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#### GOVERNING BOARD

Bryn Forhan, *Chairperson*  
*Citizen Representative*

Brett Frazier, *Vice-Chairperson*  
*Supervisor*  
*Madera County Board of Supervisors*

Mike Karbassi,  
*Councilmember, City of Fresno*

Steve Brandau,  
*Supervisor*  
*Fresno County Board of Supervisors*

Santos Garcia,  
*Mayor, City of Madera*

Kacey Auston, *Director*,  
*Fresno Metropolitan Flood Control District*

Carl Janzen, *Director*  
*Madera Irrigation District*

Julie Vance, *Regional Manager*  
*Department of Fish and Wildlife*

Kent Gresham, *Sector Superintendent*  
*Department of Parks & Recreation*

John Donnelly, *Executive Director*  
*Wildlife Conservation Board*

Andrea Scharffer, *Deputy Assistant Secretary*  
*Natural Resources Agency*

Jennifer Lucchesi, *Executive Officer*  
*State Lands Commission*

Matt Almy, *Program Budget Manager*  
*Department of Finance*

Paul Gibson  
Vacant  
*Citizen Representatives*

John M. Shelton, *Executive Officer*

250.20

STATE OF CALIFORNIA  
Gavin Newsom, Governor

### **MINUTES**

WEDNESDAY, DECEMBER 15, 2021  
SAN JOAQUIN RIVER CONSERVANCY

#### **Board Meeting Location:**

Consistent with Governor Newsom's Executive Order N-29-20, the public and Board members participated in a meeting via Zoom and teleconference. Public comment was accepted per the agenda.

#### **MEETING AGENDA**

#### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mr. Karbassi called the meeting to order at 10:01 a.m., and Ms. Evans led the pledge of allegiance.

#### **A. ROLL CALL**

Name	Present	Telecon- ference	Absent	Late
Mr. Karbassi	X			
Mr. Brandau	X			
Mr. Frazier	X			
Ms. Evans	X			
Ms. Auston				10:14
Mr. Janzen	X			
Ms. Vance	X			
Mr. Gresham	X			
Mr. Donnelly	X			
Ms. Scharffer	X			
Ms. Lucchesi	X			
Ms. Lukenbill	X			
Ms. Forhan	X			
Mr. Gibson	X			

Ms. Raus confirmed a quorum was present.

Legal Counsel Present: Christina Morkner Brown, Deputy Attorney General

Staff Present: John Shelton, Executive Officer  
Rebecca Raus, Associate Governmental Program Analyst

Erin Aquino-Carhart, Program Manager, San Joaquin River  
Conservancy Projects, Wildlife Conservation Board (WCB)

**B. ADDITIONS TO THE AGENDA**

Items identified after preparation of the agenda for which there is a need to take immediate action. Two-thirds vote required for consideration. (Gov. Code §54954.2(b)(2))

There were no additions to the agenda.

**C. POTENTIAL CONFLICTS OF INTEREST**

Any Board member who has a potential conflict of interest may identify the item and recuse themselves from discussion and voting on the matter. (FPPC §97105)

There were no potential conflicts of interest.

**D. PUBLIC COMMENT & BUSINESS FROM THE FLOOR**

Ten minutes of the meeting are reserved for members of the public who wish to address the Conservancy Board on items of interest that are not on the agenda and are within the subject matter jurisdiction of the Conservancy. Speakers shall be limited to three minutes. The Board is prohibited by law from taking any action on matters discussed that are not on the agenda; no adverse conclusions should be drawn if the Board does not respond to the public comment at this time.

Ms. Clare Statham asked for clarification on the proposed 2022 calendar meetings. She asked to specify the distinction between the board meetings and the workshops.

Mr. Shelton clarified that this will be covered in-depth as an Agenda Item F-2. Staff is proposing to go to quarterly meetings, and we are asking that board members reserve the first Wednesday of each month that we do not meet as a board for public workshops. Moving to quarterly meetings will be more efficient, especially for the months we do not have action items to take to the Board.

Ms. Amber Butland introduced herself and mentioned that she attended a recent public event a Camp Pashayan and stated that she was excited to be involved in the process and interested in providing additional perspective. She would like to continue to be involved in the project in any way possible.

Mr. Karbassi recommended that Ms. Butland email him her contact information, and he would pass it onto the Conservancy for additional information.

Ms. Sharon Weaver, Executive Director of San Joaquin River Parkway and Conservation Trust (Parkway Trust), stated that in the past, Melinda Marks, the previous Executive Officer of the Conservancy, would hold interagency project development team meetings. This consisted of a group of public agencies and nonprofit organizations that were involved in work on the Parkway. It was a good way to coordinate work as a group and to set priorities. That was used as an opportunity to get feedback on financial priorities for bond funding for the Conservancy. The same process could be used for some of the new state-issued funding that is now available to the Conservancy. She believes this would be

helpful in terms of creating a stakeholder process and transparency for how the Conservancy is spending its funds.

**E. CONSENT CALENDAR**

All items listed below will be approved in one motion unless removed from the Consent Calendar for discussion:

**E-1 ACTION ITEM:** Approve Minutes of September 1, 2021

Chairman Karbassi inquired if any members of the Board would like to make any comments or amendments prior to the motion. With none given, a motion was made.

**Mr. Frazier moved to approve the amended minutes from Consent Calendar; the motion was seconded by Ms. Forhan. The motion passed as follows:**

**Roll Call Vote:**

Name	YES	NO	ABSTAIN
Mr. Karbassi	X		
Mr. Brandau	X		
Mr. Frazier	X		
Ms. Evans	X		
Mr. Janzen	X		
Ms. Vance	X		
Mr. Gresham	X		
Mr. Donnelly	X		
Ms. Scharffer	X		
Ms. Lucchesi	X		
Ms. Lukenbill	X		
Ms. Forhan	X		
Mr. Gibson	X		

**F. REGULAR SESSION ITEMS**

**F-1 INFORMATION ITEM:** Report on Bagley Keene Open Meeting Act

Staff Recommendation: This report is provided for informational purposes. No action of the Board is recommended.

Ms. Christina Morkner-Brown, Deputy Attorney General, serves as legal counsel for the Conservancy, and she stated that she will be giving an overview of the Bagley-Keene Open Meeting Act (Bagley-Keene). The Conservancy will be subject to this new Act starting in January 2022, under changes made with AB559. She outlined the comparisons of Bagley-Keene to the Brown Act, which Conservancy had been operating under. She then stated that she will provide an overview of the purpose and basic requirements of the Bagley-Keene Act, including the new AB361 provision that extended COVID-19 remote meeting provisions.

The Bagley-Keene Open Meeting Act, which applies to state bodies, is modeled after the Brown Act, which applies to local governments. The Brown Act became effective in 1953, and Bagley-Keene Act was implemented in 1967. Ms. Morkner Brown showed a comparison chart that illustrated the common aspects and differences between both Acts. Although the Conservancy is a State Agency, it has been operating under the Brown Act since its inception. Both laws articulate the same policy in favor of transparency, so that they may retain control over the instruments they have created. Both laws also include many of the same or very similar provisions. For example; meeting shall be open and public except for the delineated exception for closed sessions meetings, meeting locations shall be accessible, general rules for agendas (including descriptions of items to be addressed), similar general definitions of the term meeting, similar prohibitions on taking action on non-agenda items, absent and emergency determination, similar requirements to provide opportunities for public comment, and similar provisions for teleconferencing and closed sessions.

She stated that a few differences included: the Bagley-Keene Act requires 10 days for notice of the State meeting, whereas the Brown Act requires just 72 hours. She clarified that that is just for the posting of the agenda; it is not required to post the entire board packet, but the Agency will need to make it available by the time of the meeting. Bagley-Keene requires at least one member of the state body to be present at a noticed teleconference location, and the Brown Act does not. Bagley-Keene requires documents distributed to members of the state body to be available at the meeting for public inspection. Brown Act includes slightly different requirements, particularly when the distributed item was not created by a local agency, in which case it can be made available for public inspection after the meeting. Brown Act provides specific examples of closed session language that are deemed to substantially comply with requirements for closed agenda items, whereas Bagley-Keene does not. The two Acts provide slightly different requirements for reporting out of closed session, and the provisions related to subcommittees or ad hoc committees are more limited under the Bagley-Keene Act. Overall, the laws are very similar, as both seek to promote transparency in government decision-making.

