

**CLOSED SESSION AGENDA  
WEST SACRAMENTO AREA FLOOD CONTROL AGENCY  
REGULAR MEETING OF A JOINT POWERS AUTHORITY OF THE CITY OF WEST SACRAMENTO,  
RECLAMATION DISTRICT 537, AND RECLAMATION 900  
NOVEMBER 17, 2022**

Tom Ramos, Chair (RD 537)

Norma Alcala, Vice Chair (City)

Chris Ledesma, Director (RD 900)

Greg Fabun, General Manager/Secretary  
Ralph Nevis, Agency Attorney


8:30 AM      Call to Order

**AGENCY ATTORNEY**

- 1. Conference with Legal Counsel** – Pending Litigation - GC § 54956.9 (a), (c), (d)(1): *Shimmick Construction v. West Sacramento Area Flood Control Agency*, Yolo County Superior Court Case No. CVCV-2020-211.
- 2. Conference with Legal Counsel** – Pending Litigation - GC § 54956.9 (a), (c), (d)(1): *DeSilva Gates Construction, LP v. West Sacramento Area Flood Control Agency*, Yolo County Superior Court Case No. CV2021-1338.

**The meeting will be held over a secured teleconference phone call.**

I, Greg Fabun, General Manager/Secretary, declare under penalty of perjury that the foregoing agenda for the November 17, 2022 closed session meeting of the West Sacramento Area Flood Control Agency was posted November 11, 2022 in the office of the City Clerk of the City of West Sacramento, 1110 West Capitol Avenue, West Sacramento, CA and was available for public review.

  
\_\_\_\_\_  
Greg Fabun, General Manager/Secretary

**All public materials related to an item on this agenda submitted to the Agency after distribution of the agenda packet are available for public inspection on the City's website at: [www.cityofwestsacramento.org](http://www.cityofwestsacramento.org). Any public, non-privileged, document provided at the meeting by staff will also be available to the public. Any document provided at the meeting by the public will be available the next business day following the meeting.**

**AGENDA**  
**WEST SACRAMENTO AREA FLOOD CONTROL AGENCY**  
**REGULAR MEETING OF A JOINT POWERS AUTHORITY OF THE CITY OF WEST SACRAMENTO,**  
**RECLAMATION DISTRICT 900, AND RECLAMATION DISTRICT 537**  
**NOVEMBER 17, 2022**

Tom Ramos, Chair (RD 537)

Norma Alcala, Vice Chair (City)

Chris Ledesma, Director (RD 900)

Greg Fabun, General Manager/Secretary  
Ralph Nevis, Agency Attorney

**9:00 AM**      CALL TO ORDER

Pursuant to Government Code section 54953, as amended by Assembly Bill 361 (2021), and due to the State of Emergency declared by the Governor on March 4, 2020, members of the West Sacramento Area Flood Control Agency Board and staff will participate in this meeting via a teleconference. To reduce the spread of COVID-19, members of the public may watch the meeting livestream at <https://www.cityofwestsacramento.org/government/meetings-agendas/west-sacramento-area-flood-control-agency>. Those members of the public who wish to do so are invited to participate in the meeting via Zoom using the following access information:

Join by Electronic Device:

<https://westsacramento.zoom.us/j/85845114096?pwd=VEk2N3RFOHZzTzFPZmdRNE5BbHpGZz09>

ID: 858 4511 4096

Passcode: 683239

Join by Phone: 1-253-215-8782

ID: 858 4511 4096

Passcode: 683239

Materials related to the items on this Agenda are available for review and download at <https://www.cityofwestsacramento.org/government/meetings-agendas/west-sacramento-area-flood-control-agency/-toggle-next7days> no later than 72 hours prior to the meeting. Any materials related to the items on this Agenda that are provided to the members of the Board within 72 hours prior to the meeting shall be made available at that same web address for review and download.

