



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY

Notice of Regular Meeting of the Board of Directors

Thursday, April 28, 2022

3:30 P.M.

Due to the risk of COVID-19 transmission, this meeting will be held remotely via video/teleconference pursuant to Government Code Section 54953(e) (Assembly Bill 361). Members of the public may observe or participate in this meeting by joining the meeting online through the Zoom link provided below or by joining the meeting with a telephone by dialing the Zoom teleconference number provided below.

You may provide public comment during the meeting: (1) by using the chat function and typing your question or comment, (2) if you are joining online, by selecting the raise your hand function and speaking when called upon, or (3) if you are joining by phone, by pressing*9 to raise your hand and *6 to mute/unmute yourself and to speak. If you experience technical problems with the Zoom meeting, please contact the Clerk of the Board at the phone number or email listed at the bottom of this Agenda.

If you require an accommodation pursuant to the Americans with Disability Act, please contact the Clerk of the Board at the phone number or email listed at the bottom of this Agenda by 10:00 am on the day of the meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/84697715838?pwd=YzNZcjNjSIFBbm80c2drdDRMYVIHdz09>

Meeting ID: 846 9771 5838

Passcode: 863970

Dial In: +1 (669) 900-6833,,84697715838#,,,,*863970#

Agenda

1. CALL TO ORDER AND ROLL CALL
2. APPROVAL OF AGENDA: Changes or additions to the agenda.
3. APPROVAL OF MEETING MINUTES: March 24, 2022, Regular Meeting
4. PUBLIC COMMENT: *Individuals may speak on a non-agendized topic for up to three minutes.*

REGULAR BUSINESS

Members of the Public may speak on any agenda item for up to three minutes

5. CONSENT AGENDA

**(650) 457- 0943 * jpa@sfcjpa.org * 2100 Geng Road, Suite 210* Palo Alto, CA 94303
SFCJPA.ORG**



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY

- A. Consider adopting a resolution reconsidering the circumstances of the COVID-19 state of emergency and making findings to authorize public meetings to be held via teleconferencing pursuant to Government Code Section 54953(e).
- B. Consider adopting a resolution implementing the proposed Public Records Request Policy, pursuant to Government Code sections 6250 through 6276.48.

6. INFORMATION ITEMS

- A. Executive Director's Report

7. ACTION ITEMS

- A. Project Budget Adjustment – Re-allocate and advance funds from existing Reach 1 funds to USACE CAP 205 Contribution in this FY.
- B. Discussion and potential action on Draft Budget for FY 22/23

8. CLOSED SESSION

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

TITLE: Executive Director

9. BOARD MEMBER COMMENTS, INFORMATION ITEMS, REQUESTS and ANNOUNCEMENTS (Information only)

10. ADJOURNMENT

PLEASE NOTE: Board meeting Agenda and supporting documents related to items on the Agenda can be viewed online by 3:30 p.m. by Monday April 25, 2022, at sfcjpa.org -- click on the "Meetings" tab near the top.

SFCJPA REGULAR BOARD MEETING

APRIL 28, 2022



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY

AGENDA

MEMBERS OF THE PUBLIC MAY SPEAK ON ANY AGENDA ITEM FOR UP TO THREE MINUTES

1. ROLL CALL

2. APPROVAL OF AGENDA: CHANGES OR ADDITIONS TO THE AGENDA.

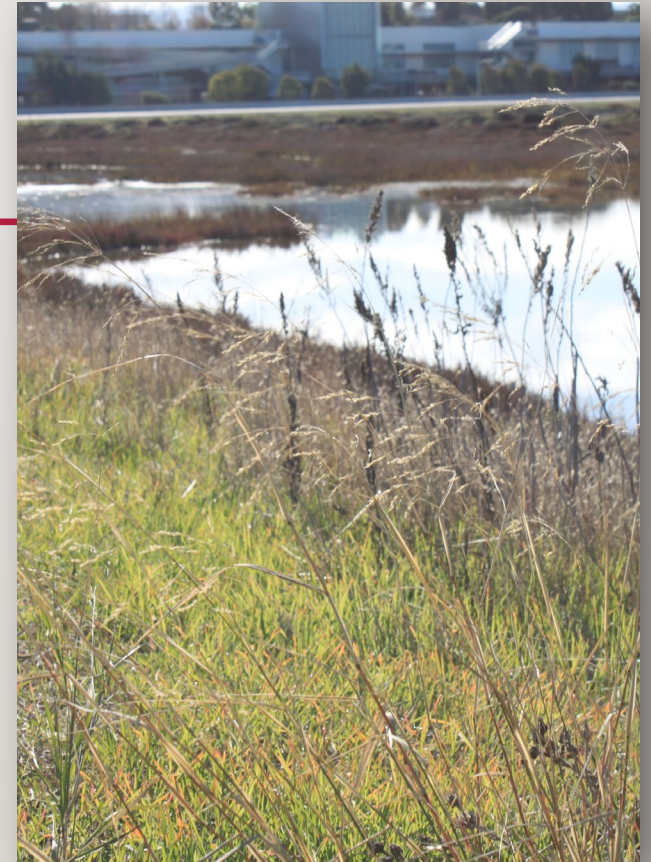
3. APPROVAL OF MEETING MINUTES: MARCH 24 2022, REGULAR BOARD MEETING.

4. PUBLIC COMMENT: INDIVIDUALS MAY SPEAK ON A NON-AGENDIZED TOPIC FOR UP TO THREE MINUTES ON A TOPIC WITHIN THE SFCJPA'S JURISDICTION.



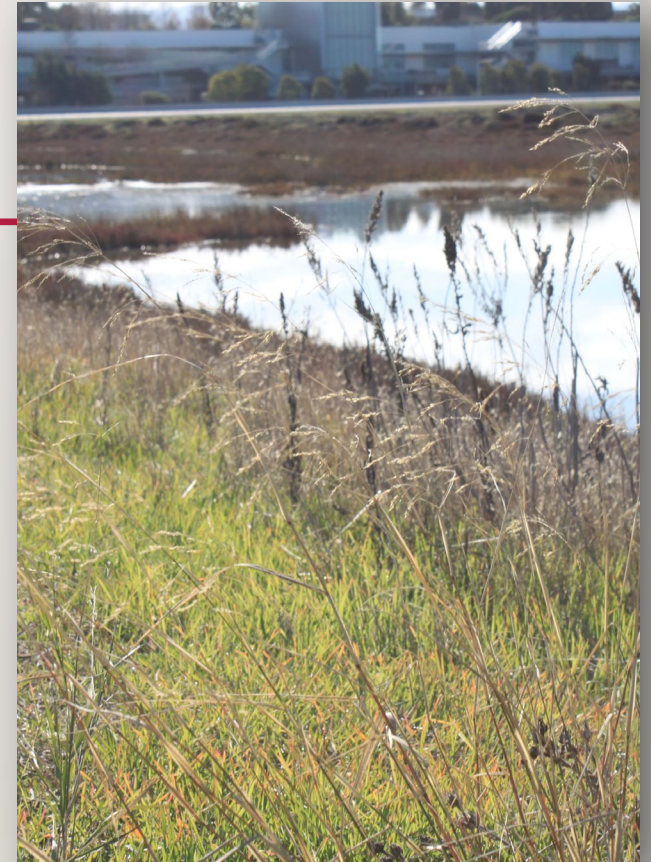
AGENDA ITEM 5 – CONSENT AGENDA

5.A Consider adopting a resolution reconsidering the circumstances of the COVID-19 state of emergency and making findings to authorize public meetings to be held via teleconferencing pursuant to Government Code Section 54953(e).



