concept within the proposed project footprint. A preliminary analysis of

an ecologically relevant range of stage- discharge relationships will be conducted to confirm the efficacy of the proposed restoration actions at key locations within the project footprint. Given the limited budget and schedule, we anticipate that the conceptual restoration design package will include a series of exhibits depicting the following:

- Existing Topography
- Soils
- Existing Land Cover/Habitat
- Proposed Land Cover/Habitat
- Proposed Restoration Plan (habitat types and features, vegetation zones, etc.)
- Typical Enhancement Details

A concept-level estimate of quantities related to restoration activities (e.g., earthwork, planting, etc.) will be developed.

Work would be organized and managed by the following subtasks:

SUBTASK OUTLINE:

1. Compile and Review Existing Data
2. Restoration Goals and Objectives
3. Restoration Opportunities and Constraints Analysis
4. Restoration Design Criteria
5. Restoration Hydrologic and Hydraulic Analysis
6. Conceptual Restoration Design Plans (10%-level)
7. Opinion of Probable Cost (10%-level)
8. Basis of Design Report (10%-level)
9. Meetings and Coordination

Deliverables:

- The Wood Rodgers Team will present restoration goals and objectives, opportunities and constraints, and design criteria, and initial design concepts to SJAFC and the project team during regularly scheduled web-based video conference meetings. Comments on these components will be documented and addressed during preparation of the Draft 10% Basis of Design Report.
- Draft and Final 10% Basis of Design Report delivered in electronic (PDF) format. The document will provide a concise description of the process used to develop the conceptual restoration design and present preliminary quantities estimates and opinion of probable cost. This document will be adapted and refined as the design process progresses.
- 10% design plans, typical cross sections and details delivered in electronic (PDF and GIS) format.
- Digital files associated with habitat modeling and design (e.g. CAD, GIS, etc.) will be made available by request.
- Presentations, meeting notes, and other materials developed for the project will be made available electronically on request.

Assumptions:

- HEC-RAS hydraulic modeling prepared by MBK Engineers (MBK) for project alternatives may require
-

- minor modifications to support ecohydraulic analysis for input into HEC-EFM (or similar).
- Project planning and conceptual restoration design will rely largely on existing publicly available soil, vegetation, and topographic mapping sources (e.g.: Natural Resources Conservation Service (NRCS), California Department of Fish and Wildlife (CDFW), DWR, etc.). Limits of conceptual restoration elements will be driven by flood management priorities including levee setbacks, existing infrastructure and other information provided by Wood Rodgers.
 - ESA assumes that any basis of design report (BODR) documentation will be developed at a conceptual level of detail and will be amended through subsequent phases of design.
 - DWR comments on Draft Preliminary Design and Cost Estimates will be collated and provided in a single spreadsheet document. For budgeting and schedule purposes, one round of comments with SJAFCA and DWR is assumed.
 - Assumes up to ten (10) design sheets will be developed.

PRELIMINARY CIVIL DESIGN (10%)

Wood Rodgers will prepare civil design plans for the preferred alternative to a completion level of 10%. The plans will include a title page, table of contents, standard notes and abbreviations, vicinity map, area map, survey control and general notes, and an overall site plan. The preferred alternative will be presented in plan view with typical cross sections, alignment layout sheets, details, plan and profiles, and other drawings necessary to capture the overall project features and components. The plans will be prepared using AutoCAD Civil 3D. Base mapping will be existing LiDAR topographic mapping to be provided by SJAFCA. Available mapping includes USGS 3DEP Mapping (collected in 2017 and 2018).

After selection of the preferred alternative, Anchor QEA will lead finalization of the preliminary dredge design.

Historical bathymetric data provided by DWR South Delta Branch during development of the Planning Guide will be utilized for this project, including National Oceanic and Atmospheric Administration (NOAA) 1934 soundings (assumed to have been collected by the plumb bob method) and a 2018 Digital Elevation Model (DEM) of a compilation of the bathymetric data collected between 2011 and 2018 of the Delta. Available bathymetric data will be compared to the channels under consideration for dredging, to identify data gaps. Additional multibeam or manual bathymetric survey data, to be collected by others, will provide more up-to-date information and allow for sedimentation rate estimates.

In 2021, the South Delta Water Agency performed investigative sediment sampling and testing along Old River and Middle River to determine general sediment characteristics to inform future decisions (Anchor QEA 2021). The results showed variation in grain sizes between predominately sand to predominately fines, and that the sampled sediment was relatively free of contaminants with some minor exceedances indicating additional chemical testing may be required. Anchor QEA will utilize the information to inform conceptual design and placement of the dredged material, including possible uses of the material for levee improvements; however additional sediment sampling and analyses will be required for agency approval and evaluation of dewatering and beneficial use design.

While developing the conceptual design, Anchor QEA will consider the existing levees and the standards they were originally built to, as some channel levees are designed to meet USACE standards while others were built to an agricultural standard.

Deliverables:

- Preliminary (10%) Construction Drawings.

Assumptions:

- Drawings to be prepared in AutoCAD Civil 3D Format.

PRELIMINARY COST ESTIMATE (10%)

The Wood Rodgers Team will prepare a 10% construction cost estimate. The estimate will be prepared based upon construction quantities developed from the 10% design drawings and generated from AutoCAD Civil 3D tools. Unit prices will be developed using construction bid tabulations from other similar flood control and habitat enhancement projects in the California Sacramento and San-Joaquin Delta. The cost estimate will be presented in Microsoft Excel format. A construction contingency of 30% will be applied to the cost estimate.

The Wood Rodgers Team will also develop an opinion of probable cost for the preferred alternative dredge work including equipment mobilization/demobilization, dredging via hydraulic or mechanical excavation, dewatering (if required), containment berm construction and layout (if required), material working and hauling (if required), and placement for levee improvement or offsite disposal.

Deliverables:

- Preliminary (10%) Construction Cost Estimate.

Assumptions:

- Cost Estimate to be prepared in Microsoft Excel Format.

TASK 2 – FEASIBILITY CONSULTING SERVICES (Optional Tasks to be included in Proposal)

Task 2.1 – Project Road Map Development and Refinement

A. Sediment Data Collection Planning

While the sediment transport modeling described in the Sediment Transport Model Subtask will be useful for initially screening alternatives, ESA recommends that additional site-specific sediment transport data be collected over one or more years to support future phases of design and permitting. This work would be most useful if it is collected during conditions when Paradise Cut weir is overtopped, which occurs infrequently and only during the winter and spring runoff seasons. Capturing this time-sensitive data in a cost-effective manner requires planning to identify sampling locations and mobilization criteria, equipment and testing methods, and identification of analytical products that will be most useful for downstream planning and design applications.

This optional task would consist of developing a guidance and planning document for data collection components including bed and suspended sediment sampling and bathymetry surveys on the San Joaquin River, Paradise Cut, and other locations to characterize sediment flux and gradation within the project and reaches potentially affected by the project. The proposed planning document would include a description of data collection tasks, deliverables, permitting requirements, sequencing, and timelines, as well as conceptual costs. Ideally, this work would be integrated to support SJAFCA's other projects and broader program.

B. Road Map Development

The Wood Rodgers Team will Develop a Roadmap building on the recommendations of the Feasibility Study with specific attention paid to the financial plan component. A detailed outline of the specific tasks required to progress the project through environmental compliance and permitting, engineering and design, and construction will be prepared. The Wood Rodgers Team will also include detailed estimated schedule will be prepared considering details such as, but not limited to; time required for land and easement acquisitions, the required number of various agency review and comment cycles, construction phasing and work windows, and monitoring and management of newly established habitat.

Deliverables:

- Draft Project Roadmap Technical Memo.
- Final Project Roadmap Technical Memo.

Assumptions:

- The Client will provide consolidated comments on draft documents within five (5) working days of receipt.

Deliverables:

- Draft and Final Technical Memorandum detailing implementation considerations and costs will be delivered in electronic (PDF) format.

Task 2.2 – Support of Federal Feasibility Study

The Wood Rodgers Team will engage with the team evaluating the Mossdale Tract levee improvements for the CVFPB-SJA FCA sponsored federal feasibility study. It is understood that this task is dependent on the advancement of the Paradise Cut project in the feasibility Study.

Assumptions:

- Any work under this task will be billed on a time and material basis not to exceed \$100,000.
- Work exceeding this limit may require a separate consultant services agreement.

Task 2.3 – Development of Design Documents (30%)

Wood Rodgers, with support from HDR where appropriate will advance the civil design to a 30% level of completion. This includes providing greater detail in the levee alignments and embankment design, rail trestle design, site grading, weir designs, and other aspects of the preferred alternative. An expanded set of construction drawings will be prepared and submitted as part of the 30% design.

The following information is required to design the dredge work to restore conveyance and improve water quality (Anchor QEA 2021).

- Hydrodynamic and water quality modeling to determine actual flood and water supply conveyance and diversion needs and to develop resulting dredging templates. Additionally, modeling can support predictions of sediment accretion rates and patterns to support planning of a long-term sediment management program.
 - Updated bathymetric data (in some reaches).
 - Geotechnical analyses to evaluate sediment behavior for dredging and dewatering, slope stability, and post-
-

construction uses.

- Finalized upland site use agreements with landowners for placement of dredged sediment.
- Site-specific sediment characterization analysis.
- Confirmation of final regulatory requirements as they apply to specific sites.

This task includes development of the preferred alternative's 30% conceptual level design drawings, input into a basis of design memorandum, including an estimate of probable cost for the channel dredging and beneficial use of the material for levee improvements. Anchor QEA will prepare conceptual 30% design documents consisting of a plan figure depicting the dredging template (dredging elevations and horizontal extents) and existing bathymetric information from the hydrographic condition survey (provided by other team members), as well as the estimated dredging volume. The information will be presented in a brief Basis of Design memorandum, along with an estimate of probable cost. These documents will be the basis for the regulatory permit applications. A table of contents of the anticipated technical specifications will be included in the 30% package.

