

## BOARD OF DIRECTORS

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

**BOARD MEETING**  
**Stockton City Hall**  
**Council Chambers**  
**425 N. El Dorado St. Stockton, CA**  
**THURSDAY, AUGUST 15, 2024, 10:00 A.M.**

\*PLEASE NOTE: There will be a Closed Session commencing at 10:00 a.m. Following the Closed Session the open session will reconvene at 10:15 a.m., or immediately following the Closed Session, whichever is later.

**1. CALL TO ORDER**

**2. CLOSED SESSION**

- 2.1) Conference with Legal Counsel and Recruiter regarding Public Employment pursuant to Government Code Section 54957 Title: Executive Director
- 2.2) Conference with Legal Counsel – Anticipated Litigation (Government Code Section 54956.9(d)(2).)

**RECONVENE AT 10:15 A.M.\***

**REPORT OUT ON CLOSED SESSION**

**3. ROLL CALL**

**4. PLEDGE TO FLAG**

## **5. PUBLIC COMMENTS**

## **6. CONSENT ITEMS**

- 6.1) Approve Minutes from June 20, 2024, Board Meeting

## **7. NEW BUSINESS**

- 7.1) Amendment No. 6 to the Funding Agreement with the California Department of Water Resources for Smith Canal Gate Project Urban Flood Risk Reduction Program
- 7.2) Approve a Resolution authorizing the Executive Director to negotiate and execute various Master Services Agreements to support the implementation of SJAFCA's Projects and Programs.

## **8. BRIEFINGS**

## **9. ORAL REPORT FROM EXECUTIVE DIRECTOR**

- 1. Field tour by partner agencies
- 2. Visit by staff of Representative Josh Harder

## **10. BOARD QUESTIONS, COMMENTS, ACTIONS**

## **11. COUNSEL REPORT**

## **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) 299-4200. Requests must be made one full business day before the start of the meeting.

# **Agenda Item 6.1**

**MINUTES**  
**SAN JOAQUIN AREA FLOOD CONTROL AGENCY**  
**BOARD MEETING OF JULY 18, 2024**

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**LATHROP, CALIFORNIA**

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**1. CALL TO ORDER 10:01 AM**

*Director Wright arrived after Roll Call at 10:04 AM.*

**2. CLOSED SESSION 10:01 AM**

- 2.1) Conference with Real Property Negotiators (Government Code Section 54956.8) [1. Little Hog Island: APN 129-290-010 – 32 Acres; 2. Big Hog Island: APN: 071-070-01 – 65 Acres; 3. Calaveras River – Parcel 1: APN 102-010-04 – 1.71 Acres; 4. Calaveras River – Parcel 2: APN 102-010-05 – 20.19 Acres; 5. Calaveras River – Parcel 3: APN 104-010-06 – 13.97 Acres; 6. Grayson Island – APN 158-003-008 – 20.64 Acres], Agency Negotiator: [Chris Elias, Executive Director, Omar Al-Hindi, Executive Project Manager, Rebekah Green, BRI, Scott Shapiro, General Counsel] Under negotiation: Price

**3. ROLL CALL 10:01 AM**

*Roll Call was taken after Call to Order, prior to retreating to Closed Session.*

Present:

Director Akinjo  
Director Canepa  
Director Halford  
Director Lazard  
Director Patti  
Director Singh  
Director Wright

Absent:

Director DeBrum  
Director Warmesley

**PUBLIC COMMENTS:**

Dominick Gulli shared comments during the meeting for all to hear. **10:03 AM**

**Reconvened at 10:25 AM**

**Report out on closed session: 10:25 AM**

- 2.1 The Board has authorized the Real Property Negotiators to negotiate on the properties listed.

**4. PLEDGE TO FLAG: 10:26 AM**

## 5. PUBLIC COMMENTS 10:26 AM

Name: Susan Bod  
Name: Ron Sherman  
Name: Travis Holt  
Name: Dominick Gulli

Public Comments were shared during the meeting for all to hear. The cumulative concern expressed was regarding boaters' safety coming in and out of the Smith Canal Gate structure.

Executive Director Chris Elias advised the Board that the Agency is aware of the safety concerns and has consulted with the Department of Boating and Waterways and the County Sheriff to obtain their input and then take action. Kim Floyd is also aware and working closely with SJAFCA to notify residents. She has also notified the Coast Guard at the San Francisco District with a request to complete an evaluation. SJAFCA is maintaining compliance, promoting safety and taking these concerns into consideration.

