

BOARD OF DIRECTORS

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

BOARD MEETING
San Joaquin Council of Governments
Council Chambers
555 E Weber Ave. Stockton, CA
THURSDAY, AUGUST 14, 2025, 1:00 P.M.

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

ZOOM LINK Option:

<https://us06web.zoom.us/j/86018765198?pwd=ifbuscfsvv7DXZllj3b3W0YkGVk7aV.1>

Meeting ID: 860 1876 5198

Passcode: 734740

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

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

4.1) Approve Minutes from June 12, 2025 Board Meeting

5. NEW BUSINESS

- 5.1) Letter of Intent with the City of Stockton regarding the Agency's commitment to continue performing the Aquatic Weed Control on a portion of Five Mile Slough
- 5.2) Approve Amendment No. 7 to the Funding Agreement with the California Department of Water Resources for Smith Canal Gate Project Urban Flood Risk Reduction Program
- 5.3) Delegated Authority for Acquisition of Real Property Interests

6. EXECUTIVE DIRECTOR REPORT

7. COUNSEL REPORT

8. BOARD COMMENTS

9. ADJOURNMENT

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

Agenda Item 4.1

**MINUTES
SAN JOAQUIN AREA FLOOD CONTROL AGENCY
BOARD MEETING OF JUNE 12, 2025**

STOCKTON, CALIFORNIA

1. CALL TO ORDER / ROLL CALL 1:00 PM

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

Although Director Blower was not present for roll call, he arrived at 1:03 PM.

2. PLEDGE TO FLAG 1:00 PM

3. PUBLIC COMMENTS 1:01 PM

None.

4. CONSENT ITEMS 1:01 PM

4.1) Approve Minutes from May 8, 2025, Board Meeting

Public Comment: None.

Motion: To approve Consent Item 4.1
Moved by: Director DeBrum, Seconded by Director Halford
Vote: Motion carried 7-0
Yes: Director Blower, Director Canepa, Director DeBrum, Director Dresser, Director Halford, Director Lazard, Director Villapudua
Absent: Director Gardea, Director Singh

5. BRIEFINGS 1:02 PM

5.1) Strategic Plan Informational Briefing
Darren Suen and LWA's Adam Riley will provide an overview of the San Joaquin Area Flood Control Agency Strategic Plan.

Public Comment: None.

6. NEW BUSINESS 1:09 PM

6.1) Resolution to Approve the proposed Operating and Capital Budgets for Fiscal Year 2025/26 for the San Joaquin Area Flood Control Agency

Public Comment: None.

Motion: To approve a Resolution for the proposed Operating and Capital Budgets for Fiscal Year 2025/26 for the San Joaquin Area Flood Control Agency
Moved by: Director Halford, Seconded by Director DeBrum
Vote: Motion carried 7-0
Yes: Director Blower, Director Canepa, Director DeBrum, Director Dresser, Director Halford, Director Lazard, Director Villapudua
Absent: Director Gardea, Director Singh

- 6.2) Resolution authorizing the Executive Director to execute consultant master service agreements and make awards for the implementation of the Mossdale Tract Urban Flood Risk Reduction Project

Public Comment: None.

Motion: To approve a Resolution authorizing the Executive Director to execute consultant master service agreements and make awards for the implementation of the Mossdale Tract Urban Flood Risk Reduction Project
Moved by: Director Blower, Seconded by Director Villapudua
Vote: Motion carried 7-0
Yes: Director Blower, Director Canepa, Director DeBrum, Director Dresser, Director Halford, Director Lazard, Director Villapudua
Absent: Director Gardea, Director Singh

7. PUBLIC HEARINGS 1:49 PM

- 7.1) Public Hearing and resolution to approve the Annual Engineer's Report and authorize the levy of assessments within the Flood Protection and Restoration Project Assessment District (AD 96-1)

Open Public Hearing: 2:01 PM
Public Comment: None
Close Public Hearing: 2:01 PM

Motion: To approve a Resolution approving the Annual Engineer's Report and authorize the levy of assessments within the Flood Protection and Restoration Project Assessment District (AD 96-1)
Moved by: Director Villapudua, Seconded by Director DeBrum
Vote: Motion carried 7-0
Yes: Director Blower, Director Canepa, Director DeBrum, Director Dresser, Director Halford, Director Lazard, Director Villapudua
Absent: Director Gardea, Director Singh