An overview of the purpose of the Bagley Keene Act and its basic requirements was given. The first provision of Bagley Keen articulates its purpose. It is the intent of the law that actions of state agencies be taken openly, and that their deliberations be conducted openly. Certain California state agencies are required to meet in public and to take action and publicly notice meetings, so the public can attend or participate. The Act reflects a policy by the legislature to prioritize transparency and decision making and the participation of the public and decision-making over efficiency. She clarified that this meant it can likely take longer to get work done being an agency governed by a multi-member Board than a department governed by a single decision-maker, and the legislature intended it that way. The Bagley-Keen's basic requirements and procedures include: the state must provide public meeting notices to anyone who requests it in writing, and the state body must also give notice of its meeting at least 10 days in advance of the meeting with a contact who can provide more information, this includes the agenda. There are specific requirements in the Bagley-Keene Act for how the agenda describes the item of business to be conducted. The state body must make available to the public any writings

that are public records that are distributed to the members of the state body prior to or during the meeting that pertains to any item to be considered during the meeting. The state body must provide an opportunity for members of the public to directly address the state body on each agenda item before or during the state body's discussion or consideration of that item. In addition, there are a few specific requirements for the conduct of a meeting. All meetings must comply with ADA requirements. The location of the meeting must be ADA compliant. Members of the public are not required to sign in, give their name, or any other information as a condition of attending the meeting. This must be clearly stated on any sign-in sheet that providing your name and contact information is voluntary. Further, members of the public have the right to record the audio or video, provided it is not disruptive.

Ms. Morkner Brown reiterated that all these requirements apply to a meeting, so it is important to understand what the definition of a meeting is under the Bagley-Keene Act. The Act defines the meeting as any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon an item that is within the subject matter jurisdiction of the state body to which it pertains. This includes regular Conservancy Board meetings, which are subject to the 10-day notice agenda requirement. A meeting can also include special and emergency meetings, which are subject to shorter notice agenda requirements. The Conservancy will soon have 16 voting members, with the implementation of AB559, and so a quorum would be nine members. A meeting can also happen informally outside of a regular special meeting; if such a meeting occurs without meeting all the minimum requirements, such as noticing and public participation, a violation of the Bagley-Keene Act occurs. For example, a serial meeting, which can occur similar to a game of telephone in which a board member talks to another board member about agency business who then passes it along to another board member and so on, until you have more than a quorum of members that have met in series. That would be considered a meeting under Bagley-Keene, and if that happens behind closed doors without an agenda and public participation, that is a violation of the Bagley Keene Meeting Act. That's often called a daisy chain or serial meeting. This can also occur in another method through what is often referred to as a hub and spoke meeting. This is when someone is the intermediary, or so that the hub within the wheel, and participates in communications with more than a quorum of members, the spokes so to say. This can occur by telephone, in person, and or by email, which is most typically the case. She stated that it is important that they are aware, and they do not participate in those types of meetings about board business outside of a noticed meeting in which the public can participate. She mentioned to also keep in mind that serial meetings can occur on other types of platforms, as technology has evolved and there are several electronic platforms beyond email, such as texting, Twitter, Snapchat, Instagram, Slack, or Facebook; so be mindful of those other methods in which those types of communications could occur. Board briefings by staff and the Executive Officer are fine. They can brief all the members, more than a quorum, as long as they are briefed one member at a time, and the staff does not share or communicate the views of board members from one to the other and is not trying to create a deliberation or agreement among the board members. It is solely information to each board member.

It is also important to understand what is not a meeting. The Bagley-Keene Act defines a meeting broadly, but there are limits this does not apply to these types of meetings and engagements. Because these are not meetings for the purposes of the Act, a quorum or more can attend without triggering the requirements for open notice to meetings. The key is these other types of meetings and engagements must be open and noticed and members cannot discuss matters with a quorum outside of the open notice setting. These are: social gatherings, conferences that are open to the public and involve matters of general concern, open and public meetings organized by an individual organization to discuss topics of state concern, open and noticed meetings of other state agencies or local agencies, and those meetings of a standing committee.

The Bagley-Keene Act requirements for subcommittees or task force meetings are slightly different than the Brown Act. Each agency is required to give notice of committee, subcommittee, or Task Force meetings to be held. However, this requirement does not apply if the committee consists of less than three people, so it can only be a two-person committee to not engage in the notice requirements. It is the number of persons on the committee that determines that, not how many of those people are board members. For example, a committee formed of board and non-board members with only two members would not be subject; whereas, if there were a total of three members, even if only two are board members, it would be subject to all the noticing requirements. However, under the Brown Act, it allows ad hoc committees to have less than a quorum formed to meet for a limited purpose without being subject to those same requirements.

Before the pandemic, the requirements under the Act for state agencies to offer teleconference meetings were that teleconference locations must be included on the agenda, be publicly accessible, and the agenda must be posted at each teleconference location site. It also required that at least one board member participates from the main meeting location specified on the agenda. The agencies were required to ensure that the teleconference equipment was sufficient to allow members of the public to hear and participate in the same manner as those attending in person, and all votes must be done by roll call. These were the standard teleconference provisions in the Bagley-Keene. However, with the onset of the COVID-19 pandemic, the Governor issued Executive Order N-2920 in March 2020, which suspended those requirements for teleconferencing during the pandemic. It allowed State Agencies subject to Bagley-Keene to meet exclusively through virtual technologies like Teams and Zoom, provided that the Agency met the notice and accessibility requirements in the Executive Order. It also suspended the requirement that board members must post an agenda from where they were teleconferencing and make their location publicly accessible. However, on June 14, 2021, the Governor issued another Executive Order that sunsetted those provisions on September 30, 2021. During this time, the legislature passed AB361 which extended the remote provisions, similarly to what was in the previous Executive Orders. It was urgent legislation that took effect immediately, and it suspended the teleconference requirements in which board members were required to post the agenda and make the space for which their teleconferencing accessible, and a physical location did not need to be provided. However, AB361 sunsets on January 31, 2022. Interestingly enough, the Brown Act was extended to 2023. Ms. Morkner Brown stated that she is not sure if this was an error on behalf of the legislature and whether it will be extended, so we will just have to see what

happens and what other agencies are doing. If it is not extended, then starting February 1, 2022, the Conservancy will have to go back to operating under the standard teleconferencing provisions.

Ms. Morkner Brown covered the closed session requirement under Bagley-Keene. Most meetings are to be conducted in public, but there are specific exemptions in the Act that allow the governing body to make decisions on some items out of the public view. These exceptions to the meeting requirements are narrowly construed. She provided permissible topics for a closed session and mentioned these are just some of the possible bases for a closed session and are the ones most likely to be relevant to the Conservancy. These were: a closed session is limited to matters covered in the disclosure on the agenda which include: personnel matters, pending litigation, and real estate transactions. Personnel closed sessions are available to consider the appointment employment evaluation of performance or dismissal of a public employee, or to your charges or complaints brought against an employee by another employee. Pending litigation closed session is utilized when discussing in open session with prejudice the position of the state body and litigation, which is most of the time. This is when litigation has been initiated or filed, the agenda needs to identify the litigation that will be discussed for the threat of litigation. The agenda needs to identify that the closed session will be held pursuant to a specific provision in the Bagley-Keene Act, and under Bagley-Keene, legal counsel must prepare and submit a memorandum stating the specific reasons and legal authority for the litigation in closed session. The last item most likely to be in a closed session would be a real estate transaction. This is for meeting with the agency negotiator prior to the purchase sale, exchange, or lease of a property by or for which the state body to give instructions to negotiator regarding price in terms of payment for the purchase sale, exchange, or lease. There are penalties for violation of a Bagley-Keene Act that can be fairly serious from an agency business perspective; the most important thing to consider is that any decision the state body has made can be rendered null and void by the Court, criminal penalties for members of the state body or potential outcome to, but it is the limited situation where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under the Act. Ms. Morkner Brown concluded her overview of Bagley Keene and asked if there were any questions from the Board.

