

**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  
JANUARY 20, 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 January 20, 2022 closed session meeting of the West Sacramento Area Flood Control Agency was posted January 14, 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**  
**JANUARY 20, 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 22-01-01 ADOPTING FINDINGS NECESSARY TO CONTINUE CONDUCTING WEST SACRAMENTO AREA FLOOD CONTROL AGENCY BOARD MEETINGS VIA TELECONFERENCE PURSUANT TO ASSEMBLY BILL 361

**Comment:** This item seeks Board adoption of Resolution 22-01-01, finding that the Board has reconsidered the circumstances of the state of emergency and that the Yolo County Public Health Officer continues to recommend measures to promote social distancing.

3. CONSIDERATION OF APPROVAL OF THE DECEMBER 16, 2021, MEETING MINUTES

**REGULAR AGENDA – PART III**

4A. WSAFCA PROJECT UPDATES

4B. DIRECTOR COMMENTS

4C. 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 January 20, 2022, meeting of the West Sacramento Area Flood Control Agency was posted on January 14, 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  
West Sacramento Area Flood Control Agency

***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 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.***

	WSAFCA JPA	WSAFCA Cap Projects	STATE Advance Funding	Combined
	i	ii	iii	Σi,iii
through 11/30/2021	870-0000	871-0000	257-9917	Combined
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	24,794	98,661	692	124,147
subtotal	6,274,167	5,261,460	28,520	11,564,148
				a
Expenditures	96,805	830,056	-	926,861
				b
Cash Position	6,177,363	4,431,404	28,520	10,637,287
				c=a-b

Year to Date		FY 2021/22	July 2021	Aug 2021	Sep 2021	Oct 2021	Nov 2021
<b>1. 870 Fund Balance</b>		<b>6,249,374</b>	6,249,374	6,335,988	6,309,914	6,170,615	6,154,043
[Beginning of Period, incl restricted cash]							
<b>2. CASH RECEIPTS</b>							
4030 Interest/Penalties/Del. Tax	-	-	-	-	-	-	-
4090 Special Tax Assessment	34,977	34,977	-	-	-	-	34,977
4300 Interest-Other	(19,556)	(19,556)	(19,556)	-	-	-	-
4301 Investment Pool Earnings	-	-	-	-	-	-	-
4340 Concession Fees	9,373	9,373	-	-	-	-	9,373
4810 Reimbursements	-	-	-	-	-	-	-
4825 Contributions	-	-	-	-	-	-	-
4990 Transfers In	-	-	-	-	-	-	-
<b>3. TOTAL CASH RECEIPTS</b>							
[Σ 2a thru 2g]	24,794	24,794	(19,556)	-	-	-	44,350
<b>4. TOTAL CASH AVAILABLE</b>		<b>6,274,167</b>	6,229,817	6,335,988	6,309,914	6,170,615	6,198,393
[Before cash out] (1 + 3)							
<b>5. CASH PAID OUT (870-9905)</b>							
<b>(a) Operations &amp; Maintenance</b>							
5240 Maintenance Equipment	105	105	-	-	-	-	-
5256 Memberships/Dues	20,669	20,669	-	20,669	-	-	-
5258 Training/Travel/Meals	-	-	-	-	-	-	-
5259 Special Department Expenses	-	-	-	-	-	-	-
5260 Legal Expenses	2,829	2,829	-	1,548	-	1,281	-
5261 Professional Services	57,653	57,653	1,371	14,151	11,026	14,171	16,936
5269 Official Fees	1,100	1,100	-	-	-	1,100	-
5271 Insurance- Liability	-	-	-	-	-	-	-
5273-Fidelity	-	-	-	-	-	-	-
5520-Structures/Improvements	10,270	10,270	-	10,270	-	-	-
Subtotal (5a)	92,627	92,627	1,371	26,074	31,695	16,552	16,936
<b>(b) Non-Operating</b>							
5310 Contributions to Other Agencies	4,001	4,001	(107,541)	-	107,604	20	3,918
5330 Taxes/Assessments	177	177	-	-	-	-	177
Subtotal (5b)	4,178	4,178	(107,541)	-	107,604	20	4,095
<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>		<b>96,805</b>	(106,171)	26,074	139,299	16,572	21,031
[Sum 5a thru 5d]							
<b>7. 870 CASH POSITION</b>		<b>6,177,363</b>	6,335,988	6,309,914	6,170,615	6,154,043	6,177,363
(4 minus 6) End of Period							