- 7.2) Public Hearing and resolution to approve the Annual Technical Memorandum and authorize the levy of assessments within the Levee Construction and Maintenance Assessment (LCMA) District

Open Public Hearing: 2:08 PM
Public Comment: None
Close Public Hearing: 2:09 PM

Motion: To approve a Resolution approving the Annual Technical Memorandum and authorize the levy of assessments within the Levee Construction and Maintenance Assessment (LCMA) District
Moved by: Director Halford, Seconded by Director DeBrum
Vote: Motion carried 7-0
Yes: Director Blower, Director Canepa, Director DeBrum, Director Dresser, Director Halford, Director Lazard, Director Villapudua
Absent: Director Gardea, Director Singh

- 7.3) Public Hearing and resolution to approve the Annual Technical Memorandum and authorize the levy of assessments within the Mossdale Tract Overlay Assessment District (Mossdale OAD)

Open Public Hearing: 2:12 PM
Public Comment: None
Close Public Hearing: 2:12 PM

Motion: To approve a Resolution approving the Annual Technical Memorandum and authorize the levy of assessments within the Mossdale Tract Overlay Assessment District (Mossdale OAD)
Moved by: Director Blower, Seconded by Director Halford
Vote: Motion carried 7-0
Yes: Director Blower, Director Canepa, Director DeBrum, Director Dresser, Director Halford, Director Lazard, Director Villapudua
Absent: Director Gardea, Director Singh

8. ORAL REPORT FROM EXECUTIVE DIRECTOR 2:13 PM

1. Staff resubmitted the Letter of Map Revision (LOMR) application to FEMA.
2. Lathrop-Manteca study continues and scope, schedule, and budget is being discussed.
3. Section 221 agreement allows the San Joaquin Area Flood Control Agency (SJAFCA) to seek federal reimbursement for its work on the dryland levee extension. SJAFCA and Department of Water Resources (DWR) are currently funding the project. If the federal government deems there is federal interest in the project, the document allows SJAFCA/DWR to seek reimbursement for creditable items.
4. The State of California is not going to receive any federal funding for flood projects in the upcoming fiscal year. Congressman Harder and Senator Padilla are working to restore funding. More information to come by July 10.
5. Introducing Alicia Eberhardt, our new Accounting Technician, who will assist in Finance.

9. COUNSEL REPORT 2:19 PM

No report.

10. BOARD COMMENTS 2:19 PM

11. INFORMATIONAL ITEMS 2:20 PM

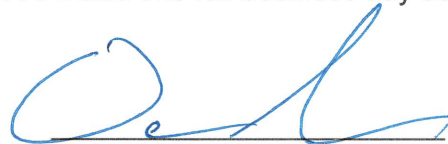
11.1) Report on Master Services Agreements (FY 24-25)

The Board had requested information previously. Report for information only.

12. ADJOURNMENT 2:20 PM

The meeting adjourned at 2:20 pm. The next meeting will be a Regular Board Meeting to be held on July 10, 2025 at 1pm.

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.



DARREN SUEN
EXECUTIVE DIRECTOR
SAN JOAQUIN AREA FLOOD
CONTROL AGENCY

June 12, 2025, SJAFCA Meeting Minutes

Agenda Item 5.1

August 14, 2025

TO: San Joaquin Area Flood Control Agency Board of Directors

FROM: Darren Suen, Executive Director

SUBJECT: **LETTER OF INTENT WITH THE CITY OF STOCKTON REGARDING THE AGENCY'S COMMITMENT TO CONTINUE PERFORMING THE AQUATIC WEED CONTROL ON A PORTION OF FIVE MILE SLOUGH**

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 a letter of intent regarding the Agency's commitment to continue performing the Aquatic Weed Control Program on a portion of Five Mile Slough and send it to the City of Stockton.