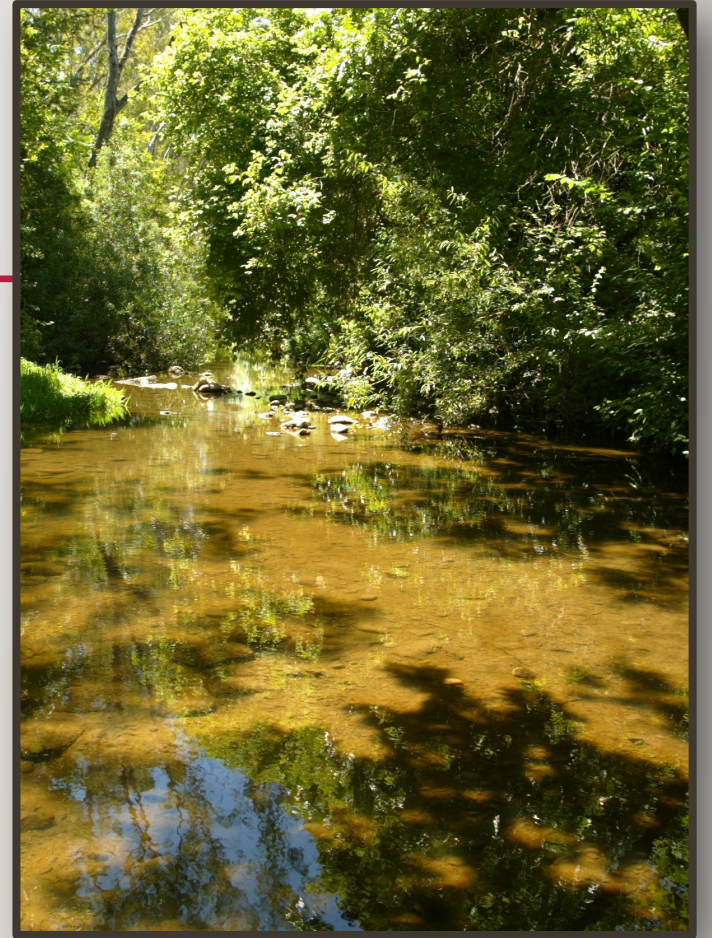
AGENDA ITEM 5 – CONSENT AGENDA

5.B Consider adopting a resolution implementing the proposed Public Records Request Policy, pursuant to Government Code sections 6250 through 6276.48.



AGENDA ITEM – 6 INFORMATION ITEMS

6.A. Executive Director's Report





REACH I – DOWNSTREAM PROJECT

**RABBITS LIKE GUMPLANTS – SO
WE’RE PUTTING THEM IN CAGES.
(THE PLANTS, NOT THE RABBITS!)**

REACH 2

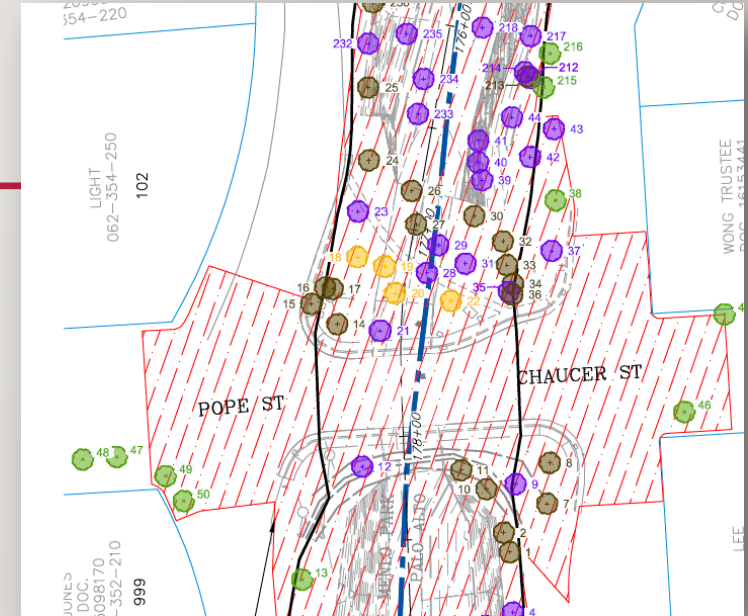
USACE CAP 205 – POSITIVE ECONOMIC BENEFIT DETERMINED. FINAL ALTERNATIVES ANALYSIS UNDERWAY.

DRAFT PERMIT BEING COMPILED. SUBMITTAL SCHEDULE HAS SLIPPED.

OUTREACH TO CREEK-SIDE PROPERTY OWNERS FOR PERMISSION-TO-ENTER CONTINUES.

V.W. CONTRACTOR INITIATING SURVEYS FOR SITE 5 AND TOP-OF-BANK.

SUCCESSFUL PUBLIC TOUR ON 4/18.



SAFER Bay Project

NOP release planned for late April. Events planned for 5/11 and 5/19 at 6 P.M. via Zoom.

Measure AA grant - Award pending decision by board of the San Francisco Restoration Authority on 6/24/2022.

National Federal Wildlife Foundation, National Coastal Resiliency Fund grant Pre-Application submitted on April 21, seeking \$3.8M for assessment and 30% designs

Successful public tour on 4/19.



AGENDA ITEM 7.