*If you need special assistance to participate in this meeting, please contact the City Manager's Office Department at 916-617-4500. Notification of at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting. Assisted listening devices are available at this meeting.*

**GENERAL ADMINISTRATION – PART I**

- 1A. PRESENTATIONS BY THE PUBLIC ON MATTERS NOT ON THE AGENDA WITHIN THE JURISDICTION OF THE AGENCY. THE AGENCY IS PROHIBITED BY LAW FROM DISCUSSING ISSUES NOT ON THE AGENDA BROUGHT TO THEM AT THIS TIME.
- 1B. REPORT OUT ON CLOSED SESSION
- 1C. MONTHLY/YTD REVENUE AND EXPENSES

**CONSENT AGENDA – PART II**

2. CONSIDERATION OF RESOLUTION 22-11-01 RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM AS APPLICABLE IN THE AGENCY AND AUTHORIZING TELECONFERENCE MEETINGS OF LEGISLATIVE BODIES OF THE WEST SACRAMENTO AREA FLOOD CONTROL AGENCY PURSUANT TO THE RALPH M. BROWN ACT

**Comment:** This item seeks Board adoption of Resolution 22-11-01, finding that the Board has reconsidered the circumstances of the state of emergency and meeting in person would present imminent risks to the health and safety of attendees.

3. CONSIDERATION OF APPROVAL OF THE OCTOBER 20, 2022, MEETING MINUTES

**REGULAR AGENDA – PART III**

4. PRESENTATION ON THE SOUTHPORT LEVEE RECREATION TRAIL PROJECT

**Comment:** Parks and Recreation will present the Southport Levee Recreation Trail Design Update for the West Sacramento Area Flood Control Agency.

5A. WSAFCA PROJECT UPDATES

5B. DIRECTOR COMMENTS

5C. ADJOURN

I, Greg Fabun, General Manager/Secretary of the West Sacramento Area Flood Control Agency, declare under penalty of perjury that the foregoing agenda for the November 17, 2022, meeting of the West Sacramento Area Flood Control Agency was posted on November 11, 2022, in the office of the City Clerk of the City of West Sacramento, 1110 West Capitol Avenue, West Sacramento, CA, and was available for public review.



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Greg Fabun, General Manager/Secretary  
West Sacramento Area Flood Control Agency

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WSAFCA Monthly Cash Flow Report  
 3-September-2022.xlsx

	<b>WSAFCA JPA</b>	<b>WSAFCA Cap Projects</b>	<b>STATE Advance Funding</b>	<b>Combined</b>	
	i	ii	iii	Σi,iii	
<b>through 9/30/2022</b>	<u>870-0000</u>	<u>871-0000</u>	<u>257-9917</u>	<u>Combined</u>	
Restricted Fund Balance	850,577	1,647,102	266,157	2,763,835	
Unassigned Fund Balance	5,398,797	3,515,697	(238,328)	8,676,166	
Revenue	5,920,839	6,494,323	1,097	12,416,259	
subtotal	12,170,213	11,657,122	28,925	23,856,260	a
Expenditures	8,295,819	4,680,354	28,520	13,004,693	b
Cash Position	3,874,394	6,976,769	405	<b>10,851,567</b>	c=a-b

	Year to Date			
	FY 2022/23	July 2022	Aug 2022	Sep 2022
<b>1. 870 Fund Balance</b>				
[Beginning of Period, incl restricted cash]	<b>3,844,801</b>	3,844,801	3,900,058	3,888,961
<b>2. CASH RECEIPTS</b>				
4030 Interest/Penalties/Del. Tax	-	-	-	-
4070 Business License Fees	-	-	-	-
4090 Special Tax Assessment	-	-	-	-
4300 Interest-Other	58,661	58,661	-	-
4301 Investment Pool Earnings	-	-	-	-
4340 Concession Fees	-	-	-	-
4810 Reimbursements	-	-	-	-
4825 Contributions	-	-	-	-
4990 Transfers In	-	-	-	-
<b>3. TOTAL CASH RECEIPTS</b>				
[Σ 2a thru 2g]	58,661	58,661	-	-
<b>4. TOTAL CASH AVAILABLE</b>				
[Before cash out] (1 + 3)	<b>3,903,462</b>	3,903,462	3,900,058	3,888,961
<b>5. CASH PAID OUT (870-9905)</b>				
<b>(a) Operations &amp; Maintenance</b>				
5240 Maintenance Equipment	-	-	-	-
5256 Memberships/Dues	-	-	-	-
5258 Training/Travel/Meals	-	-	-	-
5259 Special Department Expenses	-	-	-	-
5260 Legal Expenses	2,959	-	-	2,959
5261 Professional Services	25,452	3,401	11,026	11,026
5269 Official Fees	-	-	-	-
5271 Insurance- Liability	-	-	-	-
5273-Fidelity	-	-	-	-
5520-Structures/Improvements	-	-	-	-
Subtotal (5a)	28,411	3,401	11,026	13,985
<b>(b) Non-Operating</b>				
5310 Contributions to Other Agencies	94	3	72	20
5330 Taxes/Assessments	562	-	-	562
Subtotal (5b)	657	3	72	582
<b>(c) Transfers Out</b>				
2011 Debt Service	-	-	-	-
2015 Debt Service	-	-	-	-
5422 Interest on Notes	-	-	-	-
5950 Transfer Out	-	-	-	-
Subtotal (5c)	-	-	-	-
<b>6. TOTAL CASH PAID OUT (870-9905)</b>				
[Sum 5a thru 5d]	<b>29,068</b>	3,403	11,097	14,567
<b>7. 870 CASH POSITION</b>				
(4 minus 6) End of Period	<b>3,874,394</b>	3,900,058	3,888,961	3,874,394