DISCUSSION

Background

As part of SJAFCA's 1998 Flood Protection Restoration Project (FPRP), the Agency also formed an assessment district to provide funding for its operations and maintenance (O&M). The five-mile slough south levee west of I-5 was raised and reinforced as part of the FPRP. In addition to the regular levee maintenance required by the project, the Agency also conducts an Aquatic Weed Control Program (AWCP) covering approximately one mile at the western end of Five Mile Slough (see Attachment 1).

The AWCP in Five Mile Slough was implemented to remove water hyacinth blooms (invasive species) from the slough because the blooms impede full inspection of the levees, making it difficult, or nearly impossible in some cases, to identify burrowing holes and eroded areas. The AWCP has been contracted by SJAFCA to a consultant since its implementation, except for fiscal years 2016/17 and 2017/18, when the San Joaquin County Flood Control and Water Conservation District performed this work. SJAFCA is currently managing the annual contract for this (O&M) activity. Annual aquatic weed control is essential because these weeds proliferate rapidly, particularly in the summer, when their biomass can double within two weeks.

Present Situation

The City of Stockton (City) is forming an assessment district to cover the expenses of addressing current Five Mile Slough issues related to reducing and potentially eliminating the invasive aquatic vegetation throughout the entire Slough, drainage, flooding, tree maintenance, and small-scale dredging.

**LETTER OF INTENT WITH THE CITY OF STOCKTON REGARDING THE AGENCY'S
COMMITMENT TO CONTINUE PERFORMING AQUATIC WEED CONTROL ON A PORTION
OF FIVE MILE SLOUGH** (Page 2)

To finalize the budget for the proposed benefits in the City's Five Mile Slough assessment district, City representatives contacted SJAFCA to confirm that the Agency will continue to conduct the AWCP in the segment the Agency is currently maintaining as part of the FPRP.

Since the AWCP in Five Mile Slough is necessary for the Agency to conduct its O&M duties in the area effectively, it is recommended that the Board authorize the Executive Director to send a letter (Attachment 2) confirming SJAFCA's intent to continue performing AWCP on Five Mile Slough.

FINANCIAL SUMMARY

Executing this letter of intent with the City of Stockton will have no additional fiscal impact on the Agency's Budget beyond the existing budget item to continue the AWCP.

CEQA

The recommended action does not constitute a project under CEQA Guidelines Section 15378 and is, therefore, not subject to CEQA since it does not have the potential to result in a physical change in the environment.

