



SAN FRANCISQUITO CREEK  
JOINT POWERS AUTHORITY  
sfcjpa.org

East Palo Alto, Menlo Park, Palo Alto, San Mateo County Flood Control District, and the Santa Clara Valley Water District

**Notice of Regular Meeting of the  
SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY BOARD  
City of Palo Alto Council Chambers  
250 Hamilton Avenue, Palo Alto, California  
Thursday, September 27, 2012 at 4:00 p.m.**

AGENDA

- 1) ROLL CALL
- 2) APPROVAL OF MEETING MINUTES – July 26, 2012 Board Meeting
- 3) APPROVAL OF AGENDA
- 4) PUBLIC COMMENT – *Members of the public may speak for up to three minutes on items not on the Agenda. They may address the Board on any Agenda item when that item is considered by the Board.*
- 5) REGULAR BUSINESS – EXECUTIVE DIRECTOR'S REPORT
  - a) Discussion: documents, agreements and contracts for Board approval in October and November
  - b) Board member service on outside agency boards  
Proposed Board action: appoint a representative and alternate to the Association of California Water Agencies Joint Powers Insurance Authority Board of Directors
- 6) BOARD MEMBER MATTERS - *Non-agendized comments, requests, or announcements by Board members; no action may be taken.*
- 7) ADJOURNMENT

PLEASE NOTE: This Board meeting Agenda can be viewed online by 4:00 p.m. on September 24, 2012 at [www.sfcjpa.org](http://www.sfcjpa.org) -- click on the "Meetings" tab near the top. Reports for the Agenda items listed above will be available at the same online location by 4:00 p.m. on September 25, 2012.

NEXT MEETING: Special Board meeting, **October 11, 2012** at 5:00 p.m., East Palo Alto City Council Chambers.

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Chairperson Burt called the meeting to order at 4:04 p.m. at the City of Menlo Park Council Chambers, Menlo Park, CA.

**DRAFT**

**1) ROLL CALL**

Members Present: Director Burt, City of Palo Alto  
Director Abrica, City of East Palo Alto  
Director Pine, San Mateo County Flood Control District (not present at role call)

Members Absent: Director Keith, City of Menlo Park  
Director Schmidt, Santa Clara Valley Water District

Alternates Present: Director Ohtaki, City of Menlo Park  
Director Kwok, Santa Clara Valley Water District

JPA Staff Present: Len Materman, Executive Director  
Kevin Murray, Staff  
Miyko Harris-Parker, Staff

Legal Counsel Present: None

Others Present: Art Kraemer, Palo Alto resident; Trish Mulvey, Palo Alto resident; Dennis Parker, City of East Palo Alto resident; Joe Teresi, City of Palo Alto Public Works; Ann Stillman, San Mateo County Flood Control District; Philippe S. Cohen, Jasper Ridge Bio Preserve; Chris Elias, Santa Clara Valley Water District; Kevin Sibley, Santa Clara Valley District; Saied Hosseini, Santa Clara Valley Water District

**2) APPROVAL OF MEETING MINUTES – May 24, 2012 Board Meeting**

Director Pine made a motion to approve the May 24, 2012 Board meeting minutes. Director Abrica seconded the motion. May 24, 2012 Board meeting minutes approved 3-0. Director Kwok and Director Ohtaki abstained.

**3) APPROVAL OF AGENDA**

Agenda item 5b postponed to the next Board meeting. Director Abrica motioned for approval of the agenda to postpone agenda item 5b to the next Board meeting. Director Ohtaki seconded the motion. Agenda and postponement of agenda item 5b Approved 5-0.

**4) PUBLIC COMMENT**

None

**5) REGULAR BUSINESS**

Update: development of inter-agency agreements for the S.F. Bay-Highway 101 project  
Proposed Board Action: provide direction on cost-share negotiations with East Palo Alto Sanitary District

Mr. Materman provided an update to the Board on the development of the inter-agency agreements for the S.F. Bay-Highway 101 project seeking direction from the Board on the cost-