At 30% design, Anchor QEA will determine the dredging method (hydraulic cutterhead versus mechanical) typically determined by construction logistics such as design elevations and volumes, site access, environmental quality of dredged sediment and effluent water, the availability of sediment temporary dewatering and stockpiling sites, and permanent placement sites or landfill disposal sites. Regulatory permit conditions, cost, and contractor equipment availability may also play major roles in the decision. Anchor QEA will also consider the approximate 160 diversion systems located along the Planning Guide's considered channels, as each of these may require protection during dredging.

Anchor QEA will utilize existing relationships with dredging contractors with Delta experience and suitable equipment to ensure the design considers available resources in the Delta.

Deliverables:

- Meeting Notes for attended meetings.
- Text based on the dredging sections from the Planning Guide revised for incorporation into the Feasibility Study.
- 30% Opinion of Probable Cost for the Dredge Design.
- 30% Design Drawings, Opinion of Probable Cost, brief Basis of Design Memorandum, and Technical Specification Table of Contents.

Assumptions:

- The level of detail associated with the 30% design package will be dependent on the complexity of the selected preferred alternative, including the chosen beneficial use or disposal method (i.e., levee improvements may require additional design compared to hauling and disposal at a landfill).
- A site inspection of the channels to identify accessibility for dredge equipment is not included, but may be useful and is suggested for adding at the 30% design stage.

C. 30% Habitat Restoration Design Package

If desired, following completion of Task 5 (Preliminary Engineering and Landscape Designs), ESA would progress the Paradise Cut restoration design to the 30%-complete design level. For this project, we would

propose using an approach and workflow similar to what has worked successfully for the ongoing ***Mossdale Tract Area Urban Flood Risk Reduction (UFRR) Project***

Assuming site access is permitted, the team would initiate detailed site reconnaissance of the Paradise Cut corridor to document geomorphic field conditions related to erosion, sedimentation, and existing fish stranding potential. We also propose the team perform field mapping to identify portions of the Paradise Cut corridor where existing bank protection might be removed or enhanced to create Shaded Riverine Aquatic (SRA) habitat. On an as-needed basis, the team would propose targeted topographic verification surveys in areas obscured by vegetation or shallow water, particularly along channel banks. Tree surveys would also be conducted within proposed grading areas to avoid or minimize impacts that trigger mitigation.

ESA will develop a 30% restoration design plan set and will identify habitat features, the range of stream flows at which habitat will be connected, and how geomorphic and hydraulic processes will maintain target habitat and function. As the site grading and design features are refined, the County will perform hydraulic modeling and hydro-spatial analysis to confirm that the project features satisfy relevant ecological design criteria (depth, velocity, inundation frequency and duration, etc.) for the target species and habitat types. Consideration will include how flows will inundate the floodplain and how the floodplain is anticipated to evolve over time. Under this task, potential on-site and off-site soil disposal considerations within the Paradise Cut corridor will be reviewed with SJAFCA and DWR.

The exact approach for the restoration design will depend on the outcomes of the previous planning and design tasks. For planning purposes, we have assumed design of up to twenty (20) sites and budgeted for up to 73 sheets as outlined in our cost proposal.

A 30%-level estimate of quantities related to restoration activities (e.g., earthwork, planting, etc.) will be developed with additional input from Wood Rodgers and River Partners, as needed.

Work would be organized and managed by the following Subtasks:

SUBTASK OUTLINE:

1. Geomorphic Reconnaissance and Field Design Review
2. Site Surveys (As Needed)
3. Tree Surveys
4. Vegetation/Habitat Mapping
5. Restoration Hydrologic and Hydraulic Analysis
6. Restoration Design Plans (30%-complete design level)
7. Opinion of Anticipated Costs (30%-complete design level)
8. Basis of Design Report (30%-complete design level)
9. Meetings and Coordination

Deliverables:

- Draft and final 30%-complete design plans.
 - Draft and final opinion of anticipated costs (30%-complete design level).
 - ESA will present in-progress analyses and work products to SJAFCA and the project team during regularly scheduled web-based video conference meetings. Comments on these components will be documented and addressed during preparation of the Draft Basis of Design Report (30%-complete
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design level).

- Draft and Final Basis of Design Report (30%-complete design level) delivered in electronic (PDF) format. The document will provide a concise description of the process used to progress the restoration design and present refined quantities estimates and opinion of probable costs. This document will be adapted and refined as the design process progresses.
- Digital files associated with special surveys, habitat modeling, and design (e.g. CAD, GIS, etc.) will be made available on request.
- Presentations, meeting notes, and other materials developed for the project will be made available electronically on request.

Assumptions:

- ESA assumes restoration design for up to twenty (20) sites to be developed under the 30%-complete design level.
 - 30% restoration design will rely largely on data collected during the previous phase. Supplemental topographic surveys, aerial imagery, utility surveys, ROWs, and other boundary information are assumed to be collected by Wood Rodgers or others. All survey control would be provided by Wood Rodgers or others.
 - ESA assumes that any basis of design report (BODR) documentation will be developed at a 30%-complete design level of detail and amended through subsequent phases of design.
 - DWR comments on Draft 30% Design and Opinion of Anticipated Cost will be collated and provided in a single spreadsheet document. For budgeting and schedule purposes, one (1) round of comments and responses with SJAFCA and DWR is assumed, which will be addressed during the subsequent 60% design milestone.
-

Consulting Services for Paradise Cut Byass Expansion and Multi-Benefit Project
Estimated Level of Effort - Wood Rodgers Team

[illegible]

Total Cost Tasks 1 and 2 = \$ 2,049,823
Total Cost Tasks 1, 2 and Optional Task 3 = \$ 3,240,362

RESOLUTION NO. SJAFCA 24-12

SAN JOAQUIN AREA
FLOOD CONTROL AGENCY

=====

AUTHORIZE EXECUTIVE DIRECTOR TO EXECUTE A MASTER CONSULTANT SERVICES AGREEMENT WITH CONSERO SOLUTIONS TO PROVIDE CONSULTING SERVICES IN THE AMOUNT NOT-TO-EXCEED \$200,000 FOR THE PARADISE CUT BYPASS EXPANSION AND MULTI-BENEFIT PROJECT.

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

Authorize Executive Director to execute a Master Consultant Services Agreement with Consero Solutions to provide professional consulting services in the amount not-to-exceed \$200,000 for the Paradise Cut Bypass Expansion and Multi-Benefit Project.

PASSED, APPROVED AND ADOPTED this 18th day of APRIL 2024.

PAUL AKINJO, Chair
of the San Joaquin Area
Flood Control Agency

ATTEST:

CHRIS ELIAS, Executive Director
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

Attachment:

1. Exhibit A – Scope of Services

EXHIBIT A

SCOPE OF SERVICES

At the request of SJAFCA, Consero Solutions shall provide services including but not limited to the following on the Paradise Cut Bypass Expansion and Multi-Benefit Project:

- Project management and administration
- Engagement strategy development
- Project meeting attendance and facilitation as needed.
- Governance Charter Support
- Public Outreach and community engagement
- Project outreach material development and support
- Other facilitation and program management duties as needed.

All services will be provided in accordance with the project cost proposal (see Exhibit B-1).

“Specific Scopes of Services to be provided by CONSULTANT shall be further defined and authorized by SJAFCA through the issuance of project-specific Task Orders. Each specific Task Order will require a written scope outlining the specific services to be provided by the Consultant, the schedule for completion, and the proposed compensation amount(s) and payment methodology to perform the specified services. SJAFCA shall provide no compensation for the Consultant’s development of Task Order proposals, and any other cost incurred for the development, negotiation, and execution of the Task Orders. Each authorized Task Order shall become part of this Master Services Agreement.

TERM

The term of this Agreement shall be for from April 18, 2024 – June 30, 2026, unless otherwise terminated by the Agency, and may be renewed by the Agency subject to re-negotiation by the parties for additional periods.

FINAL

SCOPE OF WORK

Paradise Cut Expansion and Multi-Benefit Project

April 5, 2024

Consero Solutions (Consero) proposes the following scope of work to complete Task 3 of the Work Plan in the funding agreement between SJAFCA and the California Department of Water Resources (DWR) for the Paradise Cut Expansion and Multi-Benefit Project, known locally as the Paradise Cut Expansion and South Delta Restoration Project (Project).

Task 1: Engagement Strategy

Consero will create an engagement strategy for the Project in collaboration with the Paradise Cut Management Team (PCMT). The engagement strategy will identify key interested parties, including their interests, concerns, and level of influence; establish goals and objectives for community engagement, including measurable outcomes and success criteria; outline engagement methods and channels; define processes for feedback collection, documentation, and integration; and propose a timeline for engagement throughout the project lifespan. Consero will meet with the PCMT to discuss the engagement strategy at a regularly scheduled meeting and deliver a first draft within two weeks of the first PCMT meeting. Consero will work with DWR to align the project's engagement strategy with DWR's best management practices for community outreach and engagement, including Tribal outreach and engagement. (Consero is not responsible for tribal outreach and engagement associated with this Project but will ensure the engagement strategy supports DWR's work.) The PCMT will have the opportunity to provide final feedback on the engagement strategy at another regular meeting. Consero also will help the PCMT bring a draft to the Advisory Committee for review, incorporate Advisory Committee comments, and produce a final draft of the engagement strategy. The engagement strategy is a living document and the PCMT may choose to update the strategy in coordination with the Advisory Committee as needed.