ACTION ITEMS

7.A. Project Budget

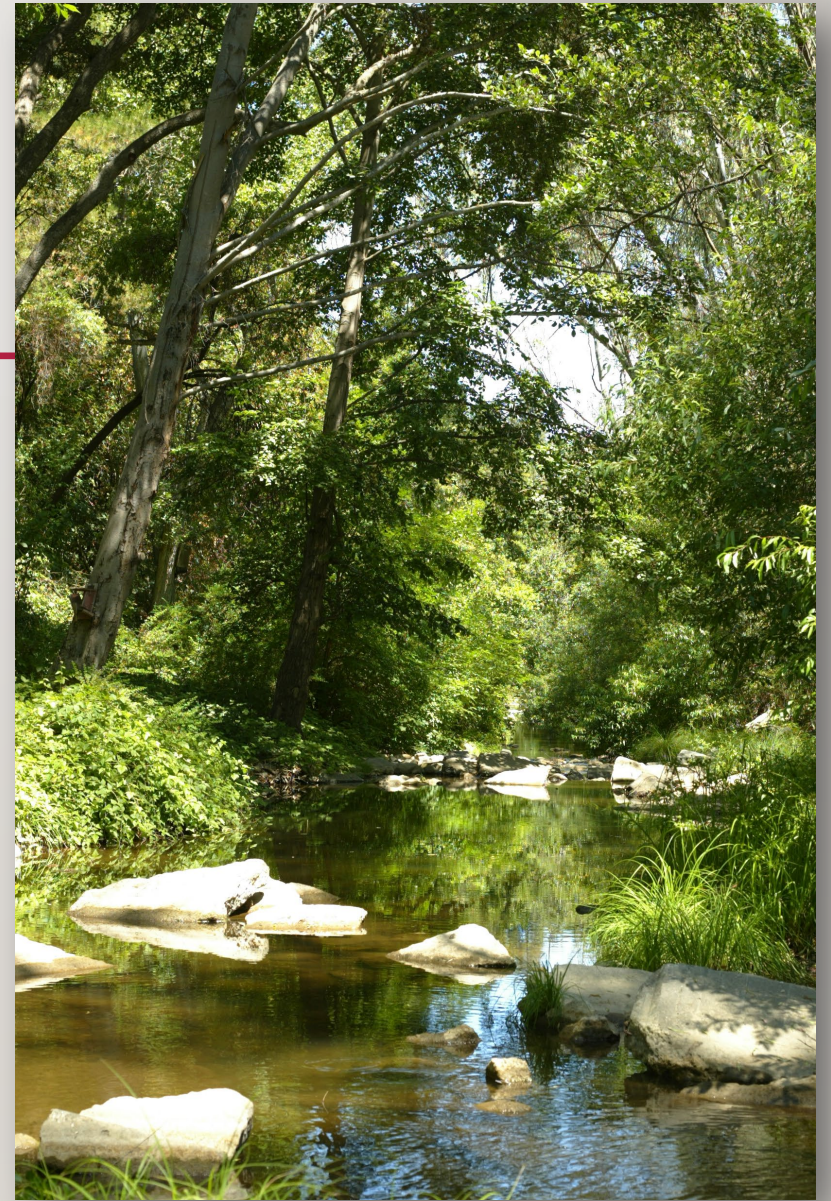
Adjustment – Re-allocate
and advance funds from
existing Reach 1 funds to
USACE CAP 205
contribution in this FY.



AGENDA ITEM 7.

ACTION ITEMS

7.B. Discussion and potential action on Draft Budget for FY 22/23



AGENDA ITEM 8.

CLOSED SESSION

The Board will convene a closed session for the purposes of:

8.A. Public Employee Performance Evaluation

TITLE: Executive Director

The Board will reconvene in open session to report any reportable actions taken.



AGENDA ITEM 9. BOARD MEMBER COMMENTS and ANNOUNCEMENTS

Board members may share news, updates, and announcements and may request items for future agendas.





SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY

Agenda Item 10

Adjournment

Thank you, everyone.

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DRAFT

Director Abrica called the meeting to order at 3:32 p.m. via streaming video and teleconference call. Public input was solicited on each item and all public comments received are noted herein.

1) ROLL CALL

Members Present: Director Ruben Abrica, City of East Palo Alto
Director Drew Combs, City of Menlo Park
Director Pat Burt, City of Palo Alto
Director Gary Kremen, Santa Clara Valley Water District (Valley Water)

Members Absent: Director Dave Pine, San Mateo County Flood and Seal Level Rise Resiliency District (Not present at roll call)

JPA Staff Present: Margaret Bruce, Executive Director
Miyko Harris-Parker, Staff
Tess Byler, Staff

Legal Present: Trisha Ortiz
Ginetta Giovinco

2) APPROVAL OF AGENDA

ACTION: Motion and second (Burt/Kremen) to approve the agenda passed 4-0.

Roll call vote:
Director Abrica Aye
Director Combs Aye
Director Burt Aye
Director Kremen Aye
Director Pine Not Present

3) APPROVAL OF THE January 27, 2022, REGULAR BOARD MEETING MINUTES

ACTION: Motion and second (Abrica/Kremen) to approve the January 27, 2022, Regular Board meeting minutes passed 4-0.

Roll call vote:
Director Abrica Aye
Director Combs Aye
Director Burt Not Aye
Director Kremen Aye
Director Pine Not Present

4) PUBLIC COMMENT

None.

Director Pine arrived at 3:35 pm.

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5) CONSENT AGENDA

Consider adopting a resolution reconsidering the circumstances of the COVID-19 state of emergency and making findings to authorize public meetings to be held via teleconferencing pursuant to Government Code Section 54953(e).

ACTION: Motion and second (Burt/Combs) to approve the Consent Agenda passed 5-0.

Roll call vote:

Director Abrica Aye

Director Combs Aye

Director Burt Aye

Director Kremen Aye

Director Pine Aye

6) INFORMATION ITEMS

Executive Director's Report

Ms. Bruce presented the Executive Director's report providing updates on Reach 1 plantings, signage and memorial plaque and bench installation; potential repair/replacement of existing Palo Alto top-of-bank features, Reach 2 funding and permitting, and upstream detention evaluation. Ms. Bruce reminded the Board of the Form 700 due date.

Ms. Bruce, Board and staff gave appreciation and thanks to Senior Project Manager Tess Byler on her sixth anniversary of working for the SFCJPA.

7) ACTION ITEMS

Discussion and potential action on Draft Budget for FY22/23

No action taken.

8) 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 Court of Appeal Case No. A163294

Adjourned to closed session at 3:56 pm.

Public Employee Performance Evaluation Title: Executive Director

Adjourned to closed session at 3:59 pm.

Director Kremen left at 4:25 pm.

Readjourned at 4:25 pm.

Trisha Ortiz, SFCJPA legal representative and Director Abrica announced that there were no reportable actions from the closed sessions.

9) BOARD MEMBER COMMENTS, INFORMATION ITEMS, REQUESTS and ANNOUNCEMENTS (Information only)

Director Burt commented on the new habitat and restoration growth in the Reach 1 project area. He has enjoyed seeing the new growth on his rides out to the levee.

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10) ADJOURNMENT

Adjourned at 4:27 pm.

Minutes drafted by Clerk of the Board: Miyko Harris-Parker.

RESOLUTION NO. 22-4-28-A

**A RESOLUTION OF THE SAN FRANCISQUITO CREEK JOINT POWERS
AUTHORITY RECONSIDERING THE CIRCUMSTANCES OF THE COVID-19 STATE
OF EMERGENCY AND MAKING FINDINGS IN CONNECTION THEREWITH TO
AUTHORIZE MEETINGS TO BE HELD VIA TELECONFERENCING PURSUANT TO
GOVERNMENT CODE SECTION 54953(e)**

WHEREAS, the Board of Directors (the “Board”) of the San Francisquito Creek Joint Powers Authority (the “Authority”) is committed to public access and participation in its meetings while balancing the need to conduct public meetings in a manner that reduces the likelihood of exposure to COVID-19; and

WHEREAS, all meetings of the Authority are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Board conduct its business; and

WHEREAS, pursuant to Assembly Bill 361, signed by Governor Newsom and effective on September 16, 2021, legislative bodies of local agencies may hold public meetings via teleconferencing pursuant to Government Code Section 54953(e), without complying with the requirements of Government Code Section 54953(b)(3), if the legislative body complies with certain enumerated requirements in any of the following circumstances:

1. The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, on March 4, 2020, Governor Newsom declared a [State of Emergency](#) in response to the COVID-19 pandemic (the “Emergency”).

WHEREAS, the Centers for Disease Control and Prevention continue to advise that COVID-19 spreads more easily indoors than outdoors and that people are more likely to be exposed to COVID-19 when they are closer than 6 feet apart from others for longer periods of time.

WHEREAS, due to the ongoing COVID-19 pandemic and the need to promote social distancing to reduce the likelihood of exposure to COVID-19, the Authority intends to hold public meetings via teleconferencing pursuant to Government Code Section 54953(e).