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share negotiations with the East Palo Alto Sanitary District. Mr. Materman said that the goal is to have these agreements in place around the time of the acceptance of the EIR. The first agreement Mr. Materman spoke about was the agreement for mitigation on the Palo Alto golf course. Mr. Materman said that on Monday night the Palo Alto City Council voted on the recommendation from their finance committee and city staff to move forward with a design for the golf course and that the SFCJPA's consultant, Forrest Richardson & Associates will be working with the City on the design. Mr. Materman said that once the contract negotiations are completed between the city and the consultant; the SFCJPA would either transfer its contract to the city or just terminate our contract with the consultant. Mr. Materman continued saying that there have been many conversations with Palo Alto City Staff in regards to mitigation and that our strategy is to provide the city with funds equal to the cost of making the course playable. Mr. Materman said that it was important to note that our intention for payment of these funds is to provide for mitigation only for the impact of our project and nothing beyond. Mr. Materman told the Board that in terms of the construction management agreement it has been signed off by the appropriate member agencies and is undergoing member agency legal review. Mr. Materman said that SFCJPA attorney Greg Stepanicich is taking the lead on the legal review.

Mr. Murray said in terms of the maintenance agreement it is not developed at this time as we are waiting to complete the construction management agreement in addition to waiting for the 100% project design.

Mr. Materman said that we have started to develop a template in terms of construction funding and we received the 90% design on the Bay-Highway 101 project a couple of weeks ago but we are waiting for a specific cost estimate. Mr. Materman said that we have discussed at length with staff of each of the agencies the mechanics of funding this project and we are looking at the pots of money we have per agency; i.e. we know about state grants that the SFCJPA has received, we know about the discussions that have been had at the city council level in East Palo Alto and Board level at SCVWD to piece together the agreement.

Mr. Materman said in terms of the East Palo Alto Sanitary District sewer main, which is the item we are requesting Board direction on, as was described in the Board staff report, we have been in conversation with the East Palo Alto Sanitary District for many months, and there is a sewer main that goes from East Palo Alto underneath the Creek through the golf course to the treatment plant. Mr. Materman explained that the sewer line would need to be moved so that it is not burdened by the new levee. Mr. Materman said that the Sanitary District gave us a cost share percentage they thought was appropriate and we countered with a 60% SFCJPA/40% Sanitary District share. Mr. Materman told the Board that he asked the Sanitary District's to revise its construction estimate that was too high, which they did. It is now \$474,000 for the construction with a 25% contingency. Mr. Materman stated that staff is speaking with others in the field of sanitary districts to verify that this figure is a good one. Mr. Materman noted that the Sanitary District is asking for the SFCJPA to cover soft costs and that he does not recommend that we pay for soft costs. Mr. Materman said that if the SFCJPA takes on the 60% of construction and contingency than we would be looking at paying \$355,000.

Director Abrica said that the Sanitary District is a separate special district and not part of the City of East Palo Alto City. Director Abrica continued saying that it sounds like their Board is receptive and understands the mutual benefit of this project. Director Abrica noted that the City will be doing joint projects with the Sanitary District with Federal funds the City has received.

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Director Kwok asked why the district is not carrying the lion share and he was hoping it would be a 50/50 agreement. Mr. Materman responded saying there is still room for negotiation explaining that at a previous Sanitary District Board meeting their Board was looking at 70% SFCJPA/30% Sanitary District with one Board member pushing for a higher percentage for the SFCJPA. Mr. Materman explained that our project is necessitating their need to do their work. Mr. Materman stated that the Sanitary District just did maintenance in 2010. Mr. Materman said that the negotiations are still fluid and that he will take direction from the Board; if the Board thinks 50/50 is the best approach then staff will take that back to the Sanitary District.

Director Abrica stated that these negotiations could go longer than necessary and that he would be good with capping the SFCJPA cost share at 65%, but not higher.

Mr. Materman responded saying in regards to timing the Sanitary District's longtime Executive Director is leaving in September and that he (Mr. Materman) would be a little nervous if this dragged on to September. Mr. Materman said that it is in our interest to get this off the table to start construction.

Director Ohtaki said that the timing this information is persuasive for encouraging a little more latitude and that he would support 65% and absolutely no soft cost.

Director Pine stated that he supports the recommendation of up to 65%.

Director Abrica motioned to accept the Executive Director's recommendation to cap the SFCJPA costs share at no higher than 65% for construction with soft costs being the responsibility of each party. Director Pine Seconded. Motion approved 5-0.

