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Jennifer Lucchesi, *Executive Officer*
State Lands Commission

Matt Almy, *Program Budget Manager*
Department of Finance

Paul Gibson
Vacant
Vacant
Vacant
Citizen Representatives

John M. Shelton, *Executive Officer*

250.20

STATE OF CALIFORNIA
Gavin Newsom, Governor

MINUTES

WEDNESDAY, SEPTEMBER 7, 2022
SAN JOAQUIN RIVER CONSERVANCY

Board Meeting Location:

Fresno City Hall
2600 Fresno St. Fresno, CA 93721
and
California Natural Resources Agency
715 P. Street, Room: NRHQ 20-105 (Farallon Room)
Sacramento, CA 95814

MEETING AGENDA

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Ms. Forhan called the meeting to order at 9:36 a.m. and led the pledge of allegiance.

A. CLOSED SESSION

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

A-1 Government Code Section 11126 (a) (1)

Public Employee Performance Evaluation
Title: Executive Officer

ROLL CALL

Name	Present	Telecon- ference	Absent	Late
Ms. Forhan	X			
Mr. Frazier		X		
Mr. Karbassi	X			
Mr. Brandau	X			
Mr. Garcia			X	
Mr. Janzen	X			
Ms. Vance	X			
Mr. Gresham	X			
Mr. Donnelly				10:24
Ms. Scharffer				10:24
Ms. Lucchesi		X		
Ms. Lukenbill			X	
Mr. Gibson	X			

PUBLIC COMMENT: No public comments were received.

Upon termination of the closed session, Ms. Forhan, indicated that the Board had nothing to report out.

B. ROLL CALL

Name	Present	Telecon- ference	Absent	Late
Ms. Forhan	X			
Mr. Frazier	X			
Mr. Karbassi	X			
Mr. Brandau	X			
Mr. Garcia			X	
Mr. Janzen	X			
Ms. Vance	X			
Mr. Gresham	X			
Mr. Donnelly				10:24
Ms. Scharffer				10:24
Ms. Lucchesi		X		
Ms. Lukenbill		X		
Mr. Gibson	X			

Ms. Gavina confirmed a quorum was present.

Legal Counsel Present: Jackie Vu, Deputy Attorney General

Staff Present:

John Shelton, Executive Officer

Rebecca Raus, Associate Governmental Program Analyst

Vanessa Gavina, Staff Services Analyst

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

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)

None.

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.

None.

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 August 3, 2022

E-2 INFORMATION ITEM: Status and Progress Report on River West Fresno Eaton Trail Extension Project.

Ms. Forhan inquired if there were any comments or changes that Board members would like to make. With none given, she asked for a motion to approve the item.

Mr. Janzen moved to approve the minutes from the Consent Calendar; the motion was seconded by Mr. Karbassi. The motion passed as follows:

Roll Call Vote:

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

Due to technical difficulties, Mr. Donnelly and Ms. Scharffer were unable to vote.

F.

REGULAR SESSION ITEMS

F-1 ACTION ITEM: Authorize the Executive Officer to Enter into a Contract with the San Joaquin River Parkway and Conservation Trust to Provide Portable Toilets and Handwashing Stations within the San Joaquin River Parkway.

Staff Recommendation: It is recommended the Board approve \$128,542.77 in general funds and a contract with the San Joaquin River Parkway and Conservation Trust to provide portable toilets and handwashing stations within the San Joaquin River Parkway.

Mr. Shelton noted that in the April 2021 workshop, staff discussed the \$15 million in funding that was allocated to the Conservancy for operations and maintenance. He also gave an overview of the San Joaquin River Parkway properties, discussed how the funds would be allocated for operations and maintenance, and discussed the potential role of a Joint Powers Authority. The foremost issues raised were to provide porta potties, trash, and security services. In May 2022, the Conservancy Board authorized staff to release an Invitation for Bid (IFB). On July 1, 2022, the Conservancy released the IFB, which was posted on the California State Contract Register (CSCR), and it was also made available on the Conservancy website. Thirteen portable toilet companies were mailed the IFB by Conservancy staff. The deadline for submitting a bid package to the Conservancy was July 19, 2022, and twelve days were provided between release of the IFB and the deadline.

Mr. Shelton stated that the service locations for the portable toilets and handwashing stations would be placed in the following locations: Ball Ranch, Jenco Farms, River West Fresno, Camp Pashayan, and River Vista (as an optional location). For the optional service location, he mentioned the Conservancy would notify the Contractor on when services for this location will begin. Portable toilet rentals at each site will feature single occupancy toilets for Americans with Disabilities Act (ADA) handicapped accessibility and will have regular single sized units. Also, the handwashing station rentals at each site will have a two-station portable sink that will be placed on dirt grounds, on the right side of the portable toilets.

