

**BOARD OF DIRECTORS MEETING**  
**Palo Alto City Council Chambers**  
**December 12, 2019 at 3:30 p.m.**

**AGENDA**

- 1. ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF MEETING MINUTES: September 26, 2019 & November 14, 2019 Regular Board meetings**
- 4. PUBLIC COMMENT – *Individuals may speak on any topic for up to three minutes; during any other Agenda item, individuals may speak for up to three minutes on the subject of that item.***
- 5. REGULAR BUSINESS: Executive Director's Report**
  - a. Discuss the status of potential updates and revisions to the May 18, 1999 Joint Powers Agreement that created the SFCJPA**
  - b. Upstream of Highway 101 Project update**
  - c. Accept Fiscal Year 2016-17 and Fiscal Year 2017-18 Audited Financial Statements and Management Letters from Grant & Smith, LLP**
  - d. Approve the 2020 schedule of Regular meetings of the Board of Directors**
- 6. CLOSED SESSION: Conference with Legal Counsel — Existing Litigation**

**Government Code Section 54956.9(d)(1)**  
**Name of case: Peter Joshua v. San Francisquito Creek Joint Powers Authority, et al.**  
**San Mateo County Superior Court Case No: 19-CIV-06305**
- 7. ADJOURNMENT**

## **Agenda Item 3:**

### **APPROVAL OF BOARD MEETING MINUTES**

**September 26, 2019 and November 14, 2019  
Regular Board meetings**

## Agenda Item 4:

### **PUBLIC COMMENT**

*Individuals may speak on any topic for up to three minutes; during any other Agenda item, individuals may speak for up to three minutes on the subject of that item.*

## **Agenda Item 5:**

### **REGULAR BUSINESS – EXECUTIVE DIRECTOR’S REPORT**

- a. Discuss the status of potential updates and revisions to the May 18, 1999 Joint Powers Agreement that created the SFCJPA**



# Three reasons to update the May 1999 Joint Powers Agreement

- 1. On January 1, 2020, the name, mission, and governing board of the San Mateo County Flood Control District changes.**
- 2. Other legally-necessary updates include:**
  - designating the Member Entity whose restrictions on the exercise of its powers apply to the SFCJPA**
  - clarifying we may exercise all powers common to member agencies and granted by State law (rather than having powers including, but not limited to, powers listed in the Agreement)**
  - designating an officer or employee oversee SFCJPA finances**
- 3. The form and function of the SFCJPA is different from what was envisioned and outlined in the original agreement 20 years ago.**



# Key proposed updates to form and function

- **Makes explicit power to finance projects, issue bonds, and acquire property**
- **Makes explicit SFCJPA hiring staff and legal counsel**
- **Board meeting minutes are produced by Clerk of the Board (original Agreement: Board Secretary responsible)**
- **Board officer terms to be decided by Board (original Agreement: terms are one year, in practice terms have been two years)**
- **JPA Operating Budget effective when all Member Entities approve their contributions (original Agreement when all approve the JPA Budget)**
- **JPA carries insurance (original Agreement states Board carries it)**
- **Clarifies that a Special Board meeting can be called by a majority of the Board or Chair, and terminating SFCJPA and removing a Member requires 4/5 of Board (original Agreement lists 1/3, 2/3 and 3/4 of Board)**
- **Allows adding new Members, deletes references to Associate Members**

**Two phased approach proposed by several member agency staff:**

- 1. By mid-January amend the Agreement to only replace “San Mateo County Flood Control District” with “San Mateo County Flood and Sea Level Rise Resiliency District” on the signature page**
- 2. During the Spring of 2020, update the Agreement to match current law and SFCJPA activities. These changes are now in the hands of legal counsels.**



# The bottom line on changes to Joint Powers Agreement

- Update legal language to conform to state laws and standards
- Update SFCJPA processes to conform to standards
- Make explicit powers the Board would like SFCJPA to possess
- Have purposes reflect what we do and what Board wants us to do, with some latitude

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## **Agenda Item 5:**

### **REGULAR BUSINESS – EXECUTIVE DIRECTOR’S REPORT**

#### **b. Upstream of Highway 101 Project update**



# Upstream of Highway 101 project update

- **Applying for environmental permits**
- **Applying for grants**
- **Coordinating the replacement of bridges**
- **Securing needed land rights**
- **Preparing for winter storms**

## Agenda Item 5:

### REGULAR BUSINESS – EXECUTIVE DIRECTOR’S REPORT

- c. **Accept Fiscal Year 2016-17 and Fiscal Year 2017-18 Audited Financial Statements and Management Letters from Grant & Smith, LLP**

**Proposed Board action: Accept the Fiscal Year 2016-17 and Fiscal Year 2017-18 Audited Financial Statements from Grant & Smith, LLP**



# Highlights of the 2016-17 and 2017-18 Audits

- No difficulties completing audit and no “deficiencies” or areas of concern
- Net assets at the end of FY16-17 decreased by \$10,450 from the prior year
- Net assets at the end of FY17-18 decreased by \$72,170 from the prior year, which led to member agency contribution increase effective 7/1/18.
- SFCJPA estimated pension liability at the current discount rate was \$215,631 on June 30, 2017 and \$202,271 on June 30, 2018. This number is relatively low because we have a small number of employees, are a young agency, **do not provide retiree health coverage**, and we’ve been paying it down (most recent payment in July 2019 was \$24,904).
- Following acceptance of the FY17-18 audit, the FY18-19 audit will begin and be completed by May 2020.

## Agenda Item 5:

### REGULAR BUSINESS – EXECUTIVE DIRECTOR'S REPORT

#### d. Approve the 2020 schedule of Regular meetings of the Board of Directors

#### Proposed Board action: Approve a schedule of 2020 Regular meetings

#### Draft 2020 Schedule

#### Regular Board of Directors Meetings

All meetings are on Thursday, beginning at 3:30 p.m.

January 23  
City of Menlo Park Council Chambers  
701 Laurel Street  
Menlo Park

February 27  
City of East Palo Alto Council Chambers  
2415 University Avenue  
East Palo Alto

March 26  
City of Palo Alto Council Chambers  
250 Hamilton Ave  
Palo Alto

April 23  
City of Menlo Park Council Chambers  
701 Laurel Street  
Menlo Park

May 28  
City of East Palo Alto Council Chambers  
2415 University Avenue  
East Palo Alto

June 25  
City of Palo Alto Council Chambers  
250 Hamilton Ave  
Palo Alto

July 23  
City of Menlo Park Council Chambers  
701 Laurel Street  
Menlo Park

August 27  
City of East Palo Alto Council Chambers  
2415 University Avenue  
East Palo Alto

September 24  
City of Palo Alto Council Chambers  
250 Hamilton Ave  
Palo Alto

October 22  
City of Menlo Park Council Chambers  
701 Laurel Ave  
Menlo Park

November 19  
City of East Palo Alto Council Chambers  
2415 University Avenue  
East Palo Alto

December 17  
City of Palo Alto Council Chambers  
250 Hamilton Ave  
Palo Alto

**Agenda Item 6:**

**CLOSED SESSION:**

**Conference with Legal Counsel — Existing Litigation**

**Government Code Section 54956.9(d)(1)**

**Name of case:**

**Peter Joshua v. San Francisquito Creek Joint Powers Authority, et al.**

**San Mateo County Superior Court Case No: 19-CIV-06305**



# NEXT BOARD MEETING

**Thursday, January 23, 2020**

**3:30 p.m.**

**Menlo Park City Council Chambers**



# 1999 Joint Powers Agreement purposes

- a. To facilitate and perform bank stabilization, channel clearing and other Creek maintenance.**
- b. To plan flood control measures for the San Francisquito Creek watershed.**
- c. To take actions necessary to preserve and enhance environmental values and instream uses of San Francisquito Creek.**
- d. To coordinate emergency mitigation and response activities relating to San Francisquito Creek.**
- e. To make recommendations to Member Entities for funding and alternatives for long term flood control for Member Entity consideration.**





# Potential updated and consolidated purposes

- 1. Protect communities and agencies from losses resulting from storms, tides and projected sea level rise in and around the San Francisquito Creek watershed and floodplain and nearby areas of the San Francisco Bay shoreline.**
- 2. Within these areas, create recreational opportunities and utilize a watershed approach to maintain, restore, and enhance the environment.**
- 3. Provide emergency response agencies, other agencies, and the general public with regional information that enhances their ability to communicate about and respond to threats.**
- 4. Secure and administer financial and staff resources in a transparent manner to implement these purposes.**

# Dec. 2013 Retreat: **Red Dots** for each SFCJPA Responsibility

- Long-term financing (16)
- Project financial planning (14)
- Grant writing and contracting (14)
- Grant administration and reporting (13)
- Project and funding agreements (13)
- Enviro. documentation/CEQA process (13)
- Early Warning System Upgrades (9)
- Resource conservation (7)
- Regional efforts (IRWMP, Stanford, etc) (6)
- Creek maintenance and resident coord. (5)
- Restoration and recreation planning (5)
- Corps of Engineers interactions (5)
- Federal engagement (5)
- Water quality monitoring (5)
- Land use coordination in watershed (5)
- Regional regulatory forum (3)
- Permitting (3)
- Channel inspection and maintenance (3)
- Debris removal – winter prep or emergency (2)
- Caltrans coordination (2)
- Consultant contracting and invoicing (1)
- Civil design contracting and review (0)
- Real estate acquisition (0)
- Utilities planning and contracting (0)
- Trash removal (0)
- Homeless encampments (0)
- Invasive plant control (0)
- Bank stabilization homeowner assistance (0)