WHEREAS, to continue meeting remotely pursuant to Government Code Section 54953(e), an agency must make periodic findings that: (1) the body has reconsidered the circumstances of the declared emergency; and (2) the emergency impacts the ability of the body’s members to meet

safely in person, or state or local officials continue to impose or recommend measures to promote social distancing.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY DOES RESOLVE AS FOLLOWS:

1. The Recitals provided above are true and correct and are hereby incorporated by reference.
2. The Board has reconsidered the circumstances of the COVID-19 state of emergency and hereby finds that the state of emergency continues to directly impact the ability of the members to meet safely in person.
3. The legislative bodies of the Authority may conduct their meetings pursuant to Government Code section 54953(e).
4. Staff is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
5. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Directors of the San Francisquito Creek Joint Powers Authority this 24th day of March, 2022, by the following vote:

Agenda Item 5.B. – Consider a resolution implementing a Public Records Request policy

Background

The SFCJPA complies with the requirements of State law for the provision of non-confidential public records within 10 working days of a request made by a member of the public. However, we have not adopted an official policy for this purpose.

The SFCJPA is planning to apply for the Transparency Certificate of Excellence from the Special District Leadership Foundation. There is a long list of best practices which must be implemented to qualify for this certificate, and adoption by resolution of a public records request policy is one of them.

Discussion

Adoption of this resolution and policy (on this month's consent agenda) will formalize the practice the SFCJPA already follows.

Recommendation

Staff recommends approval.

RESOLUTION NO. 22-4-28-B

A RESOLUTION OF THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY RECONSIDERING THE CIRCUMSTANCES OF THE COVID-19 STATE OF EMERGENCY AND MAKING FINDINGS IN CONNECTION THEREWITH TO AUTHORIZE MEETINGS TO BE HELD VIA TELECONFERENCING PURSUANT TO GOVERNMENT CODE SECTION 54953(e)

WHEREAS, the Board of Directors (the “Board”) of the San Francisquito Creek Joint Powers Authority (the “Authority”) is committed to transparency, accessibility of public information and meeting the requirements of State Code pursuant to Public Records Requests, and

WHEREAS, the SFCJPA presently provides public records to those requesting them, but has not adopted an explicit policy regarding this process; and

WHEREAS, adoption of a Public Records Request policy is a best practice and a requirement of the Special District Leadership Foundation (SDLF) Transparency Certificate of Excellence and the SFCJPA intends to pursue the SDLF Transparency Certificate of Excellence.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY DOES RESOLVE AS FOLLOWS:

1. To adopt the Public Records Request policy as presented.

PASSED AND ADOPTED by the Board of Directors of the San Francisquito Creek Joint Powers Authority this 28th day of April, 2022, by the following vote:

San Francisquito Creek Joint Powers Authority

Public Records Policy

DRAFT

The California Public Records Act, Government Code sections 6250 through 6276.48 (the “Act”), provides that the public has a right to inspect and obtain a copy of most of the records retained by public agencies in the course of doing business. The Legislature has declared that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in the state. The public’s right to access public records is also guaranteed by Article I, Section 3(b) of the California Constitution.

The right of access is not unlimited. By law, some records are exempt from disclosure. These exemptions generally protect two interests that compete with public disclosure. Some exemptions protect an individual’s fundamental right to privacy. Other exemptions protect records from disclosure to foster efficient and effective government functions and decision-making.

The San Francisquito Creek Joint Powers Authority (“SFCJPA”) maintains many public records. Unless there is a specific exemption listed in the Act or in another statute (see discussion below), most records maintained by SFCJPA in the ordinary course of business will be public records. In those cases where portions of a record are public and other portions are exempt from disclosure, staff will redact or remove the information that is exempt before disclosing the remainder of the record.

DEFINITION OF “PUBLIC RECORD”

As defined by the Act, public records are any writing containing information relating to the conduct of the public’s business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristic. Writing is further defined to include any handwritten or typewritten document, photographs, pictures, drawings, audio or video recording, computer data, electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation.

REQUESTS FOR PUBLIC RECORD

Any member of the public may request to view or purchase a copy of an identifiable public record. The requester does not have to give their name or other identifying information such as address or telephone number, does not have to put their request in writing and does not have to explain why they want the record. A request may be made over the telephone, in person, in writing, by facsimile or electronic mail. However, SFCJPA encourages written requests when possible to more efficiently respond to a request.

Sometimes, requesters will incorrectly cite to the federal Freedom of Information Act (FOIA). Although FOIA is not applicable to SFCJPA, SFCJPA will respond to such requests as if the request had been made pursuant to the Public Records Act.

A requester must identify an actual public record; requests that are too vague cannot be fulfilled. Staff is required by statute to assist the requester in identifying the desired public records. Note that the Act does not require SFCJPA to create records that do not exist or that it does not normally retain, such as summaries of documents or compiled lists. However, SFCJPA must comply with certain requests for the extraction or compilation of electronic data (see below).

If a person makes a request for a record that does not exist, or that is vague, SFCJPA staff should nevertheless attempt to assist the requester in identifying existing records that contain the information being sought where possible, including records or information that is responsive to the purpose of the request, if stated. If reasonable under the circumstances, SFCJPA staff should also describe the information technology and physical location in which the records exist and provide suggestions for overcoming any practical basis for denying access to the records or information sought. In the event SFCJPA compiles an index of its records, provision of that index to a requester satisfies SFCJPA's obligation to assist the requester.

REQUESTS FOR ELECTRONIC RECORDS

A requester may ask for identifiable public records that exist in electronic format. Emails, recordings, and text messages relating to SFCJPA business can be public records if retained in the ordinary course of business. Some electronic data on personal devices used for SFCJPA business may be subject to disclosure as a public record. If the record is not exempt, SFCJPA must make the information available in electronic format in any electronic format in which it holds the information. In the event the requester specifies a specific electronic format, SFCJPA must produce the record in that format if the requested format is one that has been used by SFCJPA to create copies for its own use or for provision to other agencies.

However, SFCJPA is not required to release exempt electronic data, or to release an electronic record in electronic form if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.

PROCEDURE FOR COMPLYING WITH A PUBLIC RECORDS ACT REQUEST

Request to Inspect Records: Public records should be available for inspection during normal business hours. Staff should monitor the inspection of original public records to ensure that SFCJPA records are not altered, destroyed or removed from the premises.

If records are not immediately available because the records are being used by staff, are voluminous, or are stored off-site, or if staff is not available to monitor the inspection, staff may

ask the requester to make an appointment to view the records. The appointment date should be as soon as possible following the request.

If records must first be reviewed for exempt material or redacted, staff should follow the procedure in the next section regarding “Request for Copies of Records.”

Request for Copies of Records: SFCJPA staff has ten (10) calendar days to determine whether to grant the request and respond in writing to the requester with SFCJPA’s determination. The 10-day response period starts with the first calendar day after the date of receipt. For example, the determination for a request received on April 1 is due on April 11.

The 10-day response period is not the time period for complying with the request, rather it’s the time period for responding to the requester with a written determination as to whether records responsive have been located and what, if any, information from those records is exempt from disclosure. Some requests for records may not be fulfilled until after the 10-day response period has expired.