Ms. Vance stated that as of January 31, if there are no extensions, Board members can no longer participate remotely unless they make the location from which they participate available to the public. She inquired if that was correct.

Ms. Morkner Brown agreed. There would need to be a physical location where at least one board member could participate from that location and other board members could participate remotely, but that location would need to be made available and accessible to the public, and the agenda needs to be posted at that location. She recommended participating from a public company or in a public office conferencing location, rather than from a home.

Ms. Vance commented that for some agencies, some offices are not currently open to the public, and she does not imagine that they would be in February, so the Conservancy staff and Board should strategize for our next meeting if provisions are not extended.

Ms. Forhan stated it would be very helpful if Ms. Morkner Brown could provide this PowerPoint presentation to the Board and any other memos she had prepared on the subject. This is important information for board members to retain and be fully informed, especially moving forward into the next year

Ms. Morkner Brown replied that she would send her the presentation

Mr. Shelton added that Conservancy staff would help Ms. Morkner Brown get it to the board members, and for the public, we would have the PowerPoint presentation available on our website.

Ms. Vance asked Mr. Shelton if there was a contingency plan for participating in February's meeting, assuming remote provisions are not extended?

Mr. Shelton responded that staff has been trying to figure to move back in-person meetings and noted that the Conservancy, along with board members Ms. Lucchesi and Mr. Donnelly, has participated in several discussions at California Natural Resources Agency (CNRA) level. Other agencies are looking into this same issue. He believes this will be handled before the January deadline approaches. However, it is not a given, and this agency will be trying to figure out the best way we can work through it.

Mr. Karbassi stated that he does not see any more raised hands from the Board or the public. He proceeded onto the next item on the agenda.

**F-2 ACTION ITEM: Approve Board Meeting Calendar for 2022**

Staff Recommendation: It is recommended Board approve the schedule for the San Joaquin River Conservancy Governing Board meetings reserved for the 2022 calendar year.

Mr. Shelton stated that what staff is proposing with this item is that we move to quarterly board meetings, and on the months, we do not meet, we would host a monthly workshop. Currently, the Conservancy Board has been meeting on the first Wednesday of each month. Staff did an informal survey, and it is the consensus of the Board that this day each month remains intact. We do all this tremendous amount of work with Mr. Donnelly's organization, Wildlife Conservation Board (WCB), and they also host workshops. We are allowed to have all the board members at the workshop if it is noticed under the Bagley-Keene Act. We would like to make that available to board members and the public. Action items would not be discussed at these meetings and would be a source of information. Mr. Shelton showed a chart with the board meeting and workshop dates that were being proposed. It would be set up similar to what we have now, except board meetings would only be done every quarter, and then the rest of the dates would be held for potential workshops. He noted that the January 5<sup>th</sup> date that was shown, would probably not occur.

He stated that one of the main reasons for wanting to go to quarterly board meetings was that the Bagley-Keene Act backs up board preparation and our agenda process to be able



to get the public notice out there. Staff will be working almost a month ahead of time to draft items, and approximately three weeks ahead of time to start putting the board packet together and getting the agenda disseminated. Hence, we are looking at this as part of the reason to go quarterly. The other issue is that we rely on WCB to also approve our proposals for the grant request. They are approved at our Board, then then we go to WCB's Board for approval. This was scheduled in a way that anything this Board has approved will go to WCB's next Board meeting. They need a month's lead time to get it onto their agenda, so this gives Conservancy staff about two and a half months before WCB's next meeting. The Conservancy Board will be meeting the same months of the year that WCB does. The workshop is a standing date but can remain flexible in case the Conservancy needs to call an emergency meeting in order, as long as notices are made in advance. Since the Conservancy has met virtually, the start times of the meetings have been 10:00 a.m. and will continue for the proposed meetings. When meetings return to in-person, we will meet at 10:00 a.m., except on the potentially foggy months of November through February. Overall, it is suggested that both the workshops and the board meetings have the same standing date and time.

Mr. Karbassi asked if there were any questions from the Board.

Mr. Frazier inquired if the date is advertised as a workshop date, but something critical happened where a board meeting needed to occur, could that day be used as a board meeting date, even though it is posted as a workshop date?

Ms. Morkner Brown confirmed. Mr. Shelton is proposing quarterly meetings and to reserve these dates as potential workshops, and these meetings can revert into a board meeting. However, it would need to be agendaized as a board meeting.

Mr. Frazier responded he wanted to make sure that it did not limit the Board if they approved it as workshops now, and then not be able to notice it as a regular board meeting, if needed.

Mr. Shelton added that he has seen this done in other areas, in which case the Conservancy can notice a meeting prior to the workshop. If we do both, we can have the emergency meeting start at 10:00 a.m. and the workshop would start at 11:00 a.m. That way, if the public is not interested in the emergency meeting, they can just participate in the 11:00 workshop, which would give us flexibility on our calendar. Mr. Shelton reiterated action items would be separate from the workshop and only be discussed in board meetings.

Ms. Morkner Brown believes that it would not have to be posted as an emergency meeting if we did the regular 10-day board meeting notice. It would just be a board meeting followed by workshops. She clarified what is being proposed is recommending board members to hold these dates, and staff noticing these to the public as potential workshops and potential board meetings. They could possibly be combined.

Ms. Forhan indicated that she had the same concerns that Mr. Frazier had. She is concerned this is conveying that the Conservancy Board will only have four board

meetings a year. However, in hearing the flexibility of the workshop dates and the possibility for more board meetings if required, she believes this will be productive for the Conservancy staff and Board.

Mr. Frazier stated that he knows that there is relief for meeting virtually under the Brown Act under AB361. He inquired if there was anything like that for Bagley-Keene.

Upon inquiry from Mr. Frazier, Ms. Morkner Brown replied that it had already been extended from September 2021 until the end of January 2022, and that is the issue, whereas, the Brown Act was extended until 2023. There may be some sort of additional relief given to state agencies, but at this point, that is the legislature sunset.

Mr. Karbassi asked if there were any other questions from the Board, and with none, he proceeded to public comment.

**PUBLIC COMMENT:**

Ms. Weaver commented that regarding the workshops being proposed, she thought that if there were multiple board members at a meeting, then it be classified as a board meeting. She asked Ms. Morkner Brown to clarify how these workshops are not subject to the meeting requirements.

Ms. Morkner Brown stated that the intent was to put it up as an agenda item within the 10-day notice and make public comment available. It would provide all the provisions of a board meeting. She believes Mr. Shelton is just reframing them as workshops because they are information-based and focused on public engagement than a typical board meeting. It would be subject to all the Bagley-Keene requirements.

Mr. Shelton furthered that the idea behind a workshop is that you can have board members beyond the quorum, but you do not need a quorum to have the meeting, unlike a board meeting, because it is only an information process. Board members are able to come and go at their leisure and get the information that is being provided at the workshop. This is a publicly noticed meeting, and the public can make comments on the information items.

Ms. Morkner Brown clarified that there is no action by the board members.

Mr. David Taub queried if there is any limitation of the meeting location and its jurisdiction, or can they take place anywhere once the Conservancy is physically meeting in person?

Mr. Karbassi answered that the Conservancy rents space from the Fresno Metropolitan Flood Control District, in which board meetings are typically held. However, he believes they can meet anywhere publicly accessible, so long as it is noticed with the meeting location and noticed within the 10-day timeframe.

Mr. Shelton said this is correct, and our intent is to have in-person board meetings locally. The only issue is finding a space with a diocese relatively big enough to hold our larger board size, should all board members participate.