	Year to Date			
	FY 2022/23	July 2022	Aug 2022	Sep 2022
<b>1. 871 Fund Balance</b>				
[Beginning of Period, incl restricted cash]	<b>7,268,280</b>	7,268,280	5,909,444	5,690,685
<b>2. CASH RECEIPTS</b>				
a) 4300 Interest-Other	139,665	139,665	-	-
b) 4301 Investment Pool Earnings	-	-	-	-
c) 4440 Other State Grants	-	(1,497,872)	-	1,497,872
d) 4810 Reimbursements	45,616	-	-	45,616
e) 4899 Other Revenue	-	-	-	-
f) 4990 Transfers In	-	-	-	-
<b>3. TOTAL CASH RECEIPTS</b>				
[Σ 2a thru 2d]	185,281	(1,358,206)	-	1,543,488
<b>4. TOTAL CASH AVAILABLE</b>				
(1 + 3)	<b>7,453,562</b>	5,910,074	5,909,444	7,234,173
<b>CASH PAID OUT</b>				
<b>(d) CIP (871-9915)</b>				
Prog Mgmt, WO 40010	-	-	-	-
Time Oil, WO 40014	313	-	313	-
North Area EIP Closeout, WO 40018	11,100	1,936	6,037	3,126
JPA Support, WO 40202	74,553	30,931	19,548	24,073
WSLIP Program Activity, WO 40203	82,829	30,234	17,459	35,136
Southport EIP, WO 41164	90,297	(70,044)	9,335	151,007
Federal Project, WO 41167	3,458	262	1,876	1,320
RFMP 2, WO 41168	2,481	379	529	1,573
SRNWL, WO 41169	211,762	6,931	163,662	41,169
<b>5. TOTAL CASH PAID OUT</b>				
[871-9915]	<b>476,793</b>	630	218,759	257,404
<b>6. 871 CASH POSITION</b>				
(4 - 5) End of Period	<b>6,976,769</b>	5,909,444	5,690,685	6,976,769