Content of the Determination Letter: If any information is exempt from disclosure and will be redacted or withheld from the requester, or if the request will be denied, the determination letter must so state and provide the reasons for redacting or withholding the records, which can be accomplished by providing a brief generalized description of the information withheld and citing to the exemptions that apply.

The letter must be signed with the name and title of the person responsible for the denial. If the request for copies is being granted, the determination letter should include a request for pre-payment of the applicable duplication costs and a statement that the copies will be made available a certain number of days after receipt of payment. Records do not have to be copied until after payment is received. If the request is to inspect records, then the letter should set forth the date after which the records will be available and invite the requester to call or write for an appointment. SFCJPA may not require a fee for inspection of records.

Duplication Costs: The cost for copying the records is the direct cost of duplication or a statutory fee, if applicable, and does not include staff time to research, retrieve, review or compile the records. SFCJPA has determined that the direct cost of duplication for normal sized photocopies is ten cents (10¢) per page, and for electronic records copied to disc, the fee is \$ ____ per disc. If an outside duplication firm is employed to make the requested copies, the cost charged to SFCJPA shall be passed along to the requester.

If the production of an electronic record requires staff or consultant services, the cost of producing such electronic copy shall be charged at the staff member’s fully burdened hourly rate, or if an outside consultant is used, at the cost charged to SFCJPA by the consultant.

Fourteen-Day Extension to Respond: In four statutorily defined “unusual circumstances,” SFCJPA may take up to an additional fourteen (14) calendar days to make a determination on the request. The four unusual circumstances are the following:

- The need to search for and collect records from an off-site location.
- The need to search for, collect and examine a large number of records.
- The need for consultation with another agency having an interest in the request or among two or more components of the agency receiving the request.
- The need to compile data, write a computer program or construct a computer report to extract data.

If it becomes necessary to invoke one or more of the above listed reasons for taking additional time in which to make a determination, written notification must be given to the requester by the 10th day following their request. This written notification must state the reason for the delay and the date on which a final determination will be provided to the requester.

EXEMPT RECORDS

The Act makes certain records exempt from disclosure. The following types of records are the most frequently requested documents that are exempt and therefore are not available to the public:

- Records relating to pending litigation matters;
- Personnel or medical records;
- Attorney/client privileged records;
- Preliminary drafts, notes or interoffice memoranda if they are not kept in the ordinary course of business, and the public interest in withholding the records clearly outweighs the public interest in disclosure;
- Real estate appraisals, engineering or feasibility estimates made for or by SFCJPA relating to the acquisition of real property until such time as the property has been acquired;
- Social Security numbers;
- Personal identifying information; and
- Records relating to assessment of the SFCJPA’s vulnerability to terrorist attacks or other criminal acts intended to disrupt its operations if prepared for or distributed in a closed session of the SFCJPA.

Records should first be checked against the exemptions in the Act or discussed with the SFCJPA’s General Counsel before release. It is important not to release exempt records to the public without authorization, as release of an exempt record could waive any applicable exemptions that would justify nondisclosure, and once released, the record may have to be given to anyone who requests it, unless an exception applies. Consult with SFCJPA’s General Counsel

in the event SFCJPA staff wants to share an exempt record with another public agency or someone not within SFCJPA's circle of privilege in order to determine whether an exception applies that would permit the record to be shared.

Section 6255 of the Act contains an exemption for records where the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. Courts will carefully scrutinize use of this provision, so it should be used only in extraordinary circumstances after consultation with SFCJPA's General Counsel.

SUBPOENAS FOR RECORDS

This administrative policy does not apply to subpoenas for records.

DRAFT

Agenda Item 6.A.

Executive Director's Report, April 28, 2022

Project Updates

Reach 1 Project

We have reviewed the draft language and images for the interpretive panels and are nearing finalization. We are working with a park equipment distributor to obtain the park bench and memorial plaque to be installed on the new boardwalk, which will be installed at the same time as the interpretive panels in compliance with construction limitations associated with the Ridgway's Rail nesting season. There have been supply chain delay issues associated with these items.

Monitoring the Gumplants installed as part of our restoration work indicated that they're being enjoyed by local herbivores. To protect the plants we have had wire cages placed over them. These will remain for a year or two until the plants are well-established.

Reach 2 Project -

On April 18th, we hosted a tour of the Reach 1 and Reach 2 Project for members of the public. The tour was attended by 8 community members and provided an opportunity for project neighbors and others to ask questions and have detailed conversations about the watershed, the creek, and our completed and forthcoming work.

Potential Repair/Replacement of Existing Palo Alto Top-of-Bank Features – SFCJPA and V.W. staff have been reaching out to project neighbors in this area to obtain written Permission to Enter (PTE) authorizations. Of the 35 private properties in this project area, we have obtained PTEs from 23 property owners.

Utility Relocation- We met with PGE regarding the two utility poles near the Pope Chaucer Bridge and determined that they require only temporary de-energization and relocation and will be relocated similar to their current locations after construction. This was confirmed with City of Menlo Park.

Reach 2 Funding

San Francisquito Creek Joint Powers Authority

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Executive Director’s Report

We were recently informed by the California Department of Water Resources that an important deadline for our \$3M Integrated Watershed Management Grant has been moved up by about a month and that it is a hard, non-negotiable deadline. We are accelerating as much of the permit application process as possible (what can be done in parallel vs. in series) and are exploring the alternative of seeking funding from the same program in their “Round 2” grant cycle (there will be advantages and disadvantages either way).

USACE CAP 205 Project/Coordination

To keep the USACE team working at the pace and on the schedule envisioned, we will need to advance a portion of the non-federal match planned for our next fiscal year. This item, “Project Budget Adjustment – Re-allocate funds from Reach 1 to USACE CAP 205 Contribution” is on your agenda for consideration.

We still anticipate the complete economic analysis in May. Preliminary analysis resulted in a positive benefit/cost ratio.

Reach 2 Project Permitting

Our first week of April target for the submittal of the Draft full permit application has been delayed. Our project consultants are compiling and reviewing technical materials, but there have been some staff changes and other disruptions. We are moving ahead, but slower than anticipated.

We are working with City staff to schedule the next Palo Alto Planning Application submittal for the Architectural Review Board’s review and for the parallel process in Menlo Park.