Chairperson Burt said that our need to realign the channel led the City of Palo Alto to reexamine the golf course and golf course design. Chairperson Burt said that the City had discussions about this many years ago and the design that the city council ended up supporting is one that, at additional cost to the city, is a complete redesign of the course that is less acreage, not only in terms of the SFCJPA but also in creation of playing fields and conversion of rough areas into native habitat. Chairperson Burt said that Monday night the council was receptive to what was presented to this Board a few months ago by one of the UC Berkeley graduate students to create some gating through the levee system to allow tides into an area of the golf course. Chairperson Burt said that we need to look at timing alignment as the City has to accelerate the revised design to meet the SFCJPA's timing which could be a challenge.

Director Pine asked how big the Palo Alto Golf Course was. Chairperson Burt responded saying the course was about 160 acres. Director Pine asked if a sense of scope for what our mitigation would be could be given. Mr. Materman responded saying that the golf course architect came up with \$3.19 million and that there were other estimates that were higher and lower, but that this the figure the city is using. Mr. Materman gave a quick update on the last agreement to be discussed with the Board, which was beginning the environmental process for projects between 101 and El Camino Real. Mr. Materman said the SFCJPA and the SCVWD staff are working on the scope of work for a consultant and he anticipates being able to bring something back to the Board in late September.

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Proposed Board action: approve PG&E request for additional funds to complete preliminary engineering of steel tower and wood pole electrical transmission lines  
Item 5d postponed to the next SFCJPA Board meeting.

Update: Proposal to the CA Department of Water Resources regarding SF Bay levees north of Creek

Mr. Materman gave a brief background summary on the grant submitted by the SFCJPA to the Department of Water Resources (DWR) and a brief explanation of the work to be completed with the funds. Mr. Materman said that we received an award of 70% state match funding, though we requested 90%, we only got 70% as DWR does not consider the cities the project will be completed in as disadvantaged communities. Mr. Materman said that the award was for \$1.32 million and the local match is almost \$566,000. Mr. Materman noted that the City of East Palo Alto made a match agreement of \$300,000 and US Fish and Wildlife Service is putting in \$20,000 as they would benefit from the levee improvements related to the Ravenswood Ponds restoration. Mr. Materman noted that there is a gap of almost \$250,000 and that the City of Menlo Park has a \$200,000 within its CIP as an unfunded item for this purpose. Mr. Materman said that he expects to finalize funding commitments over the next two months.

Director Ohtaki asked for clarification on how DWR arrived at a 70% vs. 90%. Mr. Materman explained that we applied for the 90% based on our understanding of a disadvantaged community which is based off the state's own description, however DWR is using a different definition of disadvantaged for this particular grant and as a result our communities did not qualify. Director Ohtaki asked if there will be an opportunity to provide more information regarding our communities. Mr. Murray responded saying no that the decisions have been made. Director Ohtaki responded saying that in the future the City of Menlo Park does have a demographic study for the eastern part of Menlo Park. Director Ohtaki continued saying that the City of Menlo Park did set aside \$200,000 in the Capital Improvement program (CIP) and that though he can not speak for his colleagues on the Council, he believes that there is interest and he gave his sincere appreciation to the City of East Palo Alto for their contributions to this project. Director Ohtaki asked Mr. Materman to keep pressing, because what is going on right now for Menlo Park with the loss of the RDA, which is where the funds for this project would have come from, the council has spent the first part of this year scrambling to get a lot of the programs that were funded by the RDA in the General Fund and we are not fully there yet.

Director Abrica said that he was thankful Menlo Park is considering making funds available for the project. Director Abrica thanked Director Romero as they worked to make sure East Palo Alto had the funds within the Capital Improvements budget which was passed a few weeks ago. Director Abrica said that there may be some possibilities to explore some collaboration between East Palo Alto and Menlo Park with each city maybe being able to dig a little deeper.

Chairperson Burt said that the \$20,000 from Fish and Wildlife is appreciated but as was said earlier this seems crucial to their ability to essentially naturalize the Ravenswood tract. Mr. Materman responded saying yes they receive two benefits that is one of them and also they spent a fairly large amount of money maintaining that outward levee which is not part of their mission which is one of the two reasons they are eager to see this project complete. Mr. Materman said that we are definitely going back to them for more funding. Chairperson Burt asked if it would be beneficial to work with Congresswoman Eshoo and look for her support in regards to Fish and Wildlife. Mr. Materman replied saying yes it would be helpful.

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Director Ohtaki reminded the Board that the congressional districts have shifted and that we may need to speak to Congresswoman Spears.