	<u>40010</u>	<u>40014</u>	<u>40018</u>	<u>40202</u>	<u>40203</u>	<u>41164</u>	<u>41167</u>	<u>41168</u>	<u>41169</u>	<u>Total by Vendor</u>
	Prog Mgmt	Time Oil	N/A Close	General JPA	WSLIP	SLIP	Fed Project	RFMP 2	SRWNL	<u>Total by Month</u>
<b><u>Project Expenditure by Month</u></b>										
July 2022	-	-	1,936	30,931	30,234	(70,044)	262	379	6,931	629
August 2022	-	313	6,037	19,548	17,459	9,335	1,876	529	163,662	218,759
September 2022	-	-	3,126	24,073	35,136	151,007	1,320	1,573	41,169	257,404
<b><u>Project Expenditure by Vendor, September 2022</u></b>										
Bender Rosenthal	-	-	-	-	-	135	-	-	-	135
Day Carter Murphy	-	-	2,440	-	-	117,968	-	-	720	121,128
Mark Thomas Co.	-	-	-	-	-	13,865	-	-	-	13,865
Other Proj Related	-	-	-	-	-	(47,987)	-	-	-	(47,987)
ICAP	-	-	226	7,925	11,567	2,112	435	518	610	23,392
Staff Time	-	-	460	16,148	23,568	4,302	886	1,055	1,243	47,662
REY	-	-	-	-	-	-	-	-	38,597	38,597
River Partners	-	-	-	-	-	60,612	-	-	-	60,612
<b>Total by Work Order</b>	-	-	3,126	24,073	35,136	151,007	1,320	1,573	41,169	257,404
<b><u>Project Expenditure by Vendor, YTD</u></b>										
Bender Rosenthal	-	-	-	-	540	-	-	-	540	540
Blackburn	-	-	-	-	-	-	-	122,442	122,442	122,442
Day Carter Murphy	-	2,440	-	-	117,968	-	-	720	121,128	121,128
GEI Consultants	-	-	-	-	883	-	-	-	883	883
ICAP	-	1,331	24,544	27,269	5,525	1,139	817	4,146	64,789	64,789
Mark Thomas Co.	-	4,617	-	-	13,865	-	-	-	18,482	18,482
Ogden Murphy Wallace	-	-	-	-	-	-	-	-	255	255
Other Proj Related	-	-	-	-	(47,987)	-	-	-	(47,987)	(47,987)
REY	-	-	-	-	-	-	-	76,008	76,008	76,008
River Partners	-	-	-	-	(15,090)	-	-	-	(15,090)	(15,090)
Staff Time	-	2,712	50,008	55,560	11,257	2,320	1,664	8,447	132,007	132,007
WSP	-	-	-	-	3,336	-	-	-	3,336	3,336
	-	11,100	74,553	82,829	90,297	3,458	2,481	211,762	476,793	476,793

MEETING DATE: November 17, 2022

ITEM # 2

**SUBJECT:**

**CONSIDERATION OF RESOLUTION 22-11-01 RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM AS APPLICABLE TO THE AGENCY AND AUTHORIZING TELECONFERENCE MEETINGS OF LEGISLATIVE BODIES OF THE WEST SACRAMENTO AREA FLOOD CONTROL AGENCY PURSUANT TO THE RALPH M. BROWN ACT**

**INITIATED OR REQUESTED BY:**

JPA Board       Staff  
 Other

**REPORT COORDINATED OR PREPARED BY:**

Jenn Nguyen, Secretary

  
 Greg Fabun, General Manager

**ATTACHMENT**    Yes    No       Information    Direction       Action

**OBJECTIVE**

The objective of this report is to present sufficient information to the West Sacramento Area Flood Control Agency (WSAFCA/Agency) Board of Directors (Board) to continue remote (teleconference/videoconference) Board meetings by finding, pursuant to California Government Code Section 54953(e), that there is a proclaimed state of emergency related to COVID-19 and that meeting in person would present imminent risks to the health or safety of attendees.

**RECOMMENDED ACTION**

Staff respectfully recommends that the Board adopt Resolution 22-11-01 finding that the Board has reconsidered the circumstances of the state of emergency and meeting in person would present imminent risks to the health or safety of attendees.

**BACKGROUND**

Through the COVID-19 virus pandemic, Gubernatorial executive orders and, later, new legislation (Assembly Bill 361, "AB 361"), the Board has met via modified teleconference procedures in order to protect meeting attendees from the threat of the virus while preserving public access to legislative body meetings.

As modified by AB 361, Government Code section 54953(e) permits local legislative bodies to meet via teleconference if the Governor has proclaimed a state of emergency pursuant to Government Code section 8625 and the legislative body determines by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. The determination must be reevaluated at least every 30 days and may be renewed if the Board finds that the state of emergency remains active and the state of emergency continues to directly impact the ability of attendees to meet safely in person.

**ANALYSIS**

The Governor's Proclamation of State of Emergency related to the COVID-19 virus pandemic remains in effect to this day in Yolo County and statewide. The virus, and its variants, are highly transmissible when in close proximity to an infected person, no matter if the infected person is showing symptoms or not. Further, new variants of varying community impact and transmissibility are revealed each month the pandemic continues, most recently the Omicron/BA.2 subvariant.