PREPARED BY: Juan Neira



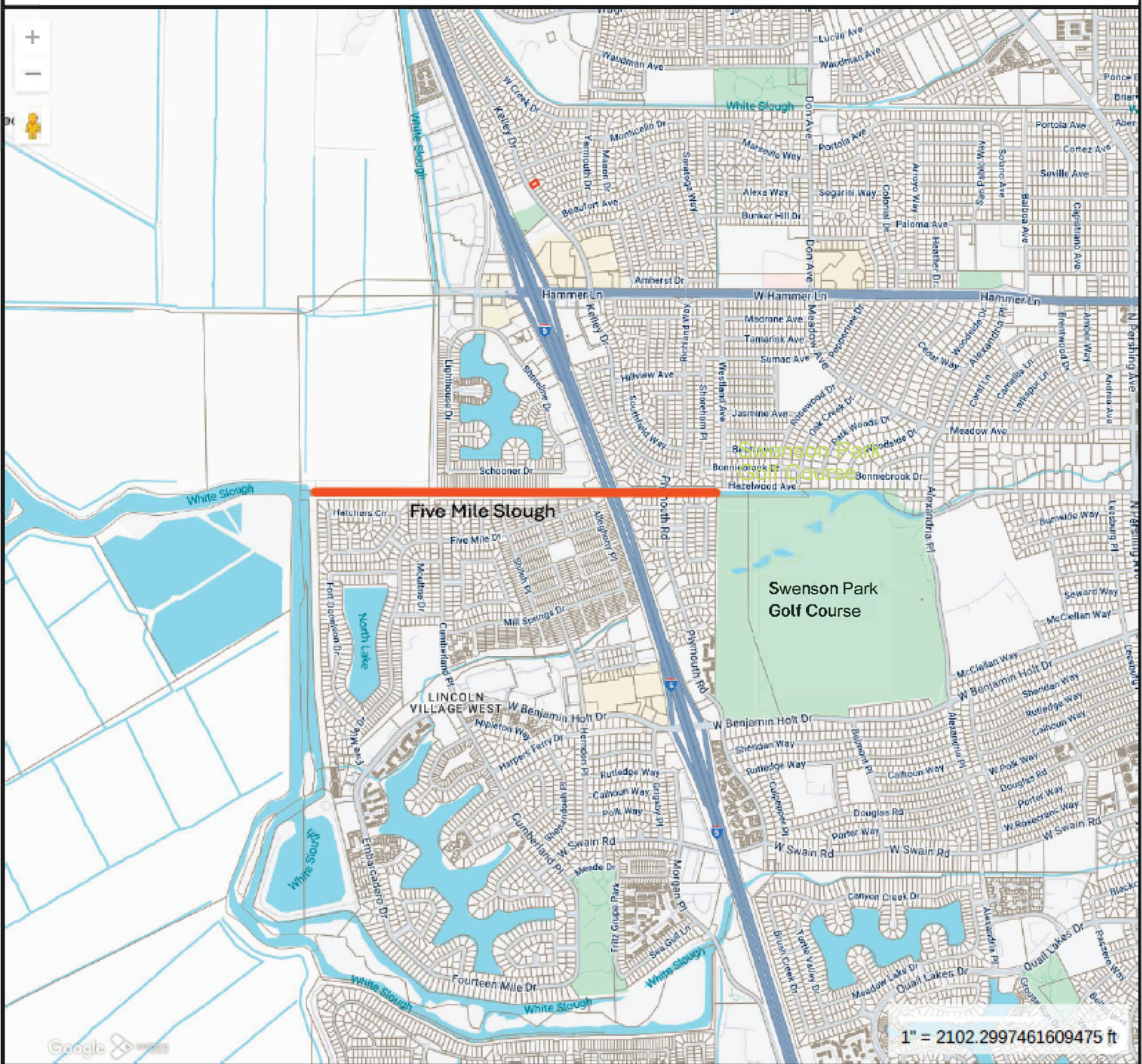
APPROVED:
Darren Suen
Executive Director

DS:JN:lr

Attachment 1: Limits of the AWCP in Five Mile Slough.

Attachment 2: Letter of Intent with the City of Stockton regarding the Agency's commitment.

FIVE MILE SLOUGH - AQUATIC WEED CONTROL PROGRAM Project Limits





August 15, 2025

City Manager
City of Stockton
425 N. El Dorado Street
Stockton, California 95202

Re: Aquatic Weed Control in Five Mile Slough

Dear City Manager:

The San Joaquin Area Flood Control Agency (SJAFCA) writes in support of the City of Stockton's (City) proposal to form an assessment district in the vicinity of Five Mile Slough to reduce and potentially eliminate the invasive aquatic vegetation throughout the entire Slough, by addressing drainage, flooding, tree maintenance, water quality, trash capture, and small-scale dredging. As you know, for nearly 20 years, SJAFCA has been conducting aquatic weed control in the western section of Five Mile Slough. The aquatic weed control area spans approximately one mile, from the Five Mile Slough Dam to the northwestern corner of Swenson Golf Course. We understand that the City is evaluating how much funding will be needed to operate and manage the assessment district, and the City needs to understand SJAFCA's intent regarding its continued work on the Slough.

SJAFCA considers its existing Aquatic Weed Control Program (AWCP) to be a key component of its ongoing operation and maintenance of its Flood Protection Restoration Project so that SJAFCA can successfully inspect the levees and flood control elements. For this reason, SJAFCA has every intention to continue to fund and implement the AWCP on Five Mile Slough. While no agency can predict the availability of funds in future budgets, SJAFCA's decades-long commitment to the AWCP demonstrates its long-term commitment to the program and the need for the program as part of its ongoing operation and maintenance.

If you have any questions in this regard, please contact me.