## 6. CONSENT ITEMS 10:38 AM

- 6.1) Approve Minutes from June 20, 2024, Board Meeting
- 6.2) Resolution to authorize the Executive Director to negotiate and execute Amendment No. 7 to the Consultant Services Agreement with Bender Rosenthal Incorporated (BRI) to provide right-of-way and survey services in support of the Lower San Joaquin River Reach TS30L Levee Improvement, California Project
- 6.3) Authorize the Executive Director to execute and file Notice of Exemption to support land acquisition for mitigation parcels that are identified in the compensatory mitigation plan for the San Joaquin River Basin, Lower San Joaquin River, California Project

### PUBLIC COMMENTS:

Artie Valencia and Dominick Gulli shared comments during the meeting for all to hear.

Motion: Move to approve consent items 6.1, 6.2, and 6.3  
Moved by: Director Canepa, second Director Wright  
Vote: Motion carried 7-0  
Yes: Director Akinjo, Director Canepa, Director Halford, Director Lazard, Director Patti, Director Singh, Director Wright  
Absent: Director DeBrum, Director Warmesley

**7. NEW BUSINESS 10:43 AM**

- 7.1) Resolution to approve the proposed Operating and Capital Budgets for Fiscal Year 2024/25 for the San Joaquin Area Flood Control Agency

Motion: To approve Resolution to approve the proposed Operating and Capital Budgets for Fiscal Year 2024/25 for the San Joaquin Area Flood Control Agency  
Moved by: Director Canepa, second Director Singh  
Vote: Motion carried 7-0  
Yes: Director Akinjo, Director Canepa, Director Halford, Director Lazard, Director Patti, Director Singh, Director Wright  
Absent: Director DeBrum, Director Warmsley

**PUBLIC COMMENTS:**

Dominick Gulli shared comments for three minutes on all New Business agenda topics during the meeting for all to hear.

- 7.2) Public Hearing to approve the Annual Engineer's Report for the Operations and Maintenance (O&M) of the Flood Protection Restoration Assessment District, and order the Levy and Collection of O&M Assessments within the District for Fiscal Year 2024/2025

Open Hearing: Time: 11:40 AM  
Board Discussion: Director Canepa asked questions during the meeting for all to hear.  
Public Comments: None  
Closed Public Hearing: Time: 11:44 AM

Motion: To approve the Annual Engineer's Report for the Operations and Maintenance (O&M) of the Flood Protection Restoration Assessment District, and order the Levy and Collection of O&M Assessments within the District for Fiscal Year 2024/2025  
Moved by: Director Canepa, second Director Singh  
Vote: Motion carried 7-0  
Yes: Director Akinjo, Director Canepa, Director Halford, Director Lazard, Director Patti, Director Singh, Director Wright  
Absent: Director DeBrum, Director Warmsley

- 7.3) Public Hearing to approve the Technical Memorandum for the Levee Construction and Maintenance Assessment (LCMA) District and order the Levy and Collection of Assessments within the District for Fiscal Year 2024/2025

Open Hearing: Time: 11:50 AM  
Public Comments: None  
Closed Public Hearing: Time: 11:55 AM  
Board Discussion: Director Patti and Director Canepa asked questions during the meeting for all to hear.

Motion: To approve the Technical Memorandum for the Levee Construction and Maintenance Assessment (LCMA) District and order the Levy and Collection of Assessments within the District for Fiscal Year 2024/2025  
Moved by: Director Canepa, second Director Singh  
Vote: Motion carried 7-0  
Yes: Director Akinjo, Director Canepa, Director Halford, Director Lazard, Director Patti, Director Singh, Director Wright  
Absent: Director DeBrum, Director Warmesley

- 7.4) Adoption of resolution approving the Final Engineer's Report forming the Mossdale Tract Overlay Assessment District and ordering the Levy of Assessments beginning in Fiscal Year 2024-25

Motion: To adopt resolution approving the Final Engineer's Report forming the Mossdale Tract Overlay Assessment District and ordering the Levy of Assessments beginning in Fiscal Year 2024-25  
Moved by: Director Canepa, second Director Wright  
Vote: Motion carried 7-0  
Yes: Director Akinjo, Director Canepa, Director Halford, Director Lazard, Director Patti, Director Singh, Director Wright  
Absent: Director DeBrum, Director Warmesley

General Counsel Scott Shapiro acknowledged Kim Floyd for her public outreach efforts for the Mossdale Tract Overlay Assessment District.

Executive Director Elias thanked Seth Wurzel and Sylvia Razniak for their time and efforts with the Budget.

**8. BRIEFINGS 12:03 PM**

None.

**9. ORAL REPORT FROM EXECUTIVE DIRECTOR 12:04 PM**

- 9.1) On August 14, the State Central Valley Flood Protection Board would like to lead a tour of our flood control projects in San Joaquin County, along with representatives from the Department of Finance and the Legislative Analyst's office. They would like to tour from 10am – 3pm. Board Members are welcome to join the tour. More details to follow.