Year to Date		FY 2021/22	July 2021	Aug 2021	Sep 2021	Oct 2021	Nov 2021
<b>1. 871 Fund Balance</b>		<b>5,162,799</b>	5,162,799	5,101,350	4,882,266	4,893,664	4,587,859
[Beginning of Period, incl restricted cash]							
<b>2. CASH RECEIPTS</b>							
a) 4300 Interest-Other		(18,136)	(18,136)	-	-	-	-
b) 4301 Investment Pool Earnings		-	-	-	-	-	-
c) 4440 Other State Grants		-	-	-	-	-	-
d) 4810 Reimbursements		116,797	-	-	116,797	-	-
e) 4899 Other Revenue		-	-	-	-	-	-
f) 4990 Transfers In		-	-	-	-	-	-
<b>3. TOTAL CASH RECEIPTS</b>							
[Σ 2a thru 2d]		98,661	(18,136)	-	116,797	-	-
<b>4. TOTAL CASH AVAILABLE</b>		<b>5,261,460</b>	5,144,663	5,101,350	4,999,063	4,893,664	4,587,859
(1 + 3)							
<b>CASH PAID OUT</b>							
<b>(d) CIP (871-9915)</b>							
Prog Mgmt, WO 40010		12,126	-	-	6,506	2,103	3,518
Time Oil, WO 40014		4,682	-	1,086	637	2,959	-
North Area EIP Closeout, WO 40018		12,157	1,623	2,128	4,400	2,208	1,797
JPA Support, WO 40202		96,021	23,144	16,669	14,768	27,978	13,462
WSLIP Program Activity, WO 40203		174,638	46,611	33,616	33,842	37,479	23,091
Southport EIP, WO 41164		326,452	(45,793)	121,985	29,606	152,129	68,525
Federal Project, WO 41167		94,754	13,591	19,940	10,224	38,386	12,613
RFMP 2, WO 41168		80,208	4,137	20,480	744	33,612	21,235
SRNWL, WO 41169		29,017	-	3,180	4,673	8,951	12,214
<b>5. TOTAL CASH PAID OUT</b>							
[871-9915]		<b>830,056</b>	43,314	219,084	105,399	305,804	156,455
<b>6. 871 CASH POSITION</b>							
(4 - 5) End of Period		<b>4,431,404</b>	5,101,350	4,882,266	4,893,664	4,587,859	4,431,404

**Project Expenditure by Month**

	<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	SNRWL	Total by Month
July 2021	-	-	1,623	23,144	46,611	(45,793)	13,591	4,137	-	43,314
August 2021	-	1,086	2,128	16,669	33,616	121,985	19,940	20,480	3,180	219,084
September 2021	6,506	637	4,400	14,768	33,842	29,606	10,224	744	4,673	105,399
October 2021	2,103	2,959	2,208	27,978	37,479	152,129	38,386	33,612	8,951	305,804
November 2021	3,518	-	1,797	13,462	23,091	68,525	12,613	21,235	12,214	156,455

**Project Expenditure by Vendor, Nov 2021**

ICAP	-	-	858	6,429	11,027	8,161	6,023	860	5,833	39,190
LWA	3,518	-	-	-	-	6,817	-	-	-	10,334
Mark Thomas Co.	-	-	-	-	-	39,263	-	-	-	39,263
MBK	-	-	-	-	-	-	-	19,435	-	19,435
Staff Time	-	-	939	7,034	12,064	8,929	6,590	941	6,382	42,878
WSP (formerly Parsons Brinckerhoff)	-	-	-	-	-	5,355	-	-	-	5,355
<b>Total by Work Order</b>	3,518	-	1,797	13,462	23,091	68,525	12,613	21,235	12,214	156,455