Mr. Karbassi stated if there are no more comments, he would like to take a motion to adopt the calendar.

**Mr. Frazier moved to approve the action item; the motion was seconded by Ms. Forhan. The motion passed as follows:**

**Roll Call Vote:**

Name	YES	NO	ABSTAIN
Mr. Karbassi	X		
Mr. Brandau	X		
Mr. Frazier	X		
Ms. Evans	X		
Ms. Auston	X		
Mr. Janzen	X		
Ms. Vance	X		
Mr. Gresham	X		
Mr. Donnelly	X		
Ms. Scharffer	X		
Ms. Lucchesi	X		
Ms. Lukenbill	X		
Ms. Forhan	X		
Mr. Gibson	X		

**F-3 ACTION ITEM: Elect a Board Chair and Vice-Chair**

Staff Recommendation:

A slide was presented showing how the process would work:

- 1) Chair Karbassi will accept nominations for the chairperson;
- 2) Upon being nominated, the Board member who has been nominated can accept or decline the nomination (the nomination does not require a Second);
- 3) When there are no more nominations, the Chair will ask for a roll call vote after close of discussion among the Board members;
- 4) The Clerk to the Board will call roll and report the result to Chair Karbassi
  - The nominee that receives a majority of the votes will be selected as the chairperson for 2022.
  - If none of the nominees receive a majority of the votes, the nominees with the highest and second highest number of votes will be included in a second roll call vote to determine the chairperson for 2022, continuing until on nominee receives a majority of the votes;
- 5) The same method of nomination, acceptance, and roll call voting will be carried out for the vice-chairperson.

Mr. Karbassi stated that, unlike the previous years, this is now open to all the voting members on the Board, and they will separately take nominations for a Chair and Vice-chair. Mr. Karbassi asked if anyone would like to make a nomination for Chair.

Mr. Janzen stated that he would like to nominate Ms. Forhan for Chair of the Board.

Mr. Frazier seconded to which Chairman Karbassi reminded everyone that nominations do not require a second. However, he would take his second as an endorsement and moved to do a roll call of Ms. Forhan as the Chair of the San Joaquin River Conservancy Board for the term beginning January 1, 2022.

Mr. Gibson reminded everyone that Ms. Forhan has the ability to accept or decline the nomination.

Ms. Forhan accepted the nomination, and with that, it was moved to a roll call vote.

**Mr. Janzen moved to approve the action item; the motion was seconded by Mr. Frazier. The motion passed as follows:**

**Roll Call Vote:**

Name	YES	NO	ABSTAIN
Mr. Karbassi	X		
Mr. Brandau	X		
Mr. Frazier	X		
Ms. Evans	X		
Ms. Auston	X		
Mr. Janzen	X		
Ms. Vance	X		
Mr. Gresham	X		
Mr. Donnelly	X		
Ms. Scharffer	X		
Ms. Lucchesi	X		
Ms. Lukenbill	X		
Ms. Forhan	X		
Mr. Gibson	X		

Mr. Karbassi congratulated Ms. Forhan and stated he looks forward to her services as Chair and then stated he would like to open nominations for Vice-chair.

Mr. Brandau stated that he served as Vice-chair this year, and he would like to nominate Mr. Frazier to serve as Vice-Chair for the upcoming year.

Mr. Karbassi asked Board member Frazier if he accepted the nomination.

Mr. Frazier replied yes.

Mr. Karbassi asked if there were any other nominations for the position of Vice-chairperson. With there being none, he closed the nomination portion and moved to a roll call vote for Mr. Frazier being the Vice-Chairperson of the San Joaquin River Conservancy

Board for the term beginning on January 1, 2022. Mr. Karbassi asked if any of the public would like to comment. With none given, he moved on to the next item.

Name	YES	NO	ABSTAIN
Mr. Karbassi	X		
Mr. Brandau	X		
Mr. Frazier	X		
Ms. Evans	X		
Ms. Auston	X		
Mr. Janzen	X		
Ms. Vance	X		
Mr. Gresham	X		
Mr. Donnelly	X		
Ms. Scharffer	X		
Ms. Lucchesi	X		
Ms. Lukenbill	X		
Ms. Forhan	X		
Mr. Gibson	X		

**F-4 INFORMATION ITEM:** Report on Enacted State Budget for the San Joaquin River Conservancy for Fiscal Year (FY) 2021-2022

Staff Recommendation: This report is provided for information purposes. No action of the Board is recommended.

Mr. Shelton showed a chart with the state budget for FY 2021-2022. He went through each line item and briefly explained each fund. Conservancy funding is similar to what we have had in past years, other than the first line item showing the 15 million received in general funds. Our regular Operations and Maintenance (O&M) funding that comes out of the San Joaquin River Conservancy fund was recently increased and is now up to \$200,000 a year. Our lease payments account for a majority of this fund. Vulcan has been the Conservancy's most profitable lessee, as they lease our property for their gravel operations. We also receive lease payments from a couple of houses on Conservancy properties that State Parks has rented for staff. Aside from money the Conservancy obtains from its lessees, we get modest funding from a concession agreement with the Parkway Trust for Sycamore Island. We have steadily built the fund over the years, but authority is required to spend it through the state budget process.

The Environmental License Plate fund (ELPF) has been the main funding for personnel, other than Ms. Raus' position which is covered under the administrative work for bond funding. Ms. Gavina, Mr. Shelton, and our legal counsel's positions with the Department of Justice are covered under the ELPF. The Conservancy's agreements with the Fresno Metropolitan Flood Control District for our office space and other sorts of operations are covered using this fund.

Then the next two-line items are additional funding from bond funds that not only cover Ms. Raus' position, but also some of the support staff from the Wildlife Conservation Board

(WCB). In the past, we had not paid for all the help received from WCB staff, but our agreement with them has increased to cover Ms. Aquino-Carhart's position as Program Manager, along with some supervisors and other support staff.

Next, he talked about the program delivery phase of the bond measures for both Prop 40, and Prop 84. A capped amount is given for bond use. The Conservancy has gone through most of the Prop 40 funds, and now we are mostly reliant on Prop 84 funds.

Mr. Shelton discussed the 15 million that was given to the Conservancy's General Fund. However, there are some caveats with that. The first caveat is it is going to be available for three years to expend or to encumber. Within the state process, this means there must be some sort of agreement in place that has gone through an interagency agreement or a contract, so we have it encumbered by the end of three years. The next caveat is under a contract, grant, or an interagency agreement, The Conservancy would have two additional years after that to have it expended. In total, the Conservancy received five years to expend the amount in its entirety. If it is split in three years, that is 5 million annually. There are items on the agenda today that we are asking for some delegated authority in order to do smaller operational sort of agreements and contracts to start operating and opening up properties.

The last item, the Climate Resilience Package, was given 1.3 million for local assistance of the General Fund. This funding was given to many other Conservancies, but some varied in the amount and funding they received. That was some of the last-minute discussion what the State legislature had with the governor's office and the resources agency was heavily involved. There are caveats of this fund that are similar to the General Fund, however, we have slightly more time to expend it, and it can also be used up to five percent of the amount to do our administrative cost, which is a similar amount to what we were getting with our bond funds. One of the major differences is the bond funds have been managed by WCB. However, this is something that the Conservancy will manage directly. Our intent as staff is to go for some major projects and bring those to the Board for their approval. Once the Board gives approval, we would write up the agreement and process the paperwork, and it would not have to go through the second step with WCB. Although, we would still be working with WCB staff to make sure that we coordinate to ensure we are not doing any projects that can be operated with grant funds or that are currently being done.

Mr. Shelton gave some ideas on how to expend some of the General Fund and Climate Resiliency Package money that was allocated to the Conservancy; however, that will be covered in depth in his Executive Officer written report. for the general fund, we have been developing lots of ideas on how to expend some of that money. Some of these include working with the Fresno Fire Department to do a fire fuels reduction abatement which may include control burning, planting of some native species that are also less fire intensive, and involving tribal crews and other Fresno City College Fire Academy members to be able to do training at our designated interagency training location; providing porta potty services at River West and Riverbottom Park; fixing a well at Camp Pashayan; and replacing some gates for automatic gates.