Meeting in person imminently risks attendees' health and safety by necessitating attendees – Board officers, staff, and members of the public – be in close proximity to a potentially infected person, no matter if he or she is showing symptoms or not.

The proposed resolution makes requisite findings to allow Board meetings to continue to be held via teleconference pursuant to Government Code section 54953(e). The Board is to make the following findings as part of the resolution:

- The Governor proclaimed a state of emergency on March 4, 2020 related to the COVID-19 virus pandemic and that state of emergency remains active within the jurisdiction of the Agency.



- The Board has reconsidered the circumstances of the state of emergency.
- The state of emergency continues to directly impact the ability of attendees to safely meet safely in person.
- To decrease the risk to the health and safety of attendees, Board meetings may be conducted via teleconference in accordance with Government Code section 54953(e).

It is recommended that the Board pass the resolution and direct staff to take all actions necessary to effectuate its intent to hold Board meetings in compliance with Section 54953(e).

If the Board does not pass the proposed resolution, the Agency will be required to meet pursuant to traditional teleconference requirements – e.g., opening teleconference locations to the public, listing addresses on meeting agendas, quorum of members.

#### Alternatives

Staff recommends adopting Resolution 22-11-01, making the findings required by California Government Code Section 54953(e). Alternatively, the Board may choose to adopt Resolution 22-11-01 with directed revisions or choose to decline Resolution 22-11-01. Staff does not recommend any revisions that may not comply with California Government Code Section 54953(e) nor declining as the continued threat of COVID-19 and its variants presents an imminent risk to the health and safety of meeting attendees.

#### Coordination and Review

This report was coordinated and reviewed by Agency Counsel.

#### Budget / Cost Impact

There is no direct budget or cost impact associated with this item.

#### **ATTACHMENT**

1) Resolution 22-11-01

# ATTACHMENT 1

## RESOLUTION 22-11-01

### A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEST SACRAMENTO AREA FLOOD CONTROL AGENCY RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY THE GOVERNOR AS APPLICABLE TO THE AGENCY AND AUTHORIZING TELECONFERENCE MEETINGS OF LEGISLATIVE BODIES OF THE AGENCY PURSUANT TO THE RALPH M. BROWN ACT

**WHEREAS**, the West Sacramento Area Flood Control Agency ("Agency") is committed to preserving and nurturing public access and participation at meetings of its Board of Directors (Board); and

**WHEREAS**, all meetings of the Board are open and public, as required by the Ralph M. Brown Act, Government Code section 54950 et seq. ("Brown Act"), so that any member of the public may attend, participate, and watch the Agency conduct its business; and

**WHEREAS**, Government Code section 54953(e)(1) provides a legislative body may meet via teleconference if the Governor has proclaimed a state of emergency pursuant to Government Code section 8625 and either: (i) state or local officials have imposed or recommended measures to promote social distancing; (ii) the legislative body meets to determine by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (iii) the legislative body has voted as such and is meeting pursuant to that vote; and

**WHEREAS**, a legislative body's decision to meet pursuant to Section 54953(e) must be reevaluated and renewed at least every thirty (30) days, or else the body will be required to adopt new initial findings; and

**WHEREAS**, while a legislative body meets via teleconference pursuant to Section 54953(e), it must take actions to preserve public access and public participation and give notice of the meeting and post agendas as otherwise required, allow members of the public to access the meeting via call-in line or internet-based service line, provide details on the agenda on how to access the meeting and give public comment, give an opportunity to comment pursuant to Government Code section 54954.3 and allow a reasonable amount of time during public comment for a person to register, login, and comment, and monitor the call-in line and internet-based service line to ensure no disruption hinders access or ability to comment, if there is, take no action until public access is restored; and

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency pursuant to Government Code section 8625 pertaining to the threat to human health and safety posed by the COVID-19 virus pandemic and that proclamation remains in effect to this day in Yolo County and statewide; and