**Project Expenditure by Vendor, YTD**

Day Carter Murphy	-	80	40	-	-	183,922	23,855	-	-	207,897
ESA	-	-	-	-	-	-	7,675	-	-	7,675
GEI Consultants	-	-	-	-	-	17,425	-	-	-	17,425
ICAP	-	288	5,784	45,853	83,396	43,948	26,930	6,617	10,107	222,922
LWA	12,126	-	-	-	-	27,446	1,905	-	-	41,477
Mark Thomas Co.	-	2,284	-	-	-	54,938	-	-	-	57,222
MBK	-	-	-	-	-	-	-	66,351	-	66,351
MGE	-	-	-	-	-	-	4,926	-	-	4,926
Ogden Murphy Wallace	-	1,116	-	-	-	-	-	-	-	1,116
Other Proj Related	-	-	6	-	-	-	-	-	-	6
SCS Engineers	-	600	-	-	-	-	-	-	-	600
Staff Time	-	315	6,328	50,168	91,242	(14,521)	29,464	7,240	18,910	189,146
WSP (formerly Parsons Brinckerhoff)	-	-	-	-	-	13,295	-	-	-	13,295
	12,126	4,682	12,157	96,021	174,638	326,452	94,754	80,208	29,017	<b>830,056</b>

MEETING DATE: January 20, 2022

ITEM # 2

**SUBJECT:**

**CONSIDERATION OF RESOLUTION 22-01-01 ADOPTING FINDINGS NECESSARY TO CONTINUE  
CONDUCTING WEST SACRAMENTO AREA FLOOD CONTROL AGENCY BOARD MEETINGS VIA  
TELECONFERENCE PURSUANT TO ASSEMBLY BILL 361**

**INITIATED OR REQUESTED BY:**

☐ JPA Board      ☒ Staff  
☐ Other

**REPORT COORDINATED OR PREPARED BY:**

Jenn Nguyen, Secretary

  
 Greg Fabun, WSAFCA General Manager

<b>ATTACHMENT</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Information	<input type="checkbox"/> Direction	<input checked="" type="checkbox"/> Action
-------------------	---	--------------------------------------	------------------------------------	--

**OBJECTIVE**

The objective of this report is to present sufficient information to the West Sacramento Area Flood Control Agency (WSAFCA/Agency) Board of Trustees (Board) to continue remote (teleconference/videoconference) Board meetings by finding, pursuant to Assembly Bill 361 (AB 361), that the Board has reconsidered the circumstances of the state of emergency related to the COVID-19 Pandemic and that the Yolo County Public Health Officer continues to recommend measures to promote social distancing.

**RECOMMENDED ACTION**

Staff respectfully recommends that the Board adopt Resolution 22-01-01 finding that the Board has reconsidered the circumstances of the state of emergency and that the Yolo County Public Health Officer continues to recommend measures to promote social distancing.

**BACKGROUND**

Prior to the outbreak of the COVID-19 Pandemic (pandemic), the Ralph M. Brown Act (Brown Act) had numerous requirements for local government bodies wishing to meet remotely via teleconference or videoconference. These requirements are outlined in greater detail later in the report, but can generally be described as burdensome and, as a result, few bodies regularly met remotely.

In response to the outbreak of the pandemic, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency related to the pandemic. That proclamation applies statewide and remains valid. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 (Executive Order), which temporarily suspended certain Brown Act requirements. Namely, the Executive Order suspended requirements that:

- local bodies notice each teleconference location from which a member participates in a public meeting;
- each teleconference location be accessible to the public;
- members of the public be allowed to address the body at each teleconference conference location;
- the local body post agendas at all teleconference locations; and,
- at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

Since that time, the Board has been conducting meetings via videoconference under the provisions of the Executive Order. On June 11, 2021—before the delta variant of COVID-19 was widespread in California—the Governor declared that the emergency Brown Act teleconferencing provisions would expire on September 30, 2021.

In light of the surge of COVID-19 spread since that time and recognizing a need for flexibility during future states of emergency, the Legislature passed, and the Governor signed AB 361. This legislation went into effect immediately upon the Governor's signing, September 16, 2021, and amended the Brown Act to add simplified procedures to make it easier to hold remote meetings during a state of emergency proclaimed by the Governor so long as certain other requirements are met.



