

BOARD MEETING REMINDER

The **January 17, 2024,**
Board meeting will begin
at **9:00 a.m.** at the **Fresno
Metropolitan Flood
Control District**





5469 E. Olive Avenue
Fresno, California 93727
Telephone (559) 253-7324
Fax (559) 456-3194
www.sjrc.ca.gov

GOVERNING BOARD

Mike Karbassi, Chairperson
Councilmember, City of Fresno

Robert MaCaulay, Vice-Chairperson
*Supervisor
Madera County Board of Supervisors*

Steve Brandau, *Supervisor
Fresno County Board of Supervisors*

Anita Evans
Councilmember, City of Madera

Kacey Auston, *Director Fresno
Metropolitan Flood Control District*

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

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

Jennifer Norris, *Executive Director
Wildlife Conservation Board*

Katherine Toy, *Deputy Secretary for
Access
Natural Resources Agency*

Jennifer Lucchesi, *Executive Officer
State Lands Commission*

Matt Almy, *Program Budget Manager
Department of Finance*

Bryn Forhan, *City of Fresno*
Daniel O'Connell, *Fresno County*
Jose Eduardo Chavez, *Madera County*
Vacant, Tribal
Vacant, Youth
Citizen Representatives

Karen Buhr
Interim Executive Officer

REVISED AGENDA
as of January 10, 2024
Revisions are in ~~strikeout~~

SAN JOAQUIN RIVER CONSERVANCY
The San Joaquin River Conservancy Governing Board
will hold a regular meeting on
Wednesday, January 17, 2024,
Call to order will begin at 9:00 a.m.
Followed by closed session.
Open session will begin at 2:00 p.m.

Board Meeting Location:
Fresno Metropolitan Flood Control District
5469 E. Olive Ave., Fresno, CA 93727
And
California Natural Resources Agency
715 P. Street, Room: NRHQ **20-104** (Farallon Room)
Sacramento, CA 95814

and via Teams

[Click here to join the meeting](#)

MEETING AGENDA**A. CALL TO ORDER AND PLEDGE OF ALLEGIANCE****B. ROLL CALL****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).

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.

E. CLOSED SESSION

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

E-1 Government Code Section 11126(a)

Consideration and Potential Action on Appointment of an Executive Officer
Title: Executive Officer

F. CONSENT

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

~~**F-1 ACTION ITEM:** Approve Fund Transfer for the Habitat Enhancement Project at River West Fresno.~~

G. REGULAR SESSION ITEMS

G-1 ACTION ITEM: Approve Board Meeting Calendar for 2024

G-2 ACTION ITEM: Elect a Board Chair and Vice-Chair

G-3 ACTION ITEM: Prioritize Conservancy Projects and Approving Funding for Operations and Maintenance Funds.

G-4 INFORMATION ITEM: Reminder to File Statements of Economic Interest and Complete Biennial Ethics Training, Due Monday, April 1, 2024.

G-5 INFORMATION ITEM: Status and Progress Report on River West Fresno, Eaton Trail Extension Project

G-6 ACTION ITEM: Recommend Procedure for Special Use Access to Closed Conservancy Owned Properties.

G-7 INFORMATION ITEM: Tribal Update.

G-8 INFORMATION ITEM: Status and Progress Report on the San Joaquin River Parkway Public Access and Use Regulations Package.

H. ADMINISTRATIVE AND COMMITTEE REPORTS

Information Items. No action of the Board is recommended.

H-1 Organizations' Reports: If time allows, oral and or written updates from partners are encouraged; covering current or upcoming events and project updates or other items of relevance to the Conservancy.

H-2 Deputy Attorney General Report

H-3 Executive Officer Report

H-4 Board Members' Reports and Comments

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

J. NEXT BOARD MEETING DATE

The next Board meeting is scheduled for 10:00 a.m. Wednesday, February 21, 2024, 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. For further information or if you need reasonable accommodation due to a disability, please contact Ashley Bybee at Ashley.Bybee@sjrc.ca.gov.

January 17, 2024

Item: G-1

TO: San Joaquin River Conservancy Governing Board

FROM: Karen Buhr, Interim Executive Officer 

SUBJECT: **ACTION ITEM: Approve Board Meeting Calendar for 2024**

STAFF RECOMMENDATION:

It is recommended that the Board approve the schedule for the San Joaquin River Conservancy Governing Board meetings reserved for the 2024 calendar year.