**10. BOARD QUESTIONS, COMMENTS, ACTIONS 12:06 PM**

None.

## 11. COUNSEL REPORT

- 11.1) Advising the Board of an upcoming change in how Contracts will be brought before the Board. As opposed to bringing a contract for every parcel, Counsel is proposing we bring a Master Contract that has already been approved under the budget and will list any new issued contracts or task orders to share with the Board monthly.
- 11.2) CPS HR is recruiting for the Executive Director position. The HR consultant is viewing the Board Meeting remotely to gain a sense of how SJAFCA operates. The job description has been posted online and with multiple governmental agencies. The filing deadline is August 9. The Board can determine how they would like to proceed with the interview process by either appointing a committee or having the full board attend interviews. Counsel will send a link to the Administrative Assistant to forward to the Board.

## 12. ADJOURNMENT 12:13 PM

The meeting adjourned at 12:13pm. The next meeting is scheduled for August 15, 2024, at 10:00 am at Stockton City Hall Council Chambers.

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CHRIS ELIAS  
EXECUTIVE DIRECTOR  
SAN JOAQUIN AREA FLOOD  
CONTROL AGENCY

JULY 18, 2024, SJAFCA Meeting Minutes

# **Agenda Item 7.1**

August 15, 2024

TO: San Joaquin Area Flood Control Agency

FROM: Chris Elias, Executive Director

SUBJECT: **APPROVE AMENDMENT No. 6 TO THE FUNDING AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF WATER RESOURCES FOR SMITH CANAL GATE PROJECT URBAN FLOOD RISK REDUCTION PROGRAM**

### RECOMMENDATION

Recommend that the Board of Directors of the San Joaquin Area Flood Control Agency (SJAFCA) adopt a resolution authorizing the Executive Director to execute Amendment No. 6 to extend the term of Funding Agreement with the State of California for the Smith Canal Gate Project Urban Flood Risk Reduction Program from December 31, 2024 to December 31, 2025.

### DISCUSSION

#### Background

Following submission of a Board-authorized application for an Urban Flood Risk Reduction (UFRR) grant, SJAFCA executed a Funding Agreement with the Department of Water Resources in 2017 for \$22,309,666 for construction of the Smith Canal Gate Project. Since then, SJAFCA and DWR have executed five amendments to the Funding Agreement. Table I below is a listing of the amendments to the Funding Agreement:

**TABLE I – Executed Amendments to Funding Agreement with State of California**

| No. | Purpose                                                                                                                                                   |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | In 2019, increased state cost-share to \$35.9 million and added “associated ecosystem restoration” element as a feature of the Smith Canal Gate Project   |
| 2.  | In 2021, allowed DWR to access funding from the Multi-Benefit Improvements (Prop. 68) for the Smith Canal Gate Project.                                   |
| 3.  | In 2022, allowed DWR to allocate \$2 million as directed by AB 170 to augment state’s share of the project cost.                                          |
| 4.  | In 2022, augmented estimated State cost share to \$55.9 million by allocating \$18 million in direct funding per Budget Act of 2022                       |
| 5.  | In 2023, advance funding was provided for acquisition of real estate to meet compensatory obligation requirements for the Lower San Joaquin River Project |

#### Present Situation

An important piece of the Smith Canal Gate structure is the design and fabrication of stop logs. Stoplogs are hydraulic engineering control elements that are designed and used in floodgates to cut off or stop flow through the gate structure during routine maintenance. These massive structures are stored in a nearby facility for ease of access and retrieval for routine maintenance of the Smith Canal structure. Due to the limited number of sites for its secure storage, the stop

August 15, 2024

**APPROVE AMENDMENT NO. 6 TO THE FUNDING AGREEMENT WITH THE CALIFORNIA  
DEPARTMENT OF WATER RESOURCES FOR SMITH CANAL GATE PROJECT URBAN  
FLOOD RISK REDUCTION PROGRAM** **Page 2**

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logs foundation design and construction were separated out as stand-alone contract items to be included in a subsequent contract once a site was secured.

The sitting, negotiations and discussions with property owners of potential storage facilities took much longer than anticipated. After it was determined that a facility owned by the State of California met all storage criteria, DWR conditionally approved the site location for constructing the foundation for the stop logs. A Lease Agreement is being executed with DWR to enable construction of the stop log foundation and storage of the stop logs.