In summary, the benefits of conducting remote meetings pursuant to AB 361 versus the alternative Brown Act procedure are as follows:

Brown Act Requirements (“Old Rules”)	AB 361 Rules
<ul style="list-style-type: none"><li>• Agendas <b>must</b> be posted at each teleconference location</li><li>• All teleconference locations must be listed on the agenda</li></ul>	<ul style="list-style-type: none"><li>• Agendas <b>do not</b> need to be posted at each teleconference location</li></ul>
<ul style="list-style-type: none"><li>• Each teleconference location <b>must</b> be accessible to the public, and the public <b>must</b> be allowed to offer comments from each location</li></ul>	<ul style="list-style-type: none"><li>• Local agencies <b>do not</b> need to allow public participation at each (or any) teleconference location, but instead must “clearly advertise” how members of the public can participate on the agenda</li><li>• Public participation <b>must</b> allow for either a call-in option or an internet-based service option to directly address the body in real-time during public comment</li><li>• In the event the meeting broadcast is disrupted, the meeting <b>must</b> pause until it is restored</li></ul>
<ul style="list-style-type: none"><li>• At least a quorum of the legislative body <b>must</b> be present within the agency’s territory</li></ul>	<ul style="list-style-type: none"><li>• Legislative body members <b>may</b> participate from anywhere</li></ul>

### **ANALYSIS**

AB 361 requires that legislative bodies make the following findings by majority vote within 30 days of each meeting under the AB 361 exemptions to the Brown Act in order to continue conducting meetings remotely:

- a) The legislative body has reconsidered the circumstances of the state of emergency; and,
- b) Either: 1) the state of emergency continues to directly impact the ability of the members to meet safely in person; or 2) state or local officials continue to impose or recommend measures to promote social distancing.

The Board’s last meeting was held remotely pursuant to AB 361. The recommendation before the Board is to adopt Resolution 22-01-01 making these findings so that the Board’s public meetings may continue via teleconference pursuant to AB 361. Staff recommends adopting Resolution 22-01-01 at this time so that the Board may continue to meet via teleconference at its February 17, 2022 meeting. The conditions set forth by AB 361 allowing the continuation of meetings under certain exemptions from the Brown Act remain in place as both the Governor’s proclamation of state of emergency and the Yolo County Health Officer’s recommended measures to support social distancing are in effect.

### **Alternatives**

Staff recommends adopting Resolution 22-01-01, making the findings required by AB 361. Alternatively, the Board may choose to adopt Resolution 22-01-01 with directed revisions or choose to decline Resolution 22-01-01. Staff does not recommend any revisions that may not comply with AB 361 nor declining per the Yolo County Health Officer’s guidance is to avoid large in person gatherings due to the COVID-19 pandemic.

### **Coordination and Review**

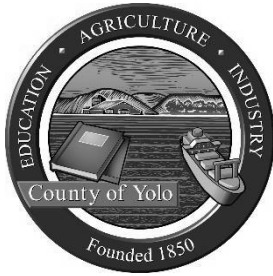
This report was coordinated and reviewed by Agency Counsel.

### **Budget / Cost Impact**

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

### **ATTACHMENTS**

- 1) Yolo County Health Officer’s Memorandum Recommending Continuation of Remote Public Meetings
- 2) Resolution 22-01-01



# COUNTY OF YOLO

Health and Human Services Agency

**Karen Larsen, LMFT**  
Director

**Aimee Sisson, MD, MPH**  
Health Officer

MAILING ADDRESS  
137 N. Cottonwood Street • Woodland, CA 95695  
[www.yolocounty.org](http://www.yolocounty.org)

Date: September 22, 2021

To: All Yolo County Boards and Commissions

From: Dr. Aimee Sisson, Health Officer

Subject: Remote Public Meetings

In light of the ongoing public health emergency related to COVID-19 and the high level of community transmission of the virus that causes COVID-19, the Yolo County Public Health Officer recommends that public bodies continue to meet remotely to the extent possible. Board and Commissions can utilize the provisions of newly-enacted AB 361 to maintain remote meetings under the Ralph M. Brown Act and similar laws.