Task 1 Deliverables:

- As needed, meeting materials and facilitation of up to five (5) meetings with DWR and SJAFCA to align engagement strategy with DWR's best management practices for community outreach and engagement, including Tribal outreach and engagement.
- Two (2) drafts of the engagement strategy
- One (1) final engagement strategy
- Up to five (5) updates of the engagement strategy if needed

Task 2: Project Meeting Attendance and Facilitation

Consero will attend PCMT meetings and facilitate all Advisory Committee meetings related to the Project. Consero also will review and provide feedback on PCMT agenda items and meeting summary elements that relate to Consero's work. Ms. Marchand will act as lead facilitator for Advisory Committee meetings. Consero will develop Advisory Committee agendas designed to elicit actions and decisions at least five days in advance of meetings and provide summaries with

meeting highlights, actions, and decisions within one week of meetings. Consero also will follow up on action items related to tasks in Consero's scope of work, which Consero will track using the online project management software Asana. Consero will document decisions from each Advisory Committee meeting in a decision tracking spreadsheet for easy reference. As needed, Consero will create PowerPoint presentations for Advisory Committee meetings for review and approval by the PCMT. Consero assumes PCMT meetings will occur monthly and Advisory Committee meetings will occur quarterly between April 2024 and December 2025.

Task 2 Deliverables:

- Meeting attendance at up to twenty (20) PCMT meetings
- Edits to PCMT agenda and meeting summary items related to Consero work
- Meeting materials (including PowerPoint presentations) and facilitation for up to seven (7) Advisory Committee meetings

Task 3: Governance Charter Support

Consero will support SJAFCA and Larry Wurzel and Associates (LWA), the project manager, to develop the governance charter for the Project and ensure consistency with the community engagement strategy. Such work could include advice regarding membership, scope, authority, decision-making process, elevation process, and communication channels for the PCMT or other governance needs as requested. Consero supported a similar effort for Phase 2 of the project, so will leverage Consero's knowledge and involvement in development of the existing Memorandum of Understanding to support development of the governance charter consistent with the community engagement strategy. Consero also will facilitate discussions about the governance charter at the PCMT and the Advisory Committee.

Task 3 Deliverables:

- Up to two (2) meetings to support development of the governance charter consistent with the community engagement strategy
- Up to two (2) rounds of edits to the charter

Task 4: Public Outreach

Consistent with the community engagement strategy, Consero will develop materials for and facilitate community engagement efforts related to the project. Consero will edit the feasibility study for clarity and organization, host small group meetings with reclamation districts to review the draft feasibility study, hold public workshops, facilitate workgroup meetings for affected/interested parties in coordination with the PCMT as assigned, and provide short, virtual, semi-annual newsletters to provide updates to the community. Consero implemented a similar strategy for Phase 2 of the Project, except for workgroup meetings and newsletters.

- **Edits to Feasibility Study Drafts.** Consero will edit feasibility study drafts to ensure the information is well organized and accessible to the public. From Consero's experience working with consultants to produce technical documents and communicate the information to the public, it is essential to ensure the feasibility study clearly defines terms, avoids jargon, states the main conclusions upfront, and uses clear language to communicate difficult concepts. If the feasibility study is clearly written, it is much easier (and less expensive) to

conduct public outreach, so this is a key component of Consero's community engagement strategy.

- **Small Group Meetings.** Consero recommends the PCMT host small group meetings with reclamation districts and other affected/interested parties. Due to the differing impacts upstream versus downstream of the project, Consero recommends PCMT meet twice with reclamation districts downstream of the project and once per year with reclamation districts upstream from the project. Ms. Marchand will facilitate these small group meetings and Consero will provide materials including agendas, meeting summaries, and other materials as needed.
- **Public Workshops.** Consero recommends the PCMT host two public information workshops, one to coincide with public review of the draft feasibility study and a second on to provide an update on the final feasibility study before the PCMT brings the final feasibility study to the Advisory Committee and SJAFCA Board of Directors for approval. Consero will provide invitations/flyers for these workshops and support the PCMT in distributing the information to the community. Consero also will develop presentation materials including agendas, draft and final talking points, and draft and final slide decks. Consero will staff the workshops including set up, printing and distribution of materials, note taking, and clean up. Ms. Marchand will facilitate the workshops and assist other speakers with their talking points.
- **Workgroup Meetings for Affected/Interested Parties.** As needed and in coordination with the PCMT, Consero will facilitate workgroup meetings for affected/interested parties. As assigned by the PCMT, Ms. Marchand will facilitate these meetings and Consero will provide agendas, meeting summaries, and other materials as needed.
- **Newsletters.** Consero will also develop a semi-annual virtual newsletter to keep interested/affected parties apprised of the project's progress. Consero will work with the PCMT to develop content for the newsletters, provide a draft, integrate changes, and provide a final version for distribution to interested/affected parties.

As needed, Consero will field public inquiry including drafting email responses to questions/comments from the public.

Task 4 Deliverables:

- Two (2) rounds of edits to the draft feasibility study and one (1) round of edits to the final feasibility study
- Meeting materials and facilitation for up to ten (10) small group meetings
- Meeting materials, facilitation, and staffing of up to two (2) public workshops
- Meeting materials, facilitation, and staffing of workgroup meetings for affected/interested parties as needed
- Up to two (2) draft sets of talking points for public workshops
- Up to two (2) final sets of talking points for public workshops
- Up to two (2) draft PowerPoint slide decks for public workshops
- Up to two (2) final PowerPoint slide decks for public workshops
- Up to four (4) draft virtual newsletters
- Up to four (4) final virtual newsletters

Task 5: Other Support As Assigned

CONSEROSOLUTIONS

Consero will provide additional support as needed. Examples include assisting with presentation materials for PCMT members' attendance at other meetings, fielding public inquiry including drafting email responses to questions/comments from the public, providing advice and recommendations on the formation and proceedings of the Technical Review Panel as needed, or attending additional meetings related to the project, but not mentioned above. Consero may also assist with project management if coordinated clearly with LWA and SJAFCA.

Task 5 Deliverables:

- Up to two (2) draft PowerPoints
- Up to two (2) final PowerPoints
- Up to ten (10) draft email responses to public comments/questions
- One draft and final Frequently Asked Questions (FAQs) document
- Up to two (2) updates to FAQs document
- Attendance and/or facilitation at up to five (5) additional meetings

FINAL

PARADISE CUT EXPANSION AND MULTI-BENEFIT PROJECT
FACILITATION, OUTREACH AND ENGAGEMENT COST PROPOSAL

April 5, 2024

<i>Labor Category:</i>		President	Principal Consultant	Associate Consultant	Total Hours	Labor Price
Task #	Task Name/Description	\$220	\$190	\$160		
1.0	Engagement Strategy	32	25.5	37	94.50	\$17,805
2.0	Project Meeting Attendance and Facilitation	64.5	64.5	88	217.00	\$40,525
3.0	Governance Charter Support	30	25	40	95.00	\$17,750
4.0	Public Outreach	105	86	111	302.00	\$57,200
5.0	Other Support as Assigned	63	53	47.5	163.5	\$31,530
Total Hours		295	254	324	872	
Total Labor Costs		\$64,790	\$48,260	\$51,760	\$164,810	\$164,810

CONTINGENCY		\$13,000
TRAVEL		\$2,000
PROJECT TOTAL		\$179,810

RESOLUTION NO. SJAFCA 24-13

SAN JOAQUIN AREA
FLOOD CONTROL AGENCY

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AUTHORIZE EXECUTIVE DIRECTOR TO EXECUTE A MASTER CONSULTANT SERVICES AGREEMENT WITH LARSEN WURZEL & ASSOCIATES, INC. TO PROVIDE CONSULTING SERVICES IN THE AMOUNT NOT-TO-EXCEED \$360,000 FOR THE PARADISE CUT BYPASS EXPANSION AND MULTI-BENEFIT PROJECT.

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

Authorize Executive Director to execute a Master Consultant Services Agreement with Larsen Wurzel & Associates, Inc. to provide consulting services in the amount not-to-exceed \$360,000 for the Paradise Cut Bypass Expansion and Multi-Benefit Project.

PASSED, APPROVED AND ADOPTED this 18th day of APRIL 2024.

PAUL AKINJO, Chair
of the San Joaquin Area
Flood Control Agency

ATTEST:

CHRIS ELIAS, Executive Director
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

Attachment:

1. Exhibit A – Scope of Services

EXHIBIT A

SCOPE OF SERVICES

At the request of SJAFCA, Larsen Wurzel & Associates shall provide services including but not limited to the following on the Paradise Cut Bypass Expansion and Multi-Benefit Project:

- Attend meetings with (or on behalf of) SJAFCA to develop a strategy for successfully achieving project commitments, financing, agency outreach, project governance, and implementation/delivery. Support project execution through tracking and management of the project schedule, scope, and budget.
- Represent SJAFCA, as requested, in project discussions with key federal, state and/or local agencies or stakeholders concerning the Project and how it supports broader efforts like the USACE Lower San Joaquin River Lathrop and Manteca Feasibility Study. This effort may include the development of work products intended to help facilitate and advance project development, financing, or implementation.
- Attend and facilitate, as requested, meetings with SJAFCA, the Paradise Cut Management Team, the Advisory Committee, the feasibility study technical team, and the Technical Review Panel. Attend other study meetings with the public, stakeholders, or affected agencies. Collaborate with SJAFCA and other team members regarding how to communicate study content effectively and how to successfully resolve identified issues.
- Synthesize and summarize study progress for progress reporting to the SJAFCA, the Paradise Cut Management Team, the Advisory Committee, and DWR. Facilitate communication and decision-making.
- Other project management support duties as assigned.

All services will be provided in accordance with the project cost proposal (see Exhibit B-1).

“Specific Scopes of Services to be provided by CONSULTANT shall be further defined and authorized by SJAFCA through the issuance of project-specific Task Orders. Each specific Task Order will require a written scope outlining the specific services to be provided by the Consultant, the schedule for completion, and the proposed compensation amount(s) and payment methodology to perform the specified services. SJAFCA shall provide no compensation for the Consultant’s development of Task Order proposals, and any other cost incurred for the development, negotiation, and execution of the Task Orders. Each authorized Task Order shall become part of this Master Services Agreement.

TERM

The term of this Agreement shall be for from April 18, 2024 – June 30, 2026, unless otherwise terminated by the Agency, and may be renewed by the Agency subject to re-negotiation by the parties for additional periods.