Although construction of the stoplog foundation is anticipated to be completed by mid-November 2024, the final Project documentation, which includes the Project Completion Report to DWR will not be completed before the expiration of the existing agreement (December 31, 2024). Therefore, it is recommended that the Board authorize the Executive Director to execute Amendment No. 6 to extend the term of the Funding Agreement with the State of California for the Smith Canal Gate Project Urban Flood Risk Reduction Program from December 31, 2024, to December 31, 2025 (Attachment 1).

**FINANCIAL SUMMARY**

This amendment will extend the UFRR Agreement for an additional year and will have no financial impact on the Project's total budget (\$90,296,490).

PREPARED BY: Juan Neira



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APPROVED:  
CHRIS ELIAS  
EXECUTIVE DIRECTOR  
CE:JJN:lr

Attachment 1: Draft State Standard Agreement - Amendment

Agreement 4600012026, AM-6  
Smith Canal Gate  
Page 1 of 2

**STATE OF CALIFORNIA  
THE NATURAL RESOURCES AGENCY  
DEPARTMENT OF WATER RESOURCES**

## **Amendment No. 6**

**To**

**FUNDING AGREEMENT**

**BETWEEN**

**THE STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES**

**AND THE**

**SAN JOAQUIN AREA FLOOD CONTROL AGENCY**

**FOR THE**

**SMITH CANAL GATE**

**FUNDED UNDER THE  
URBAN FLOOD RISK REDUCTION PROGRAM  
OF**

**THE CALIFORNIA DISASTER PREPAREDNESS AND FLOOD PREVENTION BOND ACT OF 2006; THE  
CALIFORNIA DROUGHT, WATER, PARKS, CLIMATE, COASTAL PROTECTION, AND OUTDOOR  
ACCESS FOR ALL ACT OF 2018; THE BUDGET ACT OF 2021; AND, THE BUDGET ACT OF 2022**

Amendment Number 6 to Agreement No. 4600012026, entered into by and between the State of California, acting by and through the Department of Water Resources, herein referred to as the "State" and the San Joaquin Area Flood Control Agency, herein referred to as "SJAFCA", a public agency in the County of San Joaquin, State of California, duly organized, existing, and acting pursuant to the laws thereof, herein referred to as the "Funding Recipient," which parties do hereby agree as follows:

A. This Amendment will replace Paragraph 2. TERM OF THE FUNDING AGREEMENT as follows:

The term of the funding agreement shall be from October 24, 2017, through December 31, 2025.

B. All other terms and conditions of Agreement No. 4600012026 and Amendments shall remain the same and in effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 6 to the Funding Agreement.

STATE OF CALIFORNIA DEPARTMENT  
OF WATER RESOURCES

SAN JOAQUIN AREA FLOOD CONTROL  
AGENCY

By: \_\_\_\_\_  
Jeremy Arrich, Manager  
Division of Flood Management

By: \_\_\_\_\_  
Chris Elias, Executive Director  
San Joaquin Area Flood Control Agency

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to Legal Form and Sufficiency:

Approved for Legal Form and Sufficiency:  
Funding recipient Counsel

By: \_\_\_\_\_  
Robin E. Brewer  
Assistant General Counsel  
Department of Water Resources

By: \_\_\_\_\_  
Scott Shapiro  
Agency Counsel  
San Joaquin Area Flood Control  
Agency

Date: \_\_\_\_\_

Date: \_\_\_\_\_

RESOLUTION NO. SJAFCA 24-26

SAN JOAQUIN AREA  
FLOOD CONTROL AGENCY

=====

**AUTHORIZATION TO EXECUTE AMENDMENT NO. 6 TO THE FUNDING  
AGREEMENT BETWEEN THE STATE OF CALIFORNIA DEPARTMENT OF  
WATER RESOURCES AND THE SAN JOAQUIN AREA FLOOD CONTROL  
AGENCY FOR THE SMITH CANAL GATE**

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. 6 to the funding agreement No. 4600012026 between the State of California Department of Water Resources and the San Joaquin Area Flood Control Agency for the Smith Canal Gate.
2. This amendment will extend the UFRR Agreement for an additional year to complete the final project documentation and will have no financial impact on the Project's budget (\$90,296,490).

PASSED, APPROVED, AND ADOPTED this 15th day of August 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

# **Agenda Item 7.2**

August 15, 2024

TO: San Joaquin Area Flood Control Agency

FROM: Chris Elias, Executive Director

SUBJECT: **APPROVE A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE VARIOUS MASTER SERVICES AGREEMENTS TO SUPPORT THE IMPLEMENTATION OF SAN JOAQUIN AREA FLOOD CONTROL AGENCY'S (SJAFCA'S) PROJECTS AND PROGRAMS**

## **RECOMMENDATION**

Approve a resolution authorizing the Executive Director to negotiate and execute various Master Services Agreements to support the implementation of San Joaquin Area Flood Control Agency's (SJAFCA's) projects and programs.

