

ITEM 4.11

**CITY MANAGER’S REPORT
OCTOBER 9, 2023 CITY COUNCIL REGULAR MEETING**

ITEM: APPROVE APPOINTMENT OF A PUBLIC MEMBER TO THE SAN JOAQUIN AREA FLOOD CONTROL AGENCY BOARD OF DIRECTORS

RECOMMENDATION: Adopt Resolution Appointing a Public Member to the San Joaquin Area Flood Control Agency Board of Directors and to the Enhanced Infrastructure Financing District Public Financing Authority

SUMMARY:

In July 2022, the City Council adopted the Enhanced Infrastructure Financing District (“EIFD”) and associated Public Financing Authority (“PFA”). These entities were established to finance the construction and/or acquisition of capital improvements planned to provide an Urban Level of Flood Protection (“ULOP”) for the Mossdale Tract.

There is currently an open vacancy for a Public Member on San Joaquin Area Flood Control Agency Board of Directors, the Mossdale EIFD and associated PFA. The EIFD PFA is responsible for governing the Mossdale Tract Enhanced Infrastructure Financing District, as outlined in Government Code 53398.50 - 55398.88.

The unscheduled vacancy is due to Mr. Morowit's resignation in November 2022 from SJAFCA’s Board of Directors, EIFD and associated PFA. Mr. Morowit was elected to the Manteca City Council, which meant he could not hold both positions. According to our agreement with SJAFCA, all agencies need to approve the Public Member. SJAFCA conducted a recruitment process and in-person interviews, and Mr. Steve DeBrum was selected as the Public Member by SJAFCA’s Board of Directors. His term will be two years, pending approval from all SJAFCA member agencies and other Affected Taxing entities for the PFA.

Staff recommends Council approve a resolution appointing City of Manteca's appointment of Mr. Steve DeBrum, as Public Member to SJAFCA’s Board of Directors and to the EIFD PA, both for a term of two years.

BACKGROUND:

Senate Bill 5 (SB5), and related companion bills, created a new requirement for certain land use decisions made by cities and counties in the California Central Valley. Prior to approving discretionary land use decisions for non-residential projects, and prior to approving ministerial land use decisions (building permits) for new residential buildings in areas that don’t have an Urban Level of Flood Protection (ULOP), land use agencies are required to make findings related to the provision of 200-year ULOP.

CITY MANAGER'S REPORT **PAGE 2**
OCTOBER 9, 2023 CITY COUNCIL REGULAR MEETING
APPROVE APPOINTMENT OF A PUBLIC MEMBER TO THE SAN JOAQUIN AREA
FLOOD CONTROL AGENCY BOARD OF DIRECTORS

In January 2022, the City Council adopted a Resolution of Intention to participate in the EIFD and associated PFA established to finance the construction and/or acquisition of capital improvements planned to provide an ULOP for the Mossdale Tract. In July 2022, the City Council adopted a resolution approving the Mossdale Tract EIFD Infrastructure Financing Plan.

The Mossdale Tract Area EIFD has four (4) affected taxing entities , the City of Lathrop, the City of Manteca, the City of Stockton, and San Joaquin County ("Affected Taxing Entities"); thus, the PFA governing body consists of eight (8) members from the respective Affected Taxing Entities and two (2) Public Members, for a total of ten (10) members; the initial selection of the Public Membership was completed by the City of Lathrop as part of its initial action.

For administrative efficiency and consistent oversight of the Mossdale Tract ULOP program, staff supported SJAFCA's recommendation to have PFA membership overlap as much as possible with the SJAFCA Board of Directors membership. The existing City of Manteca appointed SJAFCA Board Members were appointed to the PFA.

Because SJAFCA's Board of Directors has one Public Member, one of the two Public Members of the PFA selected by Lathrop was Mike Morowit, at that time a former City of Manteca Councilmember, who then occupied the Public Member position on the SJAFCA Board; the other Public Member selected by the City of Lathrop was Mr. Steve Dresser, a former Lathrop City Councilmember and former SJAFCA Board Member. With the successful election of Mr. Morowit to the Manteca City Council in November 2022, Mr. Morowit had to resign from the Public Member position on the SJAFCA Board and related PFA.

According to the City of Lathrop approved Resolution No. 22-5019, Section 8 "G," Public Members will be initiated by the legislative bodies of other Participating Entities in alphabetical order. Lathrop appointed Mr. Morowit as the first Public Member of the SJAFCA Board and the PFA. As a result, the City of Manteca is responsible for selecting the next public board member to replace Mr. Morowit.

