



## ITEM 3

Agenda of October 19, 2017

**TO: Board of Directors  
Sacramento Area Flood Control Agency**

**FROM: Richard M. Johnson, Executive Director  
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**SUBJECT: EXECUTIVE DIRECTOR'S REPORT FOR OCTOBER 19, 2017**

### **ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS**

President Trump has nominated R. D. James to be the Assistant Secretary of the Army for Civil Works. Mr. James has most recently served as a civilian member and engineer on the Mississippi River Commission, originally appointed in 1981 by President Ronald Reagan, where he provided water resources engineering direction and policy advice to several Administrations, Congress, and the Army, for a drainage basin that covers roughly 41 percent of the United States. A self-employed farmer and civil engineer, Mr. James is one of three civilian members of the commission, which works to improve the river, foster navigation and prevent flooding. In his post, Mr. James is tasked with providing the private sector's perspective to fellow commission members consisting of three Army Corps of Engineers' officers and one member of the National Oceanic and Atmospheric Administration.

Mr. James previously served as president of the Southern Cotton Ginners Association; he served on the board of directors and executive committee of the Southern Cotton Ginners Association, the Cotton Producers of Missouri, the Board of Directors of U.S. Bank of Sikeston, and the Board of Directors of Osceola Products. Mr. James is the recipient of the prestigious Bronze de Fleury medal for his significant contributions to Army engineering, the Sikeston Area Chamber of Commerce Agri-Business Award, and was formerly named the New Madrid County Outstanding Conservation Farmer. He worked for the Kentucky Department of Water Resources engineering office in the late 1960s and early 1970s, during which time he attended the University of Kentucky and graduated with a degree in civil engineering.

### **STATE SENATE BILL 580**

On February 17, 2017, State Senator Richard Pan introduced Senate Bill (SB) 580 on behalf of SAFCA. The measure conforms existing State flood control authorizations for the capital region with the Water Infrastructure Investment for the Nation Act of 2016 (Public Law 114-322). The Bill would update the existing State Authorization of the American River Common Features Project by completing the necessary improvements as recommended by the United States Army

Corps Chief of Engineers in his report of April 26, 2016 (Chief's Report). The Bill was signed into law by Governor Brown on September 26, 2017. We want to thank Senator Pan for sponsoring and pushing this bill through.

### **STATE SENATE BILL 205**

SB 205, the *Local Government Omnibus Act of 2017* that contains the provision requested by SAFCA per below, was signed into law by Governor Brown on September 30, 2017. SAFCA's formation in 1989 was initially done as a Joint Exercise of Powers Agreement that was subsequently codified by Chapter 510, Statutes of 1990. In December 2016, Congress authorized a doubling of width of the Sacramento Weir and Yolo Bypass. As the local sponsor of these improvements, SAFCA must acquire in fee title an abandoned landfill that sits in the path of the proposed expansion. SAFCA notes that under current law, a "project" outside its jurisdictional boundaries is defined as including, but not limited to, acquisition of rights-of-way and easements for flood control facilities, but does not explicitly include property acquisition in fee title. This bill allows SAFCA to acquire any real interests in property for a flood control project outside its jurisdictional boundaries.

The specific language from the Bill states:

SEC. 33. Section 34 of the Sacramento Area Flood Control Agency Act (Chapter 510 of the Statutes of 1990), as amended by Section 253 of Chapter 179 of the Statutes of 2008, is amended to read:

- Sec. 34. (a) "Project" means the acquisition, construction, maintenance, or operation of a flood control facility authorized under the agreement and not inconsistent with this act, including, but not limited to, acquisition of any interests in real property and payment of incidental expenses.
- (b) This act does not authorize the agency to exercise the power of eminent domain outside its boundaries.
- (c) Participation in a project includes making payments or other contributions pursuant to a contract entered into with another governmental agency that requires the other governmental agency to perform work on a project.
- (d) The acquisition of interests in real property outside the agency's boundaries shall be consistent with applicable county plans, including county general plans, and the State Plan of Flood Control.
- (e) This section does not alter the existing powers granted to members of the agreement.
- (f) This section does not preclude the acquisition of time-limited easements. "