Mr. Shelton also addressed a question that was posed by Ms. Sharon Weaver, Parkway Trust, asked at our last board meeting regarding what occurred with Conservancy bond fund money. Mr. Shelton stated that the Conservancy has utilized it on numerous projects and operations over several years.

Ms. Forhan asked Mr. Shelton if he could provide a comprehensive list of projects or proposed projects because there needs to be prioritization of those projects and how these funds. This needs to be a discussion at the Board level with the public's involvement. She suggests this be brought forward for discussion at the February board meeting.

Mr. Shelton agreed and stated that is a good reminder. He spoke about several projects that were low-hanging fruit and relatively easy to get done, and others that would take little more time, money, and effort. He also mentioned that he has a comprehensive list of approximately 80 items for consideration, but he would work on prioritizing them. One very important item is hiring new positions to get more administrative bandwidth, and we have talked to state parks about the possibility of hiring what the state refers to as term positions, so this is something to look forward to. He said that discussing these items can be done at the workshop, and we can get public input. That will help the Conservancy go through the process of figuring out how to expend some of this funding and how to design individual projects where we have the concept prioritized.

Mr. Brandau noted that he had to leave the meeting and wished everyone a Merry Christmas and thanked all the staff and Chairman Karbassi for all the hard work done this year.

Mr. Shelton asked if there were any more questions. He reminded everyone that they could always reach out to him, and he is hopeful that these are the kinds of discussions that will be had in the workshop.

Mr. Karbassi stated from his vantage point as a Councilmember and as Chair, Mr. Shelton has always been very transparent. He always attends events and makes himself and the Conservancy accessible. Mr. Karbassi asked if there were any more comments, and with none given, he moved on to the next item.

**F-5 ACTION ITEM:** Authorize Staff to Pursue and Secure Services as Needed for River West Fresno and Other Conservancy Properties.

Staff Recommendation: It is recommended the Board authorize staff to pursue and secure services as needed for River West Fresno and other Conservancy properties, subject to the state procurement and contracting requirements.

Mr. Shelton stated that with AB161, we received the 15 million in the General Fund that was discussed in the previous information item along with some of the ideas. As it stands, the Executive Officer position has some limited authority to procure and execute consultant or service contracts under state purchasing and contracting; and in the past, the Board has given delegated authority to secure services. However, with this item, the

Conservancy is asking the Board to make explicitly clear and/or to expand this delegation for Operations and Maintenance, especially in regard to the additional funding that was given in the State Budget. Mr. Karbassi had asked about River West Fresno and getting it opened. We have been getting a lot more access to our properties. Many of our properties are informally open, but we would like as many of them as possible to be formally opened. For unimproved areas, depending on the size, it would require porta potties or some sort of restroom facilities. The ability to have trash collected would also be useful. It is uncertain if staff can place trash cans at every single property, but there might be some places where we can let the public know that there is a bin or something similar. Mr. Shelton mentioned that there are several people and organizations that pick up trash along their hikes, but then they have to carry the bag/s all the way home. These are the types of examples where it would be practical to have a place where they can dump it and having a trash service would make things a lot more efficient for the Conservancy.

Staff would also like to have the potential to get a camp host. At Wildwood, for instance, we have security. However, security comes at the end of the day to make sure nobody is parked inside, and then they close the gate. It would be beneficial to have someone come by a couple of times during the day or spend a couple of hours there, and make sure that people are parking in the designated parking lot and not in the loading zone.

Another idea would be to install an automatic gate at Wildwood Native Park. An automatic gate would be practical, so that in the evening if somebody does get locked in, they can drive out freely. At Friant Cove, the facility the Department of Parks and Recreation (Parks and Recreation) runs for us, the gate there automatically closes at night. It is set at a particular time that it closes, and an employee drives up behind it, opens it, and they can get out. This makes it easier and more efficient. The issue is that automatic gates have to be maintained because they break down every so often. Mr. Shelton clarified that these are examples of what the Conservancy is looking for in requesting authority to do service contracts, interagency agreements such as with the California Conservation Corps fuels abatement, for up to a certain amount. We did not list an amount, but there are state authorities for contracting that have set particular limits. The intent to have the ability to do a necessary contract or service agreement for \$20,000-50,000 contract or service, but anything significantly higher, it would be brought before the Board.

Ms. Vance suggested that the Conservancy staff put together some sort of proposed budget that the Board can review and approve, and that items that are within the scope of that approved budget can move forward without any subsequent approval by the Board. However, there must also be some sort of cap on anything outside of that.

Mr. Karbassi added that he also hopes that when these items move forward there be communication with the Chair and Vice-chair to ensure they are aware of the process.

Ms. Vance hopes staff discusses expenditures up to a certain amount at one of the quarterly board meetings. She stated that they would not need to know about the minor expenses, but before awarding fairly sizable contracts.

Mr. Shelton asked for clarification from Ms. Vance. He asked if she was referring to bigger agreements because he already has the delegated authority to do things like fire



abatement or other smaller contracts; although, the Conservancy brings them to the Board for informational purposes.

Ms. Vance stated that this sounds more like emergency or preventative types of measures, which is different than what she is referring to.

Mr. Shelton specified a few examples: a multi-year contract with the CCC and deferred maintenance for Wildwood, in which the parking lot pavement would need to be repaved at some point.

Ms. Vance indicated those are the types of things she feels should come before the Board because there would presumably be a discussion about priorities with input from the Board. Hazard abatement and fixing a pump is more sort of normal business.

Mr. Janzen commented that the main thing in this issue is communication. He recommended for Conservancy staff to communicate to all the board members, so everyone is kept abreast of what is happening.

Mr. Karbassi agreed and said that communication is key. He asked if any other board members had comments before going to members of the public. With none, he went to public comment.

#### PUBLIC COMMENT:

Ms. Clare Statham asked where Measure P funds figure into the financial picture for the Conservancy.

Mr. Karbassi stated that because this is an informational item, public comment is normally not done or responded to. However, if she would like to email him directly, he can get her some information on that.

Ms. Weaver inquired if it would be possible to have a community conversation about how to spend the 15 million allocated to the Conservancy and have a public prioritization process. It would help provide transparency in a public process. She expressed concern that the level of transparency is not happening with the 15 million, and she does not see any sort of planning process for how to use these funds for the Conservancy, or Parkway, overall.

Mr. Karbassi responded that he does appreciate her comments; however, there are a few issues that he would like to clarify in the letter that she provided to the Board that were inaccurate. He said that he has seen this at the city level. When they are spending 15 million of taxpayer money, there is a process in place. He brought Fresno Building Healthy Communities (FBHC) as an example. They have a vision board and events to gauge stakeholder involvement. That is just one element of the process, and we try to be as inclusive as possible. Unfortunately, public input takes time, so the process may take a little longer. He stated that there needs to be communication and understanding on how the money is going to be spent. It needs to be encumbered within three years, which gives

a little flexibility. However, it is best to err on the side of caution and spend this money appropriately following all the procedures and protocols. The main goal is to open the river to the entire community, and he believes John has been a great ambassador for this Conservancy. He invited John to speak about the RFP process discussed in the letter.

Mr. Shelton stated this was going to be discussed in the next two items. The biggest inaccuracy that was discussed in the letter was that there is a no-cost RFP. That is incorrect. The Conservancy is requesting for the authority to go out to an RFP process and put it together, which will be covered in the subsequent Agenda items. There may be proposals that look for subsidies to be able to operate it. There may also be some organization that has funding that they may be able to put towards this. For instance, the RFP that going to go out for Sycamore Island and Ledger Island, Tesoro Viejo has been collecting funds as part of their process. They have operating funds, and they are very interested in applying those operating funds. As another opportunity, when the Conservancy used its grant funds to buy Peck Ranch, that money was supposed to be rolled back into the park operations. Therefore, if the Parkway Trust wanted to apply for the RFP doing seven days a week at Sycamore Island, they can move forward and have their proposal use some of that funding or some sort of endowment. We wanted to give flexibility. If some organization has the ability to completely pay for it, we will encourage that proposal because we do realize that gate fees will most likely not be enough to cover a seven day a week operation, so we can do both. To reiterate, the Conservancy is not looking for these RFP's to be at no cost, that is one area that is important to highlight.