Among other reasons, the grounds for the remote meeting recommendation include:

- The continued threat of COVID-19 to the community. As of September 22, 2021, the current case rate is 24.1 cases per 100,000 residents per day. This case rate is considered “high” under the Centers for Disease Control and Prevention’s (CDC) framework for assessing community COVID-19 transmission; and
- The unique characteristics of public governmental meetings, including the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges of ensuring compliance with safety requirements and recommendations at such meetings.

Meetings that cannot feasibly be held virtually should be held outdoors when possible, or indoors only in small groups with face coverings, maximal physical distance between participants, use of a portable HEPA filter (unless comparable filtration is provided through facility HVAC systems), and shortened meeting times.

This recommendation is based upon current conditions and available protective measures. The Public Health Officer will continue to evaluate this recommendation on an ongoing basis and will communicate when there is no longer such a recommendation with respect to meetings for public bodies.

## Davis

600 A Street  
Davis, CA 95616  
Mental Health (530) 757-5530

## West Sacramento

500 Jefferson Boulevard  
West Sacramento, CA 95605  
Service Center (916) 375-6200  
Mental Health (916) 375-6350  
Public Health (916) 375-6380

## Winters

111 East Grant Avenue  
Winters, CA 95694  
Service Center (530) 406-4444

## Woodland

25 & 137 N. Cottonwood Street  
Woodland, CA 95695  
Service Center (530) 661-2750  
Mental Health (530) 666-8630  
Public Health (530) 666-8645

## **ATTACHMENT 2**

### **RESOLUTION 22-01-01**

#### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEST SACRAMENTO AREA FLOOD CONTROL AGENCY ADOPTING FINDINGS NECESSARY TO CONTINUE CONDUCTING BOARD MEETINGS VIA TELECONFERENCE PURSUANT TO ASSEMBLY BILL 361**

**WHEREAS**, since March 17, 2020, the West Sacramento Area Flood Control Agency Board (WSAFCA/Agency/Board) has been meeting via video conference under certain exemptions from the Brown Act pursuant to Executive Order N-29-20; and

**WHEREAS**, on September 16, 2021, the Governor signed into law Assembly Bill (AB) 361 which created exemptions from some of the Brown Act requirements regarding teleconference or videoconference public meetings during declared states of emergency so long as certain other conditions are met (Government Code Section (54953(e)); and

**WHEREAS**, the Board met for the first time pursuant to AB 361 for its October 2021, regular meeting as allowed by AB 361; and

**WHEREAS**, the Board adopted Resolution 21-10-01, 21-11-01, and 21-12-04 at its October, November, and December 2021, regular meetings, respectively making findings to allow continued meetings by teleconference as allowed by AB 361; and

**WHEREAS**, the law requires legislative bodies to make certain findings pursuant to AB 361 in order to continue meeting via teleconference under the Brown Act; 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 to be held via teleconference pursuant to this Resolution; and

**WHEREAS**, the Governor's proclaimed state of emergency due to the COVID-19 pandemic dated March 4, 2020, applies statewide and remains in place; and

**WHEREAS**, the Yolo County Health Officer continues to recommend social distancing measures in the interest of public health.

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

1. A state of emergency proclaimed by the Governor remains in effect related to the COVID-19 pandemic; and
2. The Board has reconsidered the circumstances of the state of emergency; and
3. Local officials (the Yolo County Health Officer) continue to recommend measures to promote social distancing; and
4. The Board may continue to meet via teleconference pursuant to Government Code Section (54953(e)).

**PASSED AND ADOPTED** this 20<sup>th</sup> day of January 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ATTEST:**

---

Tom Ramos, WSAFCA Chair

---

Ralph R. Nevis, WSAFCA Attorney

**REGULAR MEETING OF THE  
WEST SACRAMENTO AREA FLOOD CONTROL AGENCY  
December 16, 2021  
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/4764/1141>).