Sincerely yours,

Darren Suen
Executive Director

RESOLUTION NO. SJAFCA 25-11

**SAN JOAQUIN AREA
FLOOD CONTROL AGENCY**

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**AUTHORIZATION TO EXECUTE A LETTER OF INTENT WITH THE CITY OF
STOCKTON REGARDING THE AGENCY'S COMMITMENT TO CONTINUE
PERFORMING THE AQUATIC WEED CONTROL ON A PORTION OF FIVE
MILE SLOUGH**

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

1. Authorize the Executive Director to execute a letter of Intent regarding the Agency's commitment to continue performing the Aquatic Weed Control Program (AWCP) on a portion of the Five Mile Slough.

PASSED, APPROVED, AND ADOPTED this 14th day of August 2025.

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

ATTEST:

Darren Suen, 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 5.2

August 14, 2025

TO: San Joaquin Area Flood Control Agency Board of Directors

FROM: Darren Suen, Executive Director

SUBJECT: **APPROVE AMENDMENT No. 7 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. 7 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, 2025, to December 31, 2026.

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 (DWR) in 2017 for \$22,309,666 for the construction of the Smith Canal Gate Project. Since then, SJAFCA and DWR have executed six 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 the state’s share of the project cost.
4.	In 2022, the estimated State cost share was augmented to \$55.9 million by allocating \$18 million in direct funding per the Budget Act of 2022.
5.	In 2023, advance funding was provided for the acquisition of real estate to meet the Lower San Joaquin River Project’s compensatory obligation requirements.
6.	In 2024, the term of the Funding Agreement was extended from December 31, 2024, to December 31, 2025, for the construction of the Stop Log foundation.

Present Situation

Although the main improvements to the project were completed by the end of November 2024, some additional items are still being finalized. Additionally, the final project documentation, which

August 14, 2025

**APPROVE AMENDMENT NO. 7 TO THE FUNDING AGREEMENT WITH THE CALIFORNIA
DEPARTMENT OF WATER RESOURCES FOR SMITH CANAL GATE PROJECT URBAN
FLOOD RISK REDUCTION PROGRAM** **Page 2**

includes the Project Completion Report to the Department of Water Resources (DWR), will not be ready before the current agreement expires on December 31, 2025. Therefore, it is recommended that the Board authorize the Executive Director to execute Amendment No. 7, which will 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, 2025, to December 31, 2026 (see 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 .

CEQA

The recommended action does not constitute a project under CEQA Guidelines Section 15378 and is, therefore, not subject to CEQA since it does not have the potential to result in a physical change in the environment.

PREPARED BY: Juan Neira



APPROVED:
Darren Suen
Executive Director

DS:JN:lr

Attachment 1: Draft State Standard Agreement - Amendment

STATE OF CALIFORNIA
THE NATURAL RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

Amendment No. 7

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**

ATTACHMENT 1

Agreement 4600012026, AM-7
Smith Canal Gate
Page 2 of 2

Amendment Number 7 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 "SJAFC", 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 modify STD 213A, Amendment 6, Paragraph 2 of the subject Funding Agreement to extend the term of the agreement by 12 months. The termination date is extended from December 31, 2025, to December 31, 2026. The amended term of the agreement is from June 1, 2017, to December 31, 2026.
- B. All other terms and conditions of Funding Agreement No. 4600012026, including Amendment 1, 2, 3, 4, 5 and 6, shall remain the same and in effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 7 to the Funding Agreement.

STATE OF CALIFORNIA DEPARTMENT OF
WATER RESOURCES

SAN JOAQUIN AREA FLOOD CONTROL
AGENCY

By: _____
Jeremy Arrich, Division Manager
Division of Flood Planning and
Improvements

By: _____
Darren Suen, Executive Director

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
Office of the General Counsel

By: _____
Scott L. Shapiro
Agency Counsel

Date: _____

Date: _____

RESOLUTION NO. SJAFCA 25-12

**SAN JOAQUIN AREA
FLOOD CONTROL AGENCY**

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**APPROVE AMENDMENT NO. 7 TO THE FUNDING AGREEMENT WITH THE
CALIFORNIA DEPARTMENT OF WATER RESOURCES FOR THE SMITH
CANAL GATE PROJECT URBAN FLOOD RISK REDUCTION PROGRAM**

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. 7 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.