SUMMARY:

For the past year, the San Joaquin River Conservancy Board has generally met on the mornings of the first Wednesday of each month, augmented specially scheduled meetings as needed.

For 2024, the Board meetings will be scheduled on the first Wednesday of every other month. The Technical Advisory Group (TAG) will meet on opposite months to discuss various conservancy projects in depth- attendance is not required. The meetings will be informational only and no decisions will be made. A quorum will not be present at these meetings to comply with Bagley-Keene. Please let us know if you would like to participate in TAG meetings. As needed, workshops will be given for any board members who wish to be apprised of current and upcoming projects. Workshops do not need a quorum of board members to be present, will be informational only and do not include any action items for consideration. Please note that the workshops will be scheduled as needed. Upon Board approval, the schedule for 2024 will be as follows:

- | | |
|-----------------------------|----------------------------|
| January 17 – Board Meeting | July- 3 – TAG Meeting |
| February 21 – Board Meeting | August 7 – Board Meeting |
| March 6 – TAG Meeting | September 4 – TAG Meeting |
| April 3 – Board Meeting | October 2 – Board Meeting |
| May 1 – TAG Meeting | November 6 – TAG Meeting |
| June 5 – Board Meeting | December 4 – Board Meeting |


The start time will be 10:00 a.m. for meetings held January through December, unless otherwise specified. Meetings will be held in a hybrid fashion, allowing for both virtual and in-person participation. Physical meeting locations may vary, and the location will be posted upon dissemination of the agenda. As of January 1, 2024, all Board Members who are participating remotely must do so in a public location. This location must also be posted upon dissemination of the agenda. Board meetings are canceled at times when the issues can be postponed and consolidated into fewer meetings; however, to the extent possible, staff will work with the Chairperson to schedule meetings and set agendas to keep the anticipated duration near two to two-and-a-half hours.

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Ashley Bybee
Staff Services Analyst

January 17, 2024

Item G-2

TO: San Joaquin River Conservancy Governing Board

FROM: Karen Buhr, Interim Executive Officer 

SUBJECT: **ACTION ITEM: Elect a Board Chair and Vice-Chair for Calendar Year 2024**

RECOMMENDATION:

It is recommended the Board nominate and elect a new chairperson, as provided for in the San Joaquin River Conservancy Act, and a vice-chairperson, each to serve a one-year term of office.

SUMMARY:

Chairperson and Vice Chairperson

Under Public Resources Code, §32519 of the San Joaquin River Conservancy: "Voting members of the Board shall annually elect from among the voting members a chairperson and a vice chairperson. If the office of the chairperson or vice chairperson becomes vacant, a new chairperson or vice chairperson shall be elected by the voting members of the Board to serve for the remainder of the term. A person shall not serve as chairperson for more than two consecutive years."

In March 2023, City of Fresno, Council member Mike Karbassi, was elected to serve as the chairperson and Madera County Supervisor, Bobby Macaulay was elected to serve as the vice chairperson.

In accordance with the San Joaquin River Conservancy Act, the chairperson will call for nominations for each position, the office of chairperson and vice chairperson will be the nominees that receive a majority vote of the Board. The process will be as follows, unless the

Board determines otherwise:

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 the 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 2024. 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 2024, continuing until one nominee receives a majority of the votes;
5. This same method of nomination, acceptance, and roll call voting will be carried out for the vice chairperson.

6. Both the chairperson and vice chairperson will assume their positions on February 1st, 2024.

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
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Ashley Bybee

Staff Services Analyst

January 17, 2024

Item: G-3

TO: San Joaquin River Conservancy Governing Board

FROM: Karen Buhr, Interim Executive Officer 

SUBJECT: **ACTION ITEM: Prioritize Conservancy Projects and Approving Funding for Operations and Maintenance Funds.**

STAFF RECOMMENDATION:

It is recommended that the Board approve one of the three suggested spending plans for the Conservancy's remaining \$9.3 million operations and maintenance funds.

In doing so, the board approves:

- 1) The individual items in the spending plan
- 2) The priority by which staff will expend funds

SUMMARY:

The Conservancy has a remaining balance of \$9.3 million in the operations and maintenance funding which must be encumbered by the end of the current fiscal year. To meet this timeline, the board needs to give guidance as soon as possible.