Chairperson Burt asked if there was anything to help us engage Redwood City in this project. Mr. Materman said engaging, yes, but he would be surprised if there is any funding that came from Redwood City. Mr. Materman said that conversation needs to be had and that we want to design something so that if Redwood City does nothing than we want Menlo to be protected.

Director Abrica noted that the SFCJPA Board has approached Redwood City before and Redwood City was not interested stating that they had their own plans.

Director Pine questioned if we can entice the nonprofits in this area even with a little funding given the ecosystem benefits. Mr. Materman replied saying that one foundation comes to mind and that is the Moore Foundation. Mr. Materman said that there are opportunities for private funding as well as a number of businesses in the area, noting that it would make sense to team up with Facebook and other companies in the area.

Director Ohtaki suggested that Mr. Materman speak with the Menlo Park City Manager in regards to dealings with Facebook.

Update: Santa Clara Valley Water District Safe, Clean Water and Natural Flood Protection ballot measure

Mr. Materman provided the Board with a brief summary of the benefits of the Santa Clara Valley Water District Safe, Clean Water and Natural Flood Protection measure stating that the SCVWD Board voted to put this measure on the November 2012 ballot.

Director Kwok said that the SCVWD Board approved the new measure unanimously 7-0 and that the last poll that was taken in regards to public feedback had been positive. Director Kwok said that this measure was a very balanced approach improving water supply and flood protection and restoration of wildlife.

Chris Elias, SCVWD, commented that specific to the SFCJPA is a total of \$35 million in funding which is split as \$16 million for the Bay- Highway 101 and the rest of the funding is for Highway 101 up. Mr. Elias said that there were a lot of meetings with SFCJPA staff and City of Palo Alto staff member Joe Teresi who encouraged the SCVWD Board to move forward with the funding for the SFCJPA within the ballot. Mr. Elias said that the last poll information received showed 69% of the voters looked favorably on the ballot measure.

Chairperson Burt thanked the SCVWD staff and Board for the increase that was made within the ballot measure from \$27 million to \$35 million. Chairperson Burt asked for an update on the Pope Chaucer Bridge.

Saeid Hosseini, SCVWD, said that just today they had a conference call and there is an evaluation of consultants to take place next Thursday with the selection to be taken to the SCVWD Board in October.

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Chairperson Burt noted that the ballot also has funding for Bay shoreline protection and asked for clarification on the geographic reach of that work. Mr. Elias responded saying that there is funding that would go to Coyote Creek from San Francisquito Creek. Mr. Elias said that there has been about \$20 million set aside within this bond measure to complete tidal design. Chairperson Burt noted that for North of the Creek the SFCJPA is the lead agency for the tidal issue while SCVWD is the lead agency for south of the creek tidal issues.

Director Pine commented that it might be appropriate for the Board to endorse the ballot measure at the next meeting. Chairperson said we should think about having it agendized for the next Board meeting.

Update: SF Bay-Highway 101 project Environmental Impact Report

Mr. Materman stated that on Monday July 30, the SFCJPA will release the SF Bay-Highway 101 project Draft Environmental Impact Report. Mr. Materman said that there will be a 45 day comment period and two public hearings; August 15, 2012 and August 29, 2012 with the comment period ending on September 13, 2012. Mr. Materman said the earliest the EIR could be approved is October 11, 2012 and that we may have a special Board meeting for the approval.

Mr. Murray stated that copies of the EIR will be placed in the Main libraries of East Palo Alto and Palo Alto, and that there will be a link on our website to download it and that our member agencies would be encouraged to post it on their websites as well.

Chairperson Burt commented that a ground breaking after October 11, 2012 might be good in demonstrating progress before November.

**6) BOARD AND ASSOCIATE MEMBER MATTERS - *Non-agendized comments, requests, or announcements by Board and/or Associate members, no action may be taken***

Director Kwok said that he was delighted to see the progress of the SFCJPA project and that after thirteen years it is good that we are getting somewhere and moving in the right direction. Director Kwok congratulated staff and noted that the leadership of Mr. Materman and this Board has been great and he cannot wait to see the groundbreaking. Director Kwok said that the public has been really good in staying engaged in the process.

Chairperson Burt thanked Director Kwok for his comments and reminded those present that we are also moving along with Caltrans in regards to the Newell Bridge and the work being done in regards to the Pope-Chaucer Bridge and that we just need to keep pushing the plow.