Mr. Shelton said he agrees with the Board about communicating and transparency, but these are things that were discussed that the Board was interested in getting done, and this is the intent with some of the funding. The other significant issue he wanted to restate is that staff was already at the top of their bandwidth prior to the 15 million, and they continue to be. There has been some pushback from some wondering why staff is not getting things done quicker. We have not had the O&M funding, and we do not have the staff. Conservancy staff is working as efficiently as possible. Even with this 15 million, it has not given us new staff, so we are trying to figure out ways to do that. Staff is working with WCB to get the authority to use the rest of our bonds funds to maybe help with this. Once again, we are working with the Department of Parks and Recreation, not just for the term positions, but also to try to see if they can be turned into permanent positions.

Mr. Karbassi stated that he appreciates Mr. Shelton mentioning the staffing issue. That may be something further to discuss in the future.

Mr. Gibson inquired if the public comment portion was over because he did see one more hand.

Upon inquiry from Mr. Gibson, Mr. Karbassi stated he missed that and thanked Mr. Gibson for catching that.

Ms. Sarah Parkes, Development Director of the Parkway Trust, stated that she agreed that Mr. Shelton has been a great ambassador for the Parkway and the Conservancy, but she mentioned that she just wants to make sure that when we look forward in five years, we are not regretting any of the projects, programs, or operations that the 15 million was

used for, and that is why she is encouraging more public input in this process for prioritizing how these things are spent. There are a lot of opportunities for people to participate, so she would just encourage more transparency, and that the Conservancy is prioritizing its projects to create the beautiful parkway that our community deserves.

Mr. Karbassi replied there is a difference between participation and transparency, and the connotations of those words. The Conservancy has been transparent, but it could have more participation.

Mr. Gibson thanked all of the people who have spoken to this issue, and in particular, to staff who have prepared this item. Having been on this Board for several years, and after spending so many years without money for operations and maintenance, it is very interesting to finally be at a meeting where we have money for operation and maintenance. In regard to Mr. Shelton's recommendation, he stated the Board needs to move thoughtfully. In saying this, he would like to make a motion to approve staff's recommendation, but he would like to add to that the Board has the Conservancy staff provide them a budget for these funds at the February Board meeting. He recommended using two and a half percent (\$375,000) of the 15 million allotted in the General Fund. He stated that he also wanted to underline Mr. Shelton's request for bandwidth; you cannot ask three people to launch this type of effort. It is not just because of the 15 million, but it also must interface with Measure P funds.

**Mr. Gibson made a motion to approve staff's request, but a limitation be set in which funds to be expended are not to exceed two and a half percent of the 15 million and will be subject to a budget presented in the February meeting. He furthered that also as a recommendation that staff, with increased bandwidth, they begin to engage in Interagency meetings such as those that were spoken about by Sharon Weaver in the opening public comments of this meeting.**

Ms. Vance remarked that she liked that suggestion made by Mr. Gibson, and queried if he was referring to the two and a half of 15 million for the calendar year?

Mr. Gibson indicated it would be for the three-year encumbrance period. He believes that in the first calendar year the majority would be expended, and then it would spill into the second calendar year. He hopes that by year three we would know exactly how these are spent and how funds are committed and other very defined answers to the RFP's.

Ms. Vance inquired if it would be subject to a specific budget proposed by Mr. Shelton or outside of that process.

Mr. Gibson replied that he would see this as a program administration budget, such that we can plan the effective use of these taxpayers' money.

Ms. Vance asked Mr. Gibson if he thinks that should include or be separate from things like hazard and fire abatement.

Mr. Gibson stated that he does not have a handle on the numbers, but if fire abatement and hazard are included, he believes it can all be spent in the first year, and perhaps, Mr. Karbassi might have a better idea.

Mr. Karbassi agreed with Mr. Gibson and said he thinks his motion is fine. In February's board meeting, the Board can go back and check if there are any actionable items, and that may give them the flexibility to look at their budget and separate those, and possibly allocate more authority not.

Mr. Gibson agreed and said he believes they will know more in February because stopping the planning process to try to look for those term employees is going to take some time. All he is trying to do is give staff some latitude to build that bandwidth, so that we are not starting bandwidth building in February.

Mr. Karbassi stated the motion will stand and suggested adding an instruction to staff to bring this back as an action item in February in case the Board would like to make some adjustments to the numbers, once they have a report of how the money will be spent.

Ms. Vance added that she would like to see a specific budget.

Mr. Karbassi agreed, and asked board members if they ever decided to want to find the funding source, but raised the staffing, he believes it takes quite a while. It's not like you find someone and can hire them, there is a whole process that may take a few months. So if that is a conversation, we may want to have them bring that back as an action item for February's meeting.

Mr. Karbassi asked if there are any more comments before roll call vote. With no comments given, a motion was made.

**Mr. Gibson's motion was seconded by Ms. Forhan. The motion passed as follows:**

**Roll Call Vote:**

Name	YES	NO	ABSTAIN
Mr. Karbassi	X		
Mr. Frazier	X		
Ms. Evans	X		
Ms. Auston	X		
Mr. Janzen	X		
Ms. Vance	X		
Mr. Gresham	X		
Mr. Donnelly	X		
Ms. Scharffer	X		
Ms. Lucchesi	X		
Ms. Lukenbill	X		
Ms. Forhan	X		
Mr. Gibson	X		

After the roll call was given for Action Item F-5, Board members Frazier, Janzen, Gresham, Auston, and Scharffer raised their hands and indicated they would be leaving the board meeting early.

Mr. Frazier left at 12:00 p.m.

Mr. Janzen left at 1:00 p.m.

Mr. Gresham left at 1:00 p.m.

Ms. Auston left at 12:00 p.m.

Ms. Scharffer left at 1:00 p.m.

**F-6 ACTION ITEM:** Authorize Release of a Request for Proposals for a Concession to Operate Sycamore Island for a Five-Year Term

Staff Recommendation: It is recommended the Board authorize staff to issue a Request for Proposals (RFP) to secure a concessionaire to manage Sycamore Island and the Van Buran Unit for continued public use. After the release of the RFP and evaluation of proposals, staff will return to the Board to approve a five-year agreement with the selected proponent.

Mr. Shelton stated this item would give us the authority to release a request for proposal (RFP) for a concession to operate Sycamore Island for a five-year term. The Conservancy is looking for something relatively similar to what is currently in place. Presently, it is open for three days a week with a Winter closure. It includes fees for vehicle access and an extra fee for trailers. We always refer to Sycamore Island, but the concession agreement is actually for both Sycamore Island and Van Buran properties. Only Sycamore Island has public access with vehicles. Van Buran has a porta potty that is out there, and we have several people who go out there to hike, bike, picnic, and do other recreational activities, so there is a fair amount of use at Van Buran. However, the main revenue from our concession agreement comes from the public vehicles that are parked at Sycamore Island. In the RFP, we offered the ability to have supplementary services such as canoe rentals, special program events, and prepackaged food and beverages, which is in place with the current concessionaire. Staff has reached out to the Department of General Services (DGS) because we were uncertain if we could just modify the agreement from a three-day to a seven-day operation based on the old RFP, but their suggestion was that the Conservancy go out to a new RFP. As stated, this will be a seven-day-a-week operation and open throughout the year, potentially having closures when necessary for safety reasons, such as for high water, muddy or unsafe roads, etc. This concession agreement will continue to include all the existing services. This will include an evaluation of the financial aspects; this is the idea that the proposal may incorporate a subsidy where they state they can pay for a three- day a week operation, but it is going to cost the Conservancy \$20,000 - \$30,000 a year to be able to include the rest of the services. The Conservancy is interested in having some flexibility to see who comes forward with a proposal. During the last RFP process for this, the Parkway Trust was the only one to submit a proposal, and they are currently operating it now. Staff is hoping to receive more

on this round, then we will advertise it, and then put together a panel to review the proposal. The intent is to put this together in the first quarter of 2022, basically starting in January trying to get it out. It will be based on our old one with additions, then staff will evaluate it, and bring it to the Board for the final approval of who we recommend being concessionaire. After approval is received, staff will aim to have it implemented by the end of the second quarter of 2022. Mr. Shelton said he hopes it can be done by then, but that may depend on how much it takes to get the RFP out. It is recommended that we have the authority to do a Sycamore and Van Buran concessionaire for public access for five years. Previously, it was also done for five years with a five-year extension with both parties agreeing to that, so either party can get out of it at that point.