**WHEREAS**, the virus has short- and long-term effects – fever and chills, cough, shortness of breath and difficulty breathing, fatigue, headache, nausea, vomiting, gastrointestinal issues, loss of taste and smell, death – and its prolific spread is severely impacting the health care system, inhibiting access to care for COVID-19 symptoms, and other ailments; and

**WHEREAS**, while being vaccinated significantly decreases the likelihood of contracting or dying from the virus, vaccinated and unvaccinated people alike can carry, transmit, and be affected by the virus; and

**WHEREAS**, the COVID-19 virus, and its variants, is spread through the air when a person who is carrying the virus, whether he or she is showing symptoms or not, is in close proximity to another person; and

**WHEREAS**, while the COVID-19 virus and its variants remain present in the community, meeting in person presents an imminent risk to Board meeting attendee health and safety beyond the control of Agency services, personnel, equipment, and facilities due to its transferability through the air; and

**WHEREAS**, pursuant to Government Code section 8635 et seq., the Board has the authority during a state of emergency to take all actions necessary to perform its functions in the preservation of law and order, preservation of the furnishing of local services, and protection of life and property, which includes the authority to direct meetings of the Agency to be held via teleconference pursuant to this Resolution; and

**WHEREAS**, the Board desires to ratify the Governor's March 4, 2020, proclamation of state of emergency related to the COVID-19 virus pandemic as it applies to the jurisdiction of the Agency and authorize teleconference meetings of the Agency pursuant to Section 54953(e).

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED** that:

1. The recitals and findings set forth above are true and correct and are incorporated herein by reference as if set forth in full; and
2. The Governor's March 4, 2020 proclamation of state of emergency related to the COVID- 19 virus pandemic applies to the jurisdiction of the Agency and is ratified by the Board of Directors; and
3. A state of emergency exists within the jurisdiction of the Agency related to the COVID-19 virus pandemic and the conditions of that emergency present an imminent risk to the health and safety of attendees at Agency Board meetings; and
4. In order to decrease the risk to the health and safety of attendees, Board meetings of the Agency may be conducted via teleconference in accordance with Government Code section 54953(e).
5. This Resolution shall take effect immediately upon its adoption and be effective for thirty (30) days, unless the Board takes action to rescind the Resolution, which may occur before the 30th day following adoption.

**PASSED AND ADOPTED** this 17<sup>th</sup> day of November 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

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Tom Ramos, WSAFCA Chair

**ATTEST:**

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Ralph R. Nevis, WSAFCA Attorney

**REGULAR MEETING OF THE  
WEST SACRAMENTO AREA FLOOD CONTROL AGENCY  
October 20, 2022  
Minutes**

Pursuant to the Government Code section 54953, as amended by Assembly Bill 361, members of the West Sacramento Area Flood Control Agency participated in this regular meeting of the Board of Directors using the Zoom meeting platform. To reduce the spread of COVID-19, members of the public were asked to watch the meeting via livestream at (<https://www.cityofwestsacramento.org/Home/Components/Calendar/Event/5855/1141>).

The meeting was called to order at 9:03 AM by Chair Tom Ramos. Vice Chair Alcalá was present. Director Ledesma was absent. Chair Ramos presided. Also in attendance were General Manager Greg Fabun, clerk Jenn Nguyen, staff members Paul Dirksen and Mark Zollo, and Agency General Counsel Ralph Nevis.

Entry No. 1

Heard General Administration Functions as follows:

- A. Presentations by the public on matters not on the agenda.
- B. Report out on Closed Session

Ralph Nevis reported that the Board met in Closed Session with legal counsel regarding the two items listed on the Closed Session Agenda. No reportable action was taken on any items.

- C. Monthly/YTD revenue and expenses

Jenn Nguyen reported on the monthly revenue and expenses for August 2022. Fund 870's starting balance was approximately \$3.73M. There was no revenue. Expenditures were \$11k, leaving the ending balance at \$3.72M. Fund 871's starting balance was approximately \$5.91M. There was no revenue. Expenditures totaled \$219k. The ending balance for fund 871 was \$5.69M. The Agency's combined cash position (funds 870, 871, and 257) for the month was \$9.41M.

As of 10/10/22, the Agency's combined cash position was approximately \$10.68M.