Summary of Reach 2 Project Elements and Status (new details in red)

Reach 2 Elements	Design	Permitting	Rights of Way	Utility Relocations	Construction Funding/costs
Status	50% - 90%	Work on potential optimization of widening sites to minimize impacts to trees, creek channel and property owners has been completed and recommendations have been	Coordination ongoing between SFCJPA and Valley Water re. rights of way process. Additional right-of-way work will be necessary for future	Utility mapping underway. PG&E assigning a PM for coordination	The engineering cost estimates for the funding gap table are being updated by Valley Water. Awaiting additional

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Reach 2 Elements	Design	Permitting	Rights of Way	Utility Relocations	Construction Funding/costs
		reviewed and accepted by Valley Water.	repair/replacement of existing top-of-bank features in Palo Alto. Letters to property owners have been mailed, and follow-up calls, and visits are underway.		Channel Widening HMGP updates from CalOES.
This Month's Update	V.W. Now has surveying contractor under contract. They will be surveying Site 5 and Top-of-Bank areas where we have PTEs.	Grant deadline to obtain permits a month earlier than planned. Working on both path to obtain as well as reapply.	23 of 35 Top-of-Bank project neighbor PTEs and 4 of 11 Channel widening project neighbor PTEs are in hand.		
For Next Month (May. '22)		Draft permit application will be submitted for the bridges and channel widening elements of Reach 2.	VW will continue easement acquisition legal process for Santa Clara County parcels.	Continue coordination of utility relocation for overall project with PGE, not just Pope Chaucer Bridge. Develop cost estimates with utility companies.	
Potential Issues (& opp's)	Exploring Site 5 designs w/ smaller project footprint.	Addition of fish migration elements could increase project footprint and costs	Negotiating with many private property owners.	Overhead power lines – or other utilities - could impact construction methods and costs. Underground	Not all funding sources have been secured through agreements and others have timelines

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Reach 2 Elements	Design	Permitting	Rights of Way	Utility Relocations	Construction Funding/costs
				utilities may limit design options.	that must be met

Milestone	By Jan '22)	By July '22)	By Jan '23)	2023/2024 Construction/Completion
Determination of Site 5 action (in progress)				
USACE FSCA and Feasibility Study				
Acquire land easements				
Permits acquired				
Funding agreement				
O&M agreement				
Final Design				
Bid and Award				
Construction of Newell Bridge				2023
Construction of Widening Sites				2023(?)
Construction of Pope Chaucer Bridge				2024

Upstream Detention Evaluation

In accordance with our access agreement with Stanford University, Stanford has reviewed our conceptual design for a detention basin at the former Boething Nursery site and provided comments. Our consultant recently provided responses to those comments and is updating the concept design. Once complete, we will finalize plans for a field investigation to better evaluate basin performance potential and develop a preliminary cost estimate for construction. A benefit/cost analysis similar to what is required for grant funding will be performed to determine if the detention basin would have a positive economic benefit.

SAFER Bay

Public Tour- On April 19th we hosted a tour for the public of the SAFER Bay project area. The tour was attended by 8 members of the community – representing organizations and residents of Belle Haven and East Palo Alto. The tour provided an opportunity for project neighbors and others to ask questions and have detailed conversations about the SAFER Bay project and its various components.

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Notice of Preparation (NOP) Issuance - We plan to release a NOP for an Environmental Impact Report (EIR) by April 25, 2022. The EIR will be programmatic for SAFER Bay in East Palo Alto and Menlo Park, and project level for East Palo Alto south of Bay Road and restoration of Ponds R1/R2 in Menlo Park. With our partners at Climate Resilient Communities and Nuestra Casa, we will host two virtual public meetings as shown below:

May 11, 2022 at 6:00 p.m.

<https://us02web.zoom.us/j/6102559602?pwd=UmJ2NExnU0dTMdDjMHJlNHVwR0dXdz09>

Meeting ID: 610 255 9602

Passcode: SAFERNOP1

May 19, 2022 at 6:00 p.m.

<https://us02web.zoom.us/j/6102559602?pwd=dkphTWRQM2xxU1RpZkNVNGxEdEVUUT09>

Meeting ID: 610 255 9602

Passcode: SAFERNOP2

Look for email and mailed announcements about the NOP in the coming week.

Grant Funding- As of April 20, 2022, the East Palo Alto HMGP grant Environmental and Historic Preservation (EHP) review is complete, and the City of East Palo Alto should be receiving a letter notice of award of Phase 1 funding of \$4,649,240. This funding will allow engineering and geotechnical evaluations to move forward. We are working on a MOU with the City of East Palo Alto regarding this grant.

The Measure AA San Francisco Bay Restoration Authority grant will be considered for approval by their governing board at their June 24th meeting. The anticipated \$1M will provide substantial progress for CEQA, but is less than the requested amount of \$4.9M, and what is needed for the SAFER Bay project.

We continue to look for and apply for other funding for SAFER Bay. In consultation with the South Bay Saltponds Restoration Authority, we submitted a pre-application April 21 to the National Federal Wildlife Foundation's Coastal Resiliency Grant Program for currently unfunded work related to habitat assessment, related design, and other activities.

Admin and Operations

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IT consulting support –We've researched and interviewed five potential IT consulting support providers and have tentatively selected one. The cost for this service through the end of this FY is covered by the current budget. The cost for a full year of this service is included in the 22/23 FY budget in this board packet.

Timekeeping Software – Our upcoming HMGP grants (for the Pope-Chaucer Bridge and for EPA SAFER) will require auditable timesheets. Therefore, I'm implementing an online, easy-to-use timesheet/timekeeping software system, which will cost ~\$600/year). This is also reflected in the budget in your board packet.

Forward View of Board Agendas

Please review and provide your input on items that you would like to see on future agendas. This forward view is updated for each Board Meeting.

Regular Board meeting	Envisioned Agenda Items
May	Finalize Budget (if not done in April) Resolution to accept award of Measure AA grant if awarded.
June	Finalize MOU with City of East Palo Alto for CalOES #4344-541-93
July	
August	Board Recess – No regular board meeting
September	

Agenda Item 7.A. Project Budget Adjustment – Re-allocate and advance funds from existing Reach 1 funds to USACE CAP 205 Contribution in this FY.

Background

At our request the U.S. Army Corps of Engineers has developed a project schedule that would get us to construction a year earlier than what is typical for a CAP 205 project. This is possible because of past work completed on the General Investigation and necessary to keep pace with scheduled funding from other sources.

Because the JPA's fiscal year and the Corps' fiscal year do not align, annual funding to cover our local match is required at the start of our fiscal year, but mid-way through theirs. In the first JPA fiscal year, we paid for a portion of the federal fiscal year (\$160,000). In the second JPA fiscal year, we will pay for an entire federal fiscal year (\$343,000). In the third JPA fiscal year, we will pay for a small portion of the remainder of the second federal fiscal year (\$70,000).

The JPA does not have a separate project or capital improvement budget, so large payments needed for project expenses can substantially increase the operational budget when they are needed.

Discussion

To reduce the impact on the operational budget for the upcoming fiscal year, we can utilize existing funds that are in the Reach 1 operations and maintenance account. These funds are "savings" from maintenance costs over the first 4 years post-construction that were less than when costs were estimated in 2016, at the time the construction funding agreement was entered. Operations and maintenance were paid for from this account for the first 3 years post construction. These activities are now funded through an annual budget item in the JPA operational budget.

A \$200,000 transfer to the CAP 205 item, coupled with \$143,000 of new funding in the operational budget, will cover our \$343,000 commitment to keep the CAP 205 study on schedule. A slip in schedule would likely result in greater overall costs to complete the study.

Recommendation

Provide direction to the Executive Director to re-allocate \$200,000 from the Reach 1 Operations and Maintenance account to the FY22/23 operational budget to cover this federal fiscal year's portion of the local-sponsor costs of the CAP 205 study.

Agenda Item 7.B. Updated Discussion of FY 22-23 Budget Items

FY 22-23 Budget Top-Line Highlights

The proposed FY 22-23 budget projects a revenue increase of 17.5%, representing a \$295,678 increase over the current fiscal year's budgeted revenue. The proposed FY 22-23 budgeted operations expenses project a preliminary increase of 1.78%, representing a \$30,728 increase over the current fiscal year's budgeted expenses. Member Contributions have increased disproportionately as compared to the overall operations budget increase due to Member Contribution reductions in FY21/22 of \$231,500 by utilizing funds rolled over from the FY20/21 budget for upstream detention investigations.

The largest projected increases are from:

- The programmed contribution to reserves (\$220,209 based on 12.5% of budget expenses)
- The projected cost of the Top-of-Bank work Supplemental EIR (\$150,000)
- The necessary funding match for the USACE CAP 205 study (\$143,000).

With the two project-related costs removed, the projected FY 22-23 fiscal budget shows a preliminary 2.4% decrease in budgeted revenues and a 15.2% decrease in budgeted expenses compared FY21/22 approved budgeted revenues and expenses. The board's decision on any change to executive compensation will change these numbers.

There are three caveats for the preliminary draft 22-23 FY budget, listed below in order of impact on budget:

- Outcome of the USACE economic analysis of the CAP 205 Study, which should be known in May,
- Board's decision on the percentage of budget to allocate towards reserves,
- Board's decision on executive compensation.

Budget Details

The following is a description of the draft SFCJPA budget for fiscal year 22-23 by line item

Personnel (Budget line items 1-10)

Executive Director Salary – This is the current executive director's salary. The Board may choose to add a COLA and/or change this after the Executive Director's annual review, prior to finalizing the budget.

Executive Director Transportation Allowance – No change anticipated.

Finance & Admin. Mgr./Clerk of the Board (FAM/CB) Salary, Senior Project Managers (SPM) Salaries – I am recommending a Cost-of-Living Adjustment (COLA) of 4.5%. This COLA is based on benchmarking with the published Social Security COLA increase of 5.9%, the CalPERS increase of 3%, San Mateo County's increase of 3%, 3% then 4% increase over the next 18 months, and last June Valley Water increased salaries for engineers 4% (current year's numbers are not yet available).

The SFCJPA's salaries overall are on the low side of comparability. I want to ensure the team's compensation does not fall below comparable salary ranges from other similar regional jurisdictions. I place a high priority on the retention and morale of our highly qualified employees.

Employee Benefits

The cost of health insurance and other benefits continues to increase on par with other economy-wide cost increases. Providing employee benefits through the ACWA JPIA program has been the most cost-effective for a small governmental organization such as the SFCJPA.

Membership Dues

This budget line item covers the SFCJPA's membership in:

Association of California Water Agencies (ACWA/ACWAJPIA) - ACWA/JPIA (provides our employee health and life insurance benefits)

California Special Districts Association (CSDA) Provides education and training, current information that is crucial to a special district's management and operational effectiveness, industry-wide litigation and public relations support, legislative advocacy, capital improvement and equipment funding. Our membership with CSDA also provides us with a discount on our worker's compensation and general liability insurance programs which are provided by SDRMA.

City Clerks Association of California (CCAC)

Government Finance Officers Association (GFOA)

Ground Water Resources Association (GRAC)

International Institute Municipal Clerks

National Association of Government Archives and Records Administrators (NAGARA)

The proposed budget amount reflects projected membership dues. Overall, these dues have increased annually between 2% and 17% over the last several years. Additionally, our ACWA/JPIA dues are indexed to our annual budget; as it changes, so do these dues.

Payroll Administration/Fees

The SFCJPA utilizes QuickBooks payroll. This fee is charged to support the payroll function and is not anticipated to increase in the next fiscal year.

Employer Taxes

These are State and federal payroll taxes and are based on employee compensation. This number will change if there are Board changes to compensation.

Contract Services (Budget line items 11-13)

Legal Counsel

Legal counsel costs are not anticipated to change – overall. Some areas of cost are expected to be reduced, while others will increase. On balance, the overall level of effort and projected costs for legal services from RWG is expected to be about the same. This year's expenditure rate is below projected. However, the current lawsuit remains unresolved, and we may have some early CEQA/NEPA work where additional efforts will be needed.

Auditor

The current contract for auditing services is set to expire after the completion of our FY20-21 audit. Per the contract, this is the known cost of the annual audit. The board should anticipate a different budget amount based on a new contract/auditor in ongoing fiscal years.

Project Consultants

The requested amount covers the costs of maintaining our creek monitoring system and the components of its web-based interface, as well as incidental technical support, often utilized for grant-applications. Any current year unspent funds in the Contract Services category are likely to find utility in preparing grant applications for anticipated State and federal climate change adaptation and infrastructure grant opportunities.

Upstream Detention Project expenses

Investigation of the feasibility and cost-benefit of an off-stream detention basin in the upper watershed on Stanford lands, including geotechnical, environmental, and cultural resources investigations. Preliminary evaluation work has been done in the current FY. We anticipate this work to continue into the 22-23 fiscal year.

Reach 2 Supplementary EIR

In the event the Top-of-Bank features on the Reach 2 portion of the creek downstream of the University Avenue bridge are determined to be beyond their design life and no longer suitable as they are, a supplementary EIR will be needed. Valley Water estimates the cost for a supplementary EIR to be up to \$200,000. Of that amount, we will be carrying over \$50K from the 21-22 fiscal year. The budget request for the 22-23 fiscal year is \$150,000. This is the first of two large necessary project-related expense items in the 21-22 fiscal year budget.

USACE CAP 205

Non-federal match to U.S. Army Corps of Engineers Continuing Authorities Program Section 205 study.

This is the second of two large necessary expense items in the 21-22 fiscal year budget. Our 'non-federal sponsor match' obligation for the next fiscal year will be \$343,000. Of that amount, I propose pulling \$200,000 from the unspent remainder from Reach 1 3-year maintenance funding from the construction funding agreement to supplement this line item, so that \$143,000 of new member contributions will complete the CAP 205 study match requirement for the 22-23 fiscal year. This will leave ~\$90,000 of unspent funds as a hedge against future unforeseen O&M needs for Reach 1.

The \$1.230M study, which is cost-shared 50/50 between the SFCJPA and the federal government, is the first necessary phase to secure up to \$10M in total federal investment through the Corps of Engineers for Reach 2 widening. The FY 22-23 contribution covers the cost of the USACE CAP 205 team for the SFCJPA's 22-23 Fiscal Year (which does not coincide with the USACE FY). The 22-23 FY increase does not increase our non-federal share/commitment to the study (which remains at 50%). The amount of our contribution for FY 22-23 is based on the USACE current total study cost estimate of \$1.230M – which could change. At this moment, we are also assuming that the study will result in a positive Benefit – Cost Ratio (BCR). The USACE team is performing the necessary evaluation of the economic benefits of the project, and we will have a firm "GO" or "NO-GO" decision by the end of May. If the analyses result in an unfavorable BCR, the study *may* be terminated, and if so, the SFCJPA's contribution may be removed from the 22-23 budget. Looking ahead to the contribution necessary to finish the CAP 205 study, and assuming a favorable BCR, our remaining contribution to complete the 50% share would be around \$60K in our FY 23-24.

Reach 1/Downstream O & M

Annual maintenance costs for project mitigation sites have been about \$70k/year. This item covers regulatory monitoring and reporting, as well as weeding, watering, and plant replacement to meet the mitigation success criteria required by our construction permits. This amount has been consistent, year-to-year, but current drought conditions may require extra measures.