He discussed the services that would be provided. These services will include: pumping the toilet; cleaning and disinfecting the toilets; and adding fresh chemicals, in which chemicals will comply with all the State and local laws and regulations. Replenishment of supplies, include but are not limited to: toilet tissue paper, toilet seat covers, replacing urinal blocks, refilling the liquid hand soap and paper towels, and refilling the water at the portable sink.

The Conservancy received two bids. These bids were from the San Joaquin River Parkway and Conservation Trust and Bel Jan Logistics LLC. Mr. Shelton presented a chart, which gave a detailed breakdown of the prices from both companies. Bel Jan Logistics LLC's grand total for the services were \$275,457. The San Joaquin River Parkway and Conservation Trust's bid came in lower, with a total service charge of \$128,543.

Ms. Forhan asked if there were any questions from the Board.

Upon inquiry from Mr. Gresham, Ms. Rebecca Raus reported that damages or total destruction of the portable toilets and handwashing stations were in the bid packet, as a miscellaneous cost. It is built into the contract, and the contractor would be responsible for replacing them.

Ms. Forhan asked for public comment, and with none received, she moved to a motion.

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

Roll Call Vote:

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

Due to technical difficulties, Ms. Andrea Scharffer was unable to vote.

F-2 ACTION ITEM: Authorize Contract and an Agreement with the San Joaquin River Parkway and Conservation Trust, Inc. for a Concession to provide public access and recreation services at Sycamore Island and the Van Buren Unit for a four-year term beginning October 2022, as selected through a Request for Proposals.

Staff Recommendation: It is recommended the Board approve \$5,442,809.38 in general funds and a contract and a concession agreement with the San Joaquin River Parkway and Conservation Trust to provide public access and recreation services at Sycamore Island and the Van Buren Unit for a four-year term expiring December 2026.

Mr. Shelton noted that on June 29, 2022, the Conservancy released a Request for Proposals (RFP) for Sycamore Island Recreation Operations, Programs, Retail, Rental, and Caretaking Services. Notices were published on June 29 in both the Fresno Bee and Madera Tribune. Possible candidates were also emailed these notices. The deadline for RFP's was on August 2, 2022, and one written proposal was received by staff from the San Joaquin River and Parkway Conservation Trust (Parkway Trust). The Parkway Trust is requesting \$1,073,081.38 to be used for operations and maintenance of Sycamore Island to recover from monthly operating expenses that are not met by the user fees. \$4,369,728.00 will be used for deferred maintenance and improvements to existing facilities. Hours of operation will change seasonally depending on the length of daylight. For the months of January, February, March, October, and November, hours will be from 6:00 am to 5:30 pm. For April and September, hours will be 6:00 am to 7:00 pm. For the months of May, June, July, and August, the hours of operation will be from 6:00 am to 8:30 pm.

Mr. Shelton stated that the programs would include: guided and self-guided nature walks at the Trout Pond Nature Trail; guided river tours and calm water adventures that cater to all skill levels; full-day, half day, with sunset outings being offered; field trips covering Pre-K through college, including 6th grade outdoor education for Madera Unified School District; youth summer day camp(s); public weekend educational programs such as the

Youth Naturalist Program; public and private volunteer programs; corporate sponsorship program; and a corporate teambuilding program that is currently being developed.

For this concession, there will be a Proposed Day Use Fee. This fee schedule will maintain the existing fee schedule of \$9 per vehicle and \$5 per trailer on Saturdays and Sundays, which are the park's most utilized days, while not charging for other days of the week. Also, discounted day use fees of \$6 will be made available to disabled persons, veterans, and late-day entries into the park. Annual passes to the park would be available for \$85, with a discounted \$60 annual pass for disabled persons and veterans. For weekdays, Monday through Friday, public access to the park shall be provided free of charge.

Mr. Shelton discussed the organizational structure of personnel. There will be 8 to 16 non-exempt employees who will serve as park hosts, including one lead host, at Sycamore Island; and two fully trained park hosts will remain onsite at all times during operation. The lead park host will be red cross certified in basic first aid and cardiopulmonary resuscitation.

A chart illustrating a breakdown of the costs for deferred maintenance and improvement was shown, and Mr. Shelton went through each itemized cost. The grand total for property maintenance was \$4,336,028, and was \$33,700 for facility maintenance, for a total maintenance cost of \$4,369,728.