\$28,520 was transferred from fund 257 to 871. We will sweep out the rest and zero out the fund in the near future.

There was a \$93,970 negative accrual in fund 870 expenditures from FY21-22. The Agency received a second check for the time oil settlement in the amount of \$45,616. The Agency also received \$82,379 from the State for Southport real estate reimbursement.

The Board acted on the Consent Agenda as follows:

Entry No. 2

Adopted Resolution 22-10-01, finding that the Board has reconsidered the circumstances of the state of emergency and meeting in person would present imminent risks to the health and safety of attendees.

Entry No. 3

Approved the minutes of the September 15, 2022 West Sacramento Area Flood Control Agency meeting.

MOTION: Alcalá	SECOND: Ramos	AYES: Alcalá & Ramos
NOES: None	ABSTAIN: None	ABSENT: Ledesma

The consent agenda passed 2-0, by roll call vote.

Entry No. 4

Heard General Administration Functions as follows:

- A. WSAFCA Project Updates

Greg Fabun reported on WSAFCA project updates highlighting Southport restoration, Federal Project life cycle project scheduling, federal appropriations, Corps' risk cadre, and a recap of Corps' tour of the Southport Setback Levee Project. The Southport Project is also going to be presented as an example in an upcoming nature based solutions conference held by the Corps in November.

B. Director comments

None

C. Adjourn

The meeting adjourned at 9:23 AM.



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Greg Fabun, WSAFCA General Manager/Secretary

Minutes approved as presented by a majority  
vote of the Agency on November 17, 2022.

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Jenn Nguyen, Clerk to the Agency

# Flood Program Update

November 17, 2022

## FINANCE

As of 11/7/22, the Agency's combined cash position is approx. \$10.59M.

	WSAFCA JPA	WSAFCA Cap Projects	STATE Advance Funding	Combined	
	i	ii	iii	Σi,iii	
through 11/7/22	<u>870-0000</u>	<u>871-0000</u>	<u>257-9917</u>	<u>Combined</u>	
Restricted Fund Balance	850,577	1,647,102	266,157	2,763,835	
Unassigned Fund Balance	5,398,797	3,515,697	(238,328)	8,676,166	
Revenue	5,920,839	6,576,703	1,097	12,498,638	
subtotal	12,170,213	11,739,501	28,925	23,938,640	a
Expenditures	8,327,803	4,991,787	28,520	13,348,110	b
Cash Position	3,842,410	6,747,714	405	<b>10,590,530</b>	c=a-b

Closing entries for FY 21/22 are complete. Fund 257 earned \$211.74 in interest, however the fund will be swept into 871 and closed out soon.

## PROJECTS

### SOUTHPORT LEVEE IMPROVEMENT PROJECT

Real Estate Services: Staff is working on closing real estate for the Southport Project. We are also working with DWR Flood Program Management office to close-out the State Funding Agreement. BRI is working with PGE to remove unnecessary easements in the offset areas. The Walton parcel negotiation is complete.

Supplemental Operation and Maintenance Manual: WSAFCA has been working to finalize the Manual for Unit No. 116 with the USACE. The USACE has approved the manual and is still routing internally to get the approval memos and signatures from different divisions that are needed before the Colonel can provide the approval letter. The monitoring wells installed near the CHP and The Rivers Levee Projects that were removed/closed will be removed from the Manual. Once approved, the USACE will provide the manual to the Central Valley Flood Protection Board for them to approve and pass on to RD900.

Surveying Services: Mark Thomas is closing out comments on the Record of Survey legal descriptions for the conservation areas and the levee features, and supporting documents. Once the Record of Survey is recorded, WSAFCA will begin transferring easements for the flood control features to the State.

Southport Borrow Restore Project: The Notice of Substantial Completion was issued to the Contractor in September. WSAFCA issued the Engineer's Decision regarding the claim filed by the contractor. In response, DGC submitted a Government Code claim against WSAFCA, pursuant to Government Code section 900 et seq.

Borrow One Site: The property is currently being farmed by Viera Farms.

221 Credit Package: The first credit package was hand-delivered to the Corps in September.

### SOUTHPORT RESTORATION PROJECT

Irrigation and Planting: Irrigation was ceased last week with the rain forecast. River Partners is planning on removing the pumps this month. We received notice from the Central Valley Flood Protection Board that time variance requests for the irrigation pumps is no longer required.