PASSED, APPROVED, AND ADOPTED this 14th day of August 2025.

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

ATTEST:

Darren Suen, 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 5.3

August 14, 2025

TO: Board of Directors, San Joaquin Area Flood Control Agency (SJAFCA)

FROM: Darren Suen, Executive Director

SUBJECT: **DELEGATED AUTHORITY FOR ACQUISITION OF REAL PROPERTY INTERESTS**

RECOMMENDATION

Adopt a resolution authorizing the Executive Director to approve and accept for SJAFCA, acquisition of any interest in real property when the purchase price does not exceed \$500,000, and:

- a) The purchase price equals the statutory offer of just compensation established for the property interest by a State of California licensed appraiser; or the negotiated price does not exceed 20% above said statutory offer of just compensation;
- b) The acquisition has been reviewed for due diligence and approval as to form for purchase by the SJAFCA Counsel;
- c) The property interest is to be acquired following justification for the acquisition, including all necessary environmental clearances, appraisal reports, maps, and legal descriptions, and negotiated prices in accordance with (a) above;
- d) The acquisition of real property interests has been coordinated in partnership with the State of California; and
- e) The acquisition does not commit SJAFCA to a definite course of action regarding a project and any subsequent acquisition will be assessed for environmental impacts at the time it is consummated.

DISCUSSION

The purpose of this Board action is to provide policy direction on real property acquisitions for efficient delivery of flood risk reduction projects. SJAFCA is working closely with state and federal partners to advance a suite of congressionally authorized flood risk reduction projects that are estimated to impact more than five hundred parcels and approximately one hundred utility relocations over the next 10 years. The Board Resolution (Attachment A) would delegate authority to the Executive Director to process real property interests impacting property owners, if certain conditions are met, for timely delivery of SJAFCA's flood risk reduction projects. The condition for delegation of authority includes the Board's establishment of a maximum price for acquisition of property to advance SJAFCA's projects. These delegations are limited in scope and will reduce administrative processing time, thereby allowing SJAFCA to provide timely and efficient service to our partner agencies when processing covered real estate transactions.

BackgroundCurrent Policy

SJAFCA is authorized “to acquire, by the power of eminent domain or otherwise, and to hold and dispose of real and personal property necessary to the full exercise of its powers”. To advance its mission of reducing the risk of flooding for the region, SJAFCA entered into formal agreements with the United States Army Corps of Engineers (USACE or Federal Government) and the State of California in (the Central Valley Flood Protection Board and the Department of Water Resources) as follows:

Date	Federal/State Agreement	Assigned Role/Responsibility
September 2020	Project Partnership Agreement (PPA) and Local PPA - San Joaquin River Basin - Lower San Joaquin River, California Project	Provide any necessary lands, easements, rights-of-way, relocations, and disposal areas (LERRD). In collaboration with State of California as non-federal sponsors
September 2022	Feasibility Cost-Share Agreement (FCSA) and Local FCSA for the Lathrop-Manteca Study	Provide any necessary lands, easements, rights-of-way, relocations, and disposal areas (LERRD). In collaboration with State of California as non-federal sponsors
August 2015	Grants approved under Urban Flood Risk Reduction (UFFR) Program Guidelines	Determine the lands, easements, and rights-of-way necessary for construction and OMRR&R, including those rights required for the flood-management structures, temporary construction areas, mitigation sites, borrow sites, spoils sites, access/haul routes, staging areas, private utility relocations, and relocation assistance for qualified occupants of acquired property, as required by State and federal statutes, rules, and regulations.

Interpretation, Clarification and Harmonization of Policy on Real Property Interests

Given the potential for a wide range of real property transactions necessary for the efficient advancement of the flood risk reduction projects, staff would like to clarify that the provisions of the Amended and Restated JEPA powers on “real property interests”, though precise, is reinforced by the provisions of the PPA and FCSA. Staff therefore request the Board to consider the provisions of the PPA, FCSA, and UFFR grant agreements relating to SJAFCA’s responsibility on providing real property interests for flood risk reduction projects.

