

**MINUTES
SAN JOAQUIN AREA FLOOD CONTROL AGENCY
BOARD MEETING OF MAY 16, 2024**

STOCKTON, CALIFORNIA

1. CALL TO ORDER / ROLL CALL 10:01 AM

Roll Call

Present:

Director Akinjo

Director DeBrum

Director Halford

Director Patti

Director Singh

Director Warmsley

Alt. Director Blower

Alt. Director Torres-O'Callaghan

Absent:

Director Canepa

Director Lazard

Director Wright

Director Blower was not present at Roll Call but arrived at 10:02 AM.

2. PLEDGE TO FLAG 10:02 AM

General Counsel Austin Cho brought to the Board's attention that there is an urgent need for the Board to meet in closed session today to discuss and possibly take action on an item that is not currently on the agenda.

This closed session item would be a conference with legal counsel pursuant to the Government Code Section 54956.9 (d)(2) ANTICIPATED LITIGATION (One Case) over existing facts and circumstances that are currently not known by potential plaintiffs under Government Code Section 54954.2 (b)(2), the Board may add an item to the agenda after it makes the determination by at least a two-thirds vote, 6 of the 8 members present, that there is a need to take immediate action, and that item came to the attention of the agency after the agenda had been posted.

The recommended motion would be to add item 8.2 to today's agenda for a closed session, for anticipated litigation in one case over existing facts and circumstances that are not currently known by potential plaintiffs.

Due to an error in numbering the added agenda item will be 10.2, not 8.2.

Motion: Approve adding Agenda Item 8.2 for a closed session, for anticipated litigation in one case over existing facts and circumstances that are not currently known by potential plaintiffs

Moved by: Director Blower, Seconded by Director Halford

Vote: Motion carried 8-0

Yes: Director Akinjo, Director DeBrum, Director Halford, Director Patti, Director Singh, Director Warmsley, Alt Director Blower, Alt Director Torres-O'Callaghan

Absent: Director Canepa, Director Lazard, Director Wright

3. PUBLIC COMMENTS 10:05 AM

None

4. CONSENT ITEMS 10:05 AM

4.1) Approve Minutes from April 18, 2024, Board Meeting

Motion: Approve Minutes from April 18, 2024, Board Meeting
Moved by: Director Singh, Seconded by Director Warmesley
Vote: Motion carried 8-0
Yes: Director Akinjo, Director DeBrum, Director Halford, Director Patti, Director Singh, Director Warmesley, Alt Director Blower, Alt Director Torres-O'Callaghan
Absent: Director Canepa, Director Lazard, Director Wright

5. NEW BUSINESS 10:07 AM

5.1) Public Hearing to approve the Annual Engineer's Report for the Operations & Maintenance (O&M) for the Flood Protection Restoration Assessment District, and order the levy and collection of O&M Assessments within the District for Fiscal Year 2024/2025. *This Agenda Item will be Deferred until July's Board Meeting.*

5.2) Approve Term Sheet for purchase of excess federal credits from the Sutter Butte Flood Control Agency by the San Joaquin Area Flood Control Agency

Motion: Approve Term Sheet for purchase of excess federal credits from the Sutter Butte Flood Control Agency by the San Joaquin Area Flood Control Agency
Moved by: Director Halford, Seconded by Director Warmesley
Vote: Motion carried 8-0
Yes: Director Akinjo, Director DeBrum, Director Halford, Director Patti, Director Singh, Director Warmesley, Alt Director Blower, Alt Director Torres-O'Callaghan
Absent: Director Canepa, Director Lazard, Director Wright

BOARD QUESTIONS/COMMENTS:

- Director DeBrum, Director Warmesley, Director Akinjo shared comments for all in the meeting to hear.

5.3) Authorization to execute irrigation agreement and right-to-enter and construct improvements between Elmwood Partners L.P. and San Joaquin Area Flood Control Agency for staging area in support of the Lower San Joaquin River Reach TS30L levee improvement

Motion: Authorize to execute irrigation agreement and right-to-enter and construct improvements between Elmwood Partners L.P. and San Joaquin Area Flood Control Agency for staging area in support of the Lower San Joaquin River Reach TS30L levee improvement
Moved by: Director DeBrum, Seconded by Director Warmesley
Vote: Motion carried 8-0

Yes: Director Akinjo, Director DeBrum, Director Halford, Director Patti, Director Singh,
Director Warmesley, Alt Director Blower, Alt Director Torres-O'Callaghan
Absent: Director Canepa, Director Lazard, Director Wright

BOARD QUESTIONS/COMMENTS:

- Director DeBrum and Director Warmesley shared comments for all in the meeting to hear.

5.4) Authorize the Executive Director to negotiate and execute Amendment No. 6 to the consultant services agreement with Bender Rosenthal Incorporated for land acquisition of mitigation parcels identified in the compensatory mitigation plan for the San Joaquin River Basin, Lower San Joaquin River, California Project

Motion: Authorize the Executive Director to negotiate and execute Amendment No. 6 to the consultant services agreement with Bender Rosenthal Incorporated for land acquisition of mitigation parcels identified in the compensatory mitigation plan for the San Joaquin River Basin, Lower San Joaquin River, California Project

Moved by: Director Halford, Seconded by Director DeBrum

Vote: Motion carried 8-0

Yes: Director Akinjo, Director DeBrum, Director Halford, Director Patti, Director Singh,
Director Warmesley, Alt Director Blower, Alt Director Torres-O'Callaghan

Absent: Director Canepa, Director Lazard, Director Wright

BOARD QUESTIONS/COMMENTS: Director Akinjo shared comments for all in the meeting to hear.

6. BRIEFINGS 10:56 AM

6.1) Relocation of Agency – Move out date is June 30.

6.2) Mossdale Tract Assessment District Oral Update – Kim Floyd gave an update.

7. ORAL REPORT FROM EXECUTIVE DIRECTOR 10:57 AM

7.1) Spring advocacy trip to Washington, D.C.- Deferred until July's Board Meeting.

8. BOARD QUESTIONS, COMMENTS, ACTIONS 10:59 AM

- Director Warmesley and Director Blower shared comments for all in the meeting to hear.

9. COUNSEL REPORT 10:59 AM

None

10. CLOSED SESSION 11:00 AM

10.1) ANTICIPATED LITIGATION Pursuant to Government Code Section 54956.9(d)(2):
One Case (Shimmick Construction Company, Inc.)

Agenda item 10.2 Added to the Agenda by Board vote.

10.2) ANTICIPATED LITIGATION Pursuant to Government Code Section 54956.9(d)(2): One Case over existing facts and circumstances that are not currently known by potential plaintiffs.

Returned from Closed Session: **11:38 AM**

Report Out: Board considered two items. No reportable actions taken on either item.

11. OPEN SESSION

None

12. ADJOURNMENT 11:38 AM

The meeting adjourned at 11:38 AM. The next meeting is scheduled for June 20, 2024 at 6 PM at Lathrop City Hall.

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Board's office at (209) 937-7900 or (209) 937-7115 (fax). Requests must be made one full business day before the start of the meeting.



CHRIS ELIAS
EXECUTIVE DIRECTOR
SAN JOAQUIN AREA FLOOD
CONTROL AGENCY

May 16, 2024, SJAFCA Meeting Minutes