Staff has prepared three spending priority plans for consideration:

- 1) Funding River West (because this is complying with a lawsuit, it can be considered operations).
- 2) Funding based on the order of opening.
- 3) Funding based on securing properties and doing repairs first and then operations and maintenance.

Please note that all the dollar figures are estimates with wide ranges of potential costs. That is why the prioritization is important. Staff will work down the priority list until they run out of money or time.

In addition, the board needs to provide guidance on the importance of larger vs. smaller projects like Circle V demolition and bluff stabilization and River West over repairs to multiple properties.

Context


In December, the board authorized funding for the Nature Based Solution and Wildfire Funding. Next meeting, the board will need to make decisions about the remaining proposition funding. A budget of all remaining funds is provided as part of this item.

Definition of Operations and Maintenance versus Capitol Outlay as defined by DGS guidance: The general rule is that the acquisition/creation/renovation of real property is classified as capital outlay when the state holds or has the equivalent of fee ownership. If the state does not hold title to the real property but has a long-term interest in the property, such as a long-term lease, the betterment or improvement of this property may be classified as capital outlay, as determined by Finance. Operation and maintenance of state real assets is classified as state operations. State-funded but locally-owned infrastructure is classified as local assistance.

January 17, 2024

Item: G-4

TO: San Joaquin River Conservancy Governing Board

FROM: Karen Buhr, Interim Executive Officer 

SUBJECT: **INFORMATION ITEM: Reminder to File Statements of Economic Interest and Complete Biennial Ethics Training, Due Friday, April 1, 2024.**

RECOMMENDATION:

This report is provided for informational purposes. No Board action is recommended.

SUMMARY:

The Political Reform Act requires public officials and employees who serve in positions designated by an agency's conflict-of-interest code to annually disclose personal assets and income by filing a Statement of Economic Interests (Form 700). **The statement is due on April 1 of each year.** The Form 700 can be completed on the online eDisclosure system at <https://form700.fppc.ca.gov/> or the original copy can be mailed to the Conservancy.

Pursuant to Government Code Section 91013, late statements are subject to a fine of \$10 per day up to a maximum of \$100. The FPPC will consider a request to waive the payment of a late fine if the request is based on a "good cause" such as medical reasons or lost records, among others. However, FPPC will not waive the fine for reasons such as a vacation or waiting for professional assistance from a financial advisor. Additional information can be found on the FPPC website at www.fppc.ca.gov or you may call FPPC at 1-866-275-3772.

California law requires State officials to complete an ethics training course within six months of their hiring or appointment, and every two years thereafter. Conservancy Board members must take the course specifically for State officials. To help State officials meet this requirement, the Attorney General's Office and the Fair Political Practices Commission have developed an online, interactive training course, available at <http://oag.ca.gov/ethics/course>. Additional information regarding ethics training for State officials can be found on the California Attorney General's website at <http://oag.ca.gov/ethics>. State ethics training certificates can be emailed or mailed to the Conservancy, attention Ashley Bybee, 5469 E. Olive Ave., Fresno, CA 93727.

For information, you may direct your inquiries to Ms. Ashley Bybee at Ashley.Bybee@sjrc.ca.gov.

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Ashley Bybee
Staff Services Analyst

January 17, 2024

Item: G-5

TO: San Joaquin River Conservancy Governing Board

FROM : Karen Buhr, Interim Executive Officer 

SUBJECT: **INFORMATION ITEM: Status and Progress Report on River West Fresno, Eaton Trail Extension Project.**

RECOMMENDATION:

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

SUMMARY:

In September 2021, the Conservancy Board authorized bond funds, not to exceed \$3,104,831.00, to the City of Fresno to begin and complete final engineering designs and secure permits for the River West Fresno Eaton Trail Extension Project. The project will extend the existing Lewis S. Eaton Trail approximately 2.4 miles, starting at the Perrin Avenue alignment near Highway 41 and ending at the City of Fresno's Spano Park. The trail will be 22 feet wide, with a 12-foot-wide paved surface, a parallel eight-foot-wide hard natural surface for equestrian use, and a two-foot shoulder. In addition to the trail system, the project will include three access points with parking lots - Perrine Avenue, Riverview Drive, and North Palm Avenue.

On November 18, 2021, the Wildlife Conservation Board approved the project and a grant agreement with the City of Fresno. A notice to proceed with the grant agreement was issued on January 7, 2022.