Director Pine shared with the Board that he has been in touch with PG&E and has developed some relations he hopes can be of assistance.

**7) ADJOURNMENT:**

Chairperson Burt adjourned the meeting at 5:20 pm.

Minutes Prepared by Clerk of the Board: Miyko Harris-Parker

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**Executive Director's Report**

With the help of Kevin Murray and Miyko Harris-Parker, I am pleased to submit the following:

a) Discussion: documents, agreements and contracts for Board approval in October and November

The next two months promise to be the most productive such period for the SFCJPA Board in its history. We have Board meetings scheduled for October 11, 18 and 25 and November 15. At these meetings, we intend to certify the Environmental Impact Report (EIR) of our agency's first major capital project and approve an agreement to manage its construction, as well as approve five funding agreements with the our member agencies, three contracts with the State of California, funding documents with two utilities, and a consultant contract on another EIR.

The write up below summarizes the purpose, participants, timeline, and cost (when appropriate) of each of these thirteen items, grouped by the relevant project. At this Board meeting, I intend for us to discuss these items in enough detail to give Board members and the public a full understanding of the purpose and implications of each. We do this now so that the Board meetings in October and November at which approval will be sought are efficient and productive.

**S.F. Bay-Highway 101 Project**

- Certify the Final Environmental Impact Report

The SFCJPA is the Lead Agency under the California Environmental Quality Act (CEQA) for the SF Bay-Highway 101 Flood Protection, Ecosystem Restoration and Recreation Project, and therefore the Final EIR for the project must be certified by the Board to satisfy the requirements of CEQA. A Draft EIR was released for public review on July 30, and the 45-day comment period closed on September 13 during which time we received written comments from members of the public, and public and non-profit agencies. Oral comments were also collected at public hearings in East Palo Alto on August 15<sup>th</sup> and 29<sup>th</sup>, and at study sessions of the East Palo Alto Planning Commission on September 10<sup>th</sup> and the Palo Alto Planning and Transportation Commission on September 12<sup>th</sup>. One regulatory agency asked that their comments be included through their permitting process. Staff and our EIR consultant, ICF, have been drafting responses to comments and modifying the Draft EIR based on comments received. Assuming that no comment requires significant analysis or a change to the document or design, the final EIR, including responses to comments, will be presented to the Board for certification at either the October 11 or October 18 meeting.

- Approve a Construction Management Agreement between the SFCJPA, Santa Clara Valley Water District, Palo Alto and East Palo Alto

A Construction Management Agreement that defines the roles and responsibilities of the agencies involved in building the Bay-Highway 101 project has been drafted, circulated among staff members of the participating agencies, and is now undergoing review by the SFCJPA, Santa Clara Valley Water District (SCVWD), Palo Alto and East Palo Alto legal counsels. The draft Agreement designates the SCVWD as the agency to manage construction of the project. The SCVWD, with its substantial experience and expertise in managing the construction of similar projects, would advertise for construction bids, hire the construction contractor, and manage the project's construction. The SFCJPA will work with PG&E and the East Palo Alto Sanitary District on the modification and relocation of utilities to accommodate the new levees. Palo Alto and East Palo Alto will assist in obtaining the necessary temporary construction easements, provide the necessary City permits, and outreach to their communities.

- Approve a Funding Agreement with East Palo Alto for project construction

On July 17, 2012, the East Palo Alto City Council adopted the City's Five-Year Capital Improvement Program, which included \$400,000 as East Palo Alto's contribution towards construction of the project.

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We have drafted a funding agreement to provide for the transfer of \$400,000 to the SFCJPA for construction of the project, upon completion of all agreements and contracts necessary to fund and begin construction, and maintain the new facility. We anticipate that the SCVWD will also provide funds towards the project's construction. Palo Alto is contributing over seven acres of City-owned land within the Palo Alto Municipal Golf Course and Baylands Athletic Center to accommodate construction of the project, the monetary value of which is included in our match to the State of California.

- Approve a Memorandum of Understanding to mitigate impacts to the Palo Alto Municipal Golf Course

The Bay-101 Project will encroach upon, and permanently occupy lands within the Palo Alto Municipal Golf Course by widening the channel and constructing a new creek levee on an area currently used for golf. This will impact the layout and operations of the golf course, and thus the SFCJPA is planning to provide a cash contribution equal to the cost of mitigating the impact of the creek project on the golf course. This contribution will contribute to the City's planned reconfiguration and renovation of the golf course. Palo Alto will draft the MOU, which will be reviewed by SFCJPA staff and legal counsel before bringing it to the Board for approval.