An evaluation of proposals was conducted on August 26, 2022, by all Conservancy staff and Cheryl Moxley, Fish and Wildlife Interpreter II, from the Department of Fish and Wildlife. A strong consensus was determined by the interview panel in recommending the Board to approve \$5,442,809.38 in general funds, with a contract and concession agreement to be awarded to the San Joaquin River Parkway and Conservation Trust.

Ms. Forhan queried if there were any questions from the Board.

Mr. Karbassi asked what the Conservancy balance will be in the general fund once this investment is made.

Mr. Shelton clarified the funds will in fact come from the \$15 million of O&M funding, which has hardly been expended.

Mr. Karbassi commented that he wanted to ensure there will be enough money for other properties and projects, and he believes \$3.7 million is too large of an investment. He asked what the stabilizing agent that is proposed in the RFP will do, and why it is so costly.

Mr. Shelton explained there is a fair amount of roads at Sycamore Island. The stabilizing agent that Mr. Karbassi referred to is a binding agent used for preventative roadway maintenance. The binding agent and application can be costly. However, in comparison to paving an area, it is a far cheaper alternative.

Mr. Karbassi inquired how the estimate was reached.

Ms. Sharon Weaver, Executive Director for the San Joaquin River Parkway and Conservation Trust (Parkway Trust), stated it was based on a per square foot estimate from a vendor they will potentially purchase from. She mentioned that they can get estimates from other vendors who sell similar products. The Parkway Trust's project manager, Jake Salimbene, utilized a GIS system to measure all of the roads, did a gross estimate of the amount of road space, and using the \$396 per square foot vendor estimate, determined the overall estimated cost. However, when the Parkway Trust gets to the construction phase, they can make adjustments in terms of how much roadway will actually need to be covered. She mentioned that they wanted to estimate high and be able to adjust as needed, rather than estimating too low and not have the ability to change it, once approved.

Mr. Karbassi asked if there was a way to only do certain roads to help reduce the cost, and then bring it back to the Board, if needed.

Ms. Weaver stated that although she understands his concerns about this item's high cost and saving funding for other properties, Mr. Karbassi should consider that Sycamore Island is the most heavily used property in the Parkway, and it has the steepest and most challenging roads.

Mr. Shelton added that the RFP gives the ability for the Conservancy Board and staff to review any of the deferred maintenance as it occurs; and as they are ready to go forward with the maintenance, the Board will have the ability to approve the activities. However, if the Board approves only part of this agreement, and not the roadway line item, staff will have to go back out for another RFP. He suggested to approve it as a whole, but when it reaches certain parts of the deferred maintenance, it can be brought back and discussed for approval by the Board.

Mr. Karbassi remarked that he would like different options than what was presented because it was not easy for the Conservancy to receive the \$15 million funding, and he does not want to spend a quarter of it on just one project. He expressed concern on approving this, mainly due to the cost of the stabilizing additive that was being proposed for the roadway.

Mr. Shelton reiterated that it is currently indicated in the RFP to give staff the ability to take out parts that are unamenable. He stated this option allowed the Board and staff to discuss it at a later meeting and just approve what is necessary, whilst doing it under the existing proposal.

Ms. Raus suggested to continue discussion on this item at the next board meeting, where additional information could be given about the line item in question pertaining to roadway maintenance. In the meantime, she asked that the Board give her the approval to begin drafting the contract because the contract process can take a while. She stated that she would put it through, and she could always change it if the Board did not feel comfortable with the roadway item.

Ms. Vance commented that if Ms. Raus presumably put that draft contract language before the Board, it would help alleviate concerns regarding review and approvals.

Mr. Frazier stated that he believed the best path forward would be to approve this item, and have an expert provide details regarding the types of stabilizing additives, costs, and how much would be necessary, and address any other questions the Board might have at a further meeting.

Mr. Gibson asked if the previously approved RFP done by the Parkway Trust included the Van Buren Unit. He stated that his understanding of the proposal was that the roadway would be for Van Buren and not Sycamore Island, and he inquired if there needs to be vehicle access on Van Buren.

Upon inquiry from Mr. Gibson, Mr. Shelton answered there would need to be vehicle access for maintenance vehicles and possibly security patrol, but not for public access.

Mr. Gibson stated that in listening to concerns, he believed the Board should approve this item because the Conservancy needs to encumber these funds as quickly as possible. He mentioned that it made sense for the proposed funding of the project to go to roadway improvement, as access for the public requires roadway improvement. He stated if there was a way to adjust the RFP so that this could go forward, he would be supportive.