LARSEN WURZEL
& Associates, Inc.

PUBLIC FINANCE
& MANAGEMENT
RESOLVED

Paradise Cut Bypass Expansion and Multi- Benefit Project

Project Management Support

PROPOSAL

Submitted to: San Joaquin Area Flood Control Agency
Submission date: 21 March 2024



LARSEN WURZEL
& Associates, Inc.

2450 Venture Oaks Way, Suite 240 • Sacramento, CA 95833

www.larsenwurzel.com

March 21, 2024

Glenn Prasad, Deputy Executive Director
c/o San Joaquin Area Flood Control Agency
22 East Weber Avenue, Room 301
Stockton, California 95202

Subject: Proposal for Project Management Support for the Paradise Cut Bypass Expansion and Multi-Benefit Project

Dear Mr. Prasad

Larsen Wurzel and Associates, Inc. (LWA) is pleased to submit this proposal to assist the San Joaquin Area Flood Control Agency (SJAFCA) with the Paradise Cut Bypass Expansion and Multi-Benefit Project (Project). We understand the potential flood risk reduction and ecosystem benefits to the local community of this project and are committed to providing comprehensive support to ensure its success. To further strengthen our team and its depth, LWA is partnering with **R&F Engineering, Inc.** on this Project Management Support proposal.

LWA Program and Project Management Support for SJAFCA

Successfully advancing projects requires experience leading multidisciplinary teams through dynamic and complex state and federal policies and permitting processes to achieve client goals. LWA helps local agencies manage the processes required to plan, advance design, ensure environmental compliance, acquire necessary real estate interests, obtain State and federal permits, and secure the funding needed to construct projects that are cost effective and acceptable to local communities.

Our team of experienced program and project managers support the management of multi-disciplinary teams tasked to advance the planning, design, permitting, and construction of water resource projects. This responsibility often includes overall project risk and quality management; coordination with federal, state, and local agencies to secure support and/or regulatory approvals; preparation of grant applications, grant management, and development of detailed financial plans in conformance with state and federal guidelines; review, interpretation, and implementation of federal and state policy, education and coordination necessary to support the appropriation of federal and state funds, and, the identification, procurement, and integration of all resources required to facilitate project delivery.

LWA Principals have worked with SJAFCA since 2010 when SJAFCA made the strategic decision to advance flood risk reduction efforts in the Smith Tract area. As SJAFCA's geographic reach expanded southward into the Mossdale Tract in 2018, LWA staff supported SJAFCA's efforts in many aspects of financial and program management. LWA has helped support the Agency's planning and preliminary design efforts as part of the State funded Mossdale Tract Urban Flood Risk Reduction (UFRR) Feasibility Study.

LWA has also supported SJAFCA's efforts to advance flood risk reduction for North and Central Stockton through the Federally authorized Lower San Joaquin River Project (LSJRP) by providing critical program management and public finance services. LWA is supporting the Agency's non-Federal Sponsor obligations by providing program management support services to the Agency as it coordinates with the U.S. Army Corps of Engineers (USACE), the Central Valley Flood Protection Board (CVFPB), and the California Department of Water Resources (DWR). LWA provides a range of services such as counsel on USACE process and schedule; direct staff augmentation for tasks such as rights-of-entry coordination or consultant oversight; and strategic engagements such as leadership briefings and project risk management.

LWA has also been active in the advancement of the Paradise Cut Project in Phase 2. LWA supported the scope of work development with DWR for Phase 3 and coordinated the signing of the Memorandum of Understanding. LWA understands the history of the Project, knows the project partners and stakeholders, and has the experience to advance the project successfully in Phase 3 and lay the groundwork for future phases.

LWA's Project Management Approach

The Project Management team supports SJAFCA in leading and managing the successful development and delivery of SJAFCA's flood risk management portfolio. This responsibility extends beyond traditional delivery of structural flood protection improvements to include a fully integrated portfolio of flood projects, policies, interagency partnerships, and strategic communication elements designed to quickly reduce the region's exposure to flood risk, while preserving its economic vitality and improving adjacent ecosystems.

The Project Manager leads and manages the delivery of the planning, design, and construction phases of water resource projects, whether led by the USACE, the State of California, or SJAFCA. This responsibility includes traditional product delivery on schedule and within budget in addition to a required understanding of the interrelationship between the engineering, environmental, financial, real estate, economic, political, and public relations challenges that face most projects. A brief scope of services is attached as Exhibit 1.

LWA Experience with Managing Planning Studies

LWA has extensive experience both leading and participating in disciplined, collaborative, and objective planning processes with federal, state, and local agencies. This experience includes working within DWR's Feasibility Study Framework for the Little Egbert Multi-Benefit Project Feasibility Study as well as the feasibility study developed in support of the Mossdale UFRR Project. LWA's experience is especially deep for flood risk management; however, it includes experience on studies involving habitat restoration, water supply reliability, agricultural sustainability, water quality, and recreation.

SJAFCA's program involves several active planning efforts including the Lower San Joaquin River - Lathrop and Manteca Feasibility Study with USACE, the Paradise Cut Expansion and South Delta Restoration Feasibility Study with DWR (Phase 2), and an Environmental Impact Report for UFRR Project. LWA has participated on behalf of SJAFCA in each of these planning efforts.

LWA and R&F's Coordinated Approach to Project Management

LWA and R&F have successfully collaborated as management team members on numerous other complex projects with multiple layers of engagement. Mostly significantly over the past five years, they have shared responsibility guiding complex flood risk management programs for the Sutter Butte Flood Control Agency (SBFCA) and the Pajaro Flood Risk Management Authority (PFRMA) in addition to mutual involvement with several of SJAFCA's flood projects and finance initiatives. LWA and R&F strongly believe in placing the client's needs first.

R&F Engineering is also currently supporting SJAFCA on multiple fronts, including ongoing efforts for DWR Regional Flood Management Planning (RFMP), the USACE Lathrop & Manteca feasibility study, the Lower San Joaquin River Climate Resiliency Study, and the USACE Lower San Joaquin River Project (LSJRP). R&F's support for the Paradise Cut project will not only be able to cover technical aspects of the project, but will also be able to evaluate consistency with other regional projects and with SJAFCA's climate change adaptation policies. This broad experience across SJAFCA's program, as well as the historical knowledge of SJAFCA's past efforts, can be used to provide valuable insights along with increased efficiency and effectiveness when reviewing and advancing the Paradise Cut project. R&F's long-standing involvement in the region makes them an obvious additional to LWA's Project Management Team.

LWA's Project Management Team

LWA proposes to assign Mr. Eric Nagy as the Principal-In-Charge (PIC) for the Project with Ms. Melissa Weymiller serving as the Project Manager. As the PIC, Eric will provide strategic advice and oversight to the client and the project management team, while Melissa provides the responsive, recurring involvement that the Project deserves. Mr. Mike Rossiter from R&F engineering will also participate regularly in project team activities with a strong focus on planning and design integration and consistency with adjacent regional planning efforts and project implementation activities.

Eric Nagy, P.E. (LWA) – Principal

Mr. Nagy, a partner in the firm, has been involved with the planning, design, and construction of water resource projects since 1997. He has served in both the public and private sectors and gained deep experience leading multidisciplinary teams through the development and implementation of water resource projects. Notably, Eric served 13 years with USACE Sacramento District. During his last three years he served as Chief of the Design Branch, and previously held positions in Construction and Project Management. His experience with Federal and State water resource regulation and policy allows him to provide strategic advice and management support services for improved watershed management.

Melissa Weymiller (LWA) – Project Manager

Ms. Weymiller will provide program / project management support to SJAFCA. Ms. Weymiller has 10 years of experience with the planning, design, and construction of water resources projects within the public and private sectors. Before joining LWA, Ms. Weymiller worked as a planner and project manager for USACE, where she worked on multiple flood risk reduction, ecosystem restoration, and watershed studies and mentored teams working on scoping new studies. Ms. Weymiller currently provides project management

support to SJAFCA for the Paradise Cut project. Ms. Weymiller also provides support for SAFCA's Comprehensive Study of the Yolo Bypass with USACE. A resume for Ms. Weymiller is attached as Exhibit 2.

Mr. Mike Rossiter, PE, CFM (R&F Engineering) – Principal Engineer

Mr. Mike Rossiter has been involved in the Paradise Cut project concept since it first made it into the DWR Central Valley Flood Protection Plan (CVFPP) in 2012. He helped to organize multiple "Paradise Cut Symposiums" in 2013 as part of SJAFCA's Regional Flood Management Planning (RFMP) team where he gave several presentations on the Paradise Cut project concepts and on his review of the hydraulic modeling tools that were available for Paradise Cut. Mr. Rossiter regularly coordinates amongst local, State, federal, and consultant partners to successfully complete flood risk reduction and multi-benefit projects. He has led a multitude of efforts that have not only spanned engineering and hydraulics analyses but have also required the understanding of multi-benefit components, permitting, funding, economics analyses, life loss analyses, transfer of risk, right-of-way acquisition, DWR protocols, USACE processes, CVFPB and DWR coordination, design, construction, and public outreach. A resume for Mr. Rossiter is attached as Exhibit 3.

A proposed project management support budget as well as 2024 rate sheets for both LWA and R&F Engineering are included in a separate sealed envelope.

We appreciate the opportunity to support the advancement of the Project, and we are confident that our expertise and dedication will add significant value. Should you have any questions or require further clarification, please do not hesitate to contact me directly at 916-698-5712 or via email at seth@larsenwurzel.com.

LWA is excited about the prospect of collaborating with your team on this interesting project. We look forward to the opportunity to work together.

Sincerely,



Eric Nagy, PE
Principal
Larsen Wurzel & Associates, Inc.

Scope of Services

This proposal includes an estimated level of effort to provide project management support for Paradise Cut Bypass Expansion and Multi-Benefit Project. It aims to anticipate the client's needs from the initiation of the Feasibility Study through the completion of DWR agreement. If additional work is required, LWA will notify the client of the change and seek to negotiate a task order amendment based on a revised Scope of Services and budget.

The proposed term associated with this proposal is about 20 months, ending on December 31st, 2025 with the expiration of the DWR agreement. This term may be extended as needed through a task order modification agreed to in writing by both parties.

Paradise Cut Bypass Expansion and Multi-Benefit Project Support

SJAFCA, in partnership with several agencies and key stakeholders, is seeking to advance a multi-objective project for Paradise Cut. This project seeks to strike a balance between flood risk reduction, habitat restoration, protecting farmland, improving irrigation intake reliability and waterway navigability, and improving water supply reliability. Key agencies and interested parties include the State of California, neighboring Reclamation Districts, local resource agencies, and several nongovernmental organizations.

LWA is responsible to provide advice and subject matter expertise to SJAFCA, as requested, to support the development of and secure commitments to deliver the Paradise Cut project. This responsibility includes clearly articulating project benefits and risks, researching projects and programs of similar scope to identify lessons learned, participating in and/or facilitating communication with critical agencies and stakeholders, and assisting in the development of scopes of work and agreements that support project implementation in future project phases. Specific examples of anticipated support services include:

- Attend meetings with (or on behalf of) SJAFCA to develop a strategy for successfully achieving project commitments, financing, agency outreach, project governance, and implementation/delivery. Support project execution through tracking and management of the project schedule, scope, and budget.
- Represent SJAFCA, as requested, in project discussions with key federal, state and/or local agencies or stakeholders concerning the Project and how it supports broader efforts like the USACE Lower San Joaquin River Lathrop and Manteca Feasibility Study. This effort may include the development of work products intended to help facilitate and advance project development, financing, or implementation.
- Attend and facilitate, as requested, meetings with SJAFCA, the Paradise Cut Management Team, the Advisory Committee, the feasibility study technical team, and the Technical Review Panel. Attend other study meetings with the public, stakeholders, or affected agencies. Collaborate with SJAFCA and other team members regarding how to communicate study content effectively and how to successfully resolve identified issues.
- Synthesize and summarize study progress for progress reporting to the SJAFCA, the Paradise Cut Management Team, the Advisory Committee, and DWR. Facilitate communication and decision-making.

- Coordinate the review of interim study deliverables and supporting technical documents by the feasibility study technical team.

Fee Estimate

LWA's cost proposal for the services outlined is presented in the sealed envelope accompanying this proposal.

LWA charges for its services on a direct cost of time and expenses basis up to a mutually agreed upon budget amount. The level of effort required is based upon LWA's best estimate of the described scope of services. LWA will work efficiently to manage the costs for this effort. LWA will communicate frequently with SJAFCA and will provide, on at least a monthly basis, an update of the cumulative expenditures against the approved budgeted amount to provide as much advance notice as possible if it is determined that the cost of the services could exceed the approved budget.



Melissa Weymiller Project Manager

✉ melissa@larsenwurzel.com ☎ 1+530.665.8222

EDUCATION

Master of Sciences
Conservation Social Science
University of Idaho, 2016

Bachelor of Arts
Conservation Biology
University of Wisconsin, 2010

PREVIOUS EMPLOYMENT

US Army Corps of Engineers, Los Angeles, CA, 2023 Section Chief, Environmental Justice and Community Engagement, Tribal Affairs, and Resiliency Section, Planning Division

US Army Corps of Engineers, Sacramento, CA, 2021-2023
Program Manager, Flood Risk Management Program

US Army Corps of Engineers, Sacramento, CA, 2016-2021
Project Manager/Planner, Planning Division

National Park Service, Yellowstone National Park, WY, 2015-2016,
Social Science Research Assistant, University of Idaho

Bureau of Land Management, Idaho Falls, ID, 2014-2016,
Recreation Planning Research Assistant, University of Idaho

Wisconsin Department of Natural Resources, Madison, WI, 2011-2014, Customer Service and Strategic Plan Development

AFFILIATIONS

Water Solutions Network

Melissa Weymiller supports LWA's clients by providing project management services on planning of water resource projects with a focus on the Central and San Joaquin Valleys in California. She has experience leading multidisciplinary teams of technical professionals through the development and implementation of multiple objective flood risk reduction and environmental restoration projects. Melissa's experience in Federal water resource regulations and policies allows her to provide strategic advice and assistance for implementing improved integrated comprehensive watershed management projects.

Prior to joining LWA, Melissa served for 7 years at the U.S. Army Corps of Engineers (USACE) in Sacramento and Los Angeles and has extensive water resource experience in the USACE Civil Works programs. She joined USACE as a water resources planner, but in 2018 joined the Flood Risk Management Program as a Project Manager and Program Manager where she oversaw multiple technical services and planning support programs. She played an active role in California, Nevada, and Utah Silver Jackets interagency teams, and was instrumental in developing the Navajo Nation Silver Jackets team, the first ever Tribal team. In her seven years, she worked on multiple flood risk reduction, ecosystem restoration, and watershed studies and mentored teams working on scoping new studies. Melissa also served on the long-term recovery cadre, deploying to support communities recovering from disasters like the Camp Fire and 2023 California flood events.

U.S. Army Corps of Engineers (USACE), Los Angeles District - Environmental Justice Program

Environmental Justice and Community Engagement, Tribal Affairs, and Resiliency Section Chief and Program Manager. While with the Los Angeles District, Melissa oversaw the Environmental Justice Program and its multi-disciplinary staff. Melissa oversaw the implementation of the district's Environmental Justice Strategic Plan. The Program included scoping environmental justice efforts into existing Civil Works projects and increasing the portfolio of projects partnering directly with Environmental Justice communities.

U.S. Army Corps of Engineers (USACE), Sacramento District - Silver Jackets

Project Manager. Melissa worked with the California, Nevada, and Utah Silver Jackets state-led interagency teams to collaborate on flood risk reduction. Melissa worked closely with the lead agencies from each state to bring the local, tribal, state, and federal interests together to identify programs, projects, and strategies to support floodplain management projects. Melissa worked with the Navajo Nation Department of Water Resources to develop the first tribal Silver Jackets team. She also mentored the Guam Silver Jackets team to help initiate their first three projects. In 2020, she received the Silver Jackets Colonel Carl Morrison Collaborative Leadership Award for her efforts to bring agencies together to support communities.

U.S. Army Corps of Engineers (USACE), Sacramento District - Floodplain Management Services and Planning Assistance to States

Program Manager. Underneath the Flood Risk Management Program, Melissa served as a Program Manager and Project Manager, overseeing 20-30 technical services and planning support projects with a portfolio value of over \$12 million. The Floodplain Management Services and Planning Assistance to States authorities support states, communities, and tribes with water resources planning support, including floodplain management and water supply reliability. Most projects are 100% Federally funded, and she developed multiple projects with states, cities, tribes, and environmental justice communities. Her creativity and initiative helped grow the diversity of projects and partnerships. She oversaw projects developing floodplain maps, flood risk hazard assessments, floodplain management plans, water supply reliability assessments, flood risk education and outreach, and flood after fire debris flow maps.

U.S. Army Corps of Engineers (USACE), Sacramento District - Tribal Partnership Program

Program Manager. The Tribal Partnership Program allows USACE to partner with Tribal Nations to carry out water-related planning activities, or activities relating to the study, design, and construction of water resources development projects. Melissa served as a planner, project manager, and program manager on multiple Tribal Partnership Program projects, including watershed studies with Navajo Nation, Acoma Pueblo, and Santa Clara Pueblo and ecosystem restoration projects with the Mechoopda Tribe and the Northwestern Band of Shoshone.

U.S. Army Corps of Engineers (USACE), Sacramento District - Long-term Infrastructure Recovery

Infrastructure Field Coordinator. USACE is the lead agency for infrastructure recovery post-disaster. Melissa served as the field coordinator for the long-term recovery cadre for the Camp Fire and the 2023 California Flood Events, deploying for six months or longer with FEMA and state and federal agencies supporting community recovery. The interagency group addresses gaps not covered by traditional disaster programs. Melissa worked with communities to identify long term recovery solutions and leverage resources to address the unmet needs of impacted areas. She developed and administered training and tabletop exercises for internal and external audiences. She also received the Department of the Army Civilian Service Achievement Medal for her work as a field coordinator after the Camp Fire.

Mr. Rossiter has over 17 years' experience in water resources engineering projects. His experience includes hydrology and hydraulics studies, floodplain mapping, FEMA flood studies, USACE feasibility studies and Pre-Construction, Engineering, and Design (PED), Urban Levee Design Criteria analyses, flood emergency preparedness analyses, levee improvement projects, engineering economics analyses, storm water management studies, water system master planning, and water rights investigations. Mr. Rossiter's experience has spanned technical engineering components of projects and has required understanding of multi-benefit components, permitting, funding, right-of-way acquisition, State and federal processes, design protocols, construction, and public outreach.

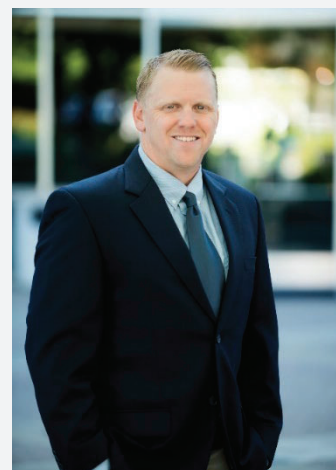
PROJECT EXPERIENCE

Pajaro River Flood Risk Reduction Project, Pajaro Regional Flood Management Agency (PRFMA), Santa Cruz & Monterey Counties, CA, 2019-Present

Mr. Rossiter is currently working with PRFMA as the project manager and lead consultant engineer for the \$500M Pajaro River Flood Risk Management Project. This levee improvement project covers approximately 14-miles of levees on the Pajaro River, Corralitos Creek, and Salsipuedes Creek with the end goal of certifying the improved levees through FEMA and removing the urban portions of Watsonville and Pajaro from the FEMA 100-year floodplain as well as decreasing flood risk for the surrounding agricultural community. Mr. Rossiter's work has included engineering support to establish a local financing mechanism for the project through a Prop 218 election, establishing a new Joint Powers Agency (JPA) consisting of multiple local government agencies to take on the project, engineering support for the CEQA process, engineering support for the USACE Preconstruction Engineering and Design (PED) process including numerous hydraulic evaluations as part of USACE in-kind credit services, and hydraulic modeling/floodplain mapping for hundreds of flooding scenarios evaluated as part of the project.

On-Call Flood Management Program Assistance – San Joaquin County, CA, 2010-Present

Mr. Rossiter has assisted San Joaquin County Department of Public Works consistently since 2010 on efforts related to their day-to-day water resources and flood management activities. Services have included NFIP/CRS support, floodplain mapping, submittal of LOMRs/CLOMRs, hydraulic and hydrologic studies, assistance with their stream gage network, writing and submittal of grant applications including for FEMA grants, USACE Systemwide Improvement Framework (SWIF) support, assistance with the County's channel and levee maintenance program, representation at local and regional meetings, staff augmentation, and other miscellaneous engineering support.



EDUCATION

M.S. Civil Engineering, University of California, Davis, 2010

M.S. Water Resources Management, University of California, Santa Barbara, 2007

B.S. Environmental Science w/ Honors, Loyola Marymount University, Los Angeles, 2005

CERTIFICATIONS

Registered Professional Engineer, California No. 80072

Certified Floodplain Manager

AFFILIATIONS

Flood Management Association

Association of State Floodplain Managers

Society of American Military Engineers

California Central Valley Floodplain Association

PROFESSIONAL EXPERIENCE

R&F Engineering Inc. (2022-Present)

Peterson Brustad Inc. (2010-2022)

Wood Rodgers Inc. (2009-2010)

Stetson Engineers Inc. (2007-2009)

Integrated Water Resources Inc. (2005-2007)

DWR Urban Flood Risk Reduction (UFRF) Study for the Mossdale Tract Area, San Joaquin Area Flood Control Agency (SJAFC), CA, 2017-2023. Mr. Rossiter helped to prepare a DWR feasibility study and alternatives analysis for the provision of 200-year flood protection for the RD 17 area. The analysis of each alternative included studying existing hydrologic conditions as well as future-with climate change conditions using DWR CVFPP climate change hydrology. Flood damages and life loss estimates were analyzed with HEC-FDA for the “without project” conditions as well as each of the “with project” conditions for each alternative. Multi-benefit alternatives were qualitatively and quantitatively compared for consideration by stakeholders. The preferred plan included refined conceptual drawings, phasing, cost estimates, operating rules and performance metrics. A plan was also prepared outlining the key elements for implementation of the preferred alternative. Mr. Rossiter is currently providing support as the project goes through the CEQA and preliminary design phases. Mr. Rossiter is also fully integrated in the USACE Lathrop/Manteca feasibility study which is a current, parallel effort.

Upper Mormon Slough Erosion Repair Project Funded by the DWR Flood System Repair Project (FSRP) Grant, San Joaquin County Public Works, 2017-2022. The Mormon Slough FSRP effort included the design and installation of rock slope protection on approximately 2 miles of Mormon Slough banks. The project was funded by DWR through a Flood System Repair Project (FSRP) grant. Mr. Rossiter assisted with the hydraulic modeling and with navigating through the CVFPB permitting process. The hydraulic modeling assessed the post-project velocity, and its distribution, along the existing Mormon Slough banks and again along the repaired bank based on a design flow and used to set the final ‘top of repair’ extents and length of the erosion protection.

Smith Canal FEMA Interior Drainage Analysis, San Joaquin Area Flood Control Agency (SJAFC), Stockton, CA, 2019-2019

Mr. Rossiter oversaw all aspects of an interior drainage analysis per FEMA criteria identified in 44 CFR 65.10 for the Smith Canal watershed in Stockton, CA which is at risk of tidal flooding, riverine flooding, and interior rainfall-runoff flooding. The study included development of a HEC-HMS model to produce rainfall-runoff hydrographs, an analysis of the City of Stockton storm drain network and storm water pump stations that drain through the existing Smith Canal levee system, a coincident frequency analysis to identify appropriate tidal stages to accompany a 100-year rainfall event, and a HEC-RAS analysis to identify drainage paths and ponding extents of excess runoff. The final deliverable included street-level floodplain maps showing the depths and extents of ponding for the 25-year and 100-year rainfall-runoff scenarios. The results were submitted to and approved by FEMA as part of a CLOMR process.

FEMA Levee Accreditation for the Bear Creek and Calaveras River Systems, San Joaquin Area Flood Control Agency (SJAFC), Stockton, CA, 2015-2017

Mr. Rossiter oversaw all aspects for the submittal of the full accreditation package according to FEMA criteria identified in 44 CFR 65.10 for 35 miles of levees in the Bear Creek levee system and 20 miles of levees in the Calaveras River levee system. Specific work included HEC-RAS modeling to determine 100-year water surface profiles, levee freeboard analysis, FLO-2D modeling to determine residual floodplains due to interior drainage, and a review and evaluation of existing closure structures, embankment protection, and O&M manuals.



PUBLIC FINANCE
& MANAGEMENT
RESOLVED

LARSEN WURZEL
& Associates, Inc.

Paradise Cut Bypass Expansion and Multi- Benefit Project

Project Management Support

COST PROPOSAL

Submitted to: San Joaquin Area Flood Control Agency
Submission date: 21 March 2024



2450 Venture Oaks Way, Suite 240 • Sacramento, CA 95833

ARSEN WURZEL
& Associates, Inc.

www.larsenwurzel.com

FEE ESTIMATE
PROJECT MANAGEMENT SUPPORT

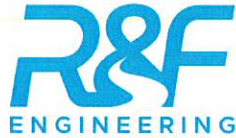
Project Delivery Support	Monthly Hours	Rate	Monthly Budget	Subtotal
Managing Principal	8	\$280	\$2,240	\$44,800
Project Manager	32	\$234	\$7,488	\$149,760
Associate II	16	\$202	\$3,232	\$64,640
Principal Engineer (R&F Engineering)	16	\$264	\$4,224	\$84,480
Subconsultant Cost (5%)			\$211	\$4,224
Expenses			\$250	\$5,000
Total			\$17,645	\$352,904

Larsen Wurzel & Associates, Inc.
Hourly Rate Schedule

Staff Position	2024*
Managing Principal	\$280
Principal	\$275
Senior Consultant	\$280-340
Supervising Project Manager	\$270
Senior Project Manager II	\$263
Senior Project Manager I	\$257
Associate Project Manager II	\$251
Associate Project Manager I	\$246
Project Manager II	\$240
Project Manager I	\$234
Supervising Associate	\$249
Senior Associate II	\$237
Senior Associate I	\$226
Associate III	\$214
Associate II	\$202
Associate I	\$191
Senior Analyst	\$179
Analyst II	\$161
Analyst I	\$144
Supervising Engineer	\$250
Senior Engineer II	\$241
Senior Engineer I	\$234
Project Engineer	\$226
Associate Engineer	\$203
Assistant Engineer II	\$191
Assistant Engineer I	\$179
CAD Tech/GIS Specialist	\$156
Junior Engineer	\$146
Senior Project Coordinator	\$161
Project Coordinator	\$144
Project Assistant	\$137
Technical Editor	\$119
Clerical Staff	\$108
Intern	\$84

**Rates subject to adjustment on January 1st of each year.*

Automobile mileage is billed at the IRS federal reimbursement rate.
Professional services provided by others billed through LWA are billed at cost plus a service charge of 5%.



Mike Rossiter, PE
(916) 416-6599

Chris Fritz, PE
(209) 304-1739

2270 Douglas Blvd, Suite 118
Roseville, CA 95661

2024 Standard Fee Schedule

Position	Hourly Rate
Principal Engineer	\$264
Senior Consultant IV	\$275
Senior Consultant III	\$264
Senior Consultant II	\$259
Senior Consultant I	\$252
Project Manager III	\$243
Project Manager II	\$232
Project Manager I	\$217
Senior Engineer III	\$243
Senior Engineer II	\$231
Senior Engineer I	\$216
Associate Engineer III	\$206
Associate Engineer II	\$196
Associate Engineer I	\$185
Engineer IV	\$178
Engineer III	\$168
Engineer II	\$158
Engineer I	\$146
Senior Project Technician III	\$234
Senior Project Technician II	\$213
Senior Project Technician I	\$194
Project Technician V	\$163
Project Technician IV	\$146
Project Technician III	\$131
Project Technician II	\$114
Project Technician I	\$97
Expert Testimony & Deposition	\$528
Admin V	\$127
Admin IV	\$119
Admin III	\$109
Admin II	\$97
Admin I	\$87

Expenses

Automobile Mileage	Per Current Federal Rates
Subconsultants	At Cost Plus 5%
Other Direct Expenses (Printing, Travel, etc.)	At Cost Plus 5%

Note: Hourly rates will be reviewed and adjusted January 1 of each year

RESOLUTION NO. SJAFCA 24-14

SAN JOAQUIN AREA
FLOOD CONTROL AGENCY

=====

AUTHORIZE EXECUTIVE DIRECTOR OR DESIGNEE TO EXECUTE ALL DOCUMENTS RELATED TO THE PARADISE CUT BYPASS EXPANSION AND MULTI-BENEFIT PROJECT, INCLUDING A TEMPORARY FUND TRANSFER OF \$1,000,000 FROM THE MOSSDALE ACCOUNT TO THE PARADISE CUT ACCOUNT TO IMPLEMENT THE PROJECT.

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

1. Authorize a temporary transfer of funds in the amount of \$1,000,000 from the Mossdale Account (55679) to the Paradise Cut Account (55665) to provide sufficient funds to cash-flow the project, which will be repaid as the funds are reimbursed from DWR; and,
2. Authorize the Executive Director or designee to execute all documents related to the Project, include any project consulting agreements and subsequent task orders, funding invoices, funding agreement and any amendments thereto with the Department of Water Resources, and make any administrative changes to the foregoing resolutions in consultation with SJAFCA's general counsel to clarify the intent and satisfy DWR's administrative and legal requirements.

PASSED, APPROVED AND ADOPTED this 18th day of APRIL 2024.

PAUL AKINJO, Chair
of the San Joaquin Area
Flood Control Agency

ATTEST:

CHRIS ELIAS, Executive Director
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 4.4

April 18, 2024

TO: San Joaquin Area Flood Control Agency

FROM: Chris Elias, Executive Director

SUBJECT: **RESOLUTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE AMENDMENT No. 5 TO THE CONSULTANT SERVICES AGREEMENT WITH BENDER ROSENTHAL INCORPORATED (BRI) FOR THE LOWER SAN JOAQUIN RIVER REACH TS30L LEVEE IMPROVEMENT, SAN JOAQUIN COUNTY, CALIFORNIA PROJECT TO PROVIDE RIGHT-OF-WAY AND SURVEY SUPPORT SERVICES**

RECOMMENDATION

Adopt a resolution authorizing the Executive Director to negotiate and execute Amendment No. 5 to the Consultant Services Agreement with Bender Rosenthal Incorporated (BRI) for San Joaquin River Basin, Lower San Joaquin River, California Project TS30L to provide right-of-way and survey support services at a not-to-exceed budget of \$45,230 plus contingency.

SUMMARY

An amendment to the Consultant Services Agreement is needed for BRI to conduct appraisal services, acquisition services, title and escrow services, LERRDs crediting package services and survey services prior to commencement of levee improvements at TS30L. If approved, Amendment No. 5 would allow BRI to complete the real estate certification process needed for TS30L prior to start of Construction in April 2025.

DISCUSSION

PROJECT BACKGROUND

The Lower San Joaquin River Project (LSJRP) was authorized by Congress in the American Water Infrastructure Act of 2018, providing flood risk reduction benefits to north and central Stockton. The LSJRP is a partnership between the U.S. Army Corps of Engineers (USACE), Central Valley Flood Protection Board (CVFPB), and SJAFCA.

On September 20, 2018, SJAFCA's Board of Directors approved and adopted Resolution No.18-17 for the San Joaquin River Basin, Lower San Joaquin River, Ca Final Integrated Feasibility Report/Environmental Impact Statement/Environmental Impact Report.

On December 07, 2020, SJAFCA issued a Request for Proposal to outside consulting qualified firms to submit a statement of qualifications (SOQ) to perform real estate appraisal and acquisition services to support the San Joaquin River Basin, Lower San Joaquin River, California Project. SJAFCA received three statements of qualifications from the following:

- Monument Inc.
- Bender Rosenthal Incorporated (BRI)
- Open Land Pacific & Cutler, LLC

On March 03, 2023, SJAFCA entered into a Contractual Professional Services Agreement to

AGENDA ITEM 4.4

RESOLUTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE AMENDMENT No. 5 TO THE CONSULTANT SERVICES AGREEMENT WITH BENDER ROSENTHAL INCORPORATED (BRI) FOR THE LOWER SAN JOAQUIN RIVER REACH TS30L LEVEE IMPROVEMENT, SAN JOAQUIN COUNTY, CALIFORNIA PROJECT TO PROVIDE RIGHT-OF-WAY AND SURVEY SUPPORT SERVICES

provide real estate acquisition services on various mitigation parcels. The following is a summary of original contract and amendments issued:

• Original Contract, issued on March 03, 2023, (SJRW-Solari)	\$5,700
• Amendment No.1, issued on May 02, 2023, (SJRW/Solari)	\$3,300
• Amendment No.2, issued on July 13, 2023, (City of Stockton/14 Mile Slough pump station	\$41,790
• Amendment No.3, issued on December 05, 2023, LSJRP Phase D ROEs	\$29,850.
• Amendment No.4, issued on January 08, 2024, SJRW/Solari	\$13,101
Total	\$93,741

On October 11, 2023, the California Department of Water Resources (DWR), submitted the real estate certification package in support to the United States Army Corps of Engineers (USACE) notice to provide certain lands, easements, and right-of-way and perform relocations (LERRDs) for San Joaquin River Basin, Lower San Joaquin River, California Project, Reach TS30L- dated July 5, 2022 (Take Letter). The certification package included the needed Right-of Entries allowing for the construction of TS30L levee reach.

PRESENT SITUATION

An amendment to the Consultant Services Agreement is needed for BRI to conduct real estate acquisition, appraisals and boundary surveys prior to commencement of levee improvements at TS30L and prior to construction are needed to complete the LERRDs crediting request by USACE. If approved, Amendment No. 5 would allow the construction of Lower San Joaquin River Reach TS30L Levee Improvement, San Joaquin County, California Project to move forward.

On March 14, 2024, SJAFCA received a proposal from BRI to complete the real estate acquisition services needed for TS30L for a fee not to exceed \$49,753 including a 10% contingency.

STAFF RECOMMENDATION:

It is recommended that SJAFCA's Board of Directors approve a resolution authorizing the Executive Director to negotiate and execute Amendment No. 5 to the Consultant Services Agreement with Bender Rosenthal Incorporated (BRI) for Lower San Joaquin River Reach TS30L Levee Improvement, San Joaquin County, California Project for Right-of-Way and Survey Support Services at a not-to-exceed cost of \$45,230 plus contingency making the total contractual budget at \$138,971.

RESOLUTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE AMENDMENT No. 5 TO THE CONSULTANT SERVICES AGREEMENT WITH BENDER ROSENTHAL INCORPORATED (BRI) FOR THE LOWER SAN JOAQUIN RIVER REACH TS30L LEVEE IMPROVEMENT, SAN JOAQUIN COUNTY, CALIFORNIA PROJECT TO PROVIDE RIGHT-OF-WAY AND SURVEY SUPPORT SERVICES

FISCAL IMPACT

Amendment No.5 will result in not to exceed amount of \$49,753, including a 10% contingency and the amount falls within the current fiscal year 2023/2024 budget for the overall LSJR project.

PREPARED BY: Omar Al-Hindi

APPROVED BY:



CHRIS ELIAS
EXECUTIVE DIRECTOR

Attachments

1. Resolution 24-09 – Authorization to execute Amendment No. 5 to the Consultant Services Agreement with Bender Rosenthal Incorporated (BRI) for the Lower San Joaquin River Reach TS30L levee improvement, San Joaquin County, California Project
2. Draft Amendment No.5 to the Consultant Service Agreement with Bender Rosenthal Incorporated (BRI) for the San Joaquin River Basin, Lower San Joaquin River, California Project TS30L

RESOLUTION NO. SJAFCA 24-09

SAN JOAQUIN AREA
FLOOD CONTROL AGENCY

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**AUTHORIZATION TO EXECUTE AMENDMENT NO. 5 TO THE CONSULTANT
SERVICES AGREEMENT WITH BENDER ROSNTAL INCORPORATED (BRI) FOR
THE LOWER SAN JOAQUIN RIVER REACH TS30L LEVEE IMPROVEMENT, SAN
JOAQUIN COUNTY, CALIFORNIA 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. 5 to the consultant services agreement with Bender Rosenthal Incorporated (BRI) for Lower San Joaquin River Reach TS30L Levee Improvement, San Joaquin County, California Project, in the amount of \$49,753 including contingency to complete the real estate acquisition, appraisals and necessary surveys which allow the construction of this levee reach to move forward.
2. Appropriate \$49,753 to fund the tasks covered in Amendment No. 5 with a not-to-exceed total contractual budget of \$143,494.

PASSED, APPROVED AND ADOPTED this 18th day of APRIL 2024.

PAUL AKINJO, Chair
of the San Joaquin Area
Flood Control Agency

ATTEST:

CHRIS ELIAS, Executive Director
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

March 14, 2024

Omar Al-Hindi
Executive Project Manager
San Joaquin Area Flood Control Agency
22 E Weber Avenue, Suite 301
Stockton, CA 95202-2317

ORIGINAL BY EMAIL:
omar.al-hindi@stocktonca.gov

**RE: RIGHT OF WAY SERVICES QUOTE AND SCOPE
LOWER SAN JOAQUIN RIVER PROJECT, REACH 30L OF TENMILE SLOUGH (TS30L)**

Dear Mr. Al-Hindi,

Bender Rosenthal Inc. (BRI) appreciates the opportunity to submit a proposal to provide right of way and survey services to San Joaquin Area Flood Control Agency (SJAFC) for the Lower San Joaquin River Levee Improvement Project, Reach 30L Of Tenmile Slough (TS30L).

PROJECT UNDERSTANDING

BRI understands that SJAFC is requesting survey and right of way acquisition services for the following properties: APNs 071-150-040, 060, 110 & 130, owned by ELMWOOD PARTNERS LP.

SCOPE OF WORK

TASK 1 - RIGHT OF WAY PROJECT MANAGEMENT

Rebekah Green will serve as the Project Manager and will oversee performance of the tasks involved in the delivery of the right of way. Upon receipt of Notice to Proceed (NTP), Rebekah will discuss the expectations with SJAFC to define a common understanding about project details, critical issues and processes, and roles and responsibilities associated with right of way activities. Typical tasks include providing status updates, attending meetings, and making recommendations on right of way issues.

TASK 2 - APPRAISAL SERVICES

BRI will develop one (1) full narrative appraisal of the estimated fair market value of the rights to be acquired. The appraisal will be a narrative report that will be prepared in conformance with and subject to the requirements of the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute, which fully incorporate the Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Foundation, requirements related to the Uniform Relocation Assistance and Real Property Acquisition Act and state and federal statutes.

Deliverables:

- One (1) electronic Appraisal Report that meets all State and Federal Standards. Up to two (2) Printed and bound copies will be provided upon request.

TASK 3 - ACQUISITION SERVICES

Upon review of the appraisal and establishment of just compensation, BRI will develop the contract and conveyance documents necessary to make the offer and acquire the necessary rights. The offer package will be reviewed internally for quality measures. BRI will then meet with the property owner and convey documents until acceptance or impasse is reached. BRI will contact or attempt to contact the property owner at least six (6) times within the first sixty (60) days of approval to proceed and will make additional contacts by phone, e-mail or through the postal service. Finally, BRI will prepare a final file for each parcel, ensuring that it has been quality checked and meets State and Federal reporting requirements.

Deliverables:

- Fee acquisition from one (1) ownership.
- Submit files on the negotiation, acquisition, and project settlement.

TASK 4 - TITLE AND ESCROW SERVICES

BRI will deliver documents and checks to escrow company, review title and escrow documents, and apply extensive acquisition experience so that the project acquires good title and property rights necessary for completion. BRI will coordinate the escrow closing and file all applicable forms and documents with the County Assessor's office if needed.

Deliverables:

- Facilitate Title and Escrow support as outlined above for one (1) ownership.

TASK 5 - LAND, EASEMENTS, RIGHTS-OF-WAY, RELOCATION, AND DISPOSAL AREAS (LERRD) CREDITING PACKAGE SERVICES

BRI will also complete a LERRD Crediting Package for SJAFCA. This package will be a detailed accounting of the determination of actual project costs and credits due to SJAFCA, reconciliation of records and closing of active records. This is necessary so that SJAFCA can receive credit for actual associated direct and indirect costs of acquiring the interests necessary for the project.

Deliverables:

- One (1) complete and quality checked LERRD Crediting Package.

TASK 5 - SURVEY SERVICES

BRI subconsultant Mark Thomas will be providing Survey Services, including (1) Record Research and Boundary Survey, (2) Legal Description and Plat Map, and (3) Appraisal Exhibit. ***The complete scope and fee for these services is attached as Exhibit A.***

Deliverables:

- Boundary Survey in AutoCAD (Civil3D) 2022 format.
- One (1) Legal Description accompanied by 8.5"x11" Plat Maps for Temporary Work Area Easement (TWAE-Road), Permanent Road Easement (PRE), and Fee acquisition areas.
- One (1) Appraisal Exhibit.

PROJECT SCHEDULE

Survey Services will be complete four (4) to six (6) weeks after signed contract, Notice to Proceed (NTP), PTR, proposed acquisition line and access are all provided. Property rights will be acquired within six (6) months of NTP.

FEE PROPOSAL

RIGHT OF WAY TASK	HOURS / UNIT	RATE / LUMP SUM	COST
PROJECT MANAGEMENT	60	\$150	\$9,000
APPRAISAL SERVICES	1	\$5,500	\$5,500
ACQUISITION SERVICES	1	\$6,000	\$6,000
TITLE AND ESCROW SERVICES	1	\$1,200	\$1,200
LERRD CREDITING PACKAGE SERVICES	1	\$2,000	\$2,000
SURVEY SERVICES (Mark Thomas - 5% markup)	1	\$20,030	\$20,030
Other Direct Costs (Mailings/Travel)			\$1,500
TOTAL			\$45,230

All services will be billed as a lump sum, except for Project Management, which will be billed as time/materials, based on the rate provided.

Acquisition services will be billed at the following milestones:

MILESTONE BILLING	
Item Description	Cost
Offer package sent	\$2,500
Sixty (60) days or when an agreement is reached, whichever is sooner	\$2,500
Final project closeout; files transmitted to the SJAFCA	\$1000

Escrow services will be billed at the following milestones:

MILESTONE BILLING	
Item Description	Cost
Funds deposited into escrow	\$600
Escrow Closes	\$600

Should you have any questions regarding this scope and fee, please reach out to Project Manager Rebekah Green at r.green@benderrosenthal.com or at (916) 978.4900, Ext. 2065.

We look forward to working with you on this project.

Sincerely,
BENDER ROSENTHAL, INC.



Renee Baur
Chief Executive Officer



MARK THOMAS

Exhibit A

Task order No. 3

Scope of Services

Mark Thomas will provide survey services as outlined in this scope of work for acquisition support for the Elmwood Partners LP parcels identified in the San Joaquin Basin, Lower San Joaquin River Project, (Mitigation) Real Estate "Take Letter" dated May 25, 2023. Mark Thomas will provide services in support of BRI conducting appraisal and acquisition services for San Joaquin Area Flood Control Agency (SJAFC).

Task 1 – Record Research & Boundary Survey

Mark Thomas has already obtained record maps from adjacent projects previously completed. Additional record research will be conducted to obtain maps shown on county assessor maps along with corner records and other maps of record (DWR or City) not shown on the county assessor maps. Mark Thomas assumes a preliminary title report (PTRs) will be provided by SJAFC covering APN 071-150-040, 060, 110 & 130. Mark Thomas will review PTR and all legible supporting documents showing encumbrances and easements discovered in the PTR will be plotted.

Field surveys will be conducted to locate physical evidence (fences, ditches, etc.) and monumentation shown on the following county recorded maps:

- Book 6 of Surveys, Page 62 (up to 5 monuments)
- Book 18 of Parcel Maps, Page 71 (up to 2 monuments)
- Book 10 of Surveys, Page 173 (up to 5 monuments)

It is assumed monuments of record exist and can be found without convoluted survey methods. It is assumed no material discrepancies will be discovered, but if discovered, Mark Thomas will stop work, inform the client, and request additional scope and fee to resolve any such issues in accordance with the Professional Land Surveyors Act and the Business and Professions code.

A field survey to determine the exact location of ordinary high-water line(OHWL) or water boundary **is not included** in this scope of work. An approximate "meander line" near the OHWL will be calculated based upon the local tidal gauge station elevation of the OHWL. It is assumed a topographic survey of the current waterside toe of levee will be provided. Contours from the provided topographic survey will be used to determine the horizontal location of the OHWL, which is based on the corresponding contour line having the same elevation as the OHWL.

This meander line will allow for calculation of acquisition area and descriptions will be written to the limits of rights to the San Joaquin River and 14-mile slough. Boundary Survey will be prepared depicting the above information in AutoCAD (Civil3D) 2022 format.



Task 2 – Legal Description & Plat

Mark Thomas will provide up to one (1) description accompanied by 8.5"x11" plat for a Permanent Road Easement (PRE) within APN 071-150-040, 060, 110 & 130, owned by ELMWOOD PARTNERS LP.

The description will meet DWR Geodetic Standards and will be based on the boundary survey completed per Task 2, provided design line work, and acreage shown on the Real Estate "Take Letter" dated May 25, 2023.

It is understood by BRI and Mark Thomas that without Task 1 – Record Research & Boundary Survey, this description may not meet DWR Geodetic Standards, and a boundary survey may result in an alternate location and/or area of the described land.

Task 3 – Appraisal Exhibit

Mark Thomas will prepare up to one (1) Appraisal Exhibit for APN 071-150-040, 060, 110 & 130, depicting the acquisition areas, encumbrances, parcel lines, and design improvements such as access roads, wells, siphons, and other structures and design features impacting private owners. It is assumed each exhibit will be one 11x17 sheet at a suitable scale and will be shown over stock aerial photography.

Assumptions / Exclusions

- It is assumed all access will be provided by SJAFCA at no cost to Mark Thomas per mobilization.
- It is assumed SJAFCA will provide topographic information along the riverbank sufficient to approximate the OHWL / MHT along the San Joaquin River and 14-mile slough.
- It is assumed SJAFCA will provide current PTR and all supporting documents / maps at no cost to Mark Thomas.
- It is assumed SJAFCA will provide acquisition line in AutoCAD 2022 format with datum statement sufficient to match the Mark Thomas survey.
- Record of Survey is excluded.
- Setting monuments is excluded
- Survey and delineation of exact OHWL / MHT line is excluded.



Fee Estimate

The lump sum fee for each task above is listed here:

Task 1 – Record Research & Boundary Survey	\$12,486
Task 2 – Legal Description & Plat	\$3,510
Task 3 – Appraisal Exhibit	\$2,880
TOTAL WORK ORDER AMOUNT (+ \$200 ODCs)	\$19,076

MARK THOMAS



Sam McIntyre, LS
Sr. Survey Manager-Shareholder





April 18, 2024

Bender Rosenthal Incorporated
701 University Ave
Suite 200
Sacramento, CA 95825

**AMENDMENT NO. 5 TO BENDER ROSENTHAL INCORPORATED AGREEMENT TO
PROVIDE ROW AND SURVEY SERVICES FOR LOWER SAN JOAQUIN RIVER, TS30L**

The contractual services agreement between San Joaquin Area Flood Control Agency (SJAFA) and BENDER ROSENTHAL INCORPORATED entered on March 3, 2023, will be amended with Amendment No. 5 to provide ROW and Survey Services for the Lower San Joaquin River -TS30L.

NOW, THEREFORE, in consideration of the foregoing and the mutual agreement contained herein, the Agency and Consultant agree, and contract as follows:

1. The budget is amended in the amount of (an additional) **\$45,230**
2. Consultant will provide Right of Way and Survey Services for APN's 071-150-040, 060, 110 & 130.
3. All terms not defined in this Amendment No. 3 shall have the meaning ascribed to them in the Agreement. Except as otherwise provided herein, all other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have duly executed this Amendment No. 5 as parties on the date first written above.

SJAFA:

BENDFER RONSETHAL INCORPORATED:

CHRIS ELIAS
EXECUTIVE DIRECTOR

RENEE BAUR
CHIEF EXECUTIVE OFFICER

APPROVED AS TO FORM:

SCOTT L. SHAPIRO
LEGAL COUNSEL

**End of
Agenda Packet**