- Approve a contract with the State of California for construction grant funding

The SFCJPA has been awarded a grant in the amount of \$8 million in Proposition 1E funding by the California Department of Water Resources for construction of the Bay-101 project. With the help of a consultant, we are developing the final scope of work, construction schedule and project budget needed to complete the contract with the State. SFCJPA legal counsel has reviewed and approved the State's contract template. In October, the Board will be presented with the final contract and be asked to authorize the Executive Director to enter in to a contract for the grant funding.

- Approve additional funding to PG&E for design and cost estimation

Almost one year ago, the SFCJPA provided PG&E \$175,000 for engineering and construction cost estimating for the needed modifications of the gas transmission line, electrical transmission towers and electrical poles within the Project area. As discussed at our previous Board meeting, on August 15<sup>th</sup>, PG&E has requested an additional \$147,000 for this purpose, and on that date I asked for backup documentation to justify that request and to account for the \$175,000 already spent for this purpose. Over the past six weeks, PG&E has provided partial answers to these questions, and I have sought additional information prior to bringing this item to the SFCJPA Board. Once this information is complete, I will bring it to the Board, hopefully at the October 11 Board meeting. This funding could come from the contingency and the amount remaining that was anticipated for golf course design within the project's funding agreement.

- Approve a cost share agreement with the East Palo Alto Sanitary District

At the previous SFCJPA Board meeting, the Board provided direction on our negotiations with the East Palo Alto Sanitary District (EPASD) regarding the need for them to modify their main line under the Palo Alto side levee near the Friendship Bridge. The SFCJPA Board approved a cost share of 65% SFCJPA / 35% EPASD for construction only. Since that time, Kevin Murray and I met with an EPASD Board Committee responsible for this issue and presented our Board's position. We are told that the full EPASD Board recently approved this percentage, including construction and consultant costs. We are trying to clarify the extent of EPASD and SFCJPA consultant costs envisioned by their Board, and will bring a draft agreement to the SFCJPA Board as soon as possible after that.

**S.F. Bay Levees Project North of San Francisquito Creek**

- Approve a grant contract with the State of California

In July, the California Department of Water Resources (DWR) awarded the SFCJPA a grant for 70% of the cost to conduct evaluations (geotechnical investigations and a feasibility study) of levee alternatives to

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protect East Palo Alto and Menlo Park from tidal flooding from San Francisco Bay. DWR also awarded a grant to the SFCJPA for 70% of the cost to design and complete environmental documentation and permits for these coastal levee improvements. These funds come from DWR's Local Levee Assistance Program (LLAP), which DWR administers with funding from Proposition 84. Staff is developing the final contract, scope of work, budget and schedule to secure this grant funding, and will seek Board approval in October of the final contract for evaluations, and as soon as possible for the design and environmental work. I believe that it is in the SFCJPA's interest to enter in to contract with the State for this funding as soon as possible, to ensure that this funding is secured given the uncertain future of the State budget.

- Approve a funding agreement with East Palo Alto to provide local match funding for the LLAP grants

On November 1, 2011, the East Palo Alto City Council directed the City Manager to locate up to \$300,000 in funding as the local match funding to potential grant awards. On July 17, 2012, the City Council adopted the City's Five-Year Capital Improvement Program, which included this \$300,000.

A funding agreement between the SFCJPA and East Palo Alto has been drafted and is undergoing legal review at both agencies. The draft agreement will enable the City to transfer \$300,000 to the SFCJPA upon completion of all contracts and agreements necessary to begin evaluation, design and environmental documentation for these improvements.

- Approve a funding agreement with Menlo Park to provide local match funding for the LLAP grants

The City of Menlo Park's approved Capital Improvement Program for 2012-17 lists this project as unfunded, with an estimated cost to the City of \$200,000 for the local match to a State grant to the SFCJPA. On October 9, the Menlo Park City Council will consider funding this project within the CIP for the 2013-14 fiscal year. A funding agreement between the SFCJPA and Menlo Park is being drafted and will undergo legal review at both agencies, and be approved by the SFCJPA, should the City Council approve funding on October 9<sup>th</sup>. Similar to the East Palo Alto agreement, this agreement would enable Menlo Park to transfer funds to the SFCJPA upon completion of all contracts and agreements necessary to begin evaluation and design and environmental documentation for these improvements.