Mr. Donnelly also supported moving this item forward, while recognizing that the Board can reconsider, adjust, and disencumber those funds related to the additive portion of the RFP, if needed, at a later meeting. While it was mentioned to have contractors come in and inform the Board about the types of additives, he stated that it should be up to the Parkway Trust to do that work, as they are the general contractor for the Conservancy for this RFP. The Parkway Trust would need to get bids and cost estimates for the stabilizing additive and amount of mileage, and then it could come back to the Board in October for review and approval. He recommended the Board approve the entire proposal with the condition of it coming back to the Board for review and approval of the estimates and mileage.

Ms. Scharffer concurred, and she advised the Board to consider the market right now. It is critical to get a contractor, especially before a potential recession. She believes it is best to put the agreement out, in which Conservancy staff can draft the conditions as mentioned by the Board, and then see what estimates are received. She urged the Board to have the flexibility rather than miss this time in the market.

Mr. Karbassi stated he could approve every other line item written in the proposal, but he did not feel comfortable approving that amount of funding without having more scrutiny on how that money is going to be spent.

Mr. Gresham also noted that he is supportive of the proposal with the exception of the 3.7 million dollar line item regarding the roadway maintenance and additive being proposed, as he has concerns with a scope of budget not being provided.

Mr. Brandau made a motion to move forward with the RFP, with the Board having complete discretion over the roadway maintenance line item, which will come back for further discussion and approval by the Board.

Ms. Vance suggested drafting the contract language that clearly gives the Board discretion over the road-based item, understanding that no expenditures on that would be approved with subsequent board action.

Ms. Forhan asked for public comment, and with none given, she moved for a motion.

Mr. Brandau moved to approve the action item; with the condition for staff to draft negotiated contract language that explicitly gives the Board discretion over the road-based line item, understanding that no expenditures shall be approved without subsequent board action; the motion was seconded by Mr. Frazier. The motion passed as follows:

Roll Call Vote:

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

Ms. Vance left the meeting at 12:01 pm.

Ms. Lucchesi left the meeting at 12:09 pm

Mr. Frazier left the meeting at 12:12 pm

Ms. Lukenbill left the meeting at 12:12 pm

F-3 INFORMATION ITEM: Potential Operations and Maintenance Scope of Work for RCD's.

Mr. Shelton mentioned staff has been having discussions options for administrative work for operations and maintenance. He gave a background on this item. For Fiscal Year 2021-2022 the Conservancy was given \$15,000,000 for Operations and Maintenance (O&M) from state budget, with three years to encumber and five years to expend. However, due to limited staffing to perform field work, the Conservancy was authorized to hire three field staff in July 2022. The Conservancy also explored the idea of creating a Joint Powers

Authority (JPA) to assist with operations and maintenance. Hence, a Joint Powers Authority Committee was formed in March 2021. However, there was hesitancy from potential partners to finalize an Agreement for the JPA. Consequently, the Conservancy started exploring other alternatives, specifically working with local Resource Conservation Districts. One successful model for operations includes the Tahoe Conservancy, who also utilize their local RCD, the Tahoe Resource Conservation District. Mr. Shelton stated the reason why the agencies complement one another, and work well together is because per Public Resources Code- PRC 9003, Resource Conservation Districts are considered by "statute as agencies of the state," therefore allowing the Conservancy to directly contract with the RCD's.

Conservancy staff met with the managers of both the Sierra Resource Conservation District and the Madera-Chowchilla Resource Conservation District on August 16, 2022, to discuss drafting objectives and prospective tasks that could be included in a potential agreement. In general, the District Managers were receptive to coming to agreement with the Conservancy. The Conservancy has not yet received a proposal, but that is the next step. Mr. Shelton showed a chart displaying the draft objectives and prospective tasks that would be included into the agreement. The draft objectives included four major categories: maintaining properties and facilities in an efficient manner, enhancing and maintaining partnerships, building stakeholder engagement, and supporting workforce development. He then discussed potential tasks that the RCD's would be responsible for. These were broken down into eight categories: fire abatement, road maintenance, trail maintenance, parking lot maintenance, facilities maintenance, communications, environmental permitting (O&M), and special projects.

Ms. Forhan asked if there were any comments from the Board members.

Mr. Gresham stated that he did not see trash and garbage removal indicated as an objective.

Mr. Shelton answered that he assumed it was clear in the packet, but he will make sure it is more explicit. He added that we currently have waste bins in some areas on our properties, but it would be beneficial to also have trash cans in areas, and trash pick up to be delivered to our bins.