Delegation of Authority for Streamlined Process to Acquire Real Property Interest

SJAFCA’s flood risk reduction projects are planned and executed in accordance with applicable laws, including state statutes and regulations, and federal statutes and the codes of regulations. The agency uses consultants to provide real estate support services for these projects. At this time and for the near future, SJAFCA is facing an increasing volume of real estate transactions required to meet construction commitments by SJAFCA for multiple projects in the region.

A major challenge faced by flood risk management agencies in California's Central Valley is the severe shortage of real property interests to advance flood risk reduction projects that would meet requirements of 200-year urban level of flood protection as mandated by SB-5 of 2007. Real property interests are needed not only for strengthening physical features of existing facilities, but also for compensatory mitigation of the environmental impacts caused by those improvements. As a result, when real property interests are available in the marketplace to meet the needs of flood risk reduction projects in an urbanized San Joaquin County community, it is essential that staff be prepared to quickly evaluate and act on opportunities for real property interests. Given the need to provide real estate interests for timely implementation of the cost-shared projects with federal and state partners, staff recommends a delegation of authority to the Executive Director to implement efficient acquisition of real property interests.

To improve SJAFCA's ability to respond to urgent situations and allow staff to manage acquisitions on an expedited, cost-effective basis, it is recommended that the Board authorize the Executive Director to approve and accept for SJAFCA, acquisitions of any interest in real property when the purchase price does not exceed \$500,000; and:

- a) The purchase price equals the statutory offer or just compensation established for the property interest by a State of California licensed appraiser; or the negotiated price does not exceed 20% above said statutory offer of just compensation;
- b) The acquisition has been reviewed for due diligence and approval as to form for purchase by the SJAFCA Counsel;
- c) The property interest is to be acquired following justification for the acquisition, including all necessary environmental clearances, appraisal reports, maps, and legal descriptions, and negotiated prices in accordance with (a) above;
- d) The acquisition of real property interests has been coordinated in partnership with the State of California; and
- e) The acquisition does not commit SJAFCA to a definite course of action regarding a project and any subsequent acquisition will be assessed for environmental impacts at the time it is consummated.

Real property interests that fall outside those authorized above shall be presented to the Board of Directors for consideration and direction. Pursuant to the proposed Resolution, the Executive Director will submit a bi-annual report to the Board detailing the property interests acquired under this authority (if any).

FINANCIAL IMPACT

There is no fiscal impact directly associated with this item. All real property that would be acquired under the delegated authority would be subject to the Board approved budget for project expenditures.

CEQA

The recommended action does not constitute a project under CEQA Guidelines Section 15378 and is, therefore, not subject to CEQA since it does not have the potential to result in a physical change in the environment.

PREPARED BY: Chris Elias

A handwritten signature in black ink, appearing to read 'C. Elias', is positioned above a horizontal line.

APPROVED:
Darren Suen
Executive Director

DS:CE:lr

Attachment A: Board Resolution 25-10

RESOLUTION NO. SJAFCA 25-10

**SAN JOAQUIN AREA
FLOOD CONTROL AGENCY**

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

Authorize the Executive Director to approve and accept for SJAFCA, acquisition of any interest in real property when the purchase price does not exceed \$500,000; and:

- a) The purchase price equals the statutory offer or just compensation established for the property interest by a State of California licensed appraiser; or the negotiated price does not exceed 20% above said statutory offer of just compensation;
- b) The acquisition has been reviewed for due diligence and approval as to form for purchase by the SJAFCA Counsel;
- c) The property interest is to be acquired following justification for the acquisition, including all necessary environmental clearances, appraisal reports, maps, and legal descriptions, negotiated prices in accordance with (a) above;
- d) The acquisition of real property interests has been coordinated in partnership with the State of California; and
- e) The acquisition does not commit SJAFCA to a definite course of action regarding a project and any subsequent acquisition will be assessed for environmental impacts at the time it is consummated.

PASSED, APPROVED AND ADOPTED this ____ 14TH ____ day of August 2025.

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

ATTEST:

Darren Suen, Secretary
of the San Joaquin Area
Flood Control Agency.

APPROVED AS TO FORM:

Scott L. Shapiro, Legal Counsel
for the San Joaquin Area
Flood Control Agency

**End of
Agenda Packet**