**Highway 101 and El Camino Real Project**

- Approve an agreement between SCVWD and SFCJPA to fund the EIR

The SFCJPA will be the Lead Agency under CEQA on an effort to produce an EIR for the several project elements being planned and designed between Highway 101 and El Camino Real. These elements include channel widening, modifying or replacing bridges, and stabilizing the stream bank, restoring riparian habitat, and constructing trails and park amenities along the creek. We have often referred to these elements as our "bridges and bottlenecks" project; alone they would provide protection from a 50-year flood event through the project reach, and represent the baseline project needed for all alternatives being considered to provide 100-year protection. The EIR will analyze these elements at Project Level – that is, impacts will be evaluated to a level of detail sufficient to construct the project elements. The Highway 101 crossing and Newell bridge replacements will have their own environmental documents, produced by Caltrans and Palo Alto respectively, and thus will be described in the EIR, but not analyzed for impacts.

The EIR will also analyze project elements that augment the 50-year project to provide 100-year protection. These additional elements, which include alternatives for floodwalls, an underground bypass culvert from approximately University Avenue to Highway 101, and upstream detention will be analyzed at a Program Level – that is, they will be analyzed in sufficient detail to fully understand the likely impacts to assist in our decision on which of these alternatives to ultimately complete final design on and move towards construction. After that decision is made, smaller environmental documents can be produced for these elements that tier off of the program analysis in the EIR.

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The SFCJPA will manage a consultant for this effort, and SCVWD will provide funding, similar to the funding agreement between the agencies for the SF Bay-Highway 101 EIR. Staff has drafted a funding agreement between the SFCJPA and SCVWD, which is currently under legal review at both agencies. This funding agreement will be brought to the Board in October for approval.

- Approve a consultant contract to conduct the EIR

On September 19, the SFCJPA released a Request for Proposals (RFP) seeking a qualified consultant to produce an Initial Study and the EIR for this effort. A workshop will be held on October 1 from 2:00-4:00 p.m. in the Palo Alto City Council Chambers to provide additional information to prospective consultants interested in submitting a proposal for the project. Proposals are due on October 9, and the SFCJPA will lead a review panel consisting of member agency staff to review the proposals, interview prospective consultants, and recommend the hiring of a candidate. A consultant contract will be brought to the Board for approval once funding is in place and a candidate is recommended.

b) Board member service on outside agency boards

Proposed Board action: appoint a representative and alternate to the Association of California Water Agencies Joint Powers Insurance Authority Board of Directors

The Association of California Water Agencies (ACWA) provides health, dental, vision and life insurance for the SFCJPA and many other water-related agencies around the State. In order to maintain this benefit, on May 24, 2012, the SFCJPA Board approved Resolution 12-05-24 to approve membership in ACWA's new Joint Powers Insurance Authority (JPIA). Per the JPIA agreement, the JPIA is governed by a Board of Directors, which will be composed of representatives from each Member of the JPIA. This representative, called a Member Director, must be on the SFCJPA Board. We are also required to appoint at least one Alternate Member Director, who can be an SFCJPA Board member or staff member. The JPIA Board of Directors meets twice a year, in the spring and late fall, at the ACWA statewide conferences, and attendance at these meetings is not required.

The ACWA JPIA has requested that the SFCJPA Board appoint its representatives (see attached letter), and at this Board meeting, I propose that the Board appoint a Board member or Board alternate to be the ACWA JPIA Member Director, and the SFCJPA Finance and Office Administrator Miyko-Harris Parker as our Alternate Member Director. Staff is also proposing that the appointed Member Director attend one ACWA JPIA board meeting every other year, and our Alternate Member Director will do the same during the alternate year; conference expenses would be paid by the SFCJPA.

**Proposed Board action:** Appoint a Board Member or Board Alternate as the member director, and the Finance & Office Administrator as the alternate on the ACWA JPIA Board.

Submitted by:



Len Materman  
Executive Director



**JOINT POWERS**  
Insurance Authority

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**President**  
E.G. "Jerry" Gladbach

**Vice President**  
Tom Cuquet

**Chief Executive Officer**  
Walter "Andy" Sells

**Executive Committee**  
John Coleman  
Tom Cuquet  
Joseph Dion  
E.G. "Jerry" Gladbach  
David T. Hodgins  
W.D. "Bill" Knutson  
Melody A. McDonald  
Charles W. Muse  
Lou Reinkens

## 2nd Request

To: General Managers  
From: Walter "Andy" Sells, Chief Executive Officer  
Date: July 13, 2012  
Subject: Welcome to the JPIA

On July 1, 2012, the ACWA Health Benefits Authority transitioned its Employee Benefits programs to the JPIA. The programs and coverages you enjoyed through the HBA are still the same now that they are part of the JPIA. You are also now members of the JPIA. The JPIA was formed in 1979 as a means to consistently and cost effectively providing the broadest possible insurance coverages to its member agencies.

While Members of the JPIA may participate in one, two, three, or all four of its Programs, they all have the same thing in common. They all have a representative (JPIA Director) on the JPIA's Board of Directors.

Article 7 of the JPIA's Agreement addresses the JPIA's Board of Directors. In part, it states that the Authority (ACWA/JPIA) shall be governed by the Board of Directors which is composed of one representative from each Member, who shall be a **member director selected by the governing board of that Member. Each Member, in addition to appointing its member of the Board, shall appoint at least one Alternate who shall be an officer, member of the governing board, or employee of that Member.** The Directors and Alternates serve until a successor is appointed and at the pleasure of the Member by which he or she has been appointed. Each Director representing a Member, or his or her Alternate, shall have one vote.

The JPIA Board of Directors' meetings are held twice a year, during the spring and fall ACWA Conferences. While the Directors and/or their Alternates are encouraged to attend these Board meetings, the JPIA understands that it is not always possible. Expenses, per diem, and fees incurred by the Directors and Alternates to attend the Board meetings and the ACWA conferences are the responsibility of their respective districts.

**At your earliest convenience, please complete and return the attached form with the Director's and Alternate's names, titles, mailing addresses, and email addresses so that we may update our data base.**

The JPIA's Bylaws, Agreement, and Directors' Manual can be found on our website (an updated version of the manual will be available within the next few weeks). On the "Committees" tab, select "Board of Directors"

from the drop down menu. On that page, you will find resource information for the Board of Directors ([www.acwajpia.com/CmBOD.aspx](http://www.acwajpia.com/CmBOD.aspx)).

Within 30 days of being appointed, the JPIA Directors must file the Fair Political Practices Commission (FPPC) Statement of Economic Interest Assuming Office Statement and send the original signed form to the JPIA. The Alternates are not required to complete the form. The form and other Statement of Economic Interest resources can also be found on the Board of Directors web page. For questions about filing this form, contact **Bobbette Wells at the JPIA at (800) 535-7899, ext. 3161.**

If you have any questions, please feel free to send an email to Bobbette Wells at [bwells@acwajpia.com](mailto:bwells@acwajpia.com) or give her a call at the number listed above.

# JPIA Board of Directors - Member/Alternate

An excerpt from the JPIA Agreement:

## "Article 7 - Board of Directors"

- (a) The Authority shall be governed by the Board of Directors which is hereby established and which shall be composed of one representative from each Member, who shall be a Member director selected by the governing board of that Member. Each Member, in addition to appointing its member of the Board, shall appoint at least one alternate who shall be an officer, member of the governing board, or employee of that Member. The alternate appointed by a Member shall have the authority to attend and participate in any meeting of the Board when the regular member for whom he or she is an alternate is absent from said meeting.
- (b) Each Director or alternate of the Board shall serve until a successor is appointed. Each Director or alternate shall serve at the pleasure of the Member by which he or she has been appointed.
- (c) Each Director representing a Member, or his or her alternate, shall have one vote.

Please have you agency's Board of Directors designate a JPIA Director Representative and Alternate Representative.

Member Agency: \_\_\_\_\_

**JPIA Director Representative:** \_\_\_\_\_

Must be a member of the agency's board of directors.

Preferred mailing address: \_\_\_\_\_  
\_\_\_\_\_

E-mail address: \_\_\_\_\_

Phone number: \_\_\_\_\_

**JPIA Alternate Representative:** \_\_\_\_\_

Preferred mailing address: \_\_\_\_\_  
\_\_\_\_\_

E-mail address: \_\_\_\_\_

Phone number: \_\_\_\_\_

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Please mail form to: Attn: Bobbette Wells, ACWA/JPIA, PO Box 619082, Roseville, CA 95661-9082

or FAX to: (916) 774-7040