### **Summary**

Staff is seeking Board authorization to negotiate and execute Master Services Agreements with various consulting firms that have been pre-qualified to provide engineering and project management services in support of SJAFCA's priorities. The MSA would allow for the issuance of individual task orders to be executed by the Executive Director. The services would be used in connection with the planning, design, and implementation of projects and activities for SJAFCA and could include tasks related to water related studies, planning, engineering, project concepts, design engineering, project management, and public meeting facilitation and presentation.

The recommended action will enhance SJAFCA's ability to plan and design a variety of necessary projects, including those related to flood risk reduction, meeting the latest regulatory requirements, multi-benefit and nature-based infrastructure.

## **DISCUSSION**

### **Background**

Consistent with its Strategic Plan, SJAFCA has multiple large-scale flood risk reduction projects currently underway within San Joaquin County that will require significant resourcing through staff and consultants to deliver flood risk reduction to the Lower San Joaquin River system. The projects and programs requiring a high degree of consultant support include:

#### **Lower San Joaquin River Project Phase 1**

SJAFCA has partnered with the Central Valley Flood Protection Board (CVFPB), and collectively, the two agencies serve as the local non-federal sponsors of the Federally authorized Lower San Joaquin River Project Phase 1 (LSJRP - Phase 1), a flood risk reduction effort estimated at upwards of \$1.4B that will reduce flood risk to North and Central Stockton. Additional information regarding this project is available online at: [https://www.spk.usace.army.mil/lower\\_sj\\_river/](https://www.spk.usace.army.mil/lower_sj_river/). The segments of LSJRP-Phase 1 are at

**APPROVE A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE VARIOUS MASTER SERVICES AGREEMENTS TO SUPPORT THE IMPLEMENTATION OF SAN JOAQUIN AREA FLOOD CONTROL AGENCY'S (SJAFCA'S) PROJECTS AND PROGRAMS**

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various stages of planning, design, and construction. The Smith Canal Gate Project, funded by SJAFCA and the State of California as an early implementation investment, is a critical facility within the LSJRP-Phase 1 project.

Lower San Joaquin River Project Phase 2 (Mossdale Tract)

SJAFCA has partnered with the Department of Water Resources (DWR) through an Urban Flood Risk Reduction (UFRR) Project to conduct planning, levee design, restoration/recreation design, and environmental assessment work for needed improvements in the Mossdale Tract Area. An Environmental Impact Report is being finalized for the UFRR project. SJAFCA and the Central Valley Flood Protection Board (CVFPB) have also partnered as non-federal sponsors with the United States Army Corps of Engineers (USACE, Federal Sponsor) to conduct a feasibility study to determine Federal interest in the Project.

SJAFCA additionally serves as the Local Flood Management Agency (LFMA) responsible for reporting on efforts to achieve an Urban Level of Flood Protection (ULOP). SJAFCA's work will include establishing multiple financing mechanisms to advance the project, as well as subsequent planning, design, and construction of the levees to the West and North of Mossdale Tract and easterly extension of the Dry Land levee to the South of Manteca.

Paradise Cut Bypass Expansion and Multi-Benefit Project

SJAFCA is serving as the lead agency for the Paradise Cut Bypass Expansion and Multi-Benefit Project (aka. Paradise Cut Bypass and South Delta Restoration Project), which is a multi-benefit project that will reduce flood risk to broad urban and non-urban areas in the Lower San Joaquin River Basin and provide thousands of acres of ecosystem enhancements. This feature of the State Plan of Flood Control is identified in the Central Valley Flood Protection Plan (CVFPP) as a key component to reducing the risk of flooding in the San Joaquin River system through expansion of the floodway and will conduct ecosystem enhancements that will provide habitat to listed species including fish, avian, and other plants and animals while adding other societal benefits. SJAFCA will be responsible for the facilitation of an advisory committee, and various other technical groups overseeing the project.

CONTRACTING PROCESS

In order to effectively and efficiently deliver its programs and projects, SJAFCA expanded and updated its consulting pool by issuing a Request for Qualifications on September 29, 2023, and subsequently establishing a Pre-Qualified Consultant List on January 18, 2024. The purpose of

**APPROVE A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE VARIOUS MASTER SERVICES AGREEMENTS TO SUPPORT THE IMPLEMENTATION OF SAN JOAQUIN AREA FLOOD CONTROL AGENCY'S (SJAFCA'S) PROJECTS AND PROGRAMS**

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this list was to enable SJAFCA to efficiently draw from a variety of qualified consultants that provide expertise on a project-by-project basis or an on-call basis. Per the solicitation, SJAFCA had envisioned to:

- Select at least 3 firms per technical discipline and keep the remaining firms on the pre-qualified list for future consideration.
- Award an estimated cumulative contract amount not to exceed \$10M per Agreement
- Limit the contract duration to three years with options for three annual extensions

While the Pre-qualified Consultant List has enabled SJAFCA to draw from a variety of qualified and knowledgeable consultants, SJAFCA still faces substantial limitations in fully utilizing this list to expeditiously proceed with project demands, due to (1) the Executive Director's limited contracting authority of \$100,000, which is relatively small in comparison to the overall program budgets, and (2) the Agency's utilization of standard consulting agreements that are conventionally used for non-emergency civil works projects. These limitations have resulted in staff seeking approval from the Board on minor budgetary changes, sometimes as low as \$20,000 (0.001% of potential Federal program cost) leading to administrative burden, delays, and occasional public confusion. Since SJAFCA (and CVFPB) bears the Lands, Easements, Right of Ways, Relocations, and Disposals (LERRDs) responsibilities on over a billion dollars of multi-year capital projects, SJAFCA's work is often directed by the USACE to meet their schedule, and frequently includes activities with a high degree of uncertainty throughout the life of the partnership with the USACE and DWR/ CVFPB. This nature of the partnership, responsibility of work, size of the federal capital project, and short mobilization need is somewhat unique to flood emergency levee improvement projects, as opposed to other non-emergency civil works projects executed by our member agencies and local governments. Therefore, SJAFCA's program and project delivery requires an alternative contracting mechanism.

Staff has been working in close coordination with SJAFCA's General Counsel and other experts to address systematic improvements that can be made to SJAFCA's contracting process to increase performance efficiency. Considering those discussions, SJAFCA staff recommends that for work that is ongoing/ on-call in nature and potentially spans over multiple projects, SJAFCA execute Master Services Agreements (MSA's) as opposed to Standard Consulting Agreements with consultants on the pre-qualified list. These types of agreements differ in the following ways:

Standard Consulting Agreements

- Used when there is a defined scope with a not-to-exceed budget
- Changes require amendments to the original contract/ agreement usually by taking the amendments for Board approval.
- Pros:
  - Allows for tight quality control work to minimize scope creep.
- Cons:

**APPROVE A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE VARIOUS MASTER SERVICES AGREEMENTS TO SUPPORT THE IMPLEMENTATION OF SAN JOAQUIN AREA FLOOD CONTROL AGENCY'S (SJAFCA'S) PROJECTS AND PROGRAMS**

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- Not suitable for work that involves several unknowns, is difficult to define upfront, or is “on-call” in nature, where qualified consultants may be frequently asked to perform services on one or many projects at agency's request.

**Master Services Agreements**

- Used when the details of the work are not fully known, resulting in a broadly defined scope with a not-to-exceed budget. As the work is better understood, Task Orders with a clearly defined scope, schedule, and budget are executed generally without Board approval if the overall MSA was already approved by the Board.
- Pros:
  - Allows for more flexibility to address unknown conditions
  - Allows for quick mobilization of consultants as directed by SJAFCA and as needed to support work of other partners
  - Allows for utilization of consultants across projects/ programs
  - Allows for tight quality control of contract through monitoring of task orders
  - Allows for enhanced monitoring and refinement of consultant's performance through issuance of incremental work.
  - Allows for more diversification of qualified consultants on the team and a broader group of experts/peer review if needed.
- Cons:
  - Public perception that contract award has been made without clear scope.
  - Public perception that this method lacks a certain degree of accountability and transparency.

**PRESENT SITUATION**

SJAFCA does not have adequate staffing nor the expertise to support the budget approved by the Board on July 18, 2024, and therefore, Master Services Agreements are needed with consultants as shown in Exhibit A. The not-to-exceed amounts reflected in Exhibit A are based on the types of services (see below) in which the firm was qualified, the technical disciplines marked with (\*) require a higher MSA:

- Plan Formulation
- Flood Risk Management
- Civil Engineering\*
- Geology and Geotechnical Engineering\*
- Hydraulic and Hydrologic Engineering
- Surveying
- Real Estate Support\*
- Environmental Planning\*

**AGENDA ITEM 7.2**

**APPROVE A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE VARIOUS MASTER SERVICES AGREEMENTS TO SUPPORT THE IMPLEMENTATION OF SAN JOAQUIN AREA FLOOD CONTROL AGENCY'S (SJAFCA'S) PROJECTS AND PROGRAMS**

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- Program and Staff Augmentation
- Financial Planning
- Organizational Planning

*\*Generally, requires a high not-to-exceed MSA*

It should be noted that the execution of a Master Services Agreement does not automatically award the consultant any particular work or the authority to proceed with services. As the need arises, the Executive Director will request proposals from any one or more of the consultants with MSA, and will review the proposal based on experience, timeliness and effectiveness of delivery and other factors to render maximized benefit to the project. Subsequently, the Executive Director will execute a Task Order with a defined scope, schedule and budget which will be closely monitored by SJAFCA staff. The not-to-exceed amount of the Task Order(s) will not be subject to the Executive Director's current authority (\$100,000) but will rather be limited to the not-to-exceed amount of the Board-approved MSA. The Executive Director shall have a 10% change order (amendment) authority for each MSA.