F-4 ACTION ITEM: Progress on the Circle V Public Access Plan

Mr. Shelton mentioned that in January 2021, the Conservancy Board authorized bond funds, not to exceed \$1,050,000 to the US Green Building Council Central California (USGBC) for the San Joaquin River Conservancy Circle V Public Access Plan. These funds will provide a public access plan that will serve as a guide for future implementation projects on the 20.76 acres at Circle V. USGBC Central California, in partnership with the Advocates for Indigenous California Language Survival (AICLS), are looking to engage stakeholders and the general community in a discussion on potential uses of the Circle V property as an Indigenous and Environmental Resource Center. He introduced representatives for USGBC and AICLS to present the project.

Ms. Laura Gromis, Executive Director from the US Green Building Council Central California, gave a status update on the San Joaquin River Conservancy Circle V Public Access Plan. She stated the goal is to develop an Indigenous and Environmental Resource Center. The form and function of this center will be determined through a public outreach process with focus on the indigenous community. The project will serve as a hands-on green building demonstration site with the goal to make it Leadership and Energy Environmental Design (LEED) Platinum, which is the most utilized green building rating system worldwide. She gave an overview of the partners involved with the project which included: the San Joaquin River Conservancy; USGBC Central California; AICLS; Art Dyson Architects; and Precision Engineering for CEQA. The educational partners involved are: CSU Fresno State's Construction Management; Art, Design, and Art History; and Business Schools. She mentioned that they are simultaneously doing a planning process along with CEQA. She also gave an update on the design and next steps for the project.

Ms. Carly Tex, Director of Advocates for Indigenous California Language Survival (AICLS), stated that her organization was tasked with helping to identify tribal stakeholders. The objective was for this project to be designed with the input of tribal stakeholders. She gave an overview on their outreach which included: walks, meetings in person and virtual, roundtable discussions, one-on-one site visits, project updates, special events, volunteer opportunities, and tabling at community events.

G. ADMINISTRATIVE AND COMMITTEE REPORTS

Information Items. No action of the Board is recommended.

G-1 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-1a. San Joaquin River Parkway and Conservation Trust

Ms. Sarah Parkes, Assistant Director of the San Joaquin River Parkway and Conservation Trust (Parkway Trust) shared that everyone would be receiving an invite soon for a special event that is being hosted at Sumner Peck Ranch on Saturday, October 8, 2022. It is a farm-to-table dinner down by the river, with music, and a silent auction.

Ms. Katie Kincaid, Director of River Camps, gave a status report of river camps. She stated this past summer they were able to run six different camp programs. They also added two new programs to their agenda. The first program worked directly with the Fresno and Hanford Unified School Districts, where kids spent a full week out at the river at Sumner Peck Ranch with one of their program technicians. The second program was for high school students. This was the first year it was implemented, and it focused on outdoor skills and engagement. Here, they had the autonomy in choosing the type of curriculum they were able to learn. They also engaged in various water sports. She shared that it was interesting to see the high school students subsequently come out to volunteer at their other

programs They took charge in helping educate the younger children and providing additional natural resource information.

G-1b. River Tree Volunteers
None.

G-1c. Other Organizations
None.

G-2 Deputy Attorney General Report
Ms. Jackie Vu stated that she has nothing new to report.

G-3 Executive Officer Report
Mr. Shelton gave a brief update regarding the termination of the Fort Washington Beach lease. The State Lands Commission has recently revoked the license that the Finch family had with the State Lands Commission for the management of Fort Washington Beach. The adjoining landowners expressed some concerns about issues that were occurring at Fort Washington Beach. Reasons for terminating the lease were that lessees were defaulting on the rent, there was no active liability insurance, there had also been no attempt to transfer the lease, and it is now being operated without state permission; all which are in default of the lease contract. Ms. Lucchesi, State Lands Commission, will further inform the board and provide more details in regard to the termination of the lease in a later meeting.

G-4 Board Members' Reports and Comments
None.

H. NOTICE OF ADVISORY AND BOARD COMMITTEE MEETINGS, OTHER PUBLIC MEETINGS RELATED TO CONSERVANCY MATTERS
None.

I. NEXT BOARD MEETING DATE
The next Board meeting is scheduled for 10:00 a.m. Wednesday, October 5, 2022, location to be determined.

J. ADJOURN

Ms. Forhan adjourned the meeting at 12:56 p.m.

Board meeting notices, agendas, staff reports, and approved minutes are posted on the Conservancy's website, 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.

Respectfully Submitted,

DocuSigned by:

John M. Shelton

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John M. Shelton
Executive Officer- San Joaquin River Conservancy