Mr. Gibson believes it is a good idea that there might be subsidized monies. He believes they should limit the availability of that money to the limitations to which the Conservancy has money. It should be stated in the RFP that the subsidy would not be available unless it was picked up by a different funding source.

Mr. Karbassi asked Mr. Shelton if that was enough direction that Mr. Gibson gave, or if it should be included as part of the motion?

Mr. Shelton stated that it was enough direction. Currently, there is a standard clause in place that specifies that anything Conservancy is doing with regards to contracts and grants is dependent on having the authority. He gave an example. A few years back, there was a bond crisis that regulated state agency spending. Because of this, contracts and agreements have a standard clause that is based on the availability of funding.

Ms. Vance stated that she knows there is a nominal fee for access at Sycamore Island and wanted to know if that would be enforced for Van Buran.

Mr. Shelton stated it is probably not as explicit as it should be. The fee for Sycamore Island is for vehicle and boat access. There is no vehicle access, other than maintenance vehicles and group activities at Van Buran, so at this point, there is no way to collect a fee. Although, if the proponent figured out a way to capture a fee, The Conservancy would consider that; but it is not the way we currently operate it now. As a team, we are trying to get access as inexpensive as possible because are not looking at trying to impose a cost on hikers and bicycle riders.

Ms. Vance agreed and said that she just wanted to ensure that was not being done.

Mr. Karbassi stated that was a very good point made. With no other questions from the Board, he went to public comment.

#### PUBLIC COMMENT:

Ms. Weaver stated that she appreciated the clarification, and the reason for her confusion when she read the agenda items in which she believed that they were no cost proposals, was because both agenda items talked about a percentage of gross proceeds paid to the Conservancy. She understood that if the concessionaire is paying the Conservancy to

operate these sites, then that implies to her that the Conservancy is not paying for the operation of the site. She stated that she is still somewhat confused about how the payments are going back and forth between the concessionaire to the Conservancy and vice versa. It is not clear how that works and what the mechanism is for that because it is not clear to her from reading these items.

With no other comments from the public, Mr. Karbassi brought it back to the board for a motion to approve the staff's recommendation.

:

**Ms. Forhan moved to approve the action item; the motion was seconded by Mr. Gibson. The motion passed as follows:**

**Roll Call Vote:**

Name	YES	NO	ABSTAIN
Mr. Karbassi	X		
Mr. Frazier	X		
Ms. Evans	X		
Mr. Janzen	X		
Ms. Vance	X		
Mr. Donnelly	X		
Ms. Scharffer	X		
Ms. Lucchesi	X		
Ms. Lukenbill	X		
Ms. Forhan	X		
Mr. Gibson	X		

**F-7 ACTION ITEM:** Authorize Release of a Request for Proposals for a Concession to Operate Ball Ranch and Ledger Island for a Five-Year Term

Staff Recommendation: It is recommended the Board authorize staff to issue a Request for Proposals (RFP) to secure a concessionaire to manage Sycamore Island and the Van Buran Unit for continued public uses. After the release of the RFP and evaluation of proposals, staff will return to the Board to approve a five-year agreement with the selected proponent.

Mr. Shelton apologized for an error in the item. We wanted to keep the language the same as the last item since both items were fairly similar. During our review process of the Board packet, he noticed the typo and clarified that Ball Ranch and Ledger Island do not have an existing concession agreement, as was mistakenly indicated on the agenda item. This is very similar to what we discussed with Sycamore Island and Van Buran to provide the services for seven days a week throughout the year, potentially with closures needed for safety reasons such as high water, muddy or unsafe conditions. Currently, there is no parking area that fees can be collected, but if a proponent figures out a way to do that, the Conservancy would be open to suggestions. He noted that staff has also talked to DGS about this RFP and getting this operated. DGS indicated to staff that if there are more than

two organizations that are interested in doing this, the Conservancy would need to go out for an RFP. However, if there was only one proposal, the Conservancy could try a direct agreement and work through it. We have both the Tesoro Viejo Conservancy and the San Joaquin River Parkway and Conservation Trust that are interested in Ball Ranch and Ledger Island. Possibly, they can work together on this. It is the same sort of services, other than no vehicle access will be proposed at this time. We do not have any way to control that without some additional features inside. The two interested organizations have facilities next door, so if there was some way the Parkway Trust, for example, said they would collect fees on the parking areas where they have controlled parking, we would be amenable to that. Both the Parkway Trust and Tesoro Viejo already have an access agreement with us as an organization. Their members are allowed to come up there. The public has also been going out there unofficially, so it is getting a fair amount of use already. We also have a lot of different organizations that have access, and the Flood Mar project and the restoration project that River Partners are working on.

Mr. Karbassi asked if one of these organizations wanted to do a temporary parking lot, that is not paved but maybe gravel, could that be an option?

Mr. Shelton replied yes. However, it would have to go through all the proper permitting processes. There is the ability for these types of ideas, and that might also be something to use some of the 15 million to do, and potentially modify the concession agreement as we move forward.

Ms. Vance stated that she knows Ball Ranch is getting a fair amount of informal use, but she is concerned that if it is opened to the public, the impacts it could have on the ecological reserve, which the portion owned by California Department of Fish and Wildlife (CDFW) that goes along the riparian corridor. This would be a natural draw for people accessing that parcel, so there should be a discussion on fencing and signage if it is going to open it to the public.

Mr. Shelton mentioned that we have had a use agreement for grazing at Ball Ranch with Bruce Negri for years. He proposed to redo the fence as payment for what he has done in the past. Similar to this, the Conservancy can work with the proponents. He told Ms. Vance that this is the area he would like to discuss with her and State Lands Commission (SLC) because there are a lot of areas that are public trust access easement areas with SLC. He is trying to figure out where the fence line should go exactly. He believes it would be easy to keep the public out of the main part of the Willow Unit, adjacent to the ditch area, because people do not cross that. Right now, there is a lot of public access along the river, and the Conservancy does not have the ability to go in there and keep people out. People who are accessing areas from the river and then get on the shoreline, CDFW wardens have a hard time going in and issuing any kind of citation according to discussions we have had in the past with CDFW.

Mr. Gibson circled back to Ms. Vance's comment regarding signage. He stated that when considering all the properties and the potential soon to have multiple concessionaires and increased public access, this would be a great opportunity to educate the public. What a better way than to do it with uniform signage. This would give the ability to inform the public



when they are on ecologically sensitive lands while allowing them the opportunity to be good stewards. Mr. Gibson mentioned that he would like to see in the upcoming proposals ways to get the public more knowledgeable about these places. This, along with Mr. Shelton's request for more bandwidth, can be part of budget discussions for utilizing the 15 million.