Therefore, staff recommends Council approve a resolution approving the City of Manteca's appointment of Mr. Steve DeBrum, as Public Member to SJAFCA's Board of Directors and to the EIFD and associated PFA, both for a term of two years.

REASON FOR RECOMMENDATION:

The PFA governing body consists of eight (8) members from the respective ATEs and two (2) Public Members, for a total of ten (10) members. Approving the appointment of Mr. DeBrum would enable Mr. Steve DeBrum to fill the currently vacant Public Member seat on the Board of the EIFD PFA.

OCTOBER 9, 2023 CITY COUNCIL REGULAR MEETING

**APPROVE APPOINTMENT OF A PUBLIC MEMBER TO THE SAN JOAQUIN AREA
FLOOD CONTROL AGENCY BOARD OF DIRECTORS**

FISCAL IMPACT:

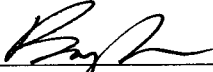
None.

ATTACHMENTS:

- A. Resolution Appointing a Public Member to the San Joaquin Area Flood Control Agency Board of Directors and to the Enhanced Infrastructure Financing District Public Financing Authority

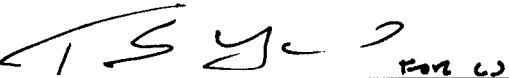
CITY MANAGER'S REPORT
OCTOBER 9, 2023 CITY COUNCIL REGULAR MEETING
APPROVE APPOINTMENT OF A PUBLIC MEMBER TO THE SAN JOAQUIN AREA
FLOOD CONTROL AGENCY BOARD OF DIRECTORS

APPROVALS:



Brad Taylor
City Engineer

9/28/2023
Date



Cari James
Director of Finance

9/29/2023
Date



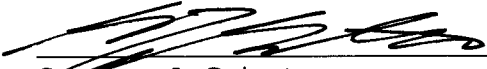
Michael King
Assistant City Manager

9-29-2023
Date



Salvador Navarrete
City Attorney

9.28.2023
Date



Stephen J. Salvatore
City Manager

10.4.23
Date

RESOLUTION NO. 23-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPOINTING A PUBLIC MEMBER TO THE SAN JOAQUIN AREA FLOOD CONTROL AGENCY BOARD OF DIRECTORS AND TO THE ENHANCED INFRASTRUCTURE FINANCING DISTRICT PUBLIC FINANCING AUTHORITY

WHEREAS, in January 2022, the City Council adopted a Resolution of Intention to participate in the Mossdale Tract Enhanced Infrastructure Financing District and associated Public Financing Authority established to finance the construction and/or acquisition of capital improvements planned to provide an ULOP for the Mossdale Tract; and

WHEREAS, in July 2022, the City Council adopted a Resolution approving the Mossdale Tract Enhanced Infrastructure Financing District; and

WHEREAS, the Mossdale Tract Enhanced Infrastructure Financing District is governed by a Public Financing Authority, the Board of Directors (SJAFCA), as outlined in Government Code 53398.50 - 55398.88; and

WHEREAS, there is currently an open vacancy for a Public Member on San Joaquin Area Flood Control Agency Board of Directors, the Mossdale Tract EIFD and associated PFA; and

WHEREAS, the unscheduled vacancy is due to Mr. Morowit's resignation in November 2022 from SJAFCA Board of Directors, EIFD and associated PFA. Mr. Morowit was elected to the Manteca City Council, which meant he could not hold both positions; and

WHEREAS, according to the City of Lathrop approved Resolution No. 22-5019, Section 8 "G," Public Members will be initiated by the legislative bodies of other Participating Entities in alphabetical order. Lathrop appointed Mr. Morowit as the first Public Member of the SJAFCA Board and the PFA. As a result, the City of Manteca is responsible for selecting the next public board member to replace Mr. Morowit; and

WHEREAS, SJAFCA conducted a recruitment process and in-person interviews, and Mr. Steve DeBrum was selected as the Public Member by SJAFCA's Board of Directors. His term will be two years, pending approval from all SJAFCA member agencies and other Affected Taxing entities for the PFA.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lathrop hereby supports the appointment by the City of Manteca's of Mr. Steve DeBrum, as Public Member to SJAFCA's Board of Directors and to the EIFD PFA, both for a term of two years.

PASSED AND ADOPTED by the City Council of the City of Lathrop this 9th day of October 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

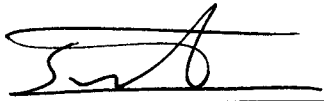
ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney