

San Francisquito Creek Joint Powers Authority

May 28, 2009 Board Meeting

Agenda Item 6

Executive Director's Report

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

a) Amendment 1 to the JPA Six Party Agreement

The six party Agreement Concerning Roles and Responsibilities Regarding the Army Corps of Engineers' Feasibility Cost Share Agreement entered into by the JPA and its member agencies serves to define the roles and responsibilities of the parties in executing the Feasibility Study with the Corps of Engineers and the Federal Cost Share Agreement. As discussed at the April 2009 JPA Board meeting, the JPA Management Team has produced an Amendment to the Agreement, and the legal counsels of the JPA and its member agencies have reviewed it.

This Amendment, known as Amendment 1, will streamline the process for advancing local funding or in-kind services in order to expedite the completion of the Feasibility Study. Given the inconsistencies of federal funding for the Study and a desire to reduce the Study's overall costs and timeline, JPA and member agency staffs are using local money and expertise to supplement Congressional appropriations and Corps activities.

Previously, all advanced funding or in-kind contributions of this nature were to be proposed by the parties -- on a task-by-task basis and at a maximum of \$100,000 -- through an addendum to the Agreement that required approval by the CEO of each member agency. Amendment 1 will allow for tasks that are proposed to be grouped together and have no specific dollar limit. Parties not proposing to advance funding or provide in-kind services will not be obligated to match funding provided by the proposing agency, and under Amendment 1, each proposal will still require the approval of the JPA Board and CEO of each member agency.

Amendment 1 is now being presented for JPA Board approval. If approved by the JPA Board, Amendment 1 will need to go before the governing bodies of the JPA member agencies for approval to be executed, and Project Management Team members have been working to put the item on the agendas of upcoming Council and Board meetings, with the following schedule:

- May 28, 2009 – JPA Board of Directors
- June 8, 2009 – Palo Alto City Council
- June 9, 2009 – San Mateo County Board of Supervisors
- June 23, 2009 – Santa Clara Valley Water District Board of Directors
- Early July – East Palo Alto City Council
- July 14, 2009 – Menlo Park City Council

With the savings realized through the contributions allowed by Amendment 1, as well as additional funds, I will propose that the JPA fund the design and environmental planning phases of our initial capital project(s). In order to enable the use of these funds and define the JPA's management of these activities, JPA staff is currently drafting a new Capital Projects Agreement, to be entered into by the JPA and funding member agencies. This new agreement, to be presented to the JPA Board this summer in conjunction with a proposed project, will create a JPA Capital Projects budget to administer and fund project tasks that is separate from our operational budget.

Proposed Board Action: Pass Amendment 1, and ask the governing body of each JPA member agency to do the same during June or July.

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b) Government funding, and JPA Board letters to Senator Feinstein and Reps. Eshoo & Honda

In January and February of this year, the JPA submitted formal requests to Senators Dianne Feinstein and Barbara Boxer and Representative Anna Eshoo for federal appropriations in the 2010 Fiscal Year (October 1, 2009 – September 30, 2010). The JPA requested \$700,000 for the U.S. Army Corps of Engineers Feasibility Study, as well as \$1,500,000 for design and environmental planning for our first capital project. Both requests assumed a local match by the JPA.

The JPA's written requests were supported by personal visits by several JPA Board members to the staff of our Senators and to Rep. Eshoo, and by the activities of lobbyists for the City of Palo Alto and the Santa Clara Valley Water District, both of which also requested support for the Feasibility Study. Also, during the months of April and May, many residents sent letters and e-mails to these legislators in support of our request.

These efforts have paid off. In early May, Representatives Anna Eshoo and Mike Honda (D-CA) jointly submitted a \$700,000 request to the House Appropriations Committee. And on May 22nd, Senator Feinstein submitted the same request to the Senate Appropriations Committee. Should both requests be passed out of committee, it would represent the first time in four years that the JPA has been in both the House and Senate bills and it would significantly boost the level of funding to advance the Feasibility Study.

Proposed Board Action: Authorize Board Chair Heyward Robinson to send letters on behalf of the entire Board to thank Senator Feinstein and Representatives Eshoo and Honda for supporting the San Francisquito effort in this way and to update them on the progress of the Study and our initial capital project.

Submitted by:



Len Materman
Executive Director