To enhance contract monitoring and maintain public transparency, the Executive Director will provide a semi-annual update of all contracts awarded throughout the fiscal year. This report will include the original MSA not-to-exceed amount, the issued Task Orders under the MSA, along with a description of the services provided. There may be situations where the Executive Director may bring Task Orders to the Board more frequently than mentioned above if in the Executive Director's opinion, the item needs Board's or the public's input.

**FISCAL IMPACT**

The annual not-to-exceed amount of all Master Service Agreements (MSAs) presented in Exhibit A is \$20.7M. The Executive Director shall have a 10% change order (amendment) authority for each MSA. The cumulative maximum MSA capacity will be sufficient to implement the Board's FY 24/25 budget approved on July 18, 2024, which included proposed augmentation of \$7,046,000 for Mossdale Tract (Fund 55769/55680) and \$7,206,334 (Lower San Joaquin River Project, Fund 55653), and various other planned activities for Smith Canal Gate, Regional Flood Management Planning, and other programs.

Staff will monitor each task order issued under the Master Service Agreements to ensure that the amounts remain within each MSA budget, as well as the overall approved FY-budget. No expenditures beyond the approved FY budget will be made without seeking Board approval for budget augmentation.

**APPROVE A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE VARIOUS MASTER SERVICES AGREEMENTS TO SUPPORT THE IMPLEMENTATION OF SAN JOAQUIN AREA FLOOD CONTROL AGENCY'S (SJAFCA'S) PROJECTS AND PROGRAMS** **PAGE 6**

The Executive Director will continue to work in close coordination with SJAFCA's general counsel and other experts to address other systematic improvements necessary to efficiently execute the Board's approved Fiscal Year Budget.

**STRATEGIC PLAN CONSISTENCY ANALYSIS**

The material found in this report is consistent with and supports the Mission and Goals of the Board-adopted Strategic Plan, specifically Goal #2 – "Drive for Operational Transparency".

**RECOMMENDATION:**

Approve a resolution authorizing the Executive Director to negotiate and execute various Master Services Agreements to support the execution of SJAFCA's projects and programs.

SUBMITTED BY:



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CHRIS ELIAS  
EXECUTIVE DIRECTOR

Attachments:

1. Attachment 1 – Resolution 24-27
2. Exhibit A – Recommended List of Pre-qualified Consultants and Corresponding Master Service Agreements Not-to-Exceed Amounts

**RESOLUTION NO. SJAFCA 24-27**

**SAN JOAQUIN AREA  
FLOOD CONTROL AGENCY**

=====

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND  
EXECUTE VARIOUS MASTER SERVICES AGREEMENTS TO SUPPORT THE  
IMPLEMENTATION OF SJAFCA'S PROJECTS AND PROGRAMS**

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

1. Authorize the Executive Director to negotiate and execute various Master Services Agreements to support the implementation of SJAFCA's projects and program as shown in Exhibit A, and consistent with the requirements and delegations contained in the staff report.

PASSED, APPROVED AND ADOPTED this 15<sup>th</sup> day of August 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