Mr. Shelton agreed and stated the Conservancy will look at trying to update signage. There is a grant project set up to install signs. Some places have signs that have been there for years, and some of them are no longer applicable. There is a sign at the gate in front of Ball Ranch that says it is an environmentally sensitive area, but it would be helpful to modify that to say, "environmentally sensitive area, please pick up your trash." There was a process in place before Mr. Shelton became Executive Officer to aim to get signage and other things consistent along the Parkway. Mr. Shelton stated that this is a significant reason why he would like to get a recreation specialist position. He believes a person in this position can help figure how this can be done. We have been operating on the very short end of the funding for the last 15 to 20 years. Now that the Conservancy has funding, there are some good ideas, and consistent signage is one of them. There are some standard ones in place, but those can also be updated. He believes this will help significantly with the issues stated by Ms. Vance. The Conservancy may not be able to build fences across all of its properties, in which case it would not be entirely effective in keeping the public out anyway, but we can definitely look into signage. Staff also needs the flexibility to be able to manage the areas where there may be some damage. Management is what is important, and that is what staff is hoping to get with concession out there to keep it under control.

Mr. Karbassi said he did not see any members of the Board with any questions, and he asked if any members of the public would like to comment. With no public comment, he went to a roll call vote.

**Mr. Gibson moved to approve the action item; the motion was seconded by Mr. Frazier. The motion passed as follows:**

**Roll Call Vote:**

Name	YES	NO	ABSTAIN
Mr. Karbassi	X		
Mr. Frazier	X		
Ms. Evans	X		
Mr. Janzen	X		
Ms. Vance	X		
Mr. Donnelly	X		
Ms. Scharffer	?		
Ms. Lucchesi	X		
Ms. Lukenbill	X		
Ms. Forhan	X		
Mr. Gibson	X		

**G. ADMINISTRATIVE AND COMMITTEE REPORTS**

Information Items. No action of the Board is recommended.

**G-5 Organizations' Reports:** If time allows, the following oral reports will be provided for informational purposes only and may be accompanied by written reports in the Board packet.

**G-5a. San Joaquin River Parkway and Conservation Trust**

Ms. Sarah Parkes stated that she sent over a presentation, but for the sake of time, they might share it at the February meeting. She stated that she and Ms. Sharon Weaver joined the Camp Pashayan Open House Day and Workshop with Fresno Building Healthy Communities (FBHC) recently. It was exciting to see the progress with that project and the planning. She mentioned that they will be opening Sycamore Island for the 2022 season on January 7, 2022, and they will begin their pick citrus program at Sumner Peck Ranch on January 15, 2022, so she encouraged everyone to come out and join them.

**G-5b. River Tree Volunteers**

Mr. Paul Duckworth gave an update on behalf of Mr. Richard Sloan. Since January 1, 2021, they have done about 102 volunteer events, and 24 events since the last board meeting. In those events, they partnered with the Scouts, Conservancy, FBHC, CDFW, Fresno State engineering students, and the San Joaquin River Socials doing several river cleanups. Since September 2021, they have collected approximately 20 truck and trailer loads of trash that they removed from Camp Pashayan, Riverbottom Park, and the Schneider property. They have tended to trees at Liddell and the Palm and Nees area; worked on renovating the Conservancy's Lanes property storage; installed benches and signs with the Boy Scouts; and helped FBHC by giving guided hiking and canoe trips along the river, as they plan and research routes for the Western reaches project.

**G-1c. Central California Off Road Cyclist (CCORC)**

Mr. Shelton reported on behalf of Gary Bower. They have been working with RiverTree, the Scouts, and other organizations. Using their membership money, CCORC purchased a cattle guard crossing for bicyclists and pedestrians to utilize on the Conservancy's Ledger Island where the Tesoro Viejo property's fence line is. There is a barbed-wire gate/fence that is very difficult to get in and out from, so they asked for permission to install it. Staff worked with the Tesoro Viejo Conservancy to make sure they agreed, since it is on the boundary. It will allow bicycles and pedestrians to cross over a gated area that is only wide enough for them, and it will prevent cattle from stepping across the fence line.

**G-1d. San Joaquin River Access Corporation (SJRAC)**

A representative was not present to report.

**G-1e. San Joaquin River Socials**

A representative was not present to report.

- G-6** Deputy Attorney General Report  
Ms. Christina Morkner Brown stated that she has nothing to report out, other than the presentation she gave earlier on Bagley-Keene Act.
- G-7** Executive Officer Report  
Mr. Shelton will give an update at February Board Meeting
- G-8** Board Members' Reports and Comments  
Ms. Vance thanked Mr. Karbassi for his two-year term as Chair of the San Joaquin River Conservancy Board. She stated that she would like to discuss the growing Board membership at the February board meeting. She queried whether board members would have any kind of role in that change, or if it would automatically take effect.

Mr. Karbassi replied that it would be a good idea to have a presentation on it.

Mr. Shelton said there has already been a presentation done on this, but he would go through the presentation again at the February board meeting. He briefly summarized the new board positions and their requirements. There will be two new positions the Youth representative and Tribal representative. They are positions that are nominated to the Governor's Office, and then the governor selects from those nominations. Regarding our three existing citizen representatives, they changed the requirements. The City of Fresno citizen representative will remain the same. The City of Fresno will seek nominations and put together a list based on their criteria. That list goes to the Governor's Office, and the Governor will choose from the nominations. Madera County's citizen representative will no longer need to be a landowner, but will need to be involved in an environmental, recreational, or social justice organization, or a similar organization. That list of potential nominees of applicants will go to the head of the State Assembly, and then that person will select. The Fresno County Citizen representative will also need to be involved in an environmental, recreational, or social justice organization, or a similar organization and live in Fresno County. The County Supervisor will put together the list and forward that to the Chair of the State Senate's Government Organization Committee, and the Chair of the Committee will then oversee the selection.

One thing that has been asked about is if a person serving in a position can continue to serve in that position. That has been the Conservancy's standard operating procedure, it will continue. For instance, Mr. Gibson and Ms. Forhan have been serving in their position, and they have not gone back through the approval process, but we are still with having them represent. Staff recommended to stagger positions; three of them in one year and two the next year, so we are going through all five processes at the same time. As of now, there are three vacant positions that need to get filled, but they may take months, so the idea that we will have somebody for the February meeting is a possibility, but not likely.

Ms. Vance stated that there was also a tribal position, and then Madera Irrigation District (MID) and the Fresno Metropolitan Flood Control District (FMFCD) will be combined.

Mr. Shelton stated that the tribal position was one of the first two he talked about. Regarding MID and FMFCD's combined position, it is his understanding between our two members that as of January 1, 2022, it would be one or the other member serving. There have been discussions between both members and the Conservancy, and the FMFCD said they are willing to be the alternate for this upcoming term and let MID be the primary.

Ms. Vance asked if either member could show up to the board meeting.

Mr. Shelton confirmed and stated that one member is the primary and the other one is the alternate. Either member or both could show up at the meetings; however, only the primary could vote if they were both present.

**H. CLOSED SESSION**

Before convening in closed session, members of the public will be provided the opportunity to comment on Executive Session agenda items.

**H-1 Government Code Section 54957.0 (b) (1)**  
Public Employee Performance Evaluation  
Title: Executive Officer

Mr. Karbassi stated that the Executive Officer's item will have to be moved to the February meeting because we lost a quorum during the break and could not take any action.

**I. NOTICE OF ADVISORY AND BOARD COMMITTEE MEETINGS, OTHER PUBLIC MEETINGS RELATED TO CONSERVANCY MATTERS**

None.

**J. NEXT BOARD MEETING DATE**

The next Board meeting is scheduled for 10:00 a.m. Wednesday, May 4, 2022, location to be determined.

**K. ADJOURN**

Board meeting notices, agendas, staff reports, and approved minutes are posted on the Conservancy's website, [www.sjrc.ca.gov](http://www.sjrc.ca.gov). For further information or if you need reasonable accommodation due to a disability, please contact the Conservancy at (559) 253-7324.

**Mr. Karbassi adjourned the meeting at 1:11 p.m.**

Respectfully Submitted,

DocuSigned by:

*John M. Shelton*

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John M. Shelton

Executive Officer- San Joaquin River Conservancy