In April of 2022, the City of Fresno released a Request for Qualifications for the River West Fresno Eaton Trail Extension Project. The City of Fresno received Statement of Qualifications from three engineering firms that have been interviewed. On September 29, 2022, the City Council approved entering into a contract with Provost and Pritchard Consulting Group for the River West Fresno, Eaton Trail Extension Project.

In October of 2022, staff attended the "kick-off" meeting and were introduced to the leads for the contracted firm. For November's Conservancy Board meeting, the City of Fresno's staff gave a progress report and introduced their consultant Provost and Pritchard.

At the March 2023 board meeting, City of Fresno staff and their consultants, Provost and Pritchard and Urban Diversity Design, presented several design alternatives for the River West Fresno Project to the Board. At this meeting, several board members expressed their concerns regarding the changes in the design of the parking lot for Alternative 5b and the bus route/turnaround. The motion made by the Board stated that legal counsel would ensure that the proposal did not conflict with the signed settlement agreement and stated that there be a mandated addendum to ensure CEQA compliance. Also, it was recommended that flexibility and Board discretion be given regarding the various design alternatives.

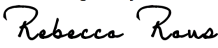
On April 28, 2023, Conservancy staff attended a meeting with the City of Fresno staff and members from the San Joaquin River Access Corporation and legal counsel. At this meeting, it was discussed that the settlement agreement would need to be amended, and an addendum would need to be filed for the Environmental Impact Report (EIR) for the River West Project to allow the alternate parking lot

design and bus route and turnaround. The San Joaquin River Access Corporation requested that if the alternate parking lot was chosen that improvements would be made to their parcel such as, a kayak/canoe drop off area, picnic benches and trash cans, landscape, and having the trail continue onto the property.

On June 15, 2023, the Conservancy's Technical Advisory Coordination Group met and discussed the design options for the parking lot at the Palm Avenue Access location. The Technical Advisory Coordination Group directed the Interim Executive Officer that the City of Fresno staff and their consultant should move forward with designing the original parking lot described in the EIR. The group chose this option based on the motion the Board made at the March 2023 board meeting.

Traffic Signal


In May 2023, the Board approved to enter into a public entity contract with the City of Fresno for the installation of a traffic signal at the intersection of Audubon Drive and Del Mar Avenue in Fresno. This traffic signal is a mitigation measure of the River West Eaton Trail Extension Planning Project, where the City of Fresno has developed plans for three new public access points to the San Joaquin River Parkway. On October 27, 2023, the Department of General Services, Office of Legal Services approved the contract, and it was executed.

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Rebecca Raus
Staff Services Manager I

January 17, 2024

Item: G-6

TO: San Joaquin River Conservancy Governing Board

FROM: Karen Buhr, Interim Executive Officer 

SUBJECT: **ACTION ITEM: Recommend Procedure for Special Use Access to Closed Conservancy Owned Properties.**

STAFF RECOMMENDATION:

It is recommended that the board direct staff to create guidelines for special use permits for access to closed properties including legal review, recommended properties, acceptable uses, and procedures for consideration at the next board meeting,

SUMMARY:

Partners with and without license agreements are requesting access to closed properties. While the license agreements cover basic liabilities, they do not give specific guidance on appropriate uses for each property or which properties can be accessed. If the Conservancy would like to allow access to closed properties, certain guidelines must be in place including:

- Guidance on intended uses and properties.
 - Many of the properties have hazards or other restrictions. The board should provide guidance on what access is safe for each site and which sites are not safe to access.
 - In addition, guidelines to protect the ecological integrity of the properties should be put in place including defining the boundaries of neighboring properties which often include DFW Ecological Reserves.
 - Absent this guidance, the Conservancy may open itself up to liability. Also, staff are left to decipher the large number of requests they receive and are uncertain as to what is permissible. This wastes time and leads to unequal decisions.
- Guidance on equitable access. If the closed properties are going to be made accessible to some groups, they should be accessible to all groups. A set of minimum requirements including insurance and liability waivers should be identified and created as a special use permit so that everyone who can meet the minimum threshold can access the properties.
- Legal guidance. Staff needs time to get legal guidance on what is appropriate including the above topics and other topics like whether a permit should be granted to someone who is charging a fee to the participants in their event and what cost recovery is appropriate for the Conservancy to charge if any.