The meeting was called to order at 9:06 AM by Chair Tom Ramos. Board Member Ledesma was present. Vice Chair Alcala was absent. Chair Ramos presided. Also in attendance were Clerk Jenn Nguyen, staff members Paul Dirksen, Mark Zollo and Brian Brown, 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.

None

B. Report out on Closed Session

Ralph Nevis reported that the Board met in Closed Session with legal counsel regarding the three 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 October 2021. Fund 870's starting balance was approximately \$6.17M. There was no revenue. Expenditures were \$17k, leaving the ending balance at \$6.15M. Fund 871's starting balance was \$4.89M. There was also no revenue for this fund. Expenditures totaled \$306k. The ending balance for fund 871 was \$4.59M. The Agency's combined cash position (funds 870, 871, and 257) for the month was \$10.77M.

As of 12/8/21, the Agency's combined cash position was approximately \$10.74M.

All FY closing entries were captured and the math adds correctly in the 870 table now. Staff is still working with state on a true up payment of \$1.6M owed through Qtr 40.

Vice Chair Alcala joined the meeting at 9:10 am.

The Board acted on the Consent Agenda as follows:

Entry No. 2

Approved a professional services contract with Blackburn Consulting for Sacramento River West North Levee Project geotechnical subsurface explorations, authorized the General Manager or Flood Protection Manager authority to issue contract change orders up to 10% of control value, and adopted Resolution 21-12-03, authorizing a budget appropriation to Work Order 41169 to support the above recommended actions.

Entry No. 3

Approved a professional services contract with R.E.Y. Engineering for Sacramento River West North Levee Project field surveys, authorized the General Manager or Flood Protection Manager authority to issue contract change orders up to 10% of control value, and authorization from Work Order 41169 to support the above recommended actions.

Entry No. 4

Approved Resolution 21-11-04, adopting findings necessary to continue conducting West Sacramento Area Flood Control Agency Board meetings via teleconference pursuant to Assembly Bill 361.

Entry No. 5

Approved a professional services contract with Ninyo and Moore for Sacramento River West North Levee Project environmental assessment services, authorized the General Manager or Flood Protection Manager authority to issue contract change orders up to 20% of contract value, and adopted Resolution 21-12-05, authorizing a budget appropriation to Work Order 41169 to support the above recommended actions.

Entry No. 6

Approved the minutes of the November 18, 2021 West Sacramento Area Flood Control Agency meeting.

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

The consent agenda passed 3-0, by roll call vote.

Entry No. 7

Public Hearing and consideration of Resolution 21-12-01 regarding consideration and adoption of the Initial Study and Mitigated Negative Declaration for the Yolo Bypass East Levee Project.

Mark Zollo presented this item for the Agency. He highlighted actions taken by the Board under the General Reevaluation Report and Local Design Agreement that have led to the Initial Study and Mitigated Declaration of the Yolo Bypass East Levee Project.

Chair Ramos opened and closed the Public Hearing with no public comments.

On the full record before the Board, the Board adopted Resolution 21-12-01, adopting the Initial Study and Mitigated Negative Declaration for the Yolo Bypass East Levee Project in accordance with the California Environmental Quality Act

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

Consideration of Resolution 21-12-02

Mark Zollo presented to the Board the guidelines and obligations of the Project Partnership Agreement (PPA) and Local Project Partnership Agreements (LPPA).

The WSAFCA Board adopted Resolution 21-12-02, authorizing the Board Chair to enter into a PPA with the Corps and the CVFPB and to enter into a LPPA with the CVFPB; and authorizing the General Manager to take all steps and reasonable actions necessary to affect execution of the above agreements.

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

Entry No. 8

Heard General Administration Functions as follows:

A. WSAFCA Project Updates

Paul Dirksen reported on WSAFCA project updates highlighting federal advocacy, YBEL environmental, and monitoring wells in NAP areas.

B. Director comments

None

C. Adjourn

The meeting adjourned at 9:27 AM.

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

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

\_\_\_\_\_  
Jenn Nguyen, Clerk to the Agency

# Flood Program Update

January 20, 2022

## FINANCE

As of 1/10/22, the Agency's combined cash position is approx. \$10.743M.

	WSAFCA JPA	WSAFCA Cap Projects	STATE Advance Funding	Combined	
	i	ii	iii	Σ i,iii	
through 1/10/22	870-0000	871-0000	257-9917	Combined	
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	407,477	98,661	692	506,830	
subtotal	6,656,850	5,261,460	28,520	11,946,831	a
Expenditures	118,822	1,084,106	-	1,202,928	b
Cash Position	6,538,028	4,177,355	28,520	10,743,903	c=a-b

DWR is working on a true up payment of \$1.6M owed through Quarter 40 (6/30/21).

WSAFCA and Finance staff are developing a request for proposals for assessment administration. The administration of both City and the Flood assessment rely on similar data sets which may reduce costs under a comprehensive contract compared to stand alone contracts. Staff will update the Board on the process in the future updates.

## PROJECTS

### SOUTHPORT LEVEE IMPROVEMENT PROJECT

Real Estate Services: Staff is working on closing outstanding real estate acquisitions identified by DWR Cadastral staff.

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 were recently removed and the 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: MTCO completed setting project monuments for the Southport project. Through the Record of Survey we identified a boundary alignment that needs to be corrected around the Bees Lakes Property. The property has an easement in favor of the State Lands commission. Staff reviewed the draft Record of Survey with MTCO and will be working with BRI to remove defunct easements.

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. Counsel worked with WSAFCA and issued discovery documents in response to the Government code claim. Opposing council also issued discovery documents to WSAFCA.

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

221 Credit Package: Staff is preparing a credit package to submit to the Corps in 2021 after a receipt of a construction New Start designation and execution of the Project Partnership Agreement (PPA).

## **SOUTHPORT RESTORATION PROJECT**

**ANNUAL MONITORING REPORT:** this past week we received the second Annual Monitoring Report on the Floodplain Restoration Project. Overall the restoration project is performing very well and it is anticipated that the project will achieve the objectives as outlined in the Mitigation Monitoring Plan; however, there are certain species including elderberry, red willows, buckeye and some hedges that are not achieving performance criteria. River Partners is working on a restoration replanting plan to increase the performance through adding amendments.

**Irrigation and Planting:** The North Area and South Area irrigation systems have been removed for the flood season. River Partner's calendar indicates herbicide application will be scheduled for this month.

**City Storm Drain Master Plan:** Staff is working with City staff to review the City's draft final Storm Drain Master Plan. The plan documents the City's internal drainage and WSAFCA needs to ensure there is adequate flood protection from potential internal drainage features.

**NORTH AREA PROJECT CLOSEOUT** – The JUA and easements for the Rivers EIP have been transmitted to and received by DWR. Once recorded the record document numbers will be added to the Record of Survey, the last step in project close out. Staff continues work on the remaining acquisition for the I Street EIP.

**Monitoring Well Abandonment:** WSAFCA's contractor completed the abandonment of the monitoring wells on = the CHP, Rivers, and I Street EIP projects. The monitoring wells housing the piezometers were abandoned per County requirements, with the County signing off on the abandonment permits after field inspection. The USACE has been notified of their removal and is glad that these encroachments were removed from the levee system.

WSAFCA has expired encroachment permits for Southport monitoring wells that were never removed after completion of the Southport project. These wells need to be removed as they are no longer needed and pose a liability. WSAFCA will work with the Southport construction manager to remove these wells per County standards.

## **FEDERAL PROJECT**

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

**Design:** The final design package was submitted to the USACE on June 30.

**Environmental:** The Notice of Determination for the YBEL Supplemental Initial Study was filed on 12/16/21. The document has since been finalized. The challenge period for entities that have submitted comments during the public review period ends 1/17/22.

**Economic Update:** The updated cost component was completed in October. The updated certified total project cost is now \$1.173 billion. With new certified cost, USACE District staff is performing the biannual economic update of the Project, expected to be complete sometime this calendar year.

## **FEDERAL BUDGET/ADVOCACY**

**FY 2022 Appropriations Process:** The President's FY 2022 budget, released on May 28, recommends a construction "New Start" and \$17.9 million in funding for the West Sacramento Project and is expected to be included and approved in the Energy and Water Development (E&WD) Appropriations Bill. Congress hasn't acted on a 2022 budget and the federal government continues operations through a continuing resolution that is now expected to expire on February 18, 2022.

The President has signed the Bi-Partisan Infrastructure Bill (Infrastructure Investment and Jobs Act). The bill does include new starts and funding for the USACE. The Spending Plan associated with that funding is expected on or about January 18, 2022. Congresswomen Matsui sent a letter to the Assistant Secretary of the Army (ASA) and the Office of Management and Budget to request funding



for the West Sacramento Project and the Yolo Bypass study. Additionally, Congresswomen Matsui met with the New ASA, Mike Connor to reiterate the importance of the West Sacramento Project and need for construction funding.

The House Appropriations Energy and Water Subcommittee Passed the Energy and Water bill in July. The Senate appropriations committee also passed their version of the Energy and Water Bill. Both bills include the West Sacramento New Start and \$17.9M for construction for the south portion of the Yolo Bypass East Levee and funds for initiating design on the Sacramento River North West levee.

**FY 2022 Appropriations Request:** Still stands at \$35 million and Construction New Start. Based on the foregoing, the balance of funds to reach \$35 million would have to come from the USACE Work Plan.

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

Funding:

- Monitor, analyze and provide updates on FY 2022 approps, FY 2022 Continuing Resolution bills and "bipartisan infrastructure" legislation.
- Update Rep. Matsui on FY 22 funding requests.
- Assisted in preparing talking points for Rep. Matsui to speak with ASA(CW) Mike Connor.
- Monitor status Corps spend plan for the Infrastructure Investment and Jobs Act

Other:

- Weekly check-ins with WSAFCA Flood Protection Manager and Flood Protection Planner.

**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)** – The City's Community Rating System (CRS) annual recertification package is typically submitted to FEMA at the end of June. The City had their 5-year CRS Cycle Visit on June 1<sup>st</sup> and the City was downgraded from a Class 6 to a Class 8. The community will lose their flood insurance discount that is associated with the Class 6 rating. There is a lot of work that needs to be done by management to ensure the City can meet CRS guidelines to keep participating in the program.

Currently, FEMA is modernizing flood insurance rating in an effort called Risk Rating 2.0. The methodology leverages industry best practices and cutting-edge technology to enable FEMA to deliver rates that are actuarially sound, equitable, and easy to understand, which better reflect a property's flood risk (<https://www.fema.gov/flood-insurance/work-with-nfip/risk-rating>). The RISK Rating 2.0 is being implemented in 2 Phases.

For Phase 1, beginning on October 1, 2021 new policies will be subjected to the new rating methodology. For Phase 2, beginning April 1, 2022, all policies being renewed will be subject to the new rating methodology. New premiums better account for flood risk and home value, with more expensive buildings costing more to insure. Risk Rating 2.0 depends on the underlying data from FIRMs, meaning more FIRMS could be revised as FEMA continues to use this program.

This is being implemented nationally and it incorporates many variables, in comparison to the old methodology which looked at a property's elevation and the corresponding elevation/zone on a Flood Insurance Rate Map. Under the new policy, existing rates could go up by about 15% a year.

---

#### **FLOOD PLAIN ADMINISTRATION**

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

---

#### **EMERGENCY PREPAREDNESS**

**2021 Emergency Preparation/Flood Season Coordination** – Nothing to report

---

#### **COORDINATION WITH OTHER ACTIVITIES**

**Regional Flood Management Plan** – The RFMP team continues to hold monthly meetings with DWR to coordinate and provide input from our region to support DWR in the 2022 update to the CVFPB. Our team completed a Priorities Policy Paper for our region and submitted to DWR on March 19. Additional updates to O&M costs for our region will be provided to DWR as new information becomes available. Presentations from each of the five RFMP regions efforts and activities since the 2017 CVFPP update and information toward the 2022 CVFPP update were given to the CVFPB at the March 24 Coordinating Committee Meeting.

#### **FUTURE**

February 17, 2022 – WSAFCA Board Meeting