Attachment: Exhibit A

| Consultant                           | Planning and Plan Formulation | Flood Risk Assessment | Civil Engineering | Geology and Geo Technical Engineering Hydrology and Hydraulic Engineering | Surveying | Real Estate Support | Environmental Planning and Permitting | PM, Facilitation, Staff Aug. | Program Management, Facilitation and Financial Planning & Implementation | Organizational Planning | Annual Not-to-Exceed Amount |
|--------------------------------------|-------------------------------|-----------------------|-------------------|---------------------------------------------------------------------------|-----------|---------------------|---------------------------------------|------------------------------|--------------------------------------------------------------------------|-------------------------|-----------------------------|
| Associated Right of Way Services Inc |                               |                       |                   |                                                                           |           |                     |                                       |                              |                                                                          |                         | \$ 500,000.00               |
| Blackburn                            |                               |                       |                   |                                                                           |           |                     |                                       |                              |                                                                          |                         | \$ 500,000.00               |
| BRI                                  |                               |                       |                   |                                                                           |           |                     |                                       |                              |                                                                          |                         | \$ 500,000.00               |
| CBEC Eco Engineering                 | X                             |                       | X                 |                                                                           | X         |                     |                                       |                              |                                                                          |                         | \$ 250,000.00               |
| Cinquini & Passarino Inc             |                               |                       |                   |                                                                           | X         |                     |                                       |                              |                                                                          |                         | <\$100,000                  |
| Concero Solutions                    | X                             |                       |                   |                                                                           |           |                     |                                       |                              |                                                                          |                         | \$ 250,000.00               |
| Domenichelli                         |                               |                       |                   |                                                                           |           |                     |                                       |                              |                                                                          |                         | \$ 250,000.00               |
| Environment Science Association      | X                             |                       |                   |                                                                           | X         |                     |                                       |                              |                                                                          |                         | \$ 2,000,000.00             |
| ENGEO                                |                               |                       |                   |                                                                           |           |                     |                                       |                              |                                                                          |                         | \$ 500,000.00               |
| GEI Consultants                      |                               |                       |                   |                                                                           |           |                     |                                       |                              |                                                                          |                         | \$ 2,000,000.00             |
| GME                                  | X                             |                       | X                 |                                                                           |           | X                   |                                       |                              |                                                                          |                         | <\$100,000                  |
| Haley Aldrich                        |                               |                       | X                 | X                                                                         |           |                     |                                       |                              |                                                                          |                         | <\$100,000                  |
| HDR Engineering                      |                               |                       |                   |                                                                           |           |                     |                                       |                              |                                                                          |                         | \$ 2,000,000.00             |
| Interwest Consulting Group Inc.      |                               |                       |                   |                                                                           |           | X                   |                                       |                              |                                                                          |                         | \$ 500,000.00               |
| Kjeldsen, Sinnock & Neudeck Inc.     |                               |                       |                   |                                                                           |           |                     |                                       |                              |                                                                          |                         | \$ 2,000,000.00             |
| Kleinfelder                          |                               |                       |                   |                                                                           |           |                     |                                       |                              |                                                                          |                         | \$ 500,000.00               |
| LWA                                  |                               |                       |                   |                                                                           |           |                     |                                       |                              |                                                                          |                         | \$ 2,000,000.00             |
| Mark Thomas                          |                               |                       |                   |                                                                           |           |                     |                                       |                              |                                                                          |                         | \$ 250,000.00               |
| MBK                                  |                               |                       |                   |                                                                           |           |                     |                                       |                              |                                                                          |                         | \$ 1,000,000.00             |
| Mead & Hunt                          |                               |                       |                   |                                                                           |           |                     |                                       |                              |                                                                          |                         | \$ 500,000.00               |
| MGE Engineering                      |                               |                       |                   | X                                                                         |           |                     |                                       |                              |                                                                          |                         | \$ 500,000.00               |
| Monument ROW                         |                               |                       |                   |                                                                           |           |                     |                                       |                              |                                                                          |                         | \$ 500,000.00               |
| NHC                                  |                               | X                     | X                 |                                                                           | X         |                     |                                       |                              |                                                                          |                         | <\$100,000                  |
| PBI                                  |                               |                       | X                 |                                                                           |           |                     |                                       |                              |                                                                          |                         | <\$100,000                  |
| PSOMAS                               |                               |                       |                   |                                                                           |           |                     |                                       |                              |                                                                          |                         | \$ 250,000.00               |
| R&F Engineering Inc.                 |                               |                       | X                 |                                                                           | X         |                     |                                       |                              |                                                                          |                         | \$ 1,000,000.00             |
| Redefined Horizons                   |                               |                       |                   |                                                                           |           | X                   |                                       |                              |                                                                          |                         | <\$100,000                  |
| River Partners                       | X                             |                       |                   |                                                                           |           |                     |                                       |                              |                                                                          |                         | \$ 250,000.00               |
| Shannon & Wilson                     |                               |                       |                   | X                                                                         |           |                     |                                       |                              |                                                                          |                         | <\$100,000                  |
| Tetra Tech                           | X                             | X                     | X                 | X                                                                         | X         |                     |                                       |                              |                                                                          |                         | \$ 500,000.00               |
| Wood Rodgers                         | X                             |                       | X                 | X                                                                         | X         |                     |                                       |                              |                                                                          |                         | \$ 1,000,000.00             |
| Woodward & Curran                    |                               |                       |                   |                                                                           |           |                     |                                       |                              |                                                                          |                         | \$ 500,000.00               |

X

=Consultant is highly qualified (top 5)

=Consultant is qualified

**End of  
Agenda Packet**