**NORTH AREA PROJECT CLOSEOUT** – The Rivers Joint use agreement and easements have been approved and recorded. The record of survey is being updated to include the record documents. Once completed, the Rivers EIP is complete.

## **FEDERAL PROJECT**

*Project Partnership Agreement (PPA)*: The PPA was executed on September 7 and enabled the Corps to tap into \$25 million in FY 22 federal funding (see FY 2022 Appropriations below). The first 5% cash request (required under the PPA) was made from the Corps in October for \$1.3 million. Our NFS partner, DWR, is processing for payment.

### *Yolo Bypass East Levee (YBEL) Design:*

*Design*: The final design package was submitted to the USACE on June 30, 2021. The design was further divided into two construction packages YBEL-N and YBEL-S.

*Economic Update*: A new total cost certification update is being performed and will take into account current inflationary drivers.

### *Sacramento River West North Levee Preliminary Engineering and Design (PED)*

**GEOTECH**: Field work for segments one and two is complete and boring samples are being tested for soil type, strength and plasticity. BCI is also collecting data from previous borings for Segment 3 and has developed a draft Drilling Program Plan, which is going through the first review. , Geotechnical meetings have resumed in earnest to continue the explorations of the SRWNL. WSAFCA and BCI meet twice monthly with the USACE to coordinate the work.

**ENVIRONMENTAL SITE ASSESSMENT**: Ninyo and Moore has completed a preliminary evaluation of the Sacramento River West North Levee, including a database search for contaminated properties, site walk and review of permitting and construction records. The results indicate that where there has been an illegal release, the site has been remediated or is being remediated.

**SURVEY**. Survey will provide end user data for Geotech analysis and reports. USACE is reviewing existing water and landward bathymetry. The 3-d surface model is almost complete. These data sets, along with the geotechnical analysis, will be used in upcoming factor of safety evaluations and designs.

## **FEDERAL BUDGET/ADVOCACY**

*FY 2023 Appropriations Process*: The President's FY 2023 budget, released on March 30, 2022, recommended \$79.7 million in funding for the West Sacramento Project. The House of Representatives passed its Energy and Water Bill on July 20, 2022, which includes the \$79.7 million for our Project. The Senate released its draft Bill, which also includes the \$79.7 million.

*FY 2022 Appropriations*: West Sacramento Project received \$17.9 million and a Construction New Start. The Project also received 7.38M in the 2022 USACE Work Plan. The workplan allocation is insufficient to bid both segments of the YBEL project as a single contract.

## **WSAFCA FEDERAL LOBBYING (FWC) – OCTOBER**

FY 2023 funding opportunities:

- Monitor and coordinate action on FY 2023 Continuing Resolution (CR) and appropriations.

Other:

- Communicate with Rep. Matsui's staff regarding CoE's execution of the West Sacramento Project in "parallel" vs "sequentially" and coordinate re interface with CoE.
- Coordinate with Rep. Matsui's office on staff visit to West Sacramento.
- Weekly check-in calls with client.

**DEEP WATER SHIP CHANNEL EAST DRAINAGE REPAIR PROJECT** – Credit package is being prepared to submit to the Corps.

## PUBLIC RELATIONS

Nothing to report.

## FLOOD INSURANCE

**National Flood Insurance Program (NFIP)** – Nothing to report.

## FLOOD PLAIN ADMINISTRATION

**Floodplain Management** – The updated plan was posted on the flood website.

## EMERGENCY PREPAREDNESS

**2022 Emergency Preparation/Flood Season Coordination** – Staff attended the DWR Preseason Flood Coordination meeting on October 4. Another La Nina year is forecast. Staff is also attending the Station 45 Open House on Oct 15 to provide information about the flood program, federal project and general flood preparedness.

## COORDINATION WITH OTHER ACTIVITIES

**Regional Flood Management Plan** – The RFMP team is on hold until WSAFCA and DWR can execute a new RFMP agreement, which is expected in the next couple of months.

## FUTURE

December 15, 2022 – WSAFCA Board Meeting