Administrative (Budget line items 14-26)

Computers/Software

At least one of our staff computers is at the end of its useful life and for reliability reasons should be replaced soon. In addition to the regular Microsoft Office suite of tools, we make use of video conferencing, file and project management tools, time-tracking, and Adobe software. [We will be adding a software tool for auditable time-tracking to support our reporting obligations under the HMGP and future BRIC grants.](#) This line item ensures we are current with all necessary software licenses.

Meeting Supplies

We anticipate costs to increase in this line item because we envision having hybrid meetings – both in-person and via the web – and will need to prepare accordingly.

Travel/Training

When we can take advantage of professional development opportunities, some of these require travel. We strive to minimize costs and to take advantage of web-based, nearby, and low-cost options.

Office Supplies

This covers printer ink, paper, and other miscellaneous office supplies.

Telecommunication

This line item covers cell phone allowances for staff.

IT Support

As we prepare for hybrid meetings, we will need to ensure our video, audio, and computer technologies are integrated and functioning. [Additionally, we are learning](#)

about the prevalence of hacking and ransomware attacks – which don't only impact large organizations – and want to safeguard our operations against these disruptions. We will need some technical support as we get these systems in place. After identifying, interviewing, and getting quotes from five potential providers, and settling tentatively on one, this line item reflects a more accurate estimate of this operational cost.

Postage

This covers postage for anticipated SFCJPA U.S. Mail correspondence.

Printing/Design

This covers incidental printing of meeting materials, presentations, business cards, or similar.

Website

This covers the cost of our subscription to SquareSpace, GoDaddy and Nexcess. SquareSpace is the framework for the SFCJPA website, GoDaddy provides our website domain and Nexcess provides hosting services for our website.

Office Lease

Our current office lease renews on August 31, 2022. Last year I was able to negotiate a very favorable (minimal) rate increase. Given the popular nature of the 'hotel' office space model, to be conservative, I am assuming a higher percentage increase of 12% for the 11 months of the next fiscal year. That lease cost results in a cost-per-square-foot of approximately \$127/sf/yr. This lease cost INCLUDES four dedicated phone lines, internet, janitorial, utilities, security, mail service, landscape management, and parking. Comparable office space rates in the SFCJPA's jurisdiction (in Menlo Park, Palo Alto or East Palo Alto) range from \$86 to \$120/sf/yr. However, typical leases do not include the costs currently wrapped into the Regus office lease – so it is not a one-for-one comparison. Furthermore, office leases elsewhere may not include the costs of necessary tenant improvements, and some building owners/managers are reluctant to sub-divide vacant spaces into office sizes as small as the SFCJPA needs.

Utilities

We have no separate costs for utilities while leasing at the Regus offices.

General Contingency (Budget line item 27)

This budget field is for use of items not classifiable in other budget fields as well as contingency funds to cover expenditures in administrative or contract services at the Executive Director's discretion.

<u>DRAFT</u>		FY2021/2022 Approved Budget	FY2021/2022 current expenses as of 03/18/2022	FY2022/2023 preliminary Draft Proposed Budget. For discussion purposes only.	% Increase/Decrease Per Category from FY21/22 approved budget
REVENUES					
Member Contributions towards expenses (\$351,934 x 5)		1,461,584	1,461,584	1,759,670	20.4%
Member Contributions towards reserves (per reserve policy approved by Board in 2020) (\$43,992 x 5)		224,616	224,616	219,960	-2.1%
Total proposed FY22/23 Member Contribution \$1,979,630					
Interest		3,500	2,300	3,500	0.0%
Total Revenues		1,689,700	1,688,500	1,983,130	17.4%
EXPENSES					
Acct.	Description	Amount		Amount	Amount
Personnel					
1	Executive Director Salary	155,000	106,228	155,000	0.0%
2	E.D. Transportation Allowance	5,000	3,542	5,000	0.0%
3	Finance & Admin. Mgr./Clerk of the Board (FAM/CB) Salary 2	106,668	73,404	111,467	4.5%
4	Senior Project Mgr. (SPM) Salary	123,480	95,317	129,037	4.5%
5	Senior Project Manager (SPM) Salary	123,480	89,918	129,037	4.5%
6	COLA 2	15,913	-	16,629	4.5%
7	Employee Benefits	254,500	153,533	260,000	2.2%
8	Membership Dues	15,000	9,790	15,000	0.0%
9	Payroll Administration/Fees	3,000	1,266	3,000	0.0%
10	Employer Taxes	62,000	29,539	65,000	4.8%
	Subtotal Personnel	864,041	562,536	889,170	2.9%
Contract Services					
11	Legal Counsel	130,000	30,645	130,000	0.0%
12	Auditor	20,000	-	20,000	0.0%
13	Project Consultants (Flood Early Warning System, Ad Hoc Technical services, etc.)	70,000	21,368	70,000	0.0%
	Upstream Detention Project expenses	231,500	98,434	150,000	-35.2%
	Reach 2 Supplementary EIRs	50,000	-	150,000	200.0%
	Cap 205 ₄	160,000	160,000	143,000	-10.6%
	Reach 1 O&M	70,000	35,089	70,000	0.0%
	Subtotal Contract Services	731,500	345,536	733,000	0.2%
Administrative					
14	Computers/Software	5,000	5,546	7,000	40.0%
15	Meeting Supplies	2,500	2,177	5,000	100.0%
16	Travel/Training	9,000	3,229	8,000	-11.1%
17	Office Supplies	1,500	1,038	1,500	0.0%
18	Telecommunication	2,000	1,360	2,000	0.0%
19	IT	4,000	-	5,700	42.5%
20	Postage	100	353	150	50.0%
21	Printing/Design	1,000	4,311	750	-25.0%
22	Website	1,500	478	1,500	0.0%
23	Liability Insurance	15,000	9,653	15,000	0.0%
24	Office Lease	56,000	38,018	56,000	0.0%
25	Utilities	-	-	-	-
26	Office furniture/maintenance	800	-	600	-25.0%
	Subtotal Administrative	98,400	66,164	103,200	4.9%
General Contingency					
27	General Contingency	35,000	592	35,000	0.0%
Total Expenses		1,728,941	974,828	1,760,370	1.82%
<p>1 Member Contributions include 12.5% reserves approved by the Board in November 2020. Budgeting for reserves at 15% started with the FY21-22 approved budget. 2022 proposed contributions represent a 17.5% increase. (FY21/22 contribution) \$337,240 **The SFCJPA will maintain a reserve account in the range of 12.5% – 17.5% of the Authority's annual budget starting with 15% effective in FY 2021-2022.</p> <p>2 COLA at 4.5%:Based on SSI and CALPERS 2022 COLA rates. Consumer Price index set to release 2022 salary rates April 2022</p> <p>3 Funds allocated for this budget field, \$50,000, are not expected to be depleted in this 21-22FY. Remaining funds will be rolled over to FY22-23.</p> <p>4 The total amount of expenditures in this account field in FY22/23 is expected to be \$343,000. \$200,000 will be pulled from remaining funds from the SFCJPA 1E grant funds and advanced in FY21/22 to meet the Corp scheduling needs.</p> <p>*FY21/22 budget was approved with a deduction of the \$231,500 (Line item 26, which was rollover from FY21/20). The FY21/22 budget was approved with a \